

2018 Resolutions Book

2018 Convention Red Deer, Alberta
September 26-28

Version 3 – September 20, 2018



TM



TM

WE ARE
economies
OF SCALE

WE ARE THE
support
YOU NEED

WE ARE THE
experts
IN MUNICIPALITIES

WE ARE YOUR
advocate

2018 Resolutions Book

Version 3 – September 20, 2018

Alberta Urban Municipalities Association

**2018 Convention
Red Deer, Alberta
September 26-28, 2018**

Resolutions Sessions:

**First Session – September 26, 2018
Second Session – September 28, 2018**

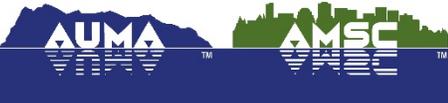
Resolutions for Discussion at the 2018 Annual AUMA Convention

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NOTE: There are no 2018 resolutions in the categories of Strategic/Business Plan Scope, Endorsement Requests, or Targeted Scope.



AUMA Resolutions Policy

POLICY NO. AP002 – Revised March 2018

General

1. Resolutions should address a topic of concern affecting municipalities on a regional or provincial level, and must be approved by the council of the sponsoring municipality.
2. Resolutions must not direct a municipality to adopt a particular course of action, but must be worded as a request for consideration of the issue seeking action by the Alberta Urban Municipalities Association (“AUMA”).
3. Each resolution must be submitted:
 - (a) electronically;
 - (b) in the appropriate format;
 - (c) along with council minutes that show proof of the sponsoring municipality’s council approval; and
 - (d) in adherence to the guidelines presented in this Policy.
4. Resolutions may be submitted for consideration at the AUMA annual Convention by:
 - (a) a regular member or group of regular members; or
 - (b) the AUMA Board of Directors.
5. Resolutions shall be in the form:

WHEREAS ...
AND ...
IT IS THEREFORE RESOLVED THAT the Alberta Urban Municipalities Association (take some action) ...
6. Each resolution shall be written in the following format:
 - (a) A title that is concise yet specific to the issue in the resolution;
 - (b) The Preamble of the resolution (beginning with “WHEREAS” ...);
 - i) must describe the issue or opportunity that the resolution is bringing forward;
 - ii) should outline the applicable legislation and, where possible, the specific section of the Act or Regulation; and
 - iii) should ideally not exceed five clauses.
 - (c) The operative clause of the resolution (i.e. beginning with “IT IS THEREFORE RESOLVED THAT” ...) must:
 - i) clearly set out what the resolution is meant to achieve;
 - ii) state a specific proposal for action;

- iii) specify who should be taking the action (e.g. the federal or provincial government, AUMA, or another party) and the role for AUMA that is being requested or proposed; and
 - iv) be straightforward and brief so that the intent of the resolution is clear. Generalization should be avoided. Resolutions that are too general or fail to meet this format may be returned to the sponsoring municipality.
7. Each resolution should be accompanied by background information outlining the issue as it relates to the sponsoring municipality, when and how often the resolution has been submitted in the past, and how the resolution is related to AUMA policy. This material will assist the AUMA Municipal Governance Committee, and later the Resolutions Session, in understanding the issues.
8. Resolutions must be submitted to the AUMA Chief Executive Officer no later than May 31 each year, provided that, the Chief Executive Officer may grant an extension of the deadline:
- (a) if the Convention is scheduled later than Thanksgiving Day in any year; or,
 - (b) if requested by a member, when the Chief Executive Officer is satisfied that valid conditions have made it impossible for the member to submit the resolution by the deadline date.
9. The annual call for resolutions may include information on key issues identified in the AUMA strategic or business plan on which the AUMA Board of Directors wishes to focus and/or information regarding any other matters on which AUMA seeks assistance in the coming year. As well, the annual call for resolutions will remind members that alternatives to Convention resolutions available during the year include bringing Requests for Decisions to the appropriate Municipal Leaders' Caucus and bringing a matter directly to the attention of the AUMA Board of Directors.

Extraordinary Resolutions

10. A resolution arising from the proceedings of the Convention or related to a matter of an urgent nature arising after the resolution deadline may be considered an extraordinary resolution on a case-by-case basis.
11. A regular member wishing to propose an extraordinary resolution shall provide notice to the AUMA Chief Executive Officer as soon as possible with a deadline of the first day of Convention. The extraordinary resolution must also include:
- (a) a rationale of why the resolution is extraordinary;
 - (b) an electronic copy of the resolution via email that adheres to resolution formatting guidelines presented in Sections 5 and 6;
 - (c) proof of the council's approval for the sponsoring municipality; and

- (d) 1,000 printed copies of the resolution, which requirement may be waived if AUMA determines in advance that there is sufficient time to publish the extraordinary resolution in the Convention handbook, website, or ability to distribute the resolution appropriately in another manner.
12. The determination whether the proposed resolution meets the criteria of an extraordinary resolution will be made by:
- (a) in the case of a proposed extraordinary resolution submitted after the resolution deadline but before the final AUMA Board of Directors meeting prior to the Convention, by the Board on the recommendation of the Municipal Governance Committee; or
 - (b) in the case of a proposed extraordinary resolution submitted after the final AUMA Board of Directors meeting prior to the Convention, by the Executive Committee of the AUMA Board of Directors, in consultation with the either Resolutions Session Chair or Municipal Governance Committee Chair.
13. The criteria of an extraordinary resolution is that it must:
- (a) deal with an emergent issue of concern to the general membership that has arisen after the resolution deadline or just prior to the resolution deadline such that they could not come forward as a resolution in time; and
 - (b) have a critical aspect that needs to be or will be addressed before the next Convention; and
 - (c) comply with the guidelines for resolutions set out elsewhere in this policy.
14. Prior to the merits of any proposed extraordinary resolution being debated, a 2/3 majority vote is required to determine whether it meets the criteria in Section 13 and therefore will be considered at the Resolutions Session.
15. Extraordinary resolutions accepted for consideration by the Resolutions Session shall be presented following debate of the Targeted Scope resolutions.

Administrative Review

16. The AUMA Chief Executive Officer may return any submitted resolution to the sponsoring municipality to have deficiencies corrected or to clarify details of the resolution.
17. Deficiencies may include but are not limited to:
- (a) absence of any indication of the resolution being endorsed by the Council of the sponsoring municipality;
 - (b) the Preamble includes statements contradictory to the operative clause or lacks necessary details;
 - (c) lack of a clear supporting narrative where the rationale of the resolution is unclear;

- (d) unclear background and Preamble; and
 - (e) incorrect or misleading statements within the resolution or within the supporting background information and/or documentation.
18. Each resolution and accompanying background information may undergo fact-checking to ensure details relating to the resolution are accurate.
 19. The AUMA Chief Executive Officer may request and accept from AUMA staff an opportunity to provide further background material on a resolution.
 20. The return by the AUMA Chief Executive Officer of any proposed resolution for the correction of any deficiencies will not affect its categorization nor will it disqualify a resolution submitted on time.

Committee Review

21. The Municipal Governance Committee shall serve as the AUMA Resolutions Committee and review each proposed resolution for format and content and may recommend that the AUMA Board of Directors refuse to submit to the Resolutions Session any resolution deemed inappropriate for consideration by the AUMA.
22. The Municipal Governance Committee will notify the appropriate Standing Committee of any proposed resolution(s) related to its policy or policies
23. The Municipal Governance Committee may:
 - (a) amend the grammar or format of the resolution;
 - (b) consolidate resolutions of similar intent or subject matter;
 - (c) provide comments on each resolution regarding its background;
 - (d) inform the sponsoring municipality where the resolution will materially change or contradict current AUMA policy;
 - (e) recommend to the AUMA Board of Directors that resolutions already adopted and/or forming AUMA policy not be considered at the Convention, and be returned to the sponsor(s) of the resolution(s) with an explanation of the reason for return;
 - (f) refer resolutions back to the sponsor municipalities for deficiencies including but not limited to those outlined in Section 17; and
 - (g) provide comments on each resolution with respect to updates on the policy topic as appropriate and alignment with other AUMA policies.
24. When the Municipal Governance Committee determines that a proposed resolution is appropriate for submission to the Resolutions Session, it shall categorize the resolution as one fitting into the category of either:

- (a) AUMA Strategic/Business Plan Priorities, including matters related to the implementation of the AUMA strategic and/or business plans;
 - (b) Provincial Scope, including resolutions that address matters of significance to all or most municipalities in the province;
 - (c) Targeted Scope, including resolutions that address matters of significance to all or most municipalities located in one area of the Province, region, or municipal members of a similar size;
 - (d) Endorsement Requests, including requests of regular Members to endorse positions they are taking without any advocacy action by AUMA; or
 - (e) Non-Municipal Matters, including matters outside of municipal jurisdiction and therefore not appropriate for presentation to the Resolutions Session shall also be categorized by the Municipal Governance Committee.
25. The Municipal Governance Committee will prepare a Resolutions Book, which will include all proposed resolutions determined appropriate for submission to the Resolutions Session, including the following information on each resolution:
- (a) Number and Title of Resolution;
 - (b) Name of Sponsoring Member(s);
 - (c) Proposed Resolution;
 - (d) Resolutions Category; and
 - (e) Municipal Governance Committee comment (if any).
26. Resolutions will appear in the Resolutions Book along with the Resolutions Session Agenda and Resolutions Policy in the following order:
- (a) AUMA Strategic/Business Plan Priorities;
 - (b) Provincial Scope;
 - (c) Targeted Scope; and
 - (d) Endorsement Requests.
27. The Resolutions Book will be forwarded to the AUMA Board of Directors, and upon the AUMA Board of Directors having approved the Resolutions Book, proposed resolutions assigned to the Non-Municipal Matters category will be returned to the sponsoring member(s) with an explanation of why the resolution(s) will not appear in the Policy and Resolutions Book at the Resolutions Session.
28. The AUMA will electronically publish and distribute the Resolutions Book to members at least eight (8) weeks prior to Convention.

Resolutions Session Agenda

29. The AUMA Board of Directors, after consulting with the Municipal Governance Committee Chair, will appoint a Resolutions Session Chair.
30. As provided in the Bylaws, quorum for all proceedings at a Resolutions Session will be comprised of representatives of twenty-five percent [25%] of the Regular Members.
31. Prior to the beginning of the Resolutions Session, the Resolutions Session Chair will ask for a motion from the floor to adopt the Resolutions Session Agenda as presented in the Policy and Resolutions Book.
32. Amendments from the floor to the Resolutions Session Agenda will be accepted when duly moved and seconded.
33. A 2/3rds majority of the delegates present will be required to change the Resolutions Session Agenda.
34. If there are no amendments to the Resolutions Session Agenda, resolutions will be debated in the order they are presented in the Resolutions Book. No further amendments to the resolution agenda will be accepted.

Considering Resolutions

35. The Resolutions Session Chair will introduce each proposed resolution by indicating its number, title, the name of the sponsoring municipality, and the action being voted on.
36. The Resolutions Session Chair will then call on the sponsoring municipality to move the resolution.
37. The Resolutions Session Chair will then call for a supporting municipality to second the resolution. If no municipality seconds the resolution, the resolution dies. Immediately after the resolution is seconded, the spokesperson from the sponsor municipality that moved the resolution will have up to two minutes to speak to the resolution. The spokesperson that seconded the resolution will also have up to two minutes to speak to the resolution.
38. Resolutions must be moved by an elected official from the sponsoring municipality. However, in the event that the elected official moving the resolution is unable to speak on behalf of the resolution, the sponsoring municipality's Chief Administrative Officer may speak on behalf of the resolution at the discretion of the mover.
39. Following a resolution being seconded, Resolution Report comments developed by the Municipal Governance Committee may be presented to the Resolutions Session. These comments must be approved in advance by the AUMA Board of Directors. The

spokesperson shall be the Chair of the Municipal Governance Committee, or the Vice-Chair if the Chair of the Municipal Governance Committee is acting as the Resolutions Session Chair, or a designate as determined by the Chair of the Municipal Governance Committee. Following these comments, the resolution is open for debate.

40. As provided in the AUMA Bylaws, the persons entitled to speak in favour and opposed to a resolution during the Resolutions Session are:
 - (a) those elected representatives in attendance whose municipalities are Regular Members of the Association in good standing;
 - (b) in the event a Regular Member is unable to be represented at the Resolutions Session by an elected representative, an official appointed by motion of the Council to represent it, provided that notice of such appointment is submitted in writing to the AUMA Chief Executive Officer at least three (3) days prior to the date of the Resolutions Session; and
 - (c) upon a motion from the floor or at the discretion of the Resolution Session Chair, a representative of an Associate Member.
41. No debate on accompanying background material and information for resolutions will occur.
42. In the case of a proposed new Policy Position Paper, the Resolutions Session Chair will allow a spokesperson or designate a maximum of five (5) minutes to introduce the new Policy Position Paper and place the resolution on the proposed new policy before the Convention and to name the seconder.
43. Following the initial speaker, the Resolutions Session Chair will then call alternately for persons opposing and supporting the resolution. These speakers will have a two (2) minute time limit and shall not speak more than once on any one question. When no opposing position speaker is available, the Resolutions Session Chair will declare the end of the debate and the spokesperson will be allowed one (1) minute for the closing of debate.
44. If no one rises to speak in opposition to a proposed resolution, the question will be immediately called.
45. A sponsoring municipality may withdraw a proposed resolution when the resolution is introduced but before the motion is seconded and accepted by the Resolutions Session Chair. In this event, the Resolutions Session Chair shall declare the resolution withdrawn and no further debate or comments will be allowed.
46. Amendments, including "minor amendments" from the floor will be accepted when duly moved and seconded. Amendments, including "minor amendments" are encouraged to be submitted in writing to the Resolutions Session Chair prior to the amendment being introduced but verbal amendments will also be accepted from the floor.

47. The Resolutions Session Chair will rule whether or not an amendment complies with the intent of the original resolution.
48. Debate procedures for an amendment shall be the same as for a resolution as set out in Sections 38 to 45.
49. The conflict of interest guidelines for council votes, as outlined in the *Municipal Government Act*, shall also apply to Convention resolution votes for all delegates. It is incumbent upon each delegate to ensure adherence to this rule.
50. Voting may, at the discretion of the Resolutions Session Chair, be by:
 - (a) a show of hands of eligible voters;
 - (b) electronic means; or
 - (c) paper ballot.
51. The number of votes necessary for any resolution to pass is a simple majority of votes cast for that resolution (50 per cent plus one vote).
52. As long as there is a quorum present (Section 30), the Resolutions Session shall not be closed until all resolutions listed in the agenda are debated and voted upon, or the allotted time for the Resolutions Session has expired, unless the majority of delegates present vote to extend the allotted time.
53. Resolutions which are not debated at a Convention Resolutions Session because of insufficient time or lack of quorum will be considered by the Municipal Governance Committee, with its recommendations, to a meeting of the AUMA Board of Directors following the Convention.

Carried Resolutions

54. Resolutions carried by the membership:
 - (a) shall not be amended or modified by AUMA Administration or the AUMA Board of Directors except as provided for below;
 - (i) in the event that AUMA Administration determines that the background information or Preamble are materially incorrect or misleading, Administration may recommend to the Board amendments to the background information or Preamble before further action is taken.
 - (b) which involve advocacy to the provincial or federal governments, or other organizations, will be grouped by topic and submitted to the relevant ministry or organizations. Responses to the resolutions will be referred to the relevant AUMA Standing Committee, which will make a recommendation on any further action to the AUMA Board of Directors; or

(c) which involve other actions by the AUMA, will be referred directly to the relevant AUMA Standing Committee which will make a recommendation on action to the AUMA Board of Directors.

55. The AUMA Chief Executive Officer will collect all advocacy responses and prepare a status of resolutions inventory on the AUMA website. The status of resolutions inventory will include the responses and an indication of what (if any) follow up action AUMA will take with regards to any resolution for which the advocacy was not successful.

56. Resolutions brought forward by regular members have an active life of up to three (3) years if not successfully completed before then, following which they are deemed inactive. AUMA Board-sponsored Policy Position Papers are considered "active" until the AUMA Board of Directors deems them to be completed or inactive.

2018 Resolutions

CATEGORY PROVINCIAL SCOPE

AUMA Resolutions Policy:

The **Provincial Scope** category contains resolutions that address matters of significance to all or most municipalities in the province.

14 resolutions are recommended under this Category.

WHEREAS the Alberta Municipal Benchmarking Initiative (AMBI) is a collaboration of small and large municipalities;

WHEREAS this initiative has developed and implemented a framework that has enabled a continuous multi-year benchmarking process for the participating municipalities;

WHEREAS participating municipalities received key benefits in sharing ideas, using the network to discuss results and share practices and strategies collaborating on creative solutions to improve performance; and

WHEREAS participating municipalities received additional funding in March 2018 from the Alberta Community Partnership (ACP) to continue updating the benchmark reports with data from recent years.

IT IS THEREFORE RESOLVED THAT the AUMA encourage municipalities to participate and collaborate, utilizing the AMBI grant from Alberta Municipal Affairs for ongoing benchmarking comparisons; and

FURTHER BE IT RESOLVED THAT the AUMA lobby the Government of Alberta to provide funding for the Alberta Municipal Benchmarking Initiative program.

BACKGROUND:

The Alberta Municipal Benchmarking Initiative is a collaboration of small and large-municipalities. Their objective is to develop and implement a framework that will enable a continuous, multi-year benchmarking process for participating municipalities. The initiative includes identifying and gathering comparable metrics and preparing benchmarking reports to prompt questions, start discussions, identify and share leading practices, and ultimately improve the municipal services provided to Albertans.

The program began in November 2012 with a grant from Municipal Affairs' Regional Collaboration Program (Alberta Community Partnership). The grant was used to engage a consultant for initial data collection from 2009 to 2012, comparative analysis and reporting. Participating municipalities in phase two updated the data from 2012 to 2014.

A benchmark is an established point of reference against which things can be measured and compared. In this case, the benchmark is municipal service delivery metrics over time.

The data gathered in the benchmarking exercise sets the stage for each municipality to identify trends, compare their process with other municipalities, and encourage continuous improvement and effective positive change in the delivery of services to their residents.

The benefits and value of benchmarking includes the following:

- It helps tell the municipal "performance story"
- Benchmarking is a sound business practice often used by governments and private sector
- It assists municipalities in sharing knowledge and best practices, and builds awareness of the value of collaboration
- It identifies opportunities to improve service delivery and cost savings
- It helps to align service requirements with budget
- It encourages a culture of continuous improvement
- It demonstrates transparency and accountability and value for money

One of the key benefits is to share ideas, partners use the network to discuss results and share their practices and strategies. It often starts with a question. Why did we get these results? How can we improve? What does your program look like?—and ends with collaboration on creative solutions to improve performance.

AUMA Comments:

- AUMA does not have a current policy position on this specific issue.

WHEREAS municipalities have a responsibility for the provision of good government, the provision of services, facilities, or other things that in the opinion of council, are necessary or desirable for the municipality and to develop and maintain safe and viable communities as per the *Municipal Government Act* RSA 2000 c. M-26;

WHEREAS the municipal/provincial relationship is vital to ensure that such good government and services can effectively be provided;

WHEREAS the challenges of effective consultation and communication between municipal and provincial government are evident and are impeding municipal government from effectively fulfilling its duties and calls into question the province's commitment to working with municipal elected officials to their fullest capabilities;

WHEREAS a municipality is a creature of the province with a limited amount of natural person powers given to it by the *Municipal Government Act*; and

WHEREAS the province is required by that same legislation to provide municipalities with clear and concise direction which would require direct interaction.

IT IS THEREFORE RESOLVED THAT the Alberta Urban Municipalities Association (AUMA) advocate for the Government of Alberta to engage municipalities in establishing and implementing a consultation and communication protocol, which recognizes and acknowledges the legislated significance of municipal elected officials.

BACKGROUND:

Alberta municipal elected officials are concerned and challenged with the absence of direct communication and difficulty utilizing or having access to limited channels to arrange meetings with provincial elected officials.

For example, provincial elected officials visiting municipalities or regions are not consistently informing municipalities of the visit. When the municipality learns about the visit after the provincial elected official has arrived, local elected officials lose the opportunity to share information and develop relationships with the provincial elected official. In late 2017, Alberta Health Minister Hoffman visited Falher and we did not learn of the visit until it had concluded and Minister had left the region.

In addition, there is a need for the province to be more responsive to municipal questions and concerns. For example, The Town Falher sent a letter to a Minister in August of 2016 and did not receive a response until June 2017. Given the pace of change the province is experiencing, more timely communications between governments is necessary.

Due to the difficulties encountered to schedule appointments or converse with provincial elected officials, municipalities are not sufficiently consulted on various issues that directly affect the residents of Alberta under the direct care of locally elected officials.

The Rural Municipalities of Alberta adopted a similar resolution during their fall 2017 convention.

AUMA Comments:

- AUMA consistently advocates that municipalities should be treated as partners by the provincial and federal government and should be proactively engaged in legislation, policies and programs that impact us.

WHEREAS the Province of Alberta has taken over responsibility for the assessment of all designated industrial property;

WHEREAS municipalities are required to collect and forward a requisition to the province to cover the cost of the centralized assessment process; and

WHEREAS the administrative cost of tracking, collecting, and forwarding the requisition to the province exceeds the entire value of the requisition in some municipalities.

IT IS THEREFORE RESOLVED THAT the Alberta Urban Municipalities Association request that the Government of Alberta amend the *Municipal Government Act* to enable municipalities to cover the value of the requisition as they see fit, rather than requiring them to carry out a prescribed requisition process.

BACKGROUND:

Alberta Municipal Affairs has taken over the assessment of properties classified as designated industrial property through amendments to the *Municipal Government Act*. The purpose of this change was to ensure that a consistent and fair assessment be done throughout the Province from one assessing district to another. To cover the cost of the assessment process, the province added Section 359.3 to the *Municipal Government Act* requiring municipalities to collect a requisition from designated industrial property owners and forward it to the province.

While the centralization of industrial assessment is a good change in general, the requirement for municipalities to track, collect, and forward the requisition to the province is problematic. Given the small number of designated industrial properties in some communities, the administrative cost can be significantly higher than the entire amount collected through the requisition. This is particularly the case in small communities.

The Town of Penhold is to collect \$158.00 for 2018 requisition. The time and expense for collection of the requisition over the past year was anticipated to be more than \$1,100 to deliver this service. This expense will come down year over year. However, it appears that the cost will always exceed the revenue intake.

The requirement to collect the requisition is inefficient and unnecessary. Municipalities should have the option to provide the province with the value of the requisition through other means. For example, it may be a financially prudent decision to simply pay the province the value of the requisition out of general revenues rather than pay a higher amount to administer the requisition. Section 359 of the *Municipal Government Act* should be amended

to enable greater flexibility for municipalities to determine the best option for covering the cost of designated industrial property assessment.

AUMA Comments:

- AUMA does not have a current policy position on this specific issue.

WHEREAS the Alberta Ministry of Transportation adopted Policy Number TCE-TS 509 on October 10, 2007 titled “Who Pays for Highway Improvements Caused by Single Developments, Multiple Developments, or In Support of New Developments Identified by the Department as Future Work”;

WHEREAS pursuant to section 4(e) of this policy, a cost sharing formula only applies to projects listed within the Alberta Ministry of Transportation three year business plan, and any cost sharing requests outside the one to three year business plan horizon are to be considered depending on their amount of benefit to the Ministry;

WHEREAS Policy Number TCE-TS-509 applies to all municipalities within the Province of Alberta, and does not make any differentiation with regard to the population of a municipality, or that municipality’s proximity to a Provincial Highway;

WHEREAS smaller municipalities in proximity to a Provincial Highway are less likely to be identified for projects inside the Ministry’s three year business plan horizon; and

WHEREAS this lack of differentiation between municipalities has resulted in an inequitable disbursement of Provincial assistance for the funding of highway improvements identified as necessary by the Ministry.

IT IS THEREFORE RESOLVED THAT the Alberta Urban Municipalities Association urge the Government of Alberta to consider review and amendment of Policy Number TCE-TS 509 in order to produce a policy that is more equitable to all municipalities, taking into consideration their size and proximity to a Provincial Highway.

BACKGROUND:

The current Alberta Ministry of Transportation Policy Number TCE-TS 509 outlines the provincial policy for who will pay for highway improvements that they deem to be required. This policy affects the Town of Edson greatly, considering that the Trans-Canada Highway passes directly through our municipality, as well as affecting other municipalities in highway proximity.

Whenever there is a subdivision within 1.6 km of a provincial highway (this number was .8 km until amendments to the Subdivision and Development Regulation were adopted last November), the municipality is required under the Subdivision and Development Regulation to send a referral to Transportation. At that point, if Transportation deems that the subdivision has an impact on their highway and improvements are required, such as road widening for free flow connector lanes, their policy takes effect. Transportation may refuse to allow a development until the required improvements are constructed. If the construction is

in Transportation's three year business plan horizon, the Province will pay for the construction. If the project is not in their horizon, the policy states whether the municipality, the developer, or both pay for the upgrades.

Since the Transportation formula for their business plan is based on traffic volumes dictating need, larger centres with quickly growing populations are always on the horizon. Municipalities that have close proximity to the highway with a smaller population do not make it into the forefront, therefore placing the upgrade costs on the municipality and/or the developer. In addition, smaller municipalities along the highways do not have the population/taxation base that larger centres have in order to raise the funds. This lack of differentiation between circumstances has caused an inequitable disbursement of Provincial assistance for the funding of improvements that are deemed necessary by Transportation.



DEPARTMENT POLICY STATEMENT

TITLE	Who Pays For Highway Improvements Caused By Single Developments, Multiple Developments, or In support of New Developments Identified by the Department as Future Work.	
Division/Branch	Transportation and Civil Engineering	
	Technical Standards Branch	
Version Number 001	Replaces Previous Policy Number New Policy	Effective Date October 10, 2007
Purpose	<p>To provide clarity on who should pay for highway improvements when:</p> <ul style="list-style-type: none"> • A single development generates traffic volumes that create the need for highway improvements. • More than one development generates the traffic volumes that create the need for highway improvements. • New developments advance the need for highway improvements or infrastructure identified by the department for future construction. 	
Context	<p>Municipalities have been given autonomy for land use decisions and development approvals under the Municipal Government Act. Municipalities are the land use approving authorities for new developments within their boundaries.</p> <p>Provincial policy requires municipalities take responsibility for addressing impacts on provincial highway systems resulting from land use decisions and development approvals.</p> <p>Municipalities have the ability to collect off-site levies from developers and receive provincial transportation grants which can be used to fund highway improvements associated with new developments.</p>	
Principles	<ol style="list-style-type: none"> 1. When a single development with a private means of access to the provincial highway causes the need for highway improvements the developer shall be responsible for the costs and construction of highway improvements to standards approved by the department. 2. When a single development accesses a provincial highway at a local road intersection, the municipality responsible for approving the land use and who is the road authority is to submit application to the department for approval of the highway improvement and pay for and construct the highway improvement(s) to department standards. 3. When a public road intersection is utilized by more than one development, and when an engineering assessment indicates highway improvements are required to support the total traffic generated, the 	

August 2007

municipality is to arrange payment for and construct the highway improvement(s) to department standards.

4. When a new development is proposed it may often generate new traffic that results in a need to advance highway improvements previously identified by the department for future consideration.
 - a. Developers are to work with the municipality to provide an analysis of road improvements required and to address local road intersection concerns.
 - b. The municipality is to submit all resulting proposals to the department.
 - c. When an engineering assessment of the highway intersection identifies the need to advance highway improvements, a development permit shall be issued by the department if the highway improvements are constructed or written confirmation from the municipality advising they will pay for the highway improvement.
 - d. In all instances, municipalities shall pay for any changes required to highway intersections either constructed, to be constructed or under construction that are a result of developments approved by the municipality.
 - e. When the department has identified the need for future highway improvements at an intersection where a proposed new development is located, it may, budget-permitting, provide the opportunity for a cost-share arrangement based upon the following criteria:
 - i. Only projects already identified on the department's business plan shall qualify for cost-sharing (see Note 1).
 - ii. The municipality shall provide funding based upon the following formula.

Years Advanced	Municipal Contribution (%)	Provincial Contribution (%)
1	10	90
2	20	80
3	30	70
>3	40-100	0-60

Any cost sharing requests for projects outside of the 1 – 3 year time horizon shall be at the determination of Technical Standards Branch, and will range between 0% and 60% depending on the benefit to the Department, and the number of years the work is advanced.

Note 1: When a highway is under construction or within the three-year business plan, and new development traffic changes the magnitude of work being planned by the department, the municipality shall pay for the additional costs, or construct the improvements to department standards.

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Criteria	The highway improvement, prior to approval, must meet all department standards.
Definitions	Highway Improvement is defined as any construction, placement or modification of highway infrastructure. Examples include, but are not limited to: intersection improvements, interchange construction, pavement of gravel highways, capacity improvements necessitated by development, installation of traffic control devices.
References	Public Highways Development Act, Provincial Land Use Policies, Municipal Government Act, Subdivision and Development Regulation Highway Geometric Design Guidelines.
Approved by	<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;">  <hr/> Jay G. Ramotar, Deputy Minister </div> <div style="text-align: center;"> Oct 10/07 <hr/> Date </div> </div>

AUMA Comments:

- AUMA has requested that the Ministers of Transportation and Municipal Affairs establish a working group made up of the province, municipalities and the development industry regarding highway connectors and related planning and funding processes, as arising from recent changes to the *Municipal Government Act*.

WHEREAS many municipalities are seeking options to provide access to Wi-Fi in public places;

WHEREAS streetlights are one of the best option for affixing Wi-Fi access points, as they are ideally located for the provision of Wi-Fi in public places and for maintenance of devices;

WHEREAS the Alberta Utilities Commission is responsible for approving rate schedules that include a minimum charge to cover the costs of transmission and distribution;

WHEREAS currently the default approach for wires service providers is to apply a “small general service rate” to any device attached to streetlights that usually includes a rate minimum for demand that far exceeds the demand of the device; and

WHEREAS Wi-Fi access points only use approximately 2 to 20 watts, whereas rate minimums range from approximately 3kW to 5kW.

IT IS THEREFORE RESOLVED THAT the Alberta Urban Municipalities Association request that the Alberta Utilities Commission work proactively with wire service providers to develop a new regulated rate schedule for low wattage devices on streetlights.

BACKGROUND:

In 2017, the Town of Taber wished to implement Wi-Fi in its downtown core using new technology that used minimal power. The streetlights in the community would be the logical choice to place the Wi-Fi extenders, however the municipality was faced with usage rates that constituted a 3 kilowatt minimum charge per device per month, despite the devices only using 2.5 watts each per month. The power these Wi-Fi extenders consumed constituted only 0.5% of the mandatory 3kW rate charge minimum. Devices that would have cost only a few cents would have been regulated to cost exponentially more. The Town of Taber found the minimum rate structure to be cost prohibitive to the project, and had to create public-private partnerships with local businesses to supply power to the devices instead of using municipal infrastructure. Had those partnerships not been sought, the project would not have been implemented, meaning a loss of service and innovation to our community.

A neighbouring community (Vauxhall) was faced with the same regulated minimum rate structure and ultimately deemed the project too cost prohibitive to continue.

The current minimum rate structure does not reflect the innovation and efficiency in modern technology. Many devices, including Wi-Fi repeaters, use minimal electricity for their functions. Municipalities are therefore faced with choosing either fiscal responsibility or service implementation. This dilemma also prohibits increased innovation in Alberta

municipalities who may wish to test new technologies that utilize insignificant amounts of electricity. As technology continues to develop and become more energy-efficient, the current minimum rate will become even more disparate to the actual use of electricity for such devices.

This proposed resolution seeks to add a new regulated rate that charges a much lower fee to reflect emerging technologies' minimal usage of power. This will allow municipalities to implement services and innovating technologies without the burden of added costs.

AUMA Comments:

- AUMA does not have a current policy position on this specific issue.

WHEREAS the Alberta government has committed to taking action on climate change with the Climate Leadership Plan, a strategy designed to diversify our economy, create jobs and reduce greenhouse gas (GHG) emissions that cause climate change;

WHEREAS the Alberta government has implemented a carbon levy on all transportation and heating fuels which emit greenhouse gases when burned to encourage Albertans to reduce carbon pollution from their homes and from the province's approximately three million registered vehicles;

WHEREAS the federal government is committed to reducing GHG emissions contributing to climate change, and has a plan to complete a coast-to-coast network of electric vehicle (EV) fast chargers on the national highway system and through Natural Resources Canada has offered the Electric Vehicle and Alternative Fuel Infrastructure Deployment Initiative, funding 50 per cent of the capital cost of DC Fast Charging (Level 3) EV chargers;

WHEREAS supporting the emerging technology of EVs and charging infrastructure could significantly reduce the production of GHG emissions from the transportation sector in Alberta. The availability of reliable charging infrastructure is a key factor in EV adoption and municipalities could play a part in providing this infrastructure; and

WHEREAS in addition to the high capital cost of installing a fast charging EV station, operating costs for energy and transmission rates are prohibitive for municipalities. Financial assistance is required to create a charging network across the province to increase confidence in electric vehicle ownership, to increase sales of EVs which will increase usage of the public EV charging stations, making the service cost-neutral with user fees. The carbon levy is funding many incentive and rebate programs through Alberta. However, there is no specific program designed to assist municipalities with the deployment of EV charging stations.

IT IS THEREFORE RESOLVED THAT the Alberta Urban Municipalities Association request that the Government of Alberta expand the offer of programs funded by the carbon tax to include financial assistance to municipalities for capital and operating costs of EV charging stations.

BACKGROUND:

Electric vehicles are projected to cost the same as the equivalent gas-powered vehicles by the early 2020s and already cost less to operate and maintain. Electric vehicles are an emerging technology; sales are expected to increase dramatically over the next five years as more affordable models become available. In Alberta, electric vehicles emit only two-thirds of emissions of the average gas-powered car. This will improve further as coal is removed from the provincial electricity system. Increased adoption of electric vehicles will reduce

greenhouse gas emissions from the transportation sector and contribute to Canada’s climate change strategies.

The availability of reliable charging infrastructure is a key factor in EV adoption. Supporting faster adoption of electric vehicles aids in reducing greenhouse gas emissions. Alberta lags behind Ontario, Quebec and British Columbia in the number of EVs on the road and number of charging ports. Most large centres offer a variety of Level 2 charging ports and DC fast charging stations. Having EV chargers across the province and country will establish connectivity for EV drivers.

The Municipality of Jasper has estimated that the total capital costs of installing a Level 3 charging station, which charge cars more quickly than level 2 charging stations would be \$100,000 for the following items:

Engineering and design	\$9,000
Equipment (charger)	\$63,000
Construction	\$20,000
<u>Signage, opening</u>	<u>\$8,000</u>
Total	\$100,000

AUMA Comments:

- AUMA does not have a current policy position on this specific issue.

WHEREAS the Alberta Historical Resources Foundation (AHRF) is a public trust agency and corporation of the Government of Alberta, and is the principal heritage support agency of the province;

WHEREAS the AHRF provides matching Historic Resource Conservation Grants to individuals and organizations for the conservation of designated historic resources through its Heritage Preservation Partnership Program; and

WHEREAS the amount of money allocated to Historic Resource Conservation Grants has not increased in several years despite the number of designated properties across the province continuing to increase each year.

IT IS THEREFORE RESOLVED THAT the AUMA request the Government of Alberta to increase funding for the Alberta Historical Resources Foundation's Historic Resource Conservation Grants.

BACKGROUND:

The Alberta Historical Resources Foundation (AHRF) is a public trust agency and corporation of the Government of Alberta, and is the principal heritage support agency of the province. Through its Heritage Preservation Partnership Program, the AHRF provides matching Historic Resource Conservation Grants to individuals and organizations for the conservation of designated historic resources. There are currently 24 designated Municipal Historic Resources in Lethbridge, along with 15 designated Provincial Historic Resources.

Since Lethbridge's Heritage Management Plan was adopted in 2007, the amount of money allocated to AHRF for grants has not been increased. As additional historic places continue to be designated across the province year after year, the available grant funding is spread increasingly thin. Project funding grants in recent years have typically been around 25-55% of the requested grant amount.

The benefits and value of conservation grants include the following:

- Attracting property owners to apply for designation, and thereby increasing the numbers of protected heritage properties;
- Aiding owners with the financial demands of conserving their property, which can often be more expensive to upkeep due to age and protected status;
- Encouraging dialogue between AHRF conservation experts and property owners, which can lead to better informed decisions being taken about conservation methods; and
- Investing in the preservation of Alberta's historic places.

One of the key benefits of the matching Historic Resource Conservation Grants is to encourage property owners to invest in the restoration of their properties. While it may cost more to restore a property to its former glory, the availability of matching grants means that the additional work may be more feasible.

AUMA Comments:

- AUMA does not have a current policy position on this specific issue.

WHEREAS charitable organizations provide a valuable service across Alberta and their sustainability is of utmost importance to Alberta society;

WHEREAS the Alberta Gaming and Liquor Commission (AGLC) helps to ensure the sustainability of charitable organizations through revenue generation made possible by volunteer charitable casino events;

WHEREAS an inequitable model for the disbursement of casino revenues to charities currently exists, and the frequency of revenue generating opportunities varies greatly based on location in the province; and

WHEREAS a significant review of Alberta's charitable gaming model was completed in 2010, and the AGLC has identified this policy review as a future high-priority initiative.

IT IS THEREFORE RESOLVED THAT the Alberta Urban Municipalities Association (AUMA) request that the Alberta Gaming and Liquor Commission (AGLC) expeditiously implement a more equitable provincial charitable gaming model to promote the long-term competitiveness and sustainability of charitable organizations across Alberta.

BACKGROUND:

In 2010, after significant stakeholder consultation, a Provincial MLA Advisory Committee provided a report to the Solicitor General and Minister of Public Security on "Eligible Organizations' Access to and Distribution of Proceeds from Licensed Casino Events." The Committee recommended the Alberta Gaming and Liquor Commission (AGLC) consider several changes to casino region boundaries and how proceeds are distributed amongst eligible charities.

Under Alberta's current model, adopted in 2003, charitable groups that meet certain criteria may be licensed by the AGLC to conduct charity casinos, in coordination with licensed private casino facilities, as a revenue generating opportunity. These revenues are critical for charitable organizations' sustainability, and ability to provide services to communities across Alberta.

There are 19 casino facilities located throughout Alberta, each of which belongs to a 'casino region.' Charities are generally assigned to their nearest casino facility. Only charities located within Edmonton and Calgary, or who provide province-wide services are permitted to receive a license for a casino event in Edmonton or Calgary casinos.

In the 2010 MLA Advisory Report¹, it was identified that inequities exist because:

- There is a long waiting period to hold casino events across the province because there are more charitable organizations than there are possible casino events;
- The waiting period for charities to hold casino events varies, from 16 months in Fort McMurray to 34.5 months in Lethbridge;
- Amongst casino regions, charitable proceeds can vary, from an average high of \$77,486 in the Edmonton region to \$18,011 in the St. Albert/Camrose region.

The AUMA had a resolution on this topic that expired in 2012, and the Alberta Association of Municipal Districts and Counties (AAMDC) formed an Advisory Committee on this topic in 2018, with AUMA Board representation on the Committee.

The City of St. Albert believes that given the increased emphasis placed on this topic in recent months, and the AGLC's communicated intent to revisit the model, the AUMA can help ensure that the AGLC completes this initiative, by adding its voice to this topic. A more equitable model will benefit the charitable organizations that support Alberta's cities, towns, and villages.

Figure 1: Casino Region Average Wait Times and Payouts, 2017 (Source: AGLC Correspondence)

Casino Region	Q3 2017 Wait Time Between Events (Months)	Q3 2017 Average Payout per Event
Calgary	20.1	\$64,615
Calgary-Rural	35.8	\$51,346
Camrose	40.7	\$20,893
Edmonton	22.7	\$75,942
Fort McMurray	16.5	\$37,648
Grande Prairie	31.8	\$35,087
Lethbridge	33.4	\$30,593
Medicine Hat	18.9	\$14,814
Red Deer	35.3	\$22,491
St. Albert	31.3	\$20,893

AUMA Comments:

- AUMA does not have a current policy position on this specific issue.
- RMA members adopted a similar resolution in 2017 calling for the establishment a working group to make recommendations, including a new funding model, to RMA's board. AUMA administration as well as a Board representative is currently participating on this working group. Recommendations are expected in the fall of 2018.

¹ Please note that the statistics shown here are from 2010; Figure 1 showcases 2017 statistics, which reveal inequities have persisted since 2010.

WHEREAS the Report of the Auditor General of Alberta, dated February 2016, provides information regarding the lack of a plan to appropriately and productively use the growing accumulated surplus of the Victims of Crime Fund to best meet the needs of Albertans as intended by the *Victims of Crime Act*;

WHEREAS provincial victim services units are established to provide support programs for individuals who have suffered as a result of violent crimes;

WHEREAS victim services units must request additional funding from the rural municipalities in their borders to subsidize the amount received from the Government of Alberta; and

WHEREAS volunteers, while widely used and appreciated, are not able to provide the level and scope of service that victims need at all times of the day or night.

IT IS THEREFORE RESOLVED THAT the AUMA lobby the Government of Alberta to use the monies from the Victims of Crime Fund to adequately fund provincial victim services units so they can provide the staffing levels required to assist victims of crime.

BACKGROUND:

Victims' services units annually request funding from municipalities to subsidize the inadequate funding they have received from the Government of Alberta. The funding received does not adequately supply the services that are needed in our municipalities. Municipal funding is provided out of necessity, as the municipalities do not want to see the services lost to the region.

See following excerpts from the Report of the Auditor General of Alberta/February 2016: *Justice and Solicitor General – Victims of Crime Fund – Systems to Manage Sustainability and Assess Results*

SUMMARY

Victims of crime come from all walks of life and socio-economic groups. Crime victims are not only from vulnerable populations, they live in every neighbourhood and can be any age, gender and ethnicity. The Victims of Crime Fund (VCOF) provides funding for financial benefits paid to eligible victims of violent crime for physical and/or emotional injuries suffered. It also provides grant funding primarily to police-based Victim Services Units (VSUs) and specialized community-based assistance programs, to deliver programs that benefit victims during their involvement with the criminal justice process, as legislated under the *Victims of Crime Act*.

OVERALL CONCLUSION

The department and VOCF program have adequate systems and processes to manage the day-to-day administration of the fund. However, the department is not completing the necessary strategic planning, analysis and reporting to establish desired results, and the resources necessary to achieve those results.

There is also no plan how to appropriately and productively use the fund's growing accumulated surplus to best meet the needs of Albertans as intended by the Act. The government's and department's current budget process treats the fund like any other generally funded program even though it is self-financing and has its own independent funding source. Business and budgeting practices are potentially restricting operating decisions intended to better serve the victims of crime.

WHAT WE FOUND

The department has not completed the necessary analysis and forecasting of the financial resources required to achieve the desired results set out in the Victims of Crime Act. The department cannot presently answer the question: Are the resources currently available adequate and being used appropriately to deliver the desired result of accessible, appropriate and timely services to victims in accordance with the legislation?

The fund is growing at a rate faster than payments to victims are being made. The government's and department's current budget process, which is applied to the fund, is not designed to assess or consider its unique funding source, the changing needs of victims or increased fine surcharge revenue inflows. Because of this disconnect, and with revenue trending higher, the fund's accumulated surplus continues to grow and these excess funds are sitting unused, without the department having a clear plan for intended future use. Underlying this is the lack of an achievable, budgeted and approved plan to guide the priorities and direction of the fund.

VOCF program management has drafted planning documents to set the priorities and guide the direction of the fund. The documents outline how the program can become more accessible, appropriate and timely, and be more responsive to victims' needs. Additional funding would be required to fully implement these objectives. However, the program does not have the ability to access the surplus funds to maintain and expand services to victims without approval from the department.

WHAT NEEDS TO BE DONE

The department needs to develop a plan that:

- Clearly identifies what the actual current needs of the victim of crime population are and are forecasted to be;
- Identifies gaps in service;

- Shows how much funding will be required to meet these needs and what the impact on Albertans will be if it is not made available; and
- Can be monitored and measured for success, with the results publicly reported.

The department also needs to determine an appropriate and productive use of the VOCF's accumulated surplus, which is supported by a proper financial analysis, as a necessary starting point to facilitate discussion with the Department of Treasury Board and Finance to show the impact current budgetary and business policies have on potential uses of the fund's surplus and victims of crime.

WHY THIS IS IMPORTANT TO ALBERTANS

The Victims of Crime Act creates the VOCF to provide financial benefits and fund support programs for individuals who have suffered as a result of violent crime. Victims of domestic violence, families of homicide victims, children who have been sexually abused and the elderly who have been physically harmed, are among the Albertans who receive benefits from the fund and support as their cases proceed through the judicial process. If the fund is not managed appropriately, there is a risk that victims of crime will not receive the assistance and financial benefits to which they are entitled under the law. Also, programs for victims of crime that are run by police-based VSUs and community organizations may not receive sufficient grant funding to deliver on the intent set out in the Victims of Crime Act.

FINDINGS AND RECOMMENDATIONS

Having a current strategy for the fund is important because demographics, population trends and demands on the fund can change, and they have changed over the 13 years since the crime consultation report was issued. For example, the fund provides grant funding to a number of police-based VSUs that are located across the province. When the original report was produced in 2002, there were only a few VSUs operating with several police jurisdictions, but as of 2014-2015 the number of VSUs receiving funding grew to 76.

Recommendation 6: Determine Best Use of Victims of Crime Fund Accumulated Surplus

We recommend that the Department of Justice and Solicitor General, supported by sufficient analysis, determine an appropriate use of the Victims of Crime Fund accumulated surplus.

Criteria: the standards for our audit

Funding should be available to provide financial benefits and services to eligible victims of crime. There should be processes to:

- Ensure that sufficient funding is available to meet anticipated long-term obligations (Crimes Compensation Board and Severe Injury liability);
- Assess the level of net assets that should be maintained for sustaining the fund; and
- Determine if a reserve fund should be retained and, if so, of what magnitude.

USE OF FUND

SECTION 10

The minister may, in accordance with this Act and the regulations, make payments from the fund

- (a) for grants relating to programs that benefit victims of crime;
- (a.01) without limiting the generality of clause (a), for grants relating to programs that provide counselling to children who are victims of sexual exploitation or other criminal offences causing physical or mental harm;
- (a.1) for programs that benefit victims of crime;
- (b) for costs incurred by the Committee and the Review Board in carrying out their duties under this Act;
- (c) for remuneration and expenses payable to the members of the Committee and the Review Board;
- (d) for financial benefits payable pursuant to sections 13, 15 and 19(2);
- (d.1) for death benefits payable pursuant to section 13.01;
- (e) to pay costs of administering this Act.

RSA 20200 cV-3 s10;2001 c15 s5;2006 c23 s81;
2011 c15 s9;2013 cC-12.5 s22

AUMA Comments:

- AUMA sent a letter to the Minister of Justice and Solicitor General in June 2016 urging the Minister to consider the overall parameters and purpose of the victims services program and to adjust policies and practices to address any gaps in service. AUMA also outlined the importance of determining an appropriate funding model to ensure funds are allocated effectively to achieve program goals.

WHEREAS the current *Police Act* is a decades old piece of legislation which no longer meets the requirements for an efficient, effective and sustainable delivery of policing services to citizens, and is in significant and urgent need of modernization to reflect contemporary community expectations and to address the current realities of present day policing;

WHEREAS the Government of Alberta (GoA) has recently undertaken a similar exercise in modernizing the Municipal Government Act for the same reasons of dated legislation that did not appreciate the significant changes to urban areas over time;

WHEREAS the GoA and key stakeholders have undertaken numerous consultations over at least the past ten years requesting not only amendments but a major overhaul of the *Police Act* to no avail; and

WHEREAS a major overhaul needs to consider but not be limited to:

- a) Human resource management principles and processes;
- b) Performance management aspects operating a modern workforce;
- c) Restrictive capital and operating financing models that are no longer meeting the needs of the modern police service.

IT IS THEREFORE RESOLVED THAT the Alberta Urban Municipalities formally request that the Government of Alberta commit to a comprehensive review of the Alberta *Police Act* by:

- a) Immediately engaging with policing agencies and key stakeholders to identify and address major changes required to the *Police Act* to enhance and preserve public confidence and transparency in Alberta policing to better reflect current community and police officer standards and expectations and,
- b) Overhauling the *Police Act* to reflect but not be limited to:
 - 1. Civilian Oversight of Police Professional Conduct;
 - 2. Effective, Transparent and Accountable Criminal Investigations;
 - 3. Public Complaint Process;
 - 4. Fair Complaint Adjudications;
 - 5. Indigenous Peoples and Policing;
 - 6. Enhanced Professionalization of Alberta Police.

BACKGROUND:

Since the Alberta *Police Act* came into effect in 1988, there have been substantial changes in both community expectations and the realities of policing. Police forces across the province are facing increasing demands for service due to increasing cases of child abuse, domestic

violence and sexual assault, the opioid crisis, cybercrime, and cannabis legalization. In addition, expectations of the public and police agencies regarding accountability, professionalism and discipline have evolved. The *Police Act* requires a full review with broad consultation to ensure that it continues to meet the needs of Albertans.

The Alberta *Police Act* governs policing and police oversight. The Act delegates to larger municipalities the responsibility for policing, either through an independent police force, by entering into an agreement for service by the RCMP, or by establishing a regional police service. The Act also establishes the oversight roles of provincial entities and of municipal police commissions.

The Alberta Association of Chiefs of Police (AACP) reviewed the *Police Act* and issued a set of recommendations in August 2017 covering the following topics:

1. Civilian Oversight of Police Professional Conduct;
2. Effective, Transparent and Accountable Criminal Investigations;
3. Public Complaint Process;
4. Fair Complaint Adjudications;
5. Indigenous Peoples and Policing;
6. Enhanced Professionalization of Alberta Police².

This resolution specifies that the review of the *Police Act* needs to address each of these topics raised by AACP.

A review of the *Police Act* will benefit all Alberta municipalities, regardless of their current policing model, because it will allow for broad stakeholder consultation on current expectations and needs. This resolution aligns with 2016 and 2017 resolutions of the Alberta Association of Police Governance calling on the Government of Alberta to initiate a thorough review of the Police Act and to consult with police agencies and stakeholders. Further, this resolution supports and strengthens the 2016 AUMA resolution calling for a new police funding model, and AUMA's 2018 letter writing campaign on that issue.

It is important to note that the majority of the *Police Act* pertains to municipalities that have established their own police forces. The sections of the *Police Act* pertaining to the Law Enforcement Review Board, police services and commissions, police officers, and complaints and discipline do not apply to the RCMP, as governance, qualifications, complaints, and disciplinary processes for RCMP officers are set out in the *Royal Canadian Mounted Police Act*.

However, the following sections are relevant to municipalities policed by the RCMP:

- Sections 4 to 7 of the Act, which outline the responsibility for providing police services;

² Alberta Association of Chiefs of Police. (2017). AACP Alberta Police Act – Amendments Committee Recommendations. Retrieved from: <http://aacp.ca/wp-content/uploads/2015/11/AACP-Alberta-Police-Act-%E2%80%93-Amendments-Committee-2017-08.pdf>

- Section 22, which enables Municipal Police Service Agreements (MPSAs) between the province and a municipality; and
- Section 23, enables the establishment of policing committees for municipalities with MPSAs, and outlines committee roles and responsibilities.

AUMA Comments:

- AUMA has convened an Alberta *Police Act* Working Group whose mandate includes recommending amendments to the *Alberta Police Act* as required to improve policing services and community safety.

WHEREAS Alberta Municipal Affairs issues STANDATA regarding information bulletins, interpretations or variances to clarify Code and Regulations in Alberta;

WHEREAS the Safety Codes Council, its Technical Coordinating Committee and Sub-Councils (Amusement Rides, Barrier Free, Building, Electrical, Elevators Fire, Gas, Passenger Ropeways, Plumbing, and Pressure Equipment) to vet proposed STANDATA and make recommendations to Alberta Municipal Affairs;

WHEREAS the Sub-Councils include representatives from different industry segments such as home builders, Architects, Contractors, fire and building officials Large Municipalities (2), Urban Municipalities (1) and Rural municipality (1);

WHEREAS representation on some Sub-Councils such as the Building Sub-Council are often represented by professionals that are residents of Calgary and Edmonton;

WHEREAS mid-sized Cities are classified as a large municipality the issues and context of issues in Calgary and Edmonton are often not the experience of other jurisdictions and can lead to unintended consequences; and

WHEREAS information flowing from some Sub-Councils to jurisdictions not represented on a Sub-Council is not always communicated in advance of the issuance of a STANDATA.

IT IS THEREFORE RESOLVED THAT the AUMA request that Alberta Municipal Affairs and the Safety Codes Council determine a more effective means of advising municipalities of matters being evaluated by the Sub-Councils; and

FURTHER BE IT RESOLVED THAT the AUMA requests that Alberta Municipal Affairs and the Safety Codes Council consider changes to the way upon which Sub-Council membership is selected to ensure representation from varying size of municipalities.

BACKGROUND:

Established by the Government of Alberta in 1993, the Safety Codes Council is responsible to the Minister of Municipal Affairs to administer portions of the safety system, including accrediting municipalities that issue permits and inspect the work carried out under these permits, certifying and training safety codes officers who do the inspections, administering the Alberta Master Electrician Program, and working with industry through sub-councils to recommend codes and standards.

The Council is governed by a Board of Directors which is made up of members appointed from experts in the areas of governance, finance, risk management, human resources, and business.

The Technical Coordinating Committee and the ten sub-councils are made up of stakeholders representing a variety of industry groups with expertise in various fields.

The Council’s staff provide for the administration of the Council’s core business functions: accreditation, certification, education and training, appeals, Master Electrician Program, Codes and Standards. Staff also supports the activities of the Board of Directors, the Technical Coordinating Committee, and the ten sub-councils.

Safety Codes Council sub-council members are volunteers who actively review, formulate, and recommend safety codes, standards, and principles within their respective disciplines. This includes developing standards and compliance monitoring criteria for accredited organizations, as well as hearing and deciding appeals of orders and written notices.

Members of sub-councils are selected by the Council upon review of applications and resumes and are expected to act on behalf of industry on a province wide basis.

At this time the vast majority of membership on the sub-councils are selected from industry stakeholders resident in the Cities of Edmonton and Calgary. The current selection process for participation on the sub-councils does not enable the perspectives of industry stakeholders from mid-sized cities, or smaller jurisdictions, to be heard before changes to standards are determined. In addition, changes that are made, and the reasoning behind the changes, are not well communicated to all Alberta jurisdictions.

STANDATA is a province wide variance, interpretation or information bulletin related to safety codes and standards, issued by the Public Safety Division of Municipal Affairs. To view STANDATA, refer to the various disciplines listed on the ministry’s Codes and Permits webpage: http://www.municipalaffairs.alberta.ca/cp_building_standata

AUMA Comments:

- AUMA has a seat on the Safety Codes Council and many of the sub-councils. AUMA’s representatives include:

Safety Codes Council Board of Directors	Mayor Charlene Smylie, Village of Wabamun and AUMA Vice President of Villages and Summer Villages.
Technical Coordinating Committee	Elgin Mann, Manager of Safety Codes Services - Planning & Development Services, City of Medicine Hat
Building Technical Council	Darin Sceviour, Inspections, Compliance, and Building Supervisor, City of Red Deer

Electrical Sub-Council	Lori Monaghan, Safety Codes Officer, City of Red Deer
Fire Sub-Council	Marc Royer, Fire and Emergency Services, City of Lethbridge
Plumbing Sub-Council	Tim Kosolofski, Safety Codes Officer, City of Red Deer

- To fill its seat on Sub-councils, AUMA advertises the opportunity through our weekly newsletter, the Digest, and selects the most qualified candidate.
- When AUMA advertised sub-council vacancies in the Digest this spring, we did not receive any applications from our membership. Accordingly, these vacancies were filled by identifying potential candidates through more direct member outreach.
- All Sub-Council meeting minutes are posted publically on the Alberta Safety Codes Council website.

WHEREAS the CSA B149.1 Natural Gas and propane installation code requires that all gas fired appliances be installed and operated according to the appliance manufacturers certified installation instructions;

WHEREAS the manufacturers of gas heating appliances in Canada amended their installation instructions in 2017 to not allow residential style furnaces to be used to heat buildings that are under construction or being renovated;

WHEREAS the Province of Alberta issued STANDATA G-01-17 regarding “Gas fired Appliances used for Heating Buildings under Construction” in October, 2017 requiring authorities having jurisdiction to restrict the use of residential style furnaces from being used to heat buildings that are under construction or being renovated;

WHEREAS the implementation of this STANDATA will result in authorities having jurisdiction to require the removal of furnaces from homes which have been used for construction heat prior to the primed paint stage of construction;

WHEREAS the use of residential furnaces during construction has been undertaken for many years across Canada with rare instances of problems and this change appears to offer relatively minor public safety benefits; and

WHEREAS this change in process will increase costs to the residential building sector and ultimately to the consumer in home prices.

IT IS THEREFORE RESOLVED THAT the Alberta Urban Municipalities Association (AUMA) request that Alberta Municipal Affairs rescind the STANDATA; and

FURTHER BE IT RESOLVED THAT the AUMA requests that Alberta Municipal Affairs works with industry and municipalities to arrive at alternative cost effective approaches to heating homes during and after construction.

BACKGROUND:

The Public Safety Division of Alberta Municipal Affairs administers the framework established in the *Safety Codes Act*, including development of codes and standards adopted in Alberta, providing advice and technical support related to the Act to the public, industry, all municipalities and the Safety Codes Council, monitoring the work of municipalities, corporations and agencies that administer the Act or provide services under the Act, and managing agencies under contract to provide services such as permits and inspections for municipalities that do not administer the Act in their jurisdiction.

STANDATA are developed jointly by Alberta Municipal Affairs and the Safety Codes Council. Some are issued under the authority of a code, standard or the Safety Codes Act as province-wide variances or interpretations. Others are information bulletins that provide general advice on related matters.

In October 2017, the Gas Administrator issued **STANDATA G-01-17**, which addressed **GAS FIRED APPLIANCES USED FOR HEATING BUILDINGS UNDER CONSTRUCTION**. The document states that all gas fired appliances shall be installed and operated as per the requirements in the CSA B149.1 Natural gas and propane installation code and the appliance manufacturer's certified installation instructions.

Furnaces manufactured after May 1, 2017 are no longer permitted to be used to heat buildings under construction or being renovated.

This STANDATA has created the problem of finding alternative heat sources during the fall, winter and spring heating seasons. These alternatives are not practical for a variety of reasons, including but not limited to:

- High costs for sources such as electric heaters which are required in each room of the building;
- Very high levels of humidity created by temporary propane heaters;
- Unsafe conditions created by the lack of fresh air introduced by use of temporary heaters.

The costs associated with this requirement will likely be passed on to the consumer through home prices.

AUMA Comments:

- AUMA does not have a current policy position on this specific issue.

WHEREAS the role of Government is to provide safety, health and welfare of people;

WHEREAS the Government of Alberta has identified a growing crisis to maintain an acceptable level of care for our aging population;

WHEREAS the Premier has on numerous occasions expressed concern and a desire to find alternative solutions to care for and maintain the dignity of our aging population;

WHEREAS in general people are more contented, healthy, and well cared-for when care is provided in a family home and by relatives;

WHEREAS costs borne by both the province and by the families of Alberta in caring for aging parents continue to increase and are unsustainable in the long-term;

WHEREAS the aging demographic and chronic lack of adequate housing and care solutions for seniors demands innovative solutions and the development of creative alternatives;

WHEREAS many families, if given an opportunity, would like to provide direct, in-home care for their aged parents but need options for maintaining income levels and/or standard of living; and

WHEREAS significant provincial and family cost savings could be realized by permitting family members to provide, when appropriate and within a good regulatory environment, direct in-home care and accommodation for aging relatives.

IT IS THEREFORE RESOLVED THAT the AUMA encourage the Government to develop creative programs and solutions that will offer family and extended family members the option to provide care for aging parents in a fashion similar to that offered through the "Kinship" Child Care Program.

BACKGROUND:

The aging population in Alberta represents a growing need and concern for the care of seniors. There is an ongoing shortage of living facilities for seniors who require assisted living and support, and the private opportunities can be financially out of reach for many Albertan families. Most two-parent families are also two-income families, which the continual increase in cost-of-living necessitates. Families placing their aging parents into assisted living facilities, however, can find their resources significantly stretched by the enormous associated costs.

In Alberta there is a program called “Kinship Care” which offers parents requiring child care the option to pay family members for the provision of child care, and receive the same subsidies and tax breaks that are available to parents to place children in registered child care.

A program similar to “Kinship Care” could be developed that offers family members an option to provide care to their parents and be compensated for this care. This concept would create a substantial savings potential to the overburdened health care system, allow family the ability to have compensation so they can stay at home and care for their loved ones and most importantly, allow the family who knows the aging family members best the ability to have time, respect and compassion in their closing days.

AUMA Comments:

- Similar resolutions on senior care were passed in [2011](#) and [2014](#).
- In 2011, the province responded that with the exception of special cases, caregivers do not receive special payment for the provision of care for a family member and the GOA has no plans to institute payment for family members to care for senior family members. AUMA accepted this response.
- In 2014, the province responded that Alberta Health Services has increased home care spending by approximately 29% over the last four years, from \$402 million in 2010/2011 to a forecasted expenditure of \$518 million in 2014/2015. AUMA accepted this response as well.
- In addition, since December 3, 2017, the Employment Insurance Family Caregiver Benefit for Adults allows eligible caregivers to take up to 15 weeks off work to care for or support an adult family member who is critically ill or injured. If the family member’s health gets worse, caregivers could be eligible to combine this new caregiving benefit with the existing Compassionate Care benefit, which provides a maximum of 26 weeks of benefits.

WHEREAS hemodialysis patients throughout Alberta often must travel for treatment to larger urban areas;

WHEREAS many patients are choosing to conduct hemodialysis treatments in their own home to improve their quality of life;

WHEREAS the cost of utilities (electricity and water) for home hemodialysis can make the treatment unaffordable for patients; and

WHEREAS there is no funding available to patients to recover the extra costs for utilities for home hemodialysis.

IT IS THEREFORE RESOLVED THAT the Alberta Urban Municipalities Association urge the Province of Alberta to provide a means by which home hemodialysis patients may offset the added utility (electricity and water) costs for patients who are conducting hemodialysis in their homes.

BACKGROUND:

The quality of life for patients undergoing dialysis treatments can often seem compromised and without benefit due to seemingly endless trips to dialysis centers and increased strain due to stress on their personal lives.

Home Hemodialysis Programs are set up for patients who require dialysis as part of their treatment. Equipment is provided to patients from Alberta Health to conduct home hemodialysis. The equipment uses water while operating and treating the patients.

There are many benefits including improved patient outcomes, increased personal time, reduction in travel-related expenses, and overall, an improved quality of life.

Unfortunately, the cost of home hemodialysis can make the treatment unaffordable to many patients especially those on fixed incomes. In 2017, the Town of Strathmore was approached by a citizen who conducts home hemodialysis. The citizen explained to Council that his water utility bill had become a burden to him because of the increase costs due to his treatment. Home Hemodialysis Patients can see an increase in water costs by up to 300%.

To address the issue, Strathmore Town Council provided a grant to patients in Strathmore on Home Hemodialysis to help with water utility costs. However, it was the consensus of Council that these costs should be covered by Alberta Health Services because the treatment costs for utilities have been transferred to the patients. Because these costs are covered for patients

who receive the same treatment in the hospital it would seem only reasonable that the same costs are covered for those who take the treatment in their own homes.

Currently in Alberta, there are 3,756 Dialysis Patients. Of these patients, 243 conduct Home Hemodialysis.

The Province of Manitoba has a grant program for Home Hemodialysis Patients to help them with utility costs. The information is provided below.

Further background:

[Town of Strathmore Home Hemodialysis Grant Program](#)

[Alberta Dialysis Patient Numbers – Alberta Health Services \(June 19, 2018\)](#)

[Article - Estimating patient-borne water and electricity costs in home hemodialysis: a simulation - CMAJ Open](#)

[Home Hemodialysis Utility Reimbursement Program \(Manitoba\) - The Kidney Foundation Canada](#)

AUMA Comments:

- AUMA does not have a current policy position on this specific issue.

2018 Resolutions

CATEGORY EXTRAORDINARY

AUMA Resolutions Policy:

An **Extraordinary Resolution** deals with an emergent issue of concern to the general membership that has arisen after the May 31, 2018 resolution deadline, where a critical aspect of the issue needs to be or will be addressed before the next Convention.

Prior to the merits of any proposed extraordinary resolution being debated, a 2/3 majority vote is required to determine whether it meets the criteria in Section 13 and therefore will be considered at the Resolutions Session.

Extraordinary resolutions accepted for consideration by the Resolutions Session shall be presented following debate of the Provincial Scope resolutions.

5 resolutions are recommended under this Category to date.

WHEREAS the legalization of cannabis has led to the development of cannabis grow operations in Alberta communities;

WHEREAS cannabis grow operations are industrial-scale facilities that represent considerable servicing costs for municipalities;

WHEREAS current wording in the Municipal Government Act and Matters Relating to Assessment and Taxation Regulation does not clearly enable municipalities to tax cannabis grow operations; and

WHEREAS other ratepayers will be forced to subsidize the servicing of cannabis grow operations unless municipalities are clearly enabled to tax them at fair market value.

IT IS THEREFORE RESOLVED THAT the Alberta Urban Municipalities Association request the Government of Alberta to amend appropriate legislation and regulations to clearly enable municipalities to assess and tax cannabis grow operations at fair market value.

BACKGROUND:

The legalization of cannabis for both medicinal and recreational purposes has led to the development of federally licensed grow operations across Canada, including a number in Alberta. These facilities are major, industrial-scale developments consisting of large structures resembling factory environments. Given their scope and intensity of use, cannabis grow operations represent considerable municipal servicing costs.

Despite the high costs for municipalities associated with cannabis grow operations, it is not currently clear whether they can be appropriately taxed. Currently, Section 298 (1) of the *Municipal Government Act* states that no assessment is to be prepared for the following property:

- (w) growing crops;
- (y) farm buildings, except to the extent prescribed in the regulations;

The Matters Relating to Assessment and Taxation Regulation provides through Section 30 (f) that the taxation of farm buildings will be phased out in urban municipalities over five years, culminating in a 100% exemption in 2022. As significant property value is tied to the industrial-scale structures used in cannabis grow operations, this represents a large loss of taxation base.

Given the large scale and high intensity of use of cannabis grow operations, it would be inappropriate to classify them as typical agricultural uses. As a result of the exemption of the

exemption of land used for growing crops and the phase-out of taxation of farm buildings, this classification would mean that other ratepayers are required to subsidize the servicing of cannabis grow operations.

It is not appropriate for homeowners and other businesses to shoulder the burden of servicing cannabis grow operations. In order to address this issue, the Government of Alberta needs to make appropriate legislative and regulatory amendments to clearly enable municipalities to tax cannabis grow operations at fair market value. While the Minister of Municipal Affairs has stated that he is "with us" on this issue, no changes have yet been made. Given that cannabis grow operations continue to proliferate across the province, it is vital that changes are made now.

AUMA Comments:

- AUMA has consistently advocated for amendment to the Matters Related to Assessment and Taxation Regulation, to ensure that cannabis grow operations be assessed and taxed at fair market value. While the Minister of Municipal Affairs has indicated that he supports the need for change, at the time of writing, AUMA has not seen a concrete proposal for amendments. There is concern that unless Alberta's cabinet approves changes soon, it may not be possible to make the necessary regulatory amendments until after the upcoming provincial election.

WHEREAS the *Alberta Gaming, Liquor and Cannabis Act* (the “Act”) and its associated regulation establish rules for the use and consumption of liquor and the use, smoking and vaping of cannabis in public spaces;

WHEREAS the Act provides much more stringent restrictions on liquor consumption in public spaces than cannabis despite the intoxicating effects of both substances;

WHEREAS in preparing for federal legalization of cannabis possession, many municipalities across Alberta have received public feedback in opposition to widespread consumption of cannabis in public spaces; and

WHEREAS Alberta’s municipalities have had a limited timeframe to interpret Federal and Provincial legislation, consult their residents regarding public consumption, draft appropriate bylaws for cannabis consumption, and consider broader regional and provincial impacts.

IT IS THEREFORE RESOLVED THAT the Alberta Urban Municipalities Association (AUMA) request that the Alberta Government amend the *Gaming, Liquor and Cannabis Act* to ensure the consumption of cannabis is provincially regulated the same as liquor is currently regulated in public spaces across Alberta.

BACKGROUND:

Federal legislation will legalize cannabis possession effective October 17, 2018 in Canada. In preparing for this date, the Alberta Government updated the *Gaming and Liquor Act* to become the *Gaming, Liquor and Cannabis Act* in November 2017.

The Act prohibits the smoking and vaping of cannabis in any place where tobacco is restricted per the *Alberta Tobacco and Smoking Reduction Act*, in addition to certain types of property, including hospitals, sports fields, playground, and more. Through bylaw, Alberta municipalities may create additional restrictions on public consumption, which the City of St. Albert and other municipalities across Alberta have undertaken in advance of October 17th. Section 89 of the *Gaming, Liquor and Cannabis Act* provides detailed regulations regarding the consumption of liquor in public places:

89 (1) *Except as provided in this Act, no person may use or consume liquor in a public place or any place other than a residence, temporary residence, licensed premises or a place or class of place prescribed in the regulations where liquor may be used or consumed.*

Section 89 also allows some permissions for liquor consumption in public parks or picnic areas, if designated by the owner as permissible, and if the liquor is consumed with food. Many other Canadian Provinces and Territories have implemented legislation that treats the

public consumption of cannabis very similar to Alberta's approach to liquor consumption, per the above, including: Saskatchewan, Manitoba, Ontario, Newfoundland and Labrador, Prince Edward Island, New Brunswick, Nunavut, and the Yukon.

Given the looming legalization date, the pace at which cannabis legalization across Canada has been implemented, and that many Alberta municipalities received public feedback on cannabis legalization after the May 31st, 2018 Resolution deadline to inform municipal bylaw amendments, the City of St. Albert believes this topic meets the AUMA's criteria for an *extraordinary resolution*.

Multiple public engagement surveys conducted by Alberta municipalities indicated a significant degree of opposition to the public consumption of cannabis, and also indicated that Albertans preferred an approach similar to alcohol than smoking, when asked.

While the City of St. Albert appreciates the Province of Alberta enabling local decision-making regarding the public consumption of cannabis, the City is concerned that consumption is being approached by the Province too much like smoking, and not enough like the regulation of alcohol, given the intoxicating effects of both substances. Moreover, the pace of this process has not allowed for effective inter-municipal approaches to consumption, which may create unintended consequences at the regional or provincial level. Therefore, provincial action is required in this respect.

As an example, within the Edmonton Metropolitan Region alone, there are significant discrepancies amongst municipal neighbours regarding cannabis consumption regulations. While St. Albert has instituted a complete public consumption ban, Stony Plain and Leduc have specified a ban on smoking/vaping of cannabis in public places; Fort Saskatchewan will allow smoking/vaping in areas as designated by signage; Edmonton may allow within 30 meters of playgrounds, spray parks, sports fields; Strathcona County intends to ban the smoking/vaping of cannabis in places that include patios, theatres, events/markets, hotel rooms and swimming pools/spray parks. While many of these Bylaws have not received 3rd Reading at the time of this Resolution, this showcases a microcosm of differing approaches that will likely serve to confuse Albertans.

The City of St. Albert sees this request as consistent with previous AUMA advocacy efforts, whereby in their October 27, 2017 submission to the Minister of Justice and Solicitor General, the AUMA supported the Province enacting a provincial-wide ban on public consumption, but to allow municipalities to permit consumption in certain designated areas, as well as in specially licensed bars or lounges, should they choose.

Specifically, the City of St. Albert proposes that the AUMA request that the Government of Alberta undertake appropriate legislative changes to the Alberta *Gaming, Liquor and Cannabis Act* to ensure a consistent approach to cannabis and liquor consumption is implemented across the Province, with a ban on cannabis consumption in public places unless otherwise specified.

AUMA Comments:

AUMA's [October 2017 submission](#) to the Provincial consultation on legalizing cannabis for recreational use indicated:

- AUMA believes that there should be more restrictions on public smoking or vaping of cannabis than we have on tobacco, given the negative health effects of second-hand smoke as well as the potential for intoxication.
- AUMA supports a provincial ban on consuming cannabis in public spaces with the exception of enabling municipalities to permit consumption in certain designated areas, as well as in specially licensed bars or lounges if they choose to do so.

However, according to the province's "What we heard" report (<https://www.alberta.ca/cannabis-what-we-heard.aspx>), the majority of the Albertans surveyed thought that people should be allowed to use cannabis products in some public spaces outside of their homes. There was concern that given the number of young people who rent, more restrictions may result in many people consuming cannabis illegally. Therefore, the province decided to treat consumption of cannabis in the same manner as tobacco and enable municipalities to set additional consumption restrictions through bylaw. This background is included in the proposed AUMA comments on the resolution.

WHEREAS AUMA's vision is that Alberta's municipalities have an enduring partnership with the Government of Alberta that recognizes the shared responsibility to fund the infrastructure that Albertans rely on to maintain economically, environmentally and socially resilient communities;

WHEREAS the Government of Alberta has announced that Alberta's largest municipal infrastructure funding program, the Municipal Sustainability Initiative (MSI), will expire in 2021-22 and be replaced with a new infrastructure grant program;

WHEREAS municipalities require funding from the province to be more predictable, especially given the update of the *Municipal Government Act* that requires municipalities to approve three-year operating and five-year capital budgets;

WHEREAS in order for Alberta's communities to continue to offer a high quality of life and remain economically competitive, future municipal funding needs to grow with the long-term infrastructure needs in Alberta's communities;

WHEREAS the Government of Alberta announced in Budget 2018 that the new infrastructure grant program will use a funding formula based on revenue sharing;

WHEREAS Alberta's municipalities support a revenue-sharing model that will grow with the economy and offer predictability for financial planning while being responsive to the realities of the province's revenue sources;

WHEREAS a funding model linked to the province's total revenue (excluding federal transfers) limits the risk of any loss in funding if the province were to change how it sources its revenue; and

WHEREAS if the annual funding is calculated based on the province's actual revenues from two years prior, municipalities can more accurately forecast their short and long-term infrastructure funding.

IT IS THEREFORE RESOLVED THAT the AUMA advocate that the Government of Alberta legislate and index annual funding under the new infrastructure program as a fixed percentage of the province's total revenue excluding transfers from the federal government and that the annual funding amount be calculated based on the province's actual revenue from two years prior.

BACKGROUND:

The Government of Alberta launched the Municipal Sustainability Initiative (MSI) in 2007 as a ten-year infrastructure funding program that committed to provide \$11.3 billion in operating and capital funding to support municipalities with their growth and sustainability needs. At the end of ten years, only \$7.53 billion had been delivered to municipalities and the province announced that MSI would be extended to a 15-year program to end in 2021-22. MSI has represented a significant investment that has helped Alberta's communities build and maintain the infrastructure needed to deliver a safe quality of life and support economic prosperity for residents.

To prepare for the expiration of MSI, AUMA conducted a review in 2016 to understand the shortfalls of the program and how alternative funding models could benefit Alberta's municipalities. The review identified that while annual funding has been reasonably stable, it has lacked predictability as the funding amount will change each year based on political priorities at budget time. A second key shortfall is how the funding has not kept pace with the growth of the province's population or economy. For instance, between 2010 and 2017, the province's budgeted own-source revenue increased by an average of 3.91 per cent per year³. Over that same period, MSI only increased by an average of 0.03 per cent per year. In dollar terms, the 2010 funding represented 3.0 per cent of the province's own-source revenue. If that 3.0 per cent of provincial own-source revenue had been maintained, municipalities would have received an additional \$1.1 billion in funding between 2011 and 2017.⁴

AUMA's review considered several funding models and AUMA sought input from members through a working group, AUMA's standing policy committees and working sessions at the 2017 and 2018 Spring Municipal Leaders' Caucus. AUMA's analysis and input from members indicated that a model based on a fixed percentage of provincial revenues is most likely to deliver a predictable framework where the funding will grow with the economy, and also demonstrates a partnership to share in the risks and benefits of the province's revenue system. In early 2018, AUMA delivered its recommendations to the Minister of Municipal Affairs and was pleased to see the province use Budget 2018 to announce its plans for a new revenue sharing model and deliver a commitment to consult municipalities in 2018.

The AUMA Board is recommending that the new funding model be indexed to the province's total own-source revenue. While the funding model could be indexed to a select number of the province's forty revenue sources, there is a risk that the province could change its tax policies in the future in order to shift its source of revenues. That type of change could reduce long-term municipal funding and as such, AUMA's aims to eliminate that risk by having the new funding model indexed to all provincial revenue except for transfers from the Government of Canada.

To further increase predictability, the AUMA Board is recommending that the annual funding be calculated based on the province's actual revenues from two years prior. For example, the

³ Own-source revenue represents the province's total revenue less transfers from the federal government.

⁴ The figures exclude funding provided through the Basic Municipal Transportation Grant.

2022 funding would be calculated based on the province's actual revenues in 2020. Due to the timing of when the province's financial statements are released, municipalities would know the next year's funding amount prior to developing their upcoming budget as well as have sufficient information to estimate the funding for the next four years. This method of calculation is used by Saskatchewan's Municipal Revenue Sharing program.

The information presented in this resolution only applies to how overall funding would be determined under a new infrastructure funding model to begin in 2022-23. How that funding is allocated to each municipality will be addressed in a future phase.

WHEREAS safeguarding west coast waterways is vital to all Canadians;

WHEREAS Canada has a strong coastal protection plan in place, but it is essential to continue to improve and expand it;

WHEREAS it is vital for economic development and environmental responsibility to go hand in hand;

[**WHEREAS** in 2015, there were about 197, 513 departures and arrivals of vessels at West Coast ports with tankers accounting for only 1,487 of them, or 0.75 percent;](#)

WHEREAS one of B.C.'s original five conditions for supporting the Trans Mountain Pipeline Expansion was a world-class marine spill prevention, preparedness, response and recovery system for B.C.'s coastline and oceans, to manage and mitigate the risks and costs of pipelines and shipments;

WHEREAS the federal government has committed to invest \$1.5 billion over five years in coastal protections; and

WHEREAS to maximize the value of Canadian resources, market access is paramount.

NOW THEREFORE BE IT RESOLVED THAT the AUMA support the Union of British Columbia Municipalities (UBCM) in its call for the federal government to support a world-class marine oil spill prevention, preparedness and response system.

BACKGROUND:

Alberta municipalities strongly support the Trans Mountain Expansion Project. Furthermore, they have passed resolutions supporting greater market access for Canadian resources. This year, AUMA sent a letter, with signatures from 167 Alberta mayors, to the Premier of Alberta and the Prime Minister of Canada, calling on both orders of government to work together to build the Trans Mountain Expansion Project. AUMA has reached out to our sister organization, UBCM, expressing our support for Trans Mountain, and seeking common ground on expanding access for Canadian resources.

Alberta municipalities understand that protection of our west coast waterways is vital for all Canadians, and there are many B.C. municipalities that have a direct interest in preserving and safeguarding B.C. coastal communities and waterways from harm caused by oil spills.

Canada has a strong record on coastline protection. Canada has the longest coastline in the world at over 243,000 kilometers. Canada has experienced few major oil spills in its entire

history. The infrequency of events is a testament to the amount of work already done by the Canadian government to prevent and protect our coastal waters. However, Canada must be ready. Even one incident could be costly not just in terms of clean up but long-term environmental damage. Continuous expansion and improvement of our west coast marine oil spill prevention, preparedness, and response system is critical. Canadians need to know as a country that we have a world-class coastal protection system in place, while finding solutions to expand our market access.

WHEREAS the Government of Ontario's ("Ontario") passing of the Better Local Government Act, 2018 ("Bill 5"), a bill cutting the size of Toronto City Council from 47 members to 25 in the middle of Toronto's election campaign, is a disrespectful attack on municipal government, on local democracy and on the relationship between orders of government;

WHEREAS the City of Toronto has stated it is preparing further legal action, if necessary to the Supreme Court of Canada, and Toronto City Council has recently called upon the Government of Canada to use their powers of disallowance under the Constitutional Act, 1867 to disallow Ontario's bills: Ontario's actions have provoked a nationwide constitutional debate;

WHEREAS this matter is not just a concern for the City of Toronto but for all Canadian municipalities, large and small, as Ontario's arbitrary actions set a bad precedent for provincial-municipal relations and undermine all citizens' rights to fair representation and to local democracy;

WHEREAS Edmonton's Mayor Don Iveson, as Chair of the Federation of Canadian Municipalities' Big City Mayor's Caucus, has recently called for "a summit of municipal, provincial & federal leaders to help make cities 'equal partners' within the Canadian Federation, without changing the constitution";

WHEREAS the time has come to modernize Canada's municipal fiscal and legislative frameworks for the 21st century and to take this opportunity to engage in a mature, modern conversation about how municipalities can work together with all orders of government, and our citizens, to make life better for all Canadians; and

WHEREAS the AUMA must strongly act in several venues to protect our local democracy.

IT IS THEREFORE RESOLVED THAT the AUMA declare its support for the City of Toronto in its dispute with Ontario;

FURTHER BE IT RESOLVED THAT the AUMA consider applying to be an intervener in any further legal action taken by the City of Toronto in defense of their rights and the rights of their citizens; and

FURTHER BE IT RESOLVED THAT the AUMA cooperate with the Big City Mayor's Caucus, the Federation of Canadian Municipalities, other municipalities and municipal organizations to further the debate of modernizing Canada's municipal frameworks nationwide.

BACKGROUND:

The recent actions of the Government of Ontario to change the governance structure of a municipality in the middle of an election campaign, then threatening to use the notwithstanding clause when its first Bill was ruled unconstitutional, is an unprecedented assault on local democracy, the respect for the rule of law, and citizens' rights to fair representation and expression.

The dispute between the City of Toronto and the Government of Ontario affects all municipalities large and small, as it is a demonstration of one order of government interfering with the other without consent or consultation. It also sets a counter-productive and bad precedent to all current and future provincial governments in how they should work with municipal governments and citizens.

Brief History of the Situation in Toronto: On July 27, 2018, the last day for candidates to register in the Toronto municipal election, Ontario Premier Doug Ford introduced the **Better Local Government Act**, also known as **Bill 5**. The legislation required that the Toronto city council align its wards with federal and provincial electoral ridings, thus reducing the size of Toronto's council from 47 to 25 wards. Bill 5 received Royal Assent on August 14, 2018. Bill 5 took immediate effect in the middle of August, by which point some 509 candidates for the October 22, 2018 election had been certified and the candidates were in the midst of their campaigns with the City Clerk's preparations for a 47-ward election well underway. The City of Toronto, along with several interveners, took the Government of Ontario to court.

On September 10, 2018, after listening to arguments from both the City of Toronto and the Government of Ontario, Bill 5 was struck down as unconstitutional by Superior Court Justice Edward Belobaba, ruling that larger wards infringed on citizens' rights "to cast a vote that can result in effective representation", and that unilaterally changing electoral boundaries in the middle of a campaign infringed on candidates' freedom of expression. He explained that "passing a law that changes the city's electoral districts in the middle of its election and undermines the overall fairness of the election is antithetical to the core principles of our democracy", and questioned the province's intent and timing of the legislation.

"Never before has a Canadian government meddled with democracy like the Province of Ontario did when, without notice, it fundamentally altered the City of Toronto's governance structure in the middle of the City's election." - City of Toronto opening line of its legal factum.

The Government of Ontario introduced the **Efficient Local Government Act**, also known as **Bill 31**, on September 12, 2018. The bill invokes Section 33 of the Canadian Charter of Rights and Freedoms, to implement the effects of Bill 5 in defiance of the court ruling. If passed, it will be the first time that the notwithstanding clause has ever been invoked in Ontario.

On September 13, 2018, the Toronto City Clerk told Council that uncertainty over whether there will be 25 or 47 wards has her at a “tipping point,” unsure if she can still organize a legal vote on Oct. 22. Toronto City Council then voted 29-7 to instruct the city lawyer to exhaust all avenues to defeat the provincial legislation and to ask the federal government to invoke their constitutional power of disallowance of provincial legislation should it pass.

At a Liberal Party caucus retreat in Saskatoon, Prime Minister Justin Trudeau stated that he would not contribute to the discussions surrounding the sizes of municipal governments in Ontario, as it was “[not] a role that the federal government needs to take on”.

On September 13, 2018, Federation of Canadian Municipalities Big City Mayor’s Caucus Chair, Mayor Don Iveson, in a statement offered his full support to the City of Toronto and called for a constructive, nationwide debate about municipalities’ role in the Canadian Federation and called for a summit.

The Government of Ontario requested a stay of the September 10, 2018 court decision and this matter went before the Ontario Court of Appeal on September 18, 2018. The stay was granted by the Court on Wednesday, September 19, 2018. Bill 5 is now in effect and the election will proceed with 25 wards. The Government of Ontario stated they would not pass Bill 31 if Bill 5 was granted a stay, meaning that they will not invoke the notwithstanding clause.

On September 19, 2018, speaking to reporters at city hall after the court decision, Toronto Mayor John Tory called the situation “deeply regrettable” and said that much ill will could have been avoided if the province had sought a mandate to reduce the size of council and consulted with residents. Tory said the city’s legal team has been ordered to continue fighting the province using any means available, though he did not elaborate on what options may still remain on the table. In his remarks Tory said the provincial government had set an “**extraordinarily bad precedent**” by threatening to pass legislation including the notwithstanding clause.

On September 19, 2018, the City of Montreal declared its support for the City of Toronto by a unanimous motion of council. Mayor Valerie Planet stated: “**No city is safe from such interference . . . This is exactly why we need to stand up and say loudly, 'No. It doesn't work that way. . . We want respect. We don't want to have agendas imposed on us by other levels of government.'**”

High Level Summary of the role of Intervener in a Court Case: An intervener is a person or organization who does not have a direct interest in a court proceeding, but is granted intervener status through a procedural device on a discretionary basis because their involvement would be helpful to the determination of the issues.

The intervener’s participation rights are determined by the court judge and are generally more limited than those of a party. For example, intervention is widely used by specialized

organizations and advocacy groups to present submissions before courts and tribunals on issues of public interest within their expertise. The rules governing interventions in the Supreme Court of Canada form a separate regime different from those in other courts or jurisdictions. This requires a test to see if an applicant will be allowed to intervene and may consider many factors such as:

- whether the proposed intervener has a direct interest in the decision and should instead be added as a party;
- whether the proposed intervener has a genuine interest in the issues raised;
- whether the proposed intervener will bring different and valuable insights and perspectives on the issues compared to the parties;
- whether the issues on which the proposed intervener seeks to participate are justiciable, in the sense that they are capable of being decided in accordance with the law (e.g. as opposed to a political question);
- whether granting intervener status would be in the interest of justice, e.g. due to the particular importance, complexity or public interest nature of the issue;
- whether granting intervener status would be inconsistent with the objective of ensuring the “just, most expeditious and least expensive” determination of the case on its merits, and whether those objectives may be met by imposing limits on the proposed intervener’s participation.

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