




MACKENZIE COUNTY

REGULAR COUNCIL MEETING

**NOVEMBER 25, 2020
10:00 AM**

FORT VERMILION COUNCIL
CHAMBERS

 780.927.3718

 www.mackenziecounty.com

 4511-46 Avenue, Fort Vermilion

 office@mackenziecounty.com



Mackenzie County

**MACKENZIE COUNTY
REGULAR COUNCIL MEETING
Wednesday, November 25, 2020
10:00 a.m.**

Fort Vermilion Council Chambers

Fort Vermilion, Alberta

AGENDA

			Page
CALL TO ORDER:	1.	a) Call to Order	
AGENDA:	2.	a) Adoption of Agenda	
ADOPTION OF PREVIOUS MINUTES:	3.	a) Minutes of the November 10, 2020 Regular Council Meeting	7
		b) Minutes of the November 18, Budget Council Meeting	19
		c) Business Arising out of the Minutes	
DELEGATIONS:	4.	a) Helix Engineering Ltd. (10:00 a.m.) <i>Agenda Items #12. a), 12. b), 12, c)</i>	
		b) Fort Vermilion RCMP – Crime Statistics (11:45 a.m.)	27
		c)	
TENDERS:		Tender openings are scheduled for 11:00 a.m.	
	5.	a) None	
PUBLIC HEARINGS:		Public hearings are scheduled for 1:00 p.m.	
	6.	a) None	
GENERAL REPORTS:	7.	a)	
		b)	
AGRICULTURE SERVICES:	8.	a)	
		b)	

COMMUNITY SERVICES:	9.	a)	Waste Transfer Station Caretaker Insurance	35
		b)		
		c)		
FINANCE:	10.	a)	La Crete Community Equine Centre – Richardson International Ltd. Grant	39
		b)	Expense Claims – Council	43
		c)	Expense Claims – Members at Large	45
		d)	Financial Reports – January 1, 2020 to October 31, 2020	47
		e)	Cheque Registers – November 9 – November 19, 2020	57
		f)		
OPERATIONS:	11.	a)		
		b)		
UTILITIES:	12.	a)	La Crete North Sanitary Trunk Sewer – Design Report	59
		b)	La Crete North Storm – Design Report	101
		c)	La Crete South Sanitary Trunk Sewer – Design Report	121
		d)		
		e)		
PLANNING & DEVELOPMENT:	13.	a)	Bylaw 1205-20 Land Use Bylaw Amendment to Create a Zoning Overlay to Regulate Development in the Area Surrounding Mackenzie County Airports	147
		b)	Policy DEV006 Antenna System Siting Protocol	153
		c)	106 Street Extension (La Crete)	161

	d)	Offsite Levy Fees – Infrastructure Improvements	167
	e)		
	f)		
ADMINISTRATION:	14.	a) Bylaw 1204-20 Procedural Bylaw	269
		b) La Crete Agricultural Society – Request for Letter of Support	295
		c) Caribou Update (standing item)	
		d)	
		e)	
COUNCIL COMMITTEE REPORTS:	15.	a) Council Committee Reports (verbal)	
		b) Municipal Planning Commission Meeting Minutes	299
		c)	
INFORMATION / CORRESPONDENCE:	16.	a) Information/Correspondence	313
CLOSED MEETING:		<i>Freedom of Information and Protection of Privacy Act Division 2, Part 1 Exceptions to Disclosure</i>	
	17.	a)	
		b)	
NOTICE OF MOTION:	18.	a)	
NEXT MEETING DATES:	19.	a) Regular Council Meeting December 8, 2020 10:00 a.m. Fort Vermilion Council Chambers	
ADJOURNMENT:	20.	a) Adjournment	



Mackenzie County

REQUEST FOR DECISION

Meeting:	Regular Council Meeting
Meeting Date:	November 25, 2020
Presented By:	Carol Gabriel, Deputy Chief Administrative Officer (Legislative & Support Services)
Title:	Minutes of the November 10, 2020 Regular Council Meeting

BACKGROUND / PROPOSAL:

Minutes of the November 10, 2020, Regular Council Meeting are attached.

OPTIONS & BENEFITS:

COSTS & SOURCE OF FUNDING:

SUSTAINABILITY PLAN:

COMMUNICATION / PUBLIC PARTICIPATION:

Approved Council Meeting minutes are posted on the County website.

POLICY REFERENCES:

Author: C. Gabriel Reviewed by: CG CAO: _____

RECOMMENDED ACTION:

Simple Majority Requires 2/3 Requires Unanimous

That the minutes of the November 10, 2020 Regular Council Meeting be adopted as presented.

Author: C. Gabriel **Reviewed by:** CG **CAO:** _____

**MACKENZIE COUNTY
REGULAR COUNCIL MEETING**

**Tuesday, November 10, 2020
10:00 a.m.**

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

- PRESENT:**
- | | |
|------------------|--|
| Josh Knelsen | Reeve |
| Walter Sarapuk | Deputy Reeve |
| Jacque Bateman | Councillor |
| Peter F. Braun | Councillor |
| Cameron Cardinal | Councillor |
| David Driedger | Councillor |
| Eric Jorgensen | Councillor (teleconference, joined the meeting in person at 1:10 p.m.) |
| Anthony Peters | Councillor |
| Ernest Peters | Councillor |
| Lisa Wardley | Councillor |
- REGRETS:**
- ADMINISTRATION:**
- | | |
|---------------|---|
| Len Racher | Chief Administrative Officer |
| Carol Gabriel | Deputy Chief Administrative Officer/
Recording Secretary |
| Fred Wiebe | Director of Utilities |
| Don Roberts | Director of Community Services |
| Jennifer Batt | Director of Finance |
| Byron Peters | Director of Planning and Development |
| Caitlin Smith | Manager of Planning and Development |
| Grant Smith | Agricultural Fieldman |
- ALSO PRESENT:**
- Marc Breault, Paradox Access Solutions (Virtual Presentation)
 - Leif Olson, O2 Planning (Virtual Presentation)
 - Philip Doerksen, La Crete Recreation Board
 - Clinton Edwards, Fort Vermilion Recreation Board
 - Greg McIver, Zama Recreation Board (Virtual Presentation)
 - Roxanne Tarr, Zama Recreation Board (Virtual Presentation)
 - Members of the public

Minutes of the Regular Council meeting for Mackenzie County held on November 10, 2020 in the Council Chambers at the Fort Vermilion County Office.

CALL TO ORDER: 1. a) Call to Order

Reeve Knelsen called the meeting to order at 10:00 a.m.

AGENDA: 2. a) Adoption of Agenda

MOTION 20-11-722 MOVED by Councillor Braun

That the agenda be approved with the following additions:

Service Presentation to James McAteer

7. a) CAO Vacation

8. a) VSI Level of Support

14. b) Remembrance Day

17. b) Revenue Service Sharing Agreement – Town of High Level

CARRIED

A presentation was made to James McAteer for his 22 years of service as the caretaker of the Fort Vermilion Waste Transfer Station.

ADOPTION OF PREVIOUS MINUTES: 3. a) Minutes of the October 28, 2020 Regular Council Meeting

MOTION 20-11-723 MOVED by Councillor A. Peters

That the minutes of the October 28, 2020 Regular Council Meeting be adopted as amended.

CARRIED

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

None.

PUBLIC HEARINGS 6. a) None

GENERAL REPORTS: 7. a) CAO & Director Reports for October 2020

MOTION 20-11-724 MOVED by Deputy Reeve Sarapuk

That the CAO vacation request be approved.

CARRIED

MOTION 20-11-725 **MOVED** by Councillor E. Peters

That the CAO & Director reports for October 2020 be received for information.

CARRIED

**GENERAL
REPORTS:**

7. b) Disaster Recovery Update

Disaster recovery update by Disaster Recovery Coordinator Jennifer Batt and Fred Wiebe.

DELEGATIONS:

4. a) Paradox Access Solutions

Virtual presentation by Paradox Access Solutions.

Reeve Knelsen recessed the meeting at 11:10 a.m. and reconvened the meeting at 11:21 a.m.

14. b) Remembrance Day (ADDITION)

Councillor Cardinal recognized the veterans from Hallet-Hansley #243 (Fort Vermilion Legion Veterans) which was followed by a moment of silence.

MOTION 20-11-726 **MOVED** by Councillor Jorgensen

That administration gather information from flood affected residents and draft a letter to the Minister of Municipal Affairs and the Insurance Bureau of Canada regarding coverage concerns.

CARRIED

MOTION 20-11-727 **MOVED** by Councillor Braun

That the presentation from Paradox Access Solutions be received for information.

CARRIED

TENDERS: **5. a) Caretaking – Blumenort Waste Transfer Station**

TENDERS: **5. b) Caretaking – Rocky Lane Waste Transfer Station**

MOTION 20-11-728 **MOVED** by Councillor Wardley

That the Blumenort Waste Transfer Station and Rocky Lane Waste Transfer Tenders be TABLED for more information.

CARRIED

Reeve Knelsen recessed the meeting at 12:00 p.m. and reconvened the meeting at 12:32 p.m.

AGRICULTURE SERVICES:

8. a) VSI Level of Support (ADDITION)

MOTION 20-11-729
Requires Unanimous

MOVED by Councillor Bateman

That the VSI funding level remain at fifty (50%) percent for 2021.

CARRIED UNANIMOUSLY

COMMUNITY SERVICES:

9. a) Campground Caretaker Contract

MOTION 20-11-730

MOVED by Councillor Braun

That all Campground Caretaker Contracts be extended for the 2021 season, at the same rate and service level, and that administration issue a Request for Proposals in the spring of 2021 based on the revised Contract starting with the 2022 season.

DEFEATED

MOTION 20-11-731

MOVED by Councillor Bateman

That all Campground Caretaker Contracts be referred back to the Community Services Committee for review of tender documents and that it be brought back to Council in January 2021.

CARRIED

COMMUNITY SERVICES:

9. b) Waste Transfer Station Service Agreement Extension Request

MOTION 20-11-732

MOVED by Councillor Wardley

That the Waste Transfer Station Service Agreement with L & P Disposals Inc. be extended for a one year term ending December 31, 2021.

CARRIED

DELEGATIONS: 4. b) Leif Olsen, O2 Planning

PLANNING AND DEVELOPMENT: 13. c) La Crete Industrial Growth Strategy

MOTION 20-11-733 **MOVED** by Councillor Jorgensen

That the La Crete Industrial Growth Strategy be adopted as presented.

CARRIED

Reeve Knelsen recessed the meeting at 1:34 p.m. and reconvened the meeting at 1:46 p.m.

COMMUNITY SERVICES: 9. c) Hutch Lake 10 Year Management Plan

MOTION 20-11-734 **MOVED** by Councillor Bateman

That the Hutch Lake 10 Year Management Plan be approved as amended and be submitted to Alberta Environment and Parks.

CARRIED

FINANCE: 10. a) Bistcho Lake Cabin Tax Assessments

MOTION 20-11-735 **MOVED** by Councillor Wardley

That administration bring back additional information on the Bistcho Lake Cabin Tax Assessments.

CARRIED

DELEGATIONS: 4. c) Recreation Societies – 2021 Operating and Capital Budget Requests

MOTION 20-11-736 **MOVED** by Councillor Braun

That the presentations by the Recreation Societies regarding their 2021 Operating and Capital Budget requests be received for information.

CARRIED

Reeve Knelsen recessed the meeting at 2:43 p.m. and reconvened the meeting at 3:05 p.m.

MOTION 20-11-737 **MOVED** by Councillor Bateman

That a letter be sent to the Recreation Boards and all non-profits operating in County owned buildings, stating that they have care, custody and control of the buildings in order for them to be eligible for Alberta Gaming and Liquor raffle and gaming licenses.

CARRIED

FINANCE: **10. b) Family and Community Support Services (FCSS)
COVID-19 Funding Grants**

MOTION 20-11-738 **MOVED** by Councillor Bateman
Requires 2/3

That the 2020 operating budget be amended to include \$62,050 for local Family and Community Support Services (FCSS) COVID-19 funding support, with funding coming from the Family and Community Support Services of Alberta COVID 19 Grant in the amount of \$42,050 and the Emergency Community Foundations of Alberta Grant in the amount of \$20,000.

CARRIED

FINANCE: **10. c) La Crete Recreation Board Project – Rebuild One
Compressor**

MOTION 20-11-739 **MOVED** by Councillor Bateman
Requires 2/3

That the 2020 budget be amended in the amount of \$2,169 for the 2019 La Crete Recreation Board Project – Rebuild One Compressor, with funding coming from the Recreation Board Reserve.

CARRIED

FINANCE: **10. d) Cheque Registers – October 26 – November 6, 2020**

MOTION 20-11-740 **MOVED** by Councillor Wardley

That the cheque registers from October 26 – November 6, 2020 be received for information.

CARRIED

OPERATIONS: 11. a) None

UTILITIES: 12. a) None

PLANNING AND DEVELOPMENT: 13. d) 5G Telecommunication Network

MOTION 20-11-741 **MOVED** by Councillor Wardley

That the presentation on the 5G telecommunication network be received for information.

CARRIED

PLANNING AND DEVELOPMENT: 13. a) **Bylaw 1203-20 Land Use Bylaw Amendment to Create a Zoning Overlay to Change the Minimum Setback Along 100 Street in the Hamlet of La Crete**

MOTION 20-11-742 **MOVED** by Councillor Wardley

That first reading be given to Bylaw 1203-20 being a Land Use Bylaw Amendment to Create a Zoning Overlay to Change the Minimum Setback Along 100 Street in the Hamlet of La Crete, subject to public hearing input.

CARRIED

Reeve Knelsen recessed the meeting at 4:09 p.m. and reconvened the meeting at 4:21 p.m.

PLANNING AND DEVELOPMENT: 13. b) **La Crete Transportation Network Analysis**

MOTION 20-11-743 **MOVED** by Councillor Bateman

That the Draft La Crete Transportation Network Analysis report and presentation be received for information.

CARRIED

MOTION 20-11-744 **MOVED** by Councillor Bateman

That the concepts and guidance provided within the La Crete

Industrial Growth Strategy be incorporated into County planning documents.

CARRIED

ADMINISTRATION: 14. a) Caribou Update

MOTION 20-11-745 MOVED by Councillor Jorgensen

That the caribou update be received for information.

CARRIED

COUNCIL COMMITTEE REPORTS: 15. a) Council Committee Reports (verbal)

MOTION 20-11-746 MOVED by Councillor Bateman

That the Council Committee Reports be received for information.

CARRIED

COUNCIL COMMITTEE REPORTS: 15. b) Municipal Planning Commission Meeting Minutes

MOTION 20-11-747 MOVED by Councillor Braun

That the unapproved Municipal Planning Commission meeting minutes of October 8 and 22, 2020 be received for information.

CARRIED

INFORMATION / CORRESPONDENCE: 16. a) Information/Correspondence

MOTION 20-11-748 MOVED by Deputy Reeve Sarapuk

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

CARRIED

CLOSED MEETING: 17. Closed Meeting

MOTION 20-11-749 **MOVED** by Deputy Reeve Sarapuk

That Council move into a closed meeting at 5:08 p.m. to discuss the following:

- 17. a) Legal Matters (*FOIP, Div. 2, Part 1, s. 17*)
- 17. b) Regional Service Sharing Agreement (*FOIP, Div. 2, Part 1, s. 21, 24, 25*)

CARRIED

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

- All Councillors Present
- Len Racher, Chief Administrative Officer
- Carol Gabriel, Deputy Chief Administrative Officer
- Fred Wiebe, Director of Utilities
- Don Roberts, Director of Community Services
- Byron Peters, Director of Planning & Development
- Caitlin Smith, Manager of Planning and Development
- Grant Smith, Agricultural Fieldman

MOTION 20-11-750 **MOVED** by Councillor Wardley

That Council move out of a closed meeting at 5:18 p.m.

CARRIED

CLOSED MEETING: **17. a) Legal Matters**

MOTION 20-11-751 **MOVED** by Councillor Wardley

That the legal matters be received for information.

CARRIED

CLOSED MEETING: **17. b) Regional Service Sharing Agreement – Town of High Level (ADDITION)**

MOTION 20-11-752 **MOVED** by Councillor Driedger
Requires Unanimous

That the regional service sharing agreement be received for information.

CARRIED

NOTICE OF MOTION: 18. a) None

NEXT MEETING DATE: 19. a) Next Meeting Dates

Committee of the Whole Meeting
November 24, 2020
10:00 a.m.
Fort Vermilion Council Chambers

Regular Council Meeting
November 25, 2020
10:00 a.m.
Fort Vermilion Council Chambers

ADJOURNMENT: 20. a) Adjournment

MOTION 20-11-753 MOVED by Councillor Jorgensen

That the Council meeting be adjourned at 5:18 p.m.

CARRIED

These minutes will be presented to Council for approval on November 25, 2020.

Joshua Knelsen
Reeve

Lenard Racher
Chief Administrative Officer

UNAPPROVED



Mackenzie County

REQUEST FOR DECISION

Meeting:	Regular Council Meeting
Meeting Date:	November 25, 2020
Presented By:	Carol Gabriel, Deputy Chief Administrative Officer (Legislative & Support Services)
Title:	Minutes of the November 18, 2020 Budget Council Meeting

BACKGROUND / PROPOSAL:

Minutes of the November 18, 2020, Budget Council Meeting are attached.

OPTIONS & BENEFITS:

COSTS & SOURCE OF FUNDING:

SUSTAINABILITY PLAN:

COMMUNICATION / PUBLIC PARTICIPATION:

Approved Council Meeting minutes are posted on the County website.

POLICY REFERENCES:

Author: C. Gabriel Reviewed by: CG CAO: _____

RECOMMENDED ACTION:

- Simple Majority Requires 2/3 Requires Unanimous

That the minutes of the November 18, 2020 Budget Council Meeting be adopted as presented.

Author: C. Gabriel **Reviewed by:** CG **CAO:** _____

**MACKENZIE COUNTY
BUDGET COUNCIL MEETING**

**November 18, 2020
10:00 a.m.**

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

PRESENT: Josh Knelsen Reeve
Walter Sarapuk Deputy Reeve (arrived at 10:03 a.m.)
Jacquie Bateman Councillor
Peter F. Braun Councillor
Cameron Cardinal Councillor (arrived at 10:04 a.m.)
David Driedger Councillor
Eric Jorgensen Councillor (arrived at 10:06 a.m.)
Ernest Peters Councillor
Lisa Wardley Councillor (left at 4:52 p.m.)

REGRETS: Anthony Peters Councillor

ADMINISTRATION: Lenard Racher Chief Administrative Officer
Carol Gabriel Deputy Chief Administrative
Officer/Recording Secretary
Jennifer Batt Director of Finance
Don Roberts Director of Community Services
Byron Peters Director of Planning & Development
Fred Wiebe Director of Utilities
Grant Smith Agricultural Fieldman
Willie Schmidt Fleet Maintenance Manager
Caitlin Smith Manager of Planning & Development

ALSO PRESENT: Members of the public.

Minutes of the Budget Council meeting for Mackenzie County held on November 18, 2020 in the Council Chambers at the Fort Vermilion County Office.

CALL TO ORDER: 1. a) Call to Order

Reeve Knelsen called the meeting to order at 10:00 a.m.

AGENDA: 2. a) Adoption of Agenda

MOTION 20-11-722 MOVED by Councillor Braun

That the agenda be approved with the following additions:
11. a) Water Pumps

CARRIED

Deputy Reeve Sarapuk arrived at 10:03 a.m.

**MINUTES FROM
PREVIOUS MEETING:**

3. a) None

DELEGATIONS:

4. a) None

TENDERS:

5. a) None

PUBLIC HEARINGS:

6. a) None

GENERAL REPORTS:

7. a) None

**AGRICULTURAL
SERVICES:**

8. a) None

**COMMUNITY
SERVICES:**

9. a) None

FINANCE:

10. a) **Bylaw 1194-20 Fee Schedule**

Councillor Cardinal arrived at 10:04 a.m.
Councillor Jorgensen arrived at 10:06 a.m.

Reeve Knelsen recessed the meeting at 11:13 a.m. and
reconvened the meeting at 11:27 a.m.

MOTION 20-11-723
Requires 2/3

MOVED by Councillor Braun

That first reading be given to Bylaw 1194-20 being the Fee
Schedule for Mackenzie County as AMENDED.

CARRIED

FINANCE:

10. b) **Organizational Chart**

MOTION 20-11-724

MOVED by Councillor Bateman

That the Organizational Chart be TABLED to following the
budget discussion.

DEFEATED

MOTION 20-11-725

MOVED by Councillor Jorgensen

The Council move into a closed meeting at 11:32 a.m. to discuss the organizational chart (*FOIP, Div. 2, Part 1, s. 17*).

CARRIED

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

- All Councillors Present
- Len Racher, Chief Administrative Officer (12:30 p.m. – 1:30 p.m.)
- Carol Gabriel, Deputy Chief Administrative Officer (1:51 p.m. – 2:00 p.m.)

MOTION 20-11-726

MOVED by Councillor E. Peters

The Council move out of a closed meeting at 2:15 p.m.

CARRIED

MOTION 20-11-727

MOVED by Councillor E. Peters

That the Organizational Chart be approved as presented.

CARRIED

FINANCE:

10. c) Non Profit Organization Funding Request

MOTION 20-11-728

MOVED by Deputy Reeve Sarapuk

That the 2021 Grants to Non-Profit Organizations be recommended as discussed as per Tracking Change #1.

CARRIED

Reeve Knelsen recessed the meeting at 3:50 p.m. and reconvened the meeting at 4:01 p.m.

FINANCE:

10. d) Town of High Level 2021 Capital Funding Request

MOTION 20-11-729

MOVED by Councillor Bateman

That a letter be sent to the Town of High Level requesting an extension on the decision on the 2021 capital projects requests due to the current ongoing negotiations of a revised Regional Service Sharing Agreement.

CARRIED

FINANCE:

10. e) Review 2020 One-Time Projects – Carry Forwards

MOTION 20-11-730

Requires 2/3

MOVED by Councillor Driedger

That the 2020 One-Time Projects recommended to be Carried Forward be approved and incorporated into the 2021 Budget as presented.

CARRIED

FINANCE:

10. f) Review 2021 One Time Projects

MOTION 20-11-731

Requires 2/3

MOVED by Councillor E. Peters

That the 2021 One Time Projects be TABLED to the next meeting.

CARRIED

FINANCE:

10. g) Draft 2021 Operating Budget

MOTION 20-11-732

Requires 2/3

MOVED by Councillor Cardinal

That the Draft 2021 Operating Budget be TABLED to the December 2, 2020 Budget Council Meeting.

CARRIED

OPERATIONS:

11. a) Water Pumps (ADDITION)

Councillor Wardley left the meeting at 4:52 p.m.

MOTION 20-11-733

Requires Unanimous

MOVED by Councillor Driedger

That the 2020 budget be amended to include \$50,000 for the purchase of a water pump assembly at the auction, with funding coming from the Surface Water Management Reserve.

CARRIED UNANIMOUSLY

UTILITIES: 12. a) None

**PLANNING &
DEVELOPMENT:** 13. a) None

ADMINISTRATION: 14. a) None

**COUNCIL COMMITTEE
REPORTS:** 15. a) None

**INFORMATION/
CORRESPONDENCE:** 16. a) None

CLOSED MEETING: 17. a) Closed Meeting

MOTION 20-11-734 **MOVED** by Deputy Reeve Sarapuk

That Council move into a closed meeting to discuss the Town of High Level Regional Service Sharing Agreement at 4:57 p.m. (FOIP, Div. 2, Part 1, s. 21, 24, 25)

CARRIED

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

- All Councillors Present
- Len Racher, Chief Administrative Officer
- Carol Gabriel, Deputy Chief Administrative Officer
- Jennifer Batt, Director of Finance

MOTION 20-11-735 **MOVED** by Councillor Jorgensen

That Council move out of a closed meeting at 5:18 p.m.

CARRIED

MOTION 20-11-736 **MOVED** by Councillor Bateman
Requires Unanimous

That the negotiating committee proceed with the Town of High Level Regional Service Sharing Agreement negotiations as discussed.

CARRIED UNANIMOUSLY

NOTICE OF MOTION: 18. a) None

NEXT MEETING DATE: 19. a) Next Meeting Date

Budget Council Meeting
December 2, 2020
10:00 a.m.
Fort Vermilion Council Chambers

ADJOURNMENT: 20. a) Adjournment

MOTION 20-11-737 **MOVED** by Councillor Braun

That the Budget Council meeting be adjourned at 5:20 p.m.

CARRIED

These minutes will be presented to Council for approval on November 25, 2020.

Joshua Knelsen
Reeve

Lenard Racher
Chief Administrative Officer



Mackenzie County

REQUEST FOR DIRECTION

Meeting:	Regular Council Meeting
Meeting Date:	November 25, 2020
Presented By:	Carol Gabriel, Deputy Chief Administrative Officer Legislative & Support Services
Title:	DELEGATION Fort Vermilion RCMP – Crime Statistics

BACKGROUND / PROPOSAL:

Members of the Fort Vermilion RCMP will be present to discuss crime statistics for Fort Vermilion and Mackenzie County.

A copy of the crime statistics are attached for information.

OPTIONS & BENEFITS:

COSTS & SOURCE OF FUNDING:

N/A

SUSTAINABILITY PLAN:

N/A

COMMUNICATION / PUBLIC PARTICIPATION:

N/A

POLICY REFERENCES:

N/A

Author: C. Gabriel Reviewed by: CG CAO: _____

RECOMMENDED ACTION:

Simple Majority Requires 2/3 Requires Unanimous

That the RCMP crime statistics reports be received for information.

Author: C. Gabriel **Reviewed by:** CG **CAO:** _____

Hamlet of Fort Vermilion - Fort Vermilion Detachment

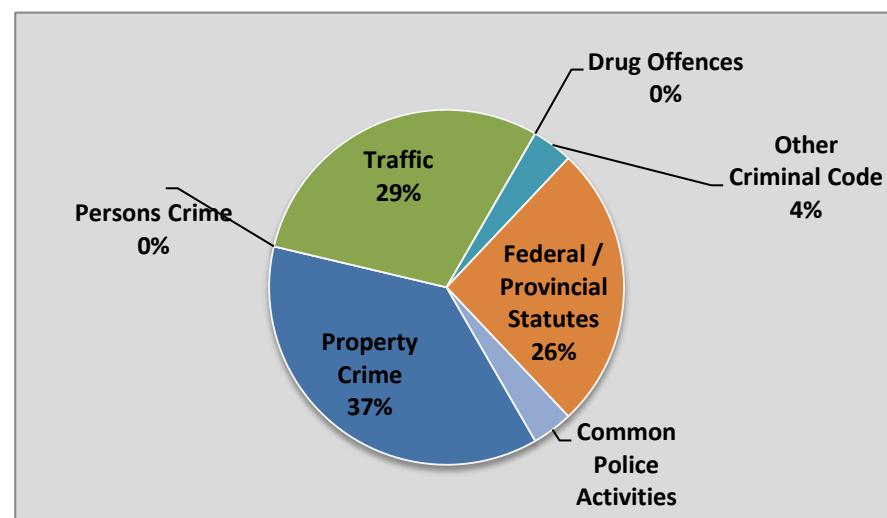
Crime Data - October 2020

CATEGORY	Reported	Actual	ClrChg	ClrOth	Total Clr	% Clr
Homicides & Offences Related to Death	0	0	0	0	0	0.0%
Robbery	0	0	0	0	0	0.0%
Sexual Assaults	0	0	0	0	0	0.0%
Other Sexual Offences	0	0	0	0	0	0.0%
Assault	1	0	0	0	0	0.0%
Kidnapping/Hostage/Abduction	0	0	0	0	0	0.0%
Extortion	0	0	0	0	0	0.0%
Criminal Harassment	0	0	0	0	0	0.0%
Uttering Threats	0	0	0	0	0	0.0%
TOTAL PERSONS	1	0	0	0	0	0.0%
Break & Enter	2	1	0	0	0	0.0%
Theft of Motor Vehicle	1	0	0	0	0	0.0%
Theft Over \$5,000	0	0	0	0	0	0.0%
Theft Under \$5,000	1	0	0	0	0	0.0%
Possn Stn Goods	0	0	1	0	1	0.0%
Fraud	0	0	0	0	0	0.0%
Arson	0	0	0	0	0	0.0%
Mischief To Property	9	9	0	7	7	77.8%
TOTAL PROPERTY	13	10	1	7	8	80.0%
Offensive Weapons	0	0	0	0	0	0.0%
Disturbing the Peace	1	1	0	1	1	100.0%
Fail to Comply & Breaches	0	0	0	0	0	0.0%
OTHER CRIMINAL CODE	0	0	0	0	0	0.0%
TOTAL OTHER CRIMINAL CODE	1	1	0	1	1	100.0%
TOTAL CRIMINAL CODE	15	11	1	8	9	81.8%
Drug Enforcement - Production	0	0	0	0	0	0.0%
Drug Enforcement - Possession	0	0	0	0	0	0.0%
Drug Enforcement - Trafficking	0	0	1	0	1	0.0%
Drug Enforcement - Other	0	0	0	0	0	0.0%
Total Drugs	0	0	1	0	1	0.0%
Cannabis Enforcement	0	0	0	0	0	0.0%
Federal - General	0	0	0	0	0	0.0%
TOTAL FEDERAL	0	0	1	0	1	0.0%
Liquor Act	3	3	3	0	3	100.0%
Cannabis Act	0	0	0	0	0	0.0%
Mental Health Act	4	4	0	0	0	0.0%
Other Provincial Stats	0	0	0	0	0	0.0%
Total Provincial Stats	7	7	3	0	3	42.9%
Municipal By-laws Traffic	0	0	0	0	0	0.0%
Municipal By-laws	0	0	0	0	0	0.0%
Total Municipal	0	0	0	0	0	0.0%
Fatals	0	0	0	0	0	0.0%
Injury MVAS	0	0	0	0	0	0.0%
Property Damage MVAS (Reportable)	0	0	0	0	0	0.0%
Property Damage MVAS (Non Reportable)	0	0	0	0	0	0.0%
TOTAL MVAS	0	0	0	0	0	0.0%
Provincial Traffic	4	4	5	0	5	125.0%
Other Traffic	1	1	1	0	1	100.0%
Criminal Code Traffic	4	3	1	0	1	33.3%
Common Police Activities						
False Alarms	0	Suspicious Person/Vehicle	0			
False/Abandoned 911 Call and 911 Act	1	VSU Accepted	0			
Persons Reported Missing	0	VSU Declined	0			
Request to Locate	0	VSU Offered - Not Available	0			
Abandoned Vehicles	0	VSU Proactive Referral	0			

Hamlet of Fort Vermilion - Fort Vermilion Detachment

Crime Data - October 2020

Property Crime	Break & Enter	1	Federal / Provincial Statutes	Liquor Act	3
	Theft of Motor Vehicle	0		Cannabis Act & Enforcement	0
	Theft Over \$5,000	0		Mental Health Act	4
	Theft Under \$5,000	0		Coroner's Act - Sudden Death	0
	Possn Stn Goods	0		Child Welfare Act	0
	Fraud	0		Other Provincial Statute	0
	Arson	0		Other Federal Statute	0
	Mischief To Property	9		Total	7
	Total	10			
Persons Crime	Assault	0	Common Police Activities	False Alarms	0
	Robbery/Extortion/Harassment/Threats	0		False/Abandoned 911 Call	1
	Sexual Offences	0		Abandoned Vehicles	0
	Kidnapping/Hostage/Abduction	0		Persons Reported Missing	0
	Homicides & Offences Related to Death	0		Request to Locate	0
	Total	0		Suspicious Person/Vehicle/Property	0
		Total	1		
Traffic	Motor Vehicle Collisions	0			
	Impaired Related Offences	3			
	Provincial Traffic Offences	4			
	Other Traffic Related Offences	1			
	Total	8			
Drug Offences	Drug Enforcement - Production	0			
	Drug Enforcement - Possession	0			
	Drug Enforcement - Trafficking	0			
	Drug Enforcement - Other	0			
	Total	0			
Other Criminal Code Offence	Breach of Peace	0			
	Disturbing the Peace	1			
	Fail to Comply & Breaches	0			
	Offensive Weapons	0			
	Other Offence	0			
	Total	1			



Hamlet of La Crete - Fort Vermilion Detachment

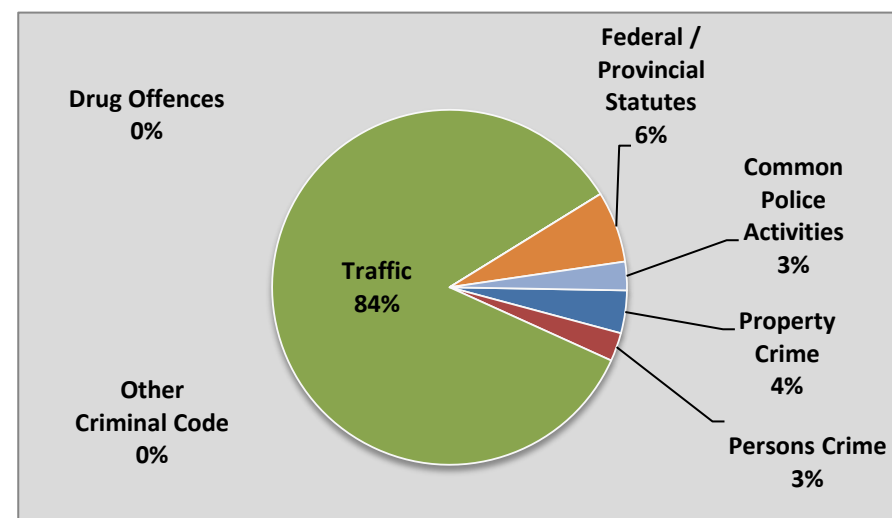
Crime Data - October 2020

CATEGORY	Reported	Actual	ClrChg	ClrOth	Total Clr	% Clr
Homicides & Offences Related to Death	0	0	0	0	0	0.0%
Robbery	0	0	0	0	0	0.0%
Sexual Assaults	0	0	0	0	0	0.0%
Other Sexual Offences	0	0	0	0	0	0.0%
Assault	0	0	0	0	0	0.0%
Kidnapping/Hostage/Abduction	0	0	0	0	0	0.0%
Extortion	0	0	0	0	0	0.0%
Criminal Harassment	1	1	0	0	0	0.0%
Uttering Threats	1	1	0	0	0	0.0%
TOTAL PERSONS	2	2	0	0	0	0.0%
Break & Enter	0	0	0	0	0	0.0%
Theft of Motor Vehicle	0	0	0	0	0	0.0%
Theft Over \$5,000	0	0	0	0	0	0.0%
Theft Under \$5,000	1	1	0	0	0	0.0%
Possn Stn Goods	0	0	0	0	0	0.0%
Fraud	1	1	0	0	0	0.0%
Arson	0	0	0	0	0	0.0%
Mischief To Property	1	1	0	2	2	200.0%
TOTAL PROPERTY	3	3	0	2	2	66.7%
Offensive Weapons	0	0	0	0	0	0.0%
Disturbing the Peace	0	0	0	0	0	0.0%
Fail to Comply & Breaches	0	0	0	0	0	0.0%
OTHER CRIMINAL CODE	0	0	0	0	0	0.0%
TOTAL OTHER CRIMINAL CODE	0	0	0	0	0	0.0%
TOTAL CRIMINAL CODE	5	5	0	2	2	40.0%
Drug Enforcement - Production	0	0	0	0	0	0.0%
Drug Enforcement - Possession	0	0	0	0	0	0.0%
Drug Enforcement - Trafficking	0	0	0	0	0	0.0%
Drug Enforcement - Other	0	0	0	0	0	0.0%
Total Drugs	0	0	0	0	0	0.0%
Cannabis Enforcement	0	0	0	0	0	0.0%
Federal - General	0	0	0	0	0	0.0%
TOTAL FEDERAL	0	0	0	0	0	0.0%
Liquor Act	3	3	3	0	3	100.0%
Cannabis Act	0	0	0	0	0	0.0%
Mental Health Act	0	0	0	0	0	0.0%
Other Provincial Stats	2	2	0	2	2	100.0%
Total Provincial Stats	5	5	3	2	5	100.0%
Municipal By-laws Traffic	0	0	0	0	0	0.0%
Municipal By-laws	0	0	0	0	0	0.0%
Total Municipal	0	0	0	0	0	0.0%
Fatals	0	0	0	0	0	0.0%
Injury MVAS	0	0	0	0	0	0.0%
Property Damage MVAS (Reportable)	3	3	0	0	0	0.0%
Property Damage MVAS (Non Reportable)	0	0	0	0	0	0.0%
TOTAL MVAS	3	3	0	0	0	0.0%
Provincial Traffic	62	62	43	6	49	79.0%
Other Traffic	0	0	0	0	0	0.0%
Criminal Code Traffic	0	0	0	0	0	0.0%
Common Police Activities						
False Alarms	2	Suspicious Person/Vehicle	0			
False/Abandoned 911 Call and 911 Act	0	VSU Accepted	0			
Persons Reported Missing	0	VSU Declined	0			
Request to Locate	0	VSU Offered - Not Available	0			
Abandoned Vehicles	0	VSU Proactive Referral	0			

Hamlet of La Crete - Fort Vermilion Detachment

Crime Data - October 2020

Property Crime	Break & Enter	0	Federal / Provincial Statutes	Liquor Act	3
	Theft of Motor Vehicle	0		Cannabis Act & Enforcement	0
	Theft Over \$5,000	0		Mental Health Act	0
	Theft Under \$5,000	1		Coroner's Act - Sudden Death	0
	Possn Stn Goods	0		Child Welfare Act	0
	Fraud	1		Other Provincial Statute	2
	Arson	0		Other Federal Statute	0
	Mischief To Property	1		Total	5
	Total	3			
Persons Crime	Assault	0	Common Police Activities	False Alarms	2
	Robbery/Extortion/Harassment/Threats	2		False/Abandoned 911 Call	0
	Sexual Offences	0		Abandoned Vehicles	0
	Kidnapping/Hostage/Abduction	0		Persons Reported Missing	0
	Homicides & Offences Related to Death	0		Request to Locate	0
	Total	2		Suspicious Person/Vehicle/Property	0
		Total	2		
Traffic	Motor Vehicle Collisions	3			
	Impaired Related Offences	0			
	Provincial Traffic Offences	62			
	Other Traffic Related Offences	0			
	Total	65			
Drug Offences	Drug Enforcement - Production	0			
	Drug Enforcement - Possession	0			
	Drug Enforcement - Trafficking	0			
	Drug Enforcement - Other	0			
	Total	0			
Other Criminal Code Offence	Breach of Peace	0			
	Disturbing the Peace	0			
	Fail to Comply & Breaches	0			
	Offensive Weapons	0			
	Other Offence	0			
	Total	0			



Mackenzie County - Fort Vermilion Detachment

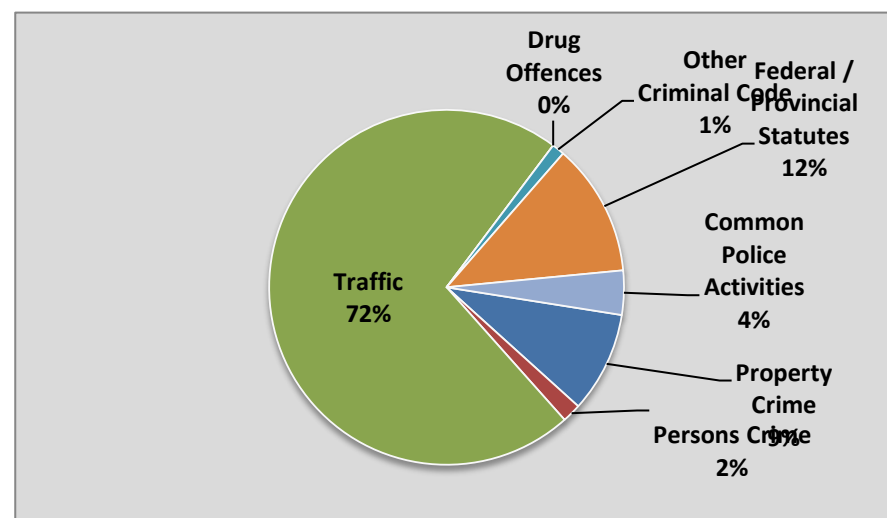
Crime Data - October 2020

CATEGORY	Reported	Actual	ClrChg	ClrOth	Total Clr	% Clr
Homicides & Offences Related to Death	0	0	0	0	0	0.0%
Robbery	0	0	0	0	0	0.0%
Sexual Assaults	0	0	0	0	0	0.0%
Other Sexual Offences	0	0	0	0	0	0.0%
Assault	2	0	0	0	0	0.0%
Kidnapping/Hostage/Abduction	0	0	0	0	0	0.0%
Extortion	0	0	0	0	0	0.0%
Criminal Harassment	1	1	0	0	0	0.0%
Uttering Threats	2	2	0	0	0	0.0%
TOTAL PERSONS	5	3	0	0	0	0.0%
Break & Enter	2	1	0	0	0	0.0%
Theft of Motor Vehicle	2	1	0	0	0	0.0%
Theft Over \$5,000	0	0	0	0	0	0.0%
Theft Under \$5,000	3	2	0	0	0	0.0%
Possn Stn Goods	0	0	1	0	1	0.0%
Fraud	1	1	0	0	0	0.0%
Arson	0	0	0	0	0	0.0%
Mischief To Property	11	11	1	10	11	100.0%
TOTAL PROPERTY	19	16	2	10	12	75.0%
Offensive Weapons	0	0	0	0	0	0.0%
Disturbing the Peace	1	1	0	1	1	100.0%
Fail to Comply & Breaches	1	1	0	0	0	0.0%
OTHER CRIMINAL CODE	0	0	0	0	0	0.0%
TOTAL OTHER CRIMINAL CODE	2	2	0	1	1	50.0%
TOTAL CRIMINAL CODE	26	21	2	11	13	61.9%
Drug Enforcement - Production	0	0	0	0	0	0.0%
Drug Enforcement - Possession	0	0	0	0	0	0.0%
Drug Enforcement - Trafficking	0	0	1	0	1	0.0%
Drug Enforcement - Other	0	0	0	0	0	0.0%
Total Drugs	0	0	1	0	1	0.0%
Cannabis Enforcement	0	0	0	0	0	0.0%
Federal - General	0	0	0	0	0	0.0%
TOTAL FEDERAL	0	0	1	0	1	0.0%
Liquor Act	7	7	7	0	7	100.0%
Cannabis Act	0	0	0	0	0	0.0%
Mental Health Act	5	5	0	0	0	0.0%
Other Provincial Stats	9	9	0	2	2	22.2%
Total Provincial Stats	21	21	7	2	9	42.9%
Municipal By-laws Traffic	0	0	0	0	0	0.0%
Municipal By-laws	0	0	0	0	0	0.0%
Total Municipal	0	0	0	0	0	0.0%
Fatals	0	0	0	0	0	0.0%
Injury MVAS	2	2	2	0	2	100.0%
Property Damage MVAS (Reportable)	7	7	1	0	1	14.3%
Property Damage MVAS (Non Reportable)	0	0	0	0	0	0.0%
TOTAL MVAS	9	9	3	0	3	33.3%
Provincial Traffic	105	105	77	13	90	85.7%
Other Traffic	2	2	2	0	2	100.0%
Criminal Code Traffic	11	9	7	0	7	77.8%
Common Police Activities						
False Alarms	2	Suspicious Person/Vehicle		1		
False/Abandoned 911 Call and 911 Act	4	VSU Accepted		0		
Persons Reported Missing	0	VSU Declined		0		
Request to Locate	0	VSU Offered - Not Available		0		
Abandoned Vehicles	0	VSU Proactive Referral		0		

Mackenzie County - Fort Vermilion Detachment

Crime Data - October 2020

Property Crime	Break & Enter	1	Federal / Provincial Statutes	Liquor Act	7
	Theft of Motor Vehicle	1		Cannabis Act & Enforcement	0
	Theft Over \$5,000	0		Mental Health Act	5
	Theft Under \$5,000	2		Coroner's Act - Sudden Death	1
	Possn Stn Goods	0		Child Welfare Act	0
	Fraud	1		Other Provincial Statute	8
	Arson	0		Other Federal Statute	0
	Mischief To Property	11		Total	21
	Total	16			
Persons Crime	Assault	0	Common Police Activities	False Alarms	2
	Robbery/Extortion/Harassment/Threats	3		False/Abandoned 911 Call	4
	Sexual Offences	0		Abandoned Vehicles	0
	Kidnapping/Hostage/Abduction	0		Persons Reported Missing	0
	Homicides & Offences Related to Death	0		Request to Locate	0
	Total	3		Suspicious Person/Vehicle/Property	1
		Total	7		
Traffic	Motor Vehicle Collisions	9			
	Impaired Related Offences	8			
	Provincial Traffic Offences	105			
	Other Traffic Related Offences	3			
	Total	125			
Drug Offences	Drug Enforcement - Production	0			
	Drug Enforcement - Possession	0			
	Drug Enforcement - Trafficking	0			
	Drug Enforcement - Other	0			
	Total	0			
Other Criminal Code Offence	Breach of Peace	0			
	Disturbing the Peace	1			
	Fail to Comply & Breaches	1			
	Offensive Weapons	0			
	Other Offence	0			
	Total	2			





Mackenzie County

REQUEST FOR DECISION

Meeting:	Regular Council Meeting
Meeting Date:	November 25, 2020
Presented By:	Don Roberts, Director of Community Services
Title:	Waste Transfer Station Caretaker Insurance

BACKGROUND / PROPOSAL:

It has recently come to administrations attention that the current caretakers at the Waste Transfer Stations are not covered under Mackenzie County's insurance policy, and are currently not covered under any insurance policy. When administration approached the caretakers, they indicated that they had been told that they did not need to have their own policy, as they would fall under Mackenzie County's insurance. A Motion was made to support this; however, the follow-up action was not completed.

MOTION 14-01-019
Requires 2/3

MOVED by Councillor Driedger

That the Waste Transfer Station Operator contracts be amended as follows:

- change the minimum age for contract operators staff to 16 years old;
- that the contractor may obtain liability insurance coverage while at the transfer station from Mackenzie County at no charge or have the option to purchase their own liability insurance in which the County will reimburse them \$200;
- that a 3% increase be given to the Waste Transfer Station contract operators effective January 1, 2014.

CARRIED

In discussions with the municipalities insurance company, RMA Insurance, they recommend that Mackenzie County have a signed agreement with each Contractor to include the following:

- Mutual indemnification/hold harmless clause;

Author: C.Sarapuk **Reviewed by:** _____ **CAO:** _____

- Insurance clause where the Contractor has a comprehensive general liability (CGL) policy with a minimum liability limit of \$2,000,000/occurrence, preferably \$5,000,000;
- The Contractor add Mackenzie County to their CGL policy as an additional insured with 30 days' notice of cancellation;
- As/if applicable the Contractor have a "all risk" property policy for any property/equipment owned by the Contractor;
- The Contractor have an auto policy for all vehicles, with a minimum third party automobile liability limit of \$2,000,000/occurrence for bodily injury and property damage;
- Each Contractor provide Mackenzie County with a Certificate of Insurance annually showing proof that all insurance requirement have been met.

The insurance requirements are also there to protect the Contractor themselves, should an incident occur at one of the sites, Mackenzie County will be named and it is more than likely that the Contractor would be named as well. In this case, our RMA Insurance policy will respond to defend and pay damages assessed against Mackenzie County however will not respond to defend or pay any damages assessed against the Contractor.

RMA Insurance will also want a copy of the Certificate of Insurance showing that all the Contractors have met the insurance requirements. If the Contractors cannot meet the insurance requirements Mackenzie County may have to find insurance through another carrier.

RMA Insurance will not be able to add contractors to Mackenzie County's policy nor will they provide a quote at this time. However if the Waste Transfer Caretakers are Contract Employees they can add them for an additional charge. Contract Employees would have to pay into CPP, unemployment insurance and income tax.

Request for Proposals (RFP) were advertised for the Rocky Lane and Blumenort Waste Transfer Station caretaking attendants. The RFP's were scheduled to be opened at the November 10, 2020 Council meeting, however Council tabled the opening as none of the submissions were able to meet the insurance requirement requested in the RFP.

The submission requirement was a letter from an insurance company stating that the proponents were eligible to purchase Comprehensive and Commercial General Liability insurance at a minimum of \$2,000,000 (2 Million Dollars) per occurrence, should they be the successful bidder.

Most insurance companies no longer provide this letter, while some companies are denying insurance due to the lack of experience in the job.

Author: _____ Reviewed by: _____ CAO: _____

OPTIONS & BENEFITS:

Option 1. Hire the Waste Transfer Stations Caretakers as contract employees. There are 7 caretaker positions, plus each caretaker has 1 employee to fill in when they are unavailable or sick. This would encompass 14 new positions.

Option 2. Continue to investigate insurance Options.

Please note that Administration is still waiting for responses from insurance companies, and will have a recommended action at the time of the Council meeting.

COSTS & SOURCE OF FUNDING:

SUSTAINABILITY PLAN:

COMMUNICATION / PUBLIC PARTICIPATION:

POLICY REFERENCES:

RECOMMENDED ACTION:

Simple Majority Requires 2/3 Requires Unanimous

For discussion.

Author: _____ Reviewed by: _____ CAO: _____



Mackenzie County

REQUEST FOR DECISION

Meeting:	Regular Council Meeting
Meeting Date:	November 25, 2020
Presented By:	Jennifer Batt, Director of Finance
Title:	La Crete Community Equine Centre – Richardson International Ltd. Grant

BACKGROUND / PROPOSAL:

The La Crete Community Equine Center submitted an application to Richardson International Ltd for a Skid Steer project, which they were successful in receiving in the amount of \$15,000. (Letter attached)

In order to receive these funds, Richardson International Ltd. organization is required to deposit the funds with Mackenzie County due to the La Crete Community Equine Centre not being able to provide a charitable donation receipt for this grant.

The La Crete Community Equine Centre received funds previously from the Richardson Foundation, granted towards the construction of the indoor riding arena facility, which Council supported by the same funding model.

All funds received will be forwarded directly to the La Crete Community Equine Center, which is required to complete all reporting documentation required by Richardson International Ltd. For the skid steer project.

OPTIONS & BENEFITS:

COSTS & SOURCE OF FUNDING:

Richardson International Ltd. in the amount of \$15,000

Author: J. Batt Reviewed by: _____ CAO: _____

SUSTAINABILITY PLAN:

N/A

COMMUNICATION / PUBLIC PARTICIPATION:

N/A

POLICY REFERENCES:

N/A

RECOMMENDED ACTION:

- Simple Majority Requires 2/3 Requires Unanimous

That the 2020 operating budget be amended to include \$15,000 for the La Crete Community Equine Centre towards their skid steer project, with funding coming from Richardson International Ltd.

Author: J. Batt Reviewed by: _____ CAO: _____



November 4, 2020

La Crete Community Equine Centre
P.O. Box 2640
La Crete, AB T0H 2H0

Attention: Kathy Friesen, Board Member

**RE: REQUEST FOR DONATION
PURCHASE OF A SKID STEER**

On behalf of Richardson Pioneer Limited and its parent company, Richardson International Limited, please find enclosed cheque number 008693 for \$15,000.00 payable to Mackenzie County.

While public recognition for the donation should be directed toward Richardson Pioneer Limited and Richardson International Limited, **please ensure that the tax receipt is issued to Richardson Foundation Inc.** Please forward the receipt directly to:

Richardson Foundation Inc.
c/o Jeanette Wold
Richardson International Limited
2800 One Lombard Place
Winnipeg, MB R3B 0X8

We are proud to play a role in your very worthwhile project.

Yours truly,

A handwritten signature in blue ink that reads "Jake Martens". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Jake Martens
Location Manager
Richardson Pioneer, La Crete

Attachment

Richardson International Limited

2800 One Lombard Place, Winnipeg, MB, Canada R3B 0X8 P. 204.934.5961 F. 204.9472647

www.richardson.ca



Mackenzie County

REQUEST FOR DECISION

Meeting:	Regular Council Meeting
Meeting Date:	November 25, 2020
Presented By:	Jennifer Batt, Director of Finance
Title:	Expense Claims – Councillors

BACKGROUND / PROPOSAL:

Councillor Honorarium and Expense Claims are reviewed by Council on a monthly basis.

A copy of the following Councillor Honorarium and Expense Claims will be presented at the meeting:

- October – All Councillors with the exception of Councillor Jorgensen.

OPTIONS & BENEFITS:

N/A

COSTS & SOURCE OF FUNDING:

2020 Operating Budget

SUSTAINABILITY PLAN:

N/A

Author: C. Gabriel **Reviewed by:** CG **CAO:** _____

COMMUNICATION / PUBLIC PARTICIPATION:

N/A

POLICY REFERENCES:

Honorariums and Expense Reimbursement Bylaw

RECOMMENDED ACTION:

Motion 1

Simple Majority Requires 2/3 Requires Unanimous

That the Councillor expense claims for October 2020 be received for information.

Author: C. Gabriel Reviewed by: CG CAO: _____



Mackenzie County

REQUEST FOR DECISION

Meeting:	Regular Council Meeting
Meeting Date:	November 25, 2020
Presented By:	Jennifer Batt, Director of Finance
Title:	Expense Claims – Members at Large

BACKGROUND / PROPOSAL:

Members at Large expense claims are reviewed by Council on a monthly basis.

A copy of the following Members at Large Expense Claims will be presented at the meeting:

Name	Board/Committee	Month
Diedrich Driedger	Agricultural Service Board	October 2020
Joseph Peters	Agricultural Service Board	October 2020
Erick Carter	Municipal Planning Commission	October 2020
Beth Kappelar	Municipal Planning Commission	October 2020
John W. Driedger	Municipal Planning Commission Inter-Municipal Planning Commission	October 2020

Author: C. Gabriel **Reviewed by:** CG **CAO:** _____

OPTIONS & BENEFITS:

N/A

COSTS & SOURCE OF FUNDING:

2020 Operating Budget.

SUSTAINABILITY PLAN:

N/A

COMMUNICATION / PUBLIC PARTICIPATION:

N/A

POLICY REFERENCES:

Honorariums and Expense Reimbursement Bylaw

RECOMMENDED ACTION:

Motion 1

Simple Majority Requires 2/3 Requires Unanimous

That the Member at Large Expense Claims for October 2020 be received for information.

Author: C. Gabriel Reviewed by: CG CAO: _____



Mackenzie County

REQUEST FOR DECISION

Meeting:	Regular Council Meeting
Meeting Date:	November 25, 2020
Presented By:	Jennifer Batt, Director of Finance
Title:	Financial Reports – January 1, 2020 to October 31, 2020

BACKGROUND / PROPOSAL:

The Finance Department provides financial reports to Council as per policy.

Overland flood advance received, and costs to date are included in the financial reports:

In April 2020 Administration received an advance of \$5,000,000 to offset some of the anticipated costs for the overland flood response, and recovery.

Invoices to date (Nov 19, 2020) total \$4,573,095 including any deductible that was paid for the non-profits, and an estimated \$233,151 in expenses towards insurance for payment. To date, administration has received \$74,539 from our insurance provider, understanding that additional costs are forthcoming.

Administration will continue to update Council on the Overland Flood response and recovery costs, along with the monthly financial reports.

Administration continues to provide backup information requested to the Disaster Recovery Program for the 2018 Wildfire, 2018 Overland Flood, and 2019 Chuckegg Fire, while they review the claims for final reconciliation and payment.

OPTIONS & BENEFITS:

Financial Reports to Council

Council shall receive the following reports monthly:

- Statement comparing actual operating revenues and expenditures to budget for the year-to-date (January – October 31, 2020)

Author: J. Batt Reviewed by: _____ CAO: _____

- A report of funds invested in term deposits and other securities
 - (January – September, 2020)
- Project progress reports including expenditures to budget for the year-to-date

COSTS & SOURCE OF FUNDING:

N/A

SUSTAINABILITY PLAN:

N/A

COMMUNICATION / PUBLIC PARTICIPATION:

N/A

POLICY REFERENCES:

Policy FIN010 – Financial Reports

RECOMMENDED ACTION:

Simple Majority Requires 2/3 Requires Unanimous

That the financial reports for January to October 2020 be received for information.

Author: J. Batt Reviewed by: _____ CAO: _____

Mackenzie County Statement of All Accounts January - October 31, 2020

	<u>2020</u>	<u>2020 Actual</u>	<u>\$ Variance</u>
	<u>Budget</u>	<u>Total</u>	<u>(Remaining)</u>
OPERATING REVENUES			
100-Municipal Taxes	\$23,646,552	\$23,618,112	(\$28,440)
101-Lodge Requisition	\$534,907	\$532,610	(\$2,297)
102-School Requisition	\$6,847,171	\$6,822,006	(\$25,165)
103-Designated Ind. Property	\$79,542	\$79,534	(\$8)
124-Frontage	\$99,450	(\$2,226)	(\$101,676)
261-Ice Bridge	\$140,000	\$130,000	(\$10,000)
420-Sales of goods and services	\$538,485	\$361,079	(\$177,406)
420-Canada Post		\$149	\$149
421-Sale of water - metered	\$3,135,614	\$2,778,916	(\$356,698)
422-Sale of water - bulk	\$999,718	\$770,972	(\$228,746)
424-Sale of land	\$10,000	\$556	(\$9,444)
510-Penalties on taxes	\$700,000	\$1,038,346	\$338,346
511-Penalties of AR and utilities	\$29,000	\$18,886	(\$10,114)
520-Licenses and permits	\$45,000	\$55,045	\$10,045
521-Offsite levy	\$20,000	\$16,660	(\$3,340)
522-Municipal reserve revenue	\$80,000	\$225,231	\$145,231
526-Safety code permits	\$200,000	\$267,281	\$67,281
525-Subdivision fees	\$50,000	\$46,494	(\$3,506)
530-Fines	\$20,000	\$4,883	(\$15,117)
531-Safety code fees	\$8,000	\$14,240	\$6,240
550-Interest revenue	\$500,000	\$12,896	(\$487,104)
551-Market value changes			\$0
560-Rental and lease revenue	\$145,793	\$125,843	(\$19,950)
570-Insurance proceeds		\$58,050	\$58,050
591-Gravel Inventory	\$490,000		(\$490,000)
592-Well drilling revenue	\$15,000		(\$15,000)
597-Other revenue	\$71,000	\$17,118	(\$53,882)
598-Community aggregate levy	\$50,000		(\$50,000)
630-Sale of non-TCA equipment		\$425	\$425
790-Tradeshaw Revenues			\$0
830-Federal grants			\$0
840-Provincial grants	\$2,397,502	\$556,707	(\$1,840,795)
909-Other Sources -Grants	\$15,000		(\$15,000)
630-Sale of Asset		\$425	\$425
930-Contribution from Operating Reserves	\$2,581,290	\$1,100	(\$2,580,190)
940-Contribution from Capital Reserves	\$5,982		(\$5,982)
DRP Advance Received		5000000	\$5,000,000
TOTAL REVENUE	\$43,455,006	\$42,551,337	(\$903,669)
Excluding Requisitions	\$35,993,386	\$35,117,187	

	<u>2020</u>	<u>2020 Actual</u>	<u>\$ Variance</u>
	<u>Budget</u>	<u>Total</u>	<u>(Remaining)</u>

Mackenzie County Statement of All Accounts January - October 31, 2020

OPERATING EXPENSES

110-Wages and salaries	\$7,383,606	\$5,310,415	(\$2,073,191)
132-Benefits	\$1,488,185	\$1,134,585	(\$353,600)
136-WCB contributions	\$140,351		(\$140,351)
142-Recruiting	\$15,000	\$4,588	(\$10,412)
150-Isolation cost	\$57,600	\$43,374	(\$14,226)
151-Honoraria	\$650,560	\$421,474	(\$229,087)
211-Travel and subsistence	\$466,067	\$186,938	(\$279,129)
212-Promotional expense	\$48,000	\$10,376	(\$37,624)
214-Memberships & conference fees	\$138,025	\$52,775	(\$85,250)
215-Freight	\$100,450	\$51,835	(\$48,615)
216-Postage	\$46,050	\$44,425	(\$1,625)
217-Telephone	\$129,690	\$93,921	(\$35,769)
221-Advertising	\$83,100	\$64,165	(\$18,935)
223-Subscriptions and publications	\$10,450	\$8,773	(\$1,677)
231-Audit fee	\$90,000	\$87,800	(\$2,200)
232-Legal fee	\$85,000	\$51,823	(\$33,177)
233-Engineering consulting	\$262,000	\$46,819	(\$215,181)
235-Professional fee	\$439,600	\$302,888	(\$136,712)
236-Enhanced policing fee	\$295,252	\$82,900	(\$212,352)
239-Training and education	\$113,010	\$12,869	(\$100,141)
242-Computer programming	\$216,175	\$125,505	(\$90,670)
243-Waste Management	\$554,620	\$379,024	(\$175,596)
251-Repair & maintenance - bridges	\$44,500	\$13,762	(\$30,738)
252-Repair & maintenance - buildings	\$138,290	\$88,917	(\$49,373)
253-Repair & maintenance - equipment	\$379,410	\$275,718	(\$103,692)
255-Repair & maintenance - vehicles	\$94,500	\$59,226	(\$35,274)
258-Contract graders	\$610,903	\$893,476	\$282,573
259-Repair & maintenance - structural	\$1,600,670	\$919,399	(\$681,271)
260-Roadside Mowing & Spraying	\$382,433	\$314,181	(\$68,252)
261-Ice bridge construction	\$130,000	\$76,297	(\$53,703)
262-Rental - building and land	\$65,650	\$59,600	(\$6,050)
263-Rental - vehicle and equipment	\$163,634	\$43,326	(\$120,308)
266-Communications	\$148,443	\$124,730	(\$23,713)
271-Licenses and permits	\$25,895	\$5,425	(\$20,470)
272-Damage claims	\$5,000		(\$5,000)
274-Insurance	\$397,800	\$485,524	\$87,724
342-Assessor fees	\$279,000	\$150,046	(\$128,955)
290-Election cost	\$3,000		(\$3,000)
511-Goods and supplies	\$949,661	\$688,737	(\$260,924)
515-Lab Testing	\$45,250	\$36,664	(\$8,586)
521-Fuel and oil	\$1,015,769	\$449,342	(\$566,427)
531-Chemicals and salt	\$419,800	\$340,278	(\$79,522)
532-Dust control	\$612,979	\$480,558	(\$132,421)
533-Grader blades	\$148,000	\$60,350	(\$87,650)
534-Gravel (apply; supply and apply)	\$750,000	\$468,793	(\$281,207)
994-Gravel Inventory	\$490,000		(\$490,000)
543-Natural gas	\$124,618	\$86,177	(\$38,441)
544-Electrical power	\$720,677	\$556,104	(\$164,573)
550-Carbon Tax	\$122,000	\$49,691	(\$72,309)
710-Grants to local governments	\$2,143,586	\$1,793,917	(\$349,669)
735-Grants to other organizations	\$2,496,290	\$1,954,761	(\$541,529)
747-School requisition	\$6,847,171	\$2,845,246	(\$4,001,925)
750-Lodge requisition	\$534,907	\$533,715	(\$1,192)
760-Designated Ind. Property	\$79,542		(\$79,542)
763-Contributed to Capital Reserve	\$769,450		\$769,450
764-Contributed to Capital Reserve	\$2,775,495		\$2,775,495
810-Interest and service charges	\$21,000	\$18,558	(\$2,442)
831-Interest - long term debt	\$432,994	\$264,242	(\$168,752)
832-Principle - Long term debt	\$1,538,281	\$1,095,339	(\$442,942)
921-Bad Debt 922 Tax Write Off	\$350,000	6622	(\$343,378)
Non-TCA projects	\$2,785,617	\$696,424	(\$2,476,611)
DRP Expense Claims		\$4,565,804	\$4,565,804
TOTAL	\$43,455,006	\$29,018,223	(\$7,734,312)

Excluding Requisitions

\$35,993,386

\$25,639,262

Investment Report at the period ending September 30, 2020

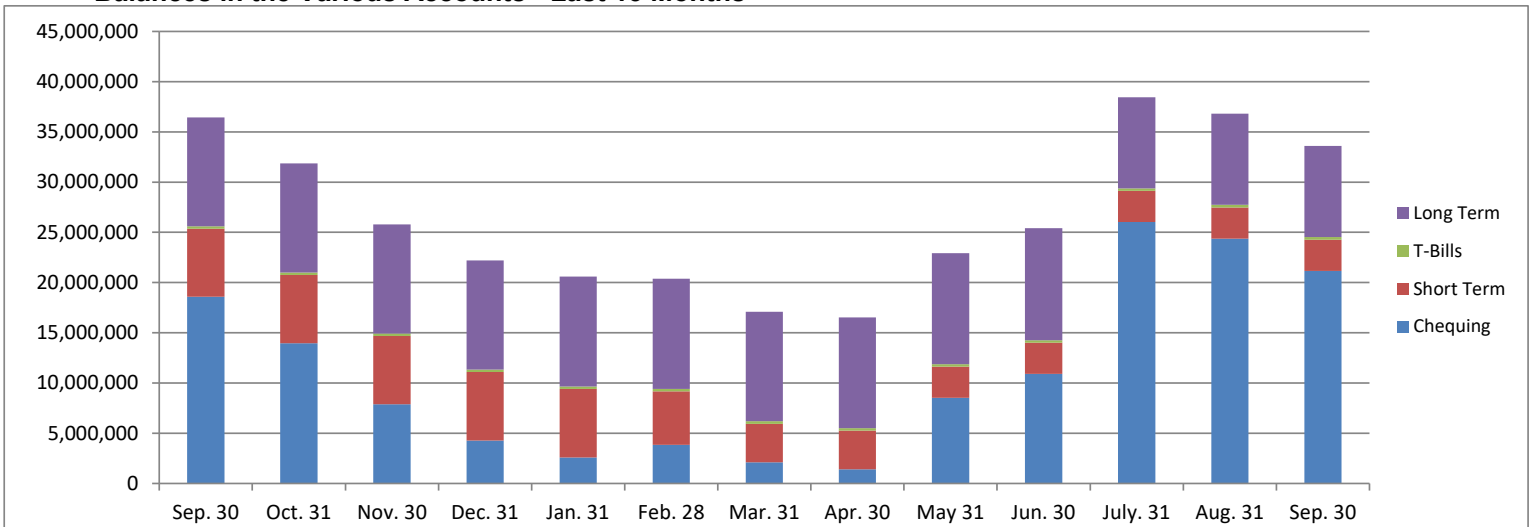
Reconciled Bank Balance on September 30, 2020	
Reconciled Bank Balance	\$ 20,931,826
Investment Values on September 30, 2020	
Short term T-Bill (1044265-26)	\$ 268,083.34
Long term investments (EM0-0374-A)	\$ 9,084,823.88
Short term notice on amount 31 days	\$ 1,115,954.27
Short term notice on amount 60 days	\$ 1,965,400.03
Short term notice on amount 90 days	\$ 25,877.27
Vision Credit Union - 2 year	\$ 2,148,142.08
Total Investments	\$ 14,608,280.87
Total Bank Balance and Investments	\$ 35,540,106.55
Amount committed to fund 2020 Capital Projects	\$ 5,729,296
Amount committed to fund 2020 Non TCA Projects	\$ 1,126,592
Total Unrestricted Bank Balance and Investments	\$ 28,684,219

These balances include 'market value changes'.

Revenues

	Total YTD	Short Term YTD	Long Term YTD
Interest received from investments	\$ 189,631.02	\$ 21,623.23	\$ 168,007.79
Interest accrued from investments but not received.	\$ 93,637.95		\$ 93,637.95
	\$ 283,268.97	\$ 21,623.23	\$ 261,645.74
Interest received, chequing account	\$ 73,354.86	\$ 73,354.86	
Total interest revenues before investment manager fees	\$ 356,623.83	\$ 94,978.09	\$ 261,645.74
Deduct: investment manager fees for investments	\$ (17,488.81)		\$ (17,488.81)
Total interest revenues after investment manager fees	\$ 339,135.02	\$ 94,978.09	\$ 244,156.93

Balances in the Various Accounts - Last 13 Months



MACKENZIE COUNTY

ONE TIME Projects 2020 INCLUDING CARRY FORWARDS

Project Description	TOTAL PROJECT BUDGET	2020 BUDGET	TOTAL COSTS	2020 COSTS	2020 REMAINING BUDGET	External Funding				Internal Funding			Notes	
						FGTF Grant	MSI Grant	Other Grant	Other Sources (non grant)	Municipal levy	Restricted Surplus (previous years)	RS-type		Debenture
(12) - Administration Department														
Wolf County (CF 2016)	125,132	12,400	125,132	12,400	0						12,400	GOR		CM 20-02-109
Cumulative Effects Assessment Study (CF 2017)	270,000	173,921	242,396	146,317	27,604			103,921			70,000	GOR		
FV - Asset Management (2018)	45,000	45,000	35,500	35,500	9,500						45,000	GOR		
Mackenzie County 25 Year Anniversary	2,525	2,525	-	-	2,525					2,525				
FRIAA Mitigation Study - Machesis Lake & West La Crete	60,000	60,000	59,500	59,500	500			60,000						
FRIAA Vegetation Management - Zama	142,170	142,170	142,048	142,048	122			142,170						
Road Allowance 26-108-14-WSM	50,000	50,000	-	-	50,000						50,000	GOR		CM 20-04-267
MOST Covid 19	1,271,952	1,271,952	47,484	47,484	1,224,468			1,271,952						
Total department 12	1,966,779	1,757,967	652,060	443,249	1,314,719	-	-	1,271,952	306,091	-	2,525	177,400	-	-
(23) - Fire Department														
FV - Fire Dept Training Props (2018)	30,000	30,000	-	-	30,000					15,000	-	15,000	GOR	S0/S0 FVFD
Total department 23	30,000	30,000	-	-	30,000	-	-	-	-	15,000	-	15,000	-	-
(32) - Public Works														
LC & FV - Road Disposition - Survey Work (CF 2014)	50,000	40,679	9,321	-	40,679						40,679	GOR		
FV - Repair Shop Operations Fence	6,600	6,600	-	-	6,600					6,600				
Total department 32	56,600	47,279	9,321	-	47,279	-	-	-	-	6,600	6,600	-	-	-
(33) - Airport														
Airport Master Plan (CF 2016)	75,000	55,274	39,129	19,402	35,871						55,274	GOR		
Airport Operations/Safety Manuals	30,000	30,000	-	-	30,000						30,000	GOR		Required by Nav Canada and Transport Canada
Total department 33	105,000	85,274	39,129	19,402	65,871	-	-	-	-	-	85,274	-	-	-
(41) - Water														
LC - La Crete Future Water Supply Concept (2018)	200,000	190,910	9,090	-	190,910						190,910	GOR		
Water Diversion License Review	35,000	12,466	23,879	1,345	11,121						12,466	GOR		
Total department 41	235,000	203,376	32,969	1,345	202,031	-	-	-	-	-	203,376	-	-	-
(42) - Sewer														
LC - Future Utility Servicing Plan (2018)	85,000	23,771	61,229	-	23,771						23,771	GOR		
Total department 42	85,000	23,771	61,229	-	23,771	-	-	-	-	-	23,771	-	-	-

MACKENZIE COUNTY

ONE TIME Projects 2020 INCLUDING CARRY FORWARDS

Project Description	TOTAL PROJECT BUDGET	2020 BUDGET	TOTAL COSTS	2020 COSTS	2020 REMAINING BUDGET	External Funding				Internal Funding			Notes		
						FGTF Grant	MSI Grant	Other Grant	Other Sources (non grant)	Municipal levy	Restricted Surplus (previous years)	RS-type		Debenture	
(61) - Planning & Development Department															
Infrastructure Master Plans (CF 2016)	240,800	12,558	228,241	-	12,558						12,558	GOR			
Community Initiatives Project	103,000	8,981	94,019	-	8,981				8,981					CM 19-12-755	
Seven (7) Intermunicipal Development Plan and Intermunicipal Collaborative Framework (2018)	20,000	13,266	6,734	-	13,266						143,266	GOR		Alberta Partnership grant	
Economic Development Investment Attraction Marketing Packages	114,000	114,000	71,000	71,000	43,000			57,000		57,000				CARES Grant	
Aerial Imagery	100,000	100,000	92,700	92,700	7,300					100,000					
Municipal Development Plan	305,000	305,000	-	-	305,000					175,000					
Total department 61	882,800	553,805	492,694	163,700	390,105	-	-	57,000	8,981	332,000	155,824	-	-		
(63) - Agricultural Services Department															
Irrigation District Feasibility Study	30,000	30,000	-	-	30,000						30,000	GOR		Motion 18-08-589	
Total department 63	30,000	30,000	-	-	30,000	-	-	-	-	-	30,000	-	-		
(71) - Recreation															
FV - Emergent Replacement of Deep Fryer	1,400	1,400	1,398	1,398	2						1,400	GOR		CM 19-12-784	
LC - 3 Hash Mark LOGOS	1,500	1,500	1,347	1,347	153					1,500					
LC - Shelving for Trophies	1,500	1,500	1,500	1,500	-					1,500					
LC - Court Line Taper	1,000	1,000	1,000	1,000	-					1,000					
LC - Replace 10 Old Exit Signs	1,600	1,600	1,600	1,600	-					1,600					
LC - Air Conditioner for Hall	800	800	649	649	151					800					
LC - Carpet Runner	1,500	1,500	1,403	1,403	97					1,500					
FV - Review Engagement - Additional Cost	5,000	5,000	-	-	5,000					5,000					
LC - Review Engagement - Additional Cost	5,000	5,000	5,401	5,401	(401)					5,000					
FV - Heat Tape for Main Entrance	1,900	1,900	1,900	1,900	-						1,900	GOO		CM 20-03-158	
FV - CO2 Detector Zamboni Room	1,817	1,817	1,817	1,817	-						1,817	GOO		CM 20-03-158	
FV - Replace Lights at Outdoor Rink	2,244	2,244	2,244	2,244	-						2,244	GOO		CM 20-03-158	
FV - Boiler Pumps Project	5,982	5,982	5,697	5,697	285						5,982	GCR		CM 20-03-159	
FV - Condensor Repair	5,500	5,500	-	-	5,500						5,500	GOR		CM 20-07-412	
Total department 71	36,743	36,743	25,956	25,956	10,787	-	-	-	-	17,900	18,843	-	-		
(72) - Parks															
LC Walking Trail	6,000	6,000	-	-	6,000						6,000	GOR			
La Crete Walking Trail LOC	2,400	2,400	-	-	2,400					2,400				This may require potential expenditures in 2020	
Wadlin lake Phase 2 Campground Expansion Development Plan	3,000	3,000	-	-	3,000					3,000				This may require potential expenditures in 2020+	
LC - Tree Removal 99 Ave	6,000	6,000	-	-	6,000					6,000					
Total department 72	17,400	17,400	-	-	17,400	-	-	-	-	11,400	6,000	-	-		
TOTAL 2020 ONE TIME Projects	3,445,322	2,785,616	1,313,358	653,652	2,131,964	-	-	1,271,952	363,091	23,981	370,425	756,167	-	-	2,785,616
2020 Contingent on Grant Funding															
FV - Asset Management	125,000							50,000			75,000	GOR		99,750	
Bridge Maintenance (7 bridges)	250,000							250,000						49,500	
2020 Contingent on Grant Funding- Total	375,000	-	-	-	-	-	-	300,000	-	-	75,000	-	-	149,250	

Funding Sources for the 2020 Approved Non TCA projects is as follows:

FGTF / MSI	\$ 1,271,952
Other Grants/Sources	\$ 387,072
Other Grants/Sources	\$ 370,425
General Operating Reserve	\$ 744,224
General Capital Reserve	\$ 5,982
Grants to Other Organizations	\$ 5,961
Total	\$ 2,785,616

MACKENZIE COUNTY
TCA Projects 2020 INCLUDING CARRY FORWARDS

Project Description	TOTAL PROJECT BUDGET	2020 BUDGET	TOTAL COSTS	2020 COSTS	2020 REMAINING BUDGET	External Funding				Internal Funding				Notes
						FGIF Grant	MSI Grant	Other Grant	Other Sources (non-grant)	Municipal levy	RS-type	Restricted Surplus (previous years)	Debtenture	

(12) - Administration Department

ZC - Admin Building Tree Planting (CF 2017)	15,000	10,489	14,511	10,000	489						GCR	10,489		
Information Technology Budget	45,000	30,445	40,804	26,249	4,196						GOR	30,445		
LC - 100 Street Plan	65,000	65,000	-	-	65,000						GCR	65,000		CM 20-04-242
FV - Flood Mitigation Land / Development	1,400,000	1,400,000	976,259	976,259	423,741						GCR	1,400,000		CM 20-06-378, 07-455
Total department 12	1,525,000	1,505,934	1,031,574	1,012,508	493,426	-	-	-	-	-	-	1,505,934	-	

(23) - Fire Department

FV - Training Facility (CF 2017)	20,000	11,350	8,650	-	11,350				10,000		GCR	1,350		Other Sources - FVFD 50%
LC - Fire Truck (2018)	501,000	290,372	500,329	289,701	671		289,372				V&E	1,000		Motion #18-02-146 - Switched to MSI June 27 18-06-483, CM 20-02-085
Ladder Truck	60,000	60,000	-	-	60,000						V&E	60,000		CM 19-12-815
Total department 23	581,000	361,722	508,979	289,701	72,021	-	289,372	-	10,000	-	-	62,350	-	

(32) - Transportation Department

FV - Rebuild Eagles Nest Road (2 miles) (2018)	800,000	784,164	15,836	-	784,164	600,290					RDR	183,874		
LC - Chipseal North & South Access (2018)	275,000	274,200	1,920	1,120	273,080		274,200							
LC - Rebuild Airport Road (2 miles) (2018)	800,000	223,483	813,473	236,956	(13,473)						GCR	223,483		
LC - Rebuild Blue Hills Road (2 miles) (2018)														
LC - Rebuild Range Road 180 N (2 miles) (2018)	800,000	229,181	739,803	168,984	60,197						GCR	229,181		
LC - Engineering & Design for 113 Street and 109 Ave (CF 2015)	100,000	40,687	59,313	-	40,687						RDR	40,687		
Gravel Reserve (CF 2014)	150,000	92,357	57,643	-	92,357						RDR	92,357		
11 mile Culvert Replacement	150,000	150,000	-	-	150,000		150,000							
FV - Rebuild Lambert Point Road (1 1/4 miles)	318,698	50,000	268,698	-	50,000		50,000							
LC - 98 Ave Micro Surfacing (1200 meters)	220,000	219,200	160,800	160,000	59,200		219,200							
Rebuild Blumenort Road East	440,000	385,610	54,390	-	385,610		385,610							
Rebuild Machesis Lake Road	440,000	437,876	2,124	-	437,876		437,876							
LC - 9 Street Lights - 94 Ave 106 St to Pioneer Drive (See Note 1)	75,000	75,000	-	-	75,000						GCR	75,000		
FV - Rebuild Butter town Road (See Note 2)	300,000	300,000	-	-	300,000		300,000							
FS01 Mill Razor	405,000	405,000	-	-	405,000		405,000							
FS02 AWD Graders x3	1,695,000	1,695,000	1,141,084	1,141,084	553,916		1,265,000		430,000					CM 20-05-294 change funding to MSI
OR01 New Road Infrastructure Endeavour to Assist	500,000	500,000	426,607	426,607	73,393		500,000							CM 20-05-294 change funding to MSI
OR05 Overlay Heliport Road	450,000	450,000	453,190	453,190	(3,190)		450,000							
LC Crosswalk 94 Ave 103 St	12,000	12,000	9,353	9,353	2,647						GCR	12,000		
FV - Cement Wash Pad - shop	15,000	15,000	14,280	14,280	720						GCR	15,000		CM 20-06-343
Total department 32	7,945,698	6,338,756	4,218,515	2,611,574	3,727,182	1,550,290	3,486,886	-	430,000	-	-	871,582	-	

(41) - Water Treatment & Distribution Department

LC - Well Number 4 (CF 2016)	1,072,500	898,534	173,966	-	898,534						GCR	898,534		
ZA - Water Treatment Plant Upgrading (CF 2017)	933,569	781,944	151,625	-	781,944		609,457				RWIR	172,487		
FV - Frozen Water Services Repairs (River Road) (CF 2015)	280,700	20,443	260,257	-	20,443						RWIR	20,443		
LC - Waterline Bluehills (CF 2015)	833,250	690,722	142,528	-	690,722						RWIR	690,722		
FV - Rural Water Supply North of the Peace River (2018)	420,000	174,854	245,147	-	174,854						GOR	174,854		\$20,000 from 2017 Non TCA Project - HL Rural Comprehensive Water Study, \$400,000
La Crete Well #3 Mechanical Cleaning	55,000	2,459	52,542	-	2,459						WIRSWR	2,459		CM 19-10-632
LC - Waterline Hillcrest School	400,000	400,000	377,230	377,230	22,770		400,000							CM 20-05-302
FV - Water Treatment Plant Insulation Upgrade	75,000	75,000	69,181	69,181	5,819						GCR	75,000		CM 20-05-316
Total department 41	4,070,019	3,043,954	1,472,476	446,411	2,597,543	-	-	609,457	400,000	-	-	2,034,499	-	

(42) - Sewer Disposal Department

ZA - Lift Station Upgrade (CF 2013-2017)	1,964,606	1,690,635	273,971	-	1,690,635			1,033,275			WIRSWR/DR	657,359		
LC - Sanitary Sewer Expansion (CF 2016)	148,000	10,289	137,711	-	10,289						GCR	10,289		
LC - Sanitary Sewer Re-route														
Total department 42	2,112,606	1,700,924	411,682	-	1,700,924	-	-	1,033,275	-	-	-	667,648	-	

(43) - Waste

Waste Bins Replacement	20,000	20,000	19,990	19,990	10						GCR	20,000		
Total department 43	20,000	20,000	19,990	19,990	10	-	-	-	-	-	-	20,000	-	

(61) - Planning & Development

La Crete Southeast Drainage Ditch	20,000	20,000	20,000	20,000	-						SWMR	20,000		CM 20-02-122
Drainage Ditch 02.24.192 3085	6,000	6,000	-	-	6,000						SWMR	6,000		
Drainage Ditch 01.02.992 084	8,000	8,000	-	-	8,000						SWMR	8,000		
Total department 61	34,000	34,000	20,000	20,000	14,000	-	-	-	-	-	-	34,000	-	

MACKENZIE COUNTY

TCA Projects 2020 INCLUDING CARRY FORWARDS

Project Description	TOTAL PROJECT BUDGET	2020 BUDGET	TOTAL COSTS	2020 COSTS	2020 REMAINING BUDGET	External Funding				Internal Funding				Notes
						FGIF Grant	MSI Grant	Other Grant	Other Sources (non-grant)	Municipal levy	RS-type	Restricted Surplus (previous years)	Debtenture	
(63) - Agriculture														
HL - Rural Drainage - Phase II & Phase III (CF 2014/2015)	1,181,000	77,808	1,116,564	13,372	64,436						DR	77,808		
LC - Buffalo Head/Steep Hill Water Management (Phase I) (CF 2014/2015)	7,458,569	2,057	7,456,512	-	2,057						GCR	2,057		Motion 18-11-885
LC - Blue Hills Erosion Repair Twp Rd 103-2	275,000	275,000	136,800	136,800	138,200	275,000								
FV - MARA Agronomy Building	560,000	560,000	432,072	432,072	127,928			300,000	235,000		GCR	25,000		CM 20-06-380.07-427
Total department 63	9,474,569	914,865	9,141,948	582,244	332,621	275,000	-	300,000	235,000	-	-	104,865	-	
(71) - Recreation														
ZA - Water Repair in Furnace Room (CF 2017)	10,000	8,338	1,662	-	8,338						GOO	8,338		
ZA - Re-shingling Hall (CF 2017)	27,804	22,052	5,752	-	22,052						GOO	22,052		CM 20-02-084
LC - VRA Gas Filler	8,000	8,000	8,000	8,000	-						RR-LC	8,000		CM 19-11-696
FV - Overhead Door Replacement/Completion of Hockey Netting	16,000	16,000	12,900	12,900	3,100						RB-FV	16,000		
FV - Paint Exterior of Fort Vermilion Community & Cultural Complex	16,000	16,000	16,000	16,000	-						RB-FV	16,000		
FV - Outdoor Rink Repairs	14,000	14,000	-	-	14,000						RB-FV	14,000		
FV - Purchase Outhouses for Rodeo Grounds	10,000	10,000	-	-	10,000						RB-FV/GCR/GCR	10,000		
LC - Synthetic Bowling Lanes	40,000	40,000	40,000	40,000	-						GCR	40,000		
Total department 71	141,804	134,391	84,313	76,900	57,491	-	-	-	-	-	-	134,390	-	
(72) - Parks & Playgrounds Department														
Hutch Lake Campground Improvements (CF 2017)	112,000	68,933	48,067	5,000	63,933						IC-REC/MR	68,933		
River Search & Rescue Access Plan - Atlas & Tompkins Landing Boat Launch	30,000	30,000	55,674	55,674	(25,674)						GCR	30,000		
Vanguard Subdivision Playground Equipment	30,000	27,600	16,222	13,822	13,778						MR	27,600		
DA Thomas Stairs	20,000	16,425	3,575	-	16,425						GCR	16,425		
Wadlin Lake Dock Piling Improvements - Firewood Compound	13,000	10,045	2,955	-	10,045						GCR	10,045		
FVAS- Museum Roof Retrofitting Project	8,600	8,600	8,371	8,371	229						GCR	8,600		CM 19-10-623
Hutch Dock Pilings	7,000	7,000	6,962	6,962	38						GCR	7,000		
Jubilee Park Walkway	10,000	10,000	-	-	10,000						GCR	10,000		
Streetscape - Fort Vermilion	125,394	90,425	38,359	3,390	87,035						IC-DV /GCR/GCR	90,425		
Streetscape - La Crete	25,000	25,000	398	398	24,602						GCR	25,000		
Total department 72	380,994	294,027	180,584	93,617	200,410	-	-	-	-	-	-	294,028	-	
TOTAL 2020 Capital Projects	26,285,690	14,348,572	17,090,062	5,152,945	9,195,627	1,825,290	3,776,258	1,942,732	1,075,000	-	-	5,729,296	-	

MACKENZIE COUNTY

TCA Projects 2020 INCLUDING CARRY FORWARDS

Project Description	TOTAL PROJECT BUDGET	2020 BUDGET	TOTAL COSTS	2020 COSTS	2020 REMAINING BUDGET	External Funding			
						FGTF Grant	MSI Grant	Other Grant	Other Sources (non-grant)

Funding Sources for the 2020 Approved Capital projects is as follows:

Administration to seek grant funding for below projects prior to proceeding
 Note 1 - LC - 9 Street Lights - 94 Ave 106 St to Pioneer Drive Note 1
 Note 2 - FV - Rebuild Butter town Road

FGTF & MSI	\$ 5,601,548
Other Grants/Sources	\$ 3,017,732
General Operating Reserve	\$ 298,824
General Capital Reserve	\$ 3,198,995
Municipal Reserve	\$ 90,600
Road Reserve	\$ 316,918
Vehicle & Equipment Reserve	\$ 61,000
Rural Water Reserve	\$ 883,652
Waste/Sewr Infrastructure Reserve	\$ 74,212
Drainage/Surface Water Management Reserve	\$ 697,414
Incomp. Cap - Develop. Reserve	\$ 15,425
Incomp. Cap - Recreation	\$ 5,933
Recreation Board Fort Vermillion	\$ 47,933
Recreation Board La Crete	\$ 8,000
Grants to Other Organizations	\$ 30,390
Debenture	\$ -
TOTAL	14,348,576



Mackenzie County

REQUEST FOR DECISION

Meeting:	Regular Council Meeting
Meeting Date:	November 25, 2020
Presented By:	Jennifer Batt, Director of Finance
Title:	Cheque Registers – November 9 – November 19, 2020

BACKGROUND / PROPOSAL:

At the request of Council cheque registers are to be viewed by Council during Council meetings.

All invoices are authorized by Managers, Directors, and or the CAO in accordance with the Purchasing Policy. Cheques are released on a weekly basis unless otherwise required for operational needs. Copies of the November 9 – November 19, 2020 cheque registers will be available on meeting day.

OPTIONS & BENEFITS:

Administration will continue to present all new cheque registers at each Council meeting.

COSTS & SOURCE OF FUNDING:

2020 Budget.

SUSTAINABILITY PLAN:

N/A

Author: J.Batt Reviewed by: _____ CAO: _____

COMMUNICATION / PUBLIC PARTICIPATION:

N/A

POLICY REFERENCES:

Policy FIN025 Purchasing Authority Directive and Tendering Process

RECOMMENDED ACTION:

Simple Majority Requires 2/3 Requires Unanimous

That the cheque registers from November 9 – November 6, 2020 be received for information.

Author: J.Batt Reviewed by: _____ CAO: _____



Mackenzie County

REQUEST FOR DECISION

Meeting:	Regular Council Meeting
Meeting Date:	November 25, 2020
Presented By:	Fred Wiebe, Director of Utilities
Title:	La Crete North Sanitary Trunk Sewer – Design Report

BACKGROUND / PROPOSAL:

The North Sanitary Trunk Sewer Servicing – Design Report to be presented to Council for the purpose in acquiring formal approval from Council.

The Design Report provides an engineering design that includes a sanitary sewer-servicing concept that encompasses the following three sanitary sub-basins within the La Crete area (map attached in report):

- South half of 4-106-15-5
- SE3-106—15-5
- North half 33-105-15-5
- NW34-105-15-5

The report provides the County with the technical information needed to develop an off-site levy bylaw necessary in order to continue promoting self-sustainable growth/development within the hamlet of La Crete area.

The North Sanitary Trunk Sewer Servicing - Design Report, subject to Council’s adoption of the report, will form an integral part of the off-site bylaw and is a requirement under Section 649 of the MGA stating:

An off-site levy bylaw must set out the object of each levy and indicate how the amount of the levy has been determined.

Author: F. Wiebe **Reviewed by:** _____ **CAO:** L. Racher

OPTIONS & BENEFITS:

Option 1

Council approve the North Sanitary Trunk Sewer Servicing - Design Report and authorize Administration to proceed in developing an off-site levy bylaw for the sewer service benefitting area. This option promotes the opportunity of future growth and provides the County a financial mechanism to recover all costs associated with the improvements.

Option 2

Council not approving of the report will hinder moving forward in developing the County's off-site levy necessary for the improvements needed to promote future development for the La Crete subject areas.

COSTS & SOURCE OF FUNDING:

All costs of the sewer improvements including, the Helix Engineering Inc. report, are included within the off-site levy calculations. The levy is paid in full based on a per/ha charge by the Developers at the Subdivision Approval stage.

Administration, subject to Council's authorization, will seek financial assistance from senior level governments.

The sanitary sewer trunk, subject to Council's approval, will be included in the development of the County's Capital Planning and Annual Capital Budgeting.

SUSTAINABILITY PLAN:

Goal C1

The capacity of infrastructure in County hamlets keeps pace with their growth and is planned in such a way that ensures their sustainability

Goal E 26.1

Infrastructure is adequate and there are plans in place to manage additional growth

COMMUNICATION / PUBLIC PARTICIPATION:

Upon Council, authorizing Administration to proceed with preparing an off-site bylaw, Administration will be required to advertise the bylaw in accordance with the MGA section 606 "Requirements for Advertising".

Author: F. Wiebe **Reviewed by:** _____ **CAO:** L. Racher

POLICY REFERENCES:

Municipal Government Act (MGA) Section 648/649 "Offsite-levy", and Section 606 "Advertising"
Mackenzie County Sustainability Plan
Mackenzie County General Municipal Improvement Standards (GMIS)

RECOMMENDED ACTION:

Motion 1

Simple Majority Requires 2/3 Requires Unanimous

That the La Crete North Sanitary Trunk Sewer - Design Report prepared by Helix Engineering Inc., dated November 16, 2020 be approved.

Motion 2

Simple Majority Requires 2/3 Requires Unanimous

That Administration be authorized to proceed in developing an Offsite Levy Bylaw for the benefitting area of the La Crete North Sanitary Trunk Sewer, for the purpose of recovering all costs associated with the improvements.

Motion 3

Simple Majority Requires 2/3 Requires Unanimous

That Administration proceed with exploring opportunities in seeking financial assistance from senior level governments for the La Crete North Sanitary Trunk Sewer.

Motion 4

Simple Majority Requires 2/3 Requires Unanimous

That Administration be authorized to proceed with an application for funding under the Alberta Municipal Water/Wastewater Partnership Program for the "La Crete North Sanitary Trunk Sewer Project".

Author: F. Wiebe Reviewed by: _____ CAO: L. Racher

North Sanitary Trunk Sewer Design Report

*Mackenzie County
Hamlet of La Crete*

November 16, 2020

HELIX
Engineering Ltd.

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Grande Prairie, AB T8W 0K8
ph: 780.532.5731
fax: 780.532.5824

HELIX ENGINEERING LTD.

DISCLAIMER

This Design Report has been prepared by HELIX ENGINEERING LTD for use in preliminary design concepts for the North Sanitary Trunk Sewer for the Hamlet of La Crete in Mackenzie County. The information and data contained herein represent HELIX's best professional judgement in light of the knowledge and information available to HELIX at the time of preparation. This Report and the information and data contained herein are to be treated as confidential and may be used and relied on only by HELIX and its employees. HELIX denies any liability whatsoever to other parties who may obtain access to this document for any injury, loss, or damage suffered by such parties arising from their use of, or reliance upon, this study or any of its contents without the express written consent of HELIX ENGINEERING LTD.

CORPORATE AUTHORIZATION

This document entitled "North Sanitary Trunk Sewer Design Report" was prepared by Helix Engineering Ltd.

APEGA PERMIT
P11731
Randy Glenn Nov 16/20



APEGA 'Permit To Practice' # P11731

Randy Glenn, P. Eng

This is a scanned copy of the original.

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EXECUTIVE SUMMARY

Helix Engineering Ltd. has been retained to provide a sanitary sewer servicing strategy for the north and west area of La Crete. The final basin will service 1,442 ha of land with a mix of residential, commercial, and light industrial uses with an allowance for 672 ha of low-pressure sewer flows. The servicing strategy includes three (3) gravity trunk sewers. They are shown on Figure 4 and described as follows:

Phase 1

The Phase 1 basin services 575 ha of a mix of residential and commercial/industrial land including 224 ha of low pressure sewer. It also services the phase 2 and 3 lands. The trunk is located north of 109 Avenue at the Hamlet boundary. It flows west to east along the north boundary of the hamlet to the existing sewage lagoons. The trunk is 2,883m long ranging in size from 450 to 675mm diameter at depths of 3.6 to 9.8m. The trunk drains to a lift station and force main that transfer flows to the lagoon. The resulting peak wet weather flow is 356.5 l/s.

Phase 2

The Phase 2 basin services 610 ha of residential land including 448 ha of low pressure sewer. The trunk is located west of TWP RD 1060, flowing from south to north. The trunk is 1,305m long ranging in size from 375 to 450mm diameter at depths of 5.4 to 7.3m. The trunk drains to a lift station and force main that transfer flows to the phase 1 gravity trunk. The resulting peak wet weather flow is 138.6 l/s. The force main will be 2,223m of 400mm DR11 HDPE pipe.

Phase 3

The Phase 3 services 256 ha of light industrial land located north of the Hamlet. The gravity trunk is 2,200m long with pipes ranging in size from 300mm to 450mm diameter. The pipe depths range from 3.5 to 7.4m.. The peak wet weather flow in the trunk is estimated at 96.5 l/s. This trunk connects to the phase 1 gravity trunk at MH 613.

The estimated cost for the servicing strategy is \$13,787,000 including engineering and contingencies. Based on this cost, levies have been calculated as follows:

Low Pressure	\$2,940 /ha
Gravity Area	\$15,900 /ha

1.0 GENERAL

The purpose of this report is to consider Sanitary Sewer Servicing Strategy for the north and west areas of La Crete. Final detailed engineering design will be in accordance with the latest Mackenzie County General Municipal Improvement Standards.

2.0 SERVICE AREA

The service area is shown in Figure 1. The lands included area as follows:

West of TWP RD 1060

- East half of 8-106-15-5
- NE5-106-15-5

North of 109 Avenue (TWP RD 1060)

- South half of SW16-106-15-5
- NW16-106-15-5
- East half of 16-106-15-5 and 21-106-15-5
- West half of 15-106-15-5 and 22-106-15-5

The original scope of work included the 3 quarter sections west of TWP RD 1060 and the 3 quarter sections north of and adjacent to 109 Avenue. The alignment of the proposed trunk was changed to allow the additional areas to the north to be serviced within the same trunk system.

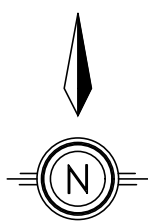
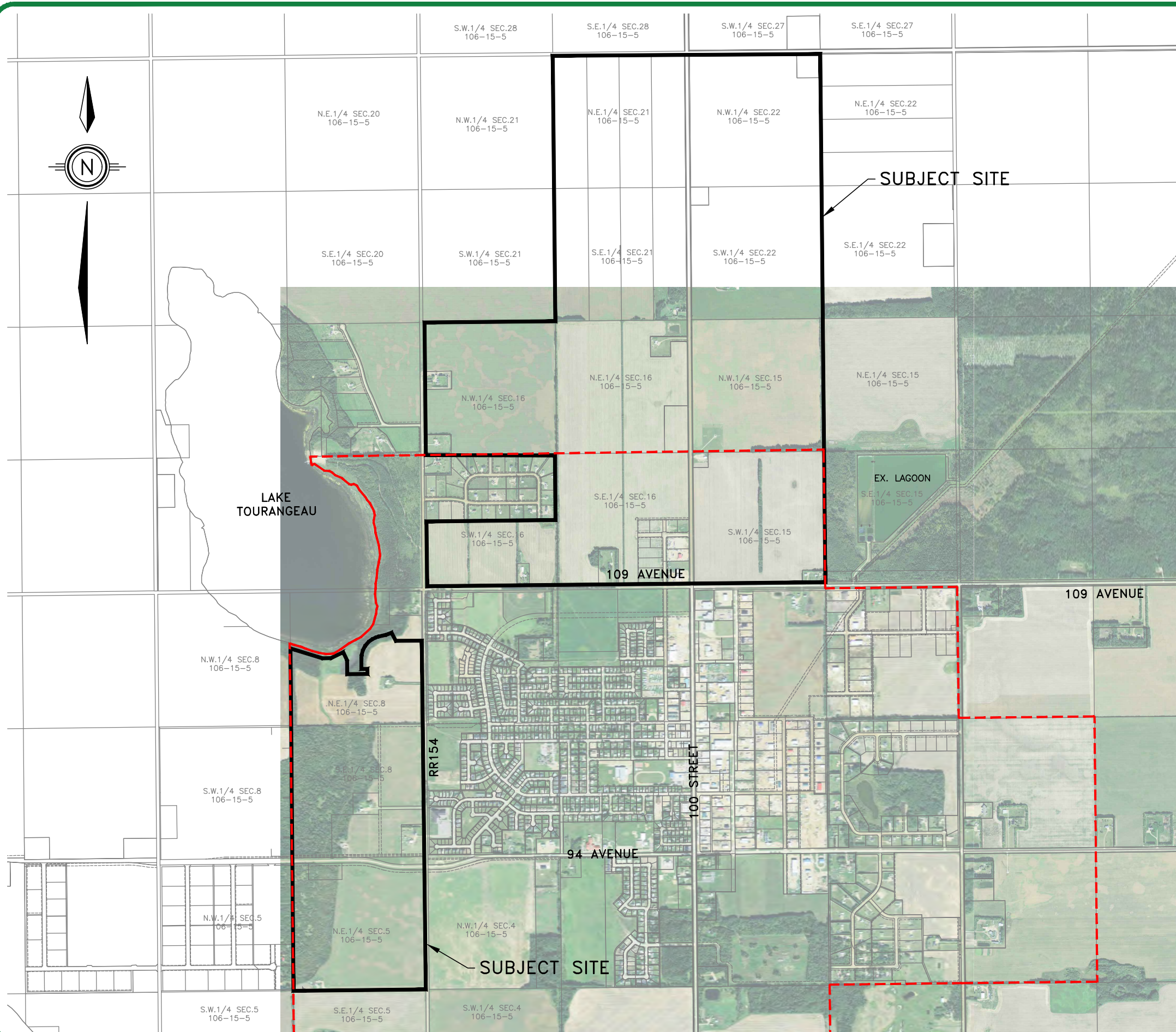
The service area has been discretized into 3 phases. Phase 1 is basin that drains directly into the gravity trunk connecting to the existing lagoon. Phase 2 is the residential area west of RR514 which connects to the phase 1 trunk with a lift station and force main. Phase 3 is the light industrial area to the north, as identified in the Growth Study by O2 Planning in 2020, which connects to the phase 1 trunk by a north expansion gravity trunk.

3.0 PROPOSED LAND USE

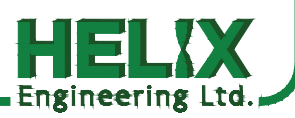
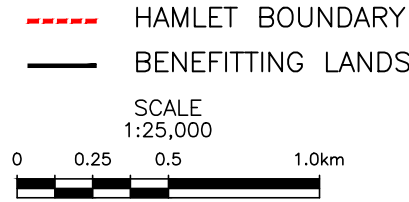
The proposed land use for the basin is shown on Figure 2. The area is predominantly residential with a mix of commercial and industrial. Typically, land uses are based on Area Structure Plans. In the absence of this planning document, the preliminary design is based on the following assumptions:

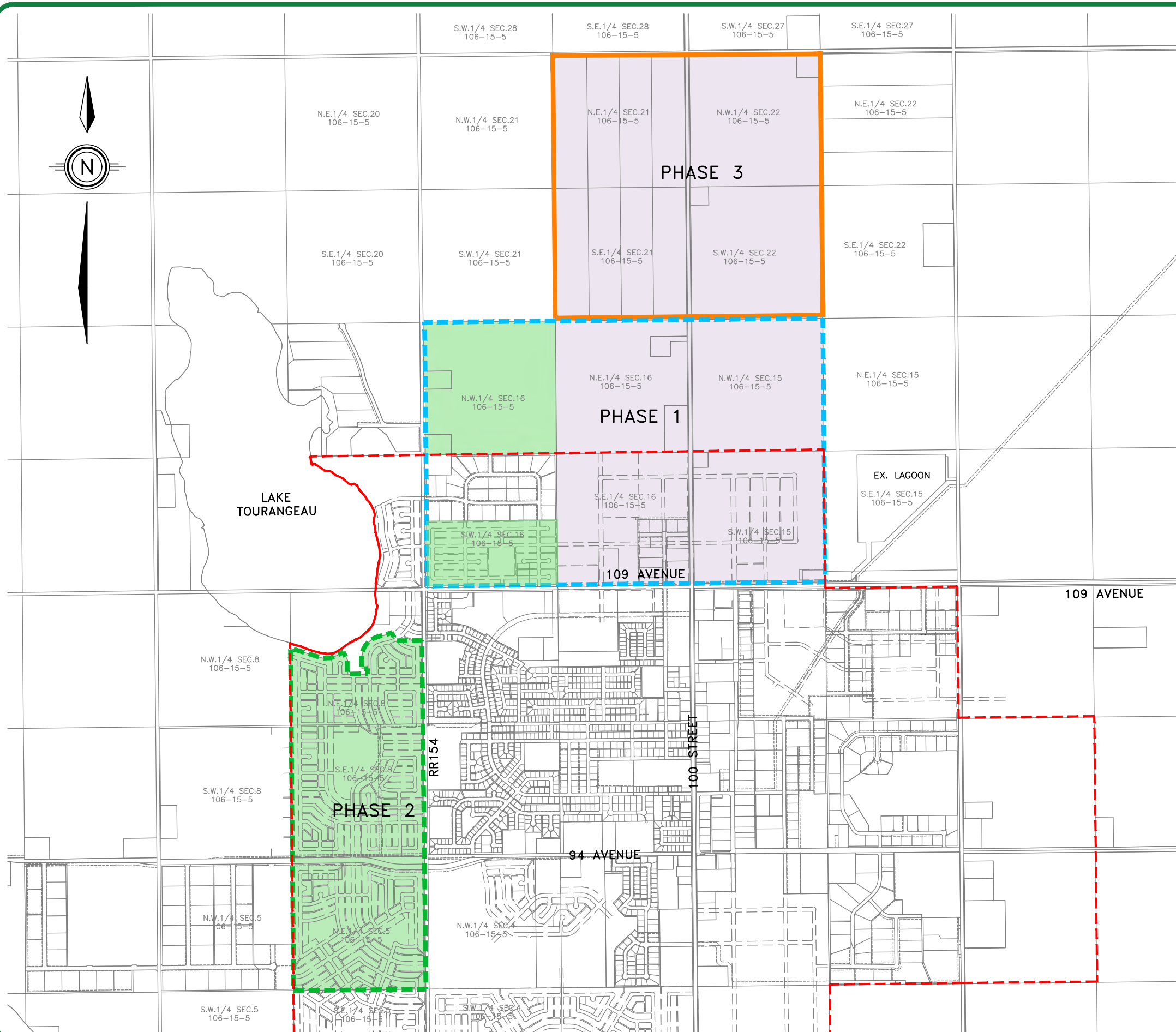
- Net development land is the gross area less potential Environmental Reserve
- Future arterial road widenings – 12.3m 109 Avenue and 10m each side of the Range Roads
- Parks – 10% land allocated in residential areas and assumed cash in lieu in industrial areas
- School areas are included in the park allocation
- Residential areas 2% MF and 98% SF
- A School site has been allocated to Phase 2

The existing topography is shown on Figure 3.



NORTH SANITARY TRUNK
MACKENZIE COUNTY
HAMLET OF LA CRETE
FIGURE 1
LOCATION PLAN





----- HAMLET BOUNDARY

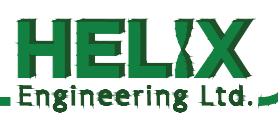
COMMERCIAL/INDUSTRIAL

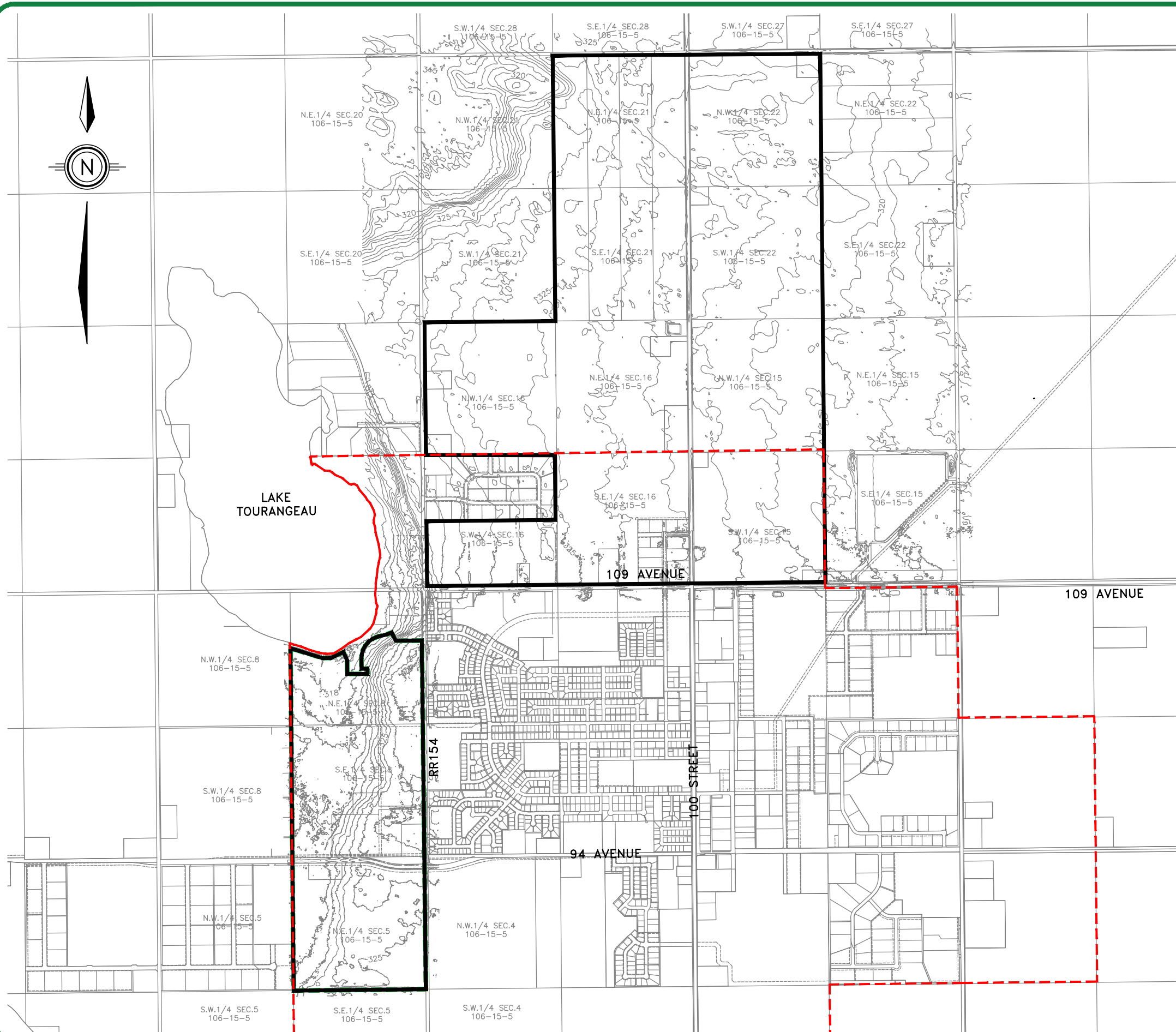
RESIDENTIAL

SCALE
1:25,000

0 0.25 0.5 1.0km

NORTH SANITARY TRUNK
MACKENZIE COUNTY
HAMLET OF LA CRETE
FIGURE 2
BENEFITTING AREA WITH LAND USE

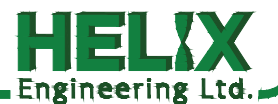
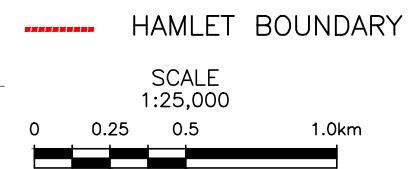




NORTH SANITARY TRUNK

MACKENZIE COUNTY
HAMLET OF LA CRETE

FIGURE 3
EXISTING TOPOGRAPHY



The resulting contributing areas are presented in Table 1.

TABLE 1 - LAND USE FOR FLOW CALCULATIONS				
Land Use	Phase			Total
	1	2	3	
Gross Area	575.5	610.2	256.0	1,441.7
ER	-	-	-	-
Gross Developable	575.5	610.2	256.0	1,441.7
Road Widening	4.7	2.7	1.9	9.3
Stormwater Management	12.1	-	8.1	20.2
Parks (net of Schools)	9.6	4.3	-	13.9
Subtotal	26.4	7.0	10.0	43.4
Net Developable	549.1	603.2	246.0	1,398.4
LPS	224.0	448.0	-	672.0
Residential	81.4	146.2	-	227.7
Schools	-	9.0	-	9.0
Com/Ind	243.7	-	246.0	489.7
Total	549.2	603.2	246.0	1,398.4

Land areas in ha. Phase 3 is the industrial expansion area.

4.0 DESIGN CRITERIA

The design criteria used in the preliminary design is in accordance with the County Mackenzie County General Municipal Improvement Standards dated July 2014. Where gaps occurred, standards were used from other municipalities. The preliminary design is based on the following criteria:

- Residential Flow Generation 350 l/p/d (equates to 0.00405 l/s/p)
- Single Family Density of 35 p/ha
- Multi-family Density of 105 p/ha
- Commercial / Industrial / Institutional 3,000 l/ha/d (equates to 0.035 l/s/ha)
- Low Pressure Sewer (LPS) servicing 4.16 l/s/ quarter section (based on 30 lots per quarter)
- Peaking Factor – Residential $PF = 1 + \frac{14}{4+(P/1000)^{0.5}}$ 2.5<PF<5
- Peaking Factor – Ind/Com/Inst $PF = 10xQave^{-0.45}$ 2.5<PF<5
- Inflow and Infiltration 17,000 l/s/ha (equates to 0.20 l/s/ha); peaking factor does not apply
- Force main maximum velocity 2.0 m/s
- Force main roughness co-efficient 140
- LPS is not subject to peaking factors or inflow/infiltration
- Maximum manhole spacing 150m

In addition to the criteria listed above, Mackenzie County and Helix Engineering Ltd, in consultation with Aquatera Utilities, have agreed on the following:

- Historical data for light industrial areas in the Clairmont area of the Aquatera service area indicate that the generated flows are significantly less than the industrial standard would predict. It is expected that development would be of a similar nature in this area of La Crete. As a result, the flow generation rate has been lowered from the County’s standard of 17,000 l/ha/day to 3,000 l/ha/day.
- The LPS flows have the potential to deteriorate concrete manholes when entering the gravity system. Manholes can be lined to protect against corrosion. The County inspected manholes from the connection point of the existing LPS systems and found some deterioration in the first couple of manholes only. Thus, this report includes lining of the first three manholes, the connection manhole and two downstream.
- The use of Vortex systems where LPS or force mains connect to the gravity trunk should be investigated. When the turnover in the pressure pipe takes longer than a day, the use of a vortex may be warranted. This will be the case in the early stages of development when there are minimal flows in the system and the pipes are sized for the ultimate. The Vortex system will reduce odors and corrosion. Vortex systems have been included at the LPS connection, but not at the force main connection at the lagoon.

Based on the design criteria, the peak wet weather flows have been calculated for each inflow manhole to be used in sizing the trunk sewer. The resulting flows are presented in Table 2.

TABLE 2 - DESIGN FLOWS								
Land Use	Phase - Stand Alone						System Total	
	1		2		3			
LPS	14.6	9.5%	29.1	21.0%	-	0.0%	43.7	12.3%
Residential & Schools	57.7	37.6%	109.5	79.0%	-	0.0%	167.2	46.9%
Com/Ind	81.3	52.9%	-	0.0%	81.9	100.0%	145.7	40.9%
Total	153.6	100.0%	138.6	100.0%	81.9	100.0%	356.6	100.0%
Flows are Peak Wet Weather (l/s)								

5.0 TRUNK DESIGN

The land within the basin slopes from south to north and west to the east. The general design concept is for three gravity trunks and 2 lift stations to convey flows from the west to the east, to the existing sewage lagoon.

The Phase 1 gravity trunk will flow into a sanitary lift station. The lift station will be located at the existing sewage lagoon and will pump flow to the sewage lagoon in a short force main.

The Phase 2 gravity trunk will collect flows in the west basin and connect to a lift station. The lift station will pump the flows into the top of the Phase 1 trunk thru a force main.

The Phase 3 gravity trunk will collect flows in the north basin and connect to the Phase 1 trunk.

Detailed flow calculations are included in Appendix A.

The alignments were selected in consultation with County staff. It was also agreed that the trunk designs would allow for LPS flows, 3.5 quarters into Phase 1 and 7 quarters into Phase 2. Phase 3 does not have an LPS contribution.

Design of the trunk sewer considers the depth required for the lateral connections servicing the basin. Details of each phase are as follows:

Phase 1

The Phase 1 gravity trunk sewer is 2,883m long with pipe sizes ranging from 450mm to 675mm diameter. The peak dry weather flow is 242.3 l/s and the peak wet weather flow is 356.5 l/s. These flows include an allowance for 14.6 l/s of LPS inflow, representing 224 ha of development, of which approximately 26.2 ha (1.7 l/s) is existing. The depth of the trunk ranges from 3.6m to 9.8m. The trunk connects to a lift station at the existing lagoon. The lift station will convey flows from the trunk to the lagoon. Ultimately, the force main will be 50m of 600mm HDPE with a pressure of 20 psi. Given the short distance for the force main, the sizing of pumps and force main should be staged as warranted by development within the basin.

Phase 2

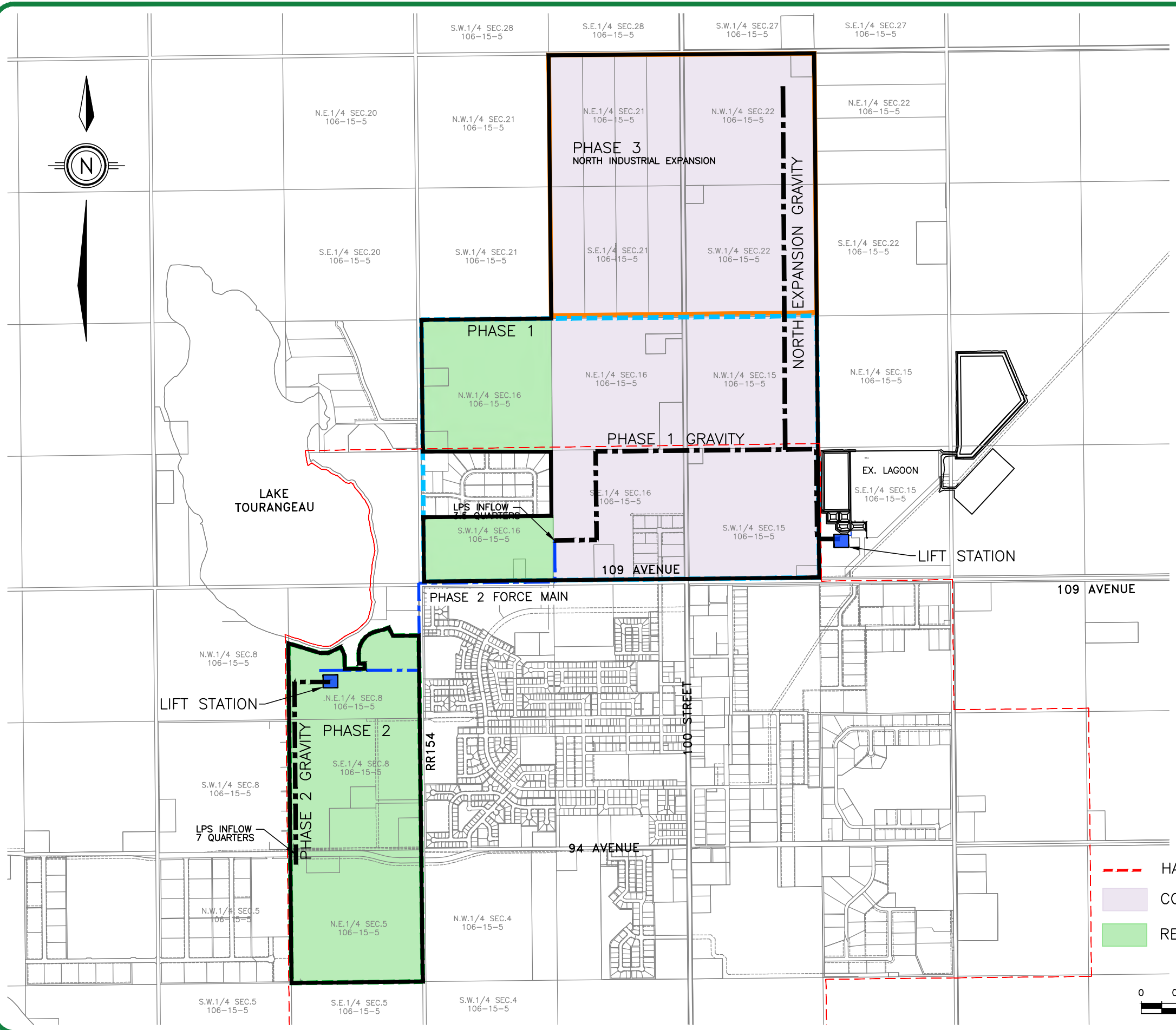
The Phase 2 gravity trunk sewer is 1,305m long with pipe sizes ranging from 375mm to 450mm diameter. The peak dry weather flow is 107.6 l/s and the peak wet weather flow is 138.6 l/s. These flows include an allowance for 29.1 l/s of LPS inflow representing 448 ha of development, of which approximately 48.9 ha (3.2 l/s) is existing. The depth of the trunk ranges from 5.4 to 7.3m. The trunk connects to a lift station at the north end. The lift station will convey flows from the trunk to the Phase 1 trunk. Ultimately, the force main will be 2,223m of 400mm HDPE with a pressure of 35 psi. Initial pumps should be sized for flow rate of 59 l/s at approximately 23 psi to achieve a velocity of 0.6m/s. The pumps running for 1 hour per day will turn over the volume in the pipe each day.

Phase 3

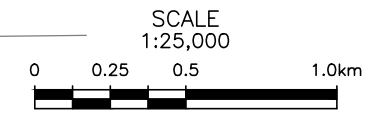
A conceptual design has been done for the phase 3 gravity trunk to provide construction cost estimates and determine the depth required at the Phase 1 manhole to allow the connection. The phase 3 gravity trunk is 2,200m long with pipe sizes ranging from 300mm to 450mm diameter. The peak dry weather flow is 36.5 l/s and the peak wet weather flow is 96.5 l/s. The flows result from portions of the Phase 2 basin connecting to

the south end of this trunk for efficient servicing. The stand-alone peak wet weather flow is 81.9 l/s. These flows do not include any allowance for LPS flows. The depth of the trunk ranges from 3.6m to 7.4m. The trunk connects to the Phase 1 gravity trunk at MH#613.

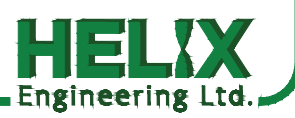
The servicing concept is shown on Figure 4.



- HAMLET BOUNDARY
- COMMERCIAL/INDUSTRIAL
- RESIDENTIAL



NORTH SANITARY TRUNK
MACKENZIE COUNTY
HAMLET OF LA CRETE
FIGURE 4
SERVICING CONCEPT



6.0 CONSTRUCTION COST ESTIMATES

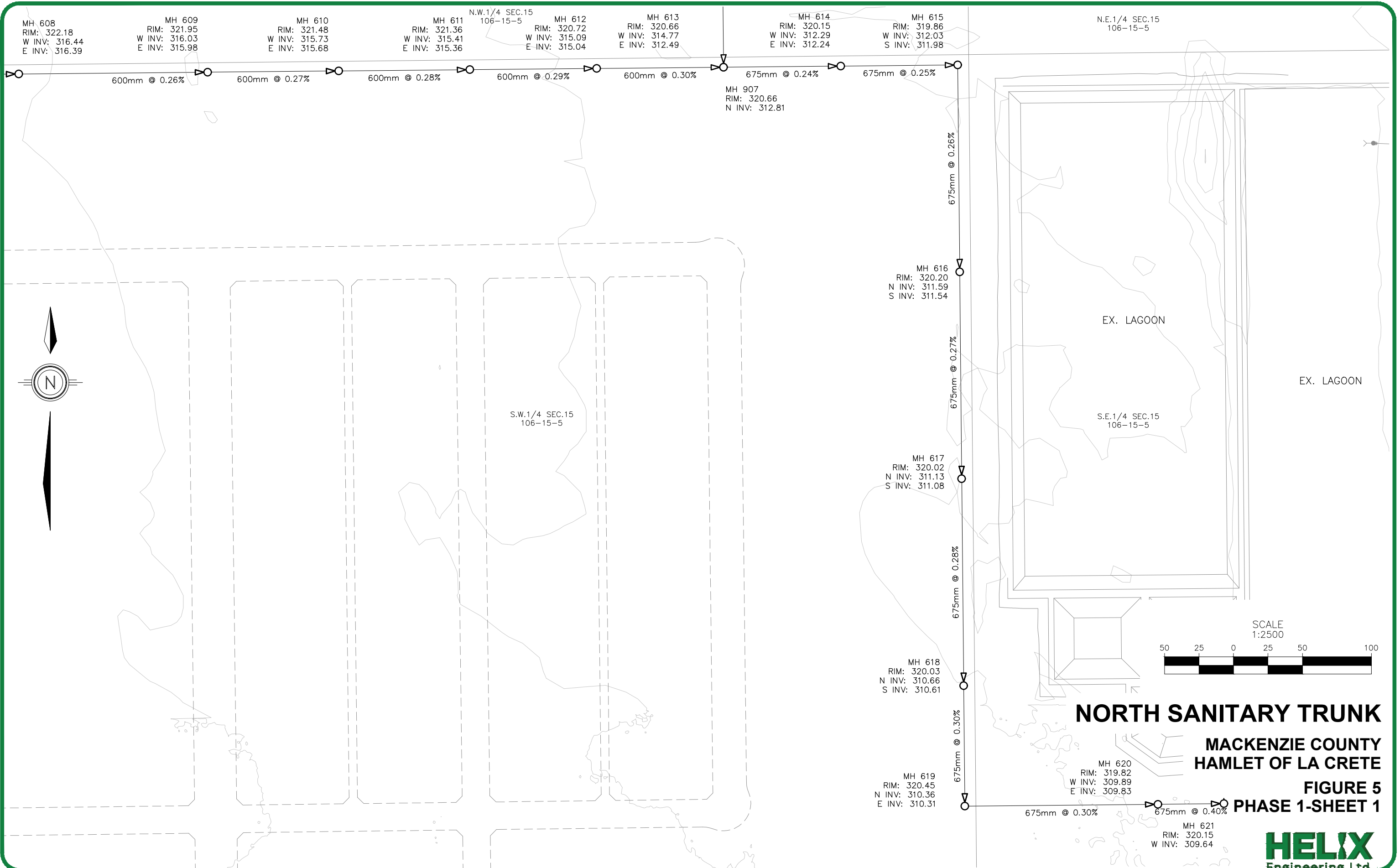
The construction cost for the servicing concept has been estimated based on the preliminary design of the system. This includes the gravity trunks, lift stations and the force mains as illustrated on Figures 5 to 8. The detailed cost estimates are included in Appendix B. Estimates include the following:

- Cost of the servicing study
- 10% for Engineering
- 20% for Contingencies (30% for Phase 3)
- Allowance for lining of three upper manholes to facilitate the LPS connection
- Trenchless construction of the force main

The construction costs are summarized in Table 3.

TABLE 3 - ESTIMATED COSTS				
	Phase			Total*
	1	2	3*	
Gravity Trunk	2,753,000	1,057,000	1,254,000	5,064,000
Lift Station / Force Main	2,094,000	3,172,000	-	5,266,000
Subtotal	4,847,000	4,229,000	1,254,000	10,330,000
Contingencies 20%*	970,000	846,000	377,000	2,193,000
Engineering 10%	485,000	423,000	126,000	1,034,000
Subtotal	6,302,000	5,498,000	1,757,000	13,557,000
Trunk Sewer MH Lining	27,000	43,000	-	70,000
Design Report	60,000	60,000	40,000	160,000
Project Total	6,389,000	5,601,000	1,797,000	13,787,000
* Phase 3 Contingency is 30%				

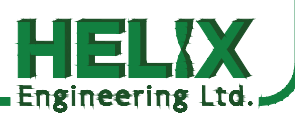
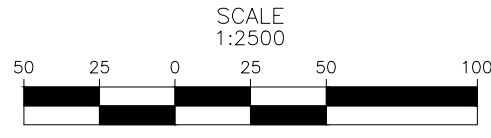
2320-002-SAN.DWG Nov. 16, 2020 7:42 AM



NORTH SANITARY TRUNK

MACKENZIE COUNTY
HAMLET OF LA CRETE

FIGURE 5
PHASE 1-SHEET 1



N.E.1/4 SEC.16
106-15-5

MH 603
RIM: 324.17
S INV: 318.88
E INV: 318.83

MH 604
RIM: 324.14
W INV: 318.24
E INV: 318.19

MH 605
RIM: 323.46
W INV: 317.59
E INV: 317.51

MH 606
RIM: 323.16
W INV: 317.20
E INV: 317.15

MH 607
RIM: 322.56
W INV: 316.83
E INV: 316.78

N.W.1/4 SEC.15
106-15-5

MH 608
RIM: 322.18
W INV: 316.44
E INV: 316.39

525mm @ 0.44%

525mm @ 0.45%

600mm @ 0.23%

600mm @ 0.24%

600mm @ 0.25%

525mm @ 0.27%

MH 600
RIM: 324.27
S INV: 319.30
N INV: 319.25

525mm @ 0.26%

MH 599
RIM: 323.88
S INV: 319.70
N INV: 319.65

525mm @ 0.25%

S.E.1/4 SEC.16
106-15-5

S.W.1/4 SEC.15
106-15-5

MH 598
RIM: 324.25
S INV: 320.11
N INV: 320.04

450mm @ 0.57%

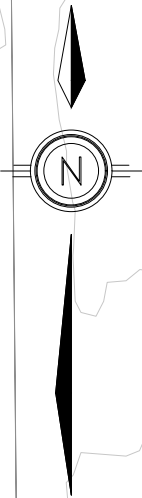
MH 597
RIM: 324.51
W INV: 320.94
N INV: 320.89

MH 595
RIM: 325.55
E INV: 322.44

MH 596
RIM: 324.71
W INV: 321.75
E INV: 321.70

450mm @ 0.56%

450mm @ 0.56%



NORTH SANITARY TRUNK

MACKENZIE COUNTY
HAMLET OF LA CRETE

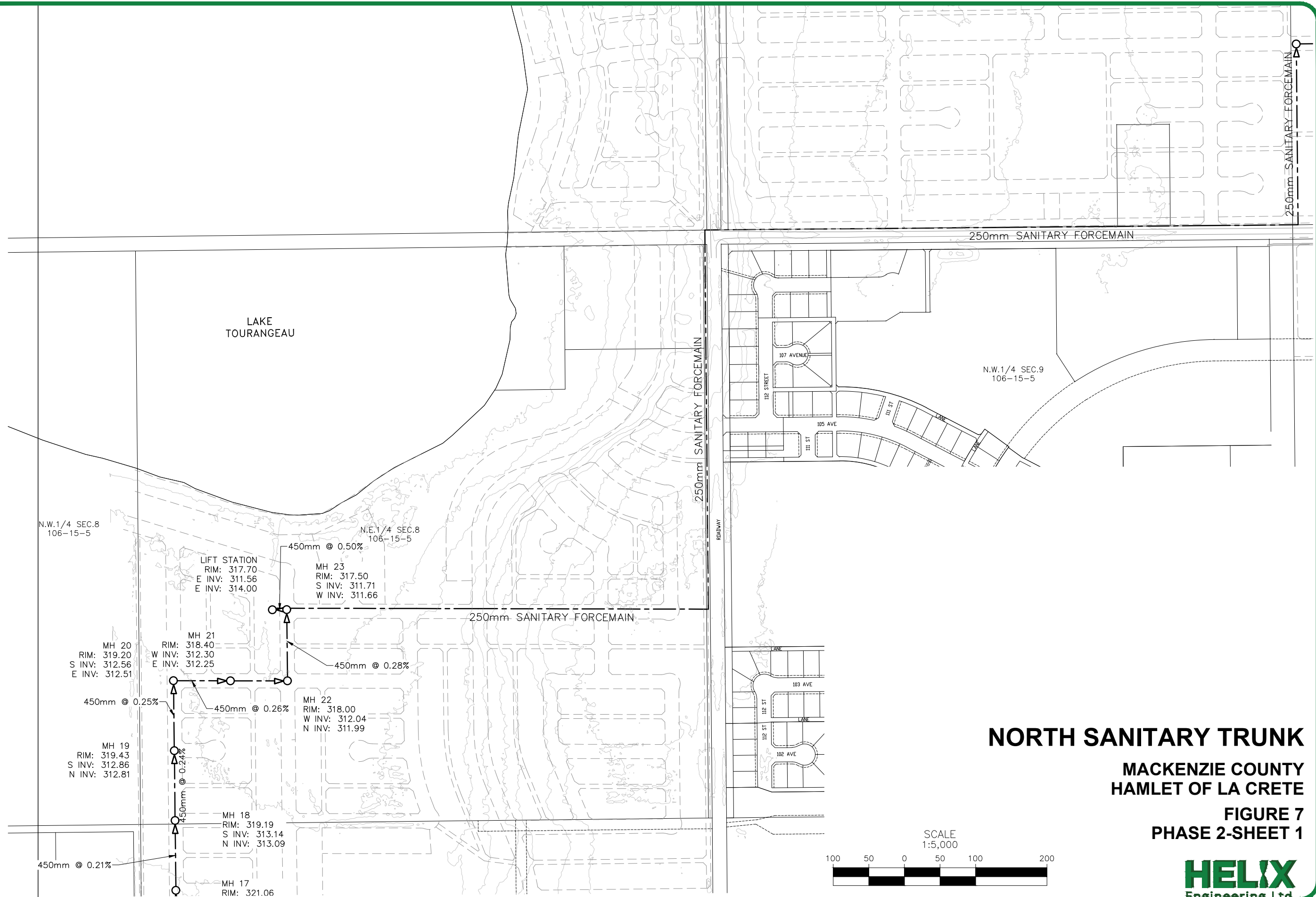
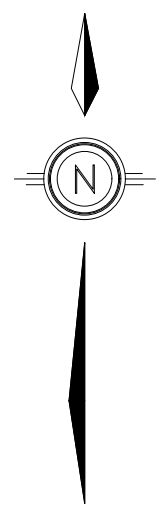
FIGURE 6
PHASE 1-SHEET 2

SCALE
1:2500



2320-002-SAN.DWG Nov. 15, 2020 11:52 AM

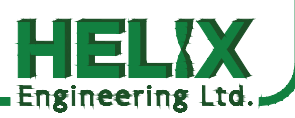
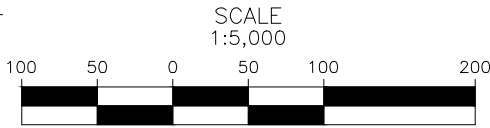
2320-002-SAN.DWG Nov. 15, 2020 11:52 AM

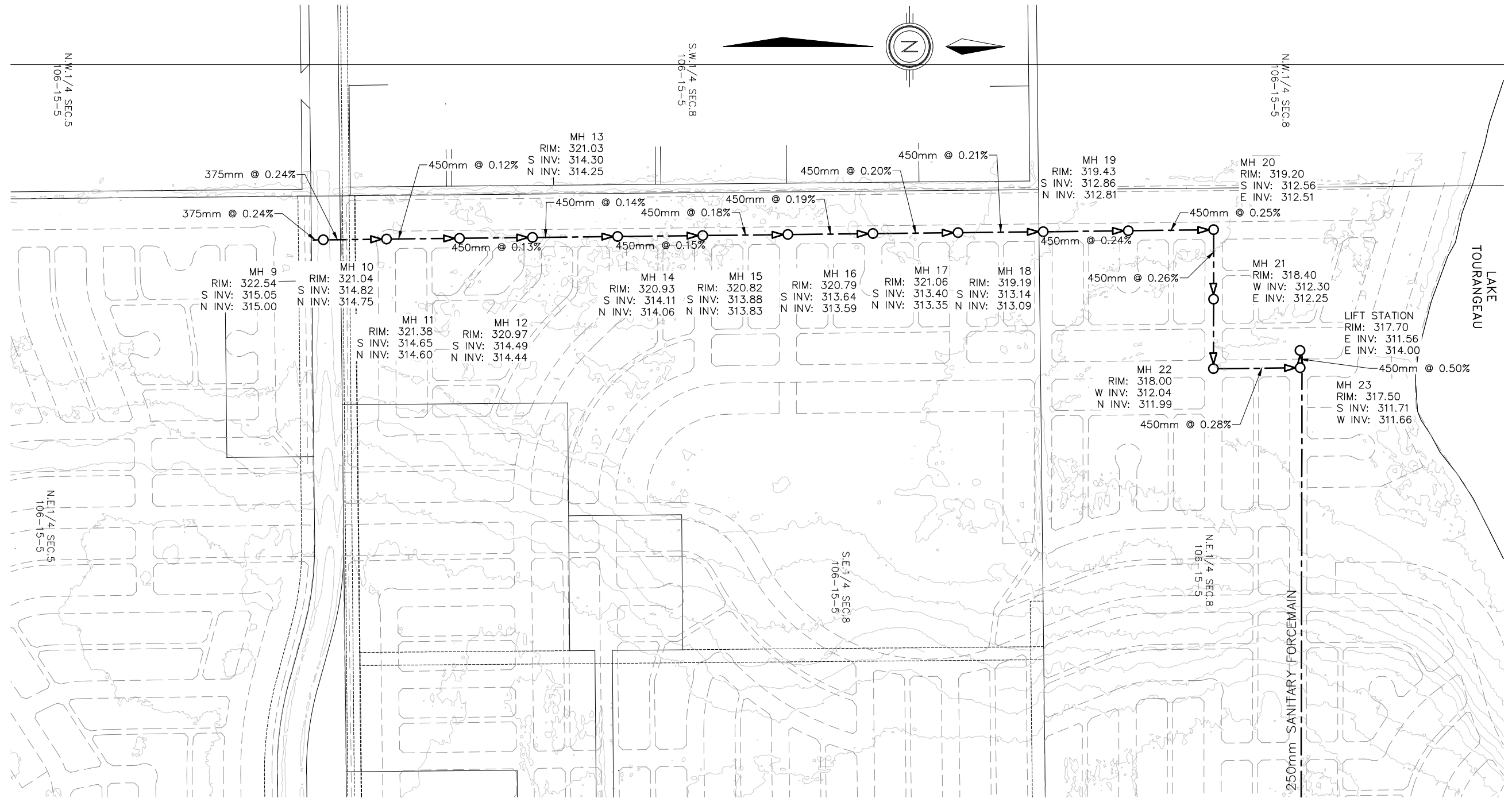


NORTH SANITARY TRUNK

MACKENZIE COUNTY
HAMLET OF LA CRETE

FIGURE 7
PHASE 2-SHEET 1

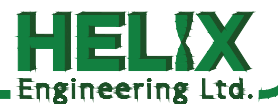
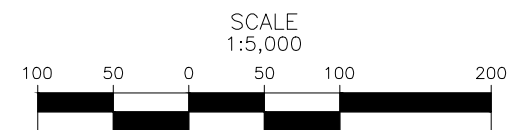


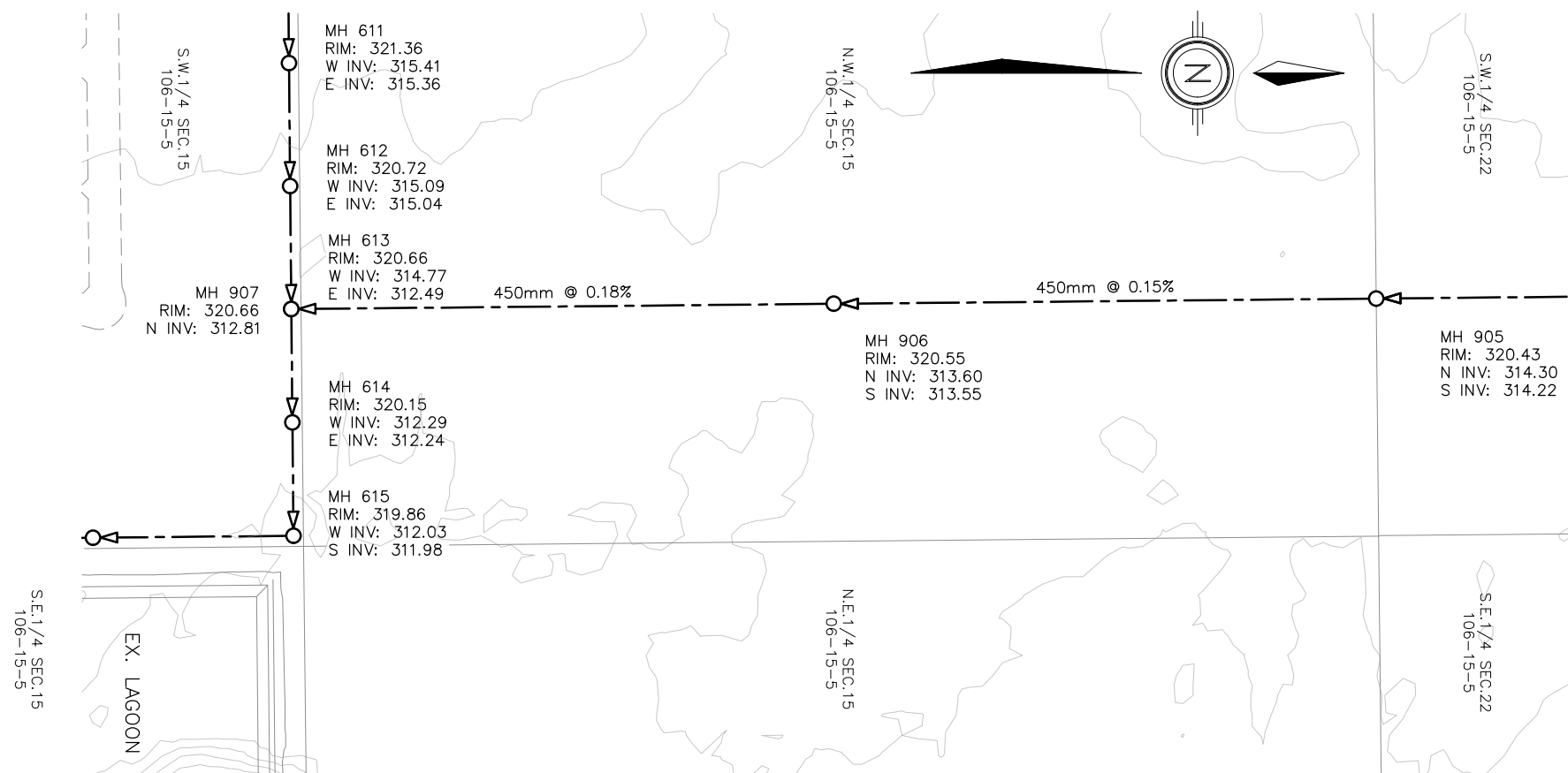
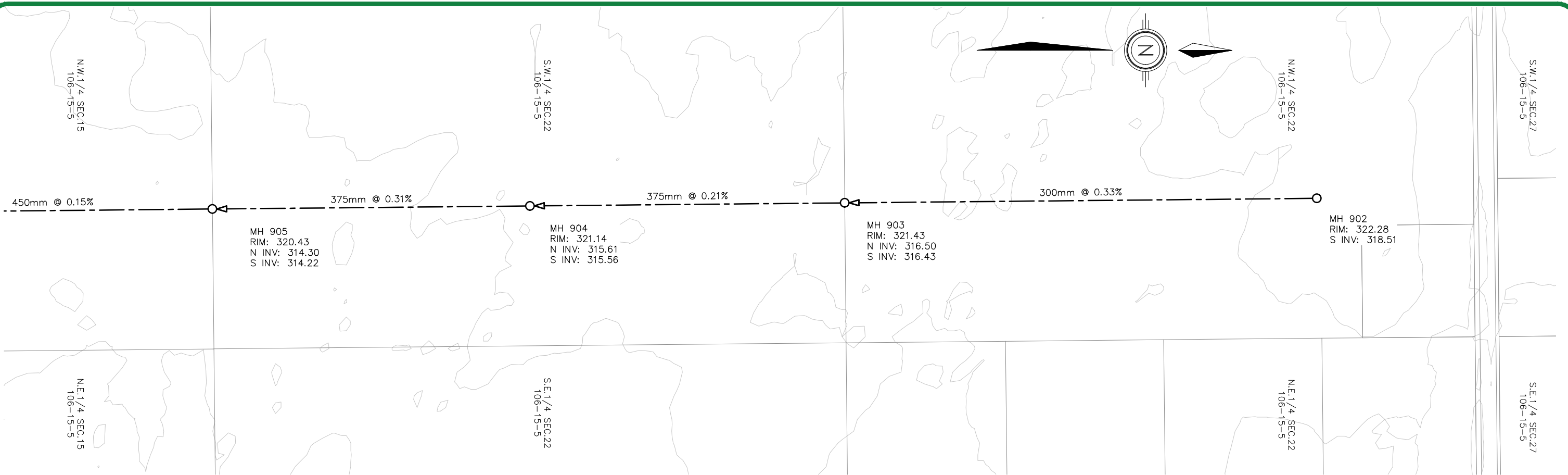


NORTH SANITARY TRUNK

MACKENZIE COUNTY
VILLAGE OF LA CRETE

FIGURE 8
PHASE 2-SHEET 2

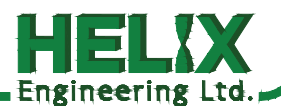
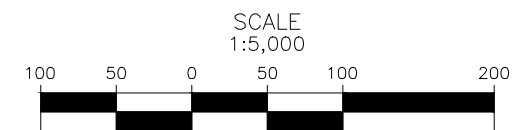




NORTH SANITARY TRUNK

MACKENZIE COUNTY
HAMLET OF LA CRETE

FIGURE 9
PHASE 3



7.0 BASIN LEVIES

The cost to service the basin will be charged back to the benefitting lands as a development levy. Separate levy rates are presented for the future LPS system and the gravity trunk servicing area. Costs have been apportioned based on the portion of the peak wet weather flow as shown in Table 3. The resulting cost allocations and development levies are shown Table 4.

TABLE 4 - DEVELOPMENT LEVIES			
	Cost	Area (ha)	Levy
Residential	6,432,000	258.2	24,910
Com/Ind	5,604,000	499.0	11,240
Gravity Levy	12,036,000	757.2	15,900
LPS	1,681,000		
Extra Cost for MH Lining	70,000		
LPS Levy	1,751,000	596.9	2,940
Total	13,787,000		
Benefiting Area		1,354.1	
Cost amounts are rounded to nearest \$1,000.			
Levies are rounded to nearest \$10.			

Appendix A

Design Flow Calculations

XXXX

Mckenzie County
Sanitary Sewer Flows
LaCrete North Trunk Sewer

Phase 1

2320-002

Phase 2 and Phase 3 inflows included. Density: units per ha 10 350 l/p/d Res 3,000 l/ha/d Commercial I/I = 0.2 l/s/ha

Table with columns: Manhole / Basin Ups Dns, Sag Manhole, Accum. Sags, Area (ha), Zoning, Accum. Area, Population Density (people/ha), Accum. (people), Sewage Generation (rate), PF, Flow Dry Weath Peak (l/s), I/I -Area (l/s), Total (l/s), Design (l/s), System Design Capacity (l/s), Diameter (mm), Slope (m/m), UPS Rim, Pipe Data Ups Inv Length, Dns Inv, Pipe Drop, DNS MH Drop, Curved, UPS Depth, DNS Rim, Depth. Rows include details for manholes 595-603, showing residential and non-residential contributions, total flows, and system design parameters.

Phase 1

2320-002

Phase 2 and Phase 3 inflows included.

Density:
units per ha

10

350 l/p/d
3,000 l/ha/d

Res
Commercial

I/I = 0.2 l/s/ha

Manhole / Basin Ups Dns	Sag Manhole	Accum. Sags	Area (ha)	Zoning	Accum. Area	Population		Sewage Generation (rate)	PF	Flow		I/I - Area (l/s)	Total (l/s)	Design (l/s)	System Design			UPS Rim	Pipe Data		DNS		UPS		DNS Rim	Depth									
						Density (people/ha)	Accum. (people)			Dry (l/s)	Weath Peak (l/s)				Capacity (l/s)	Diameter (mm)	Slope (m/m)		Ups Inv	Length	Dns Inv	Pipe Drop	MH Drop	Curved			Depth								
603	604	0	0	54.00 1.10	RG MF	79.82 1.63	35 105	2,794 171	0.00405 l/s/p 0.00405 l/s/p	11.32 0.69																									
		Residential	0		64.69	Com/Ind School	81.45 0.00	2,965	0.03500 l/s/ha 0.20000 l/s/ha	3.45	12.01	41.40	16.29	57.69	66.77																				
		Non-Residential					91.95															603 Ups MH				604 Dns MH									
		Direct Flow					0.00				5.00	3.2	16.09	18.39	34.48	39.91																			
		Total			119.79			173.40								283.97		285.12	525	0.0044		324.17	317.79	133.5	317.20	0.587	0.05	n	5.86	324.14	6.414				
604	605	0	0		RG MF	79.82 1.63	35 105	2,794 171	0.00405 l/s/p 0.00405 l/s/p	11.32 0.69																									
		Residential	0			Com/Ind School	81.45 0.00	2,965	0.03500 l/s/ha 0.20000 l/s/ha	3.45	12.01	41.40	16.29	57.69	66.77																				
		Non-Residential					91.95															604 Ups MH				605 Dns MH									
		Direct Flow					0.00				5.00	3.2	16.09	18.39	34.48	39.91																			
		Total						173.40								283.97		288.35	525	0.0045		324.14	318.21	133.5	317.61	0.601	0.075	n	5.41	323.44	5.310				
605	606	0	0		RG MF	79.82 1.63	35 105	2,794 171	0.00405 l/s/p 0.00405 l/s/p	11.32 0.69																									
		Residential	0		17.24	Com/Ind School	81.45 0.00	2,965	0.03500 l/s/ha 0.20000 l/s/ha	3.45	12.01	41.40	16.29	57.69	66.77																				
		Non-Residential					109.19															605 Ups MH				606 Dns MH									
		Direct Flow					0.00				5.00	3.8	19.11	21.84	40.95	47.39																			
		Total			17.24			190.64								291.45		294.32	600	0.0023		323.44	317.79	133.5	317.48	0.307	0.05	n	5.05	323.16	5.078				
606	607	0	0		RG MF	79.82 1.63	35 105	2,794 171	0.00405 l/s/p 0.00405 l/s/p	11.32 0.69																									
		Residential	0			Com/Ind School	81.45 0.00	2,965	0.03500 l/s/ha 0.20000 l/s/ha	3.45	12.01	41.40	16.29	57.69	66.77																				
		Non-Residential					109.19															606 Ups MH				607 Dns MH									
		Direct Flow					0.00				5.00	3.8	19.11	21.84	40.95	47.39																			
		Total						190.64								291.45		300.65	600	0.0024		323.16	317.15	133.5	316.83	0.320	0.05	n	5.41	322.64	5.209				
607	608	0	0		RG MF	79.82 1.63	35 105	2,794 171	0.00405 l/s/p 0.00405 l/s/p	11.32 0.69																									
		Residential	0		12.50	Com/Ind School	81.45 0.00	2,965	0.03500 l/s/ha 0.20000 l/s/ha	3.45	12.01	41.40	16.29	57.69	66.77																				
		Non-Residential					121.69															607 Ups MH				608 Dns MH									
		Direct Flow					0.00				5.00	4.3	21.30	24.34	45.63	52.82																			
		Total			12.50			203.14								296.88		306.85	600	0.0025		322.64	316.78	137	316.44	0.343	0.05	n	5.26	322.09	5.052				
608	609	0	0		RG MF	79.82 1.63	35 105	2,794 171	0.00405 l/s/p 0.00405 l/s/p	11.32 0.69																									
		Residential	0			Com/Ind School	81.45 0.00	2,965	0.03500 l/s/ha 0.20000 l/s/ha	3.45	12.01	41.40	16.29	57.69	66.77																				
		Non-Residential					121.69															608 Ups MH				609 Dns MH									
		Direct Flow					0.00				5.00	4.3	21.30	24.34	45.63	52.82																			
		Total						203.14								296.88		312.92	600	0.0026		322.09	316.39	137	316.03	0.356	0.05	n	5.10	321.91	5.278				
609	610	0	0		RG MF	79.82 1.63	35 105	2,794 171	0.00405 l/s/p 0.00405 l/s/p	11.32 0.69																									
		Residential	0		30.75	Com/Ind School	81.45 0.00	2,965	0.03500 l/s/ha 0.20000 l/s/ha	3.45	12.01	41.40	16.29	57.69	66.77																				
		Non-Residential					152.44															609 Ups MH				610 Dns MH									
		Direct Flow					0.00				4.71	5.3	25.12	30.49	55.60	64.36																			
		Total			30.75			233.89								308.42		318.89	600	0.0027		321.91	315.98	95	315.73	0.257	0.05	n	5.33	321.37	5.044				

Mckenzie County
Sanitary Sewer Flows
LaCrete North Trunk Sewer
Phase 2
2320-002

Density: units per ha 10 pph I/I = 0.2 I/s/ha

Manhole / Basin Ups Dns	Sag Manhole	Accum. Sags	Area (ha)	Zoning	Accum. Area	Population		Sewage Generation (rate)	PF	Flow			Design (l/s)	System Design Capacity (l/s)	Diameter (mm)	Slope (m/m)	UPS Rim	Pipe Data			DNS			UPS Depth	DNS Rim	Depth		
						Density (people/ha)	Accum. (people)			Dry (l/s)	Weath (l/s)	Peak (l/s)						I/I -Area (l/s)	Total (l/s)	Ups Inv	Length	Dns Inv	Pipe Drop				MH Drop	Curved
9 10		0	0	52.45 RG 1.06 MF	52.45	35	1,836	0.00405 l/s/p		7.44																		
	Residential	0			53.51	105	1,947	0.00405 l/s/p		7.44																		
				- Com/Ind 4.51 School	0.00 4.51			0.20000 l/s/ha		0.9																		
	Non-Residential Direct Flow 7 Q LPS				4.51			0.20000 l/s/ha		5.00	0.9	4.51	0.90	5.41							9 Ups MH		12 Upstream Stub 10 Dns MH					
	CP			58.02	58.02					5.00	29.12			29.12														
10 11		0	0	3.54 RG 1.23 MF	55.99	35	1,960	0.00405 l/s/p		7.94																		
	Residential	0			58.28	105	2,200	0.00405 l/s/p		7.94																		
				- Com/Ind 2.00 School	0.00 6.51			0.20000 l/s/ha		0.9																		
	Non-Residential Direct Flow				6.51			0.20000 l/s/ha		5.00	1.3	6.51	1.30	7.81							10 Ups MH		11 Dns MH					
	Total			6.77	64.79					5.00	20.43	38.18	12.96	80.25	92.89	98.71	450	0.0012										
11 12		0	0	- RG - MF	55.99	35	1,960	0.00405 l/s/p		7.94																		
	Residential	0			58.28	105	2,200	0.00405 l/s/p		7.94																		
				- Com/Ind - School	0.00 6.51			0.20000 l/s/ha		0.9																		
	Non-Residential Direct Flow				6.51			0.20000 l/s/ha		5.00	1.3	6.51	1.30	7.81							11 Ups MH	6.78	12 Dns MH					
	Total			-	64.79					5.00	20.43	38.18	12.96	80.25	92.89	102.74	450	0.0013										
12 13		0	0	- RG - MF	55.99	35	1,960	0.00405 l/s/p		7.94																		
	Residential	0			58.28	105	2,200	0.00405 l/s/p		7.94																		
				- Com/Ind - School	0.00 6.51			0.20000 l/s/ha		0.9																		
	Non-Residential Direct Flow				6.51			0.20000 l/s/ha		5.00	1.3	6.51	1.30	7.81							12 Ups MH	6.53	13 Dns MH					
	Total			-	64.79					5.00	20.43	38.18	12.96	80.25	92.89	106.62	450	0.0014										
13 14		0	0	12.97 RG - MF	68.96	35	2,414	0.00405 l/s/p		9.78																		
	Residential	0			71.25	105	2,654	0.00405 l/s/p		9.78																		
				- Com/Ind 2.51 School	0.00 9.02			0.20000 l/s/ha		0.9																		
	Non-Residential Direct Flow				9.02			0.20000 l/s/ha		5.00	1.8	9.02	1.80	10.82							13 Ups MH		14 Dns MH					
	Total			15.48	80.27					5.00	25.11	46.51	16.05	91.68	106.12	110.36	450	0.0015										
14 15		0	0	16.94 RG - MF	85.90	35	3,006	0.00405 l/s/p		12.18																		
	Residential	0			88.19	105	3,247	0.00405 l/s/p		12.18																		
				- Com/Ind - School	0.00 9.02			0.20000 l/s/ha		0.9																		
	Non-Residential Direct Flow				9.02			0.20000 l/s/ha		5.00	1.8	9.02	1.80	10.82							14 Ups MH		15 Dns MH					
	Total			16.94	97.21					5.00	29.91	53.91	19.44	102.47	118.60	120.90	450	0.0018										

**Mckenzie County
Sanitary Sewer Flows**
LaCrete North Trunk Sewer
Phase 3 North Expansion
2320-002

Density: units per ha 10 350 l/p/d 3,000 l/ha/d Res Commercial I/I = 0.2 l/s/ha l/s/sag

Manhole / Basin Ups Dns	Sag Manhole	Accum. Sags	Area (ha)	Zoning	Accum. Area	Population Density (people/ha)	Accum. (people)	Sewage Generation (rate)	PF	Flow Dry Weath Peak (l/s)	I/I -Area (l/s)	Total (l/s)	Design (l/s)	System Design Capacity (l/s)	Diameter (mm)	Slope (m/m)	UPS Rim	Pipe Data Ups Inv	Length	Dns Inv	Pipe Drop	DNS MH Drop	Curved	UPS Depth	DNS Rim	Depth			
902	903 West	0	0	- SF	0.00	35	-	0.00405 l/s/p		0.00																			
				- MF	0.00	105	-	0.00405 l/s/p		0.00																			
		Residential	0			0.00				2.50	0.00	-	0.00	0.00															
				120.00	Com/Ind	120.00			0.03500 l/s/ha		4.2																		
				- School	0.00				0.20000 l/s/ha		-																		
	Non-Residential				120.00				5.00	4.2	21.00	24.00	45.00	52.08															
	Direct Flow												0.00																
	Total		120.00		120.00								52.08	53.81	300	0.0031		322.28	318.51	600	316.50	2.010	0.075	n	3.47	321.45	4.650		
903	904	0	0	- RG	0.00	35	-	0.00405 l/s/p		0.00																			
				- MF	0.00	105	-	0.00405 l/s/p		0.00																			
		Residential	0			0.00				2.50	0.00	-	0.00	0.00															
				60.00	Com/Ind	180.00			0.03500 l/s/ha		6.3																		
				- School	0.00				0.20000 l/s/ha		-																		
	Non-Residential				180.00				4.37	6.3	27.52	36.00	63.52	73.52															
	Direct Flow												0.00																
	Total		60.00		180.00								73.52	74.35	375	0.0018		321.45	316.43	400	315.61	0.820	0.05	n	4.65	321.14	5.160		
904	905	0	0	(0.00) RG	0.00	35	(0)	0.00405 l/s/p		0.00																			
				- MF	0.00	105	-	0.00405 l/s/p		0.00																			
		Residential	0			0.00				2.50	(0.00)	0.00	(0.00)	0.00	0.00														
				60.00	Com/Ind	240.00			0.03500 l/s/ha		8.4																		
				- School	0.00				0.20000 l/s/ha		-																		
	Non-Residential				240.00				3.84	8.4	32.24	48.00	80.24	92.87															
	Direct Flow												0.00																
	Total		60.00		240.00								92.87	94.37	375	0.0029		321.14	315.56	400	314.30	1.260	0.075	n	5.21	320.42	5.750		
905	906	0	0	- RG	0.00	35	(0)	0.00405 l/s/p		0.00																			
				- MF	0.00	105	-	0.00405 l/s/p		0.00																			
		Residential	0			0.00				2.50	(0.00)	0.00	(0.00)	0.00	0.00														
				30.00	Com/Ind	270.00			0.03500 l/s/ha		9.5																		
				- School	0.00				0.20000 l/s/ha		-																		
	Non-Residential				270.00				3.64	9.5	34.39	54.00	88.39	102.31															
	Direct Flow												0.00																
	Total		30.00		270.00								102.31	102.74	450	0.0013		320.42	314.22	400	313.60	0.620	0.05	n	5.75	320.56	6.510		
906	613	0	0	0.00 RG	0.00	35	0	0.00405 l/s/p		0.00																			
				0.00 MF	0.00	105	0	0.00405 l/s/p		0.00																			
		Residential	0			0.01				4.48	0.00	0.01	0.00	0.01	0.01														
				30.00	Com/Ind	300.00			0.03500 l/s/ha		10.5																		
				- School	0.00				0.20000 l/s/ha		-																		
	Non-Residential				300.00				3.47	10.5	36.45	60.00	96.45	111.63															
	Direct Flow												0.00																
	Total		30.01		300.01								96.46	111.64															

Total Area: 300.01 ha
Note: When this trunk is stand-alone, the contributing area is 246ha and the peak wet weather flow is 84.1 l/s

Connect to Trunk 312.81

2200 m of Pipe
Min Depth 3.47 m
Max Depth 7.40 m

Appendix B

Detailed Cost Estimate

**NORTH SANITARY SEWER EXPANSION
PHASE 1 - CONSTRUCTION COST ESTIMATES**

	ITEM	DESCRIPTION	UNIT PRICE	UNIT	QUANTITY	AMOUNT
	A1.	Safety flag persons, barricades, permits, eco plan	\$10,000.00	l.s.	1	\$10,000.00
	A2.	Crop damage reimbursement	\$2.00	s.m	86,550	\$173,100.00
	A3.	Hydrovac/locate existing shallow conflict utilities, gas mains	\$10,000.00	l.s.	1	\$10,000.00
	A4.	Clearing & grubbing	\$7,500.00	ha.	1	\$7,500.00
	A5.	Topsoil stripping of proposed construction limits & laydown areas (push to side of R/W)	\$3.50	c.m.	14,425	\$50,487.50
	A6.	Topsoil restoration of construction R.O.W. & laydown areas (restore to existing)	\$3.50	c.m.	14,425	\$50,487.50
	A7.	Restoration of existing gravel access road/road allowance c/w cloth/grid, 400mm GBC	\$45.00	s.m.	250	\$11,250.00
	A8.	Restoration of existing gravel access driveway c/w cloth/grid, 300mm GBC	\$35.00	s.m.	0	\$0.00
	A9.	Restoration of existing Pavement c/w cloth/grid, 600mm GBC, 120mm ACP	\$100.00	s.m.	0	\$0.00
	A10.	Supply/Install 15m -600mm CSP culvert c/w tapered ends	\$5,000.00	ea	0	\$0.00
	A11.	Supply/Install sanitary sewer main				
		a) 250	\$90.00	l.m.	0	\$0.00
		b) 300	\$100.00	l.m.	0	\$0.00
		c) 375	\$125.00	l.m.	0	\$0.00
		d) 450	\$210.00	l.m.	395	\$82,950.00
		e) 525	\$235.00	l.m.	677	\$159,095.00
		f) 600	\$260.00	l.m.	915	\$237,900.00
		g) 675	\$340.00	l.m.	898	\$305,320.00
		h) 750	\$420.00	l.m.	0	\$0.00
	A12.	Trenching/Backfilling				
		a) 0- 4 m depth of bury	\$90.00	l.m.	259	\$23,310.00
		b) 4- 5m depth of bury	\$130.00	l.m.	272	\$35,360.00
		c) 5- 6m depth of bury	\$180.00	l.m.	1,321	\$237,690.00
		d) 6- 7m depth of bury	\$250.00	l.m.	134	\$33,375.00
		e) 7- 8 m depth of bury	\$390.00	l.m.	320	\$124,800.00
		f) 8- 9m depth of bury	\$640.00	l.m.	300	\$192,000.00
		g) 9-10m depth of bury	\$800.00	l.m.	278	\$222,400.00
		h) 10-11m depth of bury	\$900.00	l.m.	0	\$0.00
		i) 11-12m depth of bury	\$1,100.00	l.m.	0	\$0.00
	A13.	Supply/Install SR concrete manholes c/w frame & covers for 19 units				
		a) 1200mm SR Precast base	\$3,500.00	ea	11	\$38,500.00
		b) 1500mm SR Precast base (>600 pipe)	\$9,500.00	ea	16	\$152,000.00
		c) Supply install 1200mm concrete barrels c/w rings & F.C	\$2,200.00	v.m.	48.5	\$106,630.81
		d) Supply install 1500mm concrete barrels c/w rings & F.C	\$3,600.00	v.m.	110	\$396,981.18
	A15.	Supply/Install aluminum safety platform	\$1,850.00	ea.	0	\$0.00
	A16.	Base stabilizing material (screened rock)	\$70.00	c.m.	600	\$42,000.00

**NORTH SANITARY SEWER EXPANSION
PHASE 2 - CONSTRUCTION COST ESTIMATES**

	ITEM	DESCRIPTION	UNIT PRICE	UNIT	QUANTITY	AMOUNT
	A1.	Safety flag persons, barricades, permits, eco plan	\$10,000.00	l.s.	1	\$10,000.00
	A.2	Crop damage reimbursement	\$2.00	s.m.	26,580	\$53,160.00
	A3.	Hydrovac/locate existing shallow conflict utilities, gas mains	\$10,000.00	l.s.	1	\$10,000.00
	A4.	Clearing & grubbing	\$7,500.00	ha.	2.0	\$15,000.00
	A5.	Topsoil stripping of proposed construction limits & laydown areas (push to side of R/W)	\$3.50	c.m.	10,000	\$35,000.00
	A6.	Topsoil restoration of construction R.O.W. & laydown areas (restore to existing)	\$3.50	c.m.	10,000	\$35,000.00
	A7.	Restoration of existing gravel access road/road allowance c/w cloth/grid, 400mm GBC	\$45.00	s.m.	200	\$9,000.00
	A8.	Restoration of existing gravel access driveway c/w cloth/grid, 300mm GBC	\$35.00	s.m.	0	\$0.00
	A9.	Restoration of existing Pavement c/w cloth/grid, 600mm GBC, 120mm ACP	\$100.00	s.m.	200	\$20,000.00
	A10.	Supply/Install 15m -600mm CSP culvert c/w tapered ends	\$5,000.00	ea	0	\$0.00
	A11.	Supply/Install sanitary sewer main				
		a) 250	\$90.00	l.m.	0	\$0.00
		b) 300	\$100.00	l.m.	0	\$0.00
		c) 375	\$125.00	l.m.	97	\$12,082.50
		d) 450	\$210.00	l.m.	1,232	\$258,791.40
		e) 525	\$235.00	l.m.	0	\$0.00
		f) 600	\$260.00	l.m.	0	\$0.00
		g) 675	\$340.00	l.m.	0	\$0.00
		h) 750	\$420.00	l.m.	0	\$0.00
	A12.	Trenching/Backfilling				
		a) 0- 4 m depth of bury	\$90.00	l.m.	0	\$0.00
		b) 4- 5m depth of bury	\$130.00	l.m.	0	\$0.00
		c) 5- 6m depth of bury	\$180.00	l.m.	378	\$68,040.00
		d) 6- 7m depth of bury	\$250.00	l.m.	927	\$231,750.00
		e) 7- 8 m depth of bury	\$390.00	l.m.	12	\$4,680.00
		f) 8- 9m depth of bury	\$640.00	l.m.	0	\$0.00
		g) 9-10m depth of bury	\$800.00	l.m.	0	\$0.00
		h) 10-11m depth of bury	\$900.00	l.m.		
		i) 11-12m depth of bury	\$1,100.00	l.m.		
	A13.	Supply/Install SR concrete manholes c/w frame & covers for 19 units				
		a) 1200mm SR Precast base	\$3,500.00	ea	16.0	\$56,000.00
		b) 1500mm SR Precast base (>600 pipe)	\$9,500.00	ea	0.0	\$0.00
		c) Supply install 1200mm concrete barrels c/w rings & F.C	\$2,200.00	v.m.	78.9	\$173,688.72
		d) Supply install 1500mm concrete barrels c/w rings & F.C	\$3,600.00	v.m.	0.0	\$0.00
	A15.	Supply/Install aluminum safety platform	\$1,850.00	ea.	0.0	\$0.00

**NORTH SANITARY SEWER EXPANSION
PHASE 3 - CONSTRUCTION COST ESTIMATES**

	ITEM	DESCRIPTION	UNIT PRICE	UNIT	QUANTITY	AMOUNT
	A1.	Safety flag persons, barricades, permits, eco plan	\$10,000.00	l.s.	1	\$10,000.00
	A.2	Crop damage reimbursement	\$2.00	s.m	28600	\$57,200.00
	A3.	Hydrovac/locate existing shallow conflict utilities, gas mains	\$10,000.00	l.s.	1	\$10,000.00
	A4.	Clearing & grubbing	\$7,500.00	ha.	1.0	\$7,500.00
	A5.	Topsoil stripping of proposed construction limits & laydown areas (push to side of R/W)	\$3.50	c.m.	11,000	\$38,500.00
	A6.	Topsoil restoration of construction R.O.W. & laydown areas (restore to existing)	\$3.50	c.m.	11,000	\$38,500.00
	A7.	Restoration of existing gravel access road/road allowance c/w cloth/grid, 400mm GBC	\$45.00	s.m.	0	\$0.00
	A8.	Restoration of existing gravel access driveway c/w cloth/grid, 300mm GBC	\$35.00	s.m.	0	\$0.00
	A9.	Restoration of existing Highway c/w cloth/grid, 600mm GBC, 120mm ACP	\$100.00	s.m.	0	\$0.00
	A10.	Supply/Install 15m -600mm CSP culvert c/w tapered ends	\$5,000.00	ea	0	\$0.00
	A11.	Supply/Install sanitary sewer main				
		a) 250	\$90.00	l.m.	0	\$0.00
		b) 300	\$100.00	l.m.	600	\$60,000.00
		c) 375	\$125.00	l.m.	800	\$100,000.00
		d) 450	\$210.00	l.m.	800	\$168,000.00
		e) 525	\$235.00	l.m.	0	\$0.00
		f) 600	\$260.00	l.m.	0	\$0.00
		g) 675	\$340.00	l.m.	0	\$0.00
		h) 750	\$420.00	l.m.	0	\$0.00
	A12.	Trenching/Backfilling				
		a) 0- 4 m depth of bury	\$90.00	l.m.	0	\$0.00
		b) 4- 5m depth of bury	\$130.00	l.m.	1,000	\$130,000.00
		c) 5- 6m depth of bury	\$180.00	l.m.	400	\$72,000.00
		d) 6- 7m depth of bury	\$250.00	l.m.	800	\$200,000.00
		e) 7- 8 m depth of bury	\$390.00	l.m.	0	\$0.00
		f) 8- 9m depth of bury	\$640.00	l.m.	0	\$0.00
		g) 9-10m depth of bury	\$800.00	l.m.	0	\$0.00
		h) 10-11m depth of bury	\$900.00	l.m.	0	\$0.00
		i) 11-12m depth of bury	\$1,100.00	l.m.	0	\$0.00
	A13.	Supply/Install SR concrete manholes c/w frame & covers for 19 units				
		a) 1200mm SR Precast base	\$3,500.00	ea	1.0	\$3,500.00
		b) 1500mm SR Precast base	\$9,500.00	ea	5.0	\$47,500.00
		c) Supply install 1200mm concrete barrels c/w rings & F.C	\$2,200.00	v.m.	1.7	\$3,784.00
		d) Supply install 1500mm concrete barrels c/w rings & F.C	\$3,600.00	v.m.	30.0	\$108,000.00
	A15.	Supply/Install aluminum safety platform	\$1,850.00	ea.	0.0	\$0.00
	A16.	Base stabilizing material (screened rock)	\$70.00	c.m.	600	\$42,000.00
	A17.	Video Inspection	\$17.00	l.m.	2,200	\$37,400.00

**NORTH SANITARY SEWER EXPANSION
PHASE 3 - CONSTRUCTION COST ESTIMATES**

	ITEM	DESCRIPTION	UNIT PRICE	UNIT	QUANTITY	AMOUNT
	A18.	Lift station	\$2,000,000.00	ea.	0.00	\$0.00
	A19	Forcemain				
		200mm HDPE DR11 Forcemain	\$125.00	l.m	0	\$0.00
		300mm HDPE DR11 Forcemain	\$225.00	l.m	0	\$0.00
		350mm HDPE DR11 Forcemain	\$260.00	l.m	0	\$0.00
		500mm HDPE DR11 Forcemain	\$300.00	l.m	0	\$0.00
		Auger/Receiving Pits	\$10,000.00	ea.	0	\$0.00
		Trenching 4- 5m depth of bury	\$130.00	l.m.	0	\$0.00
		Modifications at the Lagoon Lift Station	\$120,000.00	l.s.	1	\$120,000.00
		Air Relief Chambers	\$30,000.00	ea.	0	\$0.00
		TOTAL				\$1,253,884.00

Phase 3	
Gravity	\$1,254,000.00
Contingency 30%	\$377,000.00
Engineering 10%	\$126,000.00
Total	\$1,757,000.00



Mackenzie County

REQUEST FOR DECISION

Meeting:	Regular Council Meeting
Meeting Date:	November 25, 2020
Presented By:	Fred Wiebe, Director of Utilities
Title:	La Crete North Storm – Design Report

BACKGROUND / PROPOSAL:

At the April 22, 2020 Regular Council Meeting, Administration was directed by

Motion 20-04-265 to:

“co-develop a storm water management plan for La Crete north Storm Catchment area and that a stormwater management fee of \$4,000/ha be applied effective immediately to subdivision applications within the defined catchment area, with a fee adjustment to be competed once detailed construction costs are finalized.”

Motion 20-04-266

“that an off-site levy bylaw be established for the La Crete North Storm Catchment area as soon as detailed construction costs are finalized”

Public engagement on the project was provided on July 31, 2018 at a Public Open House facilitated by the County’s Consulting Engineer.

Administration, as directed by Council, had numerous meetings with the Developers for the purpose of reviewing a number of different drainage options that would address the drainage challenges in the area.

Helix Engineering Inc. provided a number of storm water management scenarios that would address the following:

- Confirmed the drainage servicing area
- Provide a drainage solution for future development
- The drainage solution to accommodate urban design
- Provide an estimate for the improvements

Author: F. Wiebe **Reviewed by:** _____ **CAO:** L. Racher

- Develop an off-site levy calculation based on the estimate and benefitting area

Helix Engineering representative presented a Draft Report on the North La Crete Drainage Study at the Committee of the Whole meeting on November 24, 2020.

Administration did reach an agreement with the Developers on a conceptual drainage plan that will include storm ponds to be constructed on the north side of 109th Avenue.

Pond “A” of the conceptual plan is approximately 2.9ha in size and is designed to service the benefitting areas (Refer to Schedule 4) on both the north and south side of 109th Avenue. Pond “A” is needed now and the importance in securing the 2.9ha lands is critical to ensure that the County can proceed with construction of the drainage facility within the next year. This is due to existing drainage issues within the southerly portion of the drainage basin and the current development interest in the area that requires an overall drainage solution in order to proceed with development.

Pond “A” and the proposed drainage ditch to be built on the south side of 109th Avenue connecting into the proposed storm pond, forms an integral part of the overall storm water management design. A 10 - meter right of way will be required to accommodate the room required in construction of the drainage ditch.

Due to the importance on securing the lands for both Pond “A” and the ditch 10-meter right of way, the County will need to secure the lands by purchasing the area needed for both facilities. Because of the land purchasing, the land acquisition costs form part of the Levy calculations.

Ponds “B” and “C” will be lands that the County has the authority to secure as Public Utility Lots (PUL) at the Subdivision Approval stage. Therefore, there are no costs for land acquisition for Ponds “B” & “C” within Helix Engineering Inc. off-site levy calculations.

OPTIONS & BENEFITS:

Option 1

Council approve of the La Crete North Storm Design Report prepared by Helix Engineering Inc., dated November 17th, 2020 and authorize administration to proceed in developing an off-site levy bylaw for the North La Crete storm water drainage basin area as detailed in Helix Engineering Inc Design Report.

This action will provide administration with direction on proceeding and achieving Council’s direction by Motion 20-04-266.

Author: F. Wiebe **Reviewed by:** _____ **CAO:** L. Racher

COSTS & SOURCE OF FUNDING:

All costs of the drainage improvements including, the Helix Engineering Inc. Report, are included within the reports off-site levy calculations. The levy is paid in full based on a per/ha charge by the developers at the sub-division approval stage.

The drainage improvements, subject to Council’s approval, will be included in the development of the County’s capital plan.

Administration will seek grant funding opportunities that, if successful, will result in lower off-site levy development charge.

SUSTAINABILITY PLAN:

Goal C1

The capacity of infrastructure in County hamlets keeps pace with their growth and is planned in such a way that ensures their sustainability

Goal E 26.1

Infrastructure is adequate and there are plans in place to manage additional growth

COMMUNICATION / PUBLIC PARTICIPATION:

Upon Council, authorizing administration to proceed with preparing an off-site levy bylaw, administration will be required to advertise the bylaw in accordance with the MGA.

POLICY REFERENCES:

MGA Section 648/649 Offsite-levy, Section 606 “Advertising”
Mackenzie County General Municipal Improvement Standards

RECOMMENDED ACTION:

Motion 1

- Simple Majority Requires 2/3 Requires Unanimous

That the La Crete North Storm Design Report prepared by Helix Engineering Inc., dated November 18, 2020 be approved.

Author: F. Wiebe Reviewed by: _____ CAO: L. Racher

Motion 2

Simple Majority Requires 2/3 Requires Unanimous

That administration seek grant funding opportunities to offset the costs for the La Crete North Storm Design Report prepared by Helix Engineering Inc., dated November 17, 2020.

Author: F. Wiebe **Reviewed by:** _____ **CAO:** L. Racher

La Crete North Storm Design Report

*Mackenzie County
Hamlet of La Crete*

November 17, 2020

HELIX
Engineering Ltd.

#202, 10514 67 Avenue
Grande Prairie, AB T8W 0K8
ph: 780.532.5731
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HELIX ENGINEERING LTD.

DISCLAIMER

This Design Report has been prepared by HELIX ENGINEERING LTD for use in preliminary design concepts for the La Crete North Storm Design Report for the Hamlet of La Crete in Mackenzie County. The information and data contained herein represent HELIX's best professional judgement in light of the knowledge and information available to HELIX at the time of preparation. This Report and the information and data contained herein are to be treated as confidential and may be used and relied on only by HELIX and its employees. HELIX denies any liability whatsoever to other parties who may obtain access to this document for any injury, loss, or damage suffered by such parties arising from their use of, or reliance upon, this study or any of its contents without the express written consent of HELIX ENGINEERING LTD.

CORPORATE AUTHORIZATION

This document entitled "La Crete North Storm Design Report" was prepared by Helix Engineering Ltd.

 Nov 19/20

APEGA 'Permit To Practice' # P11731



Randy Glenn, P. Eng

This is a scanned copy of the original.

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Appendix A – Detailed Cost Estimate

EXECUTIVE SUMMARY

Helix Engineering Ltd. has been retained to provide a storm water management plan for an area north of 109 Avenue in the Hamlet of La Crete. In addition, a problem area south of 109 Avenue was identified and our scope included finding a solution. The drainage basin encompasses 217.6 ha of land in a mix of residential and commercial / light industrial land use. The basin includes some developed areas, some infill areas as well as areas of new development.

The servicing strategy includes three (3) interconnected storm water ponds and a conveyance system of ditches, culverts, and gravity trunk sewers. The Overall Concept is shown on Figure 3.

Interim servicing for the lands south of 109 Avenue is accomplished with using Pond A as a zero-discharge pond with a temporary connection to the existing storm sewer at 101 Street. With zero discharge, Pond A will store 100% of the runoff and empty into the storm system only after the downstream pipes have capacity.

The estimated cost for the servicing strategy is \$2,353,200 including engineering and contingencies. Based on this cost, levies have been calculated as \$10,810 /ha.

1.0 GENERAL

The purpose of this report is to consider storm water management for the north area of La Crete. The report also addresses a problem area identified by the County as shown on Figure 1. The report presents conceptual designs for the proposed infrastructure. Final detailed engineering design will be in accordance with the latest Mackenzie County General Municipal Improvement Standards.

2.0 SERVICE AREA

The service area is 217.6 ha. The lands included area as follows:

North of 109 Avenue (TWP RD 1060) – Management Area

- South half of SW16-106-15-5
- SE16-106-15-5
- SW15-106-15-5

South of 109 Avenue (TWP RD 1060) – Problem Area

- Portions of North half of 9-106-15-5

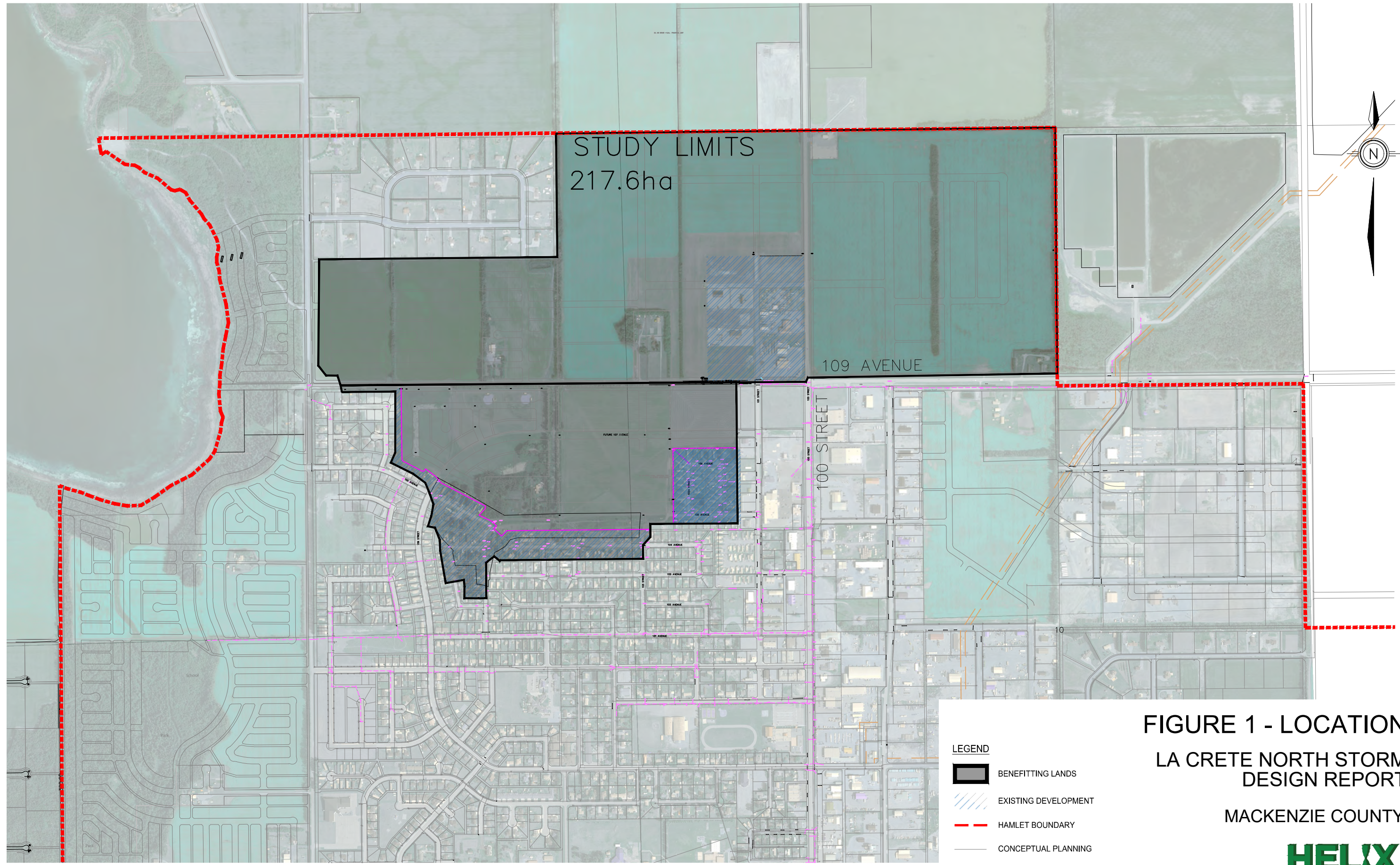
The area north of 109 Avenue requires a stormwater management plan. The report provides this.

The area south of 109 Avenue has been substantially developed with no storm water management. The area has been identified as a problem for major drainage. The report seeks to provide a long-term solution.

3.0 PROPOSED LAND USE

The proposed land use and existing topography for the basin is shown on Figure 2. The area is a mix of residential with commercial and light industrial. The land use and benefitting areas are shown on Table 1.

TABLE 1 - BENEFITTING AREAS					
	South of 109 Avenue		North of 109 Avenue		Total
	Existing	Future	Existing	Future	
Residential	16.0	41.6	-	32.0	89.6
Commercial/Light Industrial	-	-	12.8	115.2	128.0
Total	16.0	41.6	12.8	147.2	217.6







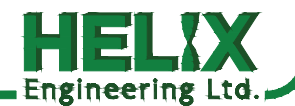
- LEGEND**
-  BENEFITTING LANDS
 -  EXISTING DEVELOPMENT
 -  HAMLET BOUNDARY
 -  CONCEPTUAL PLANNING

FIGURE 1 - LOCATION
LA CRETE NORTH STORM
DESIGN REPORT
 MACKENZIE COUNTY



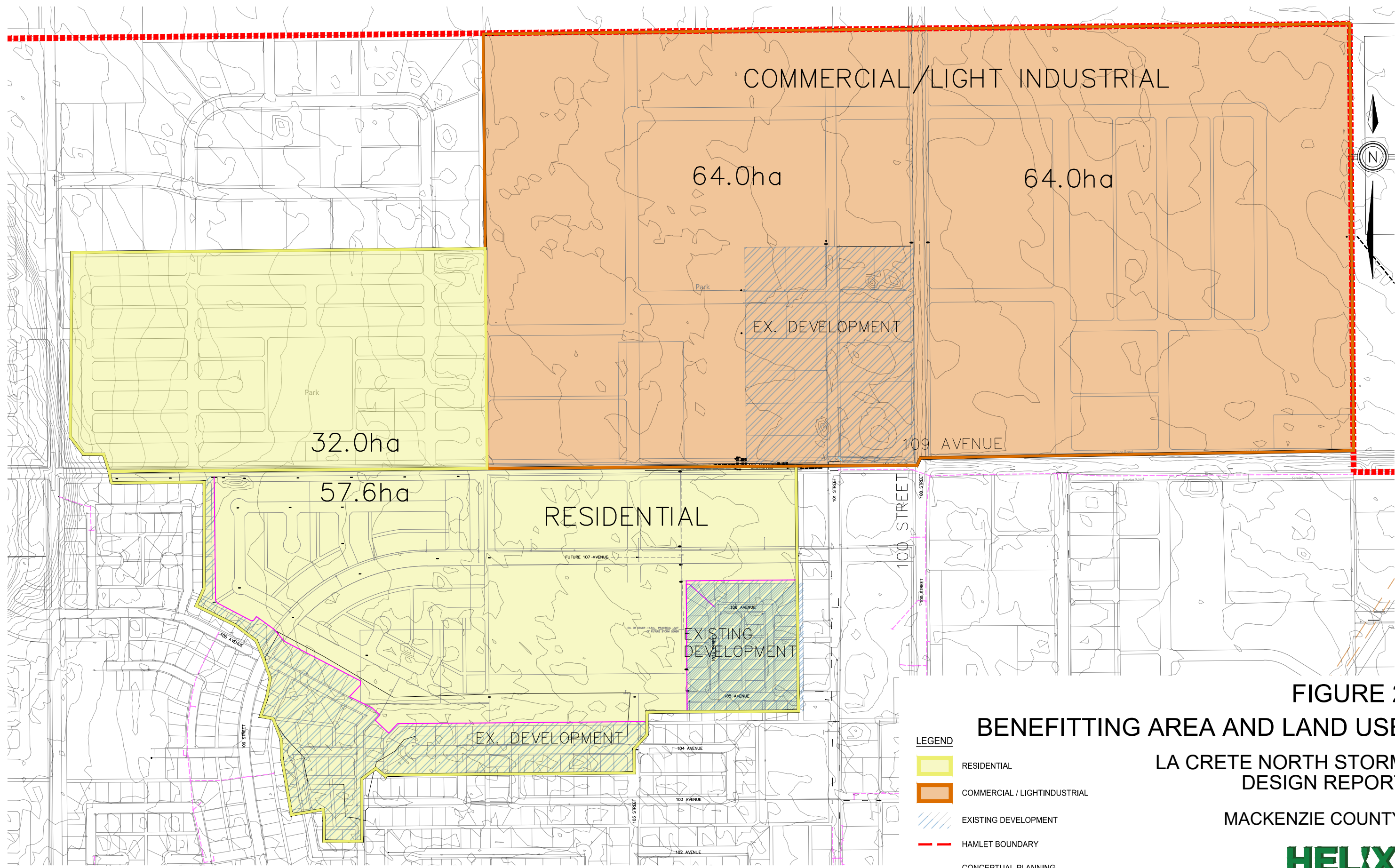


FIGURE 2
BENEFITTING AREA AND LAND USE
 LA CRETE NORTH STORM
 DESIGN REPORT
 MACKENZIE COUNTY



4.0 DESIGN CRITERIA

The design criteria used in the preliminary design is in accordance with the County Mackenzie County General Municipal Improvement Standards dated July 2014 and current Alberta Environment and Parks (AEP) guidelines. The preliminary design is based on the following criteria:

- 400 cu.m/ha storage required for Residential
- 550 cu.m/ha storage required for commercial and light industrial
- Rational method for estimating peak flows
- 5.0 l/s/ha pre-development flow rate
- 5:1 pond side slope from 1m above Normal Water Level (NWL)
- 7:1 pond side slope from 1m above NWL to 1m below NWL
- Minimum 2m water depth below NWL
- High Level IDF curves

The drainage system is addressed in two parts, the major and the minor system. Typically, the minor system is a series of catch basins and pipes that convey the 1:5 year rainfall event. The major system is the overland flow route for greater than the 1:5 year event, sized for the 1:100 year rainfall event. The major system can be the road/curbs/gutters or it can be the series of ditches and culverts. The major system also includes storage facilities, typically ponds, to attenuate the flows to pre-development rates, thereby minimizing the impact of development on the downstream systems.

5.0 DRAINAGE CONCEPT

As per the design criteria, the drainage concept has been developed to convey major and minor flows to storm water ponds. The ponds will store excess runoff generated from development and release to the downstream system at the pre-development flow rate. The resulting system will satisfy this requirement for the existing and future development areas defined by the basin.

Problem Area

The problem area south of 109 Avenue offers a few challenges to the system. In the absence of stormwater management facilities, the area is experiencing drainage issues during significant events. The undeveloped lands in this area have been subdivided into smaller parcels with multiple landowners. This makes assembling a storm water pond site difficult. Ultimately, it was determined the best option would be to site the facility for this area on the north side of 109 Avenue. Negotiations have occurred with the landowner and the land acquisition looks promising. There is pressure to develop this facility in the immediate future.

Ultimate Concept

The ultimate concept is shown on Figure 3. The system consists of ditches, storm sewer, culverts, and storm ponds. Runoff is directed to a series of 3 ponds, labelled as A, B and C. Ponds A and B are connected by an equalization pipe and will function as one pond. Controlled discharge from Pond A will flow east through ditches and culverts into Pond C. Controlled discharge from Pond C will be directed to the existing drainage course to the east on the lagoon site. To illustrate how these systems will work together, a profile of the system is provided on Figure 4.

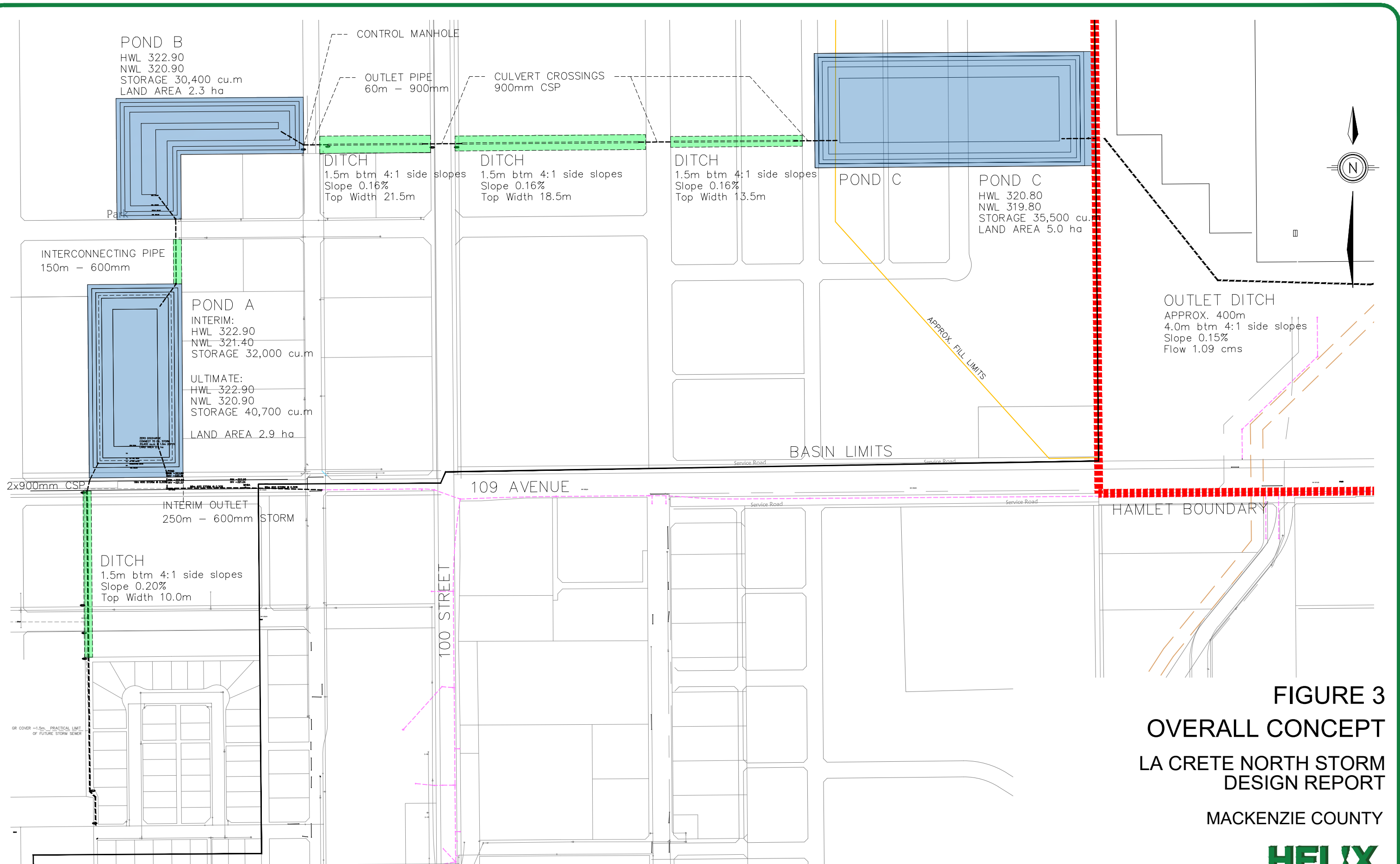
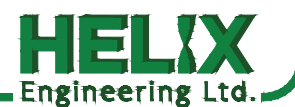


FIGURE 3
OVERALL CONCEPT
LA CRETE NORTH STORM
DESIGN REPORT
MACKENZIE COUNTY



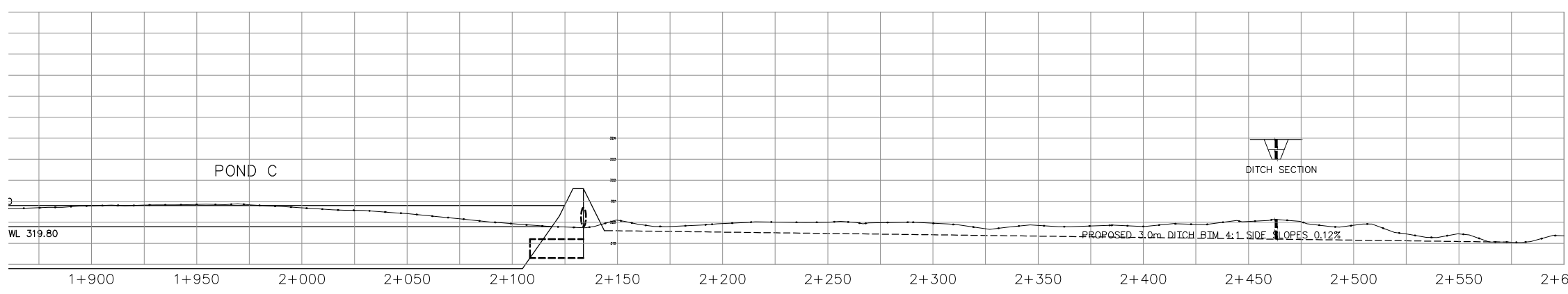
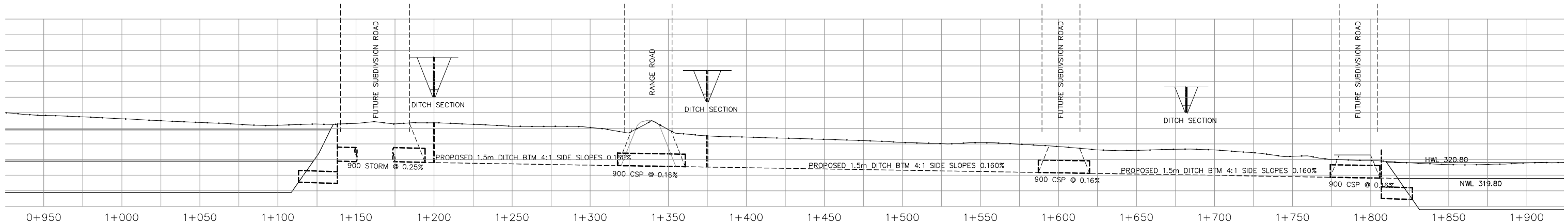
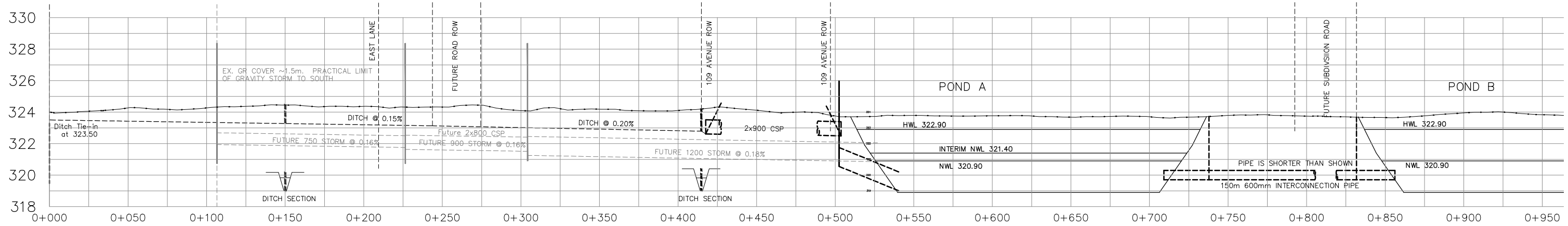
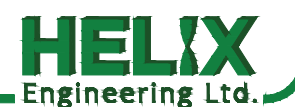


FIGURE 4
SYSTEM PROFILE
 LA CRETE NORTH STORM
 DESIGN REPORT
 MACKENZIE COUNTY



2320-003-100DD-STORM SEWER.DWG Nov. 18, 2020 9:00 AM

Interim Servicing

The ultimate system relies on the three ponds and the associated conveyance system to be in place. The immediate need is for Pond A. Interim construction of Pond A requires that the pond have an outlet, which will not exist until the ultimate system is constructed. On an interim basis, the outlet will be provided with a connection to the existing storm sewer system located at 109 Avenue and 101 Street. This system was not sized to accommodate flows from the pond. To ensure that the existing storm system is protected from negative impacts due to increased flows, operation of Pond A will be modified to allow 100% of the 100 year runoff from the basin south of 109 Avenue to be stored with zero discharge from the pond. To accommodate the storm sewer connection, the interim NWL will be set at or near 321.4, roughly 0.5m higher than the ultimate. The pond will only empty into the storm only when the water level in the existing pipes subsides to free up capacity.

The conceptual pond data is summarized in Table 2.

TABLE 2 - POND DATA					
	Interim Pond A	Pond A	Pond B	Pond A & B	Pond C
Allowable Outlet - (l/s)	zero	-		768	1,088
Storage Required (cu.m)	31,553			71,040	35,200
Storage Provided (cu.m)	31,992	40,736	30,376	71,112	35,517
High Water Level (HWL)	322.9	322.9	322.9	322.9	320.8
Normal Water Level (NWL)	321.4	320.9	320.9	320.9	319.8
Pond Bottom (BTM)	319.9	319.9	319.9	319.9	317.8
Ultimate Pond A outlets to Pond B					

The ultimate concept will allow for urban servicing of the infill lands south of 109 Avenue. The water levels in Ponds A and B will allow a storm sewer connection that will service the area. This will allow the remaining lands to be developed with curb & gutter and storm sewer. The storm sewer should be designed for the 1:5 year event. The proposed ditch conveyance system that runs from south to north, crossing 109 Avenue, will continue to convey the major flows from the area. The road system should be designed to convey the major flows overland to the north-south ditch.

6.0 CONSTRUCTION COST ESTIMATES

The construction cost for the servicing concept has been estimated based on the preliminary design of the system. This includes the following:

- Ditches
- Road Culverts
- Inter-connection Pipes
- Storm Sewer
- Control Manholes
- Earthworks for storm ponds
- Erosion Control
- Restoration

In addition to the infrastructure costs, the costs estimates include the cost of land for Pond A and the associated ditching to the south. Also included:

- Cost of the servicing study
- 10% for Engineering
- 20% for Contingencies

The construction costs are summarized in Table 3.

TABLE 3 - ESTIMATED COSTS					
	Phase				Total
	Offsite	Pond A	Pond B	Pond C	
Ditching/Piping	212,700	216,000	173,400	140,900	743,000
Ponds	25,000	287,600	300,300	408,100	1,021,000
Subtotal	237,700	503,600	473,700	549,000	1,764,000
Contingencies 20%	47,500	100,700	94,700	109,800	352,700
Engineering 10%	23,800	50,400	47,400	54,900	176,500
Subtotal	309,000	654,700	615,800	713,700	2,293,200
Design Report	60,000				60,000
Project Total	369,000	654,700	615,800	713,700	2,353,200

Note: \$25,000 in Offsite ponds is the interim control manhole.

Land cost has been included in the offsite area for the offsite conveyance system (ditches) and for the land to construct Pond A. All other lands required to complete the servicing strategy will be taken as public utility lots at the time of subdivision. The offsite area is an exception to allow for an immediate solution to the problem area south of 109 Avenue.

7.0 BASIN LEVIES

The cost to service the basin will be charged back to the benefitting lands as a development levy. The system will result in the following development levy:

System Cost	\$2,353,200
Benefitting Lands	217.6 ha
Levy	\$10,810 / ha

Appendix A

Detailed Cost Estimates

Detailed Cost Estimate

Item	Unit	Unit Price	Pond A Offsites		Pond A		Pond B		Pond A and B		Pond A, B with Offsite		Pond C		Pond A and B and C		Pond A, B, C with Offsite	
			Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
STORM PONDS																		
Common Excavation																		
To Stockpile	cu.m	3.50	-	-	62,800	219,800.00	58,602	205,107.00	121,402	424,907.00	121,402	424,907.00	79,695	278,932.50	201,097	703,839.50	201,097	703,839.50
To Fill	cu.m	4.00	-	-	-	-	-	-	-	-	-	3,600	14,400.00	3,600	14,400.00	3,600	14,400.00	
Control Manhole	lump sum	25,000.00	1	25,000.00	-	-	1	25,000.00	1	25,000.00	2	50,000.00	1	25,000.00	2	50,000.00	3	75,000.00
Topsoil and Seeding	sq.m	4.00	-	-	11,637	46,548.00	11,868	47,472.00	23,505	94,020.00	23,505	94,020.00	15,069	60,276.00	38,574	154,296.00	38,574	154,296.00
Erosion Control	sq.m	9.00	-	-	2,364	21,276.00	2,520	22,680.00	4,884	43,956.00	4,884	43,956.00	3,272	29,448.00	8,156	73,404.00	8,156	73,404.00
CONVEYANCE																		
Storm Sewer:																		
600mm UltraRib	m	350.00	248	86,800.00	-	-	150	52,500.00	150	52,500.00	398	139,300.00	-	-	150	52,500.00	398	139,300.00
750mm PVC	m	500.00	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
900mm PVC	m	750.00	-	-	-	-	70	52,500.00	70	52,500.00	70	52,500.00	40	30,000.00	110	82,500.00	110	82,500.00
Manholes	ver.m	2,750.00	6	16,500.00	-	-	6	16,500.00	6	16,500.00	12	33,000.00	-	-	6	16,500.00	12	33,000.00
Ditching	cu.m	5.00	3,413	17,062.50	-	-	3,968	19,837.50	3,968	19,837.50	7,380	36,900.00	9,988	49,938.75	13,955	69,776.25	17,368	86,838.75
Topsoil and Seeding	sq.m	4.00	4,830	19,320.00	-	-	2,967	11,868.00	2,967	11,868.00	7,797	31,188.00	6,307	25,228.80	9,274	37,096.80	14,104	56,416.80
Culverts:																		
600mm	lin.m	325.00	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
800mm	lin.m	450.00	-	-	-	-	45	20,250.00	45	20,250.00	45	20,250.00	-	-	45	20,250.00	45	20,250.00
900mm	lin.m	550.00	30	16,500.00	-	-	-	-	-	-	30	16,500.00	65	35,750.00	65	35,750.00	95	52,250.00
Road Repairs:																		
Pavement	sq.m	80.00	252	20,160.00	-	-	-	-	-	-	252	20,160.00	-	-	-	-	252	20,160.00
Gravel	sq.m	40.00	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Land - Pond	ac	30,000.00	-	-	7.2	216,000.00	-	-	7.2	216,000.00	7	216,000.00	-	-	7.2	216,000.00	7.2	216,000.00
Land - PUL	ls	5,500.00	1.0	5,500.00	-	-	-	-	-	-	1.0	5,500.00	-	-	-	-	1.0	5,500.00
Land - PUL	ls	12,600.00	1.0	12,600.00	-	-	-	-	-	-	1.0	12,600.00	-	-	-	-	1.0	12,600.00
Ditch Oversizing	ls	500.00	1.0	500.00	-	-	-	-	-	-	1.0	500.00	-	-	-	-	1.0	500.00
Culvert Oversizing	ls	17,718.90	1.0	17,718.90	-	-	-	-	-	-	1.0	17,718.90	-	-	-	-	1.0	17,718.90
Subtotal			237,661.40		Subtotal 503,624.00		Subtotal 473,714.50		Subtotal 977,338.50		Subtotal 1,214,999.90		Subtotal 548,974.05		Subtotal 1,526,312.55		Subtotal 1,763,973.95	
Conveyance			212,700.00		216,000.00		173,400.00		389,400.00		602,100.00		140,900.00		530,400.00		743,100.00	
Ponds			25,000.00		287,600.00		300,300.00		587,900.00		612,900.00		408,100.00		995,900.00		1,020,900.00	
Construction			237,700.00		503,600.00		473,700.00		977,300.00		1,215,000.00		549,000.00		1,526,300.00		1,764,000.00	
Engineering 10%			23,800.00		50,400.00		47,400.00		97,700.00		122,000.00		54,900.00		153,000.00		176,400.00	
Basin Study			60,000.00		-		-		-		60,000.00		-		-		60,000.00	
Contingencies 20%			47,500.00		100,700.00		94,700.00		195,500.00		243,000.00		109,800.00		305,000.00		352,800.00	
Total			369,000.00		654,700.00		615,800.00		1,270,500.00		1,640,000.00		713,700.00		1,984,300.00		2,353,200.00	

Basin Area 217.6 ha
Development Levy 10,800.00 /ha



Mackenzie County

REQUEST FOR DECISION

Meeting:	Regular Council Meeting
Meeting Date:	November 25, 2020
Presented By:	Fred Wiebe, Director of Utilities
Title:	La Crete South Sanitary Trunk Sewer – Design Report

BACKGROUND / PROPOSAL:

The South Sanitary Trunk Sewer Design Report completed by Helix Engineering Ltd. presented to Council for the purpose to acquire formal approval from Council. Public engagement was provided on July 31st, 2018 at a Public Open House facilitated by the County’s Consulting Engineer.

The Design Report provides an engineering design that includes a sanitary trunk sewer-servicing concept for the following lands within La Crete area (map attached to report):

- La Crete South ½ of 4-106-15-5
- SE3 – 106-15-5
- North ½ of 33-105-15-5
- NW34-105-15-5

The report provides the County with the technical information needed to develop an off-site levy bylaw necessary in order to continue promoting self-sustainable growth/development within the south portion of the hamlet of La Crete.

The South Sanitary Trunk Sewer Design Report, subject to Council’s adoption of the report, will form an integral part of the off-site bylaw and is a requirement under Section 649 of the MGA stating:

An off-site levy bylaw must set out the object of each levy and indicate how the amount of the levy has been determined.

Author: F. Wiebe **Reviewed by:** _____ **CAO:** L. Racher

OPTIONS & BENEFITS:

Option 1

Council approve the South Sanitary Trunk Sewer Design Report and authorize Administration to proceed in developing an off-site levy bylaw for the sewer service benefitting area. This option promotes the opportunity of future growth and provides the County a financial mechanism to recover all costs associated with the improvements.

Option 2

Council not approve of the report will hinder moving forward in developing the County’s off-site levy necessary for the improvements needed to promote future development for the La Crete subject areas.

COSTS & SOURCE OF FUNDING:

All costs of the sanitary sewer trunk improvements including, the South Sanitary Trunk Sewer Design Report completed by the Helix Engineering Ltd. report, are included within the report’s off-site levy calculations. The Council approved off-site levy will be imposed on a per/ha charge on individual Developers at the Subdivision Approval stage.

The sanitary sewer trunk, subject to Council’s approval, will be included in the development of the County’s Capital Planning and Annual Capital Budgeting.

SUSTAINABILITY PLAN:

Goal C1

The capacity of infrastructure in County hamlets keeps pace with their growth and is planned in such a way that ensures their sustainability

Goal E 26.1

Infrastructure is adequate and there are plans in place to manage additional growth

COMMUNICATION / PUBLIC PARTICIPATION:

Upon Council, authorizing Administration to proceed with preparing an off-site bylaw, Administration will be required to advertise the bylaw in accordance with the MGA section 606 “Requirements for Advertising”.

POLICY REFERENCES:

Municipal Government Act (MGA) Section 648/649 Offsite-levy, Section 606 “Advertising”
Mackenzie County Sustainability Plan
Mackenzie County General Municipal Improvement Standards (GMIS)

Author: F. Wiebe Reviewed by: _____ CAO: L. Racher

RECOMMENDED ACTION:

Motion 1

Simple Majority Requires 2/3 Requires Unanimous

That the La Crete South Sanitary Trunk Sewer Design Report prepared by Helix Engineering Inc. be approved.

Motion 2

Simple Majority Requires 2/3 Requires Unanimous

That Administration proceed in developing an offsite levy bylaw for the benefitting area of the La Crete South Sanitary Trunk Sewer for the purpose in recovering all costs associated with the sanitary sewer trunk improvements.

Author: F. Wiebe **Reviewed by:** _____ **CAO:** L. Racher

South Sanitary Trunk Sewer Design Report

*Mackenzie County
Hamlet of La Crete*

November 14, 2020

HELIX
Engineering Ltd.

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Grande Prairie, AB T8W 0K8
ph: 780.532.5731
fax: 780.532.5824

HELIX ENGINEERING LTD.

DISCLAIMER

This Design Report has been prepared by HELIX ENGINEERING LTD for use in preliminary design concepts for the South Sanitary Trunk Sewer for the Hamlet of La Crete in Mackenzie County. The information and data contained herein represent HELIX's best professional judgement in light of the knowledge and information available to HELIX at the time of preparation. This Report and the information and data contained herein are to be treated as confidential and may be used and relied on only by HELIX and its employees. HELIX denies any liability whatsoever to other parties who may obtain access to this document for any injury, loss, or damage suffered by such parties arising from their use of, or reliance upon, this study or any of its contents without the express written consent of HELIX ENGINEERING LTD.

CORPORATE AUTHORIZATION

This document entitled "South Sanitary Trunk Sewer Design Report" was prepared by Helix Engineering Ltd.

**APEGA PERMIT
P11731**

Randy Glenn Nov 14/20



APEGA 'Permit To Practice' # P11731

Randy Glenn, P. Eng

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Appendix A – Detailed Flow Calculations

Appendix B – Detailed Cost Estimate

EXECUTIVE SUMMARY

Helix Engineering Ltd. has been retained to provide a sanitary sewer servicing strategy for the south area of La Crete. The final basin will service 512 ha of land with a mix of residential, commercial and light industrial uses with an allowance for 284 ha of low-pressure sewer flows. The servicing strategy includes a gravity trunk sewer flowing west to east, a lift station and a force main north to transport flows to the existing sewage lagoon.

The gravity trunk is 2,136m long with pipes ranging in size from 450mm to 675mm diameter. The pipe depths range from 8m to 11m. The peak wet weather flow in the trunk is estimated at 316.2 l/s. The lift station and force main have been sized to accommodate this flow. The force main would be a 600mm diameter pipe. To reduce operational issues at the start of development, twinned 400mm pipes are included in the strategy. The first would be installed with the lift station and the second would be installed when required. This will aid in achieving minimum velocities and providing turnover of the volume in the pipe.

The estimated cost for the servicing strategy is \$13,587,000 including engineering and contingencies. Based on this cost, levies have been calculated as follows:

Low Pressure	\$3,417 /ha
Gravity Area	\$23,967 /ha

1.0 GENERAL

The purpose of this report is to consider Sanitary Sewer Servicing Strategy for the south area of La Crete. Final detailed engineering design will be in accordance with the latest Mackenzie County General Municipal Improvement Standards.

2.0 SERVICE AREA

The service area is shown in Figure 1. The lands included area as follows:

North of TWP RD 1060

- South half of 4-106-15-5
- SE3-106-15-5

South of TWP RD 1060

- North half of 33-105-15-5
- NW34-105-15-5

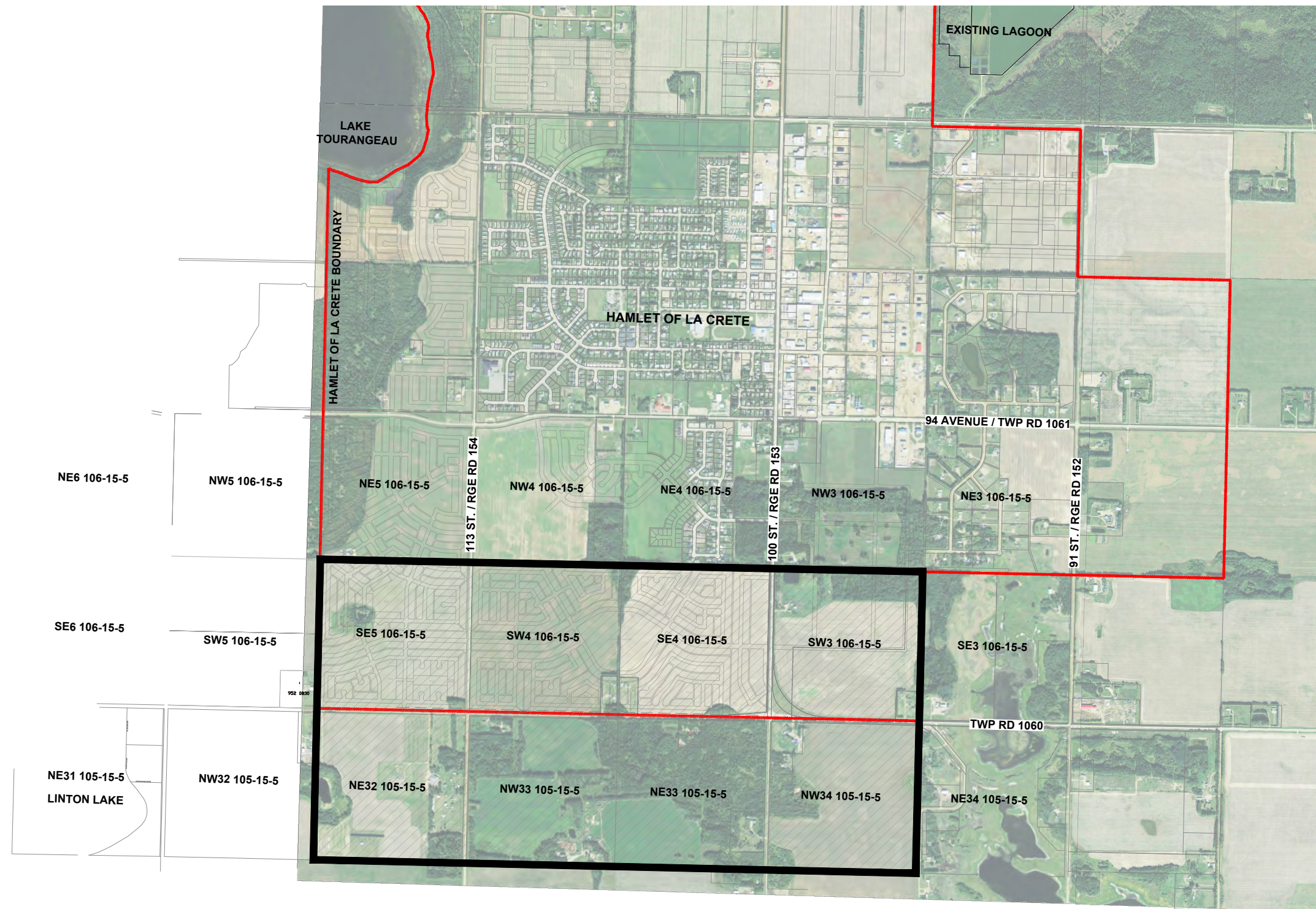
The original scope of work included only the lands north of TWP RD 1060. The alignment of the proposed trunk was changed to allow the additional area to be serviced within the same trunk system.

3.0 PROPOSED LAND USE

The proposed land use for the basin is shown on Figure 2. The area is predominantly residential with a mix of commercial and industrial. Typically, land uses are based on Area Structure Plans. In the absence of this planning document, the preliminary design is based on the following assumptions:

- Net development land is the gross area less potential Environmental Reserve
- Future arterial road widenings - 15m north and 10m south along TWP RD 1060, and 5m each side of RGE RD 154, 5m each side of RGE RD 153 south of TWP RD 1060 and 10m each side north of TWP RD 1060
- Parks – 10% land allocated in residential areas and assumed cash in lieu in industrial areas
- School areas are included in the park allocation
- Residential areas 2% MF and 98% SF
- A School site allocated to the areas north and south of TWP RD 1060

The resulting contributing areas are presented in Table 1.

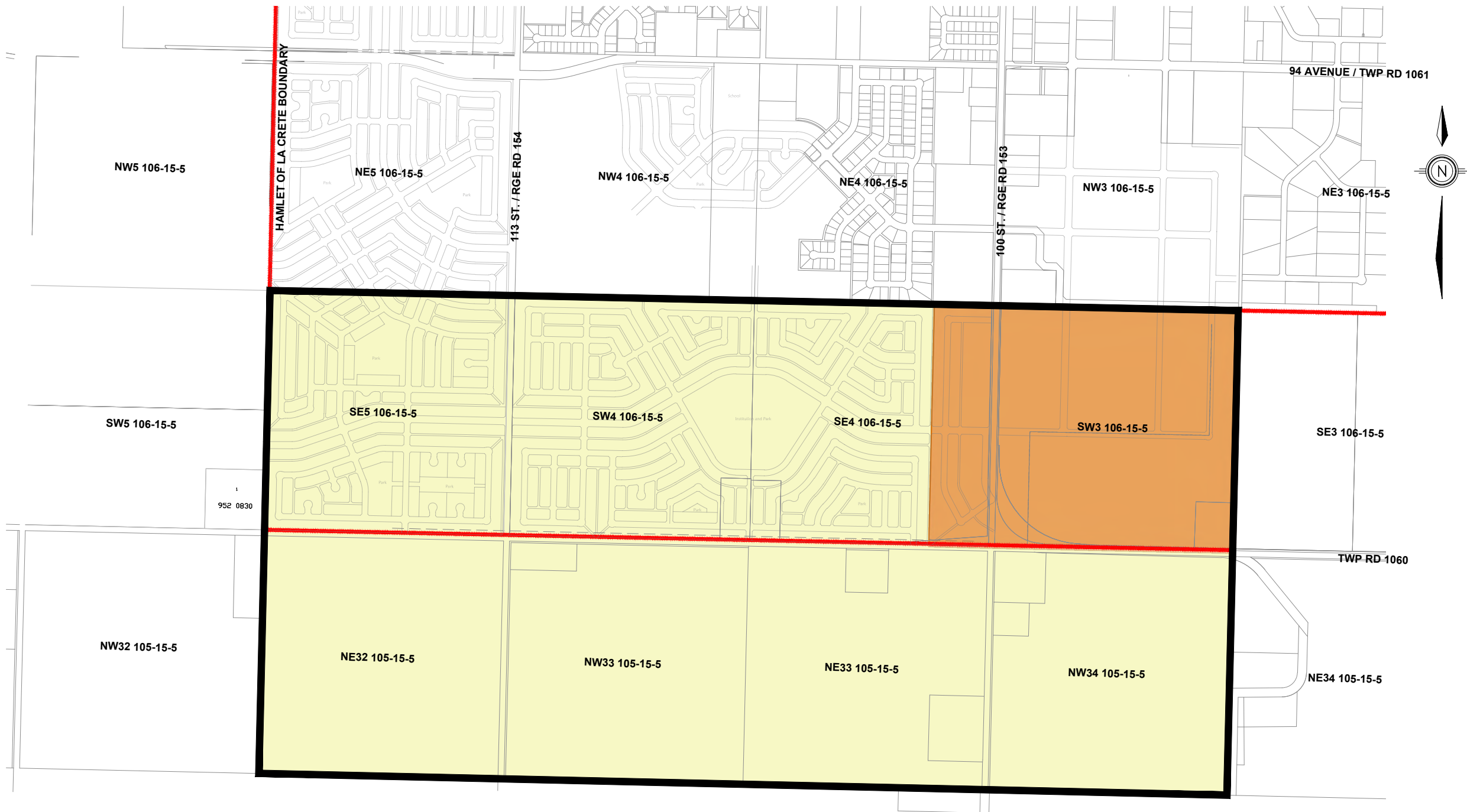


LEGEND






-  BENEFITTING LANDS
-  HAMLET BOUNDARY
-  CONCEPTUAL PLANNING

SCALE: 1:25,000 NOVEMBER 2020

FIGURE 1 - LOCATION
SOUTH SANITARY TRUNK SEWER
MACKENZIE COUNTY
HAMLET OF LA CRETE



LEGEND

	BENEFITTING LANDS		RESIDENTIAL
	HAMLET BOUNDARY		COMMERCIAL / INDUSTRIAL
	CONCEPTUAL PLANNING		

SCALE: 1:15,000 NOVEMBER 2020

FIGURE 2 LAND USE
SOUTH SANITARY TRUNK SEWER
MACKENZIE COUNTY
HAMLET OF LA CRETE

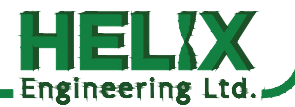


Table 1 - Land Use									
Description	Land Area (ha)								Totals
	SE5	NE32	SW5	NW33	SE4	NE33	SW3	NW34	
Gross Area	64.82	64.05	64.85	64.11	64.53	64.19	64.47	64.20	515.22
Possible ER	-	3.05	-	-	-	-	-	-	3.05
Net Developable	64.82	61.00	64.85	64.11	64.53	64.19	64.47	64.20	512.17
Future Road Widening	1.59	1.16	1.60	1.21	1.99	1.20	1.99	1.21	11.95
Parks	6.48	6.10	6.49	6.41	4.81	6.42	-	6.42	43.13
School	4.00	4.00	-	-	4.00	4.00	-	-	16.00
SWM Ponds	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	20.00
Commercial / Industrial	-	-	-	-	15.31	-	59.98	-	75.29
Subtotal - Non Residential	10.57	9.76	10.59	10.12	24.62	10.12	64.47	10.13	150.37
Net Residential Area	54.25	51.24	54.27	53.99	39.92	54.07	-	54.07	361.80
Single Family	53.16	50.22	53.18	52.91	39.12	52.99	-	52.99	354.56
Multi-Family	1.08	1.02	1.09	1.08	0.80	1.08	-	1.08	7.24

School area is not included in subtotals as it is within the park dedication.

4.0 DESIGN CRITERIA

The design criteria used in the preliminary design is in accordance with the Mackenzie County General Municipal Improvement Standards dated July 2014. Where gaps occurred, standards were used from other municipalities. The preliminary design is based on the following criteria:

- Residential Flow Generation 350 l/p/d (equates to 0.00405 l/s/p)
- Single Family Density of 35 p/ha
- Multi-family Density of 105 p/ha
- Commercial / Industrial / Institutional 17,280 l/ha/d (equates to 0.20 l/s/ha)
- Low Pressure Sewer (LPS) servicing 4.16 l/s/ quarter section (based on 30 lots per quarter)
- Peaking Factor – Residential $PF = 1 + \frac{14}{4+(P/1000)^{0.5}}$ 2.5<PF<5
- Peaking Factor – Ind/Com/Inst $PF = 10xQave^{-0.45}$ 2.5<PF<5
- Inflow and Infiltration 17,000 l/s/ha (equates to 0.20 l/s/ha); peaking factor does not apply
- Force main maximum velocity 2.0 m/s
- Force main roughness co-efficient 140
- LPS is not subject to peaking factors or inflow/infiltration
- Maximum manhole spacing 150m

In addition to the criteria listed above, Mackenzie County and Helix Engineering Ltd, in consultation with Aquatera Utilities, have agreed on the following:

- The LPS flows have the potential to deteriorate concrete manholes when entering the gravity system. Manholes can be lined to protect against corrosion. The County inspected manholes from the

connection point of the existing LPS systems and found some deterioration in the first couple of manholes only. Thus, this report includes lining of the first three manholes, the connection manhole and two downstream.

- The use of Vortex systems where LPS or force mains connect to the gravity trunk should be investigated. When the turnover in the pressure pipe takes longer than a day, the use of a vortex may be warranted. This will be the case in the early stages of development when there are minimal flows in the system and the pipes are sized for the ultimate. The Vortex system will reduce odors and corrosion. Vortex systems have been included at the LPS connection, but not at the force main connection at the lagoon.

Based on the design criteria, the peak wet weather flows have been calculated for each inflow manhole to be used in sizing the trunk sewer. The resulting flows are presented in Table 2.

TABLE 2 - DESIGN FLOWS		
Land Use	Flow l/s	% of Total
LPS	25.0	7.9%
Residential & Schools	235.5	74.5%
Com/Ind	55.8	17.6%
Total	316.3	100.0%
Flows are Peak Wet Weather (l/s)		

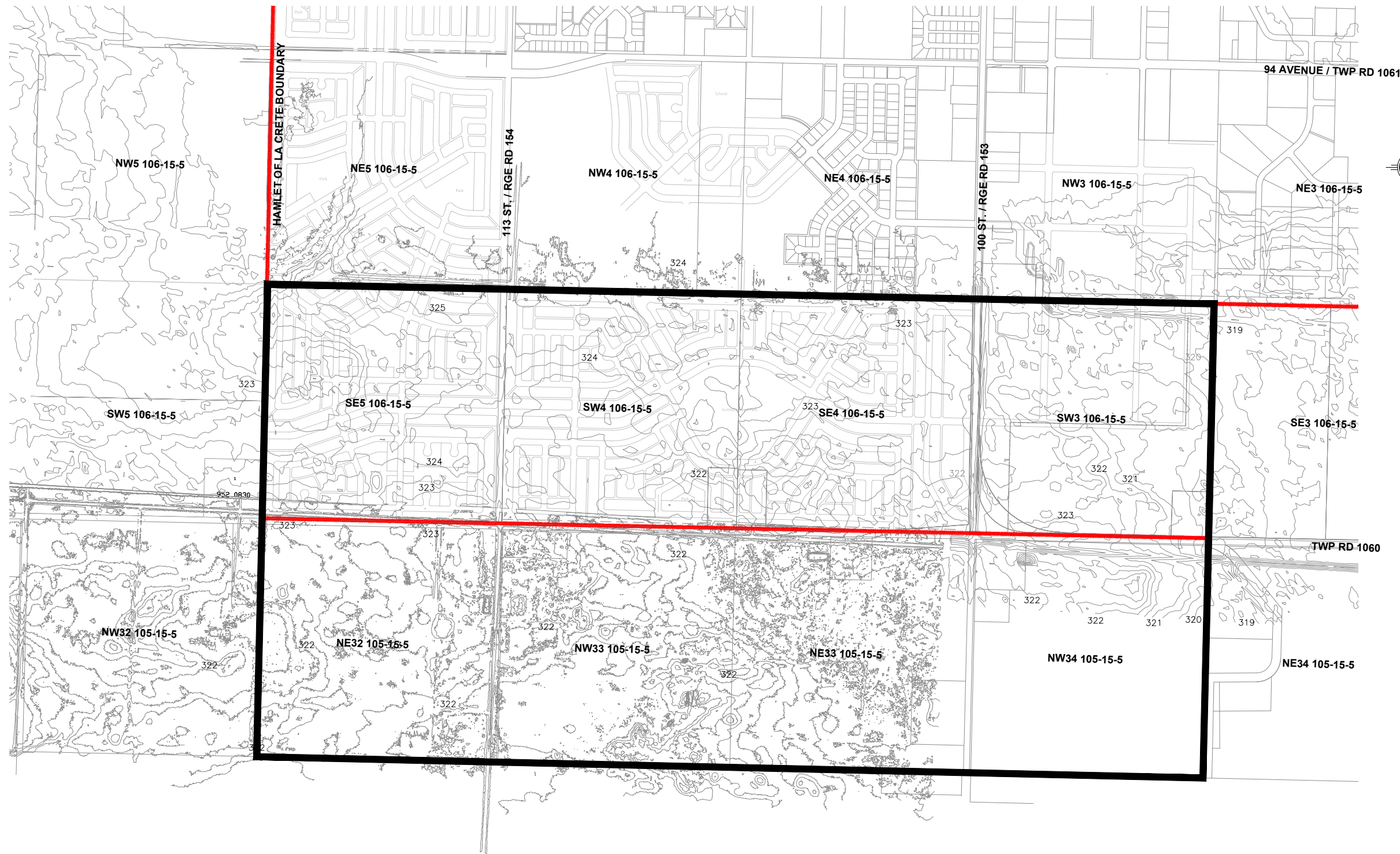
5.0 TRUNK DESIGN

The land within the basin slopes from the west to the east. The topography is shown on Figure 3. The general design concept is for a gravity trunk to convey flows from the west to the east. The gravity trunk will flow into a sanitary lift station. The lift station will pump flow to the existing sewage lagoon in a force main. Detailed flow calculations are included in Appendix A.

The alignment was selected in consultation with County staff. It was also agreed that the trunk design would allow for LPS flows from six (6) quarter sections, resulting in an inflow of 25.0 l/s.

Design of the trunk sewer considers the depth required for the lateral connections servicing the basin.

The resulting trunk sewer is 2,136m long with pipe sizes ranging from 450mm to 675mm diameter. The depth of the trunk ranges from 8m to 11m. The force main will extend from the proposed lift station 4,500m to the existing sewage lagoon. The pipe would be sized as a 600mm HDPE DR11 to handle the ultimate design flow of 316.2 l/s, resulting in a velocity of 1.67 m/s and a head of approximately 41 psi. This is the peak wet weather flow for the basin.

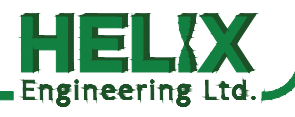


LEGEND

-  BENEFITTING LANDS
-  HAMLET BOUNDARY
-  CONCEPTUAL PLANNING

SCALE: 1:15,000 NOVEMBER 2020

FIGURE 3 TOPOGRAPHY
SOUTH SANITARY TRUNK SEWER
MACKENZIE COUNTY
HAMLET OF LA CRETE



The challenge with a force main sized to service 8 quarter sections of development is that under the initial development conditions, the velocity in the pipe would not be sufficient for scour resulting in possible operation and maintenance concerns. To address this issue, the design includes a set of two (2) 400mm diameter force mains are proposed for this trunk system. The initial 400mm pipe will service approximately half the area before the twinning will be required. At a flow rate of 158.1 l/s, the velocity will be 1.88 m/s with a head of approximately 69 psi. The initial pump selection should deliver 51 l/s at a head of approximately 20 psi to achieve 0.6 m/s velocity. Pipe volume will turn over with 2 hours of total run time.

The servicing concept is shown on Figure 4.

6.0 CONSTRUCTION COST ESTIMATES

The construction cost for the servicing concept has been estimated based on the preliminary design shown on Figure 5. This includes the gravity trunk, lift station and the staged force main. The detailed cost estimate is included in Appendix B. Estimates include the following:

- Cost of the servicing study
- 10% for Engineering
- 20% for Contingencies
- Allowance for lining of upper manholes to facilitate the LPS connection
- Trenchless construction of the force main

The construction costs are summarized in Table 3.

TABLE 3 - ESTIMATED COSTS	
Item	Amount
Gravity Trunk	3,489,000
Lift Station	2,000,000
Force Main	4,725,000
Subtotal	10,214,000
Contingencies 20%	2,043,000
Engineering 10%	1,022,000
Subtotal	13,279,000
Design Report	59,000
Trunk Sewer MH Lining*	53,000
Project Total	13,391,000
* Lining cost includes Engineering & Costs have been rounded to the nearest \$1000	

The cost to install both 400mm force mains is included. The cost of changing of pumps to accommodate incremental development has not been included as pumps have a useful life and require replacement over time. The estimate does not include land costs, it is assumed the trunk can be constructed within existing and future right of ways.

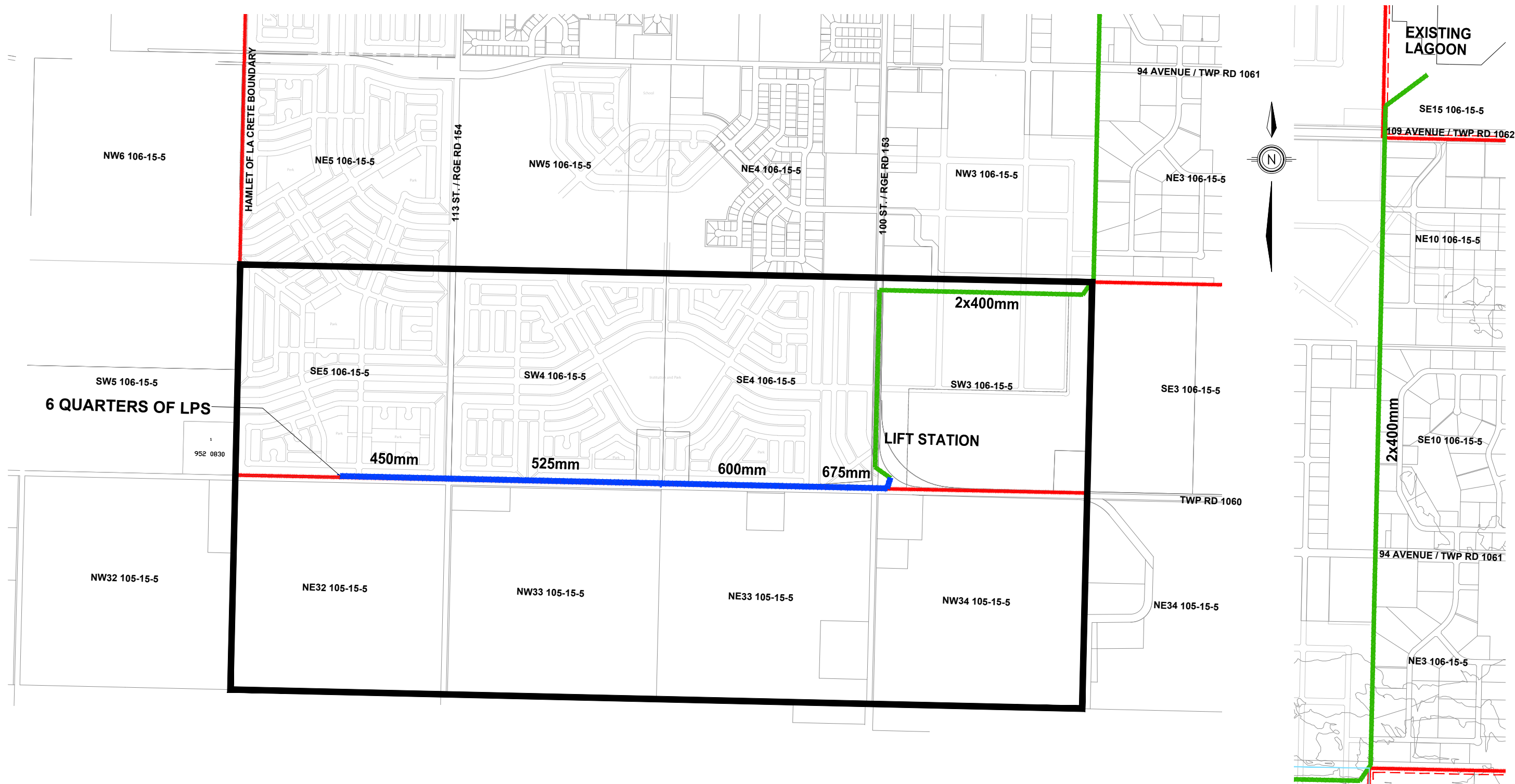
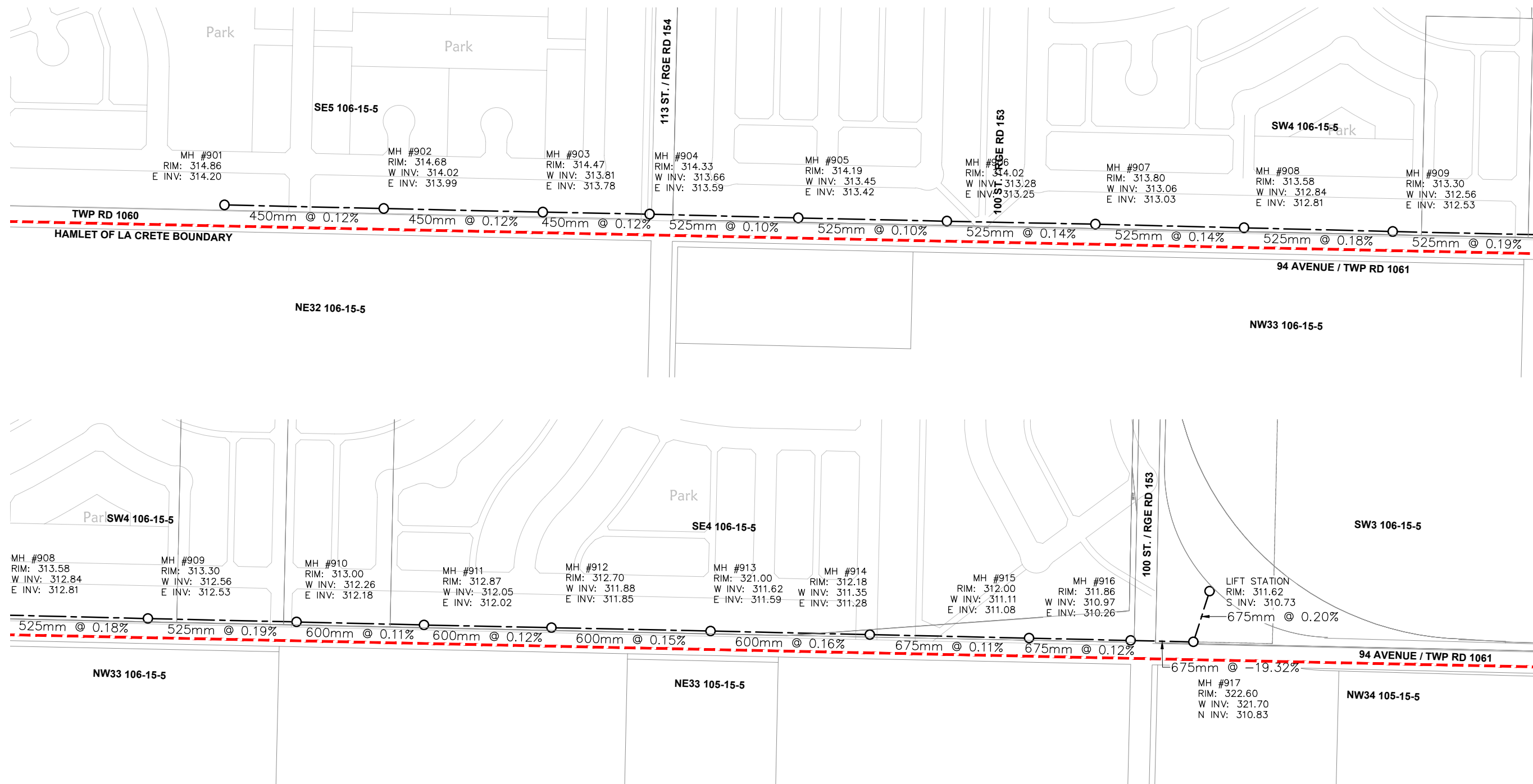


FIGURE 4 SERVICING CONCEPT
SOUTH SANITARY TRUNK SEWER
MACKENZIE COUNTY
HAMLET OF LA CRETE

- LEGEND**
- BENEFITTING LANDS
 - HAMLET BOUNDARY
 - CONCEPTUAL PLANNING
 - GRAVITY TRUNK
 - FORCE MAIN

SCALE: 1:15,000 NOVEMBER 2020





- LEGEND**
- CONCEPTUAL PLANNING
 - GRAVITY TRUNK
 - HAMLET BOUNDARY

SCALE: 1:15,000 NOVEMBER 2020

**FIGURE 5 GRAVITY TRUNK
PRELIMINARY DESIGN**
SOUTH SANITARY TRUNK SEWER
MACKENZIE COUNTY
HAMLET OF LA CRETE



7.0 BASIN LEVIES

The cost to service the basin will be charged back to the benefitting lands as a development levy. Separate levy rates are presented for the future LPS system and the gravity trunk servicing area. Costs have been apportioned based on the portion of the peak wet weather flow as shown in Table 3. The resulting cost allocations and development levies are shown Table 4.

TABLE 4 - DEVELOPMENT LEVIES			
Item	LPS	Gravity	Total
Base Cost	1,054,000	12,284,000	13,338,000
Manhole Lining Cost *	53,000	-	53,000
Subtotal	1,107,000	12,284,000	13,391,000
Benefitting Area (ha)	384.0	512.2	
Development Levy (\$/ha)	2,883	23,985	
* Lining cost includes Engineering & Contingencies Construction costs have been rounded to the nearest \$1000			

Appendix A

Design Flow Calculations

Appendix B

Detailed Cost Estimate

**2320-003 SOUTH SANITARY SERVICING
CONSTRUCTION COST ESTIMATES**

Updated: 7-Sep-20

ITEM	DESCRIPTION	UNIT PRICE	UNIT	QUANTITY	AMOUNT
A1.	Safety flag persons, barricades, permits, eco plan	\$10,000.00	l.s.	1	\$10,000.00
A.2	Crop damage reimbursement	\$2.00	s.m	135000	\$270,000.00
A3.	Hydrovac/locate existing shallow conflict utilities, gas mains	\$10,000.00	l.s.	1	\$10,000.00
A4.	Clearing & grubbing	\$7,500.00	ha.	1.0	\$7,500.00
A5.	Topsoil stripping of proposed construction limits & laydown areas (push to side of R/W)	\$3.50	c.m.	35,000	\$122,500.00
A6.	Topsoil restoration of construction R.O.W. & laydown areas (restore to existing)	\$3.50	c.m.	35,000	\$122,500.00
A7.	Restoration of existing gravel access road/road allowance c/w cloth/grid, 400mm GBC	\$45.00	s.m.	550	\$24,750.00
A8.	Restoration of existing gravel access driveway c/w cloth/grid, 300mm GBC	\$35.00	s.m.	1,000	\$35,000.00
A9.	Restoration of existing Paved Road c/w cloth/grid, 600mm GBC, 120mm ACP	\$100.00	s.m.	1,300	\$130,000.00
A10.	Supply/Install 15m -600mm CSP culvert c/w tapered ends	\$5,000.00	ea	2	\$10,000.00
A11.	Supply/Install sanitary sewer main				
	a) 375	\$125.00	l.m.	0	\$0.00
	b) 450	\$210.00	l.m.	400	\$84,000.00
	c) 525	\$235.00	l.m.	840	\$197,400.00
	d) 600	\$260.00	l.m.	540	\$140,400.00
	e) 675	\$340.00	l.m.	356	\$121,040.00
	f) 750	\$420.00	l.m.	0	\$0.00
A12.	Trenching/Backfilling				
	a) 7- 8 m depth of bury	\$390.00	l.m.	0	\$0.00
	b) 8- 9m depth of bury	\$640.00	l.m.	1,240	\$793,600.00
	c) 9-10m depth of bury	\$800.00	l.m.	786	\$628,800.00
	d) 10-11m depth of bury	\$900.00	l.m.	110	\$99,000.00
	e) 11-12m depth of bury	\$1,100.00	l.m.	0	\$0.00
A13.	Supply/Install SR concrete manholes c/w frame & covers for 19 units				
	a) 1200mm SR Precast base	\$3,500.00	ea	10.0	\$35,000.00
	b) 1500mm SR Precast base	\$10,000.00	ea	8.0	\$80,000.00
	c) Supply install 1200mm concrete barrels c/w rings & F.C	\$2,200.00	v.m.	85.7	\$188,619.20
	d) Supply install 1500mm concrete barrels c/w rings & F.C	\$3,600.00	v.m.	78.3	\$281,856.96
A15.	Supply/Install aluminum safety platform	\$1,850.00	ea.	10.0	\$18,500.00
A16.	Base stabilizing material (screened rock)	\$70.00	c.m.	600	\$42,000.00
A17.	Video Inspection	\$17.00	l.m.	2,136	\$36,312.00
A18.	Lift station	\$2,000,000.00	ea.	1	\$2,000,000.00
A19	Forcemain				
	400mm HDPE DR11 Forcemain - Phase 1	\$500.00	l.m	4500	\$2,250,000.00
	400mm HDPE DR11 Forcemain - Phase 2	\$500.00	l.m	4500	\$2,250,000.00
	Air Relief Chambers	\$45,000.00	ea.	5	\$225,000.00
Construction Total					\$10,213,778.16
Gravity					\$3,489,000.00
LS					\$2,000,000.00
FM					\$4,725,000.00

Project Budget:		
Construction		\$10,214,000.00
Contingency	20%	\$2,043,000.00
Engineering	10%	\$1,022,000.00
Total		\$13,279,000.00



Mackenzie County

REQUEST FOR DECISION

Meeting:	Regular Council Meeting
Meeting Date:	November 25, 2020
Presented By:	Caitlin Smith, Manager of Planning and Development
Title:	Bylaw 1205-20 Land Use Bylaw Amendment to Create a Zoning Overlay to Regulate Development in the Area Surrounding Mackenzie County Airports

BACKGROUND / PROPOSAL:

The purpose of proposed Bylaw 1205-20 is to identify lands where certain types of development may interfere with Mackenzie County Airport operations. The proposed Bylaw allows administration to restrict development that may negatively affect airports, based on height, attraction of birds, creation of electrical or noise disturbances, or creation of dust or smoke.

Most of the lands surrounding the Fort Vermilion (Wop May Memorial) and La Crete Airports are zoned as Agricultural "A", where a wide variety of uses are Permitted and Discretionary. A zoning overlay of the areas specifically surrounding the airports would allow administration to regulate all uses and include additional conditions to Development Permits for both Permitted and Discretionary uses that would prevent their impacts on airport operations such as height restrictions in accordance with the Airport Vicinity Protection Area (AVPA) Bylaw.

The proposed Bylaw also gives the Development Authority the ability to refuse developments that may be negatively affected by airport operations such as those that may be sensitive to noise.

OPTIONS & BENEFITS:

Mackenzie County will be prepared for development surrounding airports with bylaw that will prevent development that will negatively affect airport operations.

Author: N Friesen **Reviewed by:** C Smith **CAO:** _____

COSTS & SOURCE OF FUNDING:

Costs will consist of advertising the Public Hearing, which will be borne by the Planning and Development Operating Budget.

SUSTAINABILITY PLAN:

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

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

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

Strategy E28.1 When making County growth projections for planning major capital expenditures, continue to use “average 20-year growth rates” rather than using “current growth rates” that may not represent enduring growth patterns.

Goal C1 The capacity of infrastructure in County hamlets and rural communities keeps pace with their growth and is planned in a way that ensures their sustainability.

COMMUNICATION / PUBLIC PARTICIPATION:

Not applicable at this time.

POLICY REFERENCES:

Mackenzie County Economic Development Strategy and Streetscape Design

RECOMMENDED ACTION:

Simple Majority Requires 2/3 Requires Unanimous

That first reading be given to Bylaw 1205-20 being a Land Use Bylaw Amendment to Create a Zoning Overlay to Regulate Development in the Area Surrounding Mackenzie County Airports, subject to public hearing input.

Author: N Friesen **Reviewed by:** C Smith **CAO:** _____

BYLAW NO. 1205-20
BEING A BYLAW OF
MACKENZIE COUNTY
IN THE PROVINCE OF ALBERTA

TO AMEND THE
MACKENZIE COUNTY LAND USE BYLAW
TO ADD A ZONING OVERLAY TO REGULATE DEVELOPMENT IN THE AREA
SURROUNDING MACKENZIE COUNTY AIRPORTS

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

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

WHEREAS, the Council of Mackenzie County, in the Province of Alberta, has deemed it desirable to amend the Mackenzie County Land Use Bylaw to add a Zoning Overlay for the Area Surrounding the Mackenzie County Airports;

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

1. That Mackenzie County Land Use Bylaw Section 8 General Regulations be amended with the following addition:
 - 8.70 Zoning Overlay for the Fort Vermilion (Wop May Memorial) Airport Vicinity and the La Crete Airport Vicinity.
 - 8.70.1 This Overlay applies to those lands in the vicinity of the Fort Vermilion (Wop May Memorial) and La Crete airports, as shown in Figures 28 and 29.

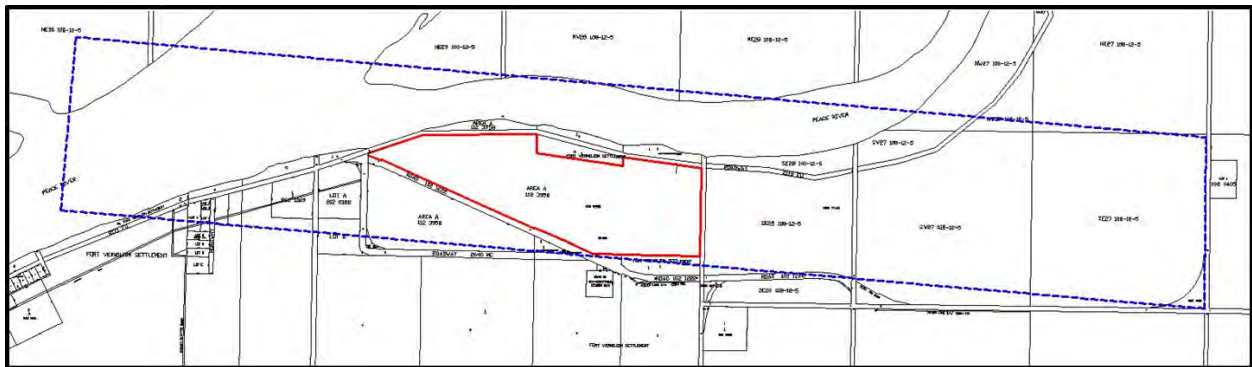


Figure 28. Fort Vermilion (Wop May Memorial) Airport Vicinity

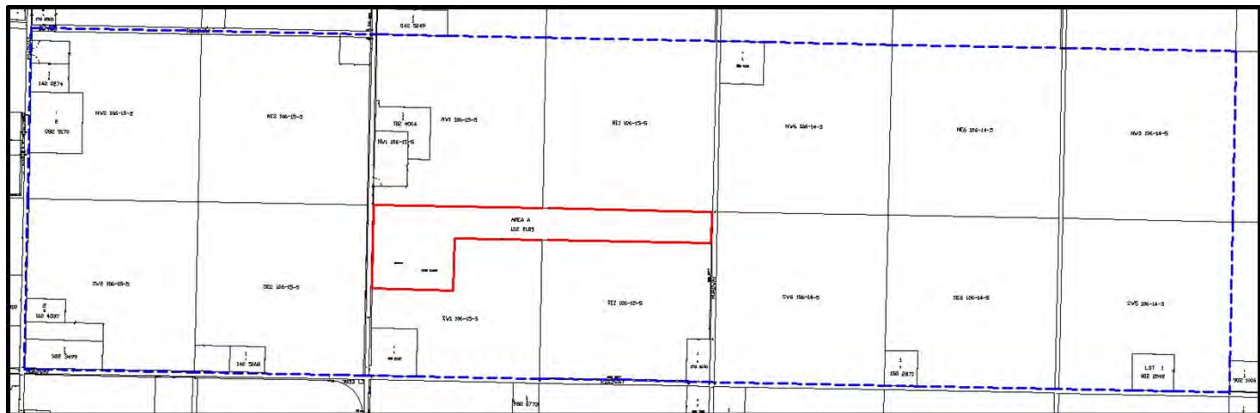


Figure 29. La Crete Airport Vicinity

8.70.2 Those PERMITTED and DISCRETIONARY uses outlined in the specific land use district apply to the subjects lands. However, if those land uses create conflicts such that they may attract birds, create electrical disturbances, create dust or smoke, or are in any other way deemed to be incompatible with the safe operations of the subject airport, they may be REFUSED.

8.70.3 Notwithstanding Section 5.2 of this BYLAW, no DEVELOPMENT may take place unless a DEVELOPMENT PERMIT has been issued, with exception of the following:

- a. The carrying out of works of maintenance or repair to any existing building if those works do not include structural alterations or major works of renovation;
- b. A building referred to in this subsection that is used for the purposes for which construction was commenced;
- c. The erection or construction of gates, fences, walls, or other means of enclosure less than 1.8 metres in height;
- d. A temporary building, the sole purpose of which is incidental to the erection of a building for which a PERMIT has been issued under the provisions of this BYLAW;
- e. The maintenance and repair of public works, services, and utilities carried out or on behalf of federal, provincial, or municipal public authorities and land, which is publically owned or controlled.

8.70.4 Approval of a DEVELOPMENT shall be at the discretion of the DEVELOPMENT AUTHORITY. The impact of the proposed DEVELOPMENT on the operations of the airport, and the impact of the airport operations on the proposed DEVELOPMENT shall be the primary

consideration of the DEVELOPMENT AUTHORITY.

8.70.6 The DEVELOPMENT AUTHORITY shall review all DEVELOPMENT PERMIT APPLICATIONS for their potential to attract birds or create dust, smoke, or electronic interference with aviation related installations and determine if the impacts are significant and should preclude the APPROVAL of the DEVELOPMENT.

8.70.7 In addition to Section 5.5 of this BYLAW, the DEVELOPMENT AUTHORITY may provide additional conditions of approval to any DEVELOPMENT PERMIT for any location within the AIRPORT VICINITY, including but not limited to;

- a. The maximum height for any object, structure, or natural object shall be in accordance with the most current Airport Vicinity Protection Area (AVPA) bylaw;
- b. That a caveat be registered on title with respect to maintaining tree heights at an acceptable level;
- c. Any other conditions which are similarly designed to ensure nothing on the land interferes with airport safety or operations.

8.70.8 The DEVELOPMENT AUTHORITY reserves the right to REFUSE any DEVELOPMENT which may be particularly sensitive to noise.

2. That Mackenzie County Land Use Bylaw Section 9.1 Agricultural (A) Additional Regulations be amended with the following addition:

9.1.12 In addition, Section 8.70 of this BYLAW relates to any properties within the vicinity of the Fort Vermilion (Wop May Memorial) Airport or La Crete airport.

READ a first time this ___ day of _____, 2020.

Public Hearing held this ___ day of _____, 2020.

READ a second time this ___ day of _____, 2020.

READ a third time and finally passed this ___ day of _____, 2020.

Joshua Knelsen
Reeve

Lenard Racher
Chief Administrative Officer



Mackenzie County

REQUEST FOR DECISION

Meeting:	Regular Council Meeting
Meeting Date:	November 25, 2020
Presented By:	Caitlin Smith, Manager of Planning and Development
Title:	Policy DEV006 Antenna System Siting Protocol

BACKGROUND / PROPOSAL:

The Antenna System Siting Protocol Policy DEV006 was approved on May 14, 2013.

Administration has become aware of a lack of clear procedure regarding the notification process when new telecommunication towers are constructed or added.

Proposed amendments to the Antenna Systems Siting Protocol Policy DEV006 include clarification of the notification process as well as the radius of adjacent landowners which are to be notified depending on the tower height.

On October 28, 2020 the proposed amendments to Antenna Systems Siting Protocol Policy DEV006 were presented to Council where the following motion was made:

MOTION 20-10-710 **MOVED** by Councillor Braun

That Policy DEV006 Antenna System Siting Protocol be TABLED for more information.

CARRIED

Council had expressed concern regarding the use of guy wires and cables in residential and urban areas. As a result of these concerns, the policy has been amended to discourage the use of guy wires and cables in these areas.

Council also expressed concerns regarding the use of 5G Telecommunications Networks in the County. These concerns are being dealt with separately, as discussed at the November 10, 2020 Regular Council Meeting.

Author: N Friesen **Reviewed by:** C Smith **CAO:** _____

OPTIONS & BENEFITS:

OPTION 1: Approve the amendments to Antenna Systems Siting Protocol Policy DEV006 as presented.

OPTION 2: Table Antenna Systems Siting Protocol Policy DEV006 for more information or additions.

COSTS & SOURCE OF FUNDING:

N/A

SUSTAINABILITY PLAN:

Strategy E16.7 Promote a balanced and factual approach to protecting environmentally sensitive areas.

Goal E18 Create a sustainable Industry and Land Use Policy.

Strategy N1.3 Develop municipal policy to ensure that sound environmental protection, maintenance and utilization practices serve to preserve the health and safety of the valleys (especially sound practices to guide the development of any future roadways that must be built over a river).

COMMUNICATION / PUBLIC PARTICIPATION:

None required at this time.

POLICY REFERENCES:

None.

RECOMMENDED ACTION:

Simple Majority Requires 2/3 Requires Unanimous

That Policy DEV006 Antenna System Siting Protocol be amended as presented.

Author: N Friesen Reviewed by: C Smith CAO:

Mackenzie County

Title:	Antenna System Siting Policy	Policy No:	DEV006
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Legislation Reference:	Approval legislation: Radio-communication Act, R.S.C., 1985, c. R-2 Consultation and Facility sharing reference: Industry Canada Client Procedures Circular CPC-2-0-03 Local jurisdiction: Municipal Government Act, R.S.A. 2000, Part 17
-------------------------------	--

Purpose:

To Establish a policy for the installation, placement and consultation requirements of antenna systems (telecommunication towers) within Mackenzie County.

Policy Statement:

Industry Canada is the approving authority for the development and operation of radio communication in Canada, including telecommunication antenna structures, pursuant to the Radio Communication Act. Industry Canada is tasked with, among other things, administering the orderly development and operation of telecommunication antenna structures.

The County cannot prevent a proponent from ultimately gaining permission from Industry Canada to install a telecommunications antenna structure on any lands; privately held, County owned or otherwise.

Industry Canada requires that the local land use authority be consulted for input regarding the proposed placement of telecommunication antenna structures. This policy provides applicants with clear guidelines regarding the acceptable locations and consultation requirements of telecommunications antenna structures.

General Provisions Guidelines:

- ~~1. Applicants wishing to install a telecommunications antenna structure within the County must first complete the consultation requirements before applying for a Development Permit;~~
2. Development Permits are required for all telecommunications antenna structures;

3. Applicants shall attend a pre-application meeting with the County's Planning and Development department to understand the process and all requirements, prior to the County accepting a Development Permit application.
 - a. Millimeter wave network deployment shall require community level engagement and a pre-application meeting with council.
4. When possible, providers will submit the following information:
 - a. estimated coverage of the new tower by township;
 - b. spectrum being deployed on the tower including licensed, unlicensed, and lightly licensed.
5. Development Permit application review process:
 - a. Pre-application meeting with the County's Planning and Development Department.
 - b. Application submitted and reviewed for completeness.
 - c. After the application is officially accepted for processing, it will be reviewed by the Development Officer and other County staff where necessary. Staff will evaluate each submission and decide to support or not support a submission based on the following criteria:
 - i. Conformity with the Municipal Development Plan;
 - ii. Conformity with any Area Structure Plans or other statutory plans in effect;
 - iii. The Airport Vicinity Protection Area (AVPA) bylaw;
 - iv. The Land Use Bylaw;
 - v. Demonstrated need for a new tower as provided under sections 6-8 below; and
 - vi. The integration of the tower structure/architecture with the surrounding context and any adverse impacts.

Equipment Co-Location

6. Development Permits shall be accompanied with a letter stating that co-location with other users will be permitted, so long as structural and technological requirements can be met;
7. The co-location of multiple devices on towers is encouraged. Where appropriate, new towers shall be constructed to accommodate multiple wireless tenants. Any exclusivity agreement that limits access to other providers is strongly discouraged;
8. ~~All providers interested in locating a telecommunication tower within the County shall first contact all other tower owners that provide similar services in the area of the proposed development and pursue co-location opportunities before meeting with the~~

~~County. A copy of the initial letter and all responses must be provided to the County prior to a pre-consultation meeting with the Planning & Development Department;~~

9. Applicants shall demonstrate that they have thoroughly explored co-location with existing towers and tower operators. All providers interested in locating a telecommunication tower within the County shall first contact all other tower owners that provide similar services in the area of the proposed development and pursue co-location opportunities before meeting with the County.
 - a. A copy of the initial letter and all responses, in line with Industry Canada's direction in section 3. Use of existing infrastructure (sharing) in "Consultation and Facility sharing reference: Industry Canada Client Procedures Circular CPC-2-0003", must be provided to the County prior to a pre-consultation meeting with the Planning and Development Department.

Location

10. Telecommunications antenna structures will ideally be placed in:

- a. Forestry zoned areas,
- b. Agricultural zoned areas, or
- c. Industrial zoned areas

recognizing that certain technologies such as millimeter wave networks now require much closer proximity to users than prior generation cellular antennas.

Notification

11. ~~The provider will be required to pay for all the costs of mail outs, newspaper advertisements, and property signs where required;~~
12. The cost of all required notification including mail outs, newspaper advertisements, and property signs where required will be the applicant's expense. The County will notify the applicant of the assessed fees during a pre-consultation meeting with the Planning and Development Department.
13. A sign not ~~greater~~ smaller than one (1) square meter in size may also be requested on site at the discretion of the Planning & Development Department. The sign must be visible from any roadway abutting the subject site;
14. ~~Mackenzie County will notify residents and land owners in writing within a 2 kilometer radius for all wireless communication towers greater than 20 meters in height;~~

15. Mackenzie County will provide written notice to residents and landowners in accordance with the following:
 - a. If the proposed tower is located within a Hamlet, to those that are located within a radius of the tower site equal to the height of the proposed tower, as measured from the boundary of the site of the proposed tower's placement; or
 - b. If the proposed tower is located outside of a Hamlet, to those that are located adjacent to the site of the proposed tower.
16. If a tower located on the top of a building is proposed to exceed 25% of the height of the building or be greater than 3.5 metres in height, a notification to adjacent landowners is required;
17. A notification will not be required for modifications to existing towers or installations in areas zoned as Forestry (F) in the Land Use Bylaw, so long as the proposed location is greater than ~~2 kilometers~~ 150 meters from another zoning district;
18. The provider will be requested to provide Mackenzie County with a letter for a direct mail out which will give notification of the location, physical details of the proposed structure, and the contact name and number of the service provider. Responses will be accepted for a period of 30 days from the day the letters are sent out;
19. Issues and concerns expressed by the public shall be sent directly to the Planning & Development Department with a copy to the provider. These, as well as the responses given by the service provider on how issues will be addressed, will be reviewed by the Planning & Development Department and included in the Development Permit application;

Development Authority

20. If a notification is initiated, a report on the issues and concerns expressed and applicants answer to responses will be provided along with the Planning and Development Department's report to the Development Authority;
21. A recommendation of support or non-support based on the technical merits of the proposed development ~~results of issues and concerns expressed by the public~~ will be provided by the Planning & Development Department to the Development Authority for consideration along with the development permit;
22. The decision of the Development Authority, including the recommendation of support or non-support from the Planning & Development Department, will be sent to the applicant and Industry Canada no later than 90 days after the development permit application has been received;

Development Requirements

23. Telecommunications antenna structures shall, ~~at a minimum,~~ meet the same minimum setback requirements as any other structure for the zoning district where the structure is proposed to be located **unless a variance is requested by the applicant and granted by the Development Authority;**
24. ~~Tower minimum distance from a property line must be tower height + 10%, except for areas districted as Forestry (F) in the Land Use Bylaw (example: 100 metre tower must be setback 110 metres from the property line);~~
25. All telecommunications antenna structures, located in Agricultural zoned areas or within hamlet boundaries, shall be set back adequately from roadways to allow the road frontage and servicing to be utilized ~~more~~ productively **by other development, to the satisfaction of the Development Authority;**
26. Notwithstanding Section 20, where Transport Canada requires that tower facilities be lighted:
 - a. All lighting should be a minimum number of low intensity white lights
 - b. The strobe interval should be the maximum allowable by Transport Canada
 - c. The lighting will be maintained by the owner of the tower facilities
27. Any telecommunications antenna structure proposed to be located within four (4) kilometers of the end of a runway or three (3) kilometers of any air traffic facility ~~will be strongly discouraged,~~ **shall not be permitted by Mackenzie County in accordance with the Airport Vicinity Protection Area bylaw.**
 - a. ~~Should a tower be located near an airport or helipad, high visibility lighting that is clearly visible and distinguishable for air traffic is required;~~
28. Communication facilities and towers are to be removed within six months of cessation of use.

Design

29. The design or appearance of all communication facilities including antennas, antenna mounts, equipment shelters, and cable runs, ~~should~~ **shall** minimize the visibility of facilities through the use of color, consistent architectural styles, **camouflage with existing buildings or foliage,** and aesthetic design, **, to the satisfaction of the Development Authority;**

- 30. Applicants shall submit as part of the development permit application, mock-up graphics depicting the design of the proposed structure and surrounding context;
- 31. Guyed facilities are encouraged to have bird deflectors on the top guyed wires;
- 32. The use of guy wires and cables to steady, support, or reinforce a tower will not be supported, in hamlet or in other residential areas.
- 33. The County requires that signs only be placed on a communications facility to:
 - a. Identify the facility
 - b. Identify the owner, contact information and emergency phone number
 - c. Warn of any safety issues
- 34. ~~When possible, providers will provide the following information:~~
 - ~~a. Estimated coverage of the new tower by township~~
 - ~~b. Spectrum being deployed on the tower including licensed, unlicensed, and lightly licensed~~

	Date	Resolution Number
Approved	14-May-13	14-05-327
Amended		
Amended		



Mackenzie County

REQUEST FOR DECISION

Meeting:	Regular Council Meeting
Meeting Date:	November 25, 2020
Presented By:	Caitlin Smith, Manager of Planning & Development
Title:	106 Street Extension (La Crete)

BACKGROUND / PROPOSAL:

On November 12, 2020, the Municipal Planning Commission approved subdivision application 37-SUB-20, which proposes to construct three (3) new lots, two (2) of which would be accessed from 106 Street. In addition to the subdivision approval, the MPC made the following motion:

MPC 20-11-154 *MOVED* by David Driedger

That the 106 Street extension be brought to Council.

CARRIED

A standard condition of approval for subdivision is that road and access are constructed to the new lots and that roads be constructed to the end of the lot, when necessary to allow for future phases. However, when the previous phase was completed, in 1993, the developer was not required to construct the section of 106 Street that would extend north to the new phase. The section of 106 Street is registered as a Mackenzie County road right-of-way (ROW) but no construction has ever taken place.

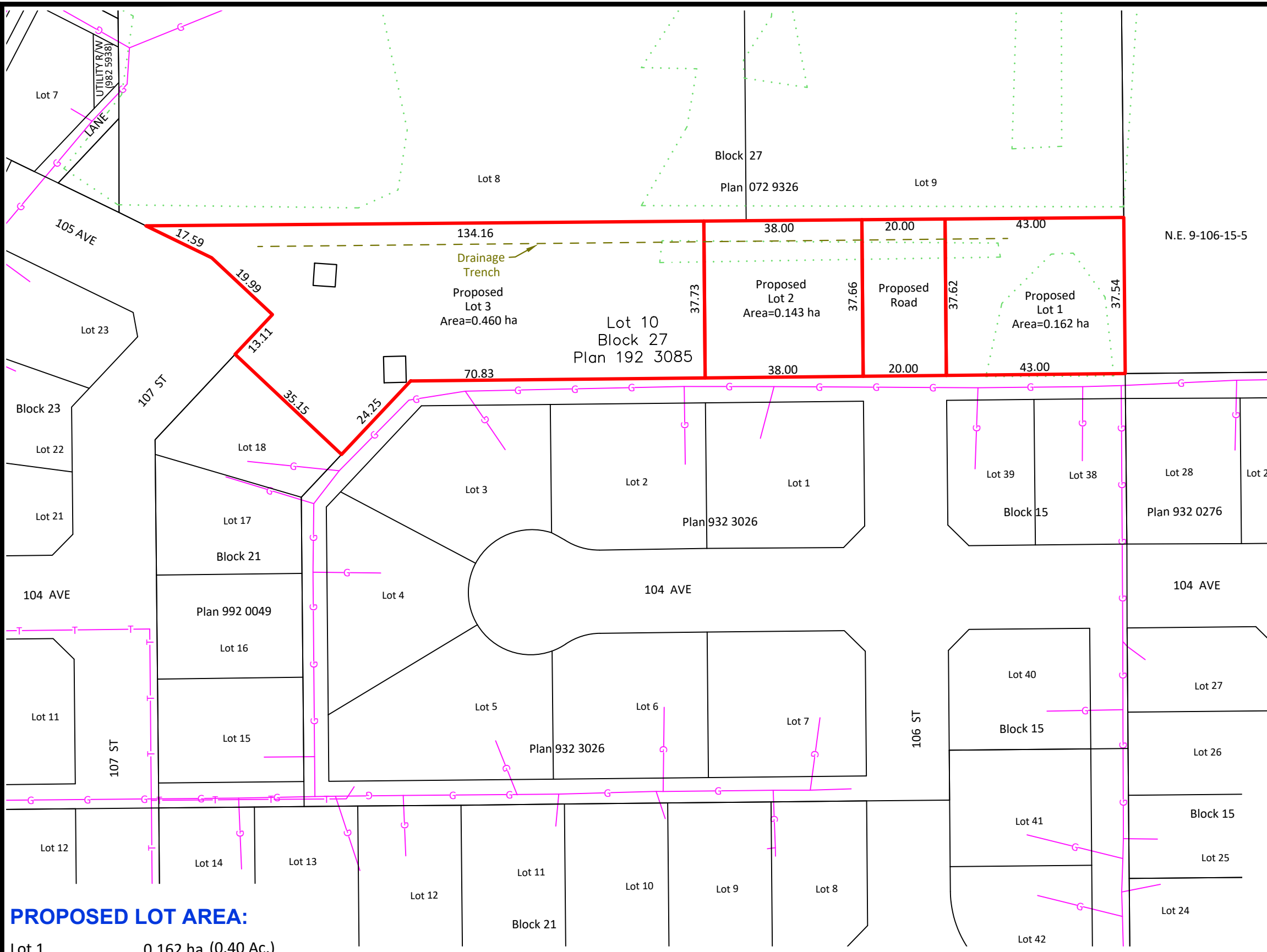
The existing roads in the area are rural standard with no curb and gutter, the new road would be built to the same standard.

The developer for 37-SUB-20 has agreed to construct his portion of the road between Lots 1 & 2 but is not interested in constructing the portion of road that should have been constructed by the previous developer. The developer would like the County to cover the cost of the 47 meters of road to his subdivision.

Author: N Friesen **Reviewed by:** C Smith **CAO:** _____

**Tentative Plan Showing
Proposed Subdivision of
Lot 10, Block 27, Plan 192 3085**

Within
N.W. 1/4 Sec. 9-106-15-W.5M.
Within
Hamlet of La Crete, Alberta



LANDOWNER(S):

Lot 10, Block 10, Plan 192 3085:
Simon Driedger
Katharina Driedger
C. of T. 202 033 915 +1

**REGISTERED TITLE
ENCUMBERANCES
(Affecting Extent of Title)**

C. of T. 202 033 915 +1
1. 802 032 168: U.R.W Northern Lights Gas Co-op Ltd.
2. 062 462 536: Deferred Reserve - M.D. of Mackenzie No. 23
3. 102 347 765: Development Agreement Pursuant to Municipal Government Act. - Mackenzie County.

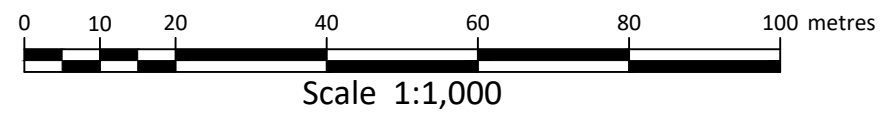
LEGEND

- Lands Dealt With
- Road
- Buried Telus
- Buried Gas Co-op
- Overhead Powerline
- Water Line
- Storm Sewer
- Sanitary Sewer
- Fence
- Valve
- Manhole
- Fire Hydrant



PROPOSED LOT AREA:

Lot 1	0.162 ha (0.40 Ac.)
Lot 2	0.143 ha (0.35 Ac.)
Lot 3	0.460 ha (1.14 Ac.)
Road	0.075 ha (0.19 Ac.)
Total:	0.840 ha (2.08 Ac.)



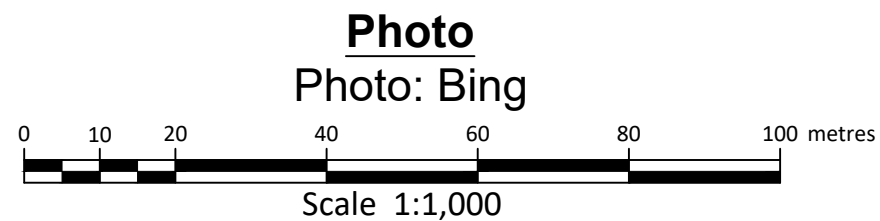
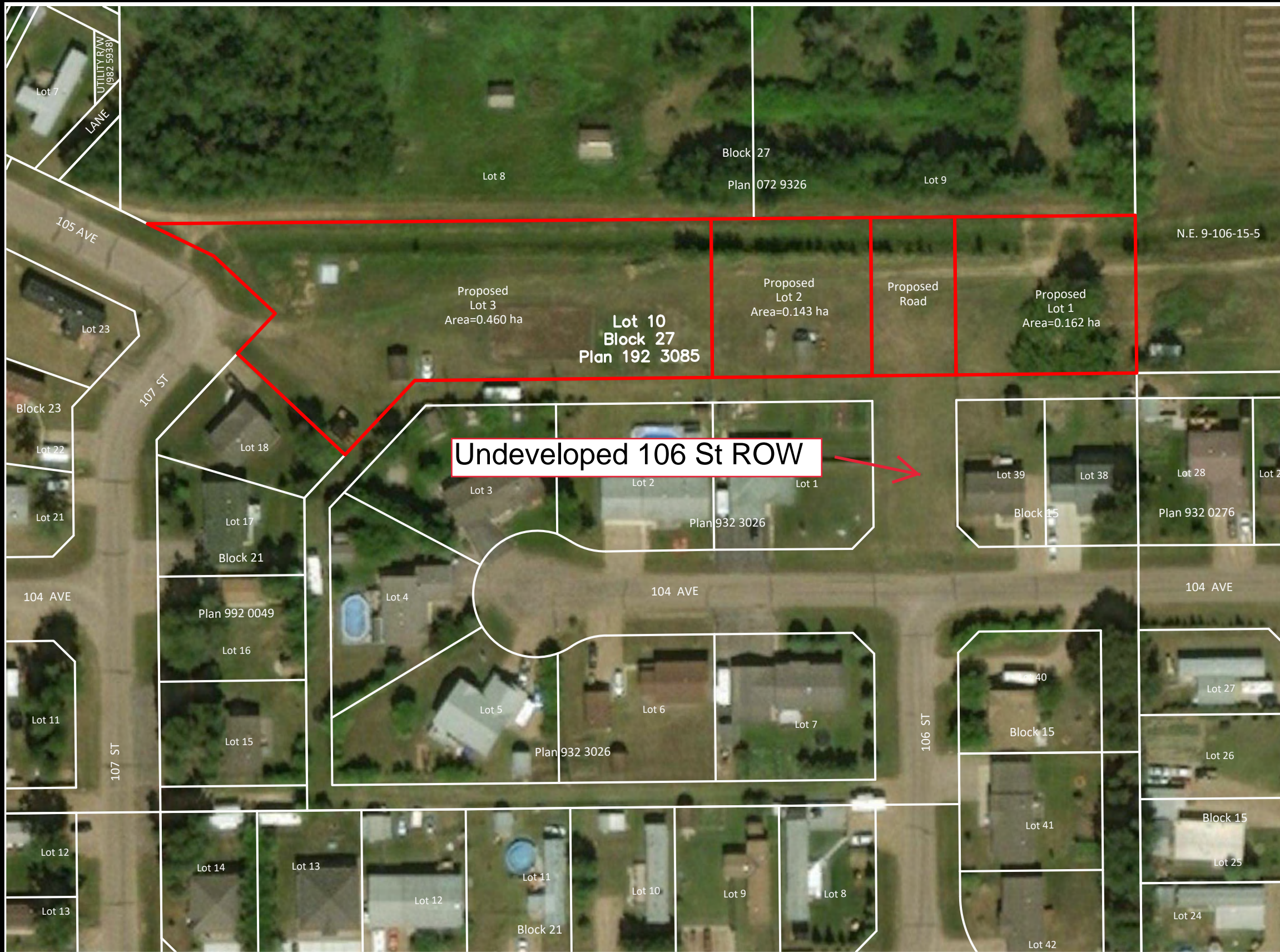
**BORDERLINE
SURVEYS**

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Page: 1 of 2
Date: Oct. 21, 2020
Drawn by: MAM/RE
Job No. : 200100-R1

**Tentative Plan Showing
Proposed Subdivision of
Lot 10, Block 27, Plan 192 3085**

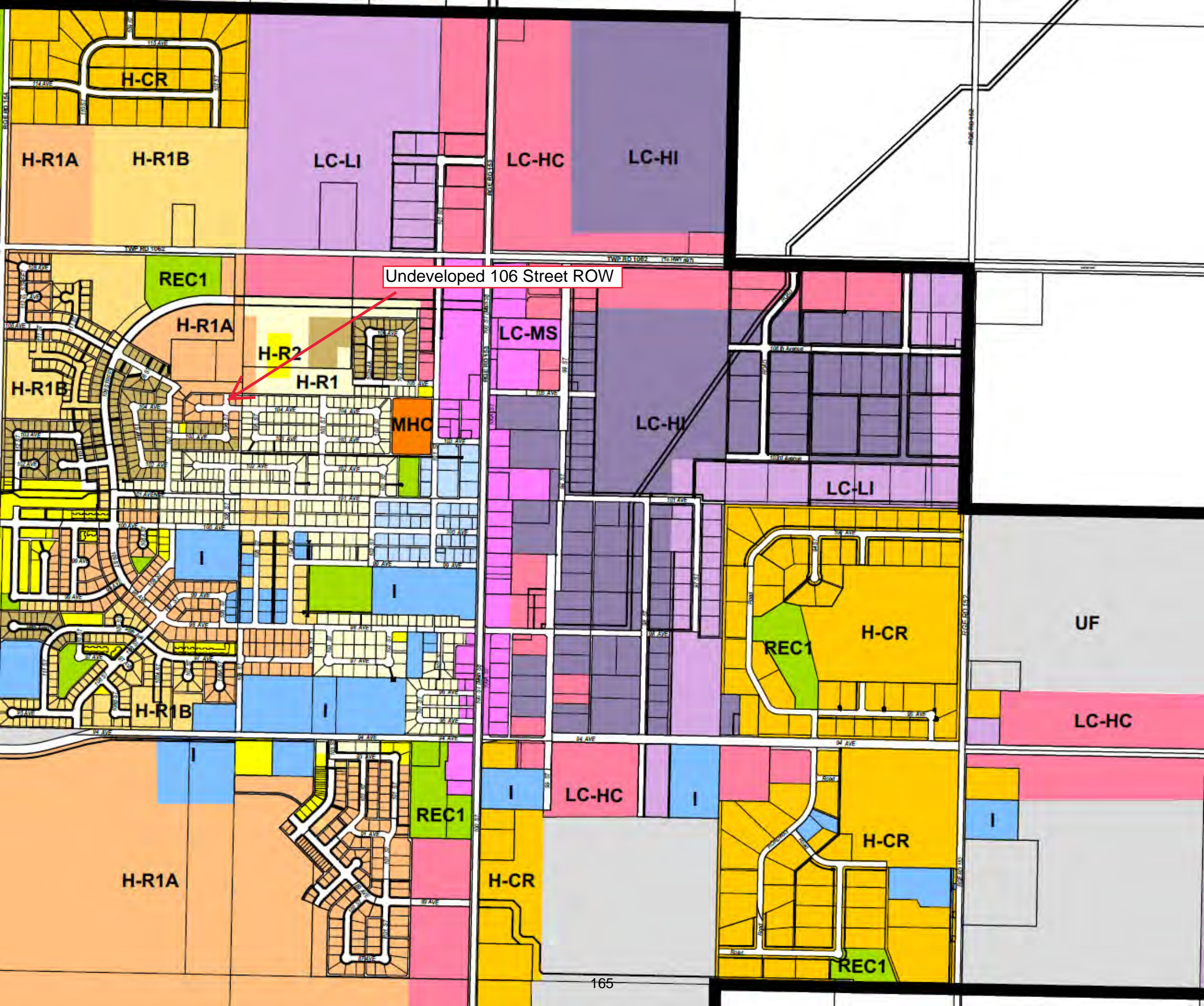
Within
N.W. 1/4 Sec. 9-106-15-W.5M.
Within
Hamlet of La Crete, Alberta



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Page: 2 of 2
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Undeveloped 106 Street ROW

H-CR

H-R1A

H-R1B

LC-LI

LC-HC

LC-HI

REC1

H-R1A

H-R2

H-R1

LC-MS

LC-HI

MHC

LC-LI

UF

H-R1B

H-CR

LC-HC

REC1

LC-HC

H-CR

H-R1A

H-CR

REC1



Mackenzie County

REQUEST FOR DECISION

Meeting:	Regular Council Meeting
Meeting Date:	November 25, 2020
Presented By:	Byron Peters, Director of Planning and Development
Title:	Offsite Levy Fees – Infrastructure Improvements

BACKGROUND / PROPOSAL:

Administration is preparing for multiple infrastructure improvements in the next couple years to accommodate future development. As the municipality, we are responsible to ensure that each hamlet is able to support and sustain commercial and residential growth.

In order to determine the cost and infrastructure improvements associated with future growth, several infrastructure studies are being completed. As the community grows the cost of development increases, and many associated costs fall back on the municipality, when it could be at the cost of the developer.

As stated by Canadian Institute of Planners, the average cost of offsite levies in Canada are about 2.5% - 5% of the price for a house and lot.

Currently, the average cost of offsite levies for a .5 acre residential lot in La Crete is \$2100.00 which is 0.7% of a property valued at \$300,000.

Currently, there are twelve (12) separate off site levy bylaws within the County, each for a specific project in each hamlet. The challenge is that with inflation and the rate of development, the County has to fund the project and it can take several years to be reimbursed. A current requirement is to review offsite levy bylaws every five years to ensure that they are still current, and not over or underfunded.

One of the twelve offsite levy bylaws does require a flat fee of \$1000/lot to be contributed to the County, but all the others are site specific for a particular improvement, such as a sanitary sewer main or lift station.

Administration recommends that all offsite levy bylaws be reviewed jointly by administration and council. A practice that many larger municipalities have implemented

Author: C Smith **Reviewed by:** B Peters **CAO:** _____

is eliminating all the individual levies, and charging a consistent levy across the entire town/city. In our case, a levy could be determined by hamlet, with consistent fees based on actual and calculated costs for various infrastructure components.

Administration recommends that an updated offsite levy be determined on a per hectare basis. This would include rural country residential subdivisions that tie into municipal infrastructure. This fee can be based on the Infrastructure Master Plan for each hamlet, in addition to the new sanitary and storm specific analysis completed for areas in La Crete.

Attached is a copy of an offsite levies manual that Brownlee produced for Rural Municipalities of Alberta and Alberta Urban Municipalities Association in 2019. Also attached are some snippets of a presentation from the 2017 Canadian Institute of Planners annual conference.

OPTIONS & BENEFITS:

Funds available for hamlet improvements and ensuring that 'growth pays for growth'.

COSTS & SOURCE OF FUNDING:

Depending on the project, the County may be asked to provide financial support or front the installation costs. Some infrastructure improvements can be partially funded by grants or entirely by developers.

SUSTAINABILITY PLAN:

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

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

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

Goal C1 The capacity of infrastructure in County hamlets and rural communities keeps pace with their growth and is planned in a way that ensures their sustainability.

Strategy C1.1 Ensure that multi-year operating and capital plans are established and reviewed annually by Council.

Strategy C1.2 Ensure that administration has the appropriate tools and resources to continually assess and evaluate infrastructure capacity.

Strategy C1.3 Create and follow infrastructure plans that are created for the purpose of protecting current assets and that identify the anticipated demand for future infrastructure.

Goal C5 The County continues to provide high quality utility services (water distribution and treatment as well as waste water collection and treatment) and ensures that they:

- Are available in each hamlet,

Author: C Smith **Reviewed by:** B Peters **CAO:** _____

- Meet quality standards consistent with current national standards and demand,
- Are stable and reliable,
- Are each financially self-sustaining at both operational and capital levels.

Strategy C5.1 Assess life expectancy for current facilities and prepare long-term plans to prepare for their replacement.

COMMUNICATION / PUBLIC PARTICIPATION:

None at this time.

The Offsite Levies Regulation requires a level of public engagement, to ensure transparency for items like; determining benefitting area, determining upgrades/servicing required, and determining price to provide the service.

Once an offsite levy is presented to Council, the County shall inform the public and hold a Public Hearing prior to approval.

POLICY REFERENCES:

Policy ADM056 Public Participation
Municipal Government Act
Offsite Levies Regulation

RECOMMENDED ACTION:

Simple Majority Requires 2/3 Requires Unanimous

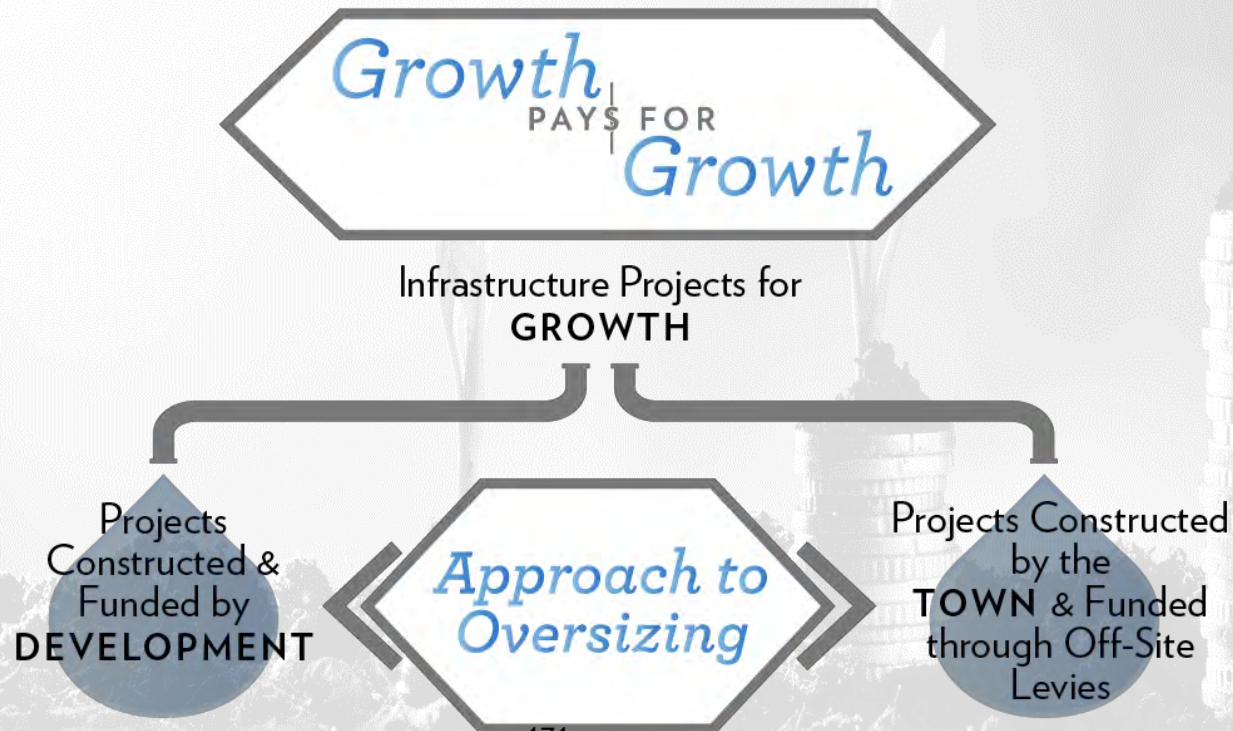
For discussion.

Author: C Smith **Reviewed by:** B Peters **CAO:** _____

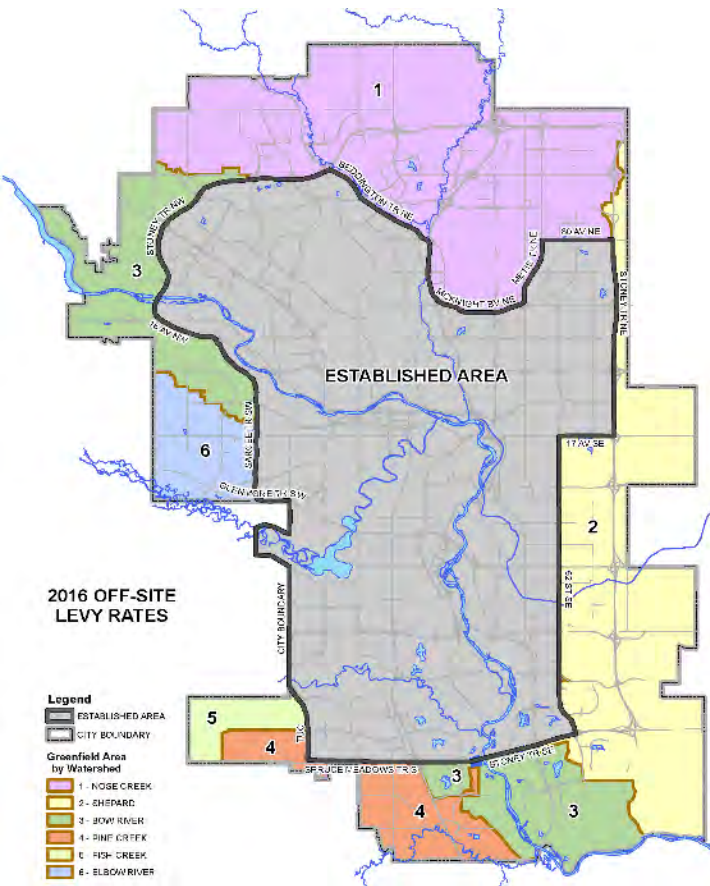
Develop Infrastructure Development Philosophy

CONSIDER:

- Legislation
- Does “*Growth Pay For Growth*”?
- Developer Funded Options – Endeavours to Assist
- Debt Capacity
- Financial Risk Capacity of the Municipality
- Leading vs. Lagging Infrastructure

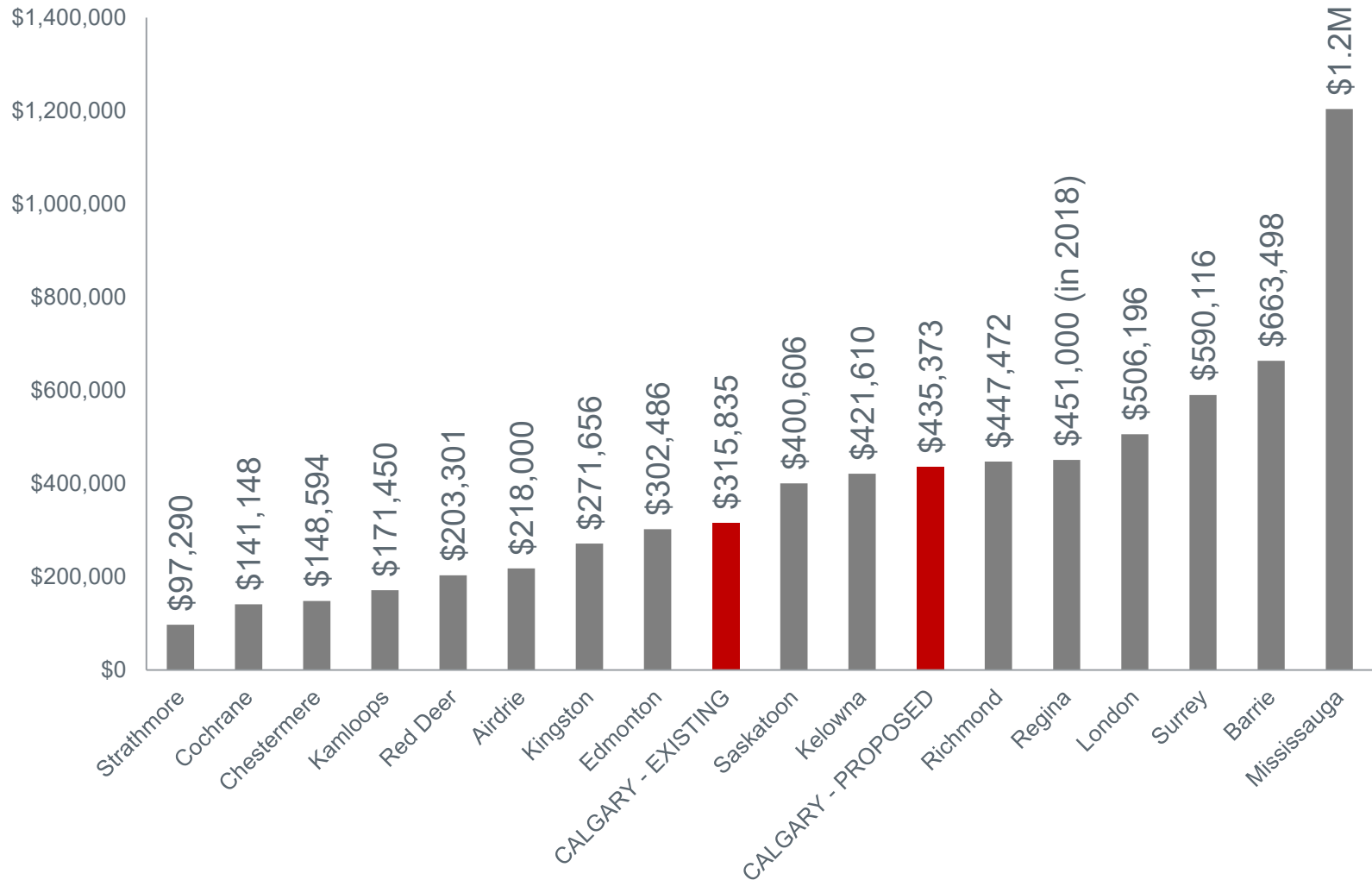


Where do the levies apply?

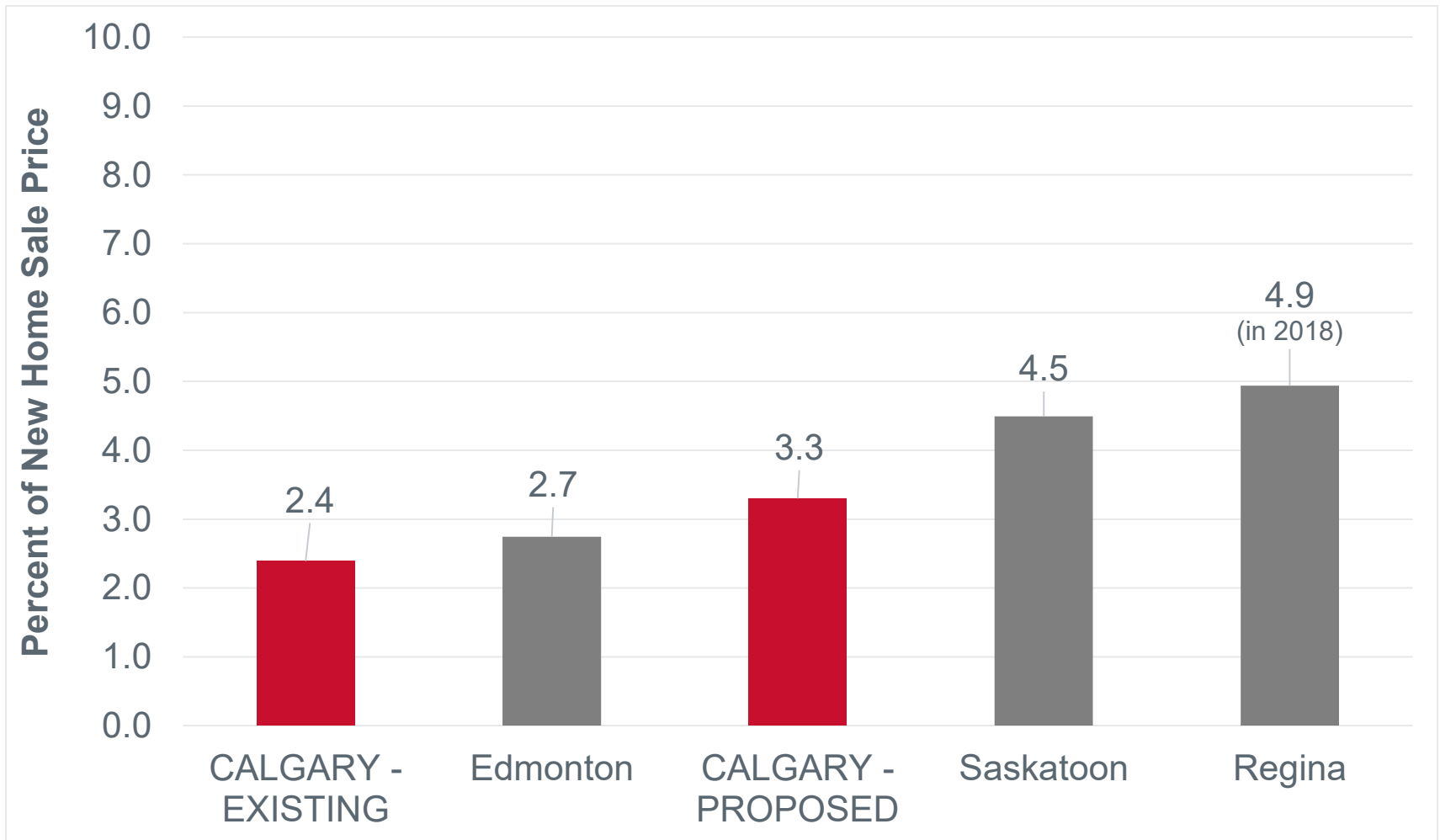


Off-site Levy Greenfield Area Components	2015 Levy (\$/ha)	2016 Levy (\$/ha)
Transportation	\$130,289	\$136,789
Water and Wastewater Linear	\$38,006	\$76,774
Water and Wastewater Treatment	\$36,967	\$129,660
Drainage by Watershed		
1 Nose Creek Watershed	\$10,315	\$11,325
2 Shepard Watershed	\$56,158	\$42,704
3 Bow River Watershed	\$3,980	\$6,983
4 Pine Creek Watershed	\$3,939	\$16,812
5 Fish Creek Watershed	\$634	\$0
6 Elbow River Watershed	\$342	\$0
	\$75,315 to	\$206,434 to
Water Resources	\$131,131	\$249,138
	\$205,604 to	\$343,223 to
Off-site Levy Total	\$261,420	\$385,927

Development Charges across Select Canadian Municipalities (\$/ha)



Approximate Percentage of New Home Price Attributed to Levies (%)



Key Policy Questions

1. Is growth going to really pay for growth or is the community (taxpayers) going to help pay for growth?
2. What types of projects are you going to include and how are you going to allocate a portion of each project to growth?

Key Policy Questions

3. How much growth do you expect and what impact does that growth have on infrastructure?
4. Are you going to charge on a community wide bases or area specific?

Key Policy Questions

5. How are you going to deal with infill and intensification? Are you going to allocate costs to infill or focus mainly on greenfield?
6. How your development charge policies interact with your land use and growth policies: Infill; Greenfield; Downtown Core; Industrial Areas?

Key Policy Questions

7. Will you be gradually phasing in the increases in charges or not? How often will you update the charges? Annually? Every 5 years?
8. How do your charges compare with others?



Province of Alberta

MUNICIPAL GOVERNMENT ACT

OFF-SITE LEVIES REGULATION

Alberta Regulation 187/2017

With amendments up to and including Alberta Regulation 53/2018
Current as of May 1, 2018

Office Consolidation

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

(Consolidated up to 53/2018)

ALBERTA REGULATION 187/2017

Municipal Government Act

OFF-SITE LEVIES REGULATION

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Definitions

- 1 In this Regulation,

- (a) “facilities” includes the facility, the associated infrastructure, the land necessary for the facility and related appurtenances referred to in section 648(2.1) of the Act;
- (b) “infrastructure” means the infrastructure, facilities and land required for the purposes referred to in section 648(2)(a) to (c.1) of the Act;
- (c) “levy” means an off-site levy referred to in section 648(1) of the Act;
- (d) “stakeholder” means any person that will be required to pay the levy when the bylaw is passed, or any other person the municipality considers is affected;
- (e) “transportation infrastructure” means the infrastructure and land referred to in section 648(2)(c.2) required to connect or improve the connection of a municipal road to a provincial highway.

AR 187/2017 s1;53/2018

Application generally

2 A municipality, in establishing a levy

- (a) for the purposes of section section 648(2)(a) to (c.1) of the Act and any land required for or in connection with these purposes, must apply the principles and criteria specified in sections 3, 4 and 5,
- (a.1) for the purposes of section 648(2)(c.2) of the Act and any land required for or in connection with these purposes, must apply the principles and criteria specified in sections 3, 3.1, 4, 5 and 5.1,
- (b) for the purposes of section 648(2.1) of the Act, must apply the principles and criteria specified in sections 3, 4, 5 and 6, and
- (c) for the purposes of section 648.01 of the Act, must apply the principles and criteria specified in sections 3, 4, 5 and 7.

AR 187/2017 s2;53/2018

General principles

- 3(1)** Subject to section 3.1, the municipality is responsible for addressing and defining existing and future infrastructure, transportation infrastructure and facility requirements.
- (2)** The municipality must consult in good faith with stakeholders in accordance with section 8.
- (3)** All beneficiaries of development are to be given the opportunity to participate in the cost of providing and installing infrastructure, transportation infrastructure and facilities in the municipality on an equitable basis related to the degree of benefit.
- (4)** Where necessary and practicable, the municipality is to coordinate infrastructure, transportation infrastructure and facilities provisions with neighbouring municipalities.
- (5)** Notwithstanding anything to the contrary in this Regulation, the levy is of no effect to the extent it directs the Government of Alberta to expend funds, to commit to funding transportation infrastructure or arrangements to undertake particular actions or to adopt particular policies or programs.
- (6)** A municipality cannot compel an applicant for a development permit or subdivision approval to fund the cost of the construction of infrastructure, transportation infrastructure or facilities to be funded by a levy beyond the applicant's proportional benefit.
- (7)** A municipality and an applicant for a development permit or subdivision approval may enter into an agreement whereby the applicant agrees to fund the entire cost of the construction of infrastructure, transportation infrastructure or facilities to be funded by a levy, subject to terms and conditions agreed to by both parties.
- (8)** An agreement made under subsection (7) may include provisions for the reimbursement of the cost incurred or payment made in excess of the applicant's proportional benefit of the infrastructure, transportation infrastructure or facilities together with interest calculated at a rate fixed by the municipality for the amount of the cost of the infrastructure, transportation infrastructure or facilities until all land in the benefiting area for the specific infrastructure, transportation infrastructure or facilities is developed or subdivided.

AR 187/2017 s3;53/2018

Transportation infrastructure — general principles

- 3.1(1)** The municipality, in consultation with the Minister responsible for the *Highways Development and Protection Act*, is

responsible for defining the need, standards, location and staging for new or expanded transportation infrastructure.

(2) All transportation infrastructure constructed must adhere to the standards, best practices and guidelines acceptable to the Minister responsible for the *Highways Development and Protection Act* and are subject to that Minister's approval.

AR 53/2018 s5

Levy Bylaws

Principles and criteria for determining methodology

4(1) A municipality has the flexibility to determine the methodology on which to base the calculation of the levy, provided that such methodology

- (a) takes into account criteria such as area, density or intensity of use,
- (b) recognizes variation among infrastructure, facility and transportation infrastructure types,
- (c) is consistent across the municipality for that type of infrastructure, facility or transportation infrastructure, and
- (d) is clear and reasonable.

(2) Notwithstanding subsection (1)(c), the methodology used in determining the calculation of a levy may be different for each specific type of infrastructure, transportation infrastructure or facility.

AR 187/2017 s4;53/2018

Principles and criteria for determining levy costs

5(1) In determining the basis on which the levy is calculated, the municipality must at a minimum consider and include or reference the following in the bylaw imposing the levy:

- (a) a description of the specific infrastructure, facilities and transportation infrastructure;
- (b) a description of each of the benefitting areas and how those areas were determined;
- (c) supporting studies, technical data and analysis;
- (d) estimated costs and mechanisms to address variations in cost over time.

- (2) The municipality may establish the levy in a manner that involves or recognizes the unique or special circumstances of the municipality.
- (3) The information used to calculate the levy must be kept current.
- (4) The municipality must include a requirement for a periodic review of the calculation of the levy in the bylaw imposing the levy.
- (5) There must be a correlation between the levy and the benefits to new development.

AR 187/2017 s5;53/2018

Additional principles and criteria to apply to transportation infrastructure

5.1(1) In calculating a levy imposed pursuant to section 648(2)(c.2) of the Act, the municipality must take into consideration the following:

- (a) supporting traffic impact assessments or other applicable technical studies;
- (b) statutory plans;
- (c) policies;
- (d) agreements that identify
 - (i) the need for and benefits from the new transportation infrastructure,
 - (ii) the anticipated growth horizon, and
 - (iii) the portion of the estimated costs of the transportation infrastructure that is not covered by the Crown that is proposed to be paid by
 - (A) the municipality,
 - (B) the revenue raised by the levy, and
 - (C) other sources of revenue;
- (e) any other relevant documents.

(2) In addition to the principles and criteria set out in sections 3, 3.1, 4 and 5, the additional criteria set out in subsections (1), (3) and (4) apply when determining a levy for transportation infrastructure.

(3) Once the need for transportation infrastructure has been identified by a municipality in consultation with the Minister responsible for the *Highways Development and Protection Act*, the municipality

- (a) must determine the benefitting area, and
- (b) must base the benefitting area on a reasonable geographic area for the use of the transportation infrastructure.

(4) A levy under this section must apply proportionally to a benefitting area determined under subsection (3).

AR 53/2018 s8

Additional principles and criteria to apply to s648(2.1) facilities

6(1) In calculating a levy imposed pursuant to section 648(2.1) of the Act, the municipality must take into consideration supporting statutory plans, policies or agreements and any other relevant documents that identify

- (a) the need for and anticipated benefits from the new facilities,
- (b) the anticipated growth horizon, and
- (c) the portion of the estimated cost of the facilities that is proposed to be paid by each of
 - (i) the municipality,
 - (ii) the revenue raised by the levy, and
 - (iii) other sources of revenue.

(2) In addition to the criteria set out in subsection (1), the principles and criteria set out in sections 3, 4 and 5 apply when determining a levy for the facilities referred to in section 648(2.1) of the Act.

(3) The municipality has the discretion to establish service levels and minimum building and base standards for the proposed facilities.

Additional principles and criteria to apply to s648.01 intermunicipal off-site levies

7(1) In calculating a levy imposed on an intermunicipal basis pursuant to section 648.01 of the Act, each participating

municipality must use a consistent methodology to calculate the levy and each bylaw imposing the levy must

- (a) identify the same specific infrastructure, transportation infrastructure and facilities,
- (b) identify the same benefitting area across participating municipalities for the specific infrastructure, transportation infrastructure and facilities, and
- (c) identify the portion of benefit attributable to each participating municipality within that benefitting area.

(2) In addition to the criteria set out in subsection (1), the principles and criteria set out in sections 3, 4 and 5 apply when determining an intermunicipal levy referred to in section 648.01 of the Act.

(2.1) In addition to the criteria set out in subsection (1), the principles and criteria set out in sections 3.1 and 5.1 apply when determining an intermunicipal levy for transportation infrastructure referred to in section 648(2)(c.2) of the Act.

(3) In addition to the criteria set out in subsection (1), when determining an intermunicipal levy referred to in section 648.01 of the Act for facilities referred to in section 648(2.1) of the Act, the principles and criteria set out in section 6 apply.

AR 187/2017 s7;53/2018

Consultation

8(1) The municipality must consult in good faith with stakeholders prior to making a final determination on defining and addressing existing and future infrastructure, transportation infrastructure and facility requirements.

(2) The municipality must consult in good faith with stakeholders when determining the methodology on which to base the levy.

(3) Prior to passing or amending a bylaw imposing a levy, the municipality must consult in good faith on the calculation of the levy with stakeholders in the benefitting area where the levy will apply.

(4) During consultation under subsections (1), (2) and (3), the municipality must make available to stakeholders on request any assumptions, data or calculations used to determine the levy.

AR 187/2017 s8;53/2018

Annual report

9(1) The municipality must provide full and open disclosure of all the levy costs and payments.

(2) The municipality must report on the levy annually and include in the report the details of all levies received and utilized for each type of facility and infrastructure within each benefitting area.

(3) Any report referred to in subsection (2) must be in writing and be publicly available in its entirety.

Levy Bylaw Appeals**Who may appeal**

10 Pursuant to section 648.1 of the Act, any person who is directly affected by a bylaw imposing a levy for a purpose referred to in section 648(2.1) of the Act may submit a notice of appeal to the Municipal Government Board.

AR 187/2017 s10;53/2018

Appeal period

11 An appeal must be submitted to the Municipal Government Board within 30 days of the day on which the bylaw imposing the levy was passed.

Form of appeal

12(1) A notice of appeal under section 10 must

- (a) identify the municipality or municipalities that passed the bylaw that is objected to,
- (b) identify how the appellant is directly affected by the bylaw that is objected to,
- (c) set out the grounds on which the appeal is made,
- (d) contain a description of the relief requested by the appellant,
- (e) where the appellant is an individual, be signed by the appellant or the appellant's lawyer,
- (f) where the appellant is a corporation, be signed by an authorized director or officer of the corporation or by the corporation's lawyer, and
- (g) contain an address for service for the appellant.

(2) If a notice of appeal does not comply with subsection (1), the Municipal Government Board must reject it and dismiss the appeal.

Consolidation of appeals

13 Where there are 2 or more appeals commenced in accordance with section 10, the Municipal Government Board may

- (a) consolidate the appeals,
- (b) hear the appeals at the same time,
- (c) hear the appeals consecutively, or
- (d) stay the determination of the appeals until the determination of any other appeal.

No stay of levy

14(1) The municipality may continue to impose and collect a levy even if the bylaw imposing the levy is subject to an appeal under section 10.

(2) During the appeal period or pending the determination of an appeal of the bylaw imposing the levy by the Municipal Government Board, any levy received under that bylaw by the municipality must be held in a separate account for each type of facility.

(3) The municipality must not use levy funds received while the bylaw imposing the levy is subject to an appeal under section 10 until the appeal has been determined by the Municipal Government Board.

Sale of Facilities

Consultation on proposed sale

15 The municipality must engage in public consultation prior to the sale of any facilities constructed using levy funds.

Proceeds of sale

16 The proceeds of the sale of a facility constructed using levy funds must be used for the purpose for which the levy was originally collected.

Repeal

17 The Principles and Criteria for Off-site Levies Regulation (AR 48/2004) is repealed.

Coming into force

18 This Regulation comes into force on the coming into force of sections 104, 105 and 131(b) of the *Modernized Municipal Government Act* and section 1(60)(a) of *An Act to Strengthen Municipal Government*.



**OFF-SITE LEVIES:
A MUNICIPALITY'S
MANUAL FOR CAPITAL
COST RECOVERY
DUE TO NEW
DEVELOPMENT**

Prepared by Brownlee LLP

May 2019

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The writers of this Manual would like to acknowledge and thank the AUMA and the RMA for their invaluable assistance, feedback and comments on the preparation of this Manual. In addition, the writers would like to acknowledge and thank the LGAA, BILD and Alberta Municipal Affairs for their feedback and comments on earlier drafts of the Manual.

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INTRODUCTION

What is an Off-Site Levy?

Most municipalities cannot afford to pay 100% of the costs of new municipal infrastructure. As such, they are concerned about funding the construction and installation of new and expanded municipal infrastructure associated with development. With Alberta's recent and ongoing population growth, the demand for new and expanded municipal infrastructure is a significant issue. Add to this an increasing demand on the general tax revenue of municipalities to deliver an ever-expanding variety of services, and it becomes even more important for municipalities to consider new ways to pay for infrastructure.

Municipalities wrestle with the question, "Who should pay for that new or expanded infrastructure?" The common position for many municipalities is that new development should "pay for itself".

The **Municipal Government Act, RSA 2000, c M-26 (MGA)**, provides several tools that allow a municipality to implement a "user pay" approach to new infrastructure. One of these tools is the implementation of an Off-Site Levy (OSL) regime. An OSL regime allows a municipality to recover capital costs of certain types of municipal infrastructure based on the degree of benefit the development will receive from the infrastructure. Therefore, the imposition and collection of an OSL can be a valuable cost recovery tool for a municipality in constructing new or expanded infrastructure.

An OSL is a charge imposed by a municipality and collected from a developer as a condition of development or subdivision. OSL must be authorized by council through the adoption of a bylaw. If the developer fails to pay the OSL charge, then

the developer is in breach of the condition of the development permit or the subdivision approval and enforcement action can be commenced to force the developer to comply with the condition. Funds collected through an OSL regime can provide a municipality with the necessary capital to undertake big ticket infrastructure projects. Although the process can vary, OSL-funded infrastructure is typically front-end funded by the municipality, with a proportion of costs then being recovered as development proceeds.

“Who should pay for that new or expanded infrastructure?”

A Brief History of Off-Site Levies

When OSL first appeared in the MGA in 1973, they could only be collected for water supply, treatment and storage and sewage treatment and disposal facilities. Councils passed bylaws providing for the imposition of an OSL on undeveloped land that was to be developed for residential, commercial, industrial or other purposes. There were no rules or restrictions related to the determination of the levy amount other than the restriction in the MGA that an OSL could not exceed:

- \$500 for each housing unit provided;
- \$0.50 per square foot of gross floor area of each unit of housing or other building calculated based on external dimensions; or
- \$2000 per acre on the gross acreage of lands being developed.
- If an OSL was not paid, it could be added to the tax roll of the property and collected in the same manner as taxes.
- Over the next twenty-five years the OSL system continued to evolve. In 1977, the power to adopt an OSL bylaw moved to the *Planning Act*. The limit on the size of the OSL was dropped, as was the ability to add the OSL to the tax roll of the property. Storm drainage facilities were recognized as a separate category of municipal infrastructure and wording was added to the legislation to make it clear that the capital cost of the facility could include land costs. In 1994, the power to adopt an OSL was put back in the MGA when the *Planning Act* was repealed. The OSL provisions can currently be found in sections 648 to 649 of the MGA.

In 2004, the Government of Alberta expanded the scope of municipal infrastructure that could be funded through an OSL regime to include “new or expanded roads required for or impacted by a subdivision or development”. That same year, the Government of Alberta passed the *Principles and Criteria for Off-Site Levies Regulation*, Alta Reg. 48/2004.

In 2018, the Government of Alberta passed additional amendments to the OSL provisions. These included expanding the scope of OSL to include the capital costs of new or expanded community recreation facilities, new or expanded fire hall facilities, new or expanded police station facilities, and new or expanded libraries. The *Principles and Criteria Regulation* was also repealed and replaced with the *Off-Site Levies Regulation*, Alta Reg. 187/2017.

The authority to pass an OSL bylaw is set out in section 648 of the MGA. In addition to the provisions in the MGA, to pass an OSL bylaw, the municipality must also comply with the regulatory requirements. The first OSL regulation was the *Principles and Criteria for Off-Site Levies Regulation*, Alta Reg. 48/2004 (the “*Principles and Criteria Regulation*”). The *Principles and Criteria Regulation* introduced the requirement for consultation with the development community and the need for there to be a correlation between the levy and the impacts of new development. The method of calculating the levy had to be clear and the bylaw had to describe the infrastructure to be built with levy funds, describe the benefitting areas, estimate the costs of construction, and indicate how cost increases were to be addressed over time. All the calculations were to be supported by technical data and analysis. What was once a relatively simple cost recovery mechanism became much more complicated to adopt and administer. As a result of the *Principles and Criteria Regulation*, there were legal challenges to OSL regimes. Some of those legal challenges and the lessons learned from the court decision are discussed in the section of this Manual entitled “**Court Considerations**”.

Since 2004, municipalities have advocated for the Government of Alberta to expand the types of municipal infrastructure that could be constructed using OSL. With the 2018 amendments to the MGA, OSL can now be imposed and collected to cover the capital costs of the following:

- new or expanded community recreation facilities;
- new or expanded fire hall facilities;
- new or expanded police station facilities; and
- new or expanded libraries.

In addition, the MGA expressly recognizes the ability of two or more municipalities to impose OSL on an intermunicipal basis and has expanded road infrastructure to include transportation infrastructure required to connect or to improve the connection of the municipal road network to provincial highways.

The *Principles and Criteria Regulation* has also been repealed and replaced by the *Off-Site Levies Regulation*, Alta Reg. 187/2017. New OSL bylaws or amendments to existing OSL bylaws will need to comply with the requirements of the *Off-Site Levies Regulation*, which expands consultation requirements and imposes new criteria for determining levy costs. New ways to appeal or challenge the imposition of OSL are also a part of the amendments to the MGA and the *Off-Site Levies Regulation*. The new rules will be discussed in greater detail within this Manual.

City Charters and Off-Site Levies

The OSL provisions found in sections 648 to 649 of the MGA and the *Off-Site Levies Regulation* do not apply to the City of Edmonton and the City of Calgary. The City of Edmonton Charter and the City of Calgary Charter contain express provisions that replace the general requirements for OSL that are set out in the MGA and the *Off-Site Levy Regulation*. As such, this Manual does not address the requirements for OSL in Edmonton or Calgary, but rather is directed towards all other Alberta municipalities.



Distinction between Off-Site Levies and Other Charges, Contributions, and Levies under the MGA

The focus of this Manual is on OSL and not on other charges that a municipality may impose on a developer under other sections of the MGA. For example, some municipalities will use the phrase “off-site charge” for a development charge that is imposed on a developer for a piece of municipal infrastructure that is not within the limits of the developer’s subdivision or “off of” the development site. These sorts of development charges are not to be confused with OSL. The rules for OSLs and development charges are not the same. The table below briefly explains the distinction between an OSL and a development charge.

	OFF-SITE LEVY	DEVELOPMENT CHARGE
AUTHORIZATION	Section 648	Section 650 – as a condition of a development permit provided it is authorized by the municipality’s land use bylaw Section 655 – as a condition of a subdivision approval
REQUIRES BYLAW	Yes	No
TYPE OF INFRASTRUCTURE	Water, sanitary sewer, storm sewer, roads, community recreation facilities, police stations, fire halls, libraries.	Roads, pedestrian walkway systems, public utilities (e.g. water, sanitary sewer, drainage, electricity, natural gas), off-street parking, loading and unloading facilities.
CHARACTERIZATION OF MUNICIPAL INFRASTRUCTURE	Off-Site, typically required to service a large area of a municipality	More localized, required to service or access the immediate development or subdivision

In addition, development charges cannot be challenged through the courts in the same way as an OSL. A development charge is a simpler method that may be available to municipalities in some circumstances to achieve cost recovery for infrastructure costs. A development charge, however, is not a replacement for an OSL and not necessarily an alternative to avoid the more stringent requirements of an OSL bylaw. Although a development charge and an OSL may seem similar, it is important not to confuse the two methods that a municipality might use to recover costs of constructing municipal infrastructure.

A distinction should also be made between an OSL and a redevelopment levy. Although both are authorized under the MGA, a redevelopment levy requires a municipality to approve by bylaw an area redevelopment plan that identifies a redevelopment area and the redevelopment levy. A redevelopment levy may only be used to acquire land for a park or school buildings designated for the instruction or accommodation of students, or land for new or expanded recreation facilities (or both). A redevelopment levy may only be imposed and collected at the development permit stage and only in relation to the area of the municipality covered by the area redevelopment plan. Given this, a redevelopment levy is much more limited in scope and application than an OSL.



The Purpose of this Manual

This Manual is primarily a guide for municipalities, although developers and interested members of the public may find it useful in gaining a better understanding of OSL. Developing, implementing, reviewing and updating an OSL regime is not a simple process. It requires more than passing a bylaw to create the levy. This Manual will explore the numerous factors that should be considered by a municipality before implementing an OSL regime. The Manual will discuss how council can evaluate if an OSL regime makes sense for its municipality; what roles council, administration and industry play in establishing an OSL regime; and what might be the impact of an OSL regime on municipal finances and economic development. Finally, several case studies will be presented to further assist municipalities in understanding the new rules around OSL and how this tool for financing the construction of municipal infrastructure can be utilized.

This Manual is meant only as guide to assist municipalities in the development of an OSL regime and bylaw. This Manual is not meant to replace the need for municipalities to engage legal counsel for obtaining a legal review of their OSL bylaw to ensure that all statutory requirements are satisfied or to engage consultants in assisting with the development of a levy regime, rates and underlying engineering analysis that support an OSL.



WHEN DO OFF-SITE LEVIES MAKE SENSE?

Off-Site Levies can be a great tool to recover the costs a municipality will incur for new or expanded municipal infrastructure or facilities. This is particularly true of larger infrastructure or facility projects that benefit a broad area. While OSL can certainly help address the costs of growth and increasing service demands, the decision to implement an OSL regime must be carefully considered by a municipality. For municipalities with limited resources or capacity, an OSL regime may be more of a problem than a benefit. Once a municipality “hops on board” an OSL train, it will likely be difficult if not impossible to stop the train.

Some of the questions a municipality should consider before implementing an OSL regime include:

- Is there pressure to build infrastructure or facilities that service more than one development area?
- Is there pressure to build “soft services”?
- Can an OSL be used to pay for that infrastructure or facility?
- Does the cost of the infrastructure or the facility justify the implementation and operation of an OSL regime?
- Is the benefitting area associated with an OSL large enough to justify the establishment of the levy?
- Will land development continue at a reasonable pace and will the levy amounts be collected within a reasonable period of time?
- Has the municipality collected any fee or charge that could be characterized as an OSL that might affect the municipality’s ability to impose levies?
- Are there other cost-recovery tools available that might be more suitable?
- Will the implementation of an OSL regime help encourage development?
- Does the municipality have the financial capacity to build OSL-supported infrastructure or facilities?

In this section, we will discuss these issues in more detail and help your municipality determine if an OSL regime makes sense for you.

Initial Questions

A. IS THERE PRESSURE TO BUILD INFRASTRUCTURE OR FACILITIES THAT SERVICE MORE THAN ONE DEVELOPMENT AREA?

If a municipality has a need to build significant infrastructure like a water treatment plant, a water storage facility or sewage treatment plant, an OSL might be a good tool.

This type of large infrastructure is generally beyond the financial resources of a single developer and would be beneficial to more than just one development as well as potentially to existing developments and the municipality as a whole. As such, the development community is not likely to be required to undertake such a large project and will be looking for the assistance of the municipality to move forward with development. An OSL can spread the cost of these major pieces of infrastructure over a broad area, thereby reducing the impact on any individual developer and the municipality. Neither the MGA nor the Off-Site Levies Regulation specify a maximum geographical distance between the lands against which an OSL will be imposed and the location of infrastructure or facility that is to be constructed using OSL funds. For example, the main requirements for OSL for water, sanitary sewage and storm sewage is that the infrastructure be new or expanded and that it provide benefit to development area. If the municipality can establish these minimal requirements, then an OSL may be a viable option for the municipality to further explore.

B. IS THERE PRESSURE TO BUILD “SOFT SERVICES”?

Now that OSL can be used to fund “soft services” such as community recreation facilities, fire halls, police stations and libraries, a council may wish to establish an OSL that would apply across the

municipality to fund the capital costs of such facilities. Where such facilities may have a regional benefit, an intermunicipal OSL may be an option to spread of the capital costs over a larger area.

Municipalities must be careful when implementing OSL for this type of infrastructure by ensuring that they comply with the requirements of section 6 of the Off-Site Levies Regulation. These requirements include the municipality having statutory plans and other documents that support the need and benefit of the facilities. It will not be sufficient to say, “A new library will be nice so let’s start saving for one by imposing an OSL.” If the municipality does not have the documentary support that establishes the need for the facility, creating and imposing an OSL would be unwise as doing so would not meet the requirements of the MGA and the Off-Site Levies Regulation.

C. CAN AN OSL BE USED TO PAY FOR THAT INFRASTRUCTURE OR FACILITY?

Section 648 of the MGA lists what categories of infrastructure can be funded with OSL. If the type of infrastructure that the municipality needs to build is not listed in section 648, then it is not possible to implement an OSL regime to fund that construction. If OSL are not an option, then the municipality can explore the use of other infrastructure cost recovery tools available under the MGA to fund construction.

The categories of infrastructure listed in section 648(2) include:

- new or expanded facilities for the storage, transmission, treatment or supplying of water;
- new or expanded facilities for the treatment, movement or disposal of sanitary sewage;
- new or expanded storm sewer drainage facilities;

- new or expanded roads required for or impacted by a subdivision or development;
 - new or expanded transportation infrastructure required to connect, or to improve the connection of, municipal roads to provincial highways resulting from a subdivision or development; and
 - lands required for or in connection with the above.
- The categories of facilities listed in section 648(2.1) include:
- new or expanded community recreation facilities;
 - new or expanded fire hall facilities;
 - new or expanded police station facilities;
 - new or expanded libraries; and
 - lands required for or in connection with the above.

Further, it should be noted that OSL can only be used for capital costs of new or expanded infrastructure and not for operational costs associated with such infrastructure.

D. DOES THE COST OF THE INFRASTRUCTURE OR THE FACILITIES JUSTIFY THE IMPLEMENTATION AND OPERATION OF AN OSL REGIME?

The establishment a defensible OSL regime requires supporting technical documentation and analysis, such as infrastructure master plans, engineering studies and OSL reports, including a cost benefit analysis. Undertaking these studies can be costly and time-consuming. Although the cost of the studies that provide the foundation for an OSL regime may ultimately be recoverable through the OSL, the municipality must be able fund the studies initially.

In addition to the costs of the up-front studies, the municipality must cover the costs of maintaining the OSL regime once it is in place. Maintenance of the

Initial Questions (cont'd)

regime includes accounting for the funds that are collected and expended. Each category of OSL must be accounted for separately and any interest that accrues to the fund can only be used for that same purpose (section 648(5), MGA). Depending on the complexity of the municipality's OSL regime, the administrative costs and time associated with maintaining and administering the OSL regime may become a burden and cannot be offset against the OSL funds. These administrative costs are not directly linked to the capital costs associated with infrastructure or facilities, but rather are operational in nature.

A further cost of an OSL regime that must be covered by the municipality is the cost of updating the levy rates and preparing the required annual reports. Because construction costs will vary over time, it is important that the levy rates be kept current. If OSL rates are not updated and verified on a regular basis, there is a risk that the funds collected will be inadequate to cover the actual cost of construction.

If a municipality does not have the financial expertise to maintain the OSL regime or if it cannot afford to hire consultants to assist the administration with the operation of the OSL regime, the municipality would be wise to not implement an OSL regime.

E. IS THE BENEFITTING AREA ASSOCIATED WITH AN OSL LARGE ENOUGH TO JUSTIFY THE ESTABLISHMENT OF THE LEVY?

Municipalities should consider the size of the benefitting area, the number of potentially affected landowners/developers, and the cost of the OSL infrastructure or facilities. If the proposed OSL infrastructure or facilities would only benefit a small area of land and only be imposed upon one or a few developers, the development of an OSL regime might not be justifiable and another cost recovery tool, such as a local improvement or oversizing contribution, might more suitable for the municipality.

F. WILL LAND DEVELOPMENT CONTINUE AT A REASONABLE PACE AND WILL THE LEVY AMOUNTS BE COLLECTED WITHIN A REASONABLE PERIOD OF TIME?

A municipality can never be certain when it will be able to collect OSL. The imposition and collection of an OSL is dependent upon development and a projected growth horizon for the municipality. If development slows down, the rate at which an OSL will be collected will also slow. While ultimately the municipality should be able to collect the full cost of the OSL infrastructure or facility from developers over time, there is always a potential (and often the reality) that the infrastructure or facility will be needed before the full levy amount for that infrastructure or facility is collected. It is therefore important to consider whether OSL will be collected within a

“The imposition and collection of an OSL is dependent upon development and a projected growth horizon for the municipality.”

reasonable time, given the expected time projection for construction. If a municipality implements an OSL regime, the municipality must understand that it may have to front-end infrastructure construction costs and carry these costs for several years. This will undoubtedly mean assuming debt with borrowings, which will impact the municipality's debt limit ratio and will likely limit the municipality's ability to undertake other projects. Potential trade-offs need to be considered. For example, the municipality may decide it can only afford to build one of a new fire hall and a new police facility. If that is the case, is it reasonable to have an OSL for both types of facilities? Given this, a municipality must identify its expected growth horizon and consider how that will impact

the timing of potential collection of any OSL and the expected timing of construction for the OSL infrastructure or facility. This impact may influence whether an OSL is the right cost recovery tool for such infrastructure or facility and may even effect whether the municipality can afford the cost of servicing the new development.

G. AS THE MUNICIPALITY COLLECTED ANY FEE OR CHARGE THAT COULD BE CHARACTERIZED AS AN OSL THAT MIGHT AFFECT THE MUNICIPALITY'S ABILITY TO IMPOSE LEVIES?

In those instances where the municipality has previously imposed fees or other charges for one or more purposes included within section 648 of the MGA, the new subsections 648(7) and 648(8) will likely mean those fees or charges are deemed to “have been imposed pursuant to a bylaw under this section”. This prior imposition of fees or charges does not eliminate the ability of the municipality to implement an OSL regime. However, the prior imposition of fees or charges must be considered in the development of the OSL regime as the municipality will not be able to collect OSL for the same category of infrastructure or facilities if fees or charges were previously collected for that type of infrastructure or facility from those lands. For example, some municipalities have collected community recreation contributions that have been used for the capital costs of building recreation facilities. It is possible that those community recreation contributions will be deemed to be an OSL pursuant to the MGA for community recreation facilities. The result of this is that a municipality may be unable to collect any further OSL from certain lands in the municipality for that same purpose, which will impact the amount that the municipality can collect through the OSL regime and might ultimately make such an OSL regime unfeasible.

Initial Questions (cont'd)

H. ARE THERE OTHER COST-RECOVERY TOOLS AVAILABLE THAT MIGHT BE MORE SUITABLE?

If the focus for the municipality is on how to fund the types of facilities listed in section 648(2.1) of the MGA (community recreation facilities, fire halls, police facilities and libraries), an OSL regime is the only option for recovering capital construction costs from land developers at the time of issuance of a development permit or subdivision approval.

When the focus of the municipality is on the infrastructure listed in section 648(2) of the MGA (water, sanitary sewer, storm sewer, roads), the municipality may be able to utilize another cost recovery tool such as a local improvement tax pursuant to section 397 or cost contribution or cost sharing utilizing a development agreement pursuant to section 650 and/or section 655 of the MGA. The selection of a cost recovery tool should consider the type, size and timing of construction of the needed infrastructure, and the point in time when the infrastructure will be developed.

A local improvement tax can be used to recover costs of a project that the council considers to be of greater benefit to an area of the municipality rather than to the whole municipality. It can be used in an already-developed area or in a new development area. A bylaw is passed to recover the costs from the owners of the land that benefits from the local improvement project on a fixed repayment basis, giving property owners the ability to spread out the payment and still give the municipality an ability to recover the capital cost. A disadvantage of a local improvement tax is the fact that the owners of the benefitting land can petition against the local improvement and thereby eliminate this option for a municipality (section 396, MGA). Further, the municipality only has three years from the time it notifies the benefitting area of the pending construction of the project and the

imposition of the local improvement tax to complete the project. Further, if a project has not been started or has been started but not completed, a local improvement tax can only be imposed for one year and cannot be imposed again until the project is completed. For these reasons and unlike an OSL, the local improvement tax cannot be utilized to collect money now for a project that will not be constructed for many years.

Municipalities can also utilize section 650 and/or section 655 of the MGA and require the developer of the land to pay for the costs of constructing the infrastructure. Under these sections, a developer can be required as a condition of issuance of a development permit or of subdivision approval to construct or pay for the construction of:

- roads required to give access to the development or subdivision;
- a pedestrian walkway system to serve the development or subdivision; and
- a public utility necessary to serve the development or subdivision.

A “public utility” is defined in section 616(v) of the MGA to include, among other things, water, sewage disposal, and drainage. This is the section of the MGA that municipalities rely upon when making a developer construct the services necessary for their proposed subdivision or development (which can include both new or upgraded infrastructure provided that it is necessary to access or service the proposed development). If the infrastructure to be funded through an OSL is subdivision- or development-specific, section 650 or section 655 may provide an alternative and possibly a better choice. Combining section 650 and/or section 655 with the authority given to a municipality under section 651 of the MGA, a municipality can require a developer

to build or contribute to infrastructure with excess capacity or that is oversized. When other benefitting land is developed or subdivided, the subsequent developers can be required to pay a proportionate share of the costs incurred by the original developer for constructing the infrastructure that has excess capacity or that was oversized. For example, the infrastructure that needs to be constructed is a storm water management facility that will benefit more than one proposed development. The facility can be funded using an OSL or a developer can be required to build the storm water management facility. If a particular developer has the financial resources to build the storm water management facility, then relying on sections 655 and 651 of the MGA to require the developer build the facility may be a more appropriate choice than implementing an OSL regime. The reasons include that a development agreement under sections 655 and 651 of the MGA may be a simpler means of managing both construction and cost recovery, without having to undertake expensive studies and engineering analysis, complete time-consuming consultations, utilize the municipality’s precious debt limit ratio, or set aside resources for managing an OSL regime.





I. WILL THE IMPLEMENTATION OF AN OSL REGIME HELP ENCOURAGE DEVELOPMENT?

One benefit of an OSL regime that is often ignored is that its implementation can help level the playing field for land developers and therefore make development more feasible within a municipality. When there are significant and expensive pieces of infrastructure that need to be built before an area can be developed, smaller developers with limited financial resources may find it difficult, if not impossible, to proceed with a new development because they cannot afford to front-end or carry the financing costs of the required infrastructure or facility.

By assuming the responsibility for construction of the required infrastructure or facility through the implementation of an OSL regime, the municipality eliminates the financial impediment created by the costs of constructing the infrastructure or facility required to service a given development or subdivision. Regardless of size or financial capacity, all developers are treated in the same way under an OSL regime. Each developer is responsible for its proportionate, beneficial share of the infrastructure or facility cost and is not required to front-end or carry the full costs of expensive infrastructure or facilities with excess capacity or oversizing. This does not mean all developers will necessarily pay the same rate or amount for OSL, as levy rates may vary considerably across different basins within the municipality. Rather, it means that developers can move forward with development so long as the developer can pay the required OSL, which represents only their proportionate share based on their benefit of the OSL infrastructure or facility.

J. DOES THE MUNICIPALITY HAVE THE FINANCIAL CAPACITY TO BUILD OSL-SUPPORTED INFRASTRUCTURE OR FACILITIES?

In the “normal” course, most OSL infrastructure or facility is constructed by the municipality. When assessing whether to implement an OSL regime, the municipality should look at its capacity to assume debt and determine if it will have the financial capacity to construct the identified infrastructure or facility within the projected timelines. Municipalities should not assume that the OSL will be collected at a rate that will allow construction costs to be covered fully by the OSL. This will be particularly true for infrastructure that is required to serve an area of land that is unlikely to be fully developed for 15 to 20 years. For example, a fire hall may be needed sooner rather than later and there may not be enough in the OSL reserve for the fire hall to cover the construction costs. The same can be said for almost any of the infrastructure or facilities that can be paid for by an OSL.

Further, including infrastructure and facilities in an OSL regime may be viewed by the development industry to be a commitment from the municipality to build the infrastructure and facilities in a timely manner, as identified in the OSL documentation. If the municipality knows that it is unlikely to be able to build infrastructure or facilities in the timelines specified in the OSL documentation, the municipality may want to avoid the implementation of the OSL regime in the first place.

Additional Factors to Consider

Consideration of the previously-listed questions will help inform the municipality's decision about whether an OSL regime makes sense. In addition to those questions, there are other factors that a municipality may want to consider in evaluating whether to implement an OSL regime.

A. BROAD LOCAL DISCRETION

The implementation of an OSL regime leaves municipalities with the flexibility to make the regime fit local needs. The *Off-Site Levies Regulation* sets out the general principles for the calculation of levies but does not dictate to a municipality how to address specific factors or what model it must utilize. Additionally, a different methodology can be used for the different categories of infrastructure and facilities. In the end, "one size" does not necessarily fit all, and a municipality can use its discretion to establish an OSL regime that makes sense locally.

B. NO PETITION

Unlike a local improvement tax, an OSL is not subject to a landowner's right of petition. While this is an advantage for a municipality compared to using a local improvement tax, the implementation of an OSL bylaw does require consultation with stakeholders (which will include landowners, the development industry and any other person who may be affected by a levy). Consultation should occur when the OSL regime is first implemented, and whenever an OSL bylaw is amended (including adjustments to rates and to the underlying assumptions of the OSL model).

C. CONSISTENCY AND TRANSPARENCY

A well-conceived OSL bylaw eliminates piecemeal technical analysis and development agreement negotiations and provides a more consistent outcome with transparent charges. It can also support long-term municipal planning that is required and encouraged under the MGA. With the detailed and comprehensive technical reports that will be needed to support an OSL regime, the municipality

will have a more complete understanding of what its infrastructure and facility needs are and when such infrastructure or facilities need to be constructed.

D. FLEXIBLE OVER TIME

An OSL bylaw allows a municipality to address infrastructure and facility requirements over a significant time period. The bylaw can require a developer to contribute to OSL infrastructure or facilities that benefits the development, whether the development precedes the construction of the OSL infrastructure or facilities, or the construction of the OSL infrastructure or facilities precedes the development. Further, the OSL regime should be developed with the ability for rates to be flexible over time so that the municipality is imposing and collecting the optimal amounts to cover projected and actual costs as well as financing costs, and in terms of OSL infrastructure or facility projects that may change due to servicing needs of the municipality and new development. Such an OSL regime can also assist a municipality with how it makes its capital budget decisions and support asset management.

Determining when OSL makes sense will depend on many factors that will differ among municipalities. Considering the questions and factors discussed above before implementing an OSL regime will help to ensure the OSL supports community development, rather than cause an administrative or financial burden to the municipality. Technical (such as engineering and accountant consultants) and legal advisors can help a municipality understand the full implications of its decision to move forward with and ensure that it is an approach that makes sense.

LEGISLATION AND REGULATIONS

A municipality can impose an OSL as a condition of development or subdivision approval. An OSL must be authorized by bylaw. There are strict requirements in the MGA and in the Off-Site Levies Regulation that must be followed if the municipality is to have an enforceable OSL regime. This section will focus on sections 648 through 649 of the MGA and the Off-Site Levies Regulation. The text of the sections of the MGA and the Off-Site Levies Regulation at the time of publication of this Manual are reproduced in the attached **Appendix**.



Types of Infrastructure an Off-Site Levy Covers

An OSL can only be used for certain categories of infrastructure. Section 648(2) lists the categories of infrastructure and section 648(2.1) lists the categories of facilities for which an OSL can be imposed. An OSL cannot be used for any infrastructure or facility not included in the items listed in either section 648(2) or section 648(2.1).

The infrastructure listed in section 648(2) include:

- new or expanded facilities for the storage, transmission, treatment or supplying of water;
- new or expanded facilities for the treatment, movement or disposal of sanitary sewage;
- new or expanded storm sewer drainage facilities;
- new or expanded roads required for or impacted by a subdivision or development;
- new or expanded transportation infrastructure required to connect, or to improve the connection of, municipal roads to provincial highways resulting from a subdivision or development; and
- lands required for or in connection with the above.

The facilities listed in section 648(2.1) include:

- new or expanded community recreation facilities;
- new or expanded fire hall facilities;
- new or expanded police station facilities;
- new or expanded libraries; and
- lands required for or in connection with the above.

Prior to 2018, an OSL could only be imposed to pay for all or part of the capital cost of water, sanitary sewer, storm sewer and road infrastructure, along with land required for, or in connection with, such infrastructure (MGA, section 648(2)). OSL may now also be used to pay for all or part of the capital cost of new or expanded transportation infrastructure required to connect, or to improve the connection of municipal roads to provincial highways resulting from a subdivision or development (MGA, section 648(2)(c.2)). This Manual has dedicated a **chapter** specifically to this expanded transportation infrastructure category as there may be some debate as to what is included in “connection of municipal roads to provincial highways”.

Types of Infrastructure an Off-Site Levy Covers (cont'd)

Another significant 2018 addition to the OSL legislation is section 648(2.1) of the MGA, which allows for the use of OSL to pay for costs related to “facilities,” or what are often referred to as “soft services.” This section provides that OSL may be used to pay for all or part of the capital cost for any of the following purposes, including the cost of any related appurtenances and any land required for

or in connection with the purpose community recreation facilities, fire halls, police stations and libraries.

The term “community recreation facilities” is defined in section 616(a.11) of the MGA as “indoor municipal facilities used primarily by members of the public to participate in recreational activities conducted at the facilities”. This definition is critical because it establishes

the boundaries of what types of recreation facilities can be constructed with OSL funds. OSL cannot be used to fund playground construction, outdoor arenas or playing fields. Those facilities must be funded using other mechanisms.

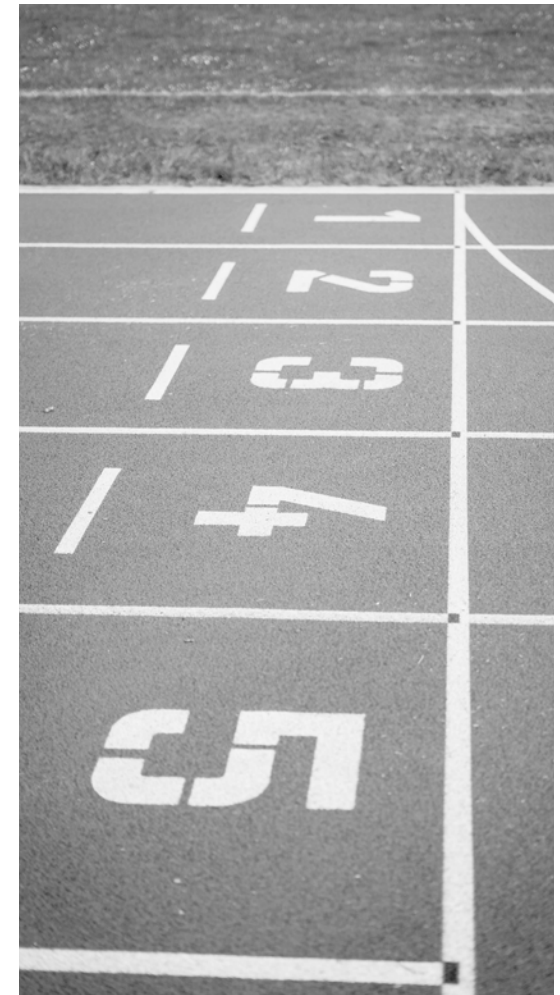
What is an Appurtenance?

Section 648(2.1) states that an OSL can be used to pay for all or part of the capital cost of the facility including the cost of any related appurtenances. Section 648(2) does not define “appurtenances.” While “capital cost” would likely include the cost of the bricks and mortar of the community recreation facility, fire hall, police station or library, what would be an “appurtenance”?

The common *Oxford English Dictionary*, 6th ed, defines an appurtenance as “a minor property, right or privilege or incidental to a more important one; an appendage,” and “a contributory adjunct, an accessory.”¹ Similarly, the *Black’s Law Dictionary*, 9th ed, defines it as “something that belongs or is attached to something else.”² Case law has defined the term using phrases like “belong to”, “annexed to” or “appended to”. One old case, from 1903, went so far as to find that in the context of a mine, the use of the word appurtenance included the movable property used in working the mine.³

If an “appurtenance” is something belonging to or attached to something else, what would or could be an “appurtenance” to the community recreation facility?

For example, the surface of the indoor running track would likely an appurtenance, as well as the ice making machinery in an arena, which would likely be affixed to the building. Then there are the pieces of equipment that might be critical to the operation of the arena like the Zamboni. What is not clear is whether the cost of purchasing the first Zamboni might be considered a capital cost of an appurtenance. Or, in the context of the new fire hall, whether the fire engine would be an appurtenance and the cost of the fire trucks that will operate out of the new fire hall can be paid for with OSL funds. The answer to these questions may remain unknown until the courts have an opportunity to consider the breadth of what can be funded through an OSL under section 648(2.1). In light of this, should a municipality choose to develop an OSL for facilities, it is recommended that the municipality work closely in the development of the OSL bylaw with their legal counsel, and specialized consultants as necessary to assist in determining what capital costs should be included within the OSL regime.



¹ *The Oxford English Dictionary*, 6th ed, vol 1, *sub verbo* “appurtenance”.

² *Black’s Law Dictionary*, 9th ed, *sub verbo* “appurtenance”.

³ *Pelton v Black Hawk Mining Co*, 40 NSR 385; RSNs 1900, c 171 at para 9.

Intermunicipal Off-Site Levies

The 2018 legislative amendments also introduced the concept of an intermunicipal OSL. While there had been suggestions in the past that municipalities could work together to create levies that would function as an inter-municipal OSL, the new section 648.01 of the MGA expressly allows two or more municipalities to provide for an OSL to be imposed on an intermunicipal basis.

The municipalities must agree that a bylaw passed by one municipality has effect inside the boundaries of the other and both municipalities must pass a bylaw that approves that agreement.⁴ The agreement that approves the cross-boundary application of a municipal bylaw could be part of an intermunicipal collaborative framework (ICF) or a stand-alone agreement. Whether stand-alone or part of the ICF, the agreement must be structured to attain one of the purposes identified in sections 648(2) or section 648(2.1). Section 648.01 does not expand the categories of infrastructure or facilities that can be funded through an OSL or require that both municipalities pass the same OSL bylaw. The *Off-Site Levy Regulation* does, however, provide that each participating municipality must use a consistent methodology to calculate the levy rates and identify the same:

- specific infrastructure, transportation and facilities;
- benefitting area across the municipal boundaries; and
- portion of benefit attributable to each participating municipality within that benefitting area.

In other words, there must be cooperation by each municipality involved with an intermunicipal OSL and consistency between each municipality's OSL regime and bylaw.

From a practical perspective, municipalities that consider an intermunicipal OSL may want to discuss this during

strategizing and negotiating ICFs. Further, municipalities may wish to work together to develop substantially similar OSL bylaws to ensure consistency. Other questions to consider when developing an intermunicipal OSL include the following:

- What will consultation in developing the intermunicipal OSL look like? Who will coordinate and lead the development of the bylaw and consultation?
- Which municipality will control the timing of the construction of the infrastructure?
- Which municipality will manage the collection of the OSL? Or the OSL accounts?
- How will the municipalities address the situation of insufficient funds being collected to construct and install the OSL infrastructure or facility? Which municipality will finance the shortfall or how will the shortfall be allocated between the municipalities?
- What happens if development does not proceed as anticipated in one municipality, while it proceeds at full pace in the other? Will the project for which the OSL was collected proceed? If so, how will the financing and construction be coordinated?

“From a practical perspective, municipalities that consider an intermunicipal OSL may want to discuss this during strategizing and negotiating ICFs.”

⁴ Section 12, MGA.



Limits on Collecting Off-Site Levies More Than Once

Previously, section 648(4) of the MGA provided that OSL could only be collected once from a property. For example, if a municipality collected an OSL for water services, the municipality could not later impose and collect an OSL for sanitary sewer services from the same land. Amendments to section 648(4) came into effect in 2015 that modified this restriction.

With the amendments, OSL can only be collected once for each of the purposes listed in section 648(2). Section 648(4) applies to the facilities or soft-services included in section 648(2.1) as well. This limit needs to be kept in mind because if a municipality collected contributions from developers for recreation facilities (whether such a contribution was voluntary or imposed), the municipality may be precluded from collecting an OSL for new or expanded community recreation facilities from those same lands. Even though the municipality may believe that OSL for community recreation facilities have not been previously collected, the contributions may be viewed by the courts as an OSL and thereby limit the municipality's ability to impose and collect an OSL for such infrastructure. Further, section 648(7) and section 648(8) of the MGA provide that if a development agreement entered into by a developer and a municipality included the payment of a fee or charge that could be for a purpose described in section 648(2)(c.1) expressly⁵ or otherwise in sections 648(2) or (2.1)⁶, that fee or charge is deemed to be a levy imposed by a bylaw passed under section 648.

Collectively, these sections of the MGA provide municipalities with the flexibility to impose and collect OSL in relation to a particular parcel of land at different times (i.e. at development or subdivision approval), provided that the municipality has not previously collected a levy for that type of infrastructure – whether that collection was a previous OSL or a deemed levy as determined by the courts.

⁵ Section 648(7), MGA.

⁶ Section 648(8), MGA.

Use of Off-Site Levy Funds

OSL funds, and interest on those funds, can only be used for the purpose for which the funds were collected.⁷ Each type of OSL must be accounted for separately.⁸ For example, sanitary sewer levies can only be used to build the sanitary sewer infrastructure that is identified in the OSL bylaw as the infrastructure that would be built from the levy funds. Sewer levy funds cannot be used to build new roads that were to be built using OSL funds.

OSL funds cannot be treated as one large indiscriminate pool of funds to be used to construct infrastructure that is part of the OSL process. Rather, where there used to be only four possible levy pools (water, sanitary sewer, storm sewer and roads), now there could be as many as nine separate levy pools for any given municipality.

If a review and amendment to an OSL regime results in specific pieces of infrastructure being removed from the list of infrastructure identified to be paid for by the OSL, a municipality may face requests from developers for refunds of a portion of the OSL that has been paid. However, if the same level of service that would have been provided under the original list of infrastructure is still provided under the revised list, the municipality may have grounds to deny such a demand for a refund. To avoid this sort of debate and challenge to the OSL bylaw, it is important that careful consideration be given to what infrastructure should be included in the list of levy-eligible infrastructure and whether any infrastructure projects may need to be removed over time. Any re-engineering of the manner of servicing, or even the outright repeal of an OSL bylaw, may have unintended consequences for an OSL regime.

⁷ Section 648(5), MGA.

⁸ Section 648(5)(a), MGA.

Regulatory Requirements

Successfully implementing an OSL regime requires an understanding of and compliance with the *Off-Site Levies Regulation*, Alta. Reg. 187/2017, as well as strong technical capacity to complete the supporting background studies, prepare detailed costs and levy rates, and define a benefitting area (the latter which will be discussed in more detail in the **step by step section of this Manual**). The *Off-Site Levies Regulation* replaces the former *Principles and Criteria for Off-Site Levies Regulation*. The *Off-Site Levies Regulation* is more comprehensive than its predecessor in establishing rules for the implementation and administration of OSL regimes. The *Off-Site Levies Regulation* applies to new OSL bylaws as well as applies to any amendments to an existing OSL bylaw passed prior to the *Off-Site Levies Regulation* coming into effect.

The *Off-Site Levies Regulation* can be divided into three components: consultation, reporting and transparency. The regulation also addresses the sale of facilities and the process for appeals to the Municipal Government Board. For more information regarding appeals of an OSL, see the section later in this Manual on **“Legal Challenges to an Off-Site Levy Bylaw”**.



Consultation – Municipalities establishing an OSL must consult in good faith with stakeholders in accordance with section 8 of the *Off-Site Levies Regulation* (section 3(2)). A “stakeholder” is defined to be any person that will be required to pay the levy when the bylaw is passed, or any other person the municipality considers is affected (section 1(d), *Off-Site Levies Regulation*). This includes developers, landowners, residents and lobbyists that have an interest in, or may be affected by, the proposed OSL.

Section 8 of the *Off-Site Levies Regulation* requires that:

- The municipality must consult in good faith with stakeholders prior to making a final determination on defining and addressing existing and future infrastructure and facility requirements (section 8(1)).
- The municipality must consult in good faith with stakeholders when determining the methodology on which to base the levy (section 8(2)).
- Prior to passing or amending a bylaw imposing a levy, the municipality must consult in good faith on the calculation of the levy with stakeholders in the benefitting area where the levy will apply (section 8(3)).
- During consultation under subsections (2), (3) and (4), the municipality must make available to stakeholders, on request, any assumptions, data or calculations used to determine the levy (section 8(4)).

It is important that municipalities comply with these new and expanded consultation

requirements when they adopt new OSL bylaws or make amendments to existing bylaws. The requirement that consultation be conducted in “good faith” will require that municipalities give stakeholders a meaningful opportunity to provide input into the proposed levies.

What consultation will look like for a municipality may vary and will not necessarily be the same for all. A municipality should look to its public participation policy for direction or consult with legal advisors to determine what will be adequate. This could include providing draft reports to stakeholders for review and comment, holding a non-statutory public hearing, holding an open house, or simply meeting with affected stakeholders one on one.

Reporting – The *Off-Site Levies Regulation* also requires municipalities to engage in ongoing review and reporting on OSL. This includes the requirement to keep the information used to calculate an OSL current (section 5(3), *Off-Site Levies Regulation*).

The municipality must include, in the OSL bylaw, a requirement for a periodic review of the calculation of the levy (section 5(4), *Off-Site Levies Regulation*).

The *Off-Site Levies Regulation* also provides that:

- The municipality must report on the levy annually and include in the report the details on all levies received and utilized for each type of facility and infrastructure within each benefitting area (section 9(2)); and
- Such a report must be in writing and be publicly available in its entirety (section 9(3)).

Regulatory Requirements (cont'd)

In addition, there is a general requirement to provide full and open disclosure of all the levy costs and payments (section 9(1), *Off-Site Levies Regulation*).

A practical result of the above provisions is that municipalities with OSL regimes must:

- Update levy rates regularly (which as a best practice could be done on an annual basis);
- Report annually to both council and the public on what levies were collected and what levies were spent; and
- Review its OSL bylaws periodically (which as a best practice should be every three to five years).

Transparency – The *Off-Site Levies Regulation*, when compared to its predecessor, provides a more comprehensive listing of principles and criteria that must be considered by municipalities when establishing an OSL. These principles and criteria appear to, at least in part, be intended to encourage transparency in the establishment of OSL.

Examples of the increased transparency expectations include:

- in determining the basis on which the OSL is calculated, the municipality must at a minimum consider and include or reference the following in the bylaw imposing the levy:
 - ▶ a description of the specific infrastructure and facilities;
 - ▶ a description of each of the benefitting areas and how those areas were determined;
 - ▶ supporting technical data and analysis;
 - ▶ estimated costs and mechanisms to address variations in costs over time (section 5(1), *Off-Site Levies Regulation*).

- There must be a correlation between the levy and the benefits of new development (section 5(5)).
- In calculating an OSL imposed pursuant to section 648(2.1) of the MGA for facilities, the municipality must take into consideration supporting statutory plans, policies or agreements and any other relevant documents that identify:
 - ▶ the need for and anticipated benefits from the new facilities;
 - ▶ the anticipated growth horizon; and
 - ▶ the portion of the estimated cost of the facilities that is proposed to be paid by each of:
 - the municipality,
 - the revenue raised by the levy, and
 - other sources of revenue (section 6(1)).
 - ▶ In calculating an OSL imposed on an intermunicipal basis pursuant to section 648.01 of the MGA, each participating municipality must use a consistent methodology to calculate the levy and each bylaw imposing the levy must:
 - identify the same specific infrastructure and facilities,
 - identify the same benefitting area across each participating municipality for the specific infrastructure and facilities, and
 - identify the portion of benefit attributable to each participating municipality within that benefitting area (section 7(1)).

For further information on how to meet these requirements, refer to the Enactment section of the “[Step by Step Process for Establishing Off-Site Levies](#)” found later in this Manual.

Given the expansion of the *Off-Site Levies Regulation*, municipalities should undertake a review of their existing OSL bylaws and amend accordingly to ensure that their bylaw satisfies the requirements of the updated Regulation. This will need to happen, at minimum, upon any amendments to levy rates imposed by the bylaw. Importantly, OSL bylaws (and a municipality’s related policies and practices) will need to be more detailed and more comprehensive than they were previously, and will need to incorporate detailed engineering analysis. Municipalities should consider obtaining a legal review of OSL bylaws and related land policies and practices to ensure that all statutory requirements are satisfied.

The rules around the creation and imposition of OSL are complex. Municipalities need to be careful to follow the rules because a failure to fully comply with the requirements of the Regulation could lead to an OSL bylaw being declared invalid.





“Municipalities must engage in public consultation prior to the sale of any such facilities...”

The Sale of Facilities Constructed with Off-Site Levies

The *Off-Site Levies Regulation* imposes rules regarding the sale of facilities constructed using OSL funds. The term “facilities” refers to the facilities described in section 648(2.1) of the MGA (i.e. the “soft services” — community recreation facilities, fire halls, police stations and libraries), the land necessary for these facilities and related appurtenances (section 1(a)).

Municipalities must engage in public consultation prior to the sale of any such facilities (section 15, *Off-Site Levies Regulation*) and the proceeds of the sale of such facilities must be used for the purpose for which the OSL was originally collected (section 16). This will likely mean that the sale proceeds of a fire hall could only be used for the construction of another fire hall, or of an ice arena could only be used for the construction of new ice arena or other type of community recreation facility.

Court Considerations

The Alberta courts have had a limited number of opportunities to consider the imposition of OSL and the validity of OSL bylaws. In part, this is because many municipalities do not impose OSL. But the limited court consideration of OSL is also a function of the fact that use of OSL has only become more widespread in the last 15 years. Before that time, municipalities used other methods to fund the construction of municipal infrastructure. While some of the decisions are fact-driven, the cases do establish some general principles that should be considered when implementing an OSL regime.

These decisions include Bighorn (Municipal District No. 8 v. Alberta (Municipal Government Board), Urban Development Institute v. Leduc (City), Keyland Development Corp. v. Cochrane (Town), ARW Development Corp. v. Beaumont (Town), Prairie Communities Development Corp. v. Okotoks (Town), Kiewit Energy Corp v. Edmonton (Subdivision and Development Appeal Board), Rosenthal Communities Inc. v. Edmonton (Subdivision and Development Appeal Board) and Marrazzo v. Leduc County (Subdivision and Development Appeal Board). Each Court decision and its contribution to the OSL is discussed in more detail in **Appendix C** of this Manual.



ROLES AND RESPONSIBILITIES IN ESTABLISHING AN OFF-SITE LEVY

“Effective, good faith consultation and involvement with stakeholders should result in a win-win scenario for the municipality and the community as a whole.”

The establishment of an OSL regime is time-consuming and complex. The process includes several stages and requires the participation of a variety of participants, both internal and external to the municipality. The successful implementation of an OSL regime will depend on all the participants recognizing and respecting their roles in the process. This section identifies the responsibilities of the various participants in the establishment of an OSL regime.



Council

Section 201 of the MGA gives council the role of developing and evaluating the policies and programs of the municipality. In the context of OSL, council's involvement starts with the decision to explore whether to implement an OSL regime. Council will often make the initial policy decision to adopt an OSL regime and will direct administration to proceed with the necessary analysis and consultation to prepare an OSL bylaw for council's consideration.

Throughout the analysis and consultation process, council should be kept informed and updated. Council does not need to be directly involved in stakeholder consultation or technical research. Further, there is no requirement in the MGA or the *Off-Site Levies Regulation* for a public hearing to be held before the passage of an OSL bylaw (the MGA only requires that an OSL bylaw be advertised prior to second reading of the bylaw pursuant to section 606 of the MGA). Council may choose to hear from stakeholders through a non-statutory public hearing. However, the public hearing process in section 230 of the MGA does not apply so council can seek public input at any time prior to third reading of the OSL bylaw.

Once the analysis and consultation processes are complete, council's next significant involvement will be the consideration and passage of the OSL bylaw. During

the consideration of the OSL bylaw, council may provide direction on matters such as what infrastructure should be included, how levy rates should be calculated or any of the other aspects of the OSL bylaw.

After an OSL bylaw is passed, council's role becomes more supervisory in that council will receive an annual report on how the OSL regime is functioning. The *Off-Site Levies Regulation* requires that an annual report be prepared (section 9(2), *Off-Site Levy Regulation*), although it does not expressly require that the report be submitted to council. As the operation of an OSL regime will impact a municipality's budget, it is both reasonable and prudent for the annual report to be submitted to council. Council consideration of the annual report will also help to satisfy the requirements of section 9(3) of the *Off-Site Levies Regulation* that the annual report be publicly available.

“Council does not need to be directly involved in stakeholder consultation or technical research.”

During the operation of the OSL regime, council may be called upon to make policy decisions related to issues such as the deferment or cancellation of some levies. Council can, however, opt to delegate such operational decisions to the chief administrative officer or other senior official. Similarly, in some municipalities, council will approve every servicing/development agreement regardless of whether the agreement includes the payment of OSL. In other municipalities, council may delegate the authority to deal with all types of servicing/development agreements to the chief administrative officer. Council will have less day-to-day involvement in the process of collecting OSL in such a municipality.

Council will also be required to consider amendments to the OSL bylaw if a periodic review of the bylaw points out the need to change the OSL regime and therefore requires bylaw amendments. Because the OSL regime is established through bylaw, the operation of the OSL regime can only be modified by amendments to the OSL bylaw, which only council has the authority to do. Any amendments to an existing OSL bylaw must conform with the requirements set out in the *Off-Site Levies Regulation*.

Stakeholders

Stakeholders can include landowners, land developers, the development industry in general, and members of the community. Specifically, the term “stakeholder” is defined by the *Off-Site Levies Regulation* as “any person that will be required to pay the levy when the bylaw is passed, or any other person that the municipality considers is affected.” Stakeholders have an important role to play. The municipality is obligated to consult in good faith with stakeholders, and it is through this consultation process that stakeholders can have a direct impact on the development of the OSL regime.

Stakeholders should be encouraged to:

- review the assumptions, data and calculations the municipality is relying on to establish the OSL regime;
- participate in the consideration of defining the existing and future infrastructure and facility requirements of the municipality;
- participate in the determination of the methodology for calculating the OSL; and
- participate in the definition of benefitting areas.

A municipality must ensure that stakeholders have access to any assumptions, data or calculations that have been used by the municipality to determine the OSL (section 8(4), *Off-Site Levies Regulation*).

With active stakeholder participation, the municipality increases the likelihood that the OSL regime works for the developers and landowners in the municipality. Effective, good faith consultation and involvement with stakeholders should result in a win-win scenario for the municipality and the community as a whole.

Administration

Administration includes the chief administrative officer for the municipality, engineering and public works staff, development staff who process and approve subdivisions and development permits, and financial staff who will deal with the accounting of collected OSL.

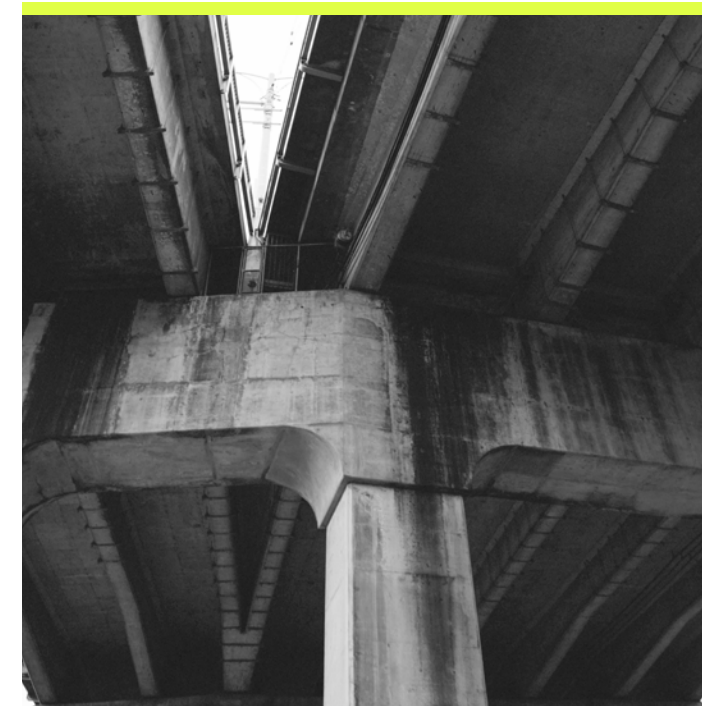
Collectively, the administration will assist council with the background information and evaluations that council will need while considering the implementation of an OSL regime. This will require the administration to work with various consultants, such as engineers, planners, accountants and legal advisors, to ensure council has the information necessary to evaluate and establish an OSL regime.

The administration will also have an important role in working with stakeholders to ensure that stakeholders have the information they need to fully participate in the development of an OSL regime. The administration should act as a conduit for feedback from stakeholders to council. Council can be advised of issues and concerns that stakeholders have identified through the

consultation process. As well, if the administration and stakeholders have been able to resolve those concerns, the resolution or proposed resolution can be communicated to council and incorporated in the development of the assumptions that will underlie the OSL regime when it is being implemented.

The administration will be instrumental in drafting the required OSL bylaw and making sure that it meets the requirements of the MGA and the *Off-Site Levies Regulation*. In preparing the OSL bylaw, the administration should work closely with any consultants that have been retained, such as engineers, accountants and legal counsel. An OSL bylaw should not be simply copied from a neighbouring municipality without a thorough review, consultation and discussion.

Once the OSL bylaw is passed, the financial staff must establish processes to effectively track payments and expenditures to ensure that each category of OSL is accounted for separately from other levies and revenues. Further, interest that accrues must be tracked and





credited for each of the separate OSL accounts. Depending upon how the benefitting areas are established by the OSL bylaw and further, depending upon the overlap of infrastructure across benefitting areas, there could be many OSL accounts that have to be tracked. OSL funds should not be deposited into the municipality's general revenue and merged with other municipal revenue.

Financial staff will also carefully manage the expenditure of the collected OSL to support council in ensuring that the collected OSL are only used for the purpose for which they were collected. For example, OSL collected for new or expanded water facilities cannot be used for new or expanded sanitary sewage facilities or other OSL infrastructure. Collected OSL cannot be shifted from one account/reserve to another, or even from one development basin to another. For example, if a water facility needs to be constructed and the balance of the water OSL funds is insufficient to pay for the construction of the water facility, a municipality cannot "borrow" OSL collected and held in the account for sanitary sewer infrastructure to help pay for the water facility. Another source of funding, such as a new borrowing for the sole purpose of funding the OSL water facility, must be found to cover the costs of constructing the water facility.

An important part of the tracking and management of the OSL is the preparation of the required annual report. The annual report must include "details of all levies received and utilized for each type of facility and infrastructure within each benefitting area" (section 9(2), *Off-Site Levies Regulation*).

Finally, the administration will be responsible for reviewing the performance of the OSL regime and recommending updates to the OSL model and rates. It is a best practice for municipalities to review and adjust OSL rates annually. A municipality must undertake a periodic review of the calculation of OSL as provided by the bylaw (section 5(4), *Off-Site Levies Regulation*). It is a best practice for municipalities to review the assumptions that underlie the OSL regime periodically as well. This allows for the assumptions to be updated to reflect changes in construction costs, financing etc., which would help ensure that the municipality is collecting sufficient levies to complete OSL infrastructure. Significant events, such as an annexation or passage of a new statutory plan, might trigger a need for a full review of the underlying assumptions, or the expansion of the OSL into a new area.



Consultants

Planners, professional engineers, accountants and legal advisors will all typically have a role to play the creation and implementation of an OSL regime. Firms that specialize in public consultation and stakeholder participation can also be helpful in explaining the process and underlying assumptions of the OSL to stakeholders. The role of the various consultants includes data gathering and report preparation. Reports will be required as part of the evaluation process and as part of the development process. Consultants will be able to help a municipality:

- define existing and future infrastructure and facility requirements, including the preparation of master servicing studies and plans;
- develop principles to establish and assess whether the extent to which infrastructure and facilities are required because of new development and the benefit that flows to the existing community from the new infrastructure or facility;
- define benefitting areas based on technical data;
- develop the methodology for calculating levy rates so that the methodology is clear and understandable; and
- develop a mechanism to address cost increases (e.g. inflation, interest, financing costs, etc.) over time.

Engineering and planning consultants may need to be involved from the outset as they will determine what infrastructure and facilities will be required, how much the infrastructure or facilities will cost and establish projected rates of growth that will be critical to evaluating the rate at which OSL can be expected to be collected.

Legal advisors should also be involved early in the process so that the underlying assumptions can be reviewed for compliance with the MGA, the *Off-Site Levies Regulation* and current case law. If legal advisors are not involved until late in the process (such as at the time of drafting the OSL bylaw), the process of establishing the OSL regime can be frustrated or delayed if the lawyer questions whether the proposed regime complies with the requirements of the MGA and the *Off-Site Levies Regulation*, and might not be defensible if the OSL bylaw is legally challenged.

Lastly, lawyers may be involved in any appeals or challenges related to the passage of the OSL bylaw or on the imposition of the OSL bylaw on a development permit or subdivision approval. This could include a challenge to the validity of the bylaw to the Court of Queen's Bench pursuant to section 536 of the MGA, an appeal of a bylaw for section 648(2.1) infrastructure to the MGB pursuant to section 648.1 of the MGA, or an appeal of a condition of a development permit or subdivision approval to the SDAB.



STEP-BY-STEP PROCESS FOR ESTABLISHING OFF-SITE LEVIES

The process of establishing an OSL regime can be broken down into three phases:

- A. Evaluation
- B. Enactment
- C. Operation

This section sets out a step-by-step checklist of the activities that will occur within each phase. The checklist also includes reference to the various issues that will need to be considered as the process moves along from one phase to another.

A. Evaluation

○ COUNCIL DECIDES TO EVALUATE WHETHER TO ESTABLISH (OR MODIFY) AN OSL REGIME.

Preparing and implementing an OSL regime is a complex and daunting task, involving the requirement for land use studies and growth projections, as well as master infrastructure studies and accounting analysis. The preparation of such studies and analysis may require the municipality to invest a great deal of time and expense. As such, council is faced with a difficult task of trying to achieve the appropriate balance for cost recovery and may or may not have the appetite to commit administration and resources to such an endeavour. Even the initial evaluation of whether to begin the process of developing an OSL regime is a complex process and requires consideration of numerous difficult and interrelated questions. For assistance on this evaluation, see the chapter in this Manual entitled “When Do Off-Site Levies Make Sense?”.

○ IDENTIFY RESOURCES AND INFORMATION THAT THE MUNICIPALITY HAS AVAILABLE FOR THE INITIAL ANALYSIS.

An OSL regime requires support from various municipal departments. Early in the evaluation process, the municipality should determine what internal resources are available to undertake the initial analysis, including expertise of employees and departments, asset management systems and existing master utilities or capital studies.

○ MUNICIPALITY RETAINS CONSULTANTS TO ASSIST WITH EVALUATION OF IMPLEMENTING AN OSL REGIME.

At this time, the municipality may require the assistance of external consultants (i.e. planning, engineering, accounting and legal) to assist with the initial analysis and through the OSL process.

It is strongly recommended that a municipality consider obtaining legal advice early in the process and not avoid engaging its legal advisors (whether it is in-house or external) before the municipality proceeds too far on developing an OSL regime.

○ DETERMINE IF AN OSL MAKES SENSE FOR THE MUNICIPALITY.

As discussed in greater detail in the chapter of the Manual entitled “When do Off-Site Levies Make Sense?”, questions like the following need to be answered when evaluating whether to implement an OSL regime:

- A. Does the municipality have a need to build new infrastructure or expand existing infrastructure? Or new facilities or expand existing facilities?

The municipality will need to determine whether there is a need for new or expanded infrastructure, or in the case of “soft services,” new or expanded facilities due to anticipated new development within the municipality.



B. Would the needed infrastructure or facilities be considered “recoverable” under the OSL provisions of the MGA?

A municipality may only impose an OSL to recover capital costs associated with the types of new or expanded infrastructure and facilities identified in sections 648(2) (water, sanitary sewer, storm sewer, connections to provincial highways, and roads) and 648(2.1) (community recreation facilities, fire halls, police station and libraries) of the MGA. Importantly, OSL cannot be used to recover maintenance or operation costs for such infrastructure and facilities; only the capital costs.

What constitutes “new” development has not yet been firmly decided by the Courts; however, it has been argued that infrastructure costs cannot be recovered unless the facility is constructed after the initial enactment of the OSL bylaw. This means that there could be a debate about whether a water treatment plant that is under construction at the time the OSL evaluation is completed can be considered

recoverable infrastructure and facilities. Although it is clear law that a municipality may recover costs for expansion of previously existing infrastructure or facilities (in addition to new, stand-alone facilities), legal advice should be obtained as to the extent to which costs can be recovered for infrastructure or facilities constructed prior to the enactment of a bylaw (and not contemplated under a prior OSL regime).

It is important to remember that a municipality can choose to apply OSL to some or all of the infrastructure and facility types listed in section 648 of the MGA. However, there is a limit on the use of OSL from section 648(4) of the MGA; a municipality may collect OSL only once for each purpose for which OSL may be collected. This allows levies to be collected at different times for different types of infrastructure in the development process. This means that a municipality could pass a bylaw for an OSL for water infrastructure and collect that levy at the time of subdivision of

a parcel of land and pass another OSL bylaw for road infrastructure at a later date and collect that levy at the time of a development permit being issued for the same parcel of land. However, this only applies to the types of infrastructure and facilities under section 648 and not to different projects within the same type of infrastructure or facilities. Consequently, if a municipality implements an OSL for water infrastructure, it is important that a municipality ensure that its engineering analysis of the water infrastructure needs and what is to be included in the OSL regime is as complete as possible and that it has not omitted any projects required as a result of new development or subdivision when developing its water OSL bylaw. Although new water infrastructure projects can be added to the OSL regime at a future date, the municipality will not be able to collect a water levy for this new project for any lands that have already paid a water OSL since OSL can only be collected once for each type of infrastructure.

A. Evaluation (cont'd)

- C.** Does the cost of the infrastructure justify the implementation and operation of an OSL regime?

An analysis of the municipality's capacity to implement and operate an OSL regime should be completed. Council must consider whether any additional operating costs for the municipality in tracking and accounting for OSL will be necessary. Whatever cannot be recovered through the OSL will have to be funded through general revenue or other funding sources.

- D.** Is there an expectation that land development will continue at a reasonable pace?

An OSL regime requires that the municipality make assumptions about growth. Those assumptions will be critical for determining when the new or expanded infrastructure will be required. If there is no expectation that development will occur at a significant pace, the need for new or expanded infrastructure may be too far into the future to make an OSL regime practical.

- E.** Has the municipality collected any fee or charge that could be characterized as an OSL?

A review of past practices will help inform decision-makers whether past actions in "collecting" money from developers will impact on the operation of an OSL regime.

- F.** Are there other cost recovery tools that would be more suitable?

Depending on the type of infrastructure required, it might be easier or better to use a local improvement tax or rely on sections 650 and section 655 of the MGA to require developers to contribute to infrastructure costs.

- G.** Would the implementation of an OSL regime help spur development?

If a required piece of infrastructure is too expensive for one developer to construct, the establishment of an OSL regime may help spur development. An OSL regime will typically mean that the municipality will front-end the construction costs of the necessary infrastructure, thereby creating a level playing field for developers of various sizes.

- H.** Does the municipality have the financial capacity to build OSL infrastructure or facilities?

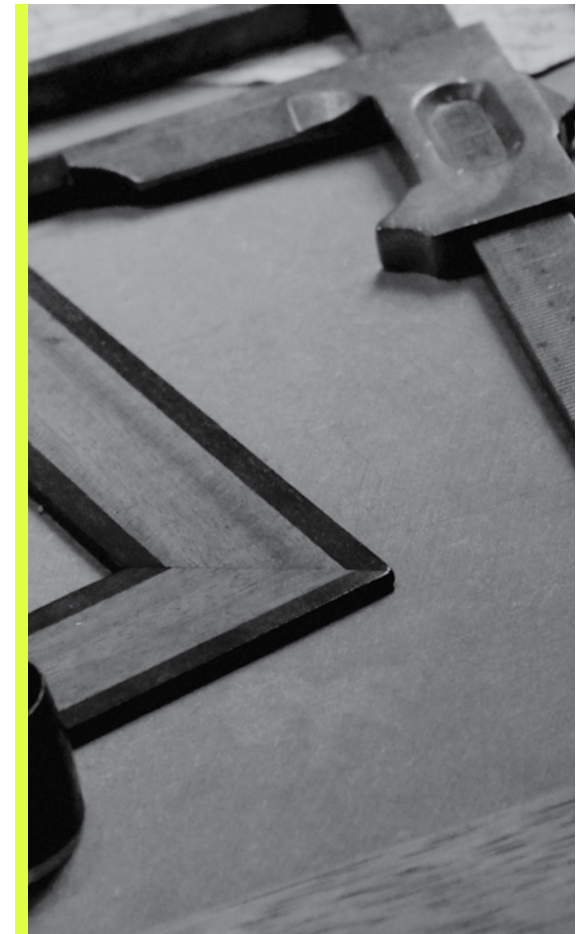
Municipalities often front-end the construction costs of OSL infrastructure or facilities, as opposed to collecting OSL first to create a reserve to finance an infrastructure or facility project. Does the municipality have room in its debt limit ratio capacity to assume new debt?

- I.** Presentation of reports and findings presented to council

Council gives direction to proceed with development of an OSL regime for one or more types of recoverable infrastructure.

MUNICIPALITY DETERMINES THE NATURE OF CONSULTATION WITH STAKEHOLDERS.

The *Off-Site Levies Regulation* requires the municipality to engage in good faith negotiations during various points of time in the OSL process. This includes prior to the municipality making a final determination on the requirements for existing and future infrastructure and facility needs, when determining the methodology on which to base the levy, and prior to passing or amending the OSL bylaw. Given this, consultation with affected stakeholders, who may include developers, builders, organizations representing developers and builders, and landowners, should be considered early on.



B. Enactment

○ RETAIN CONSULTANTS, INCLUDING LEGAL ADVISORS, TO ASSIST WITH THE DEVELOPMENT OF THE OSL REGIME.

Lawyers can assist with the review of assumptions that will be the foundation of the OSL regime and identify legal pitfalls in recovery assumptions. Engineers or accountants can be vital for compiling data and preparing reports to support levy calculations and rates.

○ INVOLVE STAKEHOLDERS IN THE DEVELOPMENT OF THE OSL REGIME.

The *Off-Site Levies Regulation* requires a municipality to consult in good faith with affected stakeholders prior to the municipality making a final determination on the requirements for existing and future infrastructure and facility needs, and when determining the methodology on which to base the levy. Depending on the nature of the affected stakeholders, the consultation process will vary from municipality to municipality. Consultation may include, but is not limited to, direct meetings with developers, builders, landowners and representative organization, open house meetings, non-statutory public hearings, and acceptance of written submissions.

○ DETERMINE THE PLANNING HORIZON.

The OSL regime must determine infrastructure costs for a planning horizon. The length of the planning horizon is a business decision for the municipality to make. However, it is not uncommon to see planning horizons vary from twenty to forty years. The municipality must then determine the anticipated rate of growth for the various types of development (residential, commercial, industrial, or otherwise) within the planning horizon that will impact infrastructure or facilities, as well as specific infrastructure and facility projects that will occur during the planning horizon. The planning horizon chosen may depend on the planning documents (i.e. Municipal Development Plan or infrastructure master studies) that the municipality already has in place.

The *Off-Site Levies Regulation* specifically requires the municipality to identify the anticipated planning horizon for the interconnected transportation infrastructure (section 5.1(1)) and for facilities that fall within section 648(2.1) of the MGA (section 6(1)).

○ ESTABLISH LIST OF INFRASTRUCTURE AND FACILITIES THAT WILL BE INCLUDED IN THE OSL REGIME WITHIN THE PLANNING HORIZON.

○ DETERMINE WHEN INFRASTRUCTURE OR FACILITIES WILL LIKELY BE NEEDED WITHIN THE PLANNING HORIZON.

○ DETERMINE ESTIMATED COSTS OF INFRASTRUCTURE OR FACILITIES.

It is important that the municipality have accurate cost estimates with respect to all infrastructure and facility projects that will be included in the OSL regime for the chosen planning horizon. Undoubtedly, there will be changes to specific projects over time; some infrastructure or facility projects that were originally anticipated may not be constructed; other infrastructure or facility projects may be added or modified. However, the municipality must develop as comprehensive a list of infrastructure and facility projects as possible and determine estimated costs as accurately as possible.





○ **ASSESS THE RESIDUAL BENEFIT OF INFRASTRUCTURE OR FACILITIES TO EXISTING DEVELOPMENT.**

To be eligible for OSL support, the recoverable infrastructure or facilities must be required by the municipality due to new development. Any infrastructure or facilities required for upgrading or retrofitting for existing development should not be included in the OSL regime. Likewise, costs of upgrading or retrofitting infrastructure or facilities for other purposes, such as due to regional demands, should not be included. This may require that construction costs for specific pieces of infrastructure be apportioned between what is to be paid by new development and collected through the OSL regime, and what is to be paid by the municipality because the need for the infrastructure is driven by existing development.

The Court of Appeal has not fully explained how municipalities should resolve the question of “residual benefit” for costs attributed to existing development. Municipalities need to ensure that their levy studies, rationale, apportionment, and calculations all factor and fairly address (and delineate) answers to the following questions:

- A.** Does the proposed infrastructure provide any benefit with respect to the longevity of existing infrastructure?
- B.** Does the new infrastructure or facility provide greater reliability of service for existing residents/development?
- C.** Does the new facility provide improved quality of service for existing residents/development or for future infill development that will not be subject to an OSL?
- D.** Does the new facility provide some other type of residual benefit to existing residents/development?

Addressing these questions should assist the municipality in determining if OSL infrastructure or facilities provide any residual benefit to existing development that is outside the benefitting area to be imposed the OSL, and such benefit should not be included in the amounts recoverable via the OSL calculations.

B. Enactment (cont'd)

○ ESTABLISH THE BENEFITTING AREAS FOR EACH OF THE PIECES OF INFRASTRUCTURE/FACILITY.

Benefitting areas are often referred to as “basins.” Identifying the benefitting areas may involve reviewing existing statutory plans, policies, agreements or other relevant documents or studies of the municipality. How simple or complex the OSL model is in terms of identifying these benefitting area or basins is up to the municipality.

A simple OSL regime may identify only one basin for all new development and subdivisions, without distinguishing the potential anticipated lands uses. This means that OSL for the whole municipality would be the same for any parcel of land.

A more complex OSL regime may divide the benefitting area into several basins and even sub-basins and may further classify these areas into the anticipated land uses (i.e. single or multifamily residential, commercial, industrial etc.).

No matter the number of basins or how benefitting areas are determined, the OSL regime will require analysis to support this determination. As an OSL model becomes more complex in terms of the number of basins and the division into sub-basins, more assumptions within the analysis will be necessary. For example, if the OSL will be different for each anticipated land use, the determination of the basins will require assumptions on the amount of each anticipated land use (i.e. how much of a basin will be developed as single family and multifamily residential, industrial and commercial development). Further supporting documentation will need to provide the necessary analysis to substantiate and support the OSL rates and its breakdown based on basins or anticipated use. That is, the supporting documentation should:

- A. explain why certain basins will benefit from certain OSL infrastructure or facilities, while other basins do not; and
- B. if costs vary according to anticipated land use (i.e. industrial, commercial, single family or multifamily residential), explain why one anticipated land use will benefit more from a certain OSL infrastructure or facility than another use.

Increased assumptions will add complexity to the analysis and leave open the possibility of the OSL rates not being apportioned equitably. If there are any changes to or errors in the assumptions, there is also the possibility of under-collecting the required amount of OSL to ensure capital cost recovery. The same concerns can also potentially result in over-collection by a municipality.

However, without such analysis, a municipality’s OSL bylaw may not be in accordance with the MGA or with the requirements of the *Off-Site Levies Regulation*, and therefore may be susceptible to a challenge.

Care must be taken to establish basins that are rational; if the factors that differentiate basins result in a large number of basins, the assumptions used to establish the different basins may need to be revisited. A large number of basins can be an operational nightmare given that each category of infrastructure for each basin has to be accounted for separately. Funds cannot be co-mingled across basins. However, a municipality has flexibility in developing how its OSL regime is organized, including the number of basins or sub-basins to include.

○ DETERMINE IF THE OSL WILL BE CALCULATED ON NET OR GROSS DEVELOPABLE LANDS.

Consideration must be given to whether the OSL will be calculated and imposed on net or gross developable lands. “Net” calculations typically include land remaining after municipal reserve, arterial roads, environmental reserve lands or other types of lands (e.g. school reserve/sites, public utility lots etc.) are accounted for; “gross” calculations will typically include all developable lands, even that which may be set aside for other purposes such as roads and reserves. It is important that the use of net or gross lands is consistent between the OSL rates established in the bylaw and the supporting documents/studies that support the rates to ensure that the optimal amount of levies are collected based on the land included within benefitting areas.

“...a municipality has flexibility in developing how its OSL regime is organized, including the number of basins or sub-basins to include.”



B. Enactment (cont'd)

○ ESTABLISH A METHOD FOR CALCULATING THE OSL.

The MGA and the *Off-Site Levies Regulation* require municipalities to develop a clear method of levy calculation (i.e. a clear cost apportionment analysis). A municipality's method of calculation must illustrate how the OSL is a fair conclusion from the underlying technical data and an equitable distribution of the estimated infrastructure costs. The courts have set a high standard as to what the OSL bylaw and its supporting documents should show in terms of the analysis of how the levy rates are determined.

Although there is flexibility in how a given municipality can calculate OSL rate (discussed in more detail below), a municipality's method of calculation will typically address issues such as:

- A.** whether some areas of the municipality have a greater future infrastructure or facility impact (and consulting costs) than others;
- B.** the relative benefit of the future infrastructure or facilities to different benefitting areas (including the benefit to existing development);
- C.** the expected timing for future development;
- D.** how costs for the future infrastructure or facility may vary with time; and

- E.** how that cost variance will be fairly distributed over time.

The municipality's assumptions in developing its method of levy calculation should be clearly stated in its OSL bylaw or the supporting reports that are referred to in the bylaw.

However, simply put, an OSL rate for each type of OSL infrastructure or facility is the equation of a numerator over a denominator. The numerator is the total value of the OSL infrastructure or facility projects to be completed under the OSL regime over the growth horizon which are beneficial to new development/subdivision. The denominator is typically the total area that the OSL infrastructure or facility projects benefit and in which costs are to be allocated. The simplified formula for an OSL is:

$$\frac{A}{B} = C$$

A = Total cost of Off-Site Levy infrastructure or facility projects

B = Total benefitting area

C = Off-Site Levy Rate

It should be noted that the above formula is simplified to provide a basic explanation of how an OSL rate is determined. In reality, the formula utilized to calculate the OSL rate will be much more complicated and be reflective of the assumptions and unique factors of the municipality's OSL model.

○ DETERMINE IF THE RATE WILL BE ASSESSED ON A PER AREA, PER LOT OR PER UNIT BASIS.

OSL can be imposed on a per area, per lot or per unit basis. However, an OSL bylaw should not impose levies for the same type of OSL infrastructure or facility differently in different parts of the municipality; that is, there must be consistency across the municipality for that type of infrastructure or facility (section 4(1)(c), *Off-Site Levies Regulation*). As an example, if the OSL for water infrastructure is on a per area basis, the levy must be on a per area basis across the whole municipality and the methodology of the levy rate cannot differ from one basin to another (a water levy in another area of the municipality cannot be on a per lot basis).

If a per area basis is used, the supporting documents should be reviewed to determine if rates are set on the net or gross calculation of the total area.

If a per lot/unit basis is used, the supporting documents should be reviewed to ensure that there are logical assumptions related to how the rates are set (e.g. estimates for the number of lots or units per hectare or per multifamily site, etc. and the related proportionate benefit).

Assumptions as to the rate of collection of the OSL may need to be reconsidered if the decision is made to collect OSL on a per lot or unit basis. An area (such as per acreage or per hectare) or lot basis of collection can easily occur at subdivision whereas collection of OSL on a per unit basis may be delayed until development permits are issued and the number of units is determinative.

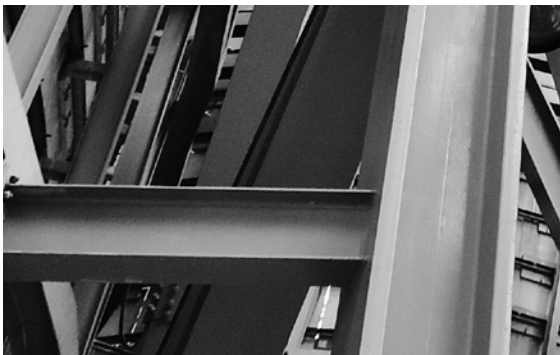


B. Enactment (cont'd)

- **CONSIDER WHETHER THERE ARE UNIQUE CIRCUMSTANCES WITHIN THE MUNICIPALITY THAT MIGHT IMPACT ON THE OPERATION OF THE OSL REGIME.**

There is no one correct model or approach to OSL. Neither the MGA nor the *Off-Site Levies Regulation* prescribe a particular model, provided that there is a correlation between the levy and degree of benefit to new development. OSL are not a “one size fits all” form of cost recovery. The OSL should reflect the unique or special circumstances of the municipality. This could mean considering the input that geographical features (such as a river intersecting a municipality) or likewise, a regional servicing or regional roads may have on determining the benefit of OSL infrastructure. This may also mean having multiple basins with differing rates, considering the different impact/benefit of the type of development (i.e. residential, commercial, industrial etc.) with differing rates for each type, and addressing regional impacts on infrastructure services and needs.

“Current market conditions demonstrate that inflationary factors can have a major impact on cost recovery calculations.”



- **DECIDE HOW THE OSL REGIME WILL ADDRESS INFLATION.**

Current market conditions demonstrate that inflationary factors can have a major impact on cost recovery calculations. For example, if there is net inflation of 15% per annum (increase in construction costs less investment revenue), the cost of what was initially a two-million-dollar project could, in three years, increase to over three million dollars (note that this is based on a simplistic calculation of inflation).

The OSL calculation may include “estimated costs and mechanisms to address cost increases over time” (section 5(1)(d), *Off-Site Levies Regulation*). As such, consideration of when the construction of the OSL infrastructure or facility will be undertaken, whether the municipality will have enough reserve or require borrowing to undertake the project, and what the inflationary costs may be should be considered and worked into any OSL model.

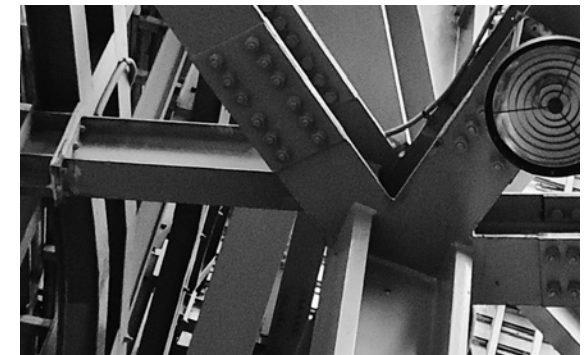
On the issue of inflation, a number of tools can be utilized to lessen the impact:

- A. Adjustments** – the bylaw can contemplate adjustments for the year of estimate versus the year of collection;
- B. Limiting deferred payments** – if deferrals are allowed, escalation clauses can require that when the deferred payment is made the levy rate in effect at the time of payment applies;
- C. Recalculation** – estimated costs can be recalculated annually; and
- D. Staging** – construction can be staged continuously throughout the planning horizon.

- **DECIDE WHEN OSL WILL BE COLLECTED – SUBDIVISION OR DEVELOPMENT.**

Section 648 states that an OSL may be imposed and paid in respect of land that is to be developed or subdivided. This means that the OSL bylaw may authorize the development authority to impose an OSL as a condition of a development permit, or the subdivision authority to impose an OSL as a condition of a subdivision approval. Further, sections 650 and 655 of the MGA permit a municipality to use a development agreement to facilitate the payment of the OSL. If a decision is made to delay collection of all OSL until a development permit is issued, the OSL model needs to be adjusted to reflect the fact that the collection of the OSL will be delayed. Imposing OSL at the time of issuance of a development permit also puts the obligation to pay the OSL on the builder or homeowner and not the developer of the subdivision. Further, if collection is deferred to the development stage in the case of a larger subdivision, there may be increased administrative costs.

OSL may only be triggered as a condition of subdivision approval or the issuance of development permits, and the municipality’s OSL bylaw should provide for when levies can be imposed. OSL cannot be imposed at the time of issuance of building permits, the issuance of occupancy permits or actual occupancy or at the time of redistricting.



B. Enactment (cont'd)

○ **DETERMINE IF THERE WILL NEED TO BE AN ALLOWANCE IN THE OSL MODEL FOR FRONT-ENDING AND LEVY CREDITS.**

Who will be undertaking construction of OSL infrastructure is another consideration when developing an OSL regime. Typically, a municipality will construct the OSL project, to be paid through OSL reserves or financed initially through a borrowing bylaw. However, if a municipality wishes to require a developer, rather than the municipality, to construct some of the infrastructure or facilities contemplated under the OSL bylaw, a “levy credit” may need to be contemplated. This is a situation where the project cost exceeds the developer’s OSL contribution; this is often referred to as the developer “front-end financing” the OSL infrastructure or facility project. While it may be possible for the municipality to structure repayment when levy payments are received from other subsequent developers, the details of such levy credits or reimbursements should be carefully drafted in policy or development agreements. Further, such arrangements may be considered borrowing and may impact the municipality’s debt limit ratio. As such, specific consideration of this impact will likely be required before a municipality incorporates the possibility of any front-ending by a developer and any associated levy credits scenario into its OSL regime. Even if the likelihood of a developer front-ending is remote, this issue needs to be considered when the OSL regime is developed as an after-the-fact incorporation of front ending and levy credits may impact the reliability of the assumptions that are the foundation of the OSL regime.

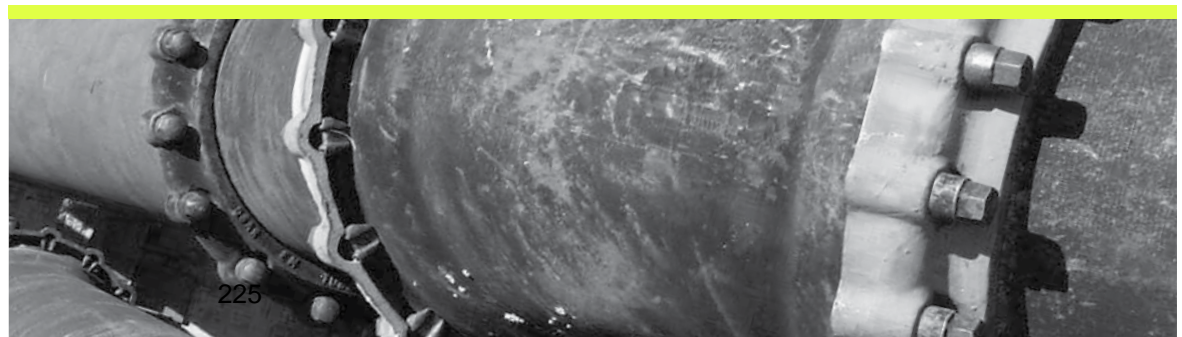
○ **DECIDE IF THE OSL REGIME WILL ALLOW PAYMENT OF OSL TO BE DEFERRED.**

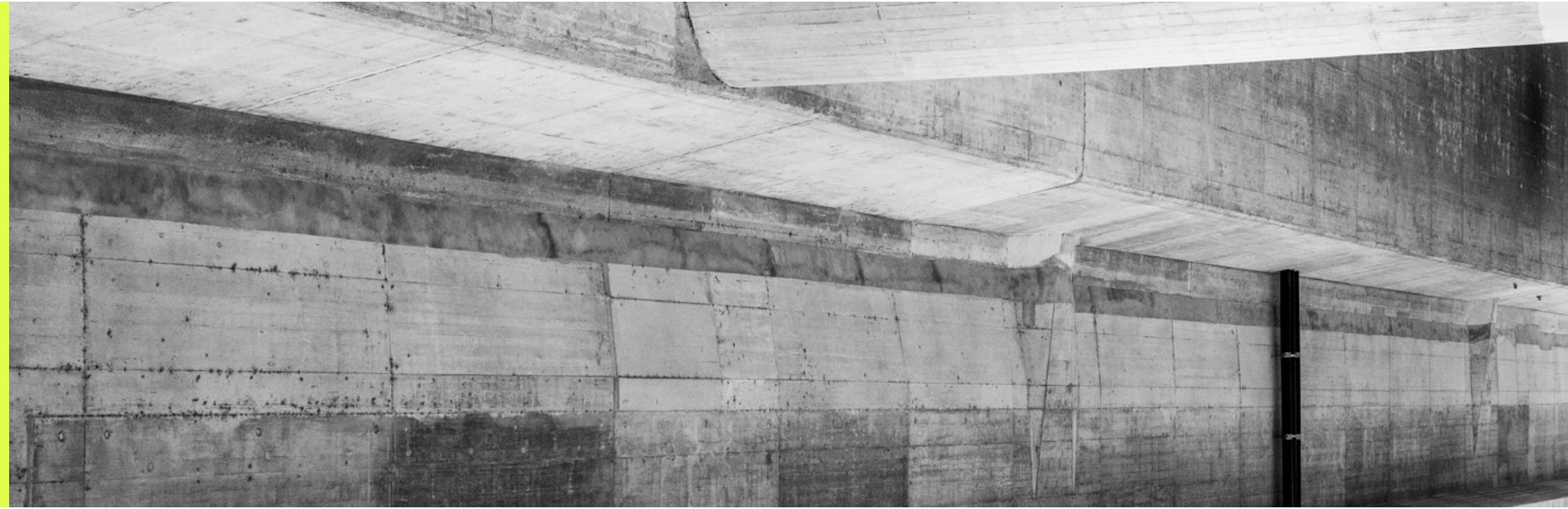
Section 648(4.1) of the MGA allows OSL to be collected by installments or otherwise over time. This raises the question of whether developers may defer (delay) the payment of OSL that would be otherwise due and payable. Deferring payment of the OSL from execution of the development agreement to endorsement of the subdivision approval may be beneficial to a developer to help better manage cash flow and financing, with minimal risk to the municipality. However, deferral beyond endorsement of subdivision approval or issuance of a development permit requires greater consideration.

Delaying payment of OSL until the developer has had the opportunity to recover some of the costs of the construction (i.e. lot sales) can be quite beneficial to the developer, its financing and cash flow. However, several questions arise if the municipality decides to allow payment of OSL to be deferred:

- A. Will the availability of a deferral be a matter of predetermined policy, a decision for the administration, or a decision for council?
- B. How will deferral impact the OSL model and its financing? Deferring collection of the OSL means that the assumptions regarding the rate of payment of the OSL may need to be reconsidered as the flow of money into the OSL regime will be delayed.

- C. What rate will be used in calculating the OSL when it is actually paid? This could be either the rate at the time the deferral occurs or the rate at the time the payment is made.
- D. What about interest that would have accrued to the OSL fund if the payment of the OSL had not been deferred? Does the developer have to pay an amount in addition to the OSL to “cover” the lost interest?
- E. A very important question any time a deferral is granted is how will the payment be secured? The prudent municipality requires the developer to post security to guarantee that the OSL will be paid. Without security, the OSL regime is at risk. The municipality needs to keep in mind that there are no special collection mechanisms for OSL. If the municipality does not require security and the developer is bankrupt or otherwise unable to pay the OSL at the time the OSL are payable, the OSL pool will suffer a short-fall. It should also be noted that an OSL is not a tax and there are no special cost recovery mechanisms under the MGA for unpaid levies. Principles of fairness would make it inappropriate to make other developers pay for the shortfall. The municipality may have to make up the shortfall or otherwise the levy pool continues to operate with a permanent deficit.





○ CONSIDER FUNDING SOURCES.

Given that a municipality must consider what the potential benefit to existing development will be of any given infrastructure type, consideration should be made early on to how OSL infrastructure or facilities will be funded. If a municipality anticipates utilizing grants to fund a portion of an off-site levy project, this should be contemplated and incorporated into the OSL calculation. If the municipality will need to undertake any borrowings to pay for OSL infrastructure or facility, the costs of the borrowing (i.e. interest) can be considered and incorporated into the OSL calculations.

Additionally, the *Off-Site Levies Regulation* requires that for a levy being collected for the purposes of section 648(2)(c.2) infrastructure or section 648(2.1) facilities that the municipality must identify what portion of the estimated costs of the proposed facility will be paid by:

- A. the municipality;
- B. the revenue raised by the levy; and
- C. other sources of revenue (e.g. grants, donations, etc.)

(section 6(1)(c), *Off-Site Levies Regulation*).

○ REVIEW OUTSTANDING DEVELOPMENT AGREEMENTS, OTHER FORMS OF AGREEMENTS AND PREVIOUS PRACTICES.

Previous or ongoing development agreements or other form of contribution agreements can impact an OSL regime. As such, before finalizing any OSL bylaw, it is important to determine if any such agreements will impact what the municipality can recover through its OSL model (including situations where previous OSL may be considered to have already been collected). The operation of subsections 648(7) and 648(8) of the MGA may deem previously paid fees or charges to be OSL. If such fees and charges have been paid, the municipality will be unable to recover again for that category of infrastructure or facility from those parcels of land (section 648(4), MGA). For more information see the section entitled “Limits on Collecting Off-Site Levies More than Once” in the Legislation and Regulations chapter of this Manual.

B. Enactment (cont'd)

○ DRAFT THE OSL BYLAW.

The OSL bylaw itself can be fairly basic as there is no prescribed form required; however, the *Off-Site Levies Regulation* does provide that certain principles and criteria must be followed in determining the methodology behind the calculation of the levy rates (section 4, *Off-Site Levies Regulation*) and that certain information must be included in or referenced in the OSL bylaw (section 5, *Off-Site Levies Regulation*). This includes:

- A. a description of the specific infrastructure, facilities and transportation infrastructure that is to be funded by the levy;
- B. a description of each of the benefitting areas and how those areas have been determined;
- C. supporting studies, technical data and analysis; and
- D. the estimated costs of the infrastructure and facilities, and any mechanisms to address variation in costs over time.

In addition, section 5(4) of the *Off-Site Levies Regulation* requires the bylaw to include a requirement for a periodic review of the calculation of the levy (discussed further above), and section 7(1) imposes certain requirements in respect of the content of bylaws imposing intermunicipal OSL.

It is important that there be consistency throughout the bylaw as well as consistency with the supporting documents that establish the OSL rates. If legal advisors have not been part of the implementation process from the outset, retaining a lawyer to draft or review the OSL bylaw is important. Any legal concerns can be identified and resolved before the OSL bylaw is tabled for stakeholder consultation or

brought before council for approval, thereby reducing the risks of potential legal challenges.

○ CONSULT WITH STAKEHOLDERS.

Sections 3(2) and 8 of the *Off-Site Levies Regulation* require municipalities that are establishing OSL to consult in good faith with stakeholders. The following specific requirements must be complied with:

- A. the municipality must consult in good faith with stakeholders prior to making a final determination on defining and addressing existing and future infrastructure and facility requirements (section 8(1), *Off-Site Levies Regulation*).
- B. the municipality must consult in good faith with stakeholders when determining the methodology on which to base the levy (section 8(2), *Off-Site Levies Regulation*).
- C. prior to passing or amending a bylaw imposing a levy, the municipality must consult in good faith on the calculation of the levy with stakeholders in the benefitting area where the levy will apply (section 8(3), *Off-Site Levies Regulation*).
- D. during consultation under subsections 8 (2), (3) and (4), the municipality must make available to stakeholders on request any assumptions, data or calculations used to determine the levy (section 8(4), *Off-Site Levies Regulation*).

When the consultation with stakeholders occurs is up to the municipality, provided that the consultations occur prior to passage of the OSL bylaw. Involving stakeholders early in the process, when underlying assumptions are being established, may result in stakeholders having a better understanding and acceptance of the OSL regime that is being proposed.

Waiting until the OSL regime is drafted creates a “straw-dog” for the stakeholders to question and challenge. The downside of waiting to involve stakeholders in the process is that it may be expensive to rework the OSL model if changes become necessary after such consultation.

What consultation will look like will be different for each municipality and will depend on the nature of stakeholders in a given municipality. Consultation may include, but is not limited to, meeting one on one with developers, potential developers and affected landowners; providing draft reports to stakeholders for review and comment; workshops or open house meetings; or a non-statutory public hearing.

○ AMEND/FINALIZE DRAFT OSL BYLAW TAKING INTO ACCOUNT RESULTS OF CONSULTATION.

○ ADVERTISE THE DRAFT OSL BYLAW.

Section 648(6) of the MGA requires that an OSL bylaw be advertised in accordance with section 606 of the MGA. Section 606 of the MGA requires that advertising occur prior to second reading of the bylaw that is the subject of the advertisement. If the municipality has passed an advertising bylaw in accordance with section 606.1 of the MGA, the draft OSL can be advertised in accordance with that bylaw (section 606(2)(c), MGA). If there is no advertising bylaw, the OSL bylaw must be advertised by publication of a notice appearing once a week for two consecutive weeks in at least one newspaper or other publication circulating in the area (section 606(2)(a), MGA). Another option would be to mail or deliver a copy of the bylaw to every residence in the area.

○ COUNCIL CONSIDERS AND PASSES THE OSL BYLAW.

C. Operation

○ OFF-SITE LEVY POLICIES.

Policies should be developed to define any operational rules regarding the application of the OSL. Policies can be of assistance to the municipality's development authority, subdivision authority and the administration in determining when a levy should be imposed, be deferred, or where and how front-end servicing will occur. Policies also define the operating rules for stakeholders.

If a municipality develops OSL policies, section 638.2 of the MGA requires that all policies related to Part 17 on Planning must be listed and posted on the municipality's website. There must also be a summary of the policy and a description as to how the policies relate to each other, and to statutory plans and bylaws.

If a policy that should be listed is not set out in the list as required by section 638.2, and is not published in the manner required, a development authority, subdivision authority, SDAB, MGB or court shall not have regard to that policy. Not only will the creation of the list be important for municipalities, it will be equally as important that the municipality keeps the list of policies and publication of policies current.

○ AMEND DEVELOPMENT AGREEMENT.

The adoption of an OSL bylaw may require that the municipality amend its standard development agreement to include provisions that address the new OSL regime. Legal advisors can assist in this regard.

○ ESTABLISH PROPER ACCOUNTING PROCEDURES.

Procedures should be in place to effectively track payments and expenditures and to provide annual reporting and proper management/expenditures of the collected OSL. For example, section 648(5) of the MGA requires that OSL collected are (a) accounted for separately from other levies collected, and (b) used for the specific purpose for which the levy is collected or for the land required for or in connection with that purpose. This means that separate accounts should be maintained for each infrastructure or facility type that an OSL is collected for and if the OSL model provides for a further division, for example by basins, the accounting must also reflect this division. The accounting must include what is collected, what interest may be earned or incurred, and how each account is utilized for each type of OSL infrastructure or facility.

○ ANNUAL REPORTING.

Municipalities must report on the OSL **annually** and include details of all levies received and utilized for each type of facility and infrastructure within each benefitting area (section 9(2), *Off-Site Levies Regulation*). This report must be in writing and publicly available in its entirety (section 9(3), *Off-Site Levies Regulation*).

It is important for municipalities to have **appropriate accounting procedures in place to ensure that it is possible to fully comply with the reporting requirement**. If OSL reporting occurs concurrently with the municipality's annual budgeting process, then OSL expenditures and

the identification of alternative funding sources for projects to be undertaken can be part of the budget process.

○ RE-EVALUATE PROJECTS AND ESTIMATED COSTS PERIODICALLY.

The underlying assumptions of any OSL bylaw should be reviewed periodically and adjusted as new information becomes available. This will ensure that the municipality's OSL costs are up to date and the municipality is collecting the optimal amount through OSL to recover the capital costs of the OSL infrastructure or facility. Further, the *Off-Site Levies Regulation* specifically requires the OSL bylaw include a requirement for periodic review of the calculation of the levy (section 5(4), *Off-Site Levies Regulation*). It is a best practice for any municipality to undertake this exercise on an annual basis (ideally concurrently with its budgeting process) to reconcile costs and collected levies, and to re-evaluate the whole OSL regime periodically, such as every three to five years or as necessary. This will help to account for the occurrence of a significant event (for example, an annexation or passage of a new statutory plan), or a change to the basic assumptions behind the OSL (for example, change to pace or scale of development). Such a review should include underlying assumptions such as the planning horizon, assumed rates of development and recovery, and projected needs for infrastructure construction. Proper and timely OSL reviews can help eliminate any risk of under-collection or over-collection of levies over time.



Conclusion

This section has outlined a step-by-step process to assist your municipality in establishing an OSL regime and passing the respective OSL bylaw. This checklist is meant only as a guideline and may need to be modified to address the circumstances of your municipality. What is clear from the checklist is that the process of establishing an OSL regime and passing the OSL bylaw is not a simple exercise, and there are many nuances and factors that must be fully considered to ensure optimal cost recovery and compliance with the requirements of the updated legislation.



TRANSPORTATION INFRASTRUCTURE

“Apportionment had to be reasonable and the methodology applied to determine the apportionment had to be consistent across the municipality.”

Municipalities were first able to use the OSL to fund transportation infrastructure as of 2004. At that point the municipality was only allowed to impose the OSL for “new or expanded roads required for or impacted by a subdivision or development” (section 648(2)(c.1), MGA). The addition of roads to an OSL regime posed some challenges as municipalities worked to ensure that the roads funded by the OSL met the standard of section 648 of the MGA. Unlike the situation with water or sewer lines (where the requirement for or impact of a subdivision or development can be easily established by showing that a development connects to the pipes), establishing the requirement for roads led to the establishment of benefitting areas that were defined by arterial or commuter roads.

Prior to roads being incorporated in an OSL regime, the first developer into an area might have been required to build the first two lanes of an arterial standard road with limited opportunities to recover the costs incurred in the initial construction. As a result of the 2004 amendments to the OSL provisions, a developer opening a new area for development was no longer required to fully fund the arterial road connection. However, internal or collector roads continued to be funded and constructed directly by developers, typically through a section 650(1) or section 655(1)(b) development agreement.

As the MGA allowed municipalities to include “expanded” roadways within an OSL regime, it became important to municipalities to consider what factors contributed to the need for roadway “expansion” or upgrades.

Certainly, new development would contribute to the need for roadway improvements. However, other factors such as existing bottlenecks, increased through traffic or infill development could also contribute to the need for roadway upgrades. Traffic impact assessments became an important tool in assessing the need for the roadway improvement and in the apportioning of the roadway improvement costs between new developments and the municipality. Apportionment had to be reasonable and the methodology applied to determine the apportionment had to be consistent across the municipality. As with other types of infrastructure, the municipality could not arbitrarily impose the entire cost of expanded roadway infrastructure on the development community without having a rationale for doing so.

Expansion of Transportation Infrastructure under an Off-Site Levy Bylaw

The 2018 MGA amendments clarify that municipalities can pass an OSL bylaw to cover “new or expanded transportation infrastructure required to connect, or to improve the connection of, municipal roads to provincial highways resulting from a subdivision or development” (Section 648(2)(c.2), MGA). An OSL established under section 648(2)(c.2) of the MGA is in addition to any OSL for roads under section 648(2)(c.1), “new or expanded roads required for or impacted by a subdivision or development”. The requirements in the Off-Site Levy Regulation for establishing an OSL under section 648(2)(c.2), discussed below, do not apply to the creation of an OSL for roads under section 648(2)(c.1). The process of establishing an OSL for roads under section 648(2)(c.1) has not changed. There is no requirement for the municipality to involve the Government of Alberta in making this determination nor is there any new

requirement for establishing the rationale for an OSL for arterial roads. Further, a municipality does not require any provincial approval of standards for roads to be constructed using OSL funds collected pursuant to section 648(2)(c.1). For roads that are clearly within the municipality, the municipality need only work with local stakeholders to create an OSL for such roads.

Utilizing the new section 648(2)(c.2) brings its own challenges. For example, there will likely be debate over the interpretation of what constitutes “transportation infrastructure” or “municipal roads”, what is a connection to a provincial highway or where is the boundary between the end of a municipal road and the beginning of a provincial highway. As well, it is unclear whether a municipality may include the costs of installing traffic lights to create a signalized intersection connecting a municipal street with a provincial highway

that crosses through the municipality as part of the municipal transportation OSL. What about the cost of an on-ramp and an overpass? The more broadly that terms such as “transportation infrastructure” and “municipal roads” are interpreted, the more that municipalities could include in the OSL bylaw and the higher the OSL could be. Given that section 648(2)(c.2) has recently come into effect, it will likely be some time before the scope of the section will be considered by the courts and therefore these questions will remain unanswered in the short-term. However, given the expense of overpasses and major intersection upgrades, it would not be surprising if the development industry challenges municipal bylaws that attempt to impose a share of the costs of an overpass on new development.



“There is no requirement for the municipality to involve the Government of Alberta in making this determination nor is there any new requirement for establishing the rationale for an OSL for arterial roads.”

Reviewing the definitions in the MGA related to roads and highways may provide some assistance in determining the scope to which section 648(2)(c.2) may apply in an OSL regime. The term “highway” is defined in Part 17 of the MGA as “a provincial highway under the Highways Development and Protection Act” (section 616(h), MGA). The Highways Development and Protection Act, SA 2004, c H-8.5, includes the following definition in section 1: “(l) ‘highway’, ‘road’ or ‘street’, except in section 38.1, means land that is authorized by a highway authority to be used or surveyed for use as a public highway, road or street, and includes a bridge forming part of a public highway, road or street and any structure incidental to the public highway, road or street;” The term “highway authority” is also defined in section 1(m) of the Highways Development and Protection Act:

(m) “highway authority” means

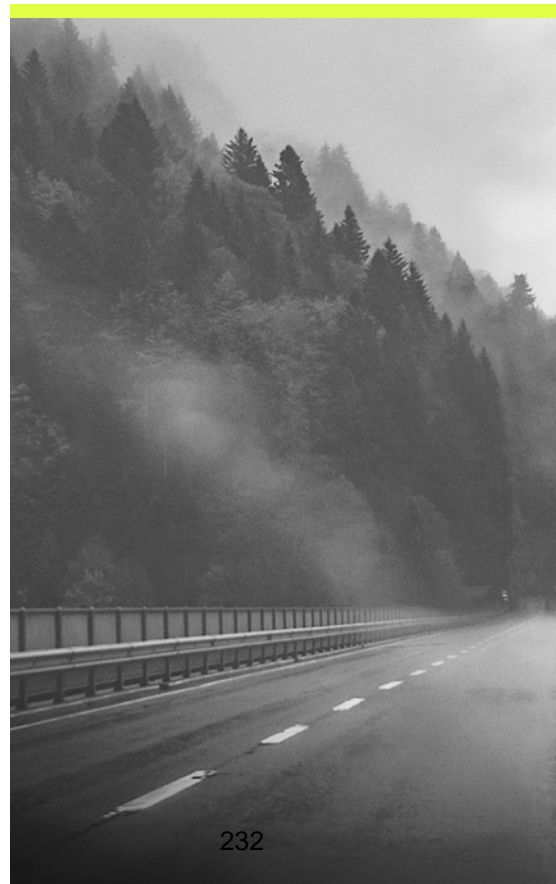
- (i) the Minister, in respect of highways subject to the Minister’s direction, control and management,
- (ii) an urban municipality, in respect of highways subject to its direction, control and management, or
- (iii) a rural municipality, in respect of highways subject to its direction, control and management;

Within Part 17 of the MGA, “road” is defined in section 616(aa) as “a road as defined in section 1(1), but does not include highway as defined in this Part”. The definition of “road” in section 1(1)(z) of the MGA is quite broad:

(z) “road” means land

- (i) as a road on a plan of survey that has been filed or registered in a land titles office, or
- (ii) used as a public road, and includes a bridge forming part of a public road and any structure incidental to a public road;

As the potential exists for a piece of physical roadway to be included in the definition of both a highway and a road, clear delineation of what can be included within a municipal OSL bylaw may, in some instances, require court determination.



One may also look to the definition of the term “provincial highway” in the *Highways Development and Protection Act* to resolve what is and is not a piece of new or expanded transportation infrastructure connecting municipal roads to provincial highways. The *Highways Development Protection Act* defines provincial highways as follows:

(s) “provincial highway” means

- (i) a highway or proposed highway designated as a provincial highway under this Act, and
- (ii) a highway that has been designated as a primary highway under a former Act if the designation is subsisting on the coming into force of this Act;

Whether a court will look to these definitions to resolve any debates about what roads might be included in a “provincial highway” is uncertain. What is certain is that given the ambiguity around the meaning of section 648(2)(c.2) and until the courts have had an opportunity to consider the meaning and limitations of section 648(2)(c.2), municipalities will need to carefully consider what can reasonably constitute a municipal road. Is a municipal road anything that is not a provincial highway as that term is defined in the *Highways Development and Protection Act*? Or will the determination be made based on whether a piece of traffic infrastructure is to be within a road right-of-way controlled by the province or a road right-of-way controlled by the municipality? The definitions from existing legislation should nevertheless be considered as a starting point for a municipality that wishes to establish an OSL regime that includes such infrastructure and may be a primer for any discussions and consultations with the Minister responsible for the *Highways Development and Protection Act* in accordance with the requirements of the *Off-Site Levies Regulation*.

Criteria for Establishing an Off-Site Levy under Section 648(2)(c.2)

In establishing an OSL pursuant to section 648(2)(c.2), the municipality has specific requirements under the *Off-Site Levies Regulation*. In particular, section 5.1(1) of the *Off-Site Levies Regulation* sets out a list of factors the municipality must consider in calculating an OSL under the new section 648(2)(c.2). These include supporting traffic impact assessments, statutory plans, policies and agreements that identify:

- A. the need for and benefits from the new transportation infrastructure,
- B. the anticipated growth horizon, and
- C. the portion of the estimated costs of the transportation infrastructure that is not covered by the Crown that is proposed to be paid by the
 - (i) the municipality,
 - (ii) the revenue from the levy, and
 - (iii) other sources of revenue

(section 5.1(1), *Off-Site Levies Regulation*).

While it would be expected that the municipality would look at similar documentation when establishing OSL for other infrastructure due to other provisions of the *Off-Site Levy Regulation*, the municipality should be prepared to explain or show how these factors were considered. This should be addressed in the reports used to establish the OSL bylaw. In section 5.1(3) of the *Off-Site Levy Regulation*, the municipality, in consultation with the Minister responsible for the *Highways Development and Protection Act*, is required to determine the benefitting

area and to “base the benefitting area on a reasonable geographic area for the use of the transportation infrastructure.” In section 5.1(4), the discretion of the municipality in determining the OSL rate is limited in that it requires the levy to apply proportionally to the determined benefitting area. What the *Off-Site Levy Regulation* does not specify is what the criteria is for establishing that proportionality. Is the proportionality to be established by area or perhaps by anticipated traffic generation based on the traffic impact assessments? Whatever basis the municipality might adopt, it would again be prudent to fully discuss these factors in a report that Council considers when establishing the OSL. Specific mention of these factors in the supporting reports will make it easier to defend an OSL pursuant to section 648(2)(c.2) if the OSL bylaw is ever challenged on the basis that the municipality has failed to comply with the requirements of the *Off-Site Levy Regulation*.

Perhaps the biggest challenge with establishing an OSL under section 648(2)(c.2) will come with the involvement of the Province. While a municipality must consult with stakeholders when establishing an OSL for other infrastructure or facility types, a municipality does not have any obligation to consult the Province nor does the municipality have to reach any agreements with the Province with respect to what infrastructure should or could be included within the OSL regime. That is not the case with transportation infrastructure under section 648(2)(c.2). The Province will be a fundamental part of the process for this

category of OSL, which will undoubtedly change the dynamic of the consultation and potential negotiation process between the municipality and other stakeholders. The extent and the impact of the involvement and role of the Province in the establishment of an OSL under section 648(2)(c.2) is unknown. However, what is clear is that the municipality will have the new challenge of juggling the expectations of industry and stakeholders with the expectation of and directions from the Province.

Lastly, it should be noted that a municipality’s OSL cannot have the effect of committing the Government of Alberta to contribute to transportation infrastructure. Section 3(5) of the *Off-Site Levies Regulation* specifically states “Notwithstanding anything to the contrary in this Regulation, the levy is of no effect to the extent it directs the Government of Alberta to expend funds, to commit to funding transportation infrastructure or arrangements to undertake actions or to adopt particular policies or programs.” Given this, a municipality should clearly address any proportionate benefit attributed to the Province in its OSL regime, and there should be no expectation to have the Province contribute to transportation infrastructure attributed to an OSL model

IMPACT OF OFF-SITE LEVIES ON THE DEVELOPMENT INDUSTRY

Prior to passing and implementing an OSL bylaw, a municipality must consult in good faith with stakeholders. These stakeholders will include the local development community, including individual developers, landowners who may develop their land or sell their land to developers, and organizations that represent the development and builder community, such as BILD. A municipality will find through its consultations and discussions with such parties, that an OSL may have both positive and negative impacts on the development industry.

There can be a positive impact on the development industry through the OSL processes as the municipality must consult with developers; this will give the development industry an opportunity to help shape the rules for land development. An active development organization such as BILD can be an important resource in reaching developers and landowners. Such an organization can also assist the municipality in

assessing and understanding how the implementation of an OSL regime will impact the development industry and affect the rate of development. The same can be said for engaged individual developers and landowners who may take a more involved role and greater interest in the consultation process – which may often start as a desire to protect their self-interest, and may turn into an expression of a greater community interest.

The consultation process should allow the development industry the opportunity to provide input into the determination of what the infrastructure needs of the municipality are as well as how they can best be funded. There are numerous ways that the development industry can influence the process of establishing an OSL regime including acting as a check and balance for assumptions about the rate of projected growth and in reviewing the reasonability of the projections of what infrastructure will be needed when and the projected costs of such infrastructure. The more involved the industry

stakeholders become in the process of developing the OSL regime, the more likely it will be that the industry will understand and accept the OSL regime once the OSL bylaw is passed. Addressing questions and resolving concerns about the OSL regime before the OSL bylaw is passed is less time-consuming and less expensive than responding to legal challenges after the OSL bylaw is passed.

An OSL bylaw may also have negative impacts on the development industry. The most obvious negative impact is that an OSL will increase the cost of new development. Developers pass on the cost of an OSL to the purchasers of the lots and consequently the imposition of the OSL contributes to increased housing costs (particularly of new, greenfield development, as well as potentially increasing housing costs on the resale market). Developers and home purchasers will undoubtedly see this as a disadvantage. However, there is a correlated benefit of having a well-established and clear OSL

regime. Once the OSL bylaw is in place, the development industry has certainty in terms of costs they will face when developing and will have a better understanding when various pieces of infrastructure are projected to be constructed. This will be to the benefit of the development industry and ultimately, to the purchasers who will benefit from such OSL infrastructure and facilities. Knowing when infrastructure is likely to be constructed can also assist with long-range planning for developers and help identify where their next development opportunity in a given municipality may be located.

As has been previously stated, the implementation of an OSL regime provides a source of funding for the municipality to pay for required municipal infrastructure. Having an additional source of funding may make it easier for a municipality to invest in municipal infrastructure projects that are directed towards municipal growth. Such investments in new infrastructure can help encourage development by increasing the amount of developable land that will receive municipal services. A new fire hall, for example, will open new areas for development, assuming that the location of the new fire hall will mean that a broader area can be reached within an acceptable response time. Or an expansion to a water reservoir may create significantly more capacity for a municipality's water system to support growth and perhaps encourage the development industry to provide much needed residential or industrial development within a municipality.

If a municipality can proceed with infrastructure construction because an OSL will fund such construction, this will mean that no specific developer will have to bear the full burden of the cost of constructing that much needed infrastructure to support development. This can be a significant benefit for the development industry if the cost of necessary infrastructure exceeds the financial capabilities of the developers (particularly, smaller

developers with more limited resources) operating within the municipality. Because the municipality is assuming the responsibility for constructing more expensive pieces of infrastructure, the playing field of developers is leveled. For example, smaller developers who could not afford to build a water distribution main on their own do not have to wait for a "big developer" to build the water distribution main. The result of an OSL bylaw may be that the cost of constructing infrastructure does not act as a barrier to development by small developers or landowners. In circumstances where the municipality has collected an OSL and created a reserve, and a developer, rather than the municipality, builds a piece of infrastructure that is to be constructed using the OSL, the costs that the developer incurs in undertaking the construction may be partially or fully covered by already-collected OSL, thereby reducing the financial impact on the developer.

The impact of the OSL bylaw may depend on the number of active developers and other stakeholders in a community, as well as on the OSL rate that the municipality establishes. Although on its face, an OSL may be viewed as having a negative impact on development, there may be just as likely a positive impact on the development industry and growth in a municipality because the OSL enables the municipality to build infrastructure required for development. It will be through the upfront engagement and good faith consultation with the development industry that a municipality can explore what those impacts may be and to work towards an OSL regime that creates a win-win for both the municipality and its development community.



OFF-SITE LEVIES AND MUNICIPAL FINANCES

“Off-Site Levies can be a valuable tool for a municipality to recover some of the capital costs of municipal infrastructure.”

Off-Site Levies can be a valuable tool for a municipality to recover some of the capital costs of municipal infrastructure. In some cases, OSL might be the only means for a municipality to fund and construct necessary infrastructure and facilities required for new development; and without an OSL regime, new subdivisions and developments might not be serviced and overall development may stagnate. As has been previously discussed, an OSL cannot be used for all types

of municipal infrastructure. Section 648 of the MGA sets out what specific categories of municipal infrastructure and facilities can be funded using OSL. Only the infrastructure and facility types listed in section 648 can be the subject of an OSL.

Use of Off-Site Levy Funds

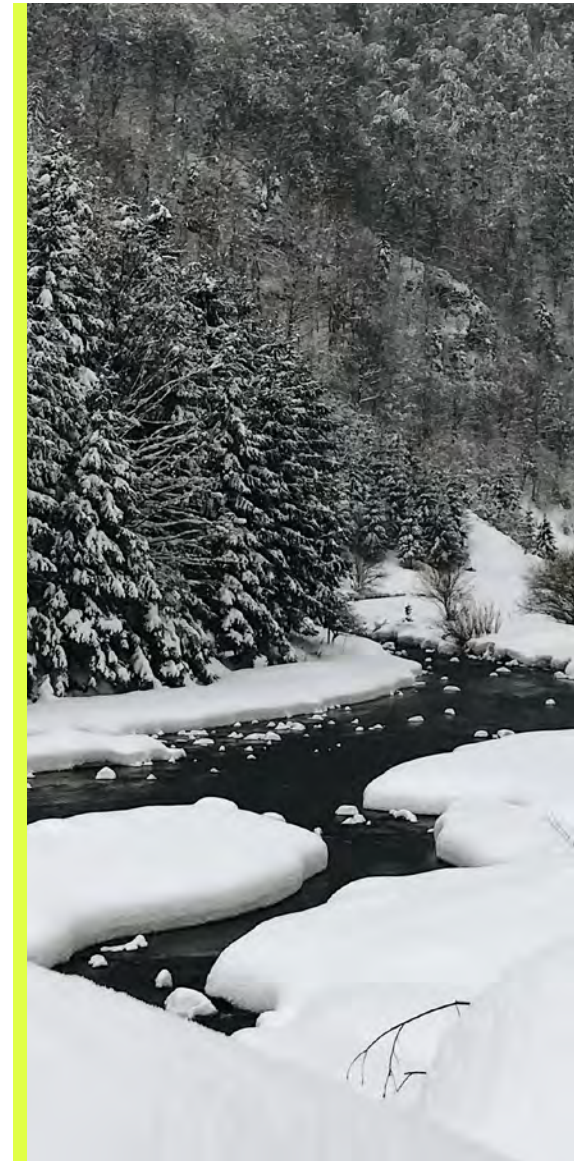
The legislative restrictions on the use of OSL funds can have a significant impact on municipal finance. A municipality must segregate OSL funds it collects into separate pools or accounts. Each category of an OSL must be accounted for separately from other levies (section 648(5)(a), MGA), interest that accrues on one pool of OSL funds must be credited to that pool only (section 648(5), MGA), and OSL funds can only be used for the specific purposes for which the OSL was collected (section 648(5)(b), MGA). This means, for example, that OSL funds for new or expanded roads **cannot** be co-mingled with the OSL funds collected for storm sewer drainage facilities so that the combined fund can be directed towards paying the costs of constructing a storm water infrastructure project.

While it is clear from the legislation that OSL collected for one type of infrastructure can only be used for the same type of infrastructure, the Courts have not had the opportunity to interpret the phrase “specific purpose described ... for which it is collected ...” which appears in section 648(5)(b). Giving the phrase a broad and purposive interpretation, it could be argued that the section allows OSL collected for “roads” to be used for any of the roadway projects that were identified in the OSL bylaw as being a road project for which the roadway OSL was imposed. Put another way, if the OSL bylaw identified five roadway projects for which an OSL would be collected, then the OSL funds collected for roads could be used for any of the identified roadway projects (however, if there are different development areas with different levy rates and different OSL infrastructure projects identified for each development area, then a municipality will be limited to only using OSL funds within that development area). An alternative interpretation of this phrase in section 648(5)(b) would

be that the OSL funds collected for the five roadway projects would have to be treated as five separate pools and the funds that could only be used for a particular project would be the proportion of the road OSL fund collected for that particular project. Such a narrow interpretation of the phrase would place a very heavy burden on municipalities to track the collection and use of OSL funds. Further, as it has been previously discussed, it would be very unlikely that a municipality will collect all the OSL to cover the construction costs for any given infrastructure project prior to the need to construct that OSL infrastructure. If all of the OSL funds collected for roads can be used to pay for any roadway project that has been identified in the OSL bylaw, the municipality will be able to draw on the entirety of the OSL collected for roads to pay for an identified roadway project. What the correct interpretation of section 485(5)(b) may be is dependent on the nature of the OSL regime, including the nature of the regime's basins or sub basins and the OSL infrastructures identified for each basin/sub basin.

It is also important for a municipality to be cognizant of the legislative restrictions on the use of OSL funds to ensure the municipality complies with the MGA. Significant sums of money sitting in reserve accounts may be seen as an attractive alternative to debt financing. OSL, however, cannot be used to avoid municipal borrowing. For example, if the municipality has collected a total of five million dollars in OSL, being the sum of the road, sewer and water levies that have been collected, and the municipality is going to construct a water facility structure that costs three million dollars, the municipality can only use that portion of the collected OSL funds that were collected as a water OSL to fund the project. It follows then, that if only one million dollars

was collected as water OSL, then the municipality has to find alternative sources for the remaining two million dollars to construct the water facility. The municipality cannot “borrow” the additional two million dollars from the OSL fund that were collected for the other types of OSL infrastructure.



Uncertain Rate of Collection

With any OSL regime, a municipality has no certainty as to the timing of the imposition and collection of the OSL. As previously discussed, an OSL can only be collected at the time that land is subdivided or developed. If the rate of land development is slow, then the rate of collecting the OSL and thereby creating an OSL fund reserve will be similarly slow. An uncertain rate of collection means that projections as to how much money will be collected

through the OSL process could turn out to be unreliable. This in turn could create challenges for a municipality when constructing an OSL infrastructure project. For example, the OSL regime may project that 50% of the cost of infrastructure would be collected by the time the infrastructure is to be constructed by the municipality. However, if only 30% of the costs of the infrastructure is collected by the time the infrastructure is to be

constructed, then the municipality will have to make up the shortfall between the OSL amount collected and the amount that was projected to be collected through the OSL regime. This means that the municipality will have to find alternate sources of funding (such as general revenues, a borrowing, grants, etc.) for the project to proceed.



Uncertainty Created by Inflation

The calculation of an OSL rate is dependent upon numerous assumptions made during the development of the OSL regime and bylaw. For example, there will be assumptions about the rate of land development, what infrastructure will be needed at what point in time, the cost to construct the infrastructure at the point in time when construction occurs and how the rate of inflation will impact construction costs. If any of those assumptions are not accurate, then the rate at which the OSL are imposed and collected may not be high enough to fully recover the proportion of the costs expected to be collected through the OSL bylaw. For this reason, it is important for a municipality to review its OSL rate on an annual basis. However, even with annual reviews and adjustments of the OSL rate, there is still a risk that a spike in construction costs at the time of construction might result in a shortfall. In such a situation, an insufficient amount may have been collected from the first developers who paid the OSL. Regardless of a perceived “under-collection,” a municipality cannot require developers who have already paid the OSL to pay an additional amount. Nor can the municipality impose and collect such a shortfall from the rest of benefitting developers. The municipality must be prepared to cover the full costs of the construction of the infrastructure regardless of the amount of the OSL it has collected.



Use of Grant Funds

Over the course of the operation of an OSL regime, the municipality will need to decide whether grant funds will be utilized for OSL infrastructure.

Grants that are specifically identified for the OSL infrastructure will need to be directed towards that purpose and accounted for within the OSL model. The question that needs to be determined is whether the grant will be applied to cover the municipality's share of the construction costs or will the grant be applied to the overall cost of the infrastructure so that both the OSL rate for all stakeholders within the benefitting area and the municipality's share is reduced. For example, assume that the OSL bylaw includes, as part of the road OSL, the construction of a new bridge. The cost of constructing the bridge is \$20 million. The OSL regime provides that 50% of the costs of the bridge should be paid for by new development through the levies and 50% should be paid for by the municipality at-large in recognition of the benefit to existing development. The municipality receives a grant of \$10 million specifically directed to the bridge project. Should the \$10 million be considered as part of the municipality's share?

Or, should the \$10 million be applied to reduce the total construction costs of the project, in which case the bridge becomes a \$10 million project that is cost shared 50% by new development through levies and 50% by the municipality – thereby each contributes five million dollars to the project. In the first alternative, the municipality would have contributed its 50% by application of the grant. In the second alternative, the municipality would still have to contribute five million dollars to the bridge project. From a fair and equitable application, a specific grant for an OSL project should be applied to reduce the overall construction costs and not only to the benefit of the municipality. This is a simplistic example of the impact that a grant can have on an OSL regime. In reality, this can be much more complicated where there may be contributions or grants from the provincial and/or federal governments towards the infrastructure or facility.

The implication of non-project specific grants must also be considered in the context of OSL infrastructure, as it is not clear whether a municipality should direct a non-project specific grant towards OSL projects or direct

them towards other municipal projects that cannot be funded using the OSL. A municipality can adopt a policy regarding the application of grant funding or can make decisions on a case-by-case, year-by-year basis. A policy would create certainty for the industry and the municipality in the operation of the OSL regime. If grants are applied to OSL projects, then the OSL rates will vary over time and developers who are the first to pay the OSL may feel that developers who come later, and get the benefit of the grant, are not paying their fair share. Unfortunately, given the uncertainty of federal and provincial grant funding, a municipality cannot safely make assumptions about the amount of grant dollars that may be available any given year to be used for OSL infrastructure. Assuming grants are used to help finance OSL infrastructure, it would be risky to include in the calculations of the OSL rate an assumption about the availability of grant dollars.

Carrying Costs

There can also be a significant risk in carrying or financing costs associated with an OSL. An OSL regime requires the municipality to make several assumptions relating to cost estimates and the rate of development. These assumptions may involve whether it is necessary for a municipality to borrow funds to complete OSL infrastructure projects and the estimated amount paid towards financing those costs (i.e. interest payments) until the OSL are paid to pay back the borrowing. If the municipality's assumptions in this regard prove incorrect and costs – including carrying costs – greatly exceed OSL contributions, the financial impact on the municipality may be significant. While revision to the OSL rates can ensure that changes in costs are accounted for under future collections, past collections of the OSL cannot be revisited. Further, there could also be a corresponding impact on the municipality's borrowing capacity. In contrast, if the municipality can require a developer to undertake infrastructure projects at an oversized capacity to benefit both it and adjacent future developments as opposed to an OSL, it is the developer that assumes the financial risk and the carrying costs and not the municipality.

Municipal Debt Limit

It is typical that the construction of OSL infrastructure is undertaken by the municipality. Even if a considerable amount has been collected in OSL, the municipality may still need to fund the municipal share of the costs of the OSL infrastructure. In the bridge example set out above, the municipality's share was 50% of the total construction costs, based on the benefit apportioned to existing development. The municipality would therefore have to fund 50% of the bridge construction and finance any portion of the construction costs of the other 50% share that has not yet been collected through an OSL. To do this, the municipality might have to borrow money. Timing for the construction of the bridge might therefore depend on how close the municipality is to its debt limit ratio and its ability to take on such a borrowing. If the municipality lacks sufficient debt capacity to borrow the required funds, construction of the bridge may be delayed until it has capacity to borrow or has collected sufficient OSL.

Given this, municipalities should be cautious about having too many OSL projects within their OSL regime. Municipalities may also have to decide whether to proceed with an OSL infrastructure project over other municipal capital project. This may be particularly true if many of the OSL infrastructure projects are projected to be needed within the same time period based on the OSL regime or with other municipal capital replacement. The municipality may simply not have the financial strength to afford all the projects at the same time. Assumptions as to timing of construction within the OSL regime should take into account the fiscal reality of the municipality and the municipality's ability to finance and contribute its share of the costs.





Front-Ending Developers

Determining who will undertake construction of OSL infrastructure is another consideration to developing an OSL regime. Typically, a municipality will construct OSL projects, to be paid through OSL reserves or a borrowing bylaw. However, if a municipality wishes to require a developer to construct some of the infrastructure contemplated under the OSL bylaw, a “levy credit” may need to be contemplated.

This is a situation where the project cost exceeds the developer’s OSL contribution; this is often referred to as the developer front-end financing the OSL infrastructure project. While it may be possible for the municipality to structure repayment when levy payments are received from other developers, the details of such levy credits or reimbursements should be carefully drafted in a policy or development agreement. Further, such arrangements may be considered a borrowing by the municipality and may impact one’s debt limit ratio. That is, the developer is paying for certain OSL infrastructure that would otherwise be funded by the municipality, with an expectation to be reimbursed or credited for any amounts beyond its OSL contribution. If there is an expectation that such amounts will also have interest charges accrued and recoverable, there is an even greater likelihood that such a front-ending situation will be viewed as a borrowing of a municipality.

Operational Costs

OSL can only be used to pay for capital costs associated with the construction of the infrastructure. Consequently, the municipality must fund the operating costs of the new infrastructure or facility from other sources. Given this, before creating an OSL, the municipality should consider whether it has the financial capacity to cover the operating costs of such any OSL infrastructure or facility. If the municipality cannot or likely will not be able to pay to operate the infrastructure or facility, there is little value to be gained in creating an OSL to fund construction of such infrastructure or facility. In the example of the community recreation facility, the development community and residents will be expecting a facility to be built and be opened for public use. Those expectations will be unsatisfied if the municipality cannot afford all aspects of the facility.

“...before creating an OSL, the municipality should consider whether it has the financial capacity to cover the operating costs of such any OSL infrastructure or facility.”

Financial Plans and Budgets

The 2017 amendments to the MGA impose an obligation on municipalities to have operating plans and capital plans. The plans need to be in place for the 2020 financial year (section 4, *Municipal Corporate Planning Regulation*, Alta Reg 192/2017). Municipalities with OSL regimes must incorporate the assumptions about the implementation of the OSL regime into the capital plans that are developed. It would be imprudent for the OSL regime to predict that a piece of infrastructure will be needed in 2021 but fail to identify that infrastructure project in the capital plan for that year. Similarly, municipalities who adopt an OSL regime must make appropriate changes to existing operating and capital plans so that the OSL regime and the statutory required plans are consistent. The same can be said of the municipality’s annual budget. If the OSL infrastructure is to be built in a given year, such an expenditure should be identified in the municipality’s annual capital budget so that the municipality has granted the proper authority for making that expenditure from the OSL fund.



LEGAL CHALLENGES TO AN OFF-SITE LEVY BYLAW

There are several ways in which an OSL bylaw can be challenged, which are dependent on the type of OSL bylaw as well as the nature of the challenge itself.

Challenge to the Alberta Court of Queen's Bench

An OSL bylaw can be challenged in the same manner as any other bylaw. A challenge to a bylaw can be sought before the Alberta Court of Queen's Bench pursuant to section 536 of the MGA.

Such a challenge can seek the opinion on the Court of Queen's Bench on whether the bylaw is a valid exercise of municipal jurisdiction. Section 536 of the MGA provides that a person may apply to the Court of Queen's Bench for a declaration that a bylaw is invalid, or an order requiring a council to amend or repeal a bylaw

as a result of a vote by the electors on the amendment or repeal. In fact, some of the cases discussed in the [Court Consideration appendix](#) of this Manual were brought to the Courts relying on this provision.⁹ These types of court challenges have questioned whether specific infrastructure is within the scope of section 648 and whether the municipality complied with other requirements of the legislation and the former *Principles and Criteria for Off-Site Levies Regulation*.

⁹ See *Urban Development Institute v. Leduc (City)*; *Keyland Development Corp. v. Cochrane (Town)*; *Prairie Communities Development Corp. v. Okotoks (Town)*.

Challenges at the Subdivision and Development Appeal Board at the Time of Imposition

Municipalities collect OSL through the imposition of conditions on development permits or conditions on subdivision approvals. Unless a development permit has been issued or a subdivision approved, a municipality cannot require landowners to pay OSL. Decisions about development permits can be appealed to the Subdivision and Development Appeal Board (SDAB). Decisions approving subdivisions can also be appealed to the SDAB or in some limited cases to the Municipal Government Board (MGB).

Developers can appeal a decision to the SDAB and argue that the condition requiring the payment of the OSL be struck from the conditions of approval on the basis that the municipality has no jurisdiction to impose the obligation to pay the OSL¹⁰ or perhaps that the development authority or subdivision authority miscalculated the amount of the OSL. This type of challenge can be made whether the OSL relates to the infrastructure types mentioned in section 648(2) or the facility types mentioned in section 648(2.1).

¹⁰ See *Kiewit Energy Corp v Edmonton (Subdivision and Development Appeal Board)*.

Appeal to the Municipal Government Board for Section 648(2.1) Facilities Only

Section 648.1 of the MGA gives parties that would be obliged to pay an OSL for the facilities listed in section 648(2.1) (community recreation facilities, fire halls, police stations and libraries) the right to appeal provisions of the OSL bylaw imposing a levy for such facilities to the MGB. Note that OSL bylaws for the types of infrastructure listed in section 648(2) of the MGA (water, sanitary sewer, storm sewer and roads) cannot be appealed to the MGB.

The OSL bylaw for the facilities listed in section 648(2.1) may be appealed to the MGB on any of the following grounds:

- That the purpose for which the OSL is imposed is unlikely to benefit future occupants of the land who may be subject to the levy to the extent required by the regulations;
 - That the principles and criteria referred to in the regulations that must be applied when passing the OSL bylaw have not been complied with;
 - That the benefitting area was not determined in accordance with the relevant regulations;
 - That the OSL or any portion of it is not for the payment of capital costs of the purposes set out in section 648(2.1);
 - That the calculation of the OSL is inconsistent with the relevant regulations or is incorrect; or
- That an OSL for the same purpose has already been collected and imposed with respect to the proposed development or subdivision.

The MGB has the power to dismiss an appeal under section 648.1 in whole or in part or to declare the OSL bylaw (or portion thereof) invalid and require that the bylaw be repassed or amended (section 648.1(2), MGA). The *Off-Site Levies Regulation* contains further rules regarding appeals to the MGB (see sections 10-14).

Even if a “soft service” OSL bylaw has been challenged to the MGB, a municipality may continue to collect the OSL imposed by that bylaw (section 14(1), *Off-Site Levies Regulation*). However, during the appeal period, or pending the determination of the appeal, any levy received by the municipality must be held in a separate account for each type of facility and the municipality must not use the funds until the appeal has been determined (sections 14(2) and (3), *Off-Site Levies Regulation*). Presumably, if the MGB upholds the appeal and sides with the developer, the municipality would be obliged to repay the levies collected under the challenged bylaw.

CASE STUDY #1: INTERMUNICIPAL OFF-SITE LEVY



The Town of Waterville and Dry County are neighbours. Waterville would like to source potable water from the Regional Water Commission. To do so, Waterville will need to construct a water transmission main from the City of Plenty to Waterville and construct a water reservoir within Waterville. The water transmission line will cross through Dry County. The Director of the Water Utility in Waterville reaches out to their counterpart in Dry County to see if Dry County would like to access the water transmission line. The Director of Public Works for Dry County indicates that they would be interested in drawing water from the water transmission line if the line is constructed. The CAOs of Waterville and Dry County agree to retain an engineer to design the water transmission line and to provide a model for sharing the costs of the construction of the water transmission line. Waterville and Dry County are contemplating OSL to cover the construction costs of the water transmission line.

Is this a feasible option?

Section 648.01 of the MGA specifically allows two or more municipalities to create an OSL to be imposed on an intermunicipal basis. Waterville and Dry County agree to pursue the imposition of an intermunicipal OSL to cover the costs of the water transmission line. An intermunicipal OSL would require the same type of technical support, analysis and justification as would an OSL being developed to operate in only one municipality.

For the municipalities to establish an intermunicipal OSL, they will need to:

- A. Enter into an agreement that addresses cost-sharing between the two municipalities (section 648.01(2), MGA)** – This can be a stand-alone agreement or be incorporated as part of the intermunicipal collaboration framework (ICF) between Waterville and Dry County. Practically, a stand-alone agreement on the cost sharing arrangement that is referenced in, but not made part of the ICF, may be more appropriate to allow adjustments to the terms of the cost sharing arrangement independently without triggering an amendment to the ICF. The costs would be shared based on the benefit flowing to each municipality from the construction of the water transmission line. For example, if Waterville requires a three-inch line to meet its needs but a three-and-a-half inch line is necessary if the water transmission line is also going to be used to supply Dry County, Dry County should be responsible for payment of the incremental costs of constructing the larger line and a share of the engineering costs.¹¹

¹¹ This is a very simplistic case study. The cost sharing agreement between the municipalities can be as complex or as simple as deemed necessary by the respective municipalities. The MGA does not set out a formula for the cost sharing.

B. Retain consultants to identify the benefitting areas in each municipality and the proportion of the construction costs that each benefitting area will bear

– The methodology used by the municipalities in calculating the levy must be consistent for both municipalities (section 7(1), *Off-Site Levies Regulation*). This means that the OSL in both municipalities must be based on the same supporting information and on the same basin (for example, one basin model or per acre basin).

C. Consult with stakeholders in each municipality

– Municipalities adopting an intermunicipal OSL have the same consultation requirements as a single municipality establishing an OSL. Such consultation can be undertaken jointly or separately, although there may be benefits to aligning consultation across both municipalities to allow for consistent engagement opportunities. The fact that the OSL will be collected across two or more municipalities does not change any other of the obligations set out in *Off-Site Levies Regulation* such as the consultation or reporting requirements for the implementation and operation of an OSL regime.

D. Draft the OSL Bylaw – There are two ways that the OSL bylaw can be implemented. The first would be to have Waterville and Dry County each pass an identical OSL bylaw, which must identify the same infrastructure, the same benefitting areas and identify the portion of benefit attributable to each participating municipality within that benefitting area. The second would be to have Waterville pass the OSL bylaw and the councils of both Waterville and Dry County pass a bylaw that approves an agreement between Waterville and Dry County allowing the OSL bylaw passed by Waterville to apply within a defined area of Dry County (section 12(a), MGA). The advantage of the first alternative would be that each municipality would be responsible for

imposing and collecting its “share” of the OSL. With the second alternative, Dry County would impose a condition on development permits and subdivisions that the applicant pay the OSL to Waterville. Which alternative is chosen may be influenced by the obligations of the cost sharing agreement or ICF.

E. Pass the OSL Bylaw – Each council will need to pass the respective OSL bylaw (either their own or a bylaw approving the agreement that one municipality’s OSL bylaw shall apply within the other municipality’s boundaries).

F. Implement and operate the OSL regime in accordance with the principles and assumptions agreed to by the municipalities

– Any changes to the OSL regime that would require that the OSL bylaw be amended would have to be implemented in the same way that the original OSL bylaw was passed and made operational in both municipalities. Waterville and Dry County will also have to decide between themselves how the OSL will be imposed and administered, including who will be collecting and holding the OSL funds and who will be responsible for undertaking construction of the OSL infrastructure.

CASE STUDY #2: FUNDING / INDUSTRY LIMITATIONS



Riverside is a growing community that is bisected by Rambling River. Residential land within the municipal boundaries south of Rambling River is almost fully developed. Landowners, within the boundaries of Riverside, lying north of Rambling River are anxious to develop their land. The recently prepared Riverside Transportation Master Plan has identified that the one bridge that exists to cross the Rambling River has reached its traffic capacity. The Transportation Master Plan concluded that a second river crossing is required before additional development is approved on the north side of Rambling River. The opinion of the traffic engineers is that without a second river crossing there is a substantial risk of traffic grid lock. The estimated cost of a new four lane bridge (two lanes northbound and two lanes southbound along with a shared use pedestrian/bike pathway) is \$75 million. The landowners on the north side of Rambling River are all relatively small developers who have made it clear to Riverside Council that individually and collectively they do not have the financial resources to build the bridge. Riverside Council is concerned that if something is not done to assist with the construction of the bridge, land development within Riverside will grind to a halt and a neighbouring municipality will reap the benefit of residential growth.

What can Riverside Council do?

The dilemma faced by Riverside Council is perhaps more extreme than the dilemmas faced by other councils. Increasingly, many municipalities are met with the challenge to help fund needed infrastructure because of the limited resources of small developers. There are few developers who can afford to front end the costs of a \$75 million project in order to bring a relatively small number of lots to the marketplace. Even communities with developers that have more financial strength may face circumstances where new development simply cannot afford to pay for necessary large infrastructure projects.

The establishment of an OSL for the needed infrastructure may be an option to help eliminate the bottleneck. Further, developers who benefit from the infrastructure can be made to pay for the benefit that is attributable to their land only, as opposed to be burdened with the entire financial

costs of such a significant project. However, such an option will also require the municipality to fund the needed infrastructure without exceeding its debt limit ratio.

In the case of Riverside, Council decides to consider the establishment of an OSL to cover the costs of constructing the needed bridge. An OSL is an option for Riverside as an OSL can be used for the construction of new roads. A road under the MGA “includes a bridge forming part of a public road” (section 1(z), MGA). The challenge for Riverside will be justifying any assumption that forms part of the OSL regime regarding the extent to which the bridge benefits the existing community, and being able to finance such a large project and to provide the proportionate share of the bridge costs to the existing community. It is clear from case law that the full costs of a bridge cannot be attributed to the development on only



one side of the river (see *Keyland Developments Corp. v Cochrane (Town)*). The OSL must at a minimum include or reference a description of each of the benefitting areas and how those areas were determined, along with the supporting studies, technical data and analysis.

Riverside must have a justifiable and reasonable method for establishing the split between the benefit to the existing community and any new development. One option is to attribute the costs of the bridge across the entire municipality. That would leave the municipality responsible for the proportionate share of the costs of the bridge for the existing developed area of the municipality. This may not be reasonable if the geography of the municipality suggests that one part of the municipality is more likely to use the new bridge and another part is more likely to continue to use the old bridge (perhaps traffic patterns can also be split on an east/west basis

with the east being the side of the new bridge and the west being the side of the old bridge).

By Riverside assuming responsibility for funding and constructing the new bridge, the municipality can eliminate the bottleneck on development and make it possible for even the smaller developers to proceed to develop their land without having to deal with the burden of the cost of the bridge. Without municipal intervention, the rate of development would have slowed and perhaps stopped altogether. The OSL allows Riverside to place only the proportionate share of the burden for the new bridge on the undeveloped lands, which may help encourage its development after the bridge is constructed. While section 655 of the MGA would allow Riverside to simply require a developer seeking to subdivide land on the north side of Rambling River to fully finance and build the bridge, it is unlikely that any developer would be able to proceed with such construction given such a

heavy financial burden. Even if Riverside committed, as part of its agreement with the constructing developer to have other developers contribute proportionally to the costs of the bridge as other development occurs (relying on section 651 of the MGA), such an approach would still leave the developer who builds the bridge having to bear both the initial contribution and the ongoing carrying costs. Given that full development of the north side of the municipality might take many years, the developer could be waiting a long time for recovery of the excess costs that the developer has incurred and continues to finance.

OSL can be useful in stimulating development, particularly if there are expensive pieces of infrastructure that are needed before development can occur. OSL, although complex to establish and administer, can make sharing the burden of the costs of this type of infrastructure a reality.



CASE STUDY #3: CHALLENGES TO AND APPEALS OF AN OFF-SITE LEVY

The Municipality of Albertville has been working on implementing an OSL to help fund the construction of an expansion to its community recreation facility. The current community recreation facility, known as the Plex, contains one hockey/skating arena, four sheets of curling ice, change rooms and a restaurant/lounge space. The proposal is to add an additional hockey/skating arena, a field house, a running track, and a swimming pool. The OSL Bylaw is given third reading, signed and passed on September 10, 2018.

On September 13, 2018, the Subdivision Authority for Albertville approves a subdivision of land and imposes, as a condition of that subdivision, that the applicant, ABC Development, enter into a development agreement with Albertville to construct municipal infrastructure required to service the proposed subdivision and to pay the OSL for the Plex expansion. The principal of ABC Development strongly objects to having to pay the OSL.

How can ABC Development challenge or appeal the OSL Bylaw?

ABC Development has a number of options to challenge the imposition of the OSL. In an effort to cover all the bases, ABC Development:

- A. BRINGS AN APPLICATION FOR JUDICIAL REVIEW OF THE OSL BYLAW TO THE COURT OF QUEEN'S BENCH;
- B. FILES AN APPEAL OF THE SUBDIVISION APPROVAL TO THE SDAB; AND
- C. FILES AN APPEAL OF THE OSL BYLAW TO THE MGB.

Note that the MGA does not restrict the number of appeal avenues that ABC Development can pursue. Albertville can thus find itself dealing with three separate appeals in three distinct venues.

A. Application for Judicial Review

Any bylaw passed by a municipality can be the subject of an application for review. An application challenging a bylaw can be filed pursuant to section 536 of the MGA with the Court of Queen's Bench of Alberta. In most cases, the Application for Judicial Review must be filed within six months of the passage of the bylaw.¹² To date, the challenges to OSL bylaws that have been considered by the courts have usually been brought by way of an Application for Judicial Review.

In this case study, ABC Development will need to set out in the documents that commence the application the reasons why they believe the Council of Albertaville erred in exercising its jurisdiction to pass the OSL bylaw. Such reasons may include that:

- the municipality failed to comply with the requirements of section 648(6) of the MGA that requires the proposed bylaw be advertised in accordance with section 606 of the MGA;
- the municipality failed to undertake consultation with stakeholders as required by section 8 of the *Off-Site Levies Regulation*;
- the municipality failed to comply with the requirements of section 6 of the *Off-Site Levies Regulation* by failing to consider relevant statutory plans, policies or agreements; and
- the municipality failed to comply with the requirement of section 4 of the *Off-Site Levies Regulation* in that the methodology for calculation of the levy is not clear or reasonable.

Applications for judicial review require the municipality to file a Record with the Court. The Record is a copy of all documentation reviewed by council when council considered the bylaw being challenged. The Record would include all meeting minutes, the portion of any meeting agenda dealing with the bylaw and any reports referenced in the agenda report in support of the bylaw and its underlying assumptions. It should be noted that the filing of an Application for Judicial Review challenges the validity of the bylaw but does not suspend the operation of the bylaw. This means that throughout the time leading up to the court hearing, the municipality can continue to impose a condition requiring developers to pay the OSL as a condition of subdivision approvals or as a condition of development permit approvals.

An application for judicial review can take six to twelve months or longer to be heard by the Court of Queen's Bench. Typically, the only entities involved would be the applicant and the municipality. It is possible for other parties to apply to the Court to intervene in the appeal. Intervenors are parties who believe they can bring an important perspective to the Court that will assist the Court in making its decision. It is up to the Court to decide if someone will be granted intervenor status.

A judicial review application will be made before one Justice of the Court. The case is presented to the Court by way of written and verbal argument. Witnesses are not called to testify, although affidavits from individuals that were part of the bylaw process could be filed with the Court in advance. For example, the municipality might have the individual who

arranged for the bylaw to be advertised swear an affidavit to be put in as evidence before the Court to refute the allegation that the bylaw was not properly advertised. After hearing the arguments of the applicant (i.e. ABC Development), the municipality (Albertaville) and any intervenors, the Justice will decide if the OSL bylaw is valid. There is no time limit on how long the Justice can take in making their decision on the validity of the bylaw. If the Justice decides that the bylaw is not valid, the Justice will identify what errors the municipality may have made and the decision will "quash" the bylaw.

If ABC Development is successful with its Application for Judicial Review, Albertaville can re-draft the OSL bylaw, correcting the deficiencies identified by the Court. If the bylaw is quashed, any decisions or conditions relying on the bylaw, including the condition that ABC Development pay the OSL, become invalid. The validity of the condition was dependent upon the validity of the bylaw. If Albertaville has collected any payments of the OSL from other developers, it will be obligated to repay the amounts paid under the invalid bylaw.



¹² If the application for judicial review alleges the municipality had no jurisdiction to pass the bylaw, there is likely no time limit on commencing an Application for Judicial Review. For example, if the municipality passed a bylaw purporting to impose an OSL to pay for a new municipal office that bylaw could likely be challenged at any time because the argument would be that Section 648 of the MGA does not give the municipality jurisdiction to impose an OSL for that purpose.

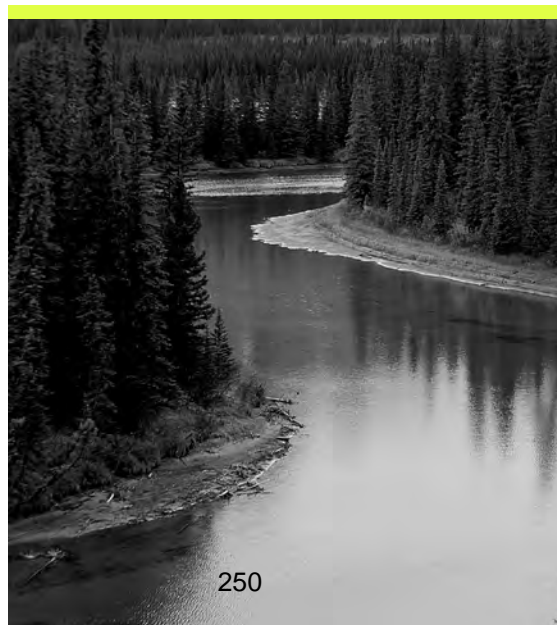
B. Appeal to the Subdivision and Development Appeal Board

ABC Development may file an appeal to object to the imposition of the condition requiring the payment of the OSL. Any applicant for subdivision or development can appeal the imposition of a condition, including a condition requiring that the applicant pay an OSL. This type of an appeal is made to the SDAB and may only be filed within 14 days after receipt of the written decision of the Subdivision Authority (section 678(2), MGA) in the case of a subdivision approval, or within 21 days after the decision by the Development Authority on the development permit is given to the applicant to appeal (section 686(1), MGA) in the case of the issuance of a development permit. The SDAB will review the subdivision or development permit decision and can make or substitute its own decision for the decision of the Subdivision Authority or the Development Authority.

The SDAB must commence its hearing on the appeal within 30 days after receipt of the notice of appeal filed by ABC Development. The SDAB can agree with ABC Development that the condition should not be imposed and delete the condition from the subdivision approval (or the development permit if that be the case). What the SDAB cannot do is determine whether the OSL bylaw is valid. The SDAB must treat the OSL bylaw as valid. In the ABC Development situation, the questions before the SDAB to decide are therefore limited to:

- Whether the land that is the subject of the subdivision was ever required to pay a charge or fee that could be deemed to be the same as an OSL for community recreation facilities; and
- Whether the amount of the OSL to be paid by ABC Development was calculated correctly in accordance with the OSL bylaw.

The Court of Appeal decision in *Kiewit Energy Canada Corp v. Edmonton (Subdivision and Development Appeal Board)* made it clear that the SDAB can review charges that were previously paid by the landowner to the municipality to determine if those charges were OSL. The new section 648(8) of the MGA means any charges the municipality may have imposed for recreation facilities can be “deemed” to be charges imposed pursuant to section 648 and be deemed to be validly imposed and collected levies. Section 648(8) of the MGA was not in place when *Kiewit* was decided so in that instance the Court of Appeal held the SDAB had erred in not concluding the charge previously paid in *Kiewit* was an OSL. With section 648(8), the SDAB would only need to find that Albertaville had previously collected a fee or charge that was for the same purpose as the community recreation facility OSL. In the event that the SDAB finds that such a fee or charge was imposed, the SDAB would be bound to delete the condition imposing the requirement to pay the OSL because a municipality can only collect an OSL once for each of the authorized purposes for a given a parcel of land.



Section 648(8) applies to all infrastructure and facility types described in section 648(2) and section 648(2.1) of the MGA, and is not limited to previous charges for community recreation facilities.

Assuming that the OSL bylaw is clear, it should be a simple matter for the SDAB to determine if the amount of the OSL being imposed was correctly calculated.

If the SDAB determines that the condition imposing the requirement to pay the OSL should be deleted from the subdivision approval, then ABC Development can proceed with its subdivision without being obligated to pay the OSL. The same logic would apply in the case of an appeal of a condition of a development permit. The ability of Albertaville to impose an obligation to pay the OSL on any other benefitting lands identified under the OSL bylaw is not impacted by the SDAB decision.

In light of a decision by the SDAB to delete the condition to pay the OSL, it would be prudent for Albertaville to re-evaluate the impact any previously collected fees or charges might have on the underlying assumptions of its OSL regime.

If there is an Application for Judicial Review at the same time as an appeal to the SDAB, it would not be unusual for either ABC Development or Albertaville to ask the SDAB to adjourn its proceedings until after the judicial review has been concluded. Assuming such a request is made, the SDAB would convene its hearing and deal with the request for the adjournment and thereby satisfy the statutory requirement that the hearing on an appeal be commenced within 30 days. If the Court concludes the OSL bylaw is invalid, then ABC Development would likely abandon its appeal to the SDAB.

C. Appeal to the Municipal Government Board

Section 648.1 of the MGA creates the opportunity for an appeal of an OSL bylaw to the MGB. Only an OSL bylaw for the facilities listed under section 648(2.1) of the MGA (community recreation facilities, fire hall facilities, police station facilities and libraries) can be appealed to the MGB.

Section 648.1(1) of the MGA sets out the following as the grounds for an appeal to the MGB:

- (i) that the purpose for which the off-site levy is to be imposed is unlikely to benefit future occupants of the land who may be subject to the off-site levy to the extent required by the regulations;
- (ii) that the principles and criteria referred to in regulations made under section 694(4)(b) that must be applied by a municipality when passing the off-site levy bylaw have not been complied with;
- (iii) that the determination of the benefitting area was not determined in accordance with regulations made under section 694(4)(c);
- (iv) that the off-site levy or any portion of it is not for the payment of the capital costs of the purposes set out in section 648(2.1);
- (v) that the calculation of the off-site levy is inconsistent with regulations made under section 694(4) or is incorrect;
- (vi) that an off-site levy for the same purpose has already been imposed and collected with respect to the proposed development or subdivision.

Section 10 of the *Off-Site Levies Regulation* provides that “any person who is directly affected by a bylaw imposing a levy for the purpose referred to in section 648(2.1) of the *Municipal Government Act* may submit a notice of appeal to the Municipal Government Board.” How broadly “person directly affected” will be defined is unknown at this time. In this case, there would be little doubt that ABC Development would be a person directly affected because their application for subdivision has been approved subject to a condition requiring them to pay an OSL for community recreation facilities.¹³

“The Court tends to be reluctant to interfere with the legislative power granted to a municipal council. In giving the MGB the ability to direct a municipal council, the MGA allows the MGB to involve itself in the political process.”

Whether another developer, who might have to pay the OSL for the community recreation facility but against whom the condition has not yet been imposed, is directly affected by an OSL and has standing to appeal will have to be determined by the MGB when/if the circumstance arises.

The time within which an appeal can be filed with the MGB is very short. According to section 11 of the *Off-Site Levies Regulation*, an appeal must be submitted to the MGB “within 30 days of the day

on which the bylaw imposing the levy was passed.” Section 12 of the *Off-Site Levies Regulation* sets out what must be included in the notice of appeal. The notice of appeal must, among other things,

- explain how the appellant is directly affected by the bylaw (section 12(1)(b), *Off-Site Levies Regulation*);
- set out the ground on which the appeal is made; and
- contain a description of the relief requested.

In terms of other procedures to be followed, as this is a new category of appeal, the procedure that will be followed by the MGB will likely be similar to the procedure used by the MGB with respect to subdivision appeals that are within the jurisdiction of the MGB. In that regard, the MGB’s website refers readers to the MGB Residual Procedure Rules (For Matters Under Subsections 488(1)(D, E, E.1, G, H, AND K)) for OSL appeals under section 648(2.1), suggesting that it is these Residual Rules that will apply.¹⁴

What remedies could ABC Development request? Based on section 648.1(2) of the MGA, ABC Development can request that the OSL bylaw or a portion of the bylaw be declared invalid. The MGB can, in declaring the bylaw invalid “provide that the bylaw may be repassed or amended in a manner determined by the Board” (section 648.1(2)(b), MGA). This elevates the MGB to the same position as the Court of Queen’s Bench with respect to the question on whether an OSL bylaw is invalid. Typically, if the Court of Queen’s Bench quashes a bylaw, it does not direct how the municipality must amend the bylaw. The Court tends to be reluctant to interfere with the legislative power granted to a municipal council. In giving the MGB the ability to direct a municipal

¹³ The person directly affected could in some circumstances be an applicant for a development permit when a condition imposing an obligation to pay an OSL has been made part of the development permit. In that limited context, the MGB would deal with the appeal even though the MGB does not have jurisdiction to otherwise hear appeals of a development approval.

¹⁴ See <http://www.municipalaffairs.alberta.ca/off-site-levy> which refers to the MGB Residual Procedure Rules.

council, the MGA allows the MGB to involve itself in the political process. The type or extent of directions that the MGB may give municipalities will be of great interest to follow.

Another interesting complication to the challenge of an OSL bylaw is how the MGB appeal and the Application for Judicial Review will work together. It would be nonsensical if both appeals proceeded at the same time with the potential that the Court could uphold the OSL bylaw and the MGB conclude that the same OSL bylaw is invalid. Were that to happen, the municipality would be in the untenable position of not knowing which decision takes priority over the other. Even if the appeal to the MGB and the Application for Judicial Review proceed sequentially, the municipality may still have to defend its bylaw before both the MGB and the Court. The developer that is unsuccessful with its first appeal/application, whether that first appeal/application is to the MGB or

the Court, could proceed with an appeal/application to the second body (MGB or Court). Effectively this gives those challenging an OSL bylaw for section 648(2.1) facilities two opportunities to challenge the OSL bylaw. Given the short time-frame within which an appeal to the MGB can be made, the risk of conflicting Court and MGB decisions is limited to the period immediately following the passage of the OSL bylaw. If a section 648(2.1) OSL bylaw is not appealed to the MGB within 30 days of its passage, a municipality will not have to worry about conflicting MGB and Court decisions.

Finally, it should be noted that the MGB can award costs against one of the parties, which would also be the case with the Application for Judicial Review. The SDAB, however, cannot award costs. Further, the MGB can revisit its decision. The SDAB, however, cannot revisit its decision and a Court would be unlikely to revisit its decisions. All three decisions,

from the Court, SDAB and MGB, can in turn be appealed to the Court of Appeal. Appeals from the SDAB and the MGB to the Court of Appeal would be limited to questions of law or jurisdiction in accordance with section 688 of the MGA. An appeal of a decision on an Application for Judicial Review would need to be brought in accordance with the applicable Rules of Court.



APPENDIX A: EXCERPT OF RELEVANT PROVISIONS OF THE MUNICIPAL GOVERNMENT ACT

RSA 2000, CHAPTER M-26

Application to the Court of Queen's Bench

- 536(1)** A person may apply to the Court of Queen's Bench for
- (a) a declaration that a bylaw or resolution is invalid, or
 - (b) an order requiring a council to amend or repeal a bylaw as a result of a vote by the electors on the amendment or repeal.
- (2)** A judge may require an applicant to provide security for costs in an amount and manner established by the judge.

Requirements for advertising

- 606(1)** The requirements of this section apply when this or another enactment requires a bylaw, resolution, meeting, public hearing or something else to be advertised by a municipality, unless this or another enactment specifies otherwise.
- (2)** Notice of the bylaw, resolution, meeting, public hearing or other thing must be
- (a) published at least once a week for 2 consecutive weeks in at least one newspaper or other publication circulating in the area to which the proposed bylaw, resolution or other thing relates, or in which the meeting or hearing is to be held,
 - (b) mailed or delivered to every residence in the area to which the proposed bylaw, resolution or other thing relates, or in which the meeting or hearing is to be held, or
 - (c) given by a method provided for in a bylaw under section 606.1.
- (3)** A notice of a proposed bylaw must be advertised under subsection (2) before second reading.
- (4)** A notice of a proposed resolution must be advertised under subsection (2) before it is voted on by council.

- (5)** A notice of a meeting, public hearing or other thing must be advertised under subsection (2) at least 5 days before the meeting, public hearing or thing occurs.
- (6)** A notice must contain
- (a) a statement of the general purpose of the proposed bylaw, resolution, meeting, public hearing or other thing,
 - (b) the address where a copy of the proposed bylaw, resolution or other thing, and any document relating to it or to the meeting or public hearing may be inspected,
 - (c) in the case of a bylaw or resolution, an outline of the procedure to be followed by anyone wishing to file a petition in respect of it, and
 - (d) in the case of a meeting or public hearing, the date, time and place where it will be held.
- (7)** A certificate of a designated officer certifying that something has been advertised in accordance with this section is proof, in the absence of evidence to the contrary, of the matters set out in the certificate.
- (8)** The certificate is admissible in evidence without proof of the appointment or signature of the person who signed the certificate.

Advertisement bylaw

- 606.1(1)** A council may by bylaw provide for one or more methods, which may include electronic means, for advertising proposed bylaws, resolutions, meetings, public hearings and other things referred to in section 606.
- (2)** Before making a bylaw under subsection (1), council must be satisfied that the method the bylaw would provide for is likely to bring proposed bylaws, resolutions, meetings, public hearings and other things advertised by that method to the attention of substantially all residents in the area to which the bylaw, resolution or other thing relates or in which the meeting or hearing is to be held.
- (3)** Council must conduct a public hearing before making a bylaw under subsection (1).

Excerpt of Relevant Provisions of the Municipal Government Act

- (4)** A notice of a bylaw proposed to be made under subsection (1) must be advertised in a manner described in section 606(2)(a) or (b) or by a method provided for in a bylaw made under this section.
- (5)** A notice of a bylaw proposed to be made under subsection (1) must contain
 - (a) a statement of the general purpose of the proposed bylaw,
 - (b) the address or website where a copy of the proposed bylaw may be examined, and
 - (c) an outline of the procedure to be followed by anyone wishing to file a petition in respect of the proposed bylaw.
- (6)** A bylaw passed under this section must be made available for public inspection.

Definitions

616 In this Part,

...

(a.11) “community recreation facilities” means indoor municipal facilities used primarily by members of the public to participate in recreational activities conducted at the facilities;

...

(h) “highway” means a provincial highway under the Highways Development and Protection Act;

...

(aa) “road” means road as defined in section 1(1), but does not include highway as defined in this Part;

Listing and publishing of policies

- 638.2(1)** Every municipality must compile and keep updated a list of any policies that may be considered in making decisions under this Part
- (a) that have been approved by council by resolution or bylaw, or
 - (b) that have been made by a body or person to whom powers, duties or functions are delegated under section 203 or 209,

and that do not form part of a bylaw made under this Part.

- (2)** The municipality must publish the following on the municipality’s website:
 - (a) the list of the policies referred to in subsection (1);
 - (b) the policies described in subsection (1);
 - (c) a summary of the policies described in subsection (1) and of how they relate to each other and how they relate to any statutory plans and bylaws passed in accordance with this Part;
 - (d) any documents incorporated by reference in any bylaws passed in accordance with this Part.
- (3)** A development authority, subdivision authority, subdivision and development appeal board, the Municipal Government Board or a court shall not have regard to any policy approved by a council or by a person or body referred to in subsection (1)(b) unless the policy is set out in the list prepared and maintained under subsection (1) and published in accordance with subsection (2).
- (4)** This section applies on and after January 1, 2019.

Off-site levy

- 648(1)** For the purposes referred to in subsections (2) and (2.1), a council may by bylaw
- (a) provide for the imposition and payment of a levy, to be known as an “off-site levy”, in respect of land that is to be developed or subdivided, and
 - (b) authorize an agreement to be entered into in respect of the payment of the levy.
- (1.1)** A bylaw may not impose an off-site levy on land owned by a school board that is to be developed for a school building project within the meaning of the School Act.
- (2)** An off-site levy may be used only to pay for all or part of the capital cost of any or all of the following:
- (a) new or expanded facilities for the storage, transmission, treatment or supplying of water;

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- (b) new or expanded facilities for the treatment, movement or disposal of sanitary sewage;
 - (c) new or expanded storm sewer drainage facilities;
 - (c.1) new or expanded roads required for or impacted by a subdivision or development;
 - (c.2) subject to the regulations, new or expanded transportation infrastructure required to connect, or to improve the connection of, municipal roads to provincial highways resulting from a subdivision or development;
 - (d) land required for or in connection with any facilities described in clauses (a) to (c.2).
- (2.1)** In addition to the capital cost of facilities described in subsection (2), an off-site levy may be used to pay for all or part of the capital cost for any of the following purposes, including the cost of any related appurtenances and any land required for or in connection with the purpose:
- (a) new or expanded community recreation facilities;
 - (b) new or expanded fire hall facilities;
 - (c) new or expanded police station facilities;
 - (d) new or expanded libraries.
- (2.2)** Subject to an appeal under section 648.1, an off-site levy may be imposed and collected for a purpose referred to in subsection (2.1) only if no off-site levy has been previously imposed under subsection (1) for the same purpose with respect to the land on which the off-site levy is being imposed.
- (3)** On September 1, 1995 an off-site levy under the former Act continues as an off-site levy under this Part.
- (4)** An off-site levy imposed under this section or the former Act may be collected once for each purpose described in subsection (2) or (2.1), in respect of land that is the subject of a development or subdivision, if
- (a) the purpose of the off-site levy is authorized in the bylaw referred to in subsection (1), and
 - (b) the collection of the off-site levy for the purpose authorized in the bylaw is specified in the agreement referred to in subsection (1).
- (4.1)** Nothing in subsection (4) prohibits the collection of an off-site levy by instalments or otherwise over time.
- (5)** An off-site levy collected under this section, and any interest earned from the investment of the levy,
- (a) must be accounted for separately from other levies collected under this section, and
 - (b) must be used only for the specific purpose described in subsection (2)(a) to (c.2) or (2.1)(a) to (d) for which it is collected or for the land required for or in connection with that purpose.
- (6)** A bylaw under subsection (1) must be advertised in accordance with section 606 unless
- (a) the bylaw is passed before January 1, 2004, or
 - (b) the bylaw is passed on or after January 1, 2004 but at least one reading was given to the proposed bylaw before that date.
- (7)** Where after March 1, 1978 and before January 1, 2004 a fee or other charge was imposed on a developer by a municipality pursuant to a development agreement entered into by the developer and the municipality for the purpose described in subsection (2)(c.1), that fee or charge is deemed
- (a) to have been imposed pursuant to a bylaw under this section, and
 - (b) to have been validly imposed and collected
- effective from the date the fee or charge was imposed.
- (8)** If, before the coming into force of this subsection, a fee or other charge was imposed on a developer by a municipality pursuant to a development agreement entered into by the developer and the municipality for one or more purposes described in subsection (2) or (2.1), that fee or charge is deemed
- (a) to have been imposed pursuant to a bylaw under this section, and
 - (b) to have been validly imposed and collected effective from the date the fee or charge was imposed.
- (9)** If, before the coming into force of this subsection, a bylaw was made that purported to impose a fee or other charge on a developer for a purpose described in subsection (2) or (2.1),
- (a) that bylaw is deemed to have been valid and enforceable to the extent that it imposed a fee or charge for a purpose described in subsection (2) or (2.1) before the coming into force of this subsection, and

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- (b) any fee or charge imposed pursuant to the bylaw before the coming into force of this subsection is deemed to have been validly imposed and collected effective from the date the fee or charge was imposed.

Intermunicipal off-site levy

648.01(1) For the purpose of section 648(1) and subject to the requirements of section 12, 2 or more municipalities may provide for an off-site levy to be imposed on an intermunicipal basis.

- (2) Where 2 or more municipalities provide for an off-site levy to be imposed on an intermunicipal basis, the municipalities shall enter into such agreements as are necessary to attain the purposes described in section 648(2) or (2.1) that are to be funded by an off-site levy under section 648(1), by a framework made under Part 17.2 or by any other agreement.
- (3) For greater clarity, where 2 or more municipalities provide for an off-site levy to be imposed on an intermunicipal basis under subsection (1) for the purposes described in section 648(2.1), the benefitting area determined in accordance with the regulations may comprise any combination of land in the participating municipalities.
- (4) If a bylaw providing for an off-site levy to be imposed on an intermunicipal basis is appealed under section 648.1, the corresponding bylaws of the other participating municipalities are deemed to also be appealed.

Appeal of off-site levy

648.1(1) Any person may, subject to and in accordance with the regulations, appeal any of the provisions of an off-site levy bylaw relating to an off-site levy for a purpose referred to in section 648(2.1) to the Municipal Government Board on any of the following grounds:

- (a) that the purpose for which the off-site levy is to be imposed is unlikely to benefit future occupants of the land who may be subject to the off-site levy to the extent required by the regulations;
- (b) that the principles and criteria referred to in regulations made under section 694(4)(b) that must be applied by a municipality when passing the off-site levy bylaw have not been complied with;

- (c) that the determination of the benefitting area was not determined in accordance with regulations made under section 694(4)(c);
- (d) that the off-site levy or any portion of it is not for the payment of the capital costs of the purposes set out in section 648(2.1);
- (e) that the calculation of the off-site levy is inconsistent with regulations made under section 694(4) or is incorrect;
- (f) that an off-site levy for the same purpose has already been imposed and collected with respect to the proposed development or subdivision.

(2) After hearing the appeal, the Municipal Government Board may

- (a) dismiss the appeal in whole or in part, or
- (b) declare the off-site levy bylaw or a portion of the bylaw to be invalid and provide that the bylaw may be repassed or amended in a manner determined by the Board.

(3) Where an off-site levy bylaw amends the amount of an off-site levy referred to in subsection (1), an appeal under this section may only be brought with respect to that amendment.

Levy bylaws

649 A bylaw that authorizes a redevelopment levy or an off-site levy must set out the purpose of each levy and indicate how the amount of the levy was determined.

Condition of issuing development permit

650(1) A council may in a land use bylaw require that, as a condition of a development permit's being issued, the applicant enter into an agreement with the municipality to do any or all of the following:

- (a) to construct or pay for the construction of a road required to give access to the development;
- (b) to construct or pay for the construction of
 - (i) a pedestrian walkway system to serve the development, or
 - (ii) pedestrian walkways to connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development,

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or both;

- (c) to install or pay for the installation of a public utility described in section 616(v)(i) to (ix) that is necessary to serve the development, whether or not the public utility is, or will be, located on the land that is the subject of the development;
- (d) to construct or pay for the construction of
 - (i) offstreet or other parking facilities, and
 - (ii) loading and unloading facilities;
- (e) to pay an off-site levy or redevelopment levy imposed by bylaw;
- (f) to give security to ensure that the terms of the agreement under this section are carried out.

- (2)** A municipality may register a caveat under the *Land Titles Act* in respect of an agreement under this section against the certificate of title for the land that is the subject of the development.
- (3)** If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the agreement has been complied with.
- (4)** Where, prior to the coming into force of this subsection, an agreement referred to in subsection (1) required the applicant to install a public utility or pay an amount for a public utility referred to in subsection (1)(c), that requirement is deemed to have been validly imposed, whether or not the public utility was located on the land that was the subject of the development.

Agreements re oversize improvements

- 651(1)** An agreement referred to in section 648, 650 or 655 may require the applicant for a development permit or subdivision approval
 - (a) to pay for all or a portion of the cost of an improvement constructed or paid for in whole or in part by a municipality at any time prior to the date of approval of the development permit or subdivision approval application, or
 - (b) to construct or pay for all or a portion of an improvement with an excess capacity.

- (2)** An agreement referred to in subsection (1)(b) or (3) that obliges an applicant for a development permit or subdivision approval to construct or pay for an improvement with an excess capacity may also provide for the reimbursement of the cost incurred or payment made in respect of the excess capacity together with interest calculated at the rate fixed pursuant to subsection (4) on the amount of the cost until the land that benefits from the excess capacity is developed or subdivided.
- (3)** If a municipality has at any time, either before or after this section comes into force, or before or after section 77.1 of the Planning Act was deemed to come into force, entered into an agreement providing for reimbursement of payments made or costs incurred in respect of the excess capacity of an improvement by an applicant for a development permit or subdivision approval, the municipality must, when other land that benefits from the improvement is developed or subdivided, enter into an agreement with the applicant for a development permit or subdivision approval for the other land, and that agreement may require the applicant to pay an amount in respect of the improvement, as determined by the municipality, which may be in excess of the cost of the improvement required for the proposed development or subdivision.
- (4)** An agreement made in accordance with subsection (1)(a) or (3) may require that, in addition to paying for all or part of the cost of an improvement, an applicant for a development permit or subdivision approval must pay reasonable interest on the cost in an amount to be fixed by the municipality.
- (5)** In this section,
 - (a) “excess capacity” means any capacity in excess of that required for a proposed development or subdivision;
 - (b) “improvement” means
 - (i) a facility or land referred to in section 648(2), or
 - (ii) a road, pedestrian walkway, utility or facility referred to in section 650(1) or 655(1)(b),
 - (c) whether or not located on the land to be developed or subdivided and whether or not constructed at the time of development or subdivision approval.

Conditions of subdivision approval

- 655(1)** A subdivision authority may impose the following conditions or any other conditions permitted to be imposed by the subdivision and development regulations on a subdivision approval issued by it:
- (a) any conditions to ensure that this Part and the statutory plans and land use bylaws and the regulations under this Part, and any applicable ALSA regional plan, affecting the land proposed to be subdivided are complied with;
 - (b) a condition that the applicant enter into an agreement with the municipality to do any or all of the following:
 - (i) to construct or pay for the construction of a road required to give access to the subdivision;
 - (ii) to construct or pay for the construction of
 - (A) a pedestrian walkway system to serve the subdivision, or
 - (B) pedestrian walkways to connect the pedestrian walkway system serving the subdivision with a pedestrian walkway system that serves or is proposed to serve an adjacent subdivision,
- or both;
- (iii) to install or pay for the installation of a public utility described in section 616(v)(i) to (ix) that is necessary to serve the subdivision, whether or not the public utility is, or will be, located on the land that is the subject of the subdivision approval;
 - (iv) to construct or pay for the construction of.
 - (A) offstreet or other parking facilities, and
 - (B) loading and unloading facilities;
 - (v) to pay an off-site levy or redevelopment levy imposed by bylaw;
 - (vi) to give security to ensure that the terms of the agreement under this section are carried out.
- (2)** A municipality may register a caveat under the Land Titles Act in respect of an agreement under subsection (1)(b) against the certificate of title for the parcel of land that is the subject of the subdivision.
- (3)** If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the agreement has been complied with.
- (4)** Where a condition on a subdivision approval has, prior to the coming into force of this subsection, required the applicant to install a public utility or pay an amount for a public utility referred to in subsection (1)(b)(iii), that condition is deemed to have been validly imposed, whether or not the public utility was located on the land that was the subject of the subdivision approval.

APPENDIX B: OFF-SITE LEVIES REGULATION

ALBERTA REGULATION 187/2017

Definitions

- 1** In this Regulation,
- (a) “facilities” includes the facility, the associated infrastructure, the land necessary for the facility and related appurtenances referred to in section 648(2.1) of the Act;
 - (b) “infrastructure” means the infrastructure, facilities and land required for the purposes referred to in section 648(2)(a) to (c.1) of the Act;
 - (c) “levy” means an off-site levy referred to in section 648(1) of the Act;
 - (d) “stakeholder” means any person that will be required to pay the levy when the bylaw is passed, or any other person the municipality considers is affected;
 - (e) “transportation infrastructure” means the infrastructure and land referred to in section 648(2)(c.2) required to connect or improve the connection of a municipal road to a provincial highway.

Application generally

- 2** A municipality, in establishing a levy
- (a) for the purposes of section 648(2)(a) to (c.1) of the Act and any land required for or in connection with these purposes, must apply the principles and criteria specified in sections 3, 4 and 5,
 - (a.1) for the purposes of section 648(2)(c.2) of the Act and any land required for or in connection with these purposes, must apply the principles and criteria specified in sections 3, 3.1, 4, 5 and 5.1,
 - (b) for the purposes of section 648(2.1) of the Act, must apply the principles and criteria specified in sections 3, 4, 5 and 6, and
 - (c) for the purposes of section 648.01 of the Act, must apply the principles and criteria specified in sections 3, 4, 5 and 7.

General principles

- 3(1)** Subject to section 3.1, the municipality is responsible for addressing and defining existing and future infrastructure, transportation infrastructure and facility requirements.
- (2)** The municipality must consult in good faith with stakeholders in accordance with section 8.
- (3)** All beneficiaries of development are to be given the opportunity to participate in the cost of providing and installing infrastructure, transportation infrastructure and facilities in the municipality on an equitable basis related to the degree of benefit.
- (4)** Where necessary and practicable, the municipality is to coordinate infrastructure, transportation infrastructure and facilities provisions with neighbouring municipalities.
- (5)** Notwithstanding anything to the contrary in this Regulation, the levy is of no effect to the extent it directs the Government of Alberta to expend funds, to commit to funding transportation infrastructure or arrangements to undertake particular actions or to adopt particular policies or programs.
- (6)** A municipality cannot compel an applicant for a development permit or subdivision approval to fund the cost of the construction of infrastructure, transportation infrastructure or facilities to be funded by a levy beyond the applicant’s proportional benefit.
- (7)** A municipality and an applicant for a development permit or subdivision approval may enter into an agreement whereby the applicant agrees to fund the entire cost of the construction of infrastructure, transportation infrastructure or facilities to be funded by a levy, subject to terms and conditions agreed to by both parties.
- (8)** An agreement made under subsection (7) may include provisions for the reimbursement of the cost incurred or payment made in excess of the applicant’s proportional benefit of the infrastructure, transportation infrastructure or facilities together with interest calculated at a rate fixed by the municipality for the amount of the cost of the infrastructure,

transportation infrastructure or facilities until all land in the benefitting area for the specific infrastructure, transportation infrastructure or facilities is developed or subdivided.

Transportation infrastructure – general principles

- 3.1(1)** The municipality, in consultation with the Minister responsible for the Highways Development and Protection Act, is responsible for defining the need, standards, location and staging for new or expanded transportation infrastructure.
- (2)** All transportation infrastructure constructed must adhere to the standards, best practices and guidelines acceptable to the Minister responsible for the Highways Development and Protection Act and are subject to that Minister's approval.

LEVY BYLAWS

Principles and criteria for determining methodology

- 4(1)** A municipality has the flexibility to determine the methodology on which to base the calculation of the levy, provided that such methodology
- (a) takes into account criteria such as area, density or intensity of use,
 - (b) recognizes variation among infrastructure, facility and transportation infrastructure types,
 - (c) is consistent across the municipality for that type of infrastructure, facility or transportation infrastructure, and
 - (d) is clear and reasonable.
- (2)** Notwithstanding subsection (1)(c), the methodology used in determining the calculation of a levy may be different for each specific type of infrastructure, transportation infrastructure or facility.

Principles and criteria for determining levy costs

- 5(1)** In determining the basis on which the levy is calculated, the municipality must at a minimum consider and include or reference the following in the bylaw imposing the levy:

- (a) a description of the specific infrastructure, facilities and transportation infrastructure;
 - (b) a description of each of the benefitting areas and how those areas were determined;
 - (c) supporting studies, technical data and analysis;
 - (d) estimated costs and mechanisms to address variations in cost over time.
- (2)** The municipality may establish the levy in a manner that involves or recognizes the unique or special circumstances of the municipality.
- (3)** The information used to calculate the levy must be kept current.
- (4)** -The municipality must include a requirement for a periodic review of the calculation of the levy in the bylaw imposing the levy.
- (5)** There must be a correlation between the levy and the benefits to new development.

Additional principles and criteria to apply to transportation infrastructure

- 5.1(1)** In calculating a levy imposed pursuant to section 648(2)(c.2) of the Act, the municipality must take into consideration the following:
- (a) supporting traffic impact assessments or other applicable technical studies;
 - (b) statutory plans;
 - (c) policies;
 - (d) agreements that identify
 - (e) the need for and benefits from the new transportation infrastructure,
 - (i) the anticipated growth horizon, and
 - (ii) the portion of the estimated costs of the transportation infrastructure that is not covered by the Crown that is proposed to be paid by
 - (A) the municipality,
 - (B) the revenue raised by the levy, and
 - (C) other sources of revenue;
 - (f) any other relevant documents.

Off-Site Levies Regulation

- (2) In addition to the principles and criteria set out in sections 3, 3.1, 4 and 5, the additional criteria set out in subsections (1), (3) and (4) apply when determining a levy for transportation infrastructure.
- (3) Once the need for transportation infrastructure has been identified by a **municipality in consultation with the Minister responsible for the Highways Development and Protection Act**, the municipality
 - (a) must determine the benefitting area, and
 - (b) must base the benefitting area on a reasonable geographic area for the **use of the transportation infrastructure**.
- (4) A levy under this section must apply proportionally to a benefitting area determined under subsection (3).

Additional principles and criteria to apply to s648(2.1) facilities

- 6(1)** In calculating a levy imposed pursuant to section 648(2.1) of the Act, the municipality must take into consideration supporting statutory plans, policies or agreements and any other relevant documents that identify
 - (a) the need for and anticipated benefits from the new facilities,
 - (b) the anticipated growth horizon, and
 - (c) **the portion of the estimated cost of the facilities that is proposed to be paid by each of**
 - (i) the municipality,
 - (ii) the revenue raised by the levy, and
 - (iii) other sources of revenue.
- (2) In addition to the criteria set out in subsection (1), the principles and criteria set out in sections 3, 4 and 5 apply when determining a levy for the facilities referred to in section 648(2.1) of the Act.
- (3) The municipality has the discretion to establish service levels and minimum **building and base standards for the proposed facilities**.

Additional principles and criteria to apply to s648.01 intermunicipal off-site levies

- 7(1)** In calculating a levy imposed on an intermunicipal basis pursuant to section 648.01 of the Act, each participating municipality must use a consistent methodology to calculate the levy and each bylaw imposing the levy must
 - (a) identify the same specific infrastructure, transportation infrastructure **and facilities**,
 - (b) identify the same benefitting area across participating municipalities for the specific infrastructure, transportation infrastructure and facilities, **and**
 - (c) identify the portion of benefit attributable to each participating municipality within that benefitting area.
- (2) In addition to the criteria set out in subsection (1), the principles and criteria set out in sections 3, 4 and 5 apply when determining an intermunicipal levy referred to in section 648.01 of the Act.
- (2.1)** In addition to the criteria set out in subsection (1), the principles and criteria set out in sections 3.1 and 5.1 apply when determining an intermunicipal levy for transportation infrastructure referred to in section 648(2)(c.2) of the Act.
- (3) In addition to the criteria set out in subsection (1), when determining an intermunicipal levy referred to in section 648.01 of the Act for facilities referred to in section 648(2.1) of the Act, the principles and criteria set out in section 6 apply.

Consultation

- 8(1)** The municipality must consult in good faith with stakeholders prior to making a final determination on defining and addressing existing and future **infrastructure, transportation infrastructure and facility requirements**.
- (2) The municipality must consult in good faith with stakeholders when determining the methodology on which to base the levy.
- (3) Prior to passing or amending a bylaw imposing a levy, the municipality must consult in good faith on the calculation of the levy with stakeholders in the benefitting area where the levy will apply.

Off-Site Levies Regulation

- (4)** During consultation under subsections (1), (2) and (3), the municipality must make available to stakeholders on request any assumptions, data or calculations used to determine the levy.

Annual report

- 9(1)** The municipality must provide full and open disclosure of all the levy costs and payments.
- (2)** The municipality must report on the levy annually and include in the report the details of all levies received and utilized for each type of facility and infrastructure within each benefitting area.
- (3)** Any report referred to in subsection (2) must be in writing and be publicly available in its entirety.

LEVY BYLAW APPEALS

Who may appeal

- 10** Pursuant to section 648.1 of the Act, any person who is directly affected by a bylaw imposing a levy for a purpose referred to in section 648(2.1) of the Act may submit a notice of appeal to the Municipal Government Board.

Appeal period

- 11** An appeal must be submitted to the Municipal Government Board within 30 days of the day on which the bylaw imposing the levy was passed.

Form of appeal

- 12(1)** A notice of appeal under section 10 must
- identify the municipality or municipalities that passed the bylaw that is objected to,
 - identify how the appellant is directly affected by the bylaw that is objected to,
 - set out the grounds on which the appeal is made,

- contain a description of the relief requested by the appellant,
- where the appellant is an individual, be signed by the appellant or the appellant's lawyer,
- where the appellant is a corporation, be signed by an authorized director or officer of the corporation or by the corporation's lawyer, and
- contain an address for service for the appellant.

- (2)** If a notice of appeal does not comply with subsection (1), the Municipal Government Board must reject it and dismiss the appeal.

Consolidation of appeals

- 13** Where there are 2 or more appeals commenced in accordance with section 10, the Municipal Government Board may
- consolidate the appeals,
 - hear the appeals at the same time,
 - hear the appeals consecutively, or
 - stay the determination of the appeals until the determination of any other appeal.

No stay of levy

- 14(1)** The municipality may continue to impose and collect a levy even if the bylaw imposing the levy is subject to an appeal under section 10.
- (2)** During the appeal period or pending the determination of an appeal of the bylaw imposing the levy by the Municipal Government Board, any levy received under that bylaw by the municipality must be held in a separate account for each type of facility.
- (3)** The municipality must not use levy funds received while the bylaw imposing the levy is subject to an appeal under section 10 until the appeal has been determined by the Municipal Government Board.

SALE OF FACILITIES

Consultation on proposed sale

- 15** The municipality must engage in public consultation prior to the sale of any facilities constructed using levy funds.

Proceeds of sale

- 16** The proceeds of the sale of a facility constructed using levy funds must be used for the purpose for which the levy was originally collected.

Repeal

- 17** The Principles and Criteria for Offsite Levies Regulation (AR 48/2004) is repealed.

Coming into force

- 18** This Regulation comes into force on the coming into force of sections 104, 105 and 131(b) of the Modernized Municipal Government Act and section 1(60)(a) of An Act to Strengthen Municipal Government.

APPENDIX C: COURT CONSIDERATION OF OFF-SITE LEVY BYLAWS AND ISSUES

A. Bighorn (Municipal District) No. 8 v. Alberta (Municipal Government Board)

1999 Alberta Court of Appeal

The Subdivision Authority for the Municipal District of Bighorn approved a subdivision to create 10 lots. It was determined that the road that provided access to the lots was not in a condition to service the lands and needed to be upgraded. Council had passed a resolution that would require each new lot to pay a contribution of \$4,670 plus GST towards the upgrades. Condition 9 of the subdivision approval imposed the obligation to pay for the construction of the road upgrade on the developer. The developer appealed to the MGB. The MGB upheld the appeal and struck Condition 9. The MGB concluded that the levy could only be imposed as an OSL and that a bylaw was required. As there was no bylaw authorizing the levy, the condition was struck down. The Court of Appeal disagreed with the MGB and reinstated Condition 9. The Court held that section 655(1)(b)(i) of the MGA did allow the Subdivision Authority to impose the condition outside of an OSL regime. The wording of the section “to construct or pay for the construction of a road required to give access to the subdivision” included the ability to require an existing road to be upgraded if the upgrade was required to give access to the subdivision.

Conclusion – The condition of subdivision imposing a requirement to upgrade the access road was upheld.

Lessons Learned – Charges under section 655 are not OSL – Not all charges imposed on developers are OSL. These other charges include subdivision charges under section 655 or development charges under section 650 of the MGA. Charges that are not OSL do not need to be approved by bylaw.

B. Urban Development Institute v. Leduc (City)

2006 Alberta Court of Queen’s Bench

After much consultation and expert analysis, the City of Leduc adopted an OSL bylaw for water and roads. Leduc’s approach was to allocate only new costs to new developments. For example, for roads that would be expanded from two to four lanes because of new development, Leduc included the costs of the additional two lanes in the OSL calculations. The Urban Development Institute challenged the bylaw and

argued that costs for highway improvements should not have been included in the OSL assessments as the improvements would have been necessary regardless of new development. In upholding Leduc’s OSL Bylaw, the Court accepted the arguments put forward by Leduc and concluded that Leduc’s approach was rational. The Court stated that “In summary, the City bylaw based on the premise that new development ought to pay for the increased costs by new development is rational and appropriate” (at para. 23). In regards to the argument that Leduc had inappropriately included costs for provincial highways, the Court concluded that Leduc had not included cost respecting infrastructure within the provincial highway profile or attributed to through traffic or existing traffic concerns.

Conclusion – The City’s OSL Bylaw was upheld.

Lessons Learned – Inclusion of costs in levy calculations must be rational

- An OSL bylaw must have a rational basis for including or excluding costs of new infrastructure in the levy calculations.

C. Keyland Development Corp. v. Cochrane (Town)

2007 Alberta Court of Queen’s Bench

The Town of Cochrane passed an OSL bylaw that included the costs of a pump station upgrade, a twinning of an existing sewage line, a new water treatment plant, a new bridge and other projects at a total cost of \$51,766,000. Cochrane said that the benefit to the existing town was \$350,000. When the OSL of \$82,763 per hectare was imposed against Keyland, the company challenged the bylaw by arguing that not all of the municipal improvements were necessary for its development and that the Bylaw did not comply with the *Principles and Criteria for Off-Site Levies Regulation*. The Court reviewed the *Principles and Criteria for Off-Site Levies Regulation* to determine the core obligations that must be met and articulated in a valid OSL bylaw. The Court concluded that mandated requirements included how the amount of the levy was calculated, a sharing of costs based on benefit, and a correlation between the levy and the impacts of development. In this case, the Court held the bylaw was deficient in all three requirements and the bylaw was quashed.

Conclusion – Cochrane’s OSL Bylaw was quashed because it failed to comply with three requirements under the *Principles and Criteria for Off-Site Levies Regulation*.

Court Consideration of Off-site Levy Bylaws and Issues

Lessons Learned – OSL bylaws need to articulate how costs are calculated – Unsubstantiated estimates or projections of possible costs for the construction of municipal infrastructure are not sufficient.

OSL bylaws need to explain how benefit is allocated between new and existing development – Unsubstantiated or unexplained allocations of benefit, particularly if virtually no benefit is allocated to existing development, will not be acceptable.

Comply with the Regulation – OSL regimes must be established in compliance with the mandatory requirements of the Regulation.

D. ARW Development Corp. v. Beaumont (Town)

2011 Alberta Court of Appeal

The Town of Beaumont and ARW Development Corp. entered into a Master Agreement (MA) and Capital Contribution Agreement (CCA) in 1989. The MA did not deal with OSL and did not reference the CCA. Under the CCA, the developer agreed to develop 1,200 lots in phases and, prior to the issuance of a development permit for residential house construction on any lot in the development area, pay Beaumont \$2,500 per lot for the first five years. The amount was thereafter adjustable.

For approximately twenty years, the developer and Beaumont executed addendums to the MA and CCA for each phase of the development. The latter agreements were identical to the original CCA, save for changes reflecting the number of lots in the phase and an application of the escalation formula in the original CCA. The developer completed construction of approximately 700 of the

anticipated 1,200 residential lots in 14 phases and paid capital contribution levies for each lot as it was developed.

Section 648 of the MGA was amended in December 2003 to permit municipalities to charge roads to developers through OSL. In 2008 pursuant to section 648 of the MGA, Beaumont passed an OSL Bylaw imposing a levy on all “developable land” but excluding all “developed land.” In 2009, the OSL Bylaw was amended. The developer’s undeveloped lands were subject to the new OSL, which included costs for the specific roads that were also identified in the MA. The difference between the capital contribution levy rate under the original CCA and the new OSL rate was an increase of approximately \$4.5 million.

The developer applied for an Order declaring the bylaw invalid. In the alternative, the developer applied for an Order declaring as invalid or setting aside the portions of the bylaw that charged the developer’s lands in respect of the arterial road levy component of the OSL Bylaw. The application was granted in part.

The Court held that Beaumont had the authority to enact the OSL Bylaw, but that the contract between Beaumont and the developer effectively rendered the provisions in the bylaw that dealt with matters covered under the contract inoperable with respect to the developer’s lands. Beaumont was bound by the contract and the commitments in the contract regarding the payment of OSL. The OSL Bylaw only applied to the developer’s undeveloped lands to the extent that the levy was related to new or expanded roads required for or impacted by the developer’s lands. The charges related to these roads were applicable to the developer’s lands because at the time of the contracts (1989), it was not possible for Beaumont to impose an OSL for that type of infrastructure.

Conclusion – The contract between the developer and Beaumont determined the OSL to be paid by the developer.

Lessons Learned – Agreements remain binding – Where a municipality has entered into a contract with a developer that addresses OSL, that contract will govern the calculation of the OSL payable. Amendments to the OSL bylaw will not amend the terms of the contract.

Leviable¹⁵ Infrastructure – Levies can only be imposed for the infrastructure specified in section 648 of the MGA.

E. Prairie Communities Development Corp. v. Okotoks (Town)

2011 Alberta Court of Appeal

By resolution, the Town of Okotoks Council adopted a Contribution and Recovery of Expenses Agreement (CREA) for use in conjunction with its standard Servicing and Construction Agreements (i.e. a development agreement). The CREA imposed charges, totaling \$27,749/acre, for the following:

- Public facilities fee
- Engineering review and inspection fee
- Survey control stations fee
- Water and sewage fee
- Water license acquisition fee.

The fees had been adopted through the passage of an OSL bylaw. The bylaw and fees were challenged by a developer who argued that Okotoks was imposing fees that were not authorized by section 648 of the MGA. The public facilities fee, by way of example, was to cover the capital cost of expanding, upgrading or constructing public facilities such as police and fire services, arenas,

¹⁵ Leviable means capable of being levied or levied upon.

Court Consideration of Off-site Levy Bylaws and Issues

water spray parks and similar facilities. Okotoks argued that the municipality's "natural person powers" under section 6 of the MGA allowed a municipality to "negotiate" with developers for the payment of the various fees. This section provides that a municipality has the capacity, rights, powers and privileges of a natural person, which includes the ability to enter into a contract with another party.

The Court of Appeal rejected that argument finding that the fees charged by Okotoks were not paid "voluntarily" but were a mandatory charge or levy. The Court held that Okotoks could not rely on its natural person powers to collect unauthorized assessments and levies. To quote the Court "...natural person powers do not extend to imposing fees or charges or coercing developers into agreements to 'voluntarily' pay for infrastructure deficits."¹⁶

The developer also challenged the validity of Okotoks' bylaw on the grounds that it did not comply with the *Principles and Criteria for Off-Site Levies Regulation*, arguing that the bylaw was contrary to Section 3 of the Regulation as it failed to allocate costs of the new infrastructure amongst all users. The Court found that in determining whether the bylaw complied with the *Principles and Criteria for Off-Site Levies Regulation* that it was necessary to consider benefit. The "but for" test¹⁷ was not determinative according to the Court. Rather, Okotoks had a responsibility to allocate costs between new development and the existing residents in a "reasonable and responsible manner".¹⁸

The Court concluded that in most (but not all) projects, Okotoks appropriately allocated costs between the

residents and developers. An exception was the allocation of costs of certain road infrastructure. In its Municipal Development Plan, Okotoks recognized that existing residents would benefit from the new bridge but the bylaw failed to disclose how Okotoks would share in the costs in the future. Okotoks argued that it would bear future costs of expanding the bridge but the Court did not find that argument persuasive.

Conclusion – The Council Resolution adopting the Contribution Agreement was declared invalid, given that recovery of the various fees including for public facilities were not authorized under the MGA, and the parts of the bylaw related to the bridge were quashed.

Lessons Learned – Breadth of municipal power – Natural person powers cannot be used to expand a municipality's power to impose a levy.

Leviable Infrastructure – Levies can only be imposed for the infrastructure specified in Section 648.

Allocation based on assessment of benefit – An OSL bylaw must allocate costs between existing residents and new development in a reasonable and responsible manner in consideration of the respective benefit to the groups.

Transparency – The allocation of costs must be apparent on the face of the OSL bylaw.

F. Kiewit Energy Corp v. Edmonton (Subdivision and Development Appeal Board)

2013 Alberta Court of Appeal

Kiewit was issued a development permit and was charged what the City of Edmonton referred to as a Sanitary Sewer Expansion Assessment. Several years later, Kiewit applied for another development permit and this time Edmonton imposed a condition requiring payment of an Arterial Roadway Levy. The condition requiring payment of the arterial roadway levy was appealed to the SDAB. The SDAB found that the Sanitary Sewer Expansion Assessment was not an OSL and upheld the condition requiring payment of the Arterial Roadway Levy. Kiewit appealed to the Court of Appeal. Edmonton argued that the Sanitary Sewer Expansion Assessment was imposed pursuant to section 650 of the MGA and was not an OSL. The Court of Appeal disagreed and held that the Sanitary Sewer Expansion Assessment was an OSL even though there was no specific bylaw creating the levy. The Court concluded that the Land Use Bylaw and provisions of the MGA allowed Edmonton to charge the Sanitary Sewer Expansion Assessment as an OSL.

Conclusion – The condition requiring payment of the Arterial Roadway Assessment was struck down because at the time the MGA only allowed OSL to be collected once for a parcel of land.¹⁹

¹⁶ *Prairie Communities Development Corp v. Okotoks (Town)* 2011ABCA 315 at para 51 ("*Okotoks*").

¹⁷ The "but for" test would result in the allocation of all infrastructure costs that would not be incurred but for the new development to developers.

¹⁸ *Okotoks*, *supra* note 16 at para 72.

¹⁹ Following the *Kiewit* decision, Section 648 of the MGA was amended to allow OSL to be collected once for each category of infrastructure. Thus it became possible to collect a sanitary sewer levy at one point in time and a roadway levy from the same parcel of land at another point in time.

Court Consideration of Off-site Levy Bylaws and Issues

Lessons Learned – Whether a charge is an OSL is up to the Courts – Regardless of what authority the municipality thought it was relying on in imposing a charge, the Courts may characterize a charge as an OSL if the charge relates to the type of municipal infrastructure could be made the subject of an OSL.

G. Rosenthal Communities Inc. v. Edmonton (Subdivision and Development Appeal Board)

2015 Alberta Court of Appeal

The Subdivision Authority for the City of Edmonton imposed, as a condition of subdivision approval, a condition that required the developer to pay for the cost of constructing a sidewalk. The decision of the Subdivision Authority was appealed to the SDAB. The SDAB upheld the condition and the developer then appealed to the Alberta Court of Appeal. The developer argued that Edmonton's OSL Bylaw for Arterial Roads eliminated Edmonton's ability to rely upon section 655 of the MGA. The Court of Appeal held that the OSL Bylaw did not override or limit the authority of the Subdivision Authority pursuant to section 655 and that the condition was a valid condition. Although the OSL Bylaw obligated Edmonton to build two lanes of roadway, Edmonton was not obliged to build a sidewalk along the roadway as part of its OSL regime.

Conclusion – The adoption of an OSL bylaw does not eliminate a municipality's ability to rely on other authority it might have under the MGA to require developers to contribute to the costs of municipal infrastructure.

Lessons Learned – Imposing OSL does not preclude the use of other cost recovery mechanisms – OSL are but one tool in a municipality's tool box for requiring developers to contribute to the cost of municipal infrastructure and can be used in conjunction with other cost recovery mechanisms in appropriate circumstances.

Transparency – Clarity in what is included as part of the costs of construction can avoid challenges and uncertainty.

H. Marrazzo v. Leduc County (Subdivision and Development Appeal Board)

2016 Alberta Court of Appeal

Marrazzo applied for a development permit to construct an addition to an industrial shop/office. The Development Authority for Leduc County imposed a condition requiring that Marrazzo pay OSL for water and roadways. The total amount Marrazzo was required to pay was approximately \$129,000.00. Marrazzo appealed the imposition of the condition related to the OSL on the grounds that the property had previously been subject to a sewer local improvement tax. The SDAB rejected that argument and upheld the condition. The SDAB held that the local improvement tax for sewers was not an OSL and that the taxes in question were for different purposes, namely roadways and water. Marrazzo applied for permission to appeal the decision of the SDAB. The Court of Appeal did not grant Marrazzo permission to appeal. One of the arguments Marrazzo made to the Court of Appeal was that the SDAB erred by failing to consider whether the OSL Bylaw satisfied the *Principles and Criteria for Off-Site Levies Regulation* and specifically, whether the impact of the addition justified the imposition of \$129,000 in OSL.

Conclusion – Permission to appeal the decision of the SDAB was denied.

Lessons Learned – Assumption is that the OSL is Valid – When a developer appeals the imposition of an OSL to the SDAB, the SDAB's job is not to review the validity of the OSL bylaw.

A Local Improvement Tax does not Preclude the Imposition of an OSL – Property can be subject to local improvement taxes pursuant to a local improvement bylaw and an OSL charge.



Mackenzie County

REQUEST FOR DECISION

Meeting:	Regular Council Meeting
Meeting Date:	November 25, 2020
Presented By:	Carol Gabriel, Deputy Chief Administrative Officer Legislative & Support Services
Title:	Bylaw 1204-20 Procedural Bylaw

BACKGROUND / PROPOSAL:

Mackenzie County’s Procedural Bylaw provides for the establishment of Council committees and other bodies, procedure and conduct of Council, Council Committees and other bodies established by Council. It also includes the conduct of Councillors and members of Council committees.

The Procedural Bylaw was reviewed annually at the organizational meeting and is being brought back with the following amendments:

- Section 67-68 – separation of the ability to attend meetings by electronic means. Council meetings shall be limited to three per year in order to encourage in person engagement. Other meetings will not be limited. Many times meeting agendas are light and the municipality will save on travel time.
- Section 97-99 – clarification regarding delegations. There was discussion that an individual would have to waive their right to appeal if they participated as a Delegation, however a bylaw cannot restrict their right under the Municipal Government Act. Through the Delegation process information is requested and reviewed prior to it being approved. The only issue of concern would be a Delegation that was approved as an “Addition to the Agenda” at the meeting and the topic of discussion is not fully known.

OPTIONS & BENEFITS:

Approve the proposed bylaw as presented or with further amendments.

Author: C. Gabriel **Reviewed by:** _____ **CAO:** _____

COSTS & SOURCE OF FUNDING:

N/A

SUSTAINABILITY PLAN:

COMMUNICATION/PUBLIC PARTICIPATION:

Municipal bylaws are made available on the Mackenzie County website.

POLICY REFERENCES:

RECOMMENDED ACTION:

Motion 1

Simple Majority Requires 2/3 Requires Unanimous

That first reading be given to Bylaw 1204-20 being the procedural bylaw for Mackenzie County.

Motion 2

Simple Majority Requires 2/3 Requires Unanimous

That second reading be given to Bylaw 1204-20 being the procedural bylaw for Mackenzie County.

Motion 3

Simple Majority Requires 2/3 Requires Unanimous

That consideration be given to go to third reading of Bylaw 1204-20 being the procedural bylaw for Mackenzie County, at this meeting.

Author: C. Gabriel Reviewed by: _____ CAO: _____

Motion 4

Simple Majority

Requires 2/3

Requires Unanimous

That third and final reading be given to Bylaw 1204-20 being the procedural bylaw for Mackenzie County.

Author: C. Gabriel **Reviewed by:** _____ **CAO:** _____

BYLAW NO. ~~1186-20~~ 1204-20

**BEING A BYLAW OF MACKENZIE COUNTY
IN THE PROVINCE OF ALBERTA**

**TO PROVIDE THE ORGANIZATIONAL AND PROCEDURAL MATTERS
OF COUNCIL, COUNCIL COMMITTEES AND COUNCILLORS**

WHEREAS, the Municipal Government Act, RSA 2000, c. M-26 provides for the establishment of Council committees and other bodies, procedure and conduct of Council, Council committees and other bodies established by Council and the conduct of Councillors and members of Council committees and other bodies established by Council; and

WHEREAS, the MGA provides for organizational and procedural matters of Council, Council committees and Councillors.

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

TITLE

1. This bylaw shall be cited as the "Procedural Bylaw".

DEFINITIONS

2. In this bylaw:
 - a. "Act" means the *Municipal Government Act*, RSA 2000, c.M-26, any regulations thereunder, and any amendments or successor legislation thereto;
 - b. "Administration" means the Chief Administrative Officer or an employee accountable to the CAO employed by the Municipality.
 - c. "Agenda" is the list of items and orders of business for any meeting of Council or a Council Committee;
 - d. "Chief Administrative Officer" (otherwise known as the "CAO") means the person appointed by Council into the position of CAO pursuant to the *Act*.
 - e. "Chairperson" means the person who presides at a Meeting, and, when in attendance at a Council Meeting, shall mean the Reeve or alternate chair.
 - f. "Closed Meeting" means the portion of the meeting at which only members of Council and other persons designated by Council may attend.

- g. "Committee of the Whole" means a committee comprised of all Councillors which conducts itself as a committee of council;
- h. "Corporate Office" means the office located at 4511-46 Avenue in the Hamlet of Fort Vermilion, Alberta.
- i. "Council Committee" means a committee, board, or other body established by Council under the Act;
- j. "Councillors" means a duly elected Member of Council, including the Reeve.
- k. "Deputy Reeve" means the Deputy Chief Elected Official or Councillor who is appointed by Council pursuant to the *Act* to act as Reeve in the absence or incapacity of the Reeve.
- l. "Ex-Officio" means a member of a Committee, by virtue of the right to hold a public office such as a Reeve, and has the right to make motions and vote.
- m. "Meeting" means an organizational, regular, or special meeting of Council, Committee of the Whole or Committee.
- n. "Member" means a duly elected Member of Council or a duly appointed Member of a Committee.
- o. "Municipality" means Mackenzie County.
- p. "Non-statutory public hearing" means a meeting of Council or Committee of the Whole at which members of the public may attend and may be invited to make submissions to Council, but which is not a Public Hearing;
- q. "Public Hearing" means a meeting or portion of a meeting that council is required to hold under the *Act* or another enactment for the primary purpose of hearing submissions;
- r. "Reeve" means the Chief Elected Official for the Municipality pursuant to the Act.
- s. "Quorum" is the majority of all members, being fifty (50) percent plus one (1), unless Council provides otherwise in this bylaw.

APPLICATION

3. This Bylaw applies to all Council, Committee of the Whole and Committee Meetings and shall be binding on all Councillors and Committee Members.
4. Notwithstanding Paragraph 3, where the Terms of Reference give Permission to a Committee to establish its own Meeting procedure, if there is a conflict between the Committee's established Meeting procedures and this Bylaw, that Committee's established Meeting procedures will have precedence over this Bylaw for the purposes of that Committee's Meetings.

INTERPRETATION

5. When any matter relating to Meeting procedures is not addressed in this Bylaw, the matter shall be decided by reference to the most current edition of Roberts Rules of Order, if applicable.
6. Procedure is a matter of interpretation by the Reeve or the Committee Chair.
7. In the event of a conflict between the provisions of this Bylaw and Roberts Rules of Order, the provisions of this Bylaw shall apply.
8. In the absence of any statutory obligation, any provision of this Bylaw may be waived by Special Resolution of the Members in attendance at the Meeting.
9. In all cases throughout this Bylaw, reference to "he" or "she" shall mean males and females equally.

ROLE OF THE REEVE

10. The Reeve, when present, shall preside as Chairperson over all Meetings of Council.
11. In the absence, incapacity, or inability, of the Reeve or Deputy Reeve to act, Council Members will elect from among themselves a Chairperson for the day to act as Reeve. This Member shall be referred to as "Acting Reeve" for the duration of that Meeting.
12. Unless otherwise provided in a bylaw, the Reeve shall be an ex-officio Member of all Committees.
13. The Reeve has all of the rights and privileges of other Committee Members.

ROLE OF THE CHAIRPERSON

14. The Chairperson shall preside over the conduct of the Meeting, including the preservation of good order and decorum, ruling on Points of Order, replying to Points of Procedure and deciding on all questions relating to the orderly procedure of the meeting, subject to an appeal by a Councillor from any ruling of the Chairperson.
15. The Chairperson shall make reasonable efforts, including the calling of a recess, to ensure all Councillors in attendance at a Meeting are present while a vote is being taken, unless a Councillor is excused from voting in accordance with the Act or this Bylaw.
16. No Councillor shall leave the Council meeting after a question is put to a vote until the vote is taken, unless the Act requires or permits them to abstain from voting.
17. When the Chairperson wishes to make a motion he/she shall vacate the Chair and request the Vice-Chairperson to assume the Chair.
18. The Chairperson may invite Persons to come forward from the audience to speak with permission of Council if it is deemed to be within the best interests of the issue being discussed, the public, and the conduct of good business.

ROLE OF THE CHIEF ADMINISTRATIVE OFFICER (CAO)

19. The Chief Administrative Officer, in accordance with Sections 207 and 208 of the Act and in accordance with Bylaw 030/95, which created the position of the Chief Administrative Officer, is required to advise and inform Council in writing of its legislative responsibilities and ensure that the Municipality's policies and programs are implemented as well as to advise Council on the operation and affairs of the Municipality.

ORGANIZATIONAL MEETINGS

20. An Organizational Meeting of Council shall be held not later than two weeks after the third Monday in October each year.
21. The CAO or Delegate shall fix the time, date and place of the Organizational Meeting.
22. The CAO or Delegate shall advertise at least three weeks prior to the Organizational Meeting, inviting applications for Committee vacancies which will be required to be filled that year.

23. The Organizational Meeting Agenda shall be restricted to:
 - a. The election of the Reeve and Deputy Reeve annually;
 - b. The administration of the Oath of Office;
 - i. to the Reeve and Deputy Reeve annually
 - ii. to the entire Council following the municipal election
 - c. Review of honorariums and expense reimbursement;
 - d. Review of procedural bylaw;
 - e. Review of the council/administration protocol policy;
 - f. The establishment of Council Committees and Boards;
 - g. The establishment of membership on Committees and Boards;
 - h. The establishment of regular Council meeting and Committee of the Whole meeting dates for the year;
 - i. Other business as required by the Act, or which Council or the CAO may direct.

24. At the Organizational Meeting the CAO shall:
 - a. Call the Meeting to Order;
 - b. Preside over the Meeting until the Reeve has been elected and has taken the Oaths of Office as Reeve.

25. In the event that only one nomination is received for the position of Reeve or Deputy Reeve, that nominee shall be declared elected by acclamation by the CAO.

26. Where there is more than one nomination for Reeve or Deputy Reeve, the CAO shall request that voting be done by secret ballot.

27. If, on the first ballot, no Councillor receives a clear majority of votes, the Council Member who received the least number of votes shall be dropped from the ballot and the second ballot shall be taken. This shall apply to both the Reeve and Deputy Reeve elections.

28. On subsequent ballots, a Council Member who receives the least number of votes shall be dropped from the ballot until a Councillor receives a clear majority.

29. When there is a tie vote between two candidates, each candidate's name shall be written on a blank sheet of paper, of equal size and color, and deposited into a receptacle and someone shall be directed to withdraw one of the sheets. The candidate whose name appears on the sheet shall be considered to have one more vote than the other candidate.

30. All Members of Council hold office from the beginning of the Organizational Meeting following the General Election until immediately before the beginning of the Organizational Meeting following the next General Election, in accordance with the *Local Authorities Election Act*.
31. The appointment of Councillors and Members at Large to Committees shall be for a term of one year, unless otherwise specified, and by secret ballot if a vote is required.

QUORUM

32. Quorum of Council is a majority of Councillors.
33. If quorum is not achieved within 30 minutes after the time the meeting was scheduled to begin, the CAO shall record the names of the members present, and the Council shall stand adjourned until the next regular or special meeting.
34. If at any time during a meeting the quorum is lost, the meeting shall be recessed and if quorum is not achieved again within 15 minutes, the meeting shall be deemed to be adjourned.

COMMITTEES

35. Council may, by resolution or by Bylaw, establish Committees as are necessary or advisable for the orderly and efficient handling of the affairs of the Municipality and establish the Terms of Reference and duration of a Committee.
36. All Committee appointments shall be reviewed annually at the Organizational Meeting, unless otherwise specified in this Bylaw or the Terms of Reference.
37. Each Committee shall elect one (1) of its Members to be the Chairperson unless Council designates.
38. A Special or Ad-hoc Committee may be appointed at any time by Council providing that a motion has been adopted specifying the matters, duration of the Committee, and Terms of Reference to be dealt with by the Committee.

ALTERNATE COMMITTEE MEMBERS

39. Council may appoint alternate committee members to ensure that proper representation and quorum is achieved.

40. Alternate representatives from Council may attend all committee meetings, except where legislation disallows. The alternate Council member may only vote at the committee meeting when the regular Council member is absent from the meeting.
41. Alternate members at large may attend committee meetings as a member of the committee when a regular member at large is absent from the meeting. They cannot vote on matters of the committee unless a regular member at large is absent from the meeting.
42. Alternate committee members are eligible to receive the same training that their respective committee is authorized to attend.

REGULAR AND SPECIAL MEETINGS

43. The date and time of regular Council meetings shall be established by resolution at the Organizational Meeting or at any future Meeting of Council.
44. Regular meetings are generally held on the second Tuesday and the fourth Wednesday of the month, unless otherwise specified.
45. Regular meetings shall commence at 10:00 a.m. and shall be held in the Council Chambers located at the Municipality's Corporate Office, unless otherwise specified.
46. Council may, by resolution (unanimous consent), change the date, time and location of any of its Regular Council meetings.
47. All Meetings shall be open to members of the public, except for the Closed Meeting portions of the Meeting.
48. The CAO or Delegate will post a schedule of regular meetings in the front foyer of all municipal offices and on the Municipality's website.
49. If there are changes to the date and time of a regular meeting, the municipality must give at least twenty-four (24) hours' notice of the change to all members and post the notice in a public office. Posting a public notice in the front foyer of the municipal offices and on the Municipality's Social Media is sufficient notice to the public if administration is unable to advertise the change in a local newspaper.
50. Council has the authority to move into a Closed Meeting pursuant to Section 197 (2) of the Act for the purposes of :

- a. Protecting the Municipality, its operations, economic interests and delivery of its mandate from harm that could result from the release of certain information; and,
 - b. To comply with Division Two of Part One of the Freedom of Information and Protection of Privacy Act.
51. Matters which may be discussed in a Closed Meeting include the following:
- a. Personnel matters;
 - b. Any information regarding contract negotiations;
 - c. Negotiations regarding acquisition, sale, lease or exchange of land;
 - d. Matters involving litigation, or the discussion of legal advice provided to the Municipality; and
 - e. Matters concerning RCMP investigations or confidential reporting; and
 - f. Any other item that may be considered a private matter under the Freedom of Information and Protection of Privacy Act.
52. The Reeve may call a special council meeting whenever he/she considers it appropriate to do so or if he/she receives a written request for the meeting, stating its purpose, from a majority of the Councillors, in accordance with Section 194 of the Act.
53. No business other than that stated in the notice shall be conducted at any Special Meeting of Council unless all the Members of Council are present at the Special Meeting and the Council agrees to deal with the matter in question.

COMMITTEE OF THE WHOLE

54. There shall be a Committee of the Whole comprising all Councillors.
55. Subject to the Act, Committee of the Whole may consider any matter that Council may consider, including but not limited to discussion and debate of the following matters:
- a. the budget;
 - b. the audit;
 - c. transportation issues;
 - d. development issues;
 - e. strategic planning;
 - f. legislative reform;
 - g. policing matters; and
 - h. policy formation.
56. Committee of the Whole may:
- a. Conduct non-statutory public hearings;
 - b. Receive delegations and submissions; and
 - c. Meet with other municipalities and other levels of governments.

57. Council may receive briefings in Committee of the Whole.
58. In addition to the restrictions contained in Section 203(2) of the Act, the Committee of the Whole shall not hold statutory public hearings.
59. Committee of the Whole may make the following motions:
 - a. To receive agenda reports as information.
 - b. To refer matters to Administration or a Committee for review.
 - c. Make recommendations to Council.
60. A quorum of Committee of the Whole is a majority of Councillors.
61. At a Committee of the Whole meeting, the procedures of Council shall be relaxed as follows:
 - a. A Councillor may speak even though there is no motion on the floor, but if there is a motion on the floor a Councillor shall address that motion;
 - b. A Councillor may speak more than once, on a matter provided that each Councillor who wishes to speak to the matter has already been permitted to do so;
62. Committee of the Whole may consider a matter in Closed Meeting, in accordance with the Act and Freedom of Information and Protection of Privacy Act, RSA 2000, c-F-25.
63. No motions may be made when Committee of the Whole is sitting in Closed Meeting in accordance with the Freedom of Information and Protection of Privacy Act, RSA, 2000, c-F-25 except motions to reconvene the Committee of the Whole meeting.

CANCELLATION OF REGULAR, COMMITTEE OF THE WHOLE AND SPECIAL MEETINGS

64. A Council Meeting may be cancelled:
 - a. By resolution of a majority of Members at a previously held Meeting; or
 - b. With written consent of a majority of the Members and by providing not less than twenty-four (24) hours notice to Members and the public.

ELECTRONIC PARTICIPATION AT MEETINGS

65. Council members may attend a Council meeting by means of electronic communication. Acceptable alternatives include through the use of telephone, ensuring that dialogue is available for both parties; through the use of a personal computer; or other means as technology advances.

66. A Council Member must advise the CAO or Delegate at least one (1) day in advance of their intention to participate through electronic communications.
67. A Council Member may attend Regular, ~~Committee of the Whole or Special~~ Council Meetings by means of electronic communication to a maximum of three (3) times per calendar year, unless otherwise approved by Council resolution.
68. A Council Member or Committee Member may participate in Committee Meetings, Committee of the Whole Meetings or Special Council Meetings by means of electronic communication.
69. A Council Member attending a meeting via electronic communications is deemed to be present at the meeting for whatever period of time the connection via electronic communications remains active and will be recorded in the minutes as being present via electronic communication.
70. A Council Member attending a meeting via electronic communications must declare if any other persons are present in the room.
71. When a vote is called, Council Members attending the meeting by means of electronic communications shall be asked to state their vote only after all other Council Members have cast their votes by a show of hands.
72. When a Council Member attends a Closed Meeting, via electronic communication, they will be required to confirm that they have attended the Closed Meeting alone in keeping with the definition in this Bylaw of Closed Meeting.

COUNCIL AGENDA

73. The agenda for each regular and special Meeting shall be organized by the CAO and compiled together with copies of all pertinent correspondence, statements, and reports provided to each member of Council at least two (2) working days prior to each regular meeting.
74. Any member of Council wishing to have an item of business placed on the agenda, shall make the submission to the Reeve and CAO not later than seven (7) calendar days prior to the scheduled Council meeting date.
75. Administration wishing to have an item of business placed on the agenda, shall make the submission to the CAO or Delegate not later than seven (7) calendar days prior to the scheduled Council meeting date. The submission shall contain adequate information to the satisfaction of the CAO to enable Council to deal with the matter.

76. Additions placed on the agenda at the Meeting shall be discouraged however an addition may be made to the agenda with a simple majority consent of the Members present. Actions resulting from the agenda additions require unanimous consent given by those Members present. Exceptions to actions requiring unanimous consent are a tabling motion or that the agenda item be received as information.
77. Documentation for “Closed Meeting” items shall be distributed at the Council Meeting and must be returned to the CAO immediately after the Meeting. Large volume documentation may be distributed to Council prior to the Meeting.
78. The agenda shall list the order of business, as determined by the CAO, in consultation with the Reeve.

MEETING MINUTES OF COUNCIL

79. The CAO or Delegate shall ensure that all Council Meeting minutes are recorded in the English language, without note or comment.
80. The CAO or Delegate shall ensure that the draft/unapproved Minutes of each Council Meeting be distributed to each Member of Council and administration within a reasonable amount of time after the holding of the Meeting.
81. A Councillor may make a motion requesting that the Minutes be amended to correct an inaccuracy or omission. However, the CAO or Delegate shall be advised of the challenge to the Minutes at least 24 hours before the Council Meeting at which the Minutes are to be officially adopted.
82. Only minor changes may be made to correct errors in grammar, spelling, and punctuation or to correct the omission of a word necessary to the meaning or continuity of a sentence; but no change shall be allowed which would alter or affect, in a material way, the actual decision made by Council.
83. Draft/unapproved Council Meeting Minutes will be made available to the public and media upon request.
84. The minutes of each Council Meeting shall be presented to Council for adoption at the next regular Meeting.
85. Adopted minutes of Council shall be made available at all municipal offices and posted on the Municipality’s website.

PROCEEDINGS

86. The Reeve or presiding officer, shall preserve order and decorum and shall decide order of questions.
87. Every member wishing to speak to a question or resolution shall address himself to the Reeve or presiding officer.
88. A resolution submitted to Council does not require a seconder.
89. A motion may be withdrawn by the mover at any time before voting.
90. The following motions are not debatable:
 - a. Adjournment
 - b. Take a recess
 - c. Question or privilege
 - d. Point of order
 - e. Limit debate on the matter before council
 - f. Division of a question
 - g. Table the matter to another meeting
91. When a resolution has been made and is being considered by Council, no other resolution may be made and accepted, except:
 - a. To amend the motion;
 - b. To refer the main motion to committee of the whole, administration, a council committee or some other person or group for consideration;
 - c. To postpone consideration of the main motion; or
 - d. To table the motion.
92. After any question is finally put to vote by the Reeve or other presiding officer, no member shall speak to the question, nor shall any other resolution be made until after the result of the vote has been declared.
93. Voting on all matters shall be done by raising of the hand in such a clear manner that they may be easily counted by the presiding officer.
94. Every member of Council attending a Council meeting must vote on a matter put to vote at the meeting unless the Councillor is required or permitted to abstain from voting.
95. If there is an equal number of votes for and against a resolution or bylaw, the resolution or bylaw is defeated.

96. When it is requested that a vote be recorded, the minutes must show the names of the Councillors present and whether each Councillor voted for and against a resolution or bylaw or abstained. A request for a recorded vote must be made before the vote is called.
97. Any matter of meeting conduct that is not provided for in this Bylaw shall be determined in accordance with the current *Robert's "Rules of Order, Newly Revised"*.

DELEGATIONS

98. All requests for delegations shall be submitted in writing to the CAO or Delegate, for approval, at least seven (7) calendar days prior to the proposed date for the delegation. The submission shall contain ~~adequate~~ all relevant information relating to the topic of their request to the satisfaction of the CAO or Delegate ~~and Reeve~~ to enable Council to deal with the matter.
99. The CAO or Delegate will review all delegation requests and determine if the request will be heard by Council, by a Council Committee or referred to Administration for a response. The CAO may consult with the Reeve when required.
100. Delegations will not be heard if their matter falls under a legislated appeal process (ie. Assessment Review Board, Subdivision & Development Appeal Board, Agricultural Appeal Board).
101. If it is recommended that Council hear the matter, the CAO or Delegate shall contact the person and provide a time in which they can speak.
102. If the request to speak is received after the time required or without the written submission, the CAO or Delegate may:
 - a. Refer the matter to a Committee; or
 - b. Recommend that Council hear from the person; or
 - c. Offer to include the person on the agenda of a future Council meeting; or
 - d. Refuse to hear from the person and refer the matter to Administration for reply.
103. Delegations will be limited to fifteen (15) minutes to present their matter and be limited to one (1) speaker, except where the Chair permits otherwise.

PUBLIC HEARINGS

104. Public Hearings will be held in conjunction with a regular Council meeting, unless otherwise approved by resolution of Council.

105. Council shall hold a Public Hearing when an enactment requires Council to hold a Public Hearing on a proposed bylaw or resolution or any other matter at the direction of Council. The Public Hearing will be held before second reading of the proposed bylaw or before Council votes on a resolution.
106. Any Person who wishes to speak at a Public Hearing must be present at the scheduled time of the Hearing.
107. Any Person wishing to provide a written submission may deliver it to the CAO or Delegate at least seven (7) calendar days prior to the Public Hearing. Written submissions received will be included with the Agenda and will be released to the public.
108. Unless otherwise approved by resolution of Council, the following shall be the procedure for the conduct of the Public Hearing:
 - a. The Chair of the Public Hearing shall declare the Public Hearing open;
 - b. The Development Authority shall provide a brief background on the proposed bylaw or resolution, ensure public notification has been given, and present any written submissions received;
 - c. The Chair shall call for anyone wishing to speak;
 - d. Persons speaking will have only one opportunity to speak;
 - e. Presentations shall be limited to five (5) minutes, unless the Chair permits otherwise;
 - f. Each Person making a presentation shall give his/her name to be recorded in the Minutes;
 - g. Council may ask questions of the speakers after each presentation if clarification on any matter is required;
 - h. The Chair of the Public Hearing shall declare the Public Hearing closed.
109. After the close of the Public Hearing, Council may:
 - a. Pass the proposed bylaw or resolution; or
 - b. Defeat the proposed bylaw or resolution; or
 - c. Make any amendment to the proposed bylaw or resolutions and proceed to pass it without further advertisement or hearing.
110. If there is more than one Public Hearing on the agenda, the Chair must close one Public Hearing before another Public Hearing is opened.
111. Council may change the date, time and place of a Public Hearing by resolution. If the date, time or place of the Public Hearing is changed, then the Public Hearing must be re-advertised.
112. Public participation through teleconference shall be made available at each County Office for major public hearings, as determined by resolution of Council.

DEBATE OF RESOLUTIONS

113. A member may ask a question, stated concisely, of the previous speaker to explain any part of the previous speaker's remarks.
114. A member may ask questions of the CAO or administration to obtain information relating to a report presented to Council or to any clause contained therein, at the commencement of the debate on the report or on the clause.
115. When it is a member's turn to speak during debate, before speaking he/she may ask questions of the CAO, or administration in order to obtain information relating to the report or clause in question.
116. Any member may require the question or resolution under discussion to be read at any time during the debate but not so as to interrupt a member while speaking.
117. When the resolution has been declared as having been put to a vote, no member shall debate further on the question or speak any words except to request that the resolution be read aloud.
118. The Reeve or presiding officer shall determine when a resolution is to be put to a vote.

MOTIONS OUT OF ORDER

119. It is the duty of the Chair to determine what motions are amendments to motions that are in order subject to challenge by a Member, and decline to put a motion deemed to be out of order.
120. The Chair shall advise the Members that a motion is out of order and cite the applicable rule or authority without further comment.
121. The Chair may refuse to accept a motion to refer, that has the effect of defeating the motion to which it refers, e.g. time constraints.
122. The following motions are out of order:
 - a. A motion, similar to a motion voted on in the previous six (6) months, without reconsidering the original motion;
 - b. A motion contrary to law or a previous motion;
 - c. A motion similar to an item which has been tabled;
 - d. A motion to reconsider a motion to reconsider;

- e. A motion referring an item to a Committee, if the final report of the Committee is complete; and
- f. A motion which is out of scope of Council business.

RECONSIDERING AND RESCINDING A MOTION

123. A Member wishing to reconsider, alter or rescind a motion already passed, or an action taken at a previous Meeting and when the matter does not appear on the Agenda, shall bring the matter forward by a Notice of Motion, which shall:
- a. Be considered at a Council Meeting;
 - b. Specify the Meeting proposed to bring the matter to; and
 - c. Indicate, in the substantive portion of the motion, the action which is proposed to be taken on the matter.
124. Notwithstanding the above, if Notice of Motion was not given, the requirement for Notice may be waived on a Two-Thirds vote.
125. Notwithstanding the other provisions of this section, no motion made or action taken shall be reconsidered unless:
- a. It is a motion made or an action taken at the same Meeting; or
 - b. It is a motion made or an action taken at a Meeting held six (6) months or more before its reconsideration; or
 - c. Approval for reconsideration of a motion made or an action taken less than six (6) months earlier is given by a Two-Thirds vote prior to reconsideration.
126. A Member who voted with the prevailing side may move to reconsider a motion only at the same meeting or during any continuation of the meeting at which it was decided.
127. The following motions cannot be reconsidered:
- a. A motion which created a contractual liability or obligation, shall not be reconsidered, altered, varied, revoked, rescinded or replaced except to the extent that it does not attempt to avoid or interfere with the liability or obligation;
 - b. A motion to adjourn;
 - c. A motion to close nominations;
 - d. A request for division of a question;
 - e. A point of order, a point of privilege or a point of information;
 - f. A motion to recess;
 - g. A motion to suspend the Procedural Bylaw;
 - h. A motion to lift from the table;
 - i. A motion to bring forward; and
 - j. Motion to adopt the agenda.

128. A motion to reconsider or rescind is debatable only when the motion being reconsidered is debatable.

NOTICE OF MOTION

129. A notice of motion may be given at any council meeting, but may not be dealt with at that meeting.
130. A notice of motion shall be given verbally and in writing to all members of council present. A copy of such notice of motion shall be given to the CAO upon adjournment of the meeting at which the notice is given.
131. Every notice of motion shall precisely specify the entire content of the motion to be considered, and shall be on the agenda for the next regular meeting of Council unless otherwise specified.

PECUNIARY INTEREST

132. When a Member has a pecuniary interest in a matter before Council, a Council Committee or any other body, board, commission, committee or agency to which the Member is appointed as a representative of the Council, the Member shall, if present:
- a. Disclose the general nature of the pecuniary interest prior to any discussion on the matter;
 - b. Abstain from any discussion and voting on any question relating to the matter;
 - c. Leave the room in which the meeting is being held until discussion and voting on the matter are concluded; if required;
 - d. If the matter with respect to which the Member has a pecuniary interest is the payment of an account for which funds have previously been committed, it is not necessary for the Councillor to leave the room; and
 - e. If the matter with respect to which the Member has a pecuniary interest is a question on which the Member as a tax payer, an elector or an owner has a right to be heard by the Council;
 - i. It is not necessary for the Member to leave the room; and
 - ii. The Member may exercise the right to be heard in the same manner as a person who is not a Member.

BYLAWS

133. The CAO or Delegate must review the form of each proposed bylaw to ensure that it is consistent with the form of bylaw that Council may adopt from time to time.

134. Each proposed bylaw must include:
 - a. The bylaw number assigned to it by the CAO or Delegate; and
 - b. A concise title.
135. Where a Bylaw is presented to Council for enactment, the CAO or Delegate shall cause the number and short title of the Bylaw to appear on the Agenda.
136. The CAO or Delegate must make available a copy of the bylaw to each Councillor before the first reading of the bylaw.
137. A Bylaw shall be introduced for first reading by a motion that the Bylaw, specifying its number and short title, be read a first time.
138. When a Bylaw is subject to a Public Hearing, a Council, without amendment or debate, shall vote on the motion for first reading of a Bylaw and the setting of a public hearing date in accordance with the applicable form of notice. A Member may ask a question or questions concerning the bylaw provided that such questions are to clarify the intent, purpose or objective of the bylaw, and do not indicate the Member's opinion for or against the bylaw.
139. After the holding of the required public hearing, a bylaw shall be introduced for second reading by a motion that it be read a second time specifying the number of the bylaw.
140. After a motion for second reading of the bylaw has been presented, Council may:
 - a. Debate the substance of the bylaw; and
 - b. Propose and consider amendments to the bylaw.
141. A proposed amendment shall be put to a vote and if carried, shall be considered as having been incorporated into the bylaw at second reading.
142. When all amendments have been accepted or rejected the motion for second reading of the bylaw shall be voted on.
143. A bylaw shall not be given more than two readings at one meeting unless the Members present at the meeting unanimously agree that the bylaw may be presented for third reading at the same meeting at which it received two readings, provided that Council is not prohibited from giving more than two readings to a bylaw at one meeting by any valid enactment.
144. When Council unanimously agrees that a bylaw may be presented for third reading at a meeting at which it has received two readings, the third reading requires no greater majority of affirmative votes to pass the bylaw than if it has received third reading at a subsequent meeting.

145. A bylaw shall be adopted when a majority of the Members present vote in favour of third reading, provided that any applicable provincial statute does not require a greater majority.
146. A bylaw, which has been defeated at any stage, may be subject to a motion to reconsider in accordance with the provisions of this Bylaw.
147. A bylaw is passed and comes into effect when it has received third and final reading unless otherwise provided by statute.
148. The Reeve and CAO shall sign and seal the bylaw as soon as reasonably possible after third reading.
149. The CAO or Delegate is authorized to consolidate one or more bylaws as deemed convenient.

CODE OF ETHICS

150. The proper operation of democratic local government requires that elected officials be independent, impartial and duly responsible to the people. To this end it is imperative that:
 - a. Government decisions and policy be made through the proper channels of government structure.
 - b. Public office not be used for personal gain.
 - c. The public have confidence in the integrity of its government.
151. Accordingly, it is the purpose of these guidelines of conduct to outline certain basic rules for Mackenzie County Council so that they may carry out their duties with impartiality and equality of services to all, recognizing that the basic functions of elected local government officials are, at all times, services to their community and the public.
152. To further these objectives, certain ethical principles should govern the conduct of Mackenzie County Council in order that they shall maintain the highest standards of conduct in public office and faithfully discharge the duties of office without fear or favour.
153. Councillors shall:
 - a. Govern their conduct in accordance with the requirements and obligations set out in the municipal legislation of the Province of Alberta and as specified in this Bylaw.
 - b. Not use confidential information for personal profit of themselves or any other person.

- c. Not communicate confidential information to anyone not entitled to receive the applicable confidential information.
- d. Not use their position to secure special privileges, favours, or exemptions for themselves or any other person.
- e. Preserve the integrity and impartiality of Council.
- f. For a period of twelve (12) months after leaving office, abide by the ethical standards of conduct listed above, except those related to confidential information which shall apply in perpetuity.
- g. Not assume that any unethical activities (not covered by or specifically prohibited by these ethical guidelines of conduct, or by any legislation) will be condoned.

CONDUCT OF MEMBERS DURING THE MEETING

154. No Member shall:

- a. Use offensive language, inappropriate actions or unparliamentary language in or against Council or against any Member of Council or any administration or any member of the public;
- b. Speak disrespectfully of any member of the Royal Family, the Governor General, the Lieutenant Governor of any Province, Council, any municipality, an Member or any official or employee of the Municipality;
- c. Engage in private conversations while in the Council Meeting or use personal electronic devices including cellular phones, media players, etc. in any manner that disrupts the Member speaking or interrupts the business of Council;
- d. Leave his/her seat or make noise or disturbance while a vote is being taken and until the result of the vote is announced;
- e. Speak on any subject other than the subject under debate;
- f. Not interrupt the speaker, except on a point of order;
- g. Where a matter has been discussed in a Closed Meeting, and where the matter remains confidential, disclose a confidential matter or the substance of deliberations at a Closed Meeting, except to the extent that Council has previously released or disclosed the matter in public. All information, documentation or deliberations received, reviewed or provided in a Closed Meeting is confidential. Members of Council shall not release, reproduce, copy or make public any information or material considered at a Closed Meeting, or discuss the content of such a meeting with persons other than members of Council or relevant staff members, prior to it being reported in public by Council;
- h. Criticize any decision of Council except for the purpose of moving that the question be reconsidered;
- i. Contravene the rules of Council or a decision of the Chair or of Council on questions of order or practice or upon the interpretation of the rules of Council. In case a Member persists in any such contravention, after having been called to order by the Chair, the Chair shall not recognize that Member,

except for the purpose of receiving an apology from the Member tendered at that Meeting or any subsequent Meeting.

155. Members of the public during a Meeting shall:
 - a. Address the Members of Council or Committee at the permission of the Chair;
 - b. Maintain order and remain quiet;
 - c. Not applaud nor otherwise interrupt a speech or action of the Members or other Person addressing the Members.
156. The Chair may cause to be expelled and excluded from any Meeting any person who creates any disturbance during a meeting or who, in the opinion of the Chair, has been guilty of improper conduct and for that purpose the Chair may direct that such a person be removed by a Peace Officer or RCMP.
157. A Councillor that displays inappropriate and abusive behavior towards other members of council, administration or the public while on County business may be reprimanded in a form as may be acceptable by 2/3 vote of Council.

TWO-THIRDS MAJORITY VOTE

158. Order in Council No. 54/2001 establishing Mackenzie County as a Specialized Municipality, requires a Two-Thirds (2/3) majority vote for the following:
 - a. Procedural Bylaw
 - b. Council Remuneration Bylaw
 - i. A simple majority vote is required when authorized Councillors to attend a seminar, convention, workshop, or any other function that Councillors may attend for reimbursement of expenses.
 - c. All issues regarding property taxes
 - d. A bylaw to change the number of Councillors, the boundaries of wards or the method of electing a Chief Elected Officer.
 - i. A simple majority vote is required when electing a Chief Elected Officer in the manner prescribed in this Bylaw.
 - e. The appointment or termination of the Chief Administrative Officer; however, any direction given to the CAO shall be done by a simple majority vote.
 - f. A resolution for the adoption and amendment of the budget.
 - g. Any other matter designated by Council within this Bylaw.

RECORDING DEVICES AT MEETINGS

159. The CAO may authorize the use of any mechanical or electronic means of recording proceedings of Council and Council Committee meetings necessary to assist with the preparation of an accurate set of minutes. Any such recording will be erased or destroyed after the Council or Council Committee meeting has approved the minutes.

160. No person shall, unless a Two-Thirds majority consent of Council is given, record the proceedings of Council through tape recorder, video camera, or other devices.

REPEAL AND COMING INTO FORCE

161. Bylaw No. ~~1083-17~~ 1186-20 and all amendments thereto are hereby repealed.

162. This Bylaw shall come into effect upon receiving third and final reading.

READ a first time this ____ day of _____, 2020.

READ a second time this ____ day of _____, 2020.

READ a third time and finally passed this ____ day of _____, 2020.

Joshua Knelsen
Reeve

Lenard Racher
Chief Administrative Officer



Mackenzie County

REQUEST FOR DECISION

Meeting:	Regular Council Meeting
Meeting Date:	November 25, 2020
Presented By:	Carol Gabriel, Deputy Chief Administrative Officer (Legislative & Support Services)
Title:	La Crete Agricultural Society – Request for Letter of Support

BACKGROUND / PROPOSAL:

The La Crete Agricultural Society is requesting a letter of support for their Heritage Preservation Partnership Program grant application to assist with the publication costs of the La Crete *Then & Now, the History of La Crete* books.

A draft letter of support is attached for Council consideration.

OPTIONS & BENEFITS:

COSTS & SOURCE OF FUNDING:

SUSTAINABILITY PLAN:

COMMUNICATION / PUBLIC PARTICIPATION:

POLICY REFERENCES:

Author: C. Gabriel Reviewed by: _____ CAO: _____

RECOMMENDED ACTION:

- Simple Majority Requires 2/3 Requires Unanimous

That a letter of support be provided to the La Crete Agricultural Society for their Heritage Preservation Partnership Program grant application to assist with the publication costs of the La Crete *Then & Now, the History of La Crete* books.

Author: C. Gabriel Reviewed by: _____ CAO: _____



La Crete Agricultural Society

Box 791, La Crete AB, T0H 2H0

(780)928-4447

lcheritagecentre@gmail.com

lacreteheritagecentre.weebly.com

Mackenzie County
Box 640
Fort Vermilion, AB
T0H 1N0

November 16, 2020

Dear CEO and council:

We will be applying for a grant from Heritage Preservation Partnership Program to help us offset the publications costs of the La Crete *Then & Now*, *The History of La Crete* books. We would like to request a Support Letter from the Mackenzie County to include in our application.

If you have any questions please feel free to contact me at (780)928-4447.

Sincerely:

Susan Siemens
Secretary/Program Coordinator
La Crete Agricultural Society



Mackenzie County

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

November 25, 2020

History Preservation Partnership Program
Historic Resources Management Branch, Heritage Division
Alberta Culture, Multiculturalism and Status of Women
Old St. Stephen's College Building
8820-112 Street
Edmonton, AB
T6G 2P8

Attention: Carina Naranjilla

RE: LA CRETE AGRICULTURAL SOCIETY – GRANT APPLICATION

It is my pleasure, on behalf of the Mackenzie County council, to write a letter of support for the publication of the local history book, Then & Now, The History of La Crete. This project has been long in the making and overseen by the La Crete Agricultural Society staff and a number of community volunteers. It's been a big effort that will benefit many and bring understanding to anyone interested in the history of Northern Alberta.

The La Crete Agricultural Society was organized in 1980 and they celebrated their 40th year in 2020. Their services and programs are of great value to the community.

Should you have any further questions, please feel free to contact myself at (780) 926-7405 or Len Racher, Chief Administrative Officer, at (780) 927-3718.

Yours sincerely,

Joshua Knelsen
Reeve

RECOMMENDED ACTION:

- Simple Majority Requires 2/3 Requires Unanimous

That the unapproved Municipal Planning Commission meeting minutes of November 12, 2020 be received for information.

Author: K. Racine **Reviewed by:** _____ **CAO:** _____

**MACKENZIE COUNTY
Municipal Planning Commission Meeting**

**Mackenzie County Office
La Crete, AB**

Thursday, November 12, 2020 @ 10:00 a.m.

PRESENT:

Erick Carter	Chair, MPC Member
Beth Kappelar	Vice Chair, MPC Member
John W Driedger	MPC Member
David Driedger	Councillor, MPC Member
Jacque Bateman	Councillor, MPC Member via Teleconference

ADMINISTRATION:

Caitlin Smith	Manager of Planning and Development
Nicole Friesen	Administrative Assistant, Planning/Recording Secretary
Lynda Washkevich	Development Officer

MOTION 1. **CALL TO ORDER**

Caitlin Smith called the meeting to order at 10:01 a.m.

2. **ADOPTION OF AGENDA**

MPC 20-11-145 **MOVED** by John W. Driedger

That the agenda be adopted as presented.

CARRIED

3. **ELECTIONS**

a) **Chair**

Caitlin Smith called for nominations for the position of
Chairperson.

First Call: Beth Kappelar nominated Erick Carter. Accepted.

Second Call: No further nominations.

Third Call: No further nominations.

MPC 20-11-146 **MOVED** by David Driedger

That the nominations cease for the position of Chairperson.

CARRIED

Caitlin Smith declared Erick Carter Chairperson by acclamation.

Caitlin Smith turned the meeting over to Chair Erick Carter at 10:03 am

b) Vice-Chair

Erick Carter called for nomination for the position of Vice Chairperson.

First Call: David Driedger nominated Beth Kappelar. Accepted.

Second Call: No further nominations.

Third Call: No further nominations.

MPC 20-11-147 MOVED by John W. Driedger

That the nominations cease for the position of Vice Chairperson.

CARRIED

Erick Carter declared Beth Kappelar Vice Chairperson by acclamation.

4. Terms of Reference

For information.

5. Review MPC's mandate, role & responsibilities

For information.

6. Review of Procedural Bylaw 1977-14

For information.

7. Minutes

a) Adoption of Minutes

MPC 20-11-148 MOVED by Jacquie Bateman

That the minutes of the October 22nd, 2020 Municipal Planning Commission meeting be adopted as presented.

CARRIED

8. DEVELOPMENT

- a) 011-DP-20 Jacob & Anna Penner (Time Extension)
Dwelling – Single Family Addition (Sunroom) & Deck
In “H-R1A” (La Crete)
Plan 992 5746, Block 25, Lot 10**

MPC 20-11-149 MOVED by John W. Driedger

That a time extension for the building commencement for 011-DP-20 on Plan 992 5746, Block 25, Lot 10 in the name of Jacob L & Anna Penner be granted to expire on November 12, 2021.

CARRIED

9. SUBDIVISIONS

- a) 35-SUB-20 Joseph & Angela Friesen
10.00 Acre Subdivision
NW 7-105-15-W5M (West La Crete)**

MPC 20-11-150 MOVED by David Driedger

That Subdivision Application 35-SUB-20 in the name of Joseph & Angela Friesen on NW 26-104-14-W5M be APPROVED with the following conditions:

1. This approval is for a **TYPE B** subdivision, 10.00 acres (4.04 hectares) in size.
2. Applicant/developer shall enter into and abide by a Development Agreement with Mackenzie County which shall contain, but is not limited to:
 - a) Prior to any development on the proposed subdivision, the developer shall obtain a development permit from the Municipality.
 - i. Any permanent buildings on the property must be constructed equal to or greater than the grade of the road.
 - b) Mitigation measures must be in place in order to avoid

water damage from potential seasonal flooding.

- i. A drainage plan will be required prior to subdivision registration.
- c) A caveat will be registered on the title of this property.
- d) Provision of a road and access to both the subdivision and the balance of the lands in accordance with Mackenzie County standards at the developer's expense.
- e) All sewage disposals shall conform to the Alberta Private Sewage Systems Standard of Practice 2015.
- f) **Provision of a storm water management plan. Contact Planning and Development staff at 780-928-3983 to discuss the requirements for your subdivision.**
- g) Any outstanding property taxes are to be paid on the land proposed to be subdivided prior to registration.
- h) Provision of utility rights-of-way as required by ATCO Electric, TELUS, Northern Lights Gas Co-op, and others.
- i) Provision of municipal reserve in the form of money in lieu of land. Specific amount is based on 10% of the subject land and on the current market value. The current market value for this property is \$7,000 per acre. Municipal reserve is charged at 10%, which is \$ 700 per subdivided acre. **10.00 acres times \$ 700 equals \$7,000.**
- j) **The Developer has the option to provide a market value appraisal of the existing parcel of land as of a specified date occurring within the 35-day period following the date on which the application for subdivision approval is made in accordance to the *Municipal Government Act Section 667(1)(a).***
- k) Provision of and negotiations for utility rights-of-way and/or easements as required by utility companies. The Developer shall be responsible for any line relocation or correction costs that occur as a result of this development. Responses from utilities companies are shown in Schedule "C" hereto attached.

- l) **Mackenzie County shall not be held liable for any concerns, issues or damages related to and/or resulting from the water tables and any other water problems as a result of any low land levels of the proposed development. It is the responsibility of the developer to ensure that adequate drainage and other precautions are taken to avoid water seepage into the dwellings/basement and/or flooding of the basement, and/or any ancillary buildings.**

CARRIED

- b) **36-SUB-20 Frank & Margaret Klassen
10.00 Acre Subdivision
NW 5-105-15-W5M (West La Crete)**

MPC 20-11-151 **MOVED** by Beth Kappelar

That Subdivision Application 36-SUB-20 in the name of Frank & Margaret Klassen located on NW 5-105-15-W5M be APPROVED with the following conditions:

1. This approval is for a **TYPE B** subdivision, 10.00 acres (4.04 hectares) in size.
2. Applicant/developer shall enter into and abide by a Development Agreement with Mackenzie County which shall contain, but is not limited to:
 - a) Prior to any development on the proposed subdivision, the developer shall obtain a development permit from the Municipality.
 - i. Any permanent buildings on the property must be constructed equal to or greater than the grade of the road.
 - b) Mitigation measures must be in place in order to avoid water damage from potential pluvial flooding.
 - c) A caveat will be registered on the title of this property.
 - d) Provision of a road and access to both the subdivision and the balance of the lands in accordance with Mackenzie County standards at the developer's expense.

- e) All sewage disposals shall conform to the Alberta Private Sewage Systems Standard of Practice 2015.
- f) **Provision of a storm water management plan. Contact Planning and Development staff at 780-928-3983 to discuss the requirements for your subdivision.**
- g) Any outstanding property taxes are to be paid on the land proposed to be subdivided prior to registration.
- h) Provision of utility rights-of-way as required by ATCO Electric, TELUS, Northern Lights Gas Co-op, and others.
- i) Provision of and negotiations for utility rights-of-way and/or easements as required by utility companies. The Developer shall be responsible for any line relocation or correction costs that occur as a result of this development. Responses from utilities companies are shown in Schedule "C" hereto attached.
- j) **Mackenzie County shall not be held liable for any concerns, issues or damages related to and/or resulting from the water tables and any other water problems as a result of any low land levels of the proposed development. It is the responsibility of the developer to ensure that adequate drainage and other precautions are taken to avoid water seepage into the dwellings/basement and/or flooding of the basement, and/or any ancillary buildings.**

CARRIED

- c) **37-SUB-20 Simon Driedger
2.08 Acre (3 Lots) Subdivison
Plan 192 3085, Block 27, Lot 10 (La Crete)**

MPC 20-11-152 **MOVED** by Jacquie Bateman

That Subdivision Application 37-SUB-20 in the name of Simon & Katharina Driedger on Plan 192 3085, Block 27, Lot 10 be APPROVED with the following conditions:

1. This approval is for a three (3) lot subdivision totalling 2.08 acres (0.840 hectares) in size.
2. Applicant/developer shall enter into and abide by a Development

Agreement with the Mackenzie County which shall contain, but is not limited to:

- a) Prior to any development on the proposed subdivision, the developer shall obtain a development permit from the Municipality,
- b) Provision of all sanitary systems including service lines, main and appurtenances as required by the Municipality,
- c) Provision of all water lines, including all fittings and valves as required by the County,
- d) Provision of municipal servicing (water and sanitary sewer) to each lot,
- e) All drainage systems, provisions for weeping tile flow where a high water table or other subsurface conditions cause continuous flow in the weeping tile, and associated works, all as and where required by the County. Where trunk storm sewer mains are required, the County shall reimburse the Developer for the cost of the trunk storm sewer mains in accordance with current County policy;

The developer shall provide the municipality with a site drainage and surface water management plan that outlines the following:

- (1) Drainage of internal road system,
 - (2) Erosion prevention systems, if required,
 - (3) Direction of site drainage, and
 - (4) Elevation plans for each lot
- f) Provision of paved internal roads, sidewalks and other infrastructure as required by the County in accordance to Mackenzie County Engineering Guidelines and at Developers expense, such construction of roads to serve the lots to be created by the subdivision;
 - g) Provision of paved access to lot being created by the subdivision and the balance of the lands in accordance with Mackenzie County standards at the developers' expense. This requirement is in accordance with Urban Development Standards DEV001;
 - h) Provision of street lighting with underground wiring,

design and location as required by the County,

- i) Engineered signage package,
- j) Provision of utilities (power, gas, telephone, etc.) to each lot. Such utilities to be provided in a location and to a standard to be approved by the appropriate utility company and the County. Responses from utilities companies are shown in Schedule "C" hereto attached. Written confirmation of the completed utility installation is required to be submitted to the County by each utility company prior to registration of the subdivision,
- k) Provision of and/or negotiation for utilities rights-of-way and/or easements as required by utilities companies. Any costs incurred for line relocation will be the responsibility of the developer. All utility lanes/lots must be accessible. All public utility lanes/lots shall be cleared to ground level with all tree stumps and debris removed and then landscaped. Where necessary, utility lanes/lots shall be excavated or landscaped to provide drainage for the subdivision. Any excavation or landscaping of the public utility lanes/lots shall be to engineered plans and completed prior to the installation of utilities,
- l) The developer is responsible for site grading and landscaping to design elevation and seeding with grass or other approved landscaping, in a manner that does not negatively impact adjacent properties or infrastructure.
- m) Provision of an agreement with the adjacent landowners for utility lanes/lots if required,
- n) Any outstanding property taxes shall be paid in full prior to registration of title,
- o) Provision of off-site levies as required by the County as follows:
 - i) Main Sewage Lift Station Offsite Levy (Bylaw 223/00) are imposed for the main sewage lift station
 - a) Replacement of the existing main lift station in La Crete, Alberta with a new main sewage lift station, located at the intersection of 105 Ave and 99 Street
 - b) 300mm trunk sewer diverting all of the

community sewage flows to the new sewage lift station

- c) A prefabricated fibreglass sewage lift station with duplex pumps each sized to pump 800 USGPM at 78 feet total dynamic head.
- d) 250 mm force main connecting the sewage lift station to the existing sewage force main.

The levy is calculated at 1,342.00 per hectare. 0.840 hectares at 1,342.00 equals **\$1,127.28**,

ii) Hamlet Off-Site Levies (Bylaw 319/02) are imposed for the construction and maintenance of off-site municipal services, including:

- a) new or expanded facilities for the storage, transmission, treatment or supplying of water;
- b) new or expanded facilities for the treatment, movement or disposal of sanitary sewage;
- c) new or expanded storm sewage drainage facilities;
- d) new or expanded facilities for the storage, transfer, or disposal of waste;
- e) land required for or in connection with any facilities described in clauses (a) to (d); and
- f) ongoing maintenance of the facilities described in clauses (a) to (d).

The levy is calculated at \$1,000.00 per lot. Three (3) lots at \$1,000 equals **\$3,000.00**,

Total Levies = \$4,127.28

p) Provision of the sharing of servicing fee:

i) La Crete North Storm Catchment Area: Mackenzie County and developers co-development of a storm water management plan for the La Crete North Catchment area.

- a) The fee is calculated at \$4000 per ha. 0.840 ha at \$4000 equals **\$3,360.00**.

q) Provision of municipal reserve in the form of money in lieu of land. Specific amount is based on 10% of the subject land and on the current market value. The current market value for this property is \$15,000 per acre (residential). Municipal reserve is charged at 10%, which is \$1,500 per subdivided acre (residential). **2.08 acres (residential) times \$1,500 equals \$3,120.00.**

- r) Security, in the form of an irrevocable letter of credit or certified cheque, in the amount of 25% of subsurface and surface infrastructure construction cost must be submitted to the County prior to installation and construction of any permanent infrastructure. Security amounts required in accordance with Mackenzie County's Multi-Lot/Urban Subdivision Construction and Registration Policy No, DEV003.

CARRIED

MPC 20-11-153 **MOVED** by David Driedger

That the 106 Street extension within the hamlet of La Crete be brought to Council for discussion.

CARRIED

- d) **38-SUB-20 Paul & Margaret Unrau
10.00 Acre Subdivision
NE 7-106-13-W5M (88 Connector)**

MPC 20-11-154 **MOVED** by Jacquie Bateman

That Subdivision Application 38-SUB-20 in the name of Paul & Margaret Unrau on NE 7-106-13-W5M be APPROVED with the following conditions:

1. This approval is for a **TYPE B** subdivision, 10.00 acres (4.04 hectares) in size.
2. Applicant/developer shall enter into and abide by a Development Agreement with Mackenzie County which shall contain, but is not limited to:
 - a) Prior to any development on the proposed subdivision, the developer shall obtain a development permit from the Municipality.
 - i. Any permanent buildings on the property must be constructed equal to or greater than the grade of the road.
 - b) Mitigation measures must be in place in order to avoid water damage from potential seasonal flooding.

- c) A caveat will be registered on the title of this property.
- d) Provision of a road and access to both the subdivision and the balance of the lands in accordance with Mackenzie County standards at the developer's expense.
- e) All sewage disposals shall conform to the Alberta Private Sewage Systems Standard of Practice 2015.
- f) **Provision of a storm water management plan. Contact Planning and Development staff at 780-928-3983 to discuss the requirements for your subdivision.**
- g) Any outstanding property taxes are to be paid on the land proposed to be subdivided prior to registration.
- h) Provision of utility rights-of-way as required by ATCO Electric, TELUS, Northern Lights Gas Co-op, and others.
- i) Provision of municipal reserve in the form of money in lieu of land. Specific amount is based on 10% of the subject land and on the current market value as assigned by Municipal Reserve Policy DEV005. The current market value for this property is \$7,000 per acre. Municipal reserve is charged at 10%, which is \$700 per subdivided acre. **10.00 acres times \$700 equals \$7,000.**
- j) **The Developer has the option to provide a market value appraisal of the existing parcel of land as of a specified date occurring within the 35-day period following the date on which the application for subdivision approval is made in accordance to the *Municipal Government Act* Section 667(1)(a).**
- k) Provision of and negotiations for utility rights-of-way and/or easements as required by utility companies. The Developer shall be responsible for any line relocation or correction costs that occur as a result of this development. Responses from utilities companies are shown in Schedule "C" hereto attached.
- l) **Mackenzie County shall not be held liable for any concerns, issues or damages related to and/or resulting from the water tables and any other water problems as a result of any low land levels of the**

proposed development. It is the responsibility of the developer to ensure that adequate drainage and other precautions are taken to avoid water seepage into the dwellings/basement and/or flooding of the basement, and/or any ancillary buildings.

10. MISCELLANEOUS ITEMS

a) Development Statistics (January to September 2020)

For information.

11. IN CAMERA

a) None.

12. MEETING DATES

- ❖ Thursday, November 26th, 2020 @ 10:00 a.m. in Fort Vermilion
- ❖ Thursday, December 17th, 2020 @ 10:00 a.m. in La Crete
- ❖ Thursday, January 14th, 2021 @ 10:00 a.m. in La Crete
- ❖ Thursday, January 28th, 2021 @ 10:00 a.m. in Fort Vermilion

13. ADJOURNMENT

MPC 20-11-155 MOVED by John W. Driedger

That the Municipal Planning Commission Meeting be adjourned at 10:42 a.m.

CARRIED

These minutes were adopted this 26th day of November, 2020.

Erick Carter, Chair



Mackenzie County

REQUEST FOR DECISION

Meeting:	Regular Council Meeting
Meeting Date:	November 25, 2020
Presented By:	Len Racher, Chief Administrative Officer
Title:	Information/Correspondence

BACKGROUND / PROPOSAL:

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

- Action List
- Correspondence – Alberta Municipal Affairs (Formation of a New Municipality)
- Correspondence – Alberta Municipal Affairs (Response to Congratulatory Letter)
- Correspondence – Forest Resource Improvement Association of Alberta (FRIAA) (July 2020 Expression of Interest)
- Correspondence – Service Alberta (Federal Government’s Launch of the Universal Broadband Fund)
- Correspondence – Northern Alberta Development Council (New Chair Appointed)
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Author: C. Gabriel Reviewed by: CG CAO: _____

OPTIONS & BENEFITS:

COSTS & SOURCE OF FUNDING:

SUSTAINABILITY PLAN:

COMMUNICATION / PUBLIC PARTICIPATION:

POLICY REFERENCES:

RECOMMENDED ACTION:

Simple Majority Requires 2/3 Requires Unanimous

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

Author: C. Gabriel Reviewed by: CG CAO: _____

Mackenzie County Action List as of November 10, 2020

Council and Committee of the Whole Meeting Motions Requiring Action

Motion	Action Required	Action By	Status
February 22, 2016 Council Meeting			
16-02-135	That the County covers the additional cost of the survey on Plan 5999CL, Lot E to date and have administration release a copy of the report to the landowner informing them that the initial investigation survey has been completed.	Byron	Refer to Motion 18-06-411 In progress. Meeting with landowners. Impacted by 2020 flood.
May 10, 2016 Regular Council Meeting			
16-05-354	That administration be authorized to proceed as follows in regards to the Zama Crown Land Procurement: <ul style="list-style-type: none"> • cancel PLS 080023; • pursue acquisition of land parcels as identified on the map presented in red; • identify a parcel of land to be subdivided from Title Number 102 145 574 +1 (Short Legal 0923884; 21; 1) and offered for trade or sale to Alberta Environment and Parks due to its unsuitability for a hamlet development , specifically the land use restrictions per Alberta Energy Regulator. 	Don	PLS Cancelled. Asset list with all leases, caveats, dispositions, easements, etc. Response Received from AEP 2017-11-27. Application submitted. RFD to Council once response is received to our application.
July 12, 2016 Regular Council Meeting			
16-07-526	That the County pursue purchasing the leased lands at the Hutch Lake campground.	Don Len	Application for purchase of Hutch Lake has been filed.
August 9, 2016 Regular Council Meeting			
16-08-599	That administration proceed with registering the utility right of way on NE 3-106-15-W5M and NW 3-106-15-W5M. (La Crete SE Drainage Ditch)	Caitlin	Re-survey completed. <i>NE 3-106-15-W5M Complete</i> Offer to purchase sent to landowner for 992 0894, Block 2, Lot 1
August 23, 2017 Council Meeting			
17-08-593	That administration proceed with meeting with the developers and draft an off-site levy bylaw for the La Crete Sanitary Sewer Expansion project.	Fred	Finalizing report then draft offsite levy bylaw. Working with engineer on draft design. (Helix Engineering)
April 25, 2018 Council Meeting			
18-04-314	That administration be authorized to proceed with a Department License of Occupation (DLO) for existing	Don	Application submitted. FNC process

Motion	Action Required	Action By	Status
	and future walking trail expansion on SE 14-106-15-W5 once the title transfer has been completed for SE 15-106-15-W5.		
18-04-315	That administration move forward in purchasing more land north of the existing Hutch Lake Cabins and that final costs be brought back to Council for decision.	Don	Sketch plan completed. Application to purchase is in progress.
June 12, 2018 Council Meeting			
18-06-432	That the County apply to Alberta Environment & Parks for a bank stabilization and clean-up along the Peace River in the Hamlet of Fort Vermilion as a result of the ice jam flooding event.	Byron	In progress. Engineering report received. (WSP) Working on application. 2020 Flood Mitigation
October 9, 2018 Council Meeting			
18-10-763	That administration proceeds with the water diversion license's as discussed.	Fred	No response from Bev Yee, Deputy Minister
November 13, 2018 Regular Council Meeting			
18-11-885	That the Zama Water Treatment Improvements Project be retendered with a project scope change.	Fred	2021 Budget Discussion
February 27, 2019 Regular Council Meeting			
19-01-117	That administration proceed with Plan 5999CL in Fort Vermilion as discussed.	Byron	Impacted by 2020 flood
October 8, 2019 Regular Council Meeting			
19-10-548	That the Proposed Fire Salvage Plan and Community Management Zone from Tolko, Norbord, and La Crete Sawmills be received for information and that a letter be sent to Alberta Agriculture & Forestry regarding stumpage fees for forest fire salvage.	Len	Letter drafted
19-10-559	That administration enter into an agreement with the owners of Tax Roll 155377 as discussed.	Jennifer	Ongoing Awaiting response from ratepayer
November 5, 2019 Regular Council Meeting			
19-11-676	That Mackenzie County representatives appointed to a provincial task force must provide regular written reports to council, shall immediately forward all task force material and information to council and CAO, and shall receive specific, prior approval from council to represent views or negotiate on behalf of the County.	Council	To be incorporated into the Procedural Bylaw
19-11-685	That administration work with Paramount Resources Ltd. and lobby the government to leave the road infrastructure intact.	Len	In progress
December 10, 2019 Regular Council Meeting			
19-12-757	That Alberta Transportation be invited to attend a Council meeting to discuss highway accesses.	Len	Hwy 697 Upgrade

Motion	Action Required	Action By	Status
19-12-758	That the Rural Municipalities of Alberta (RMA) Resolution 15-19F Provincial Highway Access and Setback Authority be brought to the January 14, 2020 council meeting for review.	Carol	Will be presented at the meeting which Alberta Transportation attends.
19-12-781	That a letter be sent to the Minister of Energy regarding industry lease renewals.	Len	In progress
December 18, 2019 Budget Council Meeting			
19-12-820	That Mackenzie County lobby the government for incentives to complete the Paramount abandonments within the next five years.	Council	
January 29, 2020 Regular Council Meeting			
20-01-055	That Administration move forward with applying for Recreational Leases for the Bistcho Lake cabin areas and consideration be given to the work being done by the Caribou Sub-regional Task Force.	Don	On hold. Pursuing reinstatement of commercial fishing.
20-01-067	That a letter be sent to the Minister of Municipal Affairs in regards to the Section 627(3) of the Municipal Government Act that relates to the number of councillor's on a Subdivision and Development Appeal Board.	Carol	In progress
March 25, 2020 Regular Council Meeting			
20-03-219	That administration be authorized to allow burn salvage harvesting within municipal road allowances on a case by case basis.	Operations Director	Policy amendment required.
April 22, 2020 Regular Council Meeting			
20-04-265	That the County and applicable developers co-develop a storm water management plan for the La Crete North Storm Catchment area (as delineated in red on the attached map), and that a storm water management fee of \$4,000/ha be applied effective immediately to subdivision applications within the defined catchment area, with a fee adjustment to be completed once detailed construction costs are finalized.	Byron	In progress
20-04-266	That an offsite levy bylaw be established for the La Crete North Storm Catchment area as soon as detailed construction costs are finalized.	Byron Fred Jennifer	Storm Water Management and costs associated are almost finalized. Costs will be brought to Council for review prior to offsite levy bylaw process.
20-04-267	That administration proceed with obtaining the right-of-way on 26-108-14-W5M and that the budget be amended to include \$50,000 for surveying, etc. with funding coming from the General Operating Reserve.	Operations Director	Budget amendment completed. Following up with Borderline Eng.
20-04-268	That a letter be sent to the Minister of Energy and the Alberta Orphan Well Association in support of our	Len	In progress

Motion	Action Required	Action By	Status
	industry ratepayers and to request that a portion of the Federal energy stimulus funding be channeled to assist the energy communities, service businesses and families in northwestern Alberta.		
May 22, 2020 Special Council Meeting			
20-05-279	That charges be laid by Mackenzie County to the non-eligible individuals that fraudulently registered as an evacuee during the Fort Vermilion flood, and to evacuees that have incurred significant costs related to hotel room damages.	Jennifer	In progress of finalizing the list.
May 27, 2020 Regular Council Meeting			
20-05-299	That rural cemeteries be added to the annual dust control map.	Operations Director	Tabled to 2021 Budget Workshop
20-05-300	That the dust control deadline remain as April 1, 2020 and that the remaining calcium storage, following municipal application, be sold at cost for ratepayers to self-apply.	Operations Director	Tabled to 2021 Budget Workshop
June 5, 2020 Special Council Meeting			
20-06-334	That administration continues to support a community recovery plan that includes a community engagement component.	DRT	Ongoing
June 15, 2020 Special Council Meeting			
20-06-373	That the Fort Vermilion future development continue to be investigated.	DRT	Ongoing
June 24, 2020 Regular Council Meeting			
20-06-383	That applications be submitted for the three boat launch locations and that the Mackenzie County Search and Rescue River Access Plan be amended to include the additional access sites as identified in the 1991 Recreation Sites in the Lower Peace River Valley Report and be brought back to Council for approval.	Don	Application submitted for three boat launches. River Access Plan in progress.
20-06-396	That second reading of Bylaw 1181-20 being a Land Use Bylaw Amendment to rezone Plan 2938RS, Block 02, Lots 15 & 16 from Fort Vermilion Commercial Centre "FV-CC" to Hamlet Residential 1 "H-R1" to accommodate a Manufactured Home-Mobile be TABLED.	Caitlin	Tabled due to flood recovery process.
July 15, 2020 Regular Council Meeting			
20-07-422	That administration contact the bidders of the Heliport Road Asphalt Overlay project to obtain an overlay quote for the La Crete North and South Accesses.	Operations Director	Quotes were over budget. 2021 budget discussions.
20-07-427	That the Mackenzie Applied Research Association (MARA) Agronomy Building project be awarded to the most qualified bidder and that the budget be amended to include \$60,000.00 for the project overage, with the County's portion of \$25,000 funding coming from the	Byron Jennifer	In progress. Awaiting down payments from all parties.

Motion	Action Required	Action By	Status
	General Capital Reserve and the remainder being funded by MARA.		
20-07-435	That the 1990 Ford Superior Fire Truck and the 1991 GMC C7H042 Superior Fire Truck be offered to the Paddle Prairie Metis Settlement and that the book value of the vehicles in the total amount of \$10,000 be written off if the offer is accepted.	Don Willie	In progress. Waiting for transfer documents and Paddle Prairie to pick up units.
20-07-438	That Administration proceed with the one-year extension and creating a two-year sub-contract request for proposals for the Construction and Maintenance of the Tompkins Crossing Ice Bridge.	Operations Director	RFP – August 2021
August 19, 2020 Regular Council Meeting			
20-08-465	That administration bring forward a review of the line-painting program during the 2021 budget deliberations.	Operations Director	2021 Budget Deliberations Workshop
20-08-488	That a letter of concern be placed on file for the engineering error on the Heliport Road Asphalt Overlay project tender.	Operations Director	In progress
20-08-497	That administration proceed with the sale of the 0.09 acres on Part of Plan 182 2539, Block 01, Lot K in the Hamlet of La Crete, subject to developer agreeing to create a treed buffer on the west and south property line and paying all fees.	Caitlin	Landowner has to apply for subdivision and consolidation
20-08-503	That administration prepare a press release and information material regarding the impacts of the assessment model review.	Jennifer	Under review based on new direction from Municipal Affairs
20-08-513	That three (3) recipients be awarded a Mackenzie County Bursary, as presented, for a total amount of \$3,500, with the understanding that the bursary amount be extended for an additional year due to any COVID-19 restrictions prohibiting attendance this fall, and that the remaining budget amount of \$3,500 be transferred to the Bursaries Reserve.	Jennifer	Completed. Year End Transfer to Reserves.
September 8, 2020 Regular Council Meeting			
20-09-534	That Policy PW009 Dust Control be TABLED to the 2021 budget workshop.	Operations Director	2020-10-20
20-09-539	That Bylaw 1194-20 being a Fee Schedule Bylaw amendment for Mackenzie County be TABLED to the 2021 budget workshop.	Carol	2020-10-20 2020-11-18
September 22, 2020 Regular Council Meeting			
20-09-567	That Mackenzie County, as the Primary Policy Holder, and the Old Bay House Society, as the Additionally Named Insured, jointly sign the settlement of loss offer presented in the letter sent September 1, 2020 in the amount of \$258,914.38.	Jennifer	Awaiting confirmation from insurance and Old Bay House

Motion	Action Required	Action By	Status
20-09-568	That a letter be sent to the Old Bay House Society supporting repairs of the Old Bay House and requesting a meeting to discuss an anticipated opening date.	Jennifer	In progress
20-09-585	That administration send a link to the local community La Crete Ferry camera service to Alberta Transportation.	Carol	
20-09-586	That administration investigate the initial capital cost to participate in the Mackenzie Regional Waste Management including inflationary rates.	Jennifer Carol	
October 13, 2020 Regular Council Meeting			
20-10-599	That a letter be sent to the Government of Alberta regarding potential funding due to the impact of the Site C Clean Energy Project downstream effects.		
20-10-601	That the Agricultural Service Board be authorized to issue a Request for Proposals to rent out the SW 6-109-19-W5 and NW 6 & SW of 7-109-19-W5M for agricultural use.	Grant	In progress
20-10-604	That the request to remove the late payment penalty on Tax Roll #082263 and Tax Roll #082269 be denied.	Jennifer	In progress
20-10-607	That administration bring back options for Bistcho Lake cabins tax assessments to the next meeting.	Jennifer	2020-11-10
20-10-616	That Administration be authorized to purchase Plan 192 3085, Block 24, Lot 02 and to proceed with the Survey to register lands as a Public Works – Drainage Right of Way plan for the La Crete Southeast Drainage Ditch Project.	Caitlin	Offer to purchase sent to the landowner
20-10-617	That the budget be amended to include the La Crete Southeast Drainage Ditch (Plan 992 0894, Block 02, Lot 01) project in the amount of \$8,000, with funding coming from the Surface Water Management Reserve.	Jennifer	
20-10-618	That Administration be authorized to purchase Plan 992 0894, Block 02, Lot 01 and to proceed with the Survey to register lands as a Public Works – Drainage Right of Way plan for the La Crete Southeast Drainage Ditch Project.	Caitlin	Offer to purchase sent to landowner for 992 0894, Block 2, Lot 1
20-10-619	That administration develop a Tax Deferral Bylaw for lot improvements in Mackenzie County.	Jennifer Caitlin	2020-11-25
20-10-620	That Byron Peters, as Administrative Lead, work with the Regional Economic Development Initiative's (REDI) Rail to Alaska lobbying efforts and other groups and individuals as required.	Byron	In progress
20-10-621	That a letter be sent to the Minister of Jobs, Economy and Innovation and MLA Dan Williams requesting that	Bryon	Letter drafted

Motion	Action Required	Action By	Status
	the Government of Alberta restore funding for Regional Economic Development Alliances to the full \$100,000 annually, with a five-year commitment.		
20-10-632	That the Agricultural Service Board be authorized to extend the current agreement between Frontier Veterinary Services Ltd. and Mackenzie County for a period of one (1) year.	Grant	In progress
October 27, 2020 Organizational Council Meeting			
20-10-642	That the Community Services Committee Terms of Reference be approved as amended.	Carol	
20-10-643	That the following Members at Large be appointed to the Community Streetscape Implementation Committee for a two year term – October 27, 2020 to October 2022 and that the remaining positions be re-advertised.	Carol	
20-10-682	That the Procedural Bylaw be brought back with amendments in the following areas: <ul style="list-style-type: none"> • Section 67 – Electronic participation at meetings • Section 99 – Delegations relating to legislated appeal processes 	Carol	
20-10-683	That Policy ADM050 Council/Administration Protocol – Council Self-Evaluation be completed at a Committee of the Whole Meeting.	Carol	2020-11-24
October 28, 2020 Regular Council Meeting			
20-10-690	That flood mitigation options be brought back to the next Council meeting.	Fred	2020-11-25
20-10-693	That administration investigate the insurance requirement for Waste Transfer Station Caretakers and bring it back to the next meeting.	Jennifer Don	
20-10-695	That the 2020 Campground Caretaker bonuses be approved as follows: <ul style="list-style-type: none"> • Hutch Lake - \$7,225 • Machesis Lake - \$1,517 • Wadlin Lake - \$8,000 	Don	
20-10-710	That Policy DEV006 Antenna System Siting Protocol be TABLED for more information.	Caitlin	2020-11-10
20-10-719	That the County suspend all land purchases until the provincial funding is received and the mitigation plan is supported.	DRT	
November 10, 2020 Regular Council Meeting			
20-11-726	That administration gather information from flood affected residents and draft a letter to the Minister of Municipal Affairs and the Insurance Bureau of Canada regarding coverage concerns.	DRT	

Motion	Action Required	Action By	Status
20-11-728	That the Blumenort Waste Transfer Station and Rocky Lane Waste Transfer Tenders be TABLED for more information.	Don	
20-11-731	That all Campground Caretaker Contracts be referred back to the Community Services Committee for review of tender documents and that it be brought back to Council in January 2021.	Don	
20-11-734	That the Hutch Lake 10 Year Management Plan be approved as amended and be submitted to Alberta Environment and Parks.	Don	
20-77-737	That a letter be sent to the Recreation Boards and all non-profits operating in County owned buildings, stating that they have care, custody and control of the buildings in order for them to be eligible for Alberta Gaming and Liquor raffle and gaming licenses.	Jennifer	
20-11-738	That the 2020 operating budget be amended to include \$62,050 for local Family and Community Support Services (FCSS) COVID-19 funding support, with funding coming from the Family and Community Support Services of Alberta COVID 19 Grant in the amount of \$42,050 and the Emergency Community Foundations of Alberta Grant in the amount of \$20,000.	Jennifer	
20-11-739	That the 2020 budget be amended in the amount of \$2,169 for the 2019 La Crete Recreation Board Project – Rebuild One Compressor, with funding coming from the Recreation Board Reserve.	Jennifer	
20-11-744	That the concepts and guidance provided within the La Crete Industrial Growth Strategy be incorporated into County planning documents.	Byron	



ALBERTA
MUNICIPAL AFFAIRS

*Office of the Minister
MLA, Grande Prairie*



AR100363

NOV 05 2020

Her Worship Michelle Farris
Mayor
Town of Rainbow Lake
PO Box 149
Rainbow Lake AB T0H 2Y0

Reeve Joshua Knelsen
Mackenzie County
PO Box 640
Fort Vermilion AB T0H 1N0

Dear Mayor Farris and Reeve Knelsen,

Thank you for your recent correspondence responding to the request from former Minister Kaycee Madu, QC, for confirmation of your councils' positions with respect to the proposal for the formation of a new municipality in northern Alberta. As the recently appointed Minister of Municipal Affairs, I am pleased to work with your region on this important matter.

As you know, all three municipal councils in the region have indicated unanimous support for the proposal. I have reviewed all of the information provided to date, and I am pleased to advise you that I have decided to move forward with a formal evaluation of the proposal. I understand the Town of High Level has requested not to be included in the restructuring proposal, but remains an important stakeholder as a neighbouring municipality in the region.

There will be many matters to be considered in this process, including proposed municipal types, governance structures, municipal boundaries, revenues and expenses, and many other operational and transitional matters. It is imperative that both resulting municipalities would be set up for success and ongoing viability after the restructuring is implemented, and therefore the study must demonstrate clear evidence of the viability of the proposed future-state municipalities before any changes will be considered.

My ministry will work with you in a ministry-led process, with the key focus being viability. Presuming a solid plan for viability will be developed, I would then be prepared to undertake a public and stakeholder engagement process to invite comments on the proposals, as required in the *Municipal Government Act*.

I do not expect that this process will be completed prior to the 2021 general municipal election due to the significant workload that will be required. To ensure this initiative does not fetter the democratic process of the general municipal election and the administration of the legislated requirements for the election in the *Local Authorities Election Act*, Mackenzie County and the Town of Rainbow Lake should continue to plan to conduct your own local elections in October 2021.

.../2

The successful development of a restructuring plan will be predicated on the active participation of Mackenzie County and the Town of Rainbow Lake. This project will require tremendous collaboration and partnership between our respective administrations, and I respectfully request your full support for their efforts to support this process and timeline.

Municipal Affairs has considerable experience leading similar processes for viability reviews and amalgamations, and my ministry will contact both chief administrative officers shortly to discuss steps for moving forward. I hope to have a joint meeting with your councils in the near future to discuss this process further and would also welcome periodic meetings with your councils throughout the process. My office will be in contact to arrange a meeting.

In the interim, should you have any questions, please contact Roy Bedford, Municipal Viability Advisor, toll-free at 310-0000, then 780-422-8342, or at roy.bedford@gov.ab.ca.

Thank you for your leadership and collaboration.

Sincerely,



Tracy L. Allard
Minister

cc: Dan Williams, MLA, Peace River
Mayor Crystal McAteer and Council, Town of High Level
Clarke McAskile, Chief Administrative Officer, Town of High Level
Dan Fletcher, Chief Administrative Officer, Town of Rainbow Lake
Lenard Racher, Chief Administrative Officer, Mackenzie County
Paul Wynnyk, Deputy Minister, Municipal Affairs
Gary Sandberg, Assistant Deputy Minister, Municipal Services Division, Municipal Affairs
Roy Bedford, Municipal Viability Advisor, Municipal Affairs
Lisa Gentles, Scheduler to the Minister of Municipal Affairs



ALBERTA
MUNICIPAL AFFAIRS

*Office of the Minister
MLA, Grande Prairie*

AR102975

Joshua Knelsen
Reeve
Mackenzie County
4511 - 46 Avenue
PO Box 640
Fort Vermilion AB T0H 1N0

Dear Reeve Knelsen,

Thank you for your recent correspondence congratulating me on my appointment as Minister of Municipal Affairs.

It is an honour and a privilege to serve in this role, supporting strong, fiscally responsible municipalities and continuing my ministry's role in providing Albertans with safe buildings, homes, and communities. I am looking forward to collaborating with communities, listening to the concerns and priorities of Albertans, understanding their perspectives on the issues, and discussing how we can all work together to help lead our province through its current economic challenges.

Albertans have demonstrated their strength and resiliency through this unprecedented time. As our province recovers from the COVID-19 pandemic, Alberta's government is investing in local infrastructure projects that put Albertans back to work, supporting growth in key sectors, and positioning the province for future economic prosperity. I believe the most compassionate response to this crisis will be to support communities and families by creating jobs. My goal is to spread hope to Albertans by creating visibly local opportunities and working tirelessly to demonstrate support for economic recovery, because people matter.

Thank you again for writing to share your warm wishes.

Sincerely,

Tracy L. Allard
Minister



Forest Resource Improvement
Association of Alberta (FRIAA)
Box 11094, Main Post Office
Edmonton AB T5J 3K4



Tel.: (780) 429-5873
Fax: (780) 429-4026

October 16, 2020

Sent by email only to: droberts@mackenziecounty.com

RE: FRIAA-FFP July 2020 Expression of Interest

Dear Don,

The FRIAA FireSmart Review Committee has completed its review of all responses to the Request for Expression of Interest published on July 7, 2020. Unfortunately, your Expression of Interest for the Vegetation Management - Zama City 2020 - 2021 (EOI-20-29) was not short-listed by the Review Committee. The following comments outline the feedback from the Review Committee regarding your Expression of Interest:

- 1) Due to a substantial total funding request for the FRIAA FireSmart Program, invitations to submit full Proposals were very competitive.
- 2) Contact Wes Nimco (FRIAA Field Liaison) at 780-689-9073 or wes.nimco@friaa.ab.ca to discuss future submissions to the FRIAA FireSmart Program.
- 3) Consider whether the proposed blocks may be suitable for the FRIAA Community Fireguard Construction Program.

If you have any questions, please contact either Micki Baydack at 780-733-8684 or myself at 780-733-8620.

Thank you for your interest in the FRIAA FireSmart Program.

Sincerely,

Forest Resource Improvement
Association of Alberta (FRIAA)

per: Sherry Norton



ALBERTA
SERVICE ALBERTA

*Office of the Minister
MLA, Strathcona-Sherwood Park*

AR39681

November 17, 2020

To Alberta's Municipal and Indigenous leaders

RE: The Federal Government's Launch of the Universal Broadband Fund

On November 9, 2020, Innovation, Science and Economic Development Canada (ISED) announced a \$750 million increase to the Universal Broadband Fund, for a total of \$1.75 billion for the expansion of broadband internet connectivity in Canada. The federal agency also announced a \$600 million agreement with Telesat, a Canadian satellite company, to use low-earth-orbit satellites for broadband services in northern, rural, and remote regions.

Alberta's government has been awaiting the launch of the Universal Broadband Fund and looks forward to working with municipalities, Indigenous communities, and Internet Service Providers (ISPs), to improve connectivity across the province.

Service Alberta is working with the federal government on this initiative and will continue to share additional information with you as the process moves forward. My department was part of the pre-brief with ISED prior to the program's launch, and is participating in weekly calls with our federal counterparts to clarify any questions that may arise.

We will also continue to support rural ISPs, municipalities, and Indigenous communities who are applying for broadband funding from the federal government. While the Alberta government is exploring all options, recent application intakes have included a Ministerial Letter of Support. As the application deadlines are only 3 months away, I would encourage communities or service providers, interested in applying to the Universal Broadband Fund, to contact Holly Saulou, Executive Director Telecommunications with Service Alberta, at holly.saulou@gov.ab.ca or by phone at 780-427-6332. Ms. Saulou will ensure that potential applicants are kept up to date on the latest information from both the province, and the Government of Canada.

.../2

I'd also like to note the inclusion of new "Pathfinder" services as part of the Universal Broadband Fund announcement. Service Alberta advocated for, and supports the inclusion of these services to support smaller applicants. Many ISPs, municipalities, Indigenous leaders, and utility co-ops in rural Alberta may find these services helpful as they navigate these complex application processes.

Access to a high-speed reliable broadband internet connection is important to Albertans and essential for Alberta's recovery and economic diversification. Alberta has already invested more than \$1 billion into the SuperNet to ensure connectivity for public sector facilities, including hospital and schools, and to support service providers in delivering internet to rural Albertans. We will be calling on the Government of Canada to work with Alberta to ensure that its applicants receive a fair share of support from the Universal Broadband Fund, and also to ensure that Alberta's eligible remote communities can benefit from broadband services offered through the Telesat low-earth-orbit satellite agreement.

I want to thank all of our municipal and Indigenous leaders for their time and commitment to these important matters. I have included key facts about the fund as an attachment, and encourage you to reach out to Ms. Saulou with any questions you may have.

Sincerely,



Honourable Nate Glubish
Minister of Service Alberta

cc: Honourable Tracy Allard
Minister of Municipal Affairs

Honourable Rick Wilson
Minister of Indigenous Relations

Attachment: Key Facts on the Universal Broadband Fund

Attachment: Key Facts on the Universal Broadband Fund

- The Universal Broadband Fund (UBF) has been positioned as the federal government's flagship funding program for connectivity projects that will help realize the objective of universal access to high-speed broadband services.
- In response to the connectivity needs highlighted by the pandemic, the federal government has increased UBF funding to \$1.75 billion, up from the \$1 billion originally earmarked for the program in federal Budget 2019.
- The federal government anticipates that the UBF will connect another 1.2 million Canadian families by 2026; and that the additional funding will ensure 98 per cent of Canadians can access high-speed services by 2026.
- Unlike the Canadian Radio-television and Television Commission's (CRTC) Broadband Fund, the UBF has not contemplated multiple application intakes. Instead, there is currently a single application window with short deadlines:
 - January 15, 2021 for the Rapid Response Stream, and
 - February 15, 2021 for all other streams.
- Alongside the launch of the UBF, the federal government has restated a commitment of up to \$600 million to secure capacity on Telesat's Low Earth Orbit satellite constellation.
 - This capacity will be made available to Internet Service Providers (ISPs) at subsidized rates in order to provide high-speed, reliable Internet access to the most challenging rural and remote communities in Canada.
 - Telesat anticipates that capacity will be available to service Canada's far North in 2022, and to the rest of Canada in 2023.
 - Alberta has a limited list of communities in which satellite may be eligible. No satellite dependent communities are noted in ISED maps, however ISPs in eligible rural and remote communities without access to fibre, may apply to the Telesat agreement. Those eligible communities are noted at:
<https://www.ic.gc.ca/eic/site/139.nsf/eng/00015.html>.
- The UBF will take a multi-pronged approach, designed around four funding streams:
 - **The Rapid Response Stream** will invest up to \$150 million in projects that are ready to deploy and can help address immediate needs. Only projects that are exclusively dedicated to household connectivity are eligible under this stream. Beneficiary projects will need to be in service by November 15, 2021.
 - The Rapid Response Stream will be a rolling intake with a shortened review process within ISED. In that way, first in applications are the first funded.
 - **The Large-Impact Projects Stream** will dedicate up to \$750 million to projects that are "transformative", target a large number of households, and have the ability to leverage many sources of funding. For this stream, ISED is looking to partner with the Canada Infrastructure Bank (CIB). Applicants would have the option of seeking low-cost loans from the CIB in line with the \$2 billion assigned to broadband in CIB's Growth Plan.
 - **The Mobility Projects Benefitting Indigenous Peoples Stream**, will dedicate up to \$50 million to improving mobile Internet availability in areas of benefit to Indigenous

communities. This includes projects along highways and roads, and in Indigenous communities, where mobile connectivity is lacking.

- A **General UBF Stream** of up to \$800 million will support a diversity of projects. Any underspend from other streams will be diverted to this stream.
- With regard to eligibility and selection, the UBF will:
 - Allow almost any Canadian entity, including provinces and municipalities, to submit an application. Individuals and federal entities are excluded. Eligible applicants must have the ability to design, build and run broadband infrastructure, and must identify who will build, own and operate the broadband network.
 - Projects will be selected using a three-stage assessment process that will ensure projects from a wide variety of applicants across Canada can be considered. Selected projects will be those that best meet the objectives of the program.
- With regard to funding:
 - The maximum amount an applicant can request for a project is up to 75 per cent of the total eligible costs, or up to 90 per cent of the total eligible costs for projects targeting very remote areas, satellite-dependent and/or Indigenous communities.
- It is anticipated that successful projects will be announced starting in early 2021.

From: Northern Alberta Development Council <nadc.council@gov.ab.ca>
Sent: November 19, 2020 4:31 PM
To: CAO
Subject: New Chair Appointed, November 2020

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November 19, 2020

We are pleased to announce that MLA for Bonnyville-Cold Lake-St. Paul, Mr. David B. Hanson has been appointed the NADC Chair for a two-year term expiring November 17, 2022 ([Order in Council 353/2020](#)).

Mr. Hanson was re-elected to his second term at the Legislative Assembly of Alberta on April 16, 2019. Previously he represented the constituency of Lac La Biche-St. Paul-Two Hills. He currently serves as the chair of the Standing Committee on Resource Stewardship.

Prior to his election to the Legislative Assembly, Mr. Hanson worked for over 37 years in the construction industry in service of both the commercial and oil and gas sectors. Over the course of his career he has worked in various capacities, including as a foreman, as a superintendent and, most recently, as a consultant and construction inspector for a major Alberta oil

and gas company. He was born and raised in Two Hills, and he and his family now reside on a farm northeast of St. Paul in the hamlet of Owlseye.

We look forward to working with MLA Hanson to advance programs and services that foster economic recovery, workforce development and job creation in Alberta's northern communities.

Please join us in welcoming MLA Hanson to the NADC!

About the NADC

The Northern Alberta Development Council is a provincial government agency that investigates northern Alberta's economic and social development priorities, programs, and services. Council provides advice and recommendations to the Government of Alberta.

Please visit the [NADC website](#) for more information on the Council.

Stay Connected

Like and follow us on Facebook and Twitter! For more information about the NADC or the region please visit our [website](#), e-mail us at nadc.council@gov.ab.ca or call our office at 780-624-6274.



Northern Alberta Development Council

This email is intended for cao@mackenziecounty.com.

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