



AGENDA

Council Meeting

9:30 AM - Thursday, December 17, 2020
Council Chambers

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J. CLOSED SESSION

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MINUTES

Council Meeting

9:30 AM - Thursday, December 3, 2020
Council Chambers

The Council Meeting of Lethbridge County was called to order on Thursday, December 3, 2020, at 9:30 AM, in the Council Chambers, with the following members present:

PRESENT: Reeve Lorne Hickey
Councillor Morris Zeinstra
Councillor Tory Campbell
Councillor Robert Horvath
Deputy Reeve Ken Benson
Councillor Steve Campbell
Councillor Klaas VanderVeen
Chief Administrative Officer, Ann Mitchell
Director of Community Services, Larry Randle
Director of Public Operations, Jeremy Wickson
Infrastructure Manager, Devon Thiele
Manager of Finance & Administration Jennifer Place
Executive Assistant Candice Robison

A. CALL TO ORDER

Reeve Lorne Hickey called the meeting to order at 9:30 am.

B. ADOPTION OF AGENDA

December 3, 2020 Lethbridge County Council Meeting Agenda

343-2020 Deputy Reeve Benson MOVED that Lethbridge County Council approve the December 3, 2020 Council Meeting Agenda as presented. CARRIED

C. ADOPTION OF MINUTES

C.1. County Council Meeting Minutes

344-2020 Councillor VanderVeen MOVED that the November 19, 2020 Regular County Council Meeting Minutes be accepted as presented. CARRIED

D. SUBDIVISION APPLICATIONS

**D.1. Subdivision Application #2020-0-125 – Vande Bruinhorst
- Lot 1, Block 1, Plan 0310507 & Block 1, Plan 0011237 within SW1/4 34-10-21-W4M**

345-2020 Councillor VanderVeen MOVED that the Country Residential subdivision of Lot 1, Block 1, Plan 0310507 & Block 1, Plan 0011237 within SW1/4 34-10-21-W4M (Certificate of Title No. 031 242 436, 201 048 778), to enable a slight property boundary realignment between two adjacent parcels, by subdividing 0.15 acres (0.062 ha) from the east 4.57 acre (01.85 ha) lot (Block 1, Plan 0011237) and consolidating it to the adjacent smaller west 2.04 acre (0.82 ha) lot, thereby resulting in reconfigured titles 4.42 & 2.19 acres (0.89 & 1.79 ha) each respectively in size, for country residential use; BE APPROVED subject to the following:

CONDITIONS:

1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to Lethbridge County
2. That, pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant or owner or both enter into a Development Agreement with Lethbridge County which shall be registered concurrently with the final plan against the title(s) being created.
3. That the titles and portions of land to be subdivided and consolidated to reconfigure the boundaries and sizes of the two (2) adjacent parcels, by subdividing 0.15 acres (0.062 ha) from the east 4.57 acre (01.85 ha) lot (Block 1, Plan 0011237) and consolidating it to the adjacent smaller west 2.04 acre (0.82 ha) lot, be done by a plan of survey prepared by a certified Alberta Land Surveyor in a manner such that the resulting titles cannot be further subdivided without approval of the Subdivision Authority.

CARRIED

D.2. Subdivision Application #2020-0-127– Variety Farms Inc. - SE¼ 26-10-24-W4M

346-2020 Councillor MOVED that the Country Residential subdivision of SE1/4 26-10-24-W4M (Certificate of Title No. 201 040 133 +1), to subdivide a 3.00 acre (1.21 ha) bareland (vacant) first subdivision from a title of 160.0 acres (64.75 ha) for country residential use; BE APPROVED subject to the following:

CONDITIONS:

1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to Lethbridge County.
2. That, pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant or owner or both enter into a Development Agreement with Lethbridge County which shall be registered concurrently with the final plan against the title(s) being created.
3. That the applicant has a professional soils analysis completed for the new 3.00 acre parcel to demonstrate suitability of a private on-site septic treatment system on the land, with results to be as determined satisfactory to the Subdivision Authority.
4. That the applicant submits a plan of survey as prepared by an Alberta Land Surveyor that certifies the exact location and dimensions of the parcel being subdivided.
5. That the easement(s) as required by ATCO Gas shall be established prior to finalization.

CARRIED

G.2.2. Bylaw 20-023 - Amendment to the Lethbridge County/Town of Coalhurst Intermunicipal Development Plan (Bylaw 1434) - First Reading

347-2020 Councillor MOVED that Bylaw 20-023 - Amendment to the Lethbridge County/Town of Coalhurst Intermunicipal Development Plan (Bylaw 1434) be read a first time.

CARRIED

E. **PUBLIC HEARINGS - 10:00 AM**

E.1. **Bylaw 20-018 - Road Closure, Sale and Consolidation of a portion of First Avenue within the Hamlet of Turin- Public Hearing**

Reeve Hickey called a recess to the Council Meeting, for the Public Hearing for Bylaw 20-018 at 9:59 am.

348-2020 Deputy Reeve Benson MOVED that the Public Hearing for Bylaw 20-018 commence at 10:00 am. CARRIED

Reeve Hickey asked three times if anyone from the public wished to speak in opposition of Bylaw 20-018.

No one came forward.

Reeve Hickey asked three times if anyone from the public wished to speak in favour of Bylaw 20-018.

No one came forward.

349-2020 Councillor Zeinstra MOVED that the Public Hearing for Bylaw 20-018 adjourn at 10:05 am. CARRIED

Reeve Hickey reconvened the Council Meeting at 10:06 am.

350-2020 Councillor VanderVeen MOVED that Bylaw 20-018 be sent to Alberta Transportation for Ministerial approval prior to consideration of 2nd and 3rd reading. CARRIED

E.2. **Bylaw 20-020 - Amendment to the Land Use Bylaw to Re-designate Lands within the Hamlet of Turin and adjust the Hamlet of Turin Boundary - Public Hearing**

Reeve Hickey called a recess to the Council Meeting, for the Public Hearing for Bylaw 20-020 at 10:19 am.

351-2020 Councillor Zeinstra MOVED that the Public Hearing for Bylaw 20-020 commence at 10:20 am. CARRIED

Reeve Hickey asked three times if anyone from the public wished to speak in opposition of Bylaw 20-020.

No one came forward.

Reeve Hickey asked three times if anyone from the public wished to speak in favour of Bylaw 20-020.

No one came forward.

352-2020 Councillor Zeinstra MOVED that the Public Hearing for Bylaw 20-020 adjourn at 10:28 am. CARRIED

Reeve Hickey reconvened the Council Meeting at 10:29 am.

- | | | | |
|----------|------------------------|---|---------|
| 353-2020 | Councillor
Zeinstra | MOVED that Bylaw 20-020 - Amendment to the Land Use Bylaw to Re-designate Lands within the Hamlet of Turin and adjust the Hamlet of Turin Boundary be read a second time. | CARRIED |
| 354-2020 | Councillor
Horvath | MOVED that Bylaw 20-020 - Amendment to the Land Use Bylaw to Re-designate Lands within the Hamlet of Turin and adjust the Hamlet of Turin Boundary be read a third time. | CARRIED |

F. DELEGATIONS

G. DEPARTMENT REPORTS

G.1. MUNICIPAL SERVICES

G.1.1. Road Ban Bylaw

- | | | | |
|----------|---------------------------|---|---------|
| 355-2020 | Councillor
VanderVeen | MOVED that the Road Ban Policy be amended and brought back to the December 17 County Council meeting. | CARRIED |
| 356-2020 | Councillor
S.Campbell | MOVED that Bylaw 20-025 – Road Ban Bylaw be read a first time. | CARRIED |
| 357-2020 | Deputy
Reeve
Benson | MOVED that Bylaw 20-025 – Road Ban Bylaw be read a second time. | CARRIED |

Reeve Hickey recessed the meeting at 10:30 am.

The meeting reconvened at 10:38 am with all members of Council present as previously stated.

G.2. COMMUNITY SERVICES

G.2.1. Resolution - Road Closure, Sale and Consolidation Road Plan 1614LK

- | | | | |
|----------|---------------------------|---|---------|
| 358-2020 | Deputy
Reeve
Benson | MOVED that closure of Road Plan 1614LK as shown on the attached sketch be approved by Resolution. | CARRIED |
|----------|---------------------------|---|---------|

G.2.3. October 18, 2021 Local Election Matters

- | | | | |
|----------|------------------------|--|---------|
| 359-2020 | Councillor
Zeinstra | MOVED that County Council receive the Local Election Matters update for information. | CARRIED |
|----------|------------------------|--|---------|

Reeve Hickey recessed the meeting at 12:05 pm.

The meeting reconvened at 12:49 pm with all members of Council present as previously stated.

G.2.4. Bylaw 20-021 – Amendment to Bylaw 1284 – The Diamond City Sewer and Water Infrastructure Local Improvement Tax Bylaw

- | | | | |
|----------|---------------------------|---|---------|
| 360-2020 | Deputy
Reeve
Benson | MOVED that Bylaw 20-021 – Amendment to Bylaw 1284 – The Diamond City Sewer and Water Infrastructure Local Improvement Tax Bylaw be read a first time. | CARRIED |
|----------|---------------------------|---|---------|

361-2020 Councillor T.Campbell MOVED that Bylaw 20-021 - Amendment to Bylaw 1284 - The Diamond City Sewer and Water Infrastructure Local Improvement Tax Bylaw be read a second time.

CARRIED

362-2020 Councillor Horvath MOVED that Council consider third reading of Bylaw 20-021 - Amendment to Bylaw 1284 - The Diamond City Sewer and Water Infrastructure Local Improvement Tax Bylaw.

CARRIED UNANIMOUSLY

363-2020 Councillor T.Campbell MOVED that Bylaw 20-021 - Amendment to Bylaw 1284 - The Diamond City Sewer and Water Infrastructure Local Improvement Tax Bylaw be read a third time.

CARRIED

G.2.5. Opportunity to have Municipal Climate Change Action Centre (MCCAC) cover 100% of costs for Electric Vehicle charging infrastructure in Lethbridge County through SouthGrow

364-2020 Councillor Horvath MOVED that Lethbridge County Council vote to provide a letter expressing interest in participating in this SouthGrow initiative to have EV charging station(s) installed in the municipality at no charge.

CARRIED

G.3. CORPORATE SERVICES

G.3.1. Bylaw 20-022 Schedule of Fees

365-2020 Councillor S.Campbell MOVED that Bylaw 20-022 - Schedule of Fees, to be effective as of January 1, 2021 be read a first time.

CARRIED

366-2020 Councillor Horvath MOVED that Bylaw 20-022 - Schedule of Fees, to be effective January 1, 2021 be read a second time as amended.

CARRIED

367-2020 Deputy Reeve Benson MOVED that Council consider third reading of Bylaw 20-022 - Schedule of Fees, to be effective January 1, 2021.

CARRIED UNANIMOUSLY

368-2020 Councillor Zeinstra MOVED that Bylaw 20-022 - Schedule of Fees, to be effective January 1, 2021 be read a third time.

CARRIED

G.4. ADMINISTRATION

G.4.1. Southern Alberta Energy from Waste Association - Request for Letter of Support

369-2020 Councillor VanderVeen MOVED that Lethbridge County provide a letter of support to SAEWA for their Expression of Interest to the Emissions Reduction Alberta (ERA) - Shovel Ready Fund Program.

CARRIED

G.4.2. Bylaw 20-024 Temporary Mandatory Face Coverings Bylaw

370-2020 Councillor T.Campbell MOVED that Bylaw 20-024 - Temporary Mandatory Face Covering Bylaw be read a first time.

CARRIED

371-2020 Councillor MOVED that Bylaw 20-024 - Temporary Mandatory Face Covering
Zeinstra Bylaw be read a second time.

CARRIED

372-2020 Councillor MOVED that Council consider third reading of Bylaw 20-024 -
T.Campbell Temporary Mandatory Face Covering Bylaw.

DEFEATED

H. **NEW BUSINESS**

I. **COUNTY COUNCIL AND COMMITTEE UPDATES**

J. **CLOSED SESSION**

J.1. **Private Fire Pond Discussion** (FOIP Section 25 (1))

373-2020 Councillor MOVED that the Lethbridge County Council Meeting move into Closed
Zeinstra Session, pursuant to Section 197 of the *Municipal Government Act*, at
1:58 pm for discussion on the following:

J1. Private Fire Pond Discussion (*Freedom of Information and
Protection of Privacy Act*, Section 25(1))

Present during the Closed Session:
Lethbridge County Council
Senior Management
Administration Staff

CARRIED

374-2020 Councillor MOVED that the Lethbridge County Council Meeting move out of the
Zeinstra closed session at 2:20 pm.

CARRIED

375-2020 Councillor MOVED that Administration follow up on the private fire pond.
T.Campbell

CARRIED

K. **Local Election Matters**

376-2020 Councillor MOVED that when approved nomination papers get submitted to
S.Campbell Lethbridge County the names are made public.

CARRIED

L. **ADJOURN**

377-2020 Councillor MOVED that the Lethbridge County Council Meeting adjourn at 2:24
Zeinstra pm.

CARRIED

Reeve

CAO



MINUTES

Council Meeting Meeting

2:30 PM - Friday, December 4, 2020
Council Chambers

The Council Meeting of Lethbridge County was called to order on Friday, December 4, 2020, at 2:30 PM, in the Council Chambers, with the following members present:

PRESENT: Reeve Lorne Hickey
Councillor Morris Zeinstra
Councillor Tory T.Campbell
Councillor Robert Horvath
Deputy Reeve Ken Benson
Councillor Steve S.Campbell
Councillor Klaas VanderVeen
Chief Administrative Officer, Ann Mitchell
Director of Community Services, Larry Randle
Director of Public Operations, Jeremy Wickson
Communication Coordinator Mattie Elliott

A. CALL TO ORDER

Reeve Hickey called the meeting to order at 2:30 p.m.

B. ADMINISTRATION

B.1. Bylaw 20-024 Temporary Mandatory Face Coverings Bylaw

378-2020 Councillor T.Campbell MOVED that Bylaw 20-024 - Temporary Mandatory Face Covering Bylaw be read a third time.
CARRIED

C. ADJOURN

379-2020 Deputy Reeve Benson MOVED that Lethbridge County Special Council Meeting adjourn at 2:51 p.m.
CARRIED

Reeve

CAO

AGENDA ITEM REPORT



Title: Revision to Policy 163 - Encroachment Policy
Meeting: County Council - 17 Dec 2020
Department: Infrastructure
Report Author: Devon Thiele

APPROVAL(S):

Ann Mitchell, Chief Administrative Officer,

Approved - 07 Dec 2020

STRATEGIC ALIGNMENT:



Outstanding Quality
of Life



Effective Governance
and Service Delivery



Prosperous
Agricultural
Community



Vibrant and Growing
Economy



Strong Working
Relationships

EXECUTIVE SUMMARY:

Administration is in the process of reviewing all outdated Policies to ensure they are clearly written and are up to date and relevant. Policy 163 - Encroachment Policy was first developed in 2013 and has not been updated since. Administration is proposing changes to this Policy mainly to ensure that residents have a clear understanding of the information contained within the Policy.

RECOMMENDATION:

County Council approve Policy 163 - Encroachment Policy as amended.

PREVIOUS COUNCIL DIRECTION / POLICY:

Policy 163 - Encroachments

BACKGROUND INFORMATION:

When this policy was developed Encroachments were becoming an issue for the County, the intent was to ensure Encroachments were dealt with in a fair and consistent manner. This Policy currently contains relevant information and is functional in its current format but requires modification for greater clarity and readability.

ALTERNATIVES / PROS / CONS:

Council could choose to leave the Policy as is, but the revised version does provide additional clarity.

FINANCIAL IMPACT:

N/A

REASON(S) FOR RECOMMENDATION(S):

Policy 163 as amended is a clearer and more concise document and should be easier for the public to interpret.

ATTACHMENTS:

[163 Encroachment Policy Mark-ups](#)

[163 Encroachment Policy Proposed](#)



Lethbridge County Policy Handbook

EFFECTIVE: December 19, 2013 SECTION: 100 NO. 163 Page 1 of 8

APPROVED BY: County Council SUBJECT: Encroachment Policy

REVISED DATE:

RED TEXT = ADDITIONS

YELLOW STRIKE THROUGH = REMOVED

GREEN HIGHLIGHT = MOVED TO NEW SECTION (FROM GREEN STRIKE THROUGH)

GREEN HIGHLIGHT STRIKE THROUGH = MOVED TO NEW SECTION (GREEN HIGHLIGHT W/O STRIKE THROUGH)

Policy Statement

Lethbridge County recognizes that encroachment exists within the County. The County has developed this policy to ensure that encroachments applications are evaluated in a consistent manner.

Purpose

Encroachments within Lethbridge County owned property, easements and rights-of-way can cause serious health and safety issues for the public and as well can impact County Operations. Encroachments will be reviewed by Lethbridge County to determine the appropriate course of action. If Lethbridge County determines the encroachment will not have any negative impacts to the County or any Utility Operator within, then an Encroachment Agreement may be entered into.

~~Encroachment applications will be reviewed on their own merits and the County must ensure that the encroachment does not adversely affect the County's or a utility operator's ability to maintain services for public use.~~

Commented [DT1]: COUNCIL - Removed and re-wrote detailed purpose above.

Authorization

Section 61 of the *Municipal Government Act* authorizes a municipality to grant rights over its property as follows:

- 61(1) A municipality may grant rights, exclusive or otherwise, with respect to its property, including property under the direction, control, and management of the municipality;
- (2) A municipality may charge fees, tolls, and charges for the use of its property, including property under the direction, control, and management of the municipality.

Section 651.2 authorizes a municipality to register a caveat with respect to encroachments over roads as follows:

- 651.2(2) Despite the *Land Titles Act* or any other enactment, a municipality may



Lethbridge County Policy Handbook

EFFECTIVE: December 19, 2014 **SECTION:** 100 NO. 163 Page 1 of 8

APPROVED BY: County Council **SUBJECT:** Encroachment Policy

REVISED DATE:

register a caveat under the *Land Titles Act* in respect of any encroachment agreement entered into by the municipality with the registered owner of a parcel of land that adjoins a road that is under the direction, control, and management of the municipality.

The County hereby delegates the authority to implement this policy to the Chief Administrative Officer or designate.



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EFFECTIVE: December 19, 2015 **SECTION:** 100 NO. 163 Page 1 of 8

APPROVED BY: County Council **SUBJECT:** Encroachment Policy

REVISED DATE:

Definitions

- a) Caveat – a formation notification registered on the title of a parcel of land.
- b) County – the municipal corporation of Lethbridge County, or the area contained within the County boundaries, as the context requires.
- c) Council – the Council for Lethbridge County.
- d) Development Officer – a person appointed as Development Officer (or their designate) pursuant to the Land Use Bylaw.
- e) Easement – any utility right-of-way or other right-of-way on privately owned property established for the installation, construction, repair, and maintenance of utilities, or for the access and passage of the general public, identified by a registered plan or by description and documented by a registered caveat or easement agreement at the Alberta Land Titles Office – Calgary.
- f) Encroachment – anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground (excluding sidewalks, fences, or any other municipal improvement required and owned by the County), or anything planted, cultivated, irrigated or any other agricultural activity that extends on, over or under municipal lands and shall include but not limited to the following:
 - i. Buildings and all projections (including eaves, footings, foundations, weeping tiles, cantilevers, etc.) and siding;
 - ii. Sheds including those attached to a dwelling and/or a fence;
 - iii. Fences and Gates of any kind
 - iv. Asphalt, concrete, or brick sidewalks, curbs, parking pads, aprons or driveways;
 - v. Permanent and non-permanent structures (including sheds, decks, stairs, patios, balconies, etc.);
 - vi. Retaining walls;
 - vii. Swimming pools and hot tubs;
 - viii. Shrubs, trees, or other organic landscaping materials ~~planted in Reserve or County owned property;~~
 - ix. Hard landscaping (including asphalt, concrete paving stones, retaining walls, planters and structures);
 - x. Light fixtures, poles, standards;
 - xi. Permanent Signs;
 - xii. Plantings, crops, silage, hay or any other agricultural activity;
 - xiii. Any material Lethbridge County deems an encroachment.



Lethbridge County Policy Handbook

EFFECTIVE: December 19, 2013 **SECTION:** 100 NO. 163 Page 3 of 8

APPROVED BY: County Council **SUBJECT:** Encroachment Policy

REVISED DATE:

- g) Encroachment Agreement – an agreement (including Road Encroachment Agreements) between the applicant and the County authorizing an encroachment and shall, among other things, include:
 - i. The **legal** location and identification of the encroachment;
 - ii. The owner's responsibilities to maintain the Encroachment;
 - iii. Terms or conditions under which the agreement is terminated;
 - iv. Cost and liability for removal; and
 - v. Indemnification of the County, its agents and licensees.
- h) Fence – any enclosing barrier, wall, or structure such as a chain link fence, wooden fence, metal fence, or brick/stucco wall, usually located along the property line.
- i) Land Use Bylaw – the bylaw that has been adopted by the County for the purpose of prohibiting or regulating and controlling the use and development of land and buildings within Lethbridge County.
- j) Letter of Consent – a letter from Lethbridge County authorizing an encroachment without the benefit of entering into a formal Encroachment Agreement.
- k) Municipal Lands - collectively or individually, roads, easements, reserve parcels, **rights-of-way**, and County-owned parcels.
- l) Owner – the person or persons registered under the *Land Titles Act* as the owner of the fee simple estate in the land. In the context of a road, reserve parcel and County-owned parcel, "owner" shall mean the owner of the adjacent land which has an encroachment into the road, reserve, or County-owned parcel.
- m) Real Property Report (RPR) – a legal document prepared by an Alberta Land Surveyor that clearly illustrates the location of significant visible building(s) and or structures relative to the property boundaries;
- n) Reserve – all municipal reserves, environmental reserves, municipal and school reserves, school reserves as defined in Section 664-666 of the *Municipal Government Act*, or a public park.



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EFFECTIVE: December 19, 2013 **SECTION:** 100 NO. 163 Page 4 of 8

APPROVED BY: County Council **SUBJECT:** Encroachment Policy

REVISED DATE:

- o) Road – land shown as a road on a plan of survey that has been filed or registered in a land titles office, or land used as a public road, and includes a bridge forming part of a public road and any structure incidental to a public road.

Scope

This policy applies to all requests for an Encroachment Agreement within Lethbridge County municipal boundaries.

Responsibilities

Council:

- i. To receive, review and consider for adoption the policy and any recommended amendments.
- ii. To consider appeals referred to in this Policy.

Community Services Department:

- i. To make recommendations to the Senior Management Team regarding this policy and amendment hereto;
- ii. Decide on the acceptability of encroachments through consultation with the affected County departments and utilities;
- iii. Ensure that this policy is implemented, monitored, and evaluated.

Other County Departments:

- i. Review and make recommendation to Community Services Department on the application for Encroachment Agreements that are circulated for comment.

Bylaw Enforcement:

- i. Enforce encroachment related bylaw offences, as appropriate.

General Information

1. Encroachment onto Reserves and County-owned Parcels:

- a. Encroachment less than 0.05 metres (0.16 feet) may not require an Encroachment Agreement. At the discretion of the Community Services Department, a Letter of Consent may be authorized in lieu of an Encroachment Agreement.
- b. Where an encroachment extends into County-owned parcel in excess of 0.05 metres (0.16 feet), the applicant may apply to the Community Services Department for an Encroachment Agreement. The request for an Encroachment Agreement will be considered on its own merit in

Commented [DT2]: COUNCIL – new section



Lethbridge County Policy Handbook

EFFECTIVE: December 19, 2013 SECTION: 100 NO. 163 Page 5 of 8

APPROVED BY: County Council SUBJECT: Encroachment Policy

REVISED DATE:

consultation with other County Departments.

- c. The Owner shall remove the encroachment from the County-owned parcel if the encroachment has not been authorized within 30 days of receiving a notice of refusal.

2. Encroachments into Roads and Easements

- a. Encroachments less than 0.05 metres (0.16 feet) may not require an Encroachment Agreement. At the discretion of the Community Services Department, a Letter of Consent may be authorized in lieu of an Encroachment Agreement.
- b. Where an Encroachment extends into a road in excess of 0.05 metres (0.16 feet), the Owner(s) may apply to the Community Services Department for an Encroachment Agreement. The request for an Encroachment Agreement will be considered on its own merit in consultation with applicable County Departments.
- c. If an Encroachment Agreement is deemed acceptable by the County, a caveat may be registered against the Owner's land and the County-owned parcel.
- d. The Owner shall remove the encroachment from the County-owned parcel if the encroachment has not been authorized within 30 days of receiving a notice of refusal.

- 3. An authorized encroachment does not relieve an Owner from the responsibility to comply with all applicable federal, provincial, and municipal statutes, regulations, orders, bylaws, and policies.

- 4. Notwithstanding any other provisions of this policy, the County reserves the right to limit the terms of an Encroachment Agreement, Letter of Consent, or other authorization or provide for the termination of an Encroachment Agreement, Letter of Consent, or other authorization in the event that the encroachment could be affected by future plans for utilities, road widening, or other requirements.

- 5. All expenses, costs, liabilities, or other risk associated with an authorized encroachment shall be borne by the Owner(s).

6. Appeals

- a. If an Encroachment has not been authorized, the Owner(s) may appeal to Council by requesting a review of the Administration's decision in writing to Council.



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EFFECTIVE: December 19, 2013 SECTION: 100 NO. 163 Page 6 of 8

APPROVED BY: County Council SUBJECT: Encroachment Policy

REVISED DATE:

- b. All requests for appeals must be accompanied by:
 - i. A copy of the request for an Encroachment Agreement;
 - ii. A copy of the notice of refusal;
 - iii. Reasons why an appeal is being lodged;
- c. Council's decision shall be final and binding.

7. Enforcement

- a. Unless an encroachment is authorized by the County, the encroachment shall be removed from the affected municipal lands within 30 days of receiving notice to do so. All work conducted to remove an encroachment shall be at the sole cost of the Owner(s).
- b. If the Owner(s) refuses to remove the encroachment or fails to apply for authorization under this policy, the County may take action to remove the encroachment and seek reimbursement from the Owner(s) for all such costs in accordance with the applicable County bylaws and policies and in accordance with the *Municipal Government Act*.

- 8. If an encroachment or the structure benefitting from the encroachment is damaged or destroyed to the extent of more than 75% of the replacement value of the encroachment or such structure, the encroachment shall not be repaired or replaced and shall be removed from the municipal lands unless the repair or replacement has been authorized by the County.

- 9. An Encroachment Agreement is considered to be a temporary measure to allow the owner sufficient time to plan for future removal of the encroachment. An Encroachment Agreement is not intended to be permanent and may be terminated at any time by the County.

Commented [DT3]: COUNCIL – Added this to clearly state encroachments should not be permanent.

Procedures

- 10. ~~Unless an encroachment is authorized by the County pursuant to this policy, the encroachment shall be removed from the affected municipal lands.~~

Commented [DT4]: COUNCIL – addressed in Procedures Pt. 1

- 1. Where an encroachment exists without County approval, the owner shall be required to remove the encroachment and restore the Municipal Lands at his/her own expense, or seek permission from the County for the encroachment to remain.
- 2. When an Owner wishes to seek permission for an encroachment, they shall do so by Applying for an Encroachment Agreement from the County's Community Services Department and the County will either accept or deny the application upon review. Applications may be submitted by mail or emailed to:



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APPROVED BY: County Council SUBJECT: Encroachment Policy

REVISED DATE:

Lethbridge County Administration Building
#100, 905 - 4th Ave S
Lethbridge AB, T1J 4E4
planning@lethcounty.ca
subject: Encroachment Application

3. All requests for an Encroachment Agreement submitted to the County must be accompanied by:
 - a. A written request for an Encroachment Agreement;
 - b. A RPR no older than ten (10) years showing the encroachment; and
 - c. An application fee as described in this policy.
4. If the application is accepted the County shall prepare the Encroachment Agreement and at the discretion of the County a Caveat may be registered on title. The County will notify the Owner(s) once the documents are ready for signature. The Owner(s) shall execute the documents at the Lethbridge County Administration Office within 30 days of notification from the County. Failure to execute the documents within 30 days shall result in the County issuing a notice to remove the encroachment.
5. ~~An~~ If Applicable the County shall register the Encroachment Agreement between the County and Owner ~~shall be registered~~ at the Alberta Land Titles Office - Calgary by caveat, subject to the Owner paying the applicable fees set out in this policy.
6. Unless otherwise stated, an Encroachment Agreement once authorized by the County may continue to be used ~~as per the terms of the agreement~~ providing that the size of the encroachment is not increased, and the encroachment is not added to, rebuilt or structurally altered except:
 - a. as may be necessary to remove the encroachment, or
 - b. as may be necessary for the routine maintenance of the encroachment.
- ~~7. If an encroachment or the structure benefitting from the encroachment is damaged or destroyed to the extent of more than 75% of the replacement value of the encroachment or such structure, the encroachment shall not be repaired or replaced and shall be removed from the municipal lands unless the repair or replacement has been authorized by the County.~~
- ~~8. All requests for an Encroachment Agreement submitted to the County must be accompanied by:~~



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- a. A written request for an Encroachment Agreement;
- b. A RPR no older than ten (10) years showing the encroachment; and
- c. An application fee as described in this policy.

9. Encroachment onto Reserves and County-owned Parcels:

- a. Encroachment less than 0.05 metres (0.16 feet) may not require an Encroachment Agreement. At the discretion of the Community Services Department, a Letter of Consent may be authorized in lieu of an Encroachment Agreement.
- b. Where an encroachment extends into County owned parcel in excess of 0.05 metres (0.16 feet), the applicant may ~~also~~ apply to the Community Services Department for an Encroachment Agreement. The request for an Encroachment Agreement will be considered on its own merit in consultation with other County Departments.
- c. If an Encroachment Agreement is deemed acceptable by the County, a caveat will be registered against the Owner's land and the County-owned parcel.
- d. The Owner shall remove the encroachment from the County-owned parcel if the encroachment has not been authorized within 30 days of receiving a notice of refusal.

Commented [DT5]: COUNCIL – addressed in Procedures Pt. 4

10. Encroachments into Roads and Easements

- a. Encroachments less than 0.05 metres (0.16 feet) may not require an Encroachment Agreement. At the discretion of the Community Services Department, a Letter of Consent may be authorized in lieu of an Encroachment Agreement.
- b. Where an Encroachment extends into a road in excess of 0.05 metres (0.16 feet), the Owner(s) may apply to the Community Services Department for an Encroachment Agreement. The request for an Encroachment Agreement will be considered on its own merit in consultation with applicable County Departments.
- c. If an Encroachment Agreement is deemed acceptable by the County, a caveat may be registered against the Owner's land and the County-owned parcel.
- d. The Owner shall remove the encroachment from the County-owned parcel if the encroachment has not been authorized within 30 days of receiving a notice of refusal.



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11. Where an encroachment has been authorized by the County, the Owner(s) shall execute the Encroachment Agreement prepared and by the County in a timeframe specified by the County, or the encroachment shall be removed from the municipal lands within 30 days of receiving notice to do so.

12. An authorized encroachment does not relieve an Owner from the responsibility to comply with all applicable federal, provincial, and municipal statutes, regulations, orders, bylaws, and policies.

13. Notwithstanding any other provisions of this policy, the County reserves the right to limit the terms of an Encroachment Agreement, Letter of Consent, or other authorization or provide for the termination of an Encroachment Agreement, Letter of Consent, or other authorization in the event that the encroachment could be affected by future plans for utilities, road widening, or other requirements.

14. All expenses, costs, liabilities, or other risk associated with an authorized encroachment shall be borne by the Owner(s).

15. Appeals

- a. If an Encroachment has not been authorized, the Owner(s) may appeal to Council by requesting a review of the Administration's decision in writing to Council.
- b. All requests for appeals must be accompanied by:
 - i. A copy of the request for an Encroachment Agreement;
 - ii. A copy of the notice of refusal;
 - iii. Reasons why an appeal is being lodged;
- c. Council's decision shall be final and binding.

16. Enforcement

- a. Unless an encroachment is authorized by the County, the encroachment shall be removed from the affected municipal lands within 30 days of receiving notice to do so. All work conducted to remove an encroachment shall be at the sole cost of the Owner(s).
- b. If the Owner(s) refuses to remove the encroachment or fails to apply for authorization under this policy, the County may take action to remove the encroachment and seek reimbursement from the Owner(s) for all such costs in accordance with the applicable County bylaws and policies and in accordance with the *Municipal Government Act*.

Fees

1. Application Fees and Encroachment Fees

- a. Encroachment Application Fee:
 - i. For an application for authorization of an encroachment where it is

Commented [DT6]: COUNCIL – addressed in Procedures Pt. 4



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necessary to circulate the application to County departments and
Utilities: \$100

b. Encroachment Agreement Fees:

- i. For encroachments which are no more than 0.05 metres and a Letter of Consent is requested: \$50.00
- ii. For encroachments which are more than 0.05 metres the fee will:

50% of the previous year assessed value of the owners land per square metre
x
the total encroachment area (in square metres)

Example

Assessed Value/m ²	Encroachment Size m ²	Total Fee
K 50%		
\$100	5	\$500

2. The fee schedule may be revised from time to time with the approval of Council.



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REVISED DATE:

Policy Statement

Lethbridge County recognizes that encroachment exists within the County. The County has developed this policy to ensure that encroachments applications are evaluated in a consistent manner.

Purpose

Encroachments within Lethbridge County owned property, easements and rights-of-way can cause serious health and safety issues for the public and as well can impact County Operations. Encroachments will be reviewed by Lethbridge County to determine the appropriate course of action. If Lethbridge County determines the encroachment will not have any negative impacts to the County or any Utility Operator within, then an Encroachment Agreement may be entered into.

Authorization

Section 61 of the *Municipal Government Act* authorizes a municipality to grant rights over its property as follows:

- 61(1) A municipality may grant rights, exclusive or otherwise, with respect to its property, including property under the direction, control, and management of the municipality;
- (2) A municipality may charge fees, tolls, and charges for the use of its property, including property under the direction, control, and management of the municipality.

Section 651.2 authorizes a municipality to register a caveat with respect to encroachments over roads as follows:

- 651.2(2) Despite the *Land Titles Act* or any other enactment, a municipality may register a caveat under the *Land Titles Act* in respect of any encroachment agreement entered into by the municipality with the registered owner of a parcel of land that adjoins a road that is under the direction, control, and management of the municipality.

The County hereby delegates the authority to implement this policy to the Chief Administrative Officer or designate.



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Definitions

- a) Caveat – a formation notification registered on the title of a parcel of land.
- b) County – the municipal corporation of Lethbridge County, or the area contained within the County boundaries, as the context requires.
- c) Council – the Council for Lethbridge County.
- d) Development Officer – a person appointed as Development Officer (or their designate) pursuant to the Land Use Bylaw.
- e) Easement – any utility right-of-way or other right-of-way on privately owned property established for the installation, construction, repair, and maintenance of utilities, or for the access and passage of the general public, identified by a registered plan or by description and documented by a registered caveat or easement agreement at the Alberta Land Titles Office – Calgary.
- f) Encroachment – anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground (excluding sidewalks, fences, or any other municipal improvement required and owned by the County), or anything planted, cultivated, irrigated or any other agricultural activity that extends on, over or under municipal lands and shall include but not limited to the following:
 - i. Buildings and all projections (including eaves, footings, foundations, weeping tiles, cantilevers, etc.) and siding;
 - ii. Sheds including those attached to a dwelling and/or a fence;
 - iii. Fences and Gates of any kind
 - iv. Asphalt, concrete, or brick sidewalks, curbs, parking pads, aprons or driveways;
 - v. Permanent and non-permanent structures (including sheds, decks, stairs, patios, balconies, etc.);
 - vi. Retaining walls;
 - vii. Swimming pools and hot tubs;
 - viii. Shrubs, trees, or other organic landscaping materials
 - ix. Hard landscaping (including asphalt, concrete paving stones, retaining walls, planters and structures);
 - x. Light fixtures, poles, standards;
 - xi. Permanent Signs;
 - xii. Plantings, crops, silage, hay or any other agricultural activity;
 - xiii. Any material Lethbridge County deems an encroachment.



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- g) Encroachment Agreement – an agreement (including Road Encroachment Agreements) between the applicant and the County authorizing an encroachment and shall, among other things, include:
 - i. The legal location and identification of the encroachment;
 - ii. The owner's responsibilities to maintain the Encroachment;
 - iii. Terms or conditions under which the agreement is terminated;
 - iv. Cost and liability for removal; and
 - v. Indemnification of the County, its agents and licensees.
- h) Fence – any enclosing barrier, wall, or structure such as a chain link fence, wooden fence, metal fence, or brick/stucco wall, usually located along the property line.
- i) Land Use Bylaw – the bylaw that has been adopted by the County for the purpose of prohibiting or regulating and controlling the use and development of land and buildings within Lethbridge County.
- j) Letter of Consent – a letter from Lethbridge County authorizing an encroachment without the benefit of entering into a formal Encroachment Agreement.
- k) Municipal Lands - collectively or individually, roads, easements, reserve parcels, rights-of-way, and County-owned parcels.
- l) Owner – the person or persons registered under the *Land Titles Act* as the owner of the fee simple estate in the land. In the context of a road, reserve parcel and County-owned parcel, "owner" shall mean the owner of the adjacent land which has an encroachment into the road, reserve, or County-owned parcel.
- m) Real Property Report (RPR) – a legal document prepared by an Alberta Land Surveyor that clearly illustrates the location of significant visible building(s) and or structures relative to the property boundaries;
- n) Reserve – all municipal reserves, environmental reserves, municipal and school reserves, school reserves as defined in Section 664-666 of the *Municipal Government Act*, or a public park.



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- o) Road – land shown as a road on a plan of survey that has been filed or registered in a land titles office, or land used as a public road, and includes a bridge forming part of a public road and any structure incidental to a public road.

Scope

This policy applies to all requests for an Encroachment Agreement within Lethbridge County municipal boundaries.

Responsibilities

Council:

- i. To receive, review and consider for adoption the policy and any recommended amendments.
- ii. To consider appeals referred to in this Policy.

Community Services Department:

- i. To make recommendations to the Senior Management Team regarding this policy and amendment hereto;
- ii. Decide on the acceptability of encroachments through consultation with the affected County departments and utilities;
- iii. Ensure that this policy is implemented, monitored, and evaluated.

Other County Departments:

- i. Review and make recommendation to Community Services Department on the application for Encroachment Agreements that are circulated for comment.

Bylaw Enforcement:

- i. Enforce encroachment related bylaw offences, as appropriate.

General Information

1. Encroachment onto Reserves and County-owned Parcels:
 - a. Encroachment less than 0.05 metres (0.16 feet) may not require an Encroachment Agreement. At the discretion of the Community Services Department, a Letter of Consent may be authorized in lieu of an Encroachment Agreement.
 - b. Where an encroachment extends into County-owned parcel in excess of 0.05 metres (0.16 feet), the applicant may apply to the Community Services Department for an Encroachment Agreement. The request for
- Page 17 of 21
- Encroachment Agreement will be considered on its own merit in



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consultation with other County Departments.

- c. The Owner shall remove the encroachment from the County-owned parcel if the encroachment has not been authorized within 30 days of receiving a notice of refusal.

2. Encroachments into Roads and Easements

- a. Encroachments less than 0.05 metres (0.16 feet) may not require an Encroachment Agreement. At the discretion of the Community Services Department, a Letter of Consent may be authorized in lieu of an Encroachment Agreement.
- b. Where an Encroachment extends into a road in excess of 0.05 metres (0.16 feet), the Owner(s) may apply to the Community Services Department for an Encroachment Agreement. The request for an Encroachment Agreement will be considered on its own merit in consultation with applicable County Departments.
- c. If an Encroachment Agreement is deemed acceptable by the County, a caveat may be registered against the Owner's land and the County-owned parcel.
- d. The Owner shall remove the encroachment from the County-owned parcel if the encroachment has not been authorized within 30 days of receiving a notice of refusal.

3. An authorized encroachment does not relieve an Owner from the responsibility to comply with all applicable federal, provincial, and municipal statutes, regulations, orders, bylaws, and policies.

4. Notwithstanding any other provisions of this policy, the County reserves the right to limit the terms of an Encroachment Agreement, Letter of Consent, or other authorization or provide for the termination of an Encroachment Agreement, Letter of Consent, or other authorization in the event that the encroachment could be affected by future plans for utilities, road widening, or other requirements.

5. All expenses, costs, liabilities, or other risk associated with an authorized encroachment shall be borne by the Owner(s).

6. Appeals

- a. If an Encroachment has not been authorized, the Owner(s) may appeal to Council by requesting a review of the Administration's decision in writing

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- to Council.
 - b. All requests for appeals must be accompanied by:
 - i. A copy of the request for an Encroachment Agreement;
 - ii. A copy of the notice of refusal;
 - iii. Reasons why an appeal is being lodged;
 - c. Council's decision shall be final and binding.
7. Enforcement
- a. Unless an encroachment is authorized by the County, the encroachment shall be removed from the affected municipal lands within 30 days of receiving notice to do so. All work conducted to remove an encroachment shall be at the sole cost of the Owner(s).
 - b. If the Owner(s) refuses to remove the encroachment or fails to apply for authorization under this policy, the County may take action to remove the encroachment and seek reimbursement from the Owner(s) for all such costs in according with the applicable County bylaws and policies and in accordance with the *Municipal Government Act*.
8. If an encroachment or the structure benefitting from the encroachment is damaged or destroyed to the extent of more than 75% of the replacement value of the encroachment or such structure, the encroachment shall not be repaired or replaced and shall be removed from the municipal lands unless the repair or replacement has been authorized by the County.
9. An Encroachment Agreement is considered to be a temporary measure to allow the owner sufficient time to plan for future removal of the encroachment. An Encroachment Agreement is not intended to be permanent and may be terminated at any time by the County.

Procedures

1. Where an encroachment exists without County approval, the owner shall be required to remove the encroachment and restore the Municipal Lands at the owners expense, or seek permission from the County for the encroachment to remain.
2. When an Owner wishes to seek permission for an encroachment, they shall do so by Applying for an Encroachment Agreement from the County's Community Services Department and the County will either accept or deny the application upon review. Applications may be submitted by mail or emailed to:



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EFFECTIVE: December 19, 2013 **SECTION:** 100 NO. 163 Page 7 of 8

APPROVED BY: County Council **SUBJECT:** Encroachment Policy

REVISED DATE:

Lethbridge County Administration Building
#100, 905 - 4th Ave S
Lethbridge AB, T1J 4E4

planning@lethcounty.ca
subject: Encroachment Application

3. All requests for an Encroachment Agreement submitted to the County must be accompanied by:
 - a. A written request for an Encroachment Agreement;
 - b. A RPR no older than ten (10) years showing the encroachment; and
 - c. An application fee as described in this policy.
4. If the application is accepted the County shall prepare the Encroachment Agreement and at the discretion of the County a Caveat may be registered on title. The County will notify the Owner(s) once the documents are ready for signature. The Owner(s) shall execute the documents at the Lethbridge County Administration Office within 30 days of notification from the County. Failure to execute the documents within 30 days shall result in the County issuing a notice to remove the encroachment.
5. If applicable the County shall register the Encroachment Agreement between the County and Owner at the Alberta Land Titles Office - Calgary by caveat, subject to the Owner paying the applicable fees set out in this policy.
6. Unless otherwise stated, an Encroachment Agreement once authorized by the County may continue to be used as per the terms of the agreement providing that the size of the encroachment is not increased, and the encroachment is not added to, rebuilt or structurally altered except:
 - a. as may be necessary to remove the encroachment, or
 - b. as may be necessary for the routine maintenance of the encroachment.



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REVISED DATE:

Fees

1. Application Fees and Encroachment Fees
 - a. Encroachment Application Fee:
 - i. For an application for authorization of an encroachment where it is necessary to circulate the application to County departments and Utilities: \$100
 - b. Encroachment Agreement Fees:
 - i. For encroachments which are no more than 0.05 metres and a Letter of Consent is requested: \$50.00.
 - ii. For encroachments which are more than 0.05 metres the fee will:

50% of the previous year assessed value of the owners land per square metre
x
the total encroachment area (in square metres)

Example:

Assessed Value/m2 X 50%	Encroachment Size m2	Total Fee
\$100	5	\$500

2. The fee schedule may be revised from time to time with the approval of Council.

AGENDA ITEM REPORT



Title: Road Ban Bylaw 20-025
Meeting: County Council - 17 Dec 2020
Department: Municipal Services
Report Author: Jeremy Wickson

APPROVAL(S):

Ann Mitchell, Chief Administrative Officer,

Approved - 09 Dec 2020

STRATEGIC ALIGNMENT:



Outstanding Quality
of Life



Effective Governance
and Service Delivery



Prosperous
Agricultural
Community



Vibrant and Growing
Economy



Strong Working
Relationships

EXECUTIVE SUMMARY:

The Road Ban Bylaw and Policy was deliberated by council on December 3, 2020. During the discussion, there was a question of clarity in regards to the wording of the Peace Officer before the bylaw and policy were to be passed. Upon further research of the Traffic Safety Act and Peace Officer Act the amendments were made to clarify the enforcement position.

RECOMMENDATION:

That Council adopts changes as presented in the wording of Peace Officer within the Road Ban Bylaw 20-025 and Road Ban Policy.

Consideration for 3rd reading of the bylaw.

PREVIOUS COUNCIL DIRECTION / POLICY:

Previous council direction was to clarify the Peace Officer phrasing within the bylaw before third reading and adoption could be passed

BACKGROUND INFORMATION:

Within the Traffic Safety Act it defines Peace Officer

ALTERNATIVES / PROS / CONS:

Not to adopt changes

FINANCIAL IMPACT:

No financial implication

REASON(S) FOR RECOMMENDATION(S):

Council requested clarification of the wording around the Peace Officer. This has been specifically linked within the bylaw to the provincial legislation that defines it accordingly.

ATTACHMENTS:

[2020 Lethbridge County - Road Ban Weight Restriction Bylaw](#)

[355 Road Ban Policy](#)

BYLAW NO. 2020-025

A BYLAW OF LETHBRIDGE COUNTY IN THE PROVINCE OF ALBERTA FOR THE PURPOSES OF REGULATING WEIGHT RESTRICTIONS ON LETHBRIDGE COUNTY ROADWAYS AND MANAGED INFRASTRUCTURE OR PROPERTY.

WHEREAS pursuant to the Municipal Government Act, R.S.A 2000 c. M-26, as amended, (hereinafter referred to as "the Act") a Council of a Municipality may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS pursuant to the Act, a Council may pass bylaws for municipal purposes respecting people, activities and things in, on or near public places or places that are open to the public;

AND WHEREAS pursuant to the Act, a Council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the Municipal Government Act or any other enactment including any or all of the matters listed therein;

AND WHEREAS pursuant to the Act, a municipality has the direction, control and management of all roads within the municipality;

WHEREAS the Alberta Traffic Safety Act, being Chapter T-6, Revised Statutes of Alberta, 2000 and amendments thereto, gives authority to a municipal council to pass a bylaw for the purpose of the physical preservation of highways and bridges under its direction, control, and management;

AND WHEREAS, such authority allows for restricting the weights of a commercial vehicle or a commercial vehicle and any goods being carried by the vehicle;

AND WHEREAS, the Alberta Traffic Safety Act provides that a council of a municipality may by bylaw delegate to an employee of the municipality the power to impose road bans;

NOW THEREFORE the Council of Lethbridge County pursuant to the authority conferred upon it by the laws of the Province of Alberta, enact as follows:

1. This bylaw may be cited as Lethbridge County "Road Ban Bylaw".
2. The purpose of this bylaw is to protect Lethbridge County infrastructure and to regulate the Road Bans and Restricted Bridges, to promote the safe, enjoyable and reasonable use of such roadways and bridges for the benefit of all citizens of the municipality.
3. Definitions for any term used in this bylaw are as defined in the Alberta Traffic Safety Act and or the Commercial Vehicle Dimension and Weight Regulation AR 315/2002.
4. Lethbridge County reserves the right to, with approval of the Province of Alberta, increase the allowable weight or enter into any special program approved by the County Council on any local road.
5. The Director of Public Operations, or their designate, is hereby authorized to enter into Road Use Agreements or issue Overweight Permits on behalf of Lethbridge County in accordance with Policy 352 – Road Use.
6. Any person entering into a Road Use Agreement, or Overweight Permit, issued under the authority of this Bylaw, shall at all times ensure that the condition attached to any said Road Use Agreement or Overweight Permit are complied with. Failure to comply with this Bylaw, or any Orders made under the authority of this Bylaw will in turn make the issued permit null and void.
7. No person shall operate a vehicle to move upon a roadway under Lethbridge County direction, control and management when:
 - a) The vehicle weights or dimension exceed those set out in the Traffic Safety Act or the Commercial Vehicle Dimension and Weight Regulation AR 315/2002 and amendments thereto;
 - b) The gross weight of all axles of a vehicle or vehicle combination exceeds the posted maximum allowable weight for a bridge as set out in a Lethbridge County Road Ban Order;
 - c) The gross weight of a carrying axle or axle group, of a vehicle or combination of vehicles that exceeds the maximum allowable weight on a roadway that is subject to a road ban as determined by the percentage axle weight set out in a Lethbridge County Road Ban Order.
8. Delegated Authority
 - a) The authority to impose a road ban or set the weight restrictions on a highway or a bridge under the direction, control and management of Lethbridge County is hereby delegated to the Chief Administrative Officer or their designate;

- b) Any Peace Officer or Royal Canadian Mounted Police (RCMP) Officer is authorized to enforce this bylaw, Peace Officer is defined as per the Traffic Safety Act Section 1 and Peace Officer Act Part 1.

9. Signage

- a) The Chief Administrative Officer, or their designate, shall cause signs to be erected along the roadway or bridge as he considers necessary to notify person using commercial vehicles on the roadway or bridge of the prohibition, limitation, condition or restriction;
- b) All gravel roadways will be treated as equal unless otherwise posted.

10. Permitting

- a) All commercial vehicle permitting will be authorized through the Alberta Central Permit Office TRAVIS MJ;
- b) No person may operate a vehicle with the gross weight of a carrying axle or axle group, of a vehicle or combination of vehicles in excess of the maximum allowable weights established by the province of Alberta unless under the authority of a permit authorized by Lethbridge County Chief Administrative Officer or their designate;
- c) Special exemption permits will be authorized to agricultural producers on an annual basis by application through a Lethbridge County Road Ban Exemption Permit Request;
- d) A commercial vehicle carrier or agricultural producer, due to adverse conditions, shall be required to post a road ban bond to insure condition of roadway.

11. Prosecutions and Penalties

- a) The prosecution and specified penalty for any commercial vehicle weight or dimension violation, road ban violation, or restricted bridge violation on any roadway under Lethbridge County direction, control and management shall proceed provincially via the provision of the Traffic Safety Act and or the Commercial Vehicle Dimension and Weight Regulation AR 315/2002 and the Provincial Offences Procedures Act and Regulation;
- b) Any Peace Officer or RCMP Officer is authorized to enforce this bylaw, not withstanding any Sheriff, Commercial Vehicle Enforcement Officer or other authorized personnel has authority to enforce local, provincial or federal violations.

12. Severability

- a) Should any provision of this bylaw be declared invalid, void, illegal or otherwise not enforceable, it shall be considered separate and severable from the bylaw and the remainder shall remain in force and be binding as though such provision had not been invalid.

13. Rescind Previous Bylaws

- a) Lethbridge County Bylaw 652 is hereby rescinded.

14. Enactment

- a) This bylaw shall take effect on the day of the final reading.

READ a first time this ____ day of _____, 2020

READ a second time this ____ day of _____, 2020

READ a third time this ____ day of _____, 2020

Reeve

Chief Administrative Officer



Lethbridge County Policy Handbook

EFFECTIVE: November 19, 2020 **SECTION:** 300 **NO.** 355 Page 1 of 2

APPROVED BY: Council **SUBJECT:** Road Bans

REVISED DATE:

PURPOSE

Lethbridge County is committed to preserving infrastructure investment and its overall condition for the safe use and enjoyment of the public. Seasonal road bans are used to mitigate the impact that loaded commercial vehicles have on County roadways and are advertised through road ban signage and electronic postings.

Frost levels and ambient temperatures cause swelling and softening of roadways during the spring, and road bans are instituted on roadways to protect the integrity of the roadways. In addition, due to potential weather conditions, the County may have need throughout the course of the year to place road bans accordingly at any point in time.

All Municipal policies and practices will comply with Alberta Transportation regulations and other applicable legislation including the *Traffic Safety Act and Regulations and Municipal Government Act* as they relate to the management of roadways.

This policy is designed to meet requirements found within *Commercial Vehicle Dimension and Weight Regulation AR 315/2002, Traffic Safety Act and Commercial Vehicle Safety Regulation*:

POLICY

Lethbridge County is the designated road authority for all roadways under their jurisdiction within the municipal boundaries as per the *Municipal Government Act Part 3 - Division 2 - Roads Section - 18 Control of roads*.

Lethbridge County Council has authority to enact a bylaw restricting the weight of commercial vehicles and the goods being carried by vehicles as per the *Traffic Safety Act Part 7 Division 3 Section 152*.

The enforcement of the bylaw can be by municipal Peace Officer as defined under the *Traffic Safety Act Section 87.1 and Peace Officer Act Part 1*.

The authority to impose a road ban or set the weight restrictions on highway or a bridge under the direction, control and management of Lethbridge County is delegated to the Chief Administrative Officer (CAO) or their designate.



Lethbridge County Policy Handbook

Lethbridge County will activate road bans due to seasonal conditions or due to poor roadway conditions from, but not limited to, inclement weather and damaged or stressed infrastructure.

The Director of Public Operations, or their designate, is hereby authorized to enter into Road Use Agreements or issue Overweight Permits on behalf of Lethbridge County.

Review for Applicable Legislative Changes

Evaluation of the Road Ban Policy will be conducted every three (3) years or as required for necessary changes from a local, provincial or federal legislation change. Applicable legislation will be reviewed on an ongoing basis for changes that will be considered or incorporated accordingly.

GUIDELINES

The procedural guideline for activating road bans will be the following:

- 1) Public Works operations staff will review road and weather conditions to determine appropriate road ban placement for all road surface types.
- 2) Recommendation to impose a road ban or set the weight restriction on a roadway or a bridge via a Lethbridge County Road Ban Order, under the direction, control and management of the Lethbridge County is hereby delegated to the Director of Public Operations or their designate.
 - i. All pavement surfaces (unless otherwise specified), @ 75%;
 - ii. All oiled and chip sealed surfaces (unless otherwise specified), @ 75%;
 - iii. All gravel roads (unless otherwise specified) @ 90%.This is intended to be a guideline for road bans and this may vary depending on road conditions at any given time.
- 3) Road ban information will be advertised to the public on the County website and other communication platforms adopted by the municipality.

Rules and Regulations:

1. Subject to *Traffic Safety Act Section 62*, no person shall operate a commercial vehicle on a highway that is subject to a road ban if the weight of the carrying axle or axle group of the vehicle exceeds the specified percentage axle weight imposed by the road ban.
2. In consistency within provincial regulations and pursuant to the *Commercial Vehicle Dimension and Weight Regulation AR 315/2002, Part 3 Special Conditions, Section 12 Road bans*, the following vehicles are exempt from Road Bans:
 - i. a vehicle in respect of which the combined gross weight of all the axles does not exceed 5000 kilograms;



Lethbridge County Policy Handbook

- ii. a school bus as defined in the *Use of Highway and Rules of the Road Regulation*;
 - iii. a rubber-tired farm tractor if it is not pulling a trailer;
 - iv. a vehicle crossing a highway;
 - v. a vehicle operated by or on behalf of the Government for the purpose of testing pavement strength;
 - vi. a vehicle transporting fresh milk and cream, or either of them, from the place where the milk or cream is produced;
 - vii. a vehicle transporting pregnant mare urine from the place where the urine is produced.
3. When a road ban is in effect the following commercial vehicles may carry on the axles on that roadway up to 90% of the maximum allowable weight permitted for that single axle or axle group:
 - i. bread;
 - ii. heating fuel;
 - iii. fertilizer.
4. When a road ban is in effect, a commercial vehicle transporting domestic drinking water may carry on the axles on that roadway up to 80% of the maximum allowable weight permitted for that single axle or axle group.
5. When a roadway is banned, a temporary or permanent sign indicating the weight restriction shall be posted at the beginning and end of the road and at all major intersections. Should a vehicle travel on a banned road where a sign was posted, but has been removed, damaged, struck, or fallen to the ground, the current Road Ban Order shall remain valid and the vehicle's axle weights must still be in compliance with that order.

PERMIT AND APPLICATION PROCESS

Commercial Vehicle Permits

The municipality will operate under an ongoing permitting agreement with Alberta Transportation through TRAVIS MJ (Transportation Routing and Vehicle Information System Multi-Jurisdictional) for all commercial road permitting within the County boundaries. A fee per permit is applied which is posted in Lethbridge County Schedule of Fees Bylaw under Transportation services.

Agriculture Permits

Special permits will be issued to agricultural producers as per Road Use Policy #352 (or its successors) on an annual basis through application for the commodities listed below:



Lethbridge County Policy Handbook

1) General requirements

- a) Policy applies only to farms located along a banned County highway including pavement, oiled road, and soil cement with chip seal structures.
- b) The route is limited to the portion of the highway from the nearest non-banned road to the access to the farm or location. If the farm or location can be accessed via a non-banned road, then it does not qualify for a special permit.
- c) The permit is limited to a single, specified commodity.
- d) The Public Works department must authorize all permits.
- e) The permit is valid for travel on banned County roadways only. The permit does not approve travel on provincial or other County banned roads.

2) Commodities

Commodity	Duration	Axle Weight
Processed feed (livestock feed that has been rolled, split, ground or is in pellets) delivered to a farm	Season	90%
Dead animals for rendering	Season	90%
Seed potatoes (for import or export)	Season	100%
Feed to feedlot (must be transported on B-trains or Tractor and semi-trailer units only)	Season	90%
Feed to farm (for emergency purposes to provide feed until the pasture is ready), or livestock to pasture.	2 days	90%
Seed grain for cleaning and farm use only	2 days	90%
Water well drilling equipment to alleviate a water shortage.	2 days	90%
Livestock or grain to market	7 days	90%

- The seasonal permits are for a carrier's fleet and would be in effect for the duration of the road ban season, expiring on June 30 each year.
- If vehicles from more than one carrier will be involved, each carrier must apply for a permit.

3) Application

- The application must include an "Lethbridge County Ban Exemption Permit Request Form";
- Completed permit applications can be emailed to the Lethbridge County Operations Office.

AGENDA ITEM REPORT



Title: Highway 3 Twinning Development Association Membership Fee Request Update
Meeting: County Council - 17 Dec 2020
Department: Corporate Services
Report Author: Jennifer Place

APPROVAL(S):

Ann Mitchell, Chief Administrative Officer,

Approved - 01 Dec 2020

STRATEGIC ALIGNMENT:



Outstanding Quality
of Life



Effective Governance
and Service Delivery



Prosperous
Agricultural
Community



Vibrant and Growing
Economy



Strong Working
Relationships

EXECUTIVE SUMMARY:

Correspondence was received from the Highway 3 Twinning Development Association (H3TDA) on October 30, 2020 and was presented at the November 19, 2020 Council meeting, requesting a budget consideration of \$3,623.55 from Lethbridge County Council for the 2021 membership fees.

At the November 19th meeting, Council requested that Administration gather further information with regards to how membership fees are being spent and what the association is currently working on. The Manager of Finance & Administration spoke with the Director of Advancement for H3TDA, who provided the attached information on initiatives the association is working on. The Director also mentioned that membership fees also fund their operations, including her part time position as well lobbying and advocacy efforts.

Additionally, the Director also mentioned that a representative from the H3TDA would be happy to speak with Council directly to make a presentation and/or answer any questions they may have.

RECOMMENDATION:

That County Council supports the membership of the Highway 3 Twinning Development Association through an annual membership fee based on a population of 10,353 at a per capita rate of \$0.35 for a total of \$3,623.55, to be included in the 2021 Budget with an increase in 2022 of \$0.50 per capita for a total of \$5,176.50.

PREVIOUS COUNCIL DIRECTION / POLICY:

At the November 19, 2020 meeting the following resolution was passed:

333-2020 Councillor VanderVeen

MOVED that the Highway 3 Twinning Development Association Membership Fee Request be tabled until the December 3 County Council meeting for further information including what the funds requested will be used for. CARRIED

At the April 7, 2016 meeting the following resolution was passed.

J. WILLMS MOVED that County Council supports the membership into the Highway 3 Twinning Development Association with an annual membership based on a population of 10,061 at a per capita rate of \$0.25 for a total of \$2,515.25, funds to be derived from the Councillor's Discretionary Reserve. CARRIED

BACKGROUND INFORMATION:

At the Organizational Meeting held on October 15, 2020, Councillor Ken Benson was assigned to sit as a representative to the Highway 3 Twinning Association Board.

ALTERNATIVES / PROS / CONS:

To not pay or continue on as a member of the H3TDA

PROS

- Although minimal there is some impact to the overall budget

CONS

- Indicates that Lethbridge County does not support the association and their advocacy efforts

FINANCIAL IMPACT:

The cost of \$3,623.55 in 2021 and \$5,176.50 in the 2022 budget as proposed, to be funded from Council's Membership fees budget. This would have minimal impact to the 2021 budget as some costs are already built in for Council Membership fees, with some increase to 2022.

REASON(S) FOR RECOMMENDATION(S):

As Lethbridge County has a representative on the H3TDA Board, administration felt that the request of an annual membership was reasonable.

ATTACHMENTS:

[H3TDA Membership Request Letter](#)

[H3TDA Presentation for Lethbridge County](#)



Highway 3 Twinning Development Association

October 30, 2020

To: Adjacent Member Municipalities

RE: Budget Consideration for 2021 Membership Fee and Inclusion in ICF

With the financial support of our municipal members, in 2020 Highway 3 Twinning Development Association has increased our membership, advocacy and engagement, which has resulted in Government recognition of our efforts with the funding to twin Highway 3 from Taber to Burdett! The Association would like to continue the momentum and, as such, has approved the 2021 budget inclusive of membership contributions from our Adjacent Municipalities.

In light of recent challenges resulting from the COVID-19 pandemic, H3TDA has realized some savings due to a small number of unspent budgeted funds. H3TDA would like to pass on those savings through a temporary reduction in the 2021 municipal membership fees. Membership fees in 2022 are anticipated to be restored to \$.50 per capita.

The Board of Highway 3 Twinning Development Association asks our members to continue to show support toward our mutual goals and include the 2021 membership fee in your 2021 Budget.

The 2021 Membership Fee for Lethbridge County is: **\$3,623.55**
(*Based on 2018 Population 10353 X .35)

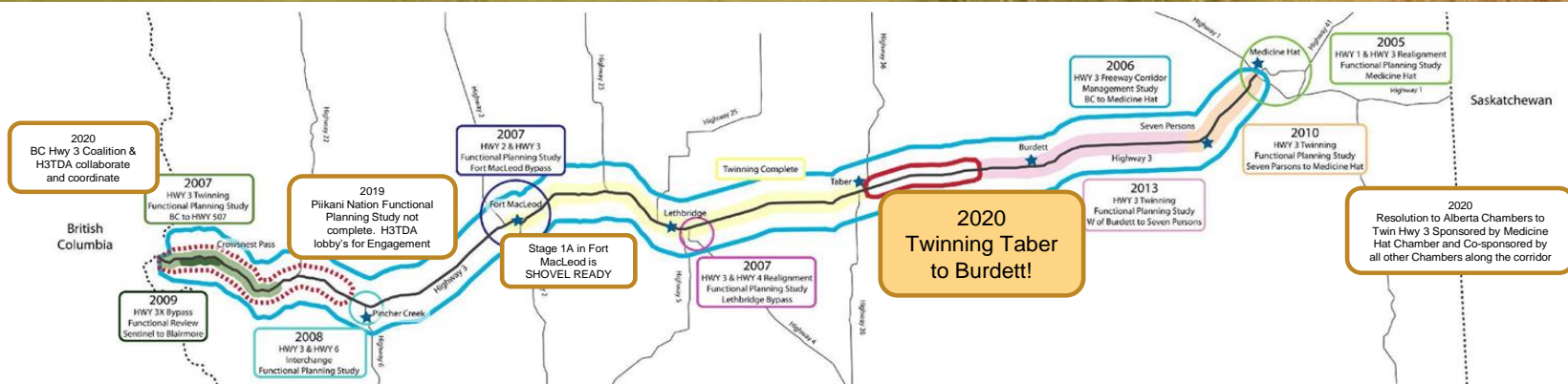
Invoices will be issued January 1, 2021. If further information is required, we are happy to address any questions by phone, email, or a scheduled presentation to Administration, Board or Council.

Additionally, we ask that advocacy for Twinning of Highway 3 is considered for inclusion in your municipalities Intermunicipal Collaboration Frameworks (ICF).

Sincerely,

Bill Chapman, President
Highway 3 Twinning Development Association
Admin@twin3.ca
403-929-3593
FOLLOW US! www.facebook.com/twin3.ca/

We speak louder with one voice!



Highway 3 Twinning Development Association
2019/2020 Activity Report to County of Lethbridge Council
 By Victoria Chester, Director of Advancement



2020 MEMBERSHIP



**Our Association grew to include
9 new Business Stakeholders and
11 reciprocal Associations/Chambers of Commerce.**

H3TDA 2020 Membership renewals include every Municipality between Medicine Hat & Crowsnest Pass, with exception of Coalhurst and Barnwell.

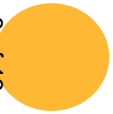
Our June 2020 AGM was attended by 30 Members.

**The 2020/2021 Board is made up of 10 Municipal, 1 Business and
4 Stakeholder Association Representatives.**



What are the *STAGES* to twin?

Page 6 of 13



STEP ONE: Nearly Complete

Studies of the entire corridor, ***with exception of Piikani Nation***, were completed with the financial support of the Province. Currently there are 12 *Sections* identified.



STEP TWO:

Some locations of the West require Environmental Impact planning (Wildlife Crossings, Water protection, Traditional lands, Gravesite sensitivity, etc).



STEP THREE:

Engineering Design (the firm construction location and details for RFP).



STEP FOUR:

Utility and Right-of-Way (purchase land for the new location and coordinate utility changes)



STEP FIVE:

Construction start (Land clearing & Asphalt)! Most likely completed in sections.



2019/2020 Successes!

- Lobbied Government for Job Stimulus by Twinning Hwy 3 as “Accelerated Design/Build” project, creating 800+ jobs, resulting in the twinning of Hwy 3 from Taber to Burdett!!
- Registered Lobbyist through Alberta Lobbyist Registry
- Meetings with Provincial Government; Ministers of Transportation, Treasury, Agriculture, and Economic Development & Trade
- Chamber Presentations made along the Corridor with Regional Policy sponsored by ALL Southern AB Chambers
- Alberta Motor Transportation added Hwy 3 twinning to Top 5 Priorities
- Collaboration with Associations (Alberta Sugar Beet Growers, Potato Growers of Alberta & etc.)
- Connection with Trucking Industry (Chinook Carriers, Gateway Livestock, etc.); GOAL: Trucking on the East/West Corridor made safer, faster & easier to get products to markets
- Engaged with Industry Stakeholder Businesses impacted by Hwy 3 twinning, such as Rogers Sugar, McNally Contractors, Lamb Weston, Rowland Farms, Jayco Builders & Jade Homes RTM, etc.
- Regular Meetings with local Government (Southern Alberta Department of Transportation, MLA's and MP's)
- Connecting with Community to sign Petition to Twin Hwy 3: www.twin3.ca (currently 3147 signatures)
- Got Operations Organized: Bylaw revision, Branding (new website/logo), Policy & Procedures Manual, etc.
- Promoted improved East/West travel experience and safety for tourists, commuters and local travelers.
- Advocated for Highway 3 as a Commodity and Provincial Economic Corridor for a diversified economy
- **Worked to establish H3TDA as the collaborative and regional leader of the Hwy 3 twinning initiative**



Part 1: Strategic Ladder

Regional Vision

The Vision of the Region is a broad statement that encompasses what sort of economic membership would like to see realized. It informs H3TDA mission and gives us a direction towards. SouthGrow cannot achieve the vision alone, but we can play our part to realize it.

H3TDA's Vision is a twinned Highway 3 is a safe, community and regional economy, the provincial and national transportation network.

The Association's Mission

4. Develop Collaborative relationships with Indigenous Communities along Highway 3 to fast-track of twinning where community safety is a high priority.

A. Engage Blood Tribe & Piikani Nation in Highway 3 twinning efforts

SMARTER GOAL	Find common needs and goals. Encourage membership and attendance.
OUTCOME	First Nations feel respected and engaged as an important partner, and advocate for the twinning of highway 3 within the region.
MEASURE	Written support of twinning highway 3 within respective nations. Increased attendance at Board meetings Membership
TARGET	

WORKPLAN
Pillar 3: Develop a multimedia communication program to promote twinning, community and economic development initiatives

1. Determine communication program elements required to effectively inform residents, landowners and elected officials about the initiatives and successes of H3TDA

A. Create a new Brand (re-brand)

SMARTER GOAL	By Q3 2020 H3TDA has launched a new visually exciting logo, messaging solutions and easy to understand marketing materials.		
OUTCOME	H3TDA has an effective brand that is recognizable and understood by Southern Alberta residents		
MEASURE	New Logo & transition of marketing materials Recognition of Brand ("oh I saw/heard about that")		
TARGET	2019 invite student designs, 2020 select logo, prepare implementation complete program		
WORKPLAN	2019 Q3: Connect with college to engage students in fall Q4: Lethbridge college design students work on logo & branding	2020 Q1: Select best student campaign Q2: Prepare new logo/branding materials Q3: Implement new branding	2021

B. Create a communications strategy to guide long-term efforts

What's Next? 2020/2021 Goals

Continue to follow Strategic Plan and Work Plan:

- Complete Community & Stakeholder Engagement Events in 2021 (tabled in 2020 due to pandemic) and grow Stakeholder Membership
- Regional Awareness through Quarterly Media Release updates
- Coordinate with MP's to identify and lobby for Federal support
- Collaborate with BC Hwy 3 Coalition on joint Provincial & Federal advocacy (tabled in 2020, due to pandemic)
- Engage Government of Alberta to plan next-steps for the twinning of Hwy 3.

2020/2021 TWINNING PRIORITIES of H3TDA

Lobby the GOA to fund/approve any one (or more) of the Priorities, in stages or as a whole.

- 1) Medicine Hat to Seven Persons, including Airport runway realignment (26kms)
- 2) Pincher Station to Bellevue (36kms)
- 3) Piikani Nation Functional Planning Study
- 4) Fort MacLeod Stage 1A (Shovel Ready)

Deliver a Concentrated and Unified Message



How do we get there?

GOVERNMENT PERSPECTIVE



COST:

- The ***TOTAL*** cost to twin the remaining 190+- kms is significant (estimated at 4-8 Million per km).
- Availability of Contractors at this time could reduce total cost.
- Agricultural Land needing acquisition continues to increase in value (cost to twin in the future will continue to increase exponentially with Southern Alberta GDP)
- Depressed Economy of Alberta impacts funds available for Capital Projects.



RECOVERY:

- Job Stimulus through Infrastructure Projects provide short-term employment activity and long-term growth through supply capacity.
- Grassy Mountain Coal project will require Hwy 3 expansion. Several new Solar Farms along the Hwy 3 corridor.



STAGES & SECTIONS:

- Providing for funding in Stages AND Sections is more cost effective for Albertans.



MESSAGE TO H3TDA:

- Continue to advocate support from Stakeholders to complete Hwy 3 twinning.





The Plan – Increase Awareness/Engage!

Industry, Stakeholder Associations, Community,
and support Municipal Member priorities

Page 11 of 13



**Continue to
collaborate with
Associations and grow
Industry Stakeholder
Membership**

**Increase membership,
so we SPEAK LOUDER
to Government
and diversify the
Municipal financial
membership fees**

**When restrictions ease,
develop Community
Events to connect H3TDA
with citizens, answer
questions and support
Advocacy.**



What Can You Do?

Page 12 of 13

RENEW Municipal Membership!

SUPPORTING:

- A dedicated part-time advocate for Highway 3 Twinning,
- The expansion of stakeholder collaboration, and
- Improvement to Association operations.

Work with your Community!

H3TDA has Board/Municipal representation from every community.

Work with your community to bring awareness on the importance of twinning Highway 3.

Advocate!

Encourage other Business owners impacted by Hwy 3 twinning to:

Join H3TDA

Inform Community

Support twinning to your MLA

Follow H3TDA on Facebook!

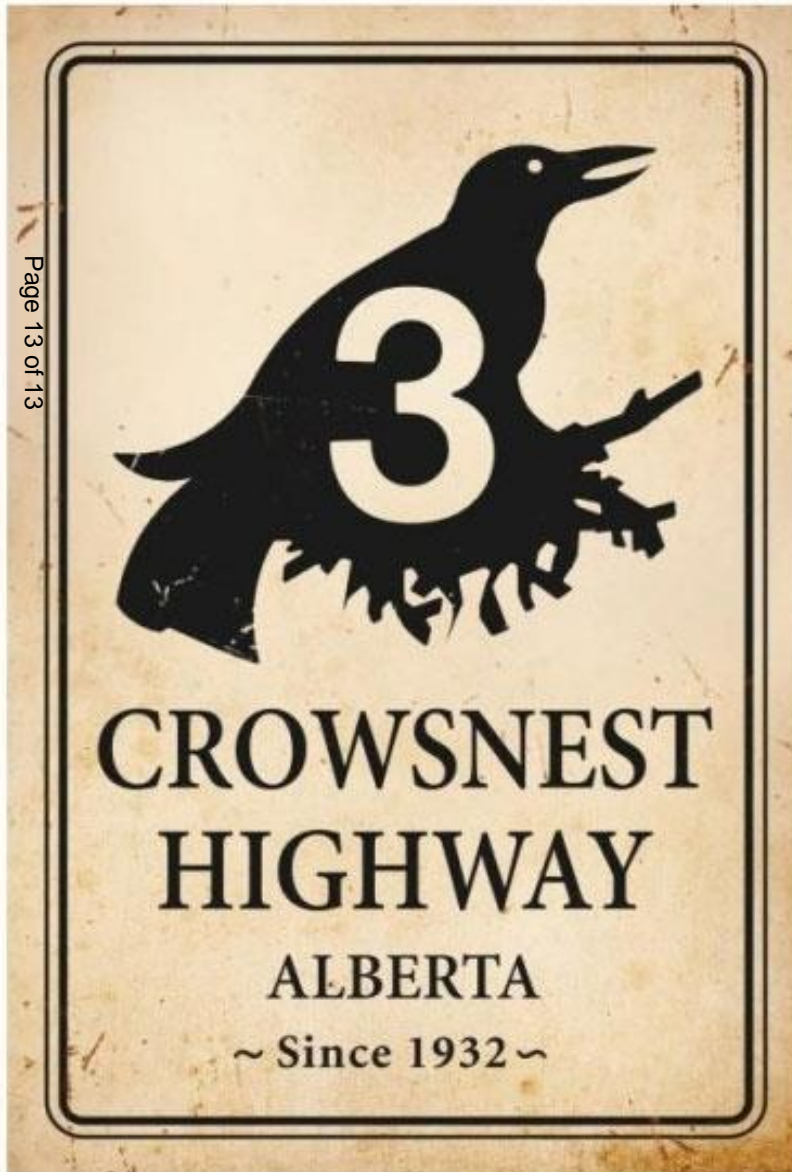
Sign the Petition at www.twin3.ca

The Region needs Hwy 3 Twinned.

H3TDA needs support from ALL Municipalities.

#twin3





Contact

Highway 3 Twinning Development Association

Victoria Chester

Director of Advancement

403-929-3593



admin@twin3.ca



www.twin3.ca

visit our website to SIGN THE PETITION!

FOLLOW US! www.facebook.com/twin3.ca/

AGENDA ITEM REPORT



Title: 2021 - 2025 Capital Budget
Meeting: County Council - 17 Dec 2020
Department: Corporate Services
Report Author: Jennifer Place

APPROVAL(S):

Ann Mitchell, Chief Administrative Officer,

Approved - 07 Dec 2020

STRATEGIC ALIGNMENT:



Outstanding Quality
of Life



Effective Governance
and Service Delivery



Prosperous
Agricultural
Community



Vibrant and Growing
Economy



Strong Working
Relationships

EXECUTIVE SUMMARY:

The 2021 - 2023 Proposed Capital Budget was presented to Council on November 23 & 24, 2020 and December 1, 2020 for deliberations. Upon review of the budget, Council provided their feedback and direction. As per the direction of Council, Administration is bringing forward the capital budget for 2021 with proposed estimates for 2022, 2023, 2024 and 2025 that is recommended approval.

RECOMMENDATION:

Moved that the 2021 Capital Budget in the total expense amount of \$9,215,000 as outlined in attachments be approved.

And that the 2022, 2023, 2024 and 2025 Capital Budget expenses in the amounts of \$8,095,000, \$10,995,000, \$9,678,000 and \$6,834,000 respectively be approved in principal.

PREVIOUS COUNCIL DIRECTION / POLICY:

Direction of Council as provided throughout the 2021 Budget Deliberations for the Capital Budget.

Municipal Government Act Section 245 - Each Council must adopt a capital budget for each calendar year.

BACKGROUND INFORMATION:

The Capital Budget details projected revenues and expenditures for all departments in the organization that have proposed Capital Projects. Approval of the 2021 Capital Budget, with the funding sources illustrated, provides the necessary resources to maintain and develop the County's infrastructure, and provides Administration with the authority to proceed with and plan for various capital projects. This approval also provides administration with the authority to submit grant funding applications in a timely manner.

The attachments outline the 2021 - 2025 Total Capital Budget, Proposed Capital Revenue sources and Expenditures by Department as presented and directed by Council. Additionally a detailed summary of the 2021 Capital Projects by department with funding sources has been included.

ALTERNATIVES / PROS / CONS:

To make adjustments to the proposed capital budget or to not approve the capital budget at this time.

FINANCIAL IMPACT:

If the budget is not approved County staff and administration would not be able to proceed with any proposed 2021 Capital Projects or Grant funding applications until a final budget is approved.

REASON(S) FOR RECOMMENDATION(S):

To ensure capital purchases and projects can proceed in a timely, efficient and cost effective manner and grant funding can be applied for.

ATTACHMENTS:

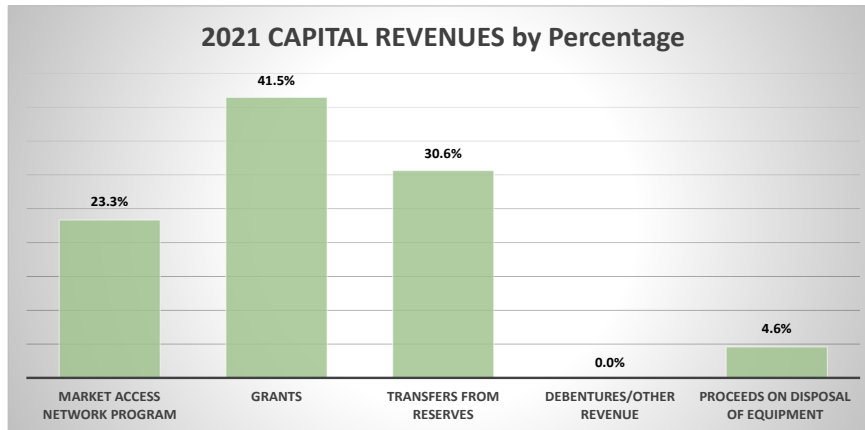
[2021 Capital Budget](#)

TOTAL CAPITAL BUDGET
~ by department

Capital Budget

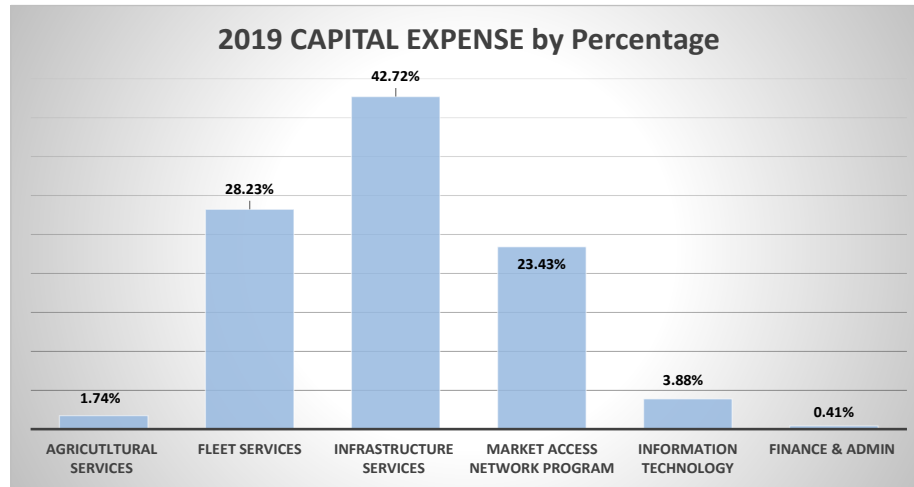
	2020 Approved Budget	2021 Proposed Budget	2022 Planned Budget	2023 Planned Budget	2024 Planned Budget	2025 Planned Budget
REVENUES						
Grants	3,100,000	3,820,000	2,675,000	4,710,000	3,860,000	1,340,000
Proceeds on Disposal of Retired Equipment	144,000	422,000	1,034,000	1,088,000	1,103,000	1,173,000
Debentures/Other Revenue	-	-	-	-	-	-
Transfers from Reserves	3,033,000	2,823,000	2,236,000	3,047,000	2,565,000	2,171,000
Market Access Network Program	2,150,000	2,150,000	2,150,000	2,150,000	2,150,000	2,150,000
Total Revenues	8,427,000	9,215,000	8,095,000	10,995,000	9,678,000	6,834,000
EXPENDITURES - by department						
Agricultural Services	145,000	160,000	-	150,000	-	-
Fleet Services	1,865,000	2,591,000	3,175,000	3,035,000	3,240,000	3,190,000
Public Works	4,100,000	-	-	-	-	-
Infrastructure Services	-	3,920,000	2,570,000	5,560,000	4,220,000	1,340,000
Utilities	100,000	-	-	-	-	-
Market Access Network Program	2,150,000	2,150,000	2,150,000	2,150,000	2,150,000	2,150,000
Finance & Administration	-	38,000	-	-	-	125,000
Information Technology	67,000	356,000	200,000	100,000	68,000	29,000
Total Expenditures	8,427,000	9,215,000	8,095,000	10,995,000	9,678,000	6,834,000
Tax Support	-	-	-	-	-	-

CAPITAL REVENUES BY SOURCE



	2020 Approved Budget	2021 Proposed Budget	2022 Planned Budget	2023 Planned Budget	2024 Planned Budget	2025 Planned Budget
REVENUES						
Grants	3,100,000	3,820,000	2,675,000	4,710,000	3,860,000	1,340,000
Proceeds on Disposal of Retired Equipment	144,000	422,000	1,034,000	1,088,000	1,103,000	1,173,000
Debentures/Other Revenue	-	-	-	-	-	-
Transfers from Reserves	3,033,000	2,823,000	2,236,000	3,047,000	2,565,000	2,171,000
Market Access Network Program	2,150,000	2,150,000	2,150,000	2,150,000	2,150,000	2,150,000
Total Revenues	8,427,000	9,215,000	8,095,000	10,995,000	9,678,000	6,834,000

CAPITAL EXPENDITURES BY DEPARTMENT



	2020 Approved Budget	2021 Proposed Budget	2022 Planned Budget	2023 Planned Budget	2024 Planned Budget	2025 Planned Budget
EXPENDITURES - by department						
Agricultural Services	145,000	160,000	-	150,000	-	-
Fleet Services	1,865,000	2,591,000	3,175,000	3,035,000	3,240,000	3,190,000
Public Works	4,100,000	-	-	-	-	-
Infrastructure Services	-	3,920,000	2,570,000	5,560,000	4,220,000	1,340,000
Utilities	100,000	-	-	-	-	-
Market Access Network Program	2,150,000	2,150,000	2,150,000	2,150,000	2,150,000	2,150,000
Finance & Administration	-	38,000	-	-	-	125,000
Information Technology	67,000	356,000	200,000	100,000	68,000	29,000
Total Expenditures	8,427,000	9,215,000	8,095,000	10,995,000	9,678,000	6,834,000

**LETHBRIDGE COUNTY
CAPITAL BUDGET SUMMARY
2021 CAPITAL PROJECTS**

SOURCES OF FUNDING												
Grants												
Dept.	Project Name	Budget Request	MSI CAP	FGTF	STIP	MSP	Reserves	Local Improvement	Market Access Network Funds	MSI OP Grant	Debentures	Proceeds on Equip./Land Disposal
												Total
ASB-E3	Monarch Park Replacement	160,000					160,000					\$ 160,000
FLT-01	Replacement Divisional Grader MG-032	600,000					480,000					\$ 600,000
FLT-02	Replacement Divisional Grader MG-035	600,000					480,000					\$ 600,000
FLT-03	Replacement of TM-007 15' Schulte XH500 Mower	35,000					30,000					\$ 35,000
FLT-04	Replacement - Used Pneumatic Tire Roller	75,000					65,000					\$ 75,000
FLT-05	Replacement of 3/4 Ton Truck w/ 1 Ton Crew Cab Truck	90,000					80,000					\$ 90,000
FLT-06	Used Motor Scraper - CAT 627 Model	600,000					450,000					\$ 600,000
FLT-07	Utility Trailer for Projects Crew	35,000					34,000					\$ 35,000
FLT-08	Dump Trailer for PW & ASB	16,000					15,000					\$ 16,000
FLT-09	Survey Equipment	75,000					70,000					\$ 75,000
FLT-10	Enterprise Fleet Program - 9 X Crewcab 1/2 ton Truck	405,000					405,000					\$ 405,000
FLT-11	Enterprise Fleet Program - 1 X Crewcab 1 Ton Truck	60,000					60,000					\$ 60,000
IS-01	Sunset Acres Base & Pave - (RGE RD 22-4)	700,000	700,000									\$ 700,000
IS-02	RGE RD 19-2 (Readymade Rd.) Repaving	230,000	195,000				35,000					\$ 230,000
IS-03	Broxburn Paving Phase 3	1,230,000	-			1,230,000						\$ 1,230,000
IS-04	Broxburn Paving Phase 4	1,250,000	1,250,000									\$ 1,250,000
IS-05	Fairview Stormwater Drainage	170,000					170,000					\$ 170,000
IS-06	Malloy Phase 2B	340,000	340,000									\$ 340,000
MN-01	Bridge File #71467 Replacement	250,000							250,000			\$ 250,000
MN-02	Bridge File #79598 Replacement	450,000			337,000				113,000			\$ 450,000
MN_03	Transfer to MAN Hard Top Rds/Bridges Reserve	744,780							745,000			\$ 745,000
MN-04	Calcium Base Stabilization Debt Repayment	705,220							705,000			\$ 705,000
ADM-01	Replace Shipping/Receiving Outer Doors	10,000					10,000					\$ 10,000
ADM-02	Replace Admin Office Blinds	28,000					28,000					\$ 28,000
IT-01	Records Management System	65,000					65,000					\$ 65,000
IT-02	Financial Software Conversion (Phs. 1)	200,000					95,000			105,000		\$ 200,000
IT-03	Digital Aerial Orthographic Program	60,000					60,000					\$ 60,000
IT-04	GIS Data Server Replacement	15,000					15,000					\$ 15,000
IT-05	iPad Pro Replacements for Council	16,000					16,000					\$ 16,000
												\$ -
TOTAL CAPITAL PROJECT REQUEST		\$ 9,215,000	\$ 2,485,000	\$ -	\$ 337,000	\$ 1,230,000	\$ 2,823,000	\$ -	\$ 1,813,000	\$ 105,000	\$ -	\$ 422,000
TOTAL FUNDING PROGRAM				\$ 4,052,000					\$ 5,163,000			\$ 9,215,000

AGENDA ITEM REPORT



Title: 2021 - 2023 Operating Budget
Meeting: County Council - 17 Dec 2020
Department: Corporate Services
Report Author: Jennifer Place

APPROVAL(S):

Ann Mitchell, Chief Administrative Officer,

Approved - 07 Dec 2020

STRATEGIC ALIGNMENT:



Outstanding Quality
of Life



Effective Governance
and Service Delivery



Prosperous
Agricultural
Community



Vibrant and Growing
Economy



Strong Working
Relationships

EXECUTIVE SUMMARY:

The 2021 - 2023 Proposed Operating Budget was presented to Council on November 23 & 24, 2020 and December 1, 2020 for deliberations. Upon review of the budget, Council provided their feedback and direction. As per the direction of Council, Administration is bringing forward a budget for 2021 with proposed estimates for 2022 and 2023 that is recommended approval.

RECOMMENDATION:

MOVED that the 2021 Operating Budget expenses in the amount of \$28,050,645 as outlined in Attachment 1 be approved, and that the 2021 and 2022 Operating Budget expenses in the amounts of \$28,476,715 and \$28,888,425 respectively be approved in principle.

PREVIOUS COUNCIL DIRECTION / POLICY:

Council direction as provided at the 2021 Budget Deliberation Meetings.

Additionally the Municipal Government Act, Section 242 states the following with regards to adoption of an Operating Budget:

242(1) Each council must adopt an operating budget for each
calendar year.

(2) A council may adopt an interim operating budget for part of a
calendar year.

(3) An interim operating budget for a part of a calendar year ceases
to have any effect when the operating budget for that calendar year

is adopted.

BACKGROUND INFORMATION:

The budget is utilized as a guide to allow staff to deliver programs and services within the County. The operating budget details projected revenues and expenditures for all departments and activities within the organization. As in previous years a three year operating and capital budget is prepared for all of the County departments and presented to Council for deliberations over a three day period.

Following the first round of budget deliberations, Council asked Administration to come back on December 1, 2020 for further direction as Council had some additional items to discuss for budget consideration. The attached budget summaries includes all of Council's direction as understood by Administration.

If Council is not prepared to pass a final operating budget prior to December 31, 2020, approval of an Interim Operating Budget is required in order to provide Administration with the authority to proceed with programs and services for the upcoming year as per the Municipal Government Act (MGA).

ALTERNATIVES / PROS / CONS:

N/A

FINANCIAL IMPACT:

An operating budget (2021 or interim) must be approved by Council to ensure County operations can carry on status quo as of January 1, 2021.

REASON(S) FOR RECOMMENDATION(S):

As per the Municipal Government Act, a municipal may only make an expenditure that is included in an operating budget or interim operating budget as stated below:

248(1) A municipality may only make an expenditure that is
(a) included in an operating budget, interim operating budget
or capital budget or otherwise authorized by the council,
(b) for an emergency, or
(c) legally required to be paid.

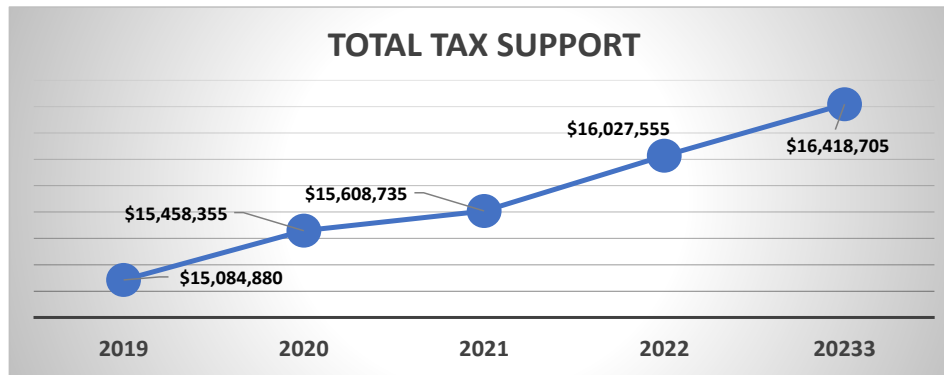
ATTACHMENTS:

[2021 Operating Budget](#)

TOTAL TAX SUPPORT - by Division

	2020 TAX LEVY	2021 TAX LEVY	2022 TAX LEVY	2023 TAX LEVY
Council	649,525	646,620	666,635	654,720
CAO's Office	657,840	662,840	668,605	673,250
Municipal Services	10,055,930	10,119,400	10,366,575	10,520,765
Corporate Services	1,187,225	1,140,835	1,139,875	1,139,275
Community Services	2,907,835	3,039,040	3,185,865	3,430,695
Total Tax Support	15,458,355	15,608,735	16,027,555	16,418,705
<i>Percent Increase (Decrease) from previous year's budget</i>	2.476%	0.973%	2.683%	2.440%

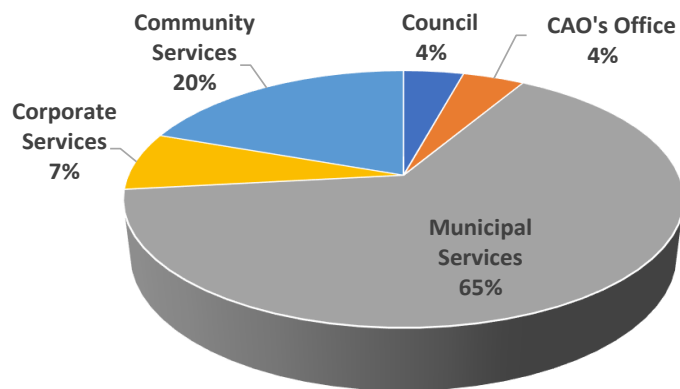
<u>Tax Increase after New Growth</u>				
increase over prior year's budget	\$ 373,475	\$ 150,380	\$ 418,820	\$ 391,149
projected growth	\$ (132,638)	\$ (133,553)	\$ (133,553)	\$ (160,723)
net	\$ 240,837	\$ 16,827	\$ 285,267	\$ 230,426
<i>Percent Increase (Decrease) from previous year's budget</i>	1.597%	0.109%	1.828%	1.438%



TOTAL TAX SUPPORT
~ by department

TAX SUPPORT - by department	2020 Approved Budget	2021 Proposed Budget	2022 Planned Budget	2023 Planned Budget
Council	649,525	646,620	666,635	654,720
CAO's Office	657,840	662,840	668,605	673,250
Municipal Services Division				
Agricultural Services	996,860	992,610	1,006,050	1,018,605
Fleet Services	-	-	-	-
Public Works	8,049,710	8,221,235	8,457,390	8,596,000
Utilities	327,925	327,925	327,925	327,925
Infrastructure Services	681,435	577,630	575,210	578,235
	10,055,930	10,119,400	10,366,575	10,520,765
Corporate Services Division				
Assessment	185,355	213,030	213,535	213,670
Finance & Administration	1,001,870	927,805	926,340	925,605
Information Technology	-	-	-	-
	1,187,225	1,140,835	1,139,875	1,139,275
Community Services Division				
Community Services Administration	668,470	691,875	708,200	714,475
Economic Development	166,235	151,480	152,695	153,730
Planning & Development	311,785	312,870	314,125	315,640
Emergency Services	1,761,345	1,882,815	2,010,845	2,246,850
	2,907,835	3,039,040	3,185,865	3,430,695
Total Tax Support	15,458,355	15,608,735	16,027,555	16,418,705
Percent Increase (Decrease) from previous year's budget	2.476%	0.973%	2.683%	2.440%

2021 Tax Support by Division



TOTAL OPERATING BUDGET
~ by department

	2020 Approved Budget	2021 Proposed Budget	2022 Planned Budget	2023 Planned Budget
REVENUES				
Council	45,000	25,000	-	-
CAO's Office	45,000	20,000	20,000	20,000
Public Operations				
Agricultural Services	292,860	254,500	164,500	164,500
Fleet Services	3,461,630	3,650,510	3,658,875	3,694,750
Public Works	1,716,920	1,886,570	1,846,570	1,886,570
Utilities	3,897,825	4,139,085	4,199,380	4,253,975
Infrastructure Services	105,950	7,200	7,200	7,200
	9,475,185	9,937,865	9,876,525	10,006,995
Corporate Services				
Assessment	23,740	23,750	23,750	23,750
Finance & Administration	961,940	799,615	790,615	790,615
Information Technology	851,690	987,780	989,485	972,770
	1,837,370	1,811,145	1,803,850	1,787,135
Community Services				
Community Services Administration	14,500	125,000	126,875	128,780
Economic Development	-	-	-	-
Planning & Development	100,000	106,400	107,810	108,810
Emergency Services	1,226,000	416,500	514,100	418,000
	1,340,500	647,900	748,785	655,590
Total Revenues	12,743,055	12,441,910	12,449,160	12,469,720
EXPENDITURES - by department				
Council	694,525	671,620	666,635	654,720
CAO's Office	702,840	682,840	688,605	693,250
Municipal Services				
Agricultural Services	1,289,720	1,247,110	1,170,550	1,183,105
Fleet Services	3,461,630	3,650,510	3,658,875	3,694,750
Public Works	9,766,630	10,107,805	10,303,960	10,482,570
Utilities	4,225,750	4,467,010	4,527,305	4,581,900
Technical Services	787,385	584,830	582,410	585,435
	19,531,115	20,057,265	20,243,100	20,527,760
Corporate Services				
Assessment	209,095	236,780	237,285	237,420
Finance & Administration	1,963,810	1,727,420	1,716,955	1,716,220
Information Technology	851,690	987,780	989,485	972,770
	3,024,595	2,951,980	2,943,725	2,926,410
Community Services				
Community Services Administration	682,970	816,875	835,075	843,255
Economic Development	166,235	151,480	152,695	153,730
Planning & Development	411,785	419,270	421,935	424,450
Emergency Services	2,987,345	2,299,315	2,524,945	2,664,850
	4,248,335	3,686,940	3,934,650	4,086,285
Total Expenditures	28,201,410	28,050,645	28,476,715	28,888,425
Tax Support	(15,458,355)	(15,608,735)	(16,027,555)	(16,418,705)
Before Growth Percent Increase (Decrease) from previous year's budget	2.476%	0.973%	2.683%	2.440%
After Growth Percent Increase (Decrease)	1.597%	0.109%	1.828%	1.438%

TOTAL OPERATING BUDGET
~ by object code

	2020 Approved Budget	2021 Proposed Budget	2022 Planned Budget	2023 Planned Budget
REVENUES				
Grants	931,980	674,620	674,620	674,620
Sales of Goods & Services	4,036,125	4,090,545	4,141,330	4,192,720
Service Agreements	247,310	406,030	412,380	418,835
Services to Other Departments	4,116,620	4,426,130	4,464,625	4,480,135
Other Revenue	224,880	372,530	372,530	372,530
Local Improvement Taxes & Requisitions	569,145	591,835	598,610	598,610
Fines and Penalties	310,000	245,000	245,000	245,000
Return on Investments	325,000	325,000	325,000	325,000
Transfers from Reserves	1,276,775	605,000	509,845	457,050
Market Access Network Revenue Transfer	705,220	705,220	705,220	705,220
Total Revenues	12,743,055	12,441,910	12,449,160	12,469,720
EXPENDITURES - by object code				
Salaries, Wages & Benefits	8,340,234	8,183,150	8,189,550	8,269,200
Services by Other Departments	4,116,620	4,426,130	4,464,670	4,480,135
Materials, Supplies & Operating Costs	5,118,330	5,663,930	5,729,020	5,788,265
*Operating Projects	1,077,450	221,600	254,100	158,000
Contracted & General Services	2,121,195	2,068,085	2,072,870	2,039,610
Emergency Service Agreements	1,546,490	1,648,030	1,772,060	2,007,130
Debtenture Principal & Interest Costs	1,373,015	1,373,025	1,373,030	1,373,035
Regional Waste Requisition Expense	569,145	591,835	598,610	598,610
Grants to Other Organizations	324,775	288,990	298,815	300,575
Transfers to Reserves	3,614,156	3,585,870	3,723,990	3,873,865
Total Expenditures	28,201,410	28,050,645	28,476,715	28,888,425
Tax Support	(15,458,355)	(15,608,735)	(16,027,555)	(16,418,705)
Percent Increase (Decrease) from previous year's budget	2.476%	0.973%	2.683%	2.440%
After Growth Percent Increase (Decrease)	1.597%	0.109%	1.828%	1.438%

2021 OPERATING BUDGET IMPACT SUMMARY

	2020 Tax Support	\$	15,458,355	
	2021 Proposed Tax Support	\$	15,608,735	
	TOTAL TAX SUPPORT INCREASE	\$	150,380	0.973%
	LEGISLATED ADJUSTMENTS			
AG Services	Reduction of ASB Grant Funding	\$	136,360	
Community Services	Increase to Recreation Funding from 2020 to 2021	\$	128,750	
Emergency Services	Provincial Policing Increase from 2020 to 2021	\$	117,540	
		\$	382,650	2.475%
	BUDGET ADJUSTMENTS			
Public Works	Increased Haul Route Maintenance Budget by \$450,000 (\$1,2 Million total)		450,000	
Infrastructure Services	Technical & Professional Services Adjustment	\$	15,000	
Assessment	Designated Industrial Property Assessment Provincial Fees	\$	25,000	
Finance & Administration	Increased Building Maintenance and Supplies Costs	\$	7,400	
Finance & Administration	Increased transfer to reserve - future Capital Replacement	\$	75,000	
Emergency Services	Reduced Fines revenue - moved from 2 to 1 CPO	\$	65,000	
		\$	637,400	4.123%
	BUDGET EFFICIENCIES/COST SAVINGS as directed			
ALL DEPARTMENTS	Salary & Benefits Adjustment (includes 1% increase, restructuring adjustments, etc.)	\$	(132,725)	
Council	Reduced Grants to Other Organizations (per Resolution)	\$	(30,000)	
AG Services	Adjusted Overall Expenses to align with historical averages	\$	(18,250)	
AG Services	Transfer from Reserve to offset restructuring costs	\$	(90,000)	
AG Services	Adjustment to ASB Water & Soil Quality Management Activity expenses due to restructuring	\$	(24,360)	
Public Works	Reduced Transfer to Haul Route future Maintenance Reserve to \$0 for 2021	\$	(400,000)	
Community Services	Funded portion of 2021 Recreation Funding Allocation from Municipal Reserve and Recreation Reserve Funds	\$	(125,000)	
Emergency Services	Contract & General Services and Material & Supplies Adjustment due to department restructure	\$	(33,300)	
Emergency Services	Dispatching Fees	\$	(24,000)	
ALL DEPARTMENTS	Balance of budgetary adjustments (net increases and decreases where applicable)	\$	7,965	
		\$	(869,670)	-5.626%
	TOTAL TAX SUPPORT INCREASE/DECREASE	\$	150,380	0.973%
	IMPACT ON BUDGET - SUMMARY			
	2020 Tax Support	\$	15,458,355	0.000%
	Legislated Adjustments	\$	382,650	2.475%
	Budget Additions/Changes	\$	637,400	4.123%
	Budget Efficiencies/Cost Savings	\$	(869,670)	-5.626%
	TOTAL	\$	15,608,735	0.973%
	TOTAL TAX SUPPORT INCREASE	\$	150,380	0.973%
	REVISED TAX SUPPORT INCREASE AFTER PROJECTED GROWTH		16,827	0.109%

AGENDA ITEM REPORT



Title: McNally Community Association Request
Meeting: County Council - 17 Dec 2020
Department: Corporate Services
Report Author: Jennifer Place

APPROVAL(S):

Ann Mitchell, Chief Administrative Officer,

Approved - 09 Dec 2020

STRATEGIC ALIGNMENT:



Outstanding Quality
of Life



Effective Governance
and Service Delivery



Prosperous
Agricultural
Community



Vibrant and Growing
Economy



Strong Working
Relationships

EXECUTIVE SUMMARY:

In 2019, the County provided the McNally Community Association with a loan in the amount of \$60,000 for the replacement of the community hall's heating system, funded from reserves. The loan was for a 5 year term with the first payment due in 2020. The 2020 payment has been made in full by the association.

On December 8, 2020 an email, as attached was received from Robert Luco on behalf of the McNally Community Association requesting consideration of some forgiveness on the Association's 2021 Loan Payment amount.

RECOMMENDATION:

THAT County Council postpone the 2021 McNally Community Association loan payment of \$13,963.34 until 2022, and as such directs administration to extend the McNally Community Association Loan Agreement term by one year.

PREVIOUS COUNCIL DIRECTION / POLICY:

221/19 - K. BENSON MOVED that County Council approves the McNally Community Association's request (provided they are a non-profit organization as defined in the Municipal Government Act) for a loan of up to \$60,000, with funds to be drawn from the Tax Equalization Reserve, for a term of five years at an annual percentage rate of prime plus one percent compounded monthly. The Tax Equalization Reserve balance is to be replenished as the loan is repaid. CARRIED

BACKGROUND INFORMATION:

As per Council Resolution #221/19, funds were issued to the McNally Community Association as a loan and a loan payment agreement with the County was entered into. The agreement states that the

borrowed funds will be repaid with interest over a 5 year term beginning in 2020. The repayment funds and interest will then be placed back into the reserve from which the loan came from.

ALTERNATIVES / PROS / CONS:

To not provide reprieve for 2021 and extend the loan payment agreement.

PRO - The County would not be out the one year payment plus interest amount of \$13,693.34

CON - Extending the loan would show support for the Community Association and understanding of the financial impact the pandemic has had on their operations.

FINANCIAL IMPACT:

The Tax Equalization reserve would not receive the \$13,693.34 in 2021, extending the time in which the funds borrowed were paid back in full. There would be not financial impact to the County's overall operations.

REASON(S) FOR RECOMMENDATION(S):

As stated in the email from Mr. Luco, the Community Association has experienced a loss in revenues due to the pandemic because of cancelled rentals and the postponement of their Casino fundraiser. These has impacted their cash flows and they are concerned that the pending loan payment in 2021 would significantly impact their bottom line and potentially future operations.

ATTACHMENTS:

[McNally Community Center Email Request](#)

[McNally Comm Assoc Borrowing Agreement - 2019 SIGNED](#)

[McNally Community Assoc Loan Payment Schedule](#)

From: Robert Luco <lucofarms@gmail.com>
Sent: Tuesday, December 08, 2020 11:40 AM
To: community <community@lethcounty.ca>
Subject: McNally Community Center - Question
Importance: High

Good morning, Larry:

I hope you are staying out of COVID's way and enjoying good health. This is such a crazy year.

I am asking a question on behalf of the McNally Community Association. Covid-19 has been a tough year on the Association with respect to rentals for wedding, funerals, Corporate parties which have all been cancelled. We also were due for a Casino this fall but that has been postponed indefinitely. All of this has significantly impacted our bottom line and also our potential reserves to carry us through 2021. We are asking if Lethbridge County would consider forgiving our loan payment in 2021 in full or in-part. I am not sure who to ask, but thought I would start with you.

Please let me know if you need additional information.

Sincerely,

Robert Luco

Robert Luco
#13 – 81040 Range Road 215
Lethbridge County, AB T1K 8G5
403-892-6533 (mobile)

**Lethbridge County
Master Loan Agreement – Municipalities**

THIS AGREEMENT IS MADE EFFECTIVE AS OF THE 16 DAY OF OCT, 2019(the "Effective Date").

BETWEEN:

LETHBRIDGE COUNTY
a municipal corporation in the Province of Alberta

- and -

MCNALLY COMMUNITY ASSOCIATION
a non-profit organization established under the *Municipal Government Act* Section 24 1(f)(i)
(the "Borrower")

MASTER LOAN AGREEMENT

WHEREAS:

- A. The Borrower plans to replace the Air Management System in the McNally Community Association building in Lethbridge County;
- B. The Borrower has asked Lethbridge County to issue a loan up to a maximum of sixty thousand dollars (\$60,000) for the replacement of their Air Management System in the McNally Community Association building and Lethbridge County is prepared to do so, all upon the terms and conditions herein; and
- C. This agreement sets forth the terms and conditions for the financing of an Air Management System between the Borrower and Lethbridge County.

NOW THEREFORE the parties agree as follows:

Section 1 – Definitions and Interpretation

1.1 In this Agreement, the following words and terms shall have the meanings as set out below:

- (a) "McNally Community Association" meaning a non-profit organization as defined in the *Municipal Government Act* Section 24 1(f)(i);
- (b) "Agreement" means this agreement, as may be amended by mutual agreement from time to time;

- (c) "Air Management System" means a capital project of the Borrower approved for financing by Lethbridge County;
 - (d) "Loans" means the loan made between the Lethbridge County lenders to the McNally Community Association for financing the replacement of the Air Management System;
 - (e) "Effective Date" means the date as set out at the top of the first page of this Agreement;
 - (f) "Principal Amount" means the total amount of monies advanced or to be advanced to the Borrower by Lethbridge County in respect of the financing of an Air Management System.
- 1.2 This Agreement shall be governed and interpreted in accordance with the laws in force in the Province of Alberta. The parties hereby submit to the exclusive jurisdiction of the Courts of Alberta.
- 1.3 All references to dollar amounts in this Agreement shall be in the lawful currency of Canada.
- 1.4 Time in all respects shall be of the essence of this Agreement.

Section 2 – Financing of Capital Projects

- 2.1 That for the purpose of replacing the Air Management System in the McNally Community Association building located in Lethbridge County, Lethbridge County will loan to the McNally Community Association up to a maximum of Sixty Thousand Dollars (\$60,000);
- 2.2 The source of the loan will come from Lethbridge County Reserves.

Section 3 – Interest

- 3.1 The interest rate on the loan to the McNally Community Association will be at a rate of Prime plus one percent (1%);

Section 4 – Payments

- 4.1 The indebtedness will be repaid over a five (5) year period ending September 30, 2024;

The Borrower shall repay each particular Principal Amount and accrued interest thereon to Lethbridge County in instalments until the maturity date. Each instalment payment shall be made by preauthorized debit of the Borrower's bank account, or by such other means as may be mutually agreed between the parties.

The Borrower does have the option to make lump sum payments on the loan at anytime without penalty.

Section 5 – Payment Assurance

- 5.1 In the event that the Borrower fails to, or is in jeopardy of failing to, make payments as required under Section 4.1, the Borrower shall impose and collect taxes on all taxable property and businesses in its municipality of an amount sufficient to pay to Lethbridge County all amounts in arrears and becoming due and owing under this Agreement or any Debenture.

Section 6 – Representations and Warranties

- 6.1 The execution, delivery and performance by the Borrower of this Agreement does not contravene or constitute a default under any:
- (i) provision of its bylaws;
 - (ii) law or regulation which is applicable to the Borrower; or
 - (iii) agreement by which the Borrower is a party or by which it is bound;

Section 7 – Construction and Completion of the Capital Project

- 7.1 If required by Lethbridge County from time to time, the Borrower shall provide to the County a written progress report on the construction of the Air Management System. Such progress reports shall include such information and supporting documents as may be prescribed by Lethbridge County from time to time. Upon the construction completion of the Air Management System the Borrower shall forthwith provide written notice to Lethbridge County.
- 7.2 In the event that the final total planning, design and construction costs of the Air Management System is less than the applicable Principal Amount, then upon becoming aware of such event the Borrower shall either (unless otherwise agreed by Lethbridge County):
- (a) repay the excess amount to Lethbridge County, but such repayment shall be considered a partial prepayment of the Principal Amount under Section 4.1 and shall therefore be subject to such terms and conditions that Lethbridge County may prescribe.

Section 8 – Default

- 8.1 Upon the occurrence of any one or more of the following "Events of Default", Lethbridge County may, upon written notice to the Borrower, declare to be immediately due and payable the entire amount of any Principal Amount, or any part thereof that remains due and owing to Lethbridge County, together with accrued

interest thereon and any other amounts due and owing under this Agreement, whereupon such amounts shall become immediately due and payable without presentment, demand, protest or other notice of any kind, all of which are hereby expressly waived by the Borrower:

- (a) the Borrower fails to make any payments as required pursuant to this Agreement or a Debenture when due and payable;
- (b) the Borrower fails to duly perform and observe any other terms or conditions of this Agreement or any Debenture;
- (c) the Borrower makes an assignment for the benefit of its creditors, or is declared bankrupt or makes a proposal under the *Bankruptcy Act* (Canada), or a custodian, receiver, receiver manager, official administrator or other such official is appointed with respect to the Borrower or the Borrower's property;

Section 9 – Deliverables

9.1 Prior to the disbursement of any Principal Amount (or as applicable, the initial instalment) by Lethbridge County to the Borrower, the Borrower (or its solicitors) shall deliver to Lethbridge County (or its solicitors) original duly signed copies of the following documents:

- (a) this Agreement (2 copies, if not previously provided to Lethbridge County);
- (b) the applicable Debenture (1 copy); and
- (c) a pre-authorized debit form authorizing Lethbridge County to debit the Borrower's bank account for instalment payments in the form as required by Lethbridge County (if not previously provided to Lethbridge County).

Section 10 - Notices

10.1 Any notice, consent, request, approval or other communication under any provision of this Agreement must be in writing to be effective, and is effective when delivered by any means, including fax transmission or e-mail, to the following respective addresses:

To: Lethbridge county
100, 905 – 4th Avenue South
Lethbridge, AB T1J 4E4
Phone: 403-328-5525
Fax: 403-328-5602
Attention: Acting Director of Corporate Services
E-mail: jplace@lethcounty.ca

To: McNally Community Association
210075 Township Road 82
Lethbridge, AB T1K 8H3
Phone: 403-308-0077
Phone: 403-892-6533
Attention: President
E-mail: mcnallycommunity@gmail.com

- 10.2 Either party may change its address information by giving notice to the other in the above manner. The onus shall be on a party asserting delivery of a notice, consent, approval or other communication to establish that it was delivered in accordance with the foregoing, provided that in the case of e-mail such onus shall be discharged by proof that an e-mail sent to the designated e-mail address was received and opened at that e-mail address.

Section 11 - General


- 11.1 Lethbridge County shall be entitled to grant any extensions of time or other indulgences, give up security, compromise, grant releases and discharges, and otherwise deal with the Borrower without prejudice to its rights herein.
- 11.2 This Agreement may not be amended except by written agreement. No waiver of any provision of this Agreement shall be effective unless such waiver is in writing.

WHEREFORE the parties hereto have signed this Agreement effective as of the Effective Date.

LETHBRIDGE COUNTY

Per: 
Ann Mitchell, CAO

MCNALLY COMMUNITY ASSOCIATION

Per: 

Name: Vaughan Coupland

Title: President

Per: 

Name: Wende Luco

Title: Treasurer

MCNALLY COMMUNITY ASSOCIATION
FINANCING - REPAYMENT CALCULATION
PRINCIPAL BORROWED- \$60,000

INTEREST - PRIME + 1% = 4.95%

Page 10 of 10

PAYMENT #	PAYMENT AMOUNT	PRINCIPAL AMOUNT	INTEREST AMOUNT	BALANCE
1	\$ 13,693.34	\$ 10,856.04	\$ 2,837.30	\$ 49,143.96
2	\$ 13,693.34	\$ 11,400.07	\$ 2,293.27	\$ 37,743.89
3	\$ 13,693.34	\$ 11,971.35	\$ 1,721.99	\$ 25,772.54
4	\$ 13,693.34	\$ 12,571.27	\$ 1,122.07	\$ 13,201.27
5	\$ 13,693.34	\$ 13,201.27	\$ 492.07	\$ -
	\$ 68,466.70	\$ 60,000.00	\$ 8,466.70	

AGENDA ITEM REPORT



Title: Bill C-213 The Canada Pharmacare Act Endorsement
Meeting: County Council - 17 Dec 2020
Department: Administration
Report Author: Ann Mitchell

APPROVAL(S):

Ann Mitchell, Chief Administrative Officer,

Approved - 07 Dec 2020

STRATEGIC ALIGNMENT:



Outstanding Quality
of Life



Effective Governance
and Service Delivery



Prosperous
Agricultural
Community



Vibrant and Growing
Economy



Strong Working
Relationships



EXECUTIVE SUMMARY:

Three British Columbia Members of Parliament, MP Peter Julian, MP Jenny Kwan and MP Don Davies are requesting municipalities across Canada to endorse Bill C-213 The Canada Pharmacare Act.

RECOMMENDATION:

That Lethbridge County Council endorse Bill C-213 *The Canada Pharmacare Act*.

PREVIOUS COUNCIL DIRECTION / POLICY:

Bill C-213 has not been previously endorsed by Lethbridge County.

BACKGROUND INFORMATION:

Introduced in February 2020, *The Canada Pharmacare Act*, is a ground breaking new federal legislation based on the recommendations of the Hoskins Advisory Council on the Implementation of National Pharmacare and modelled on the *Canada Health Act*.

The Canada Pharmacare Act specifies the conditions and criteria that provincial and territorial prescription drug insurance programs must meet to receive federal funding. This includes the core principles of public administration, comprehensiveness, universality, portability and accessibility. *The Canada Pharmacare Act* is the first piece of legislation introduced by the New Democrat Caucus in the current Parliament.

Universal public pharmacare will extend prescription drug coverage to every single Canadian, while saving billions every year. The final report of the Hoskins Advisory Council found that, once fully implemented, universal public pharmacare will reduce annual system wide spending on prescription drugs by \$5 billion. Businesses and employees will see their prescription drug costs reduced by \$16.6 billion annually and families will see their out of pocket drug costs reduced by 6.4 billion a year.

Although a recent study from Angus Reid Institute found near universal support for pharmacare among the Canadian public, powerful vested interests in the drug and insurance industries are lobbying to block this critical program in order to protect their profits.

Indeed, the *Canada Pharmacare Act* is reaching a crucial period in the legislative process. The first hour of debate on this bill took place in Parliament on November 18, 2020. The second hour of debate and the first vote will be held in February 2021. This legislation could be enacted by next spring, allowing millions of Canadians who are struggling to pay for medication to receive the support they desperately need.

That's why they need help to secure the adoption of the *Canada Pharmacare Act* in Parliament. They are asking County Council to join other municipalities across Canada to formally endorse Bill C-213. Support will be publicized nationally.

ALTERNATIVES / PROS / CONS:

Pros:

If the legislation is passed it could help residents in Lethbridge County who are struggling to pay for their prescription medications receive support.

Cons:

Local Members of Parliament have not requested endorsement of Bill C-213.

FINANCIAL IMPACT:

There are no direct financial implications to endorsing Bill C-213.

REASON(S) FOR RECOMMENDATION(S):

It is important for all Canadians near and far to have affordable prescription medication coverage.

ATTACHMENTS:

[Bill C-213](#)

First Session, Forty-third Parliament,
68-69 Elizabeth II, 2019-2020

Première session, quarante-troisième législature,
68-69 Elizabeth II, 2019-2020

HOUSE OF COMMONS OF CANADA

CHAMBRE DES COMMUNES DU CANADA

BILL C-213

PROJET DE LOI C-213

An Act to enact the Canada Pharmacare Act

Loi édictant la Loi canadienne sur
l'assurance médicaments

FIRST READING, FEBRUARY 24, 2020

PREMIÈRE LECTURE LE 24 FÉVRIER 2020

MR. JULIAN

M. JULIAN

431020

SUMMARY

This enactment enacts the *Canada Pharmacare Act*, which establishes criteria and conditions in respect of drug insurance plans established under the law of a province that must be met before a cash contribution may be made.

SOMMAIRE

Le texte édicte la *Loi canadienne sur l'assurance médicaments*, qui établit les critères et conditions qui sont applicables aux régimes d'assurance médicaments institués en application d'une loi provinciale et qui doivent être respectés aux fins du versement d'une contribution pécuniaire.

BILL C-213

An Act to enact the Canada Pharmacare Act

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short Title

Short title

1 This Act may be cited as the *Canada Pharmacare Act*.

Interpretation

Definitions

2 The following definitions apply in this Act.

cash contribution means a cash contribution that may be provided to a province under any other Act of Parliament. (*contribution pécuniaire*)

drug insurance plan means, in relation to a province, a plan or plans established by the law of the province to provide for coverage of the cost of insured drugs and any related dispensing fees. (*régime d'assurance médicament*)

health care practitioner means a person who is entitled under the law of a province to prescribe drugs. (*professionnel de la santé*)

insured drug means a prescription drug or any supplies prescribed by regulations made under paragraph 18(a). (*médicament assuré*)

insured person means, in relation to a province, a resident of the province other than

- (a) a member of the Canadian Forces;

PROJET DE LOI C-213

Loi édictant la Loi canadienne sur l'assurance médicaments

Sa Majesté, sur l'avis et avec le consentement du Sénat et de la Chambre des communes du Canada, édicte :

Titre abrégé

Titre abrégé

1 *Loi canadienne sur l'assurance médicaments.*

Définitions

Définitions

2 Les définitions qui suivent s'appliquent à la présente loi.

assuré Résident d'une province, à l'exception des personnes suivantes :

- a) les membres des Forces canadiennes;
- b) les personnes purgeant une peine d'emprisonnement dans un *pénitencier*, au sens de la partie I de la *Loi sur le système correctionnel et la mise en liberté sous condition*;
- c) les personnes qui ne respectent pas le délai minimal de résidence ou de carence imposé par la province pour être admissibles au régime d'assurance médicaments de celle-ci. (*insured person*)

contribution pécuniaire S'entend de la contribution pécuniaire qui peut être versée à une province au titre de toute autre loi fédérale. (*cash contribution*)

médicament assuré Médicament sur ordonnance ou fournitures médicales prévus par règlement pris en vertu de l'alinéa 18a). (*insured drug*)

ministre Le ministre de la Santé. (*Minister*)

(b) a person serving a term of imprisonment in a *penitentiary* as defined in Part I of the *Corrections and Conditional Release Act*; or

(c) a person who has not completed the minimum period of residence or waiting period that may be required by the province for eligibility to its drug insurance plan. (*assuré*)

Minister means the Minister of Health. (*ministre*)

resident means, in relation to a province, a person who is ordinarily resident in the province. (*résident*)

Canadian Pharmaceutical Policy

Policy

3 It is declared to be the policy of the Government of Canada to facilitate access to prescription drugs without financial or other barriers in order to protect and promote the physical and mental well-being of Canadians.

Purpose

Purpose of this Act

4 The purpose of this Act is to establish criteria and conditions that must be met before a cash contribution may be made in respect of public drug insurance plans.

Cash Contribution

Cash contribution

5 Subject to the other provisions of this Act, a cash contribution may be made to each province for each fiscal year.

Criteria for Payment

Criteria for payment

6 In order that a province qualify for a cash contribution for a fiscal year, its drug insurance plan must, throughout the fiscal year, satisfy the criteria described in sections 7 to 11 respecting the following matters:

- (a)** public administration;
- (b)** comprehensiveness;

professionnel de la santé Personne autorisée en vertu de la législation provinciale à prescrire des médicaments. (*health care practitioner*)

régime d'assurance médicaments Le régime ou les régimes institués en application d'une loi provinciale en vue de couvrir le coût des médicaments assurés et les frais d'ordonnance connexes. (*drug insurance plan*)

résident Personne résidant habituellement dans une province. (*resident*)

Politique canadienne en matière de produits pharmaceutiques

Politique

3 Le gouvernement fédéral a pour politique en matière de produits pharmaceutiques de faciliter l'accès exempt d'obstacles — notamment d'ordre financier — aux médicaments sur ordonnance de manière à protéger et à favoriser le bien-être physique et mental des Canadiens.

Objet

Objet de la présente loi

4 La présente loi a pour objet d'établir les critères et les conditions à respecter aux fins du versement d'une contribution pécuniaire relativement aux régimes publics d'assurance médicaments.

Contribution pécuniaire

Contribution pécuniaire

5 Sous réserve des autres dispositions de la présente loi, il peut être versé à chaque province une contribution pécuniaire pour chaque exercice.

Critères de versement

Critères de versement

6 La province dont le régime d'assurance médicaments satisfait tout au long d'un exercice aux critères ci-après, qui sont prévus aux articles 7 à 11, est admissible au versement d'une contribution pécuniaire pour cet exercice :

- a)** la gestion publique;
- b)** l'intégralité;

- (c) universality;
- (d) portability; and
- (e) accessibility.

Public administration

7 (1) In order to satisfy the criterion respecting public administration,

5

(a) the drug insurance plan of a province must be administered and operated on a non-profit basis by a public authority appointed or designated by the government of the province;

(b) the public authority must be responsible to the government of the province for that administration and operation; and

10

(c) the public authority must be subject to audit of its accounts and financial transactions by the authority that is charged by law with the audit of the province's accounts.

15

Designation of agency permitted

(2) The criterion respecting public administration is met even if the public authority referred to in subsection (1) has the power to designate any agency

(a) to receive on its behalf any amounts payable under the drug insurance plan of the province; or

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(b) to carry out on its behalf any responsibility in connection with the receipt or payment of accounts rendered for insured drugs, provided that it is a condition of the designation that all those accounts are subject to assessment and approval by the public authority and that the public authority must determine the amounts to be paid in respect of those accounts.

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Comprehensiveness

8 In order to satisfy the criterion respecting comprehensiveness, a drug insurance plan must provide for full coverage of the cost of all insured drugs prescribed by a health care practitioner and of any related dispensing fees.

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Universality

9 In order to satisfy the criterion respecting universality, a drug insurance plan must entitle every insured person of the province to be covered by the plan on uniform conditions.

35

- c) l'universalité;
- d) la transférabilité;
- e) l'accessibilité.

Gestion publique

7 (1) Le critère de gestion publique est satisfait si, à la fois :

5

a) le régime d'assurance médicaments de la province est géré et exploité sans but lucratif par une autorité publique nommée ou désignée par le gouvernement de la province;

b) l'autorité publique rend compte de la gestion et de l'exploitation du régime au gouvernement de la province;

10

c) les comptes et les transactions financières de l'autorité publique sont vérifiés par l'autorité légalement responsable de la vérification des comptes de la province.

15

Désignation d'un mandataire

(2) Le critère de gestion publique est satisfait même si l'autorité publique visée au paragraphe (1) a le pouvoir de désigner un mandataire chargé :

a) soit de recevoir en son nom les sommes dues au titre du régime d'assurance médicaments de la province;

20

b) soit d'exercer en son nom les responsabilités liées à la réception ou au paiement des comptes remis pour la fourniture de médicaments assurés, pourvu que la désignation soit assortie d'une condition selon laquelle l'autorité publique vérifie et approuve les comptes et détermine les sommes à payer à l'égard de ces comptes.

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Intégralité

8 Le critère d'intégralité est satisfait si, au titre du régime d'assurance médicaments, le coût de tous les médicaments assurés qui sont prescrits par un professionnel de la santé et les frais d'ordonnance connexes sont entièrement couverts.

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Universality

9 Le critère d'universalité est satisfait si, au titre du régime d'assurance médicaments, tous les assurés de la province sont couverts selon des modalités uniformes.

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Portability

10 In order to satisfy the criterion respecting portability, a drug insurance plan

(a) must not impose any minimum period of residence or waiting period of more than three months before residents of the province are covered by the plan; 5

(b) must provide for and be administered and operated so as to provide for the payment of amounts for the cost of insured drugs provided to insured persons of the province while they are temporarily absent from the province on the basis that 10

(i) if the insured drugs are provided in Canada, payment for the drugs is at the rate that is approved by the drug insurance plan of the province in which the insured drugs are provided unless the provinces concerned agree to apportion the cost between them in a different manner, or 15

(ii) if the insured drugs are provided outside Canada, payment is made based on the amount that would have been covered under the drug insurance plan of the insured person's province of residence for similar drugs prescribed in that province; and 20

(c) must provide for and be administered and operated so as to provide for the payment, during any minimum period of residence or waiting period imposed by the drug insurance plan of another province, of the cost of insured drugs prescribed to persons who have ceased to be insured persons by reason of having become residents of that other province as though they had not ceased to be residents of the province. 30

Accessibility

11 In order to satisfy the criterion respecting accessibility, a drug insurance plan

(a) must provide for insured drugs on uniform conditions and on a basis that does not directly or indirectly impede or prevent, by charges made to insured persons or otherwise, reasonable access to those drugs by insured persons; and 35

(b) must provide for payment for insured drugs in accordance with a tariff or system of payment authorized by the law of the province. 40

Transférabilité

10 Le critère de transférabilité est satisfait si le régime d'assurance médicaments, à la fois :

a) n'impose pas de délai minimal de résidence ou de carence supérieur à trois mois aux résidents de la province avant qu'ils soient couverts par le régime; 5

b) prévoit le paiement des sommes représentant le coût des médicaments assurés fournis aux assurés de la province qui en sont temporairement absents, et est géré et exploité de manière à permettre le paiement de ces sommes : 10

(i) si les médicaments assurés sont fournis au Canada, selon le taux approuvé par le régime d'assurance médicaments de la province où ils sont fournis, sauf si les provinces concernées conviennent de répartir le coût différemment entre elles, 15

(ii) si les médicaments assurés sont fournis à l'étranger, selon le montant qui aurait été couvert au titre du régime d'assurance médicaments de la province de résidence de l'assuré pour des médicaments similaires prescrits dans cette province; 20

c) prévoit le paiement, durant le délai minimal de résidence ou de carence imposé par le régime d'assurance médicaments d'une autre province, du coût des médicaments assurés qui sont prescrits aux personnes qui ne sont plus des assurés du fait qu'elles résident maintenant dans cette province, comme si elles résidaient encore dans leur province d'origine, et est géré et exploité de manière à permettre le paiement de ce coût. 30

Accessibilité

11 Le critère d'accessibilité est satisfait si le régime d'assurance médicaments, à la fois :

a) prévoit la fourniture des médicaments assurés selon des modalités uniformes et d'une manière qui n'entrave pas directement ou indirectement — notamment au moyen de frais à leur charge — l'accès raisonnable des assurés à ces médicaments; 35

b) prévoit le paiement des médicaments assurés selon un tarif ou un mode de paiement autorisé par la loi de la province. 40

Condition for Cash Contribution

Condition

12 In order that a province may qualify for a cash contribution, the government of the province must, at the times and in the manner prescribed by the regulations, provide the Minister with the prescribed information that the Minister may reasonably require for the purposes of this Act. 5

Defaults

Referral to Governor in Council

13 (1) If the Minister is of the opinion that a drug insurance plan does not satisfy all the criteria described in sections 7 to 11, or that a province has failed to comply with section 12, the Minister must, subject to subsection (4), refer the matter to the Governor in Council. 10

Conditions

(2) The Minister may refer the matter to the Governor in Council only if

- (a)** the Minister has consulted with the minister responsible for health care in the province in accordance with subsection (3); and 15
- (b)** the province has not given an undertaking satisfactory to the Minister to remedy the default within a period that the Minister considers reasonable.

Consultation process

(3) Before referring the matter to the Governor in Council, the Minister must 20

- (a)** send a notice of concern with respect to any problem foreseen, by registered mail, to the minister responsible for health care in the province;
- (b)** seek any additional information available from the province with respect to the problem through bilateral discussions and make a report to the province within 90 days after sending the notice of concern; and 25
- (c)** if requested by the province, meet within a reasonable period of time to discuss the report. 30

When no consultation can be achieved

(4) The Minister may act without the consultation referred to in paragraph (2)(a) if the Minister is of the opinion that sufficient time has passed since reasonable

Condition – contribution pécuniaire

Condition

12 Pour que la province soit admissible à une contribution pécuniaire, le gouvernement de la province doit communiquer au ministre, selon les modalités prévues par règlement, les renseignements réglementaires dont celui-ci peut normalement avoir besoin pour l'application de la présente loi. 5

Manquements

Renvoi au gouverneur en conseil

13 (1) Sous réserve du paragraphe (4), s'il estime que le régime d'assurance médicaments ne satisfait pas aux critères prévus aux articles 7 à 11, ou que la province ne s'est pas conformée à l'article 12, le ministre renvoie l'affaire au gouverneur en conseil. 10

Conditions

(2) Le ministre ne peut renvoyer l'affaire au gouverneur en conseil que si, à la fois :

- a)** il a consulté le ministre chargé de la santé dans la province conformément au paragraphe (3); 15
- b)** la province ne s'est pas engagée de façon satisfaisante à remédier à la situation dans un délai que le ministre estime raisonnable.

Processus de consultation

(3) Avant de renvoyer l'affaire au gouverneur en conseil, le ministre : 20

- a)** envoie par courrier recommandé au ministre chargé de la santé dans la province un avis sur tout problème éventuel;
- b)** tente d'obtenir de la province, dans le cadre de discussions bilatérales, tout renseignement additionnel disponible sur le problème et fait rapport à la province dans les quatre-vingt-dix jours suivant l'envoi de l'avis; 25
- c)** si la province le lui demande, tient une réunion dans un délai raisonnable afin de discuter du rapport. 30

Impossibilité de consulter

(4) Le ministre peut procéder au renvoi sans la consultation mentionnée à l'alinéa (2)a) si, après un délai

efforts were made to achieve consultation and that consultation will not be achieved.

Order reducing or withholding contribution

14 (1) If, on the referral of a matter under section 13, the Governor in Council is of the opinion that a drug insurance plan does not satisfy all the criteria described in sections 7 to 11, or that a province has failed to comply with section 12, the Governor in Council may, by order,

(a) direct that any cash contribution to that province for a fiscal year be reduced in respect of each default by an amount that the Governor in Council considers appropriate, given the gravity of the default; or

(b) direct that the whole of any cash contribution to that province for a fiscal year be withheld.

Amending order

(2) The Governor in Council may, by order, repeal or amend any order made under subsection (1) if the Governor in Council is of the opinion that the repeal or amendment is warranted in the circumstances.

Notice of order

(3) A copy of each order made under this section, together with a statement of any findings on which the order was based, must be sent without delay by registered mail to the government of the province concerned, and the Minister must cause the order and statement to be laid before each House of Parliament on any of the first 15 days on which that House is sitting after the order is made.

Commencement of order

(4) An order made under subsection (1) must not come into force earlier than 30 days after the day on which a copy of the order has been sent to the government of the province concerned.

Reimposition of reductions or withholdings

15 If a drug insurance plan continues to fail to satisfy all of the criteria described in sections 7 to 11, or if a province continues to fail to comply with section 12, the Minister must reimpose, for each succeeding fiscal year, any reduction or withholding of a cash contribution to the province under section 14 for as long as the Minister is of the opinion, after consultation with the minister responsible for health care in the province, that the default is continuing.

When reduction or withholding imposed

16 Any reduction or withholding of a cash contribution under section 14 or 15 may be imposed in the fiscal year

convenable, il estime que malgré les efforts raisonnables déployés, il sera impossible d'effectuer cette consultation.

Décret de réduction ou de retenue

14 (1) Si l'affaire lui est renvoyée en application de l'article 13 et qu'il estime que le régime d'assurance médicaments ne satisfait pas à tous les critères prévus aux articles 7 à 11, ou que la province ne s'est pas conformée à l'article 12, le gouverneur en conseil peut, par décret :

a) soit ordonner, pour chaque manquement, la réduction – qu'il estime indiquée – de la contribution pécuniaire versée à la province pour un exercice, compte tenu de la gravité du manquement;

b) soit ordonner la retenue de la totalité de la contribution pécuniaire à la province pour un exercice.

Modification du décret

(2) Le gouverneur en conseil peut, par décret, annuler ou modifier un décret pris en vertu du paragraphe (1) s'il l'estime justifié dans les circonstances.

Avis

(3) Tout décret pris en vertu du présent article, accompagné d'un exposé des motifs sur lesquels il est fondé, est envoyé sans délai par courrier recommandé au gouvernement de la province concernée; le ministre fait déposer le décret et l'exposé devant chaque chambre du Parlement dans les quinze premiers jours de séance de celle-ci suivant la prise du décret.

Entrée en vigueur du décret

(4) Le décret pris en vertu du paragraphe (1) ne peut entrer en vigueur que trente jours après la date de son envoi au gouvernement de la province concernée.

Nouvelle application des réductions ou retenues

15 Si le régime d'assurance médicaments continue de ne pas satisfaire pas à tous les critères prévus aux articles 7 à 11, ou que la province continue de ne pas se conformer à l'article 12, le ministre applique de nouveau les réductions ou retenues de la contribution pécuniaire à la province prévues à l'article 14 et ce, tant qu'il estime, après consultation du ministre chargé de la santé dans la province, que le manquement se continue.

Application aux exercices ultérieurs

16 Toute réduction ou retenue d'une contribution pécuniaire visée aux articles 14 ou 15 peut être appliquée pour

in which the default that gave rise to the reduction or withholding occurred or in the following fiscal year.

l'exercice au cours duquel le manquement à son origine a eu lieu ou pour l'exercice suivant.

Federal-Provincial Arrangement

Drug agency

17 The Minister may, with the approval of the Governor in Council, enter into an arrangement with one or more provincial governments to establish an independent drug agency, whose mandate is, among other things, to

- (a) assess the clinical effectiveness and the cost effectiveness of prescription drugs compared to other treatment options;
- (b) advise on which prescription drugs and supplies should be insured by a drug insurance plan;
- (c) negotiate prices and supply arrangements of prescription drugs with manufacturers;
- (d) provide advice to health care practitioners and patients on how best to use prescription drugs; and
- (e) using fact-based evidence, monitor the safety and clinical effectiveness of prescription drugs.

Arrangement fédéral-provincial

Agence des médicaments

17 Le ministre peut, avec l'approbation du gouverneur en conseil, conclure avec un ou plusieurs gouvernements provinciaux un accord afin d'établir une agence indépendante responsable des médicaments dont le mandat consiste notamment à :

- a) évaluer l'efficacité clinique et la rentabilité des médicaments sur ordonnance comparativement aux autres options de traitement;
- b) recommander les médicaments d'ordonnance et les fournitures médicales que le régime d'assurance médicaments devrait couvrir;
- c) négocier avec les fabricants les prix et les ententes d'approvisionnement des médicaments sur ordonnance;
- d) fournir aux professionnels de la santé et aux patients des conseils sur la meilleure utilisation possible des médicaments sur ordonnance;
- e) examiner l'innocuité et l'efficacité clinique des médicaments sur ordonnance en se fondant sur des faits.

Regulations

Regulations – Governor in Council

18 The Governor in Council may make regulations for the administration of this Act and for carrying its purposes and provisions into effect, including regulations

- (a) prescribing the prescription drugs that are to be insured by a drug insurance plan and the supplies that are essential for the proper administration of those drugs; and
- (b) prescribing the information that the Minister may require under section 12 and the times at which and the manner in which that information must be provided.

Règlements

Règlements – gouverneur en conseil

18 Le gouverneur en conseil peut, par règlement, prendre toute mesure d'application de la présente loi, notamment :

- a) déterminer les médicaments sur ordonnance devant être couverts par le régime d'assurance médicaments et les fournitures médicales essentielles pour l'administration adéquate de ces médicaments;
- b) déterminer les renseignements dont peut avoir besoin le ministre au titre de l'article 12 et les modalités selon lesquelles ces renseignements doivent être fournis.

Report to Parliament

Annual report by Minister

19 (1) As soon as feasible after the end of each fiscal year but no later than December 31 following the end of

Rapport au Parlement

Rapport annuel du ministre

19 (1) Dès que possible après la date de la fin de chaque exercice mais au plus tard le 31 décembre suivant cette

that fiscal year, the Minister must make a report respecting the administration and operation of this Act for that fiscal year, including all relevant information on the extent to which the drug insurance plans of the provinces have satisfied the criteria, and the provinces have satisfied the conditions, for payment of cash contributions under this Act. 5

Tabling in Parliament

(2) The Minister must cause the report to be laid before each House of Parliament on any of the first 15 days on which that House is sitting after the report is completed. 10

date, le ministre établit un rapport sur l'application de la présente loi au cours de cet exercice; il y précise notamment tout renseignement pertinent sur la mesure dans laquelle les régimes provinciaux d'assurance médicaments ont satisfait aux critères, et les provinces se sont conformées aux conditions, aux fins du versement d'une contribution pécuniaire au titre de la présente loi. 5

Dépôt au Parlement

(2) Le ministre fait déposer le rapport devant chaque chambre du Parlement dans les quinze premiers jours de séance de celle-ci suivant son achèvement. 10

AGENDA ITEM REPORT



Title: Canadian Fallen Heroes Foundation - Donation Request
Meeting: County Council - 17 Dec 2020
Department: Administration
Report Author: Ann Mitchell

APPROVAL(S):

Ann Mitchell, Chief Administrative Officer,

Approved - 09 Dec 2020

STRATEGIC ALIGNMENT:



Outstanding Quality
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EXECUTIVE SUMMARY:

Canadian Fallen Heroes Foundation is requesting a donation to recognize and honor Lethbridge County Veterans who have served our Country via a memorial metal art panel.

RECOMMENDATION:

That County Council approve a silver donation in the amount of \$500.00 to the Canadian Fallen Heroes Foundation to recognize and honor many of the Lethbridge County Veterans who have served our Country.

PREVIOUS COUNCIL DIRECTION / POLICY:

Canadian Fallen Heroes Foundation made a similar request in 2019. Council approved a silver donation in the amount of \$500.00 with funds being utilized from the Councillors Discretionary Reserve.

BACKGROUND INFORMATION:

Correspondence has been received from the Canadian Fallen Heroes Foundation regarding a donation in support of the Metal Art Memorials for Lethbridge County soldiers which adorn the walls at the Lethbridge Royal Canadian Legion. The memorials measure 12x18 inches, are printed on metal art panels and feature a photograph and biography. The images are infused into an aluminum surface using dyes rather than traditional inks providing outstanding clarity and four times the longevity of a normal archival print. This process allows for the memorials to be displayed during outdoor ceremonies.

ALTERNATIVES / PROS / CONS:

Alternative: That Lethbridge County not support the Canadian Fallen Heroes Foundation or support the foundation in a different amount determined by Council.

FINANCIAL IMPACT:

Silver Donation in the amount of \$500.00

REASON(S) FOR RECOMMENDATION(S):

Lethbridge County has had several men and women, from various parts of the County, who have served our Country. This donation will recognize and honor many of the brave Veterans who made sacrifices and served during times of great conflict.

ATTACHMENTS:

[Canadian Fallen Heroes Foundation Donation Request](#)



www.canadianfallenheroes.com



Alberta has a long history of military service and sacrifice and among those who enlisted many soldiers never returned, often buried overseas, at or near the place of their final battle. Lost was the opportunity to have children, grandchildren, to live a full life. Nearly every community in the province lost a son or daughter in service. The provincial honour roll now totals 5404 and includes 167 soldiers who called Lethbridge County home prior to enlistment. Their names can be found IN MEMORIAM at www.canadianfallenheroes.com where biographies are now being written to shed light on our soldiers' pre-enlistment lives. We are grateful for the opportunity to preserve their memory and honour the parents and families left mourning a future that might have been. The magnitude of loss can be felt by looking at the pictures and reading their stories and they will be preserved here in the medium preferred by the youth of today, to be utilized by schools and educators as part of Remembrance Day curriculum.

Memorials measuring 12 x 18 inches are also being commissioned this year for the Lethbridge County soldiers. Printed on metal art panels, the Memorials feature a photograph and biography. Images are infused into the aluminum surface using dyes rather than traditional inks providing outstanding image clarity and four times the longevity of a normal archival print. This process also allows for memorials to be displayed during outdoor ceremonies. **Metal Art Memorials adorn the walls at the Lethbridge Royal Canadian Legion and we will continue to add to the wall of remembrance.**

The Canadian Fallen Heroes Foundation is a federally registered charity. Contributors to the memorial project are issued a tax receipt in accordance with our charitable status or instead provided with a full, half or quarter page acknowledgement IN MEMORIAM where your message will greet visitors to the Lethbridge honour roll. Thank you very much for your consideration. Should you have any questions please feel free to call or email.

Platinum Sponsor \$ 2500.00
Gold Sponsor \$1000.00
Silver Sponsor \$500.00
Bronze Sponsor \$250.00
Co-Sponsor \$ 125.00

Canadian Fallen Heroes Foundation – 13A 2115 27 Ave NE- Calgary, AB T2E 7E4 - 403.453.1881.
 Registered Charity No. 86563 9447 RR0001 Email: memorials@canadianfallenheroes.com

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AGENDA ITEM REPORT



Title: Provincial Police Act Review
Meeting: County Council - 17 Dec 2020
Department: Administration
Report Author: Larry Randle

APPROVAL(S):

Ann Mitchell, Chief Administrative Officer,

Approved - 15 Dec 2020

STRATEGIC ALIGNMENT:



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EXECUTIVE SUMMARY:

The Government of Alberta is reviewing the Police Act and anticipates making changes. There is an opportunity for the County to provide input supporting greater consultation from rural municipalities before changes are made. It is recommended that Council send a letter to the RMA supporting this concept.

RECOMMENDATION:

That a letter be sent to the RMA indicating Lethbridge County recommends that an RMA resolution requesting greater consultation with rural municipalities on proposed Police Act changes be adopted and sent to the Minister of Justice and Solicitor General, prior to any changes being made.

PREVIOUS COUNCIL DIRECTION / POLICY:

Council has budgeted funds for policing costs based on the new Policing Model that was distributed to Municipalities from the Province in December, 2019.

BACKGROUND INFORMATION:

The Government of Alberta is undertaking a review of Alberta's Police Act. The Rural Municipalities of Alberta (RMA) has expressed concern over the Government of Alberta's decision to require rural municipalities to contribute significantly to policing costs with no indication that service levels will improve or local input into policing will increase.

ALTERNATIVES / PROS / CONS:

1. Do not send a letter to the RMA recommending that a resolution be sent to the Minister of Justice and Solicitor General requesting greater rural input on changes to the Police Act.

Pros: There are no advantages to the County by not sending a letter.

Cons: The County misses an opportunity to collaborate with other rural municipalities and the RMA for greater input on changes to the Police Act.

2. Send a letter to the RMA recommending that a resolution be sent to the Minister of Justice and Solicitor General requesting greater rural input on changes to the Police Act.

Pros: May increase the opportunity for greater input from rural municipalities prior to any changes occurring to the Police Act and shows Council solidarity with the RMA's position on provincial policing.

Cons: There are no identifiable disadvantages to sending a letter to the RMA.

FINANCIAL IMPACT:

There are no direct financial implications for sending a letter to the RMA recommending a resolution be sent to the Provincial Government that supports greater input from rural municipalities regarding the future of policing in Alberta. Council has budgeted the following amounts for anticipated policing costs which clearly has a significant impact on the County's annual operating budget:

2020	2021	2022	2023	2024
\$234,569	\$352,106	\$469,138	\$704,212	\$704,212

REASON(S) FOR RECOMMENDATION(S):

Sending a letter to the RMA in support of a resolution that requests greater input from rural municipalities on changes to the Police Act and provincial policing model is in the best interests of the County and all its citizens.

AGENDA ITEM REPORT



Title: Lethbridge County Council Attendance Update - November 2020
Meeting: County Council - 17 Dec 2020
Department: Administration
Report Author: Ann Mitchell

APPROVAL(S):

Ann Mitchell, Chief Administrative Officer,

Approved - 09 Dec 2020

STRATEGIC ALIGNMENT:



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EXECUTIVE SUMMARY:

To remain transparent to its citizens. Lethbridge County Council report on their activities and events attended throughout the month.

RECOMMENDATION:

That Lethbridge County Council receive the report titled "Lethbridge County Council Attendance Update - November 2020", identifying the activities and events attended by Lethbridge County Council for the month of November 2020 as information.

PREVIOUS COUNCIL DIRECTION / POLICY:

A County Council update is provided monthly.

BACKGROUND INFORMATION:

Lethbridge County Council in order to remain transparent to its citizens, provides a monthly report on their activities and events for the prior month.

ALTERNATIVES / PROS / CONS:

By not reporting activities and events attended by members of Council, citizens are unaware of the events occurring within the region and are unaware of the participation of Council with regards to Community events.

FINANCIAL IMPACT:

None at this time.

REASON(S) FOR RECOMMENDATION(S):

To remain transparent to the citizens of Lethbridge County.

ATTACHMENTS:

[Lethbridge County Council Attendance Update - November 2020](#)

**Lethbridge County Council Attendance
November 2020**

Division 1

Reeve Lorne Hickey

November 2	RMA Mayors & Reeves Virtual Meeting
November 3	RMA Virtual Convention
November 4	RMA Virtual Convention
November 5	Lethbridge County Council Meeting
November 12	Facilities, Haul Route, Fire Services Workshops
November 17	Goals and Objectives Update
November 19	Lethbridge County Council Meeting, Coffee with Council
November 20	Canadian Blood Services Virtual Meeting
November 23	Budget Presentation
November 24	Budget Presentation
November 27	SAEWA Virtual AGM
November 27	Met with CAO

Division 2

Councillor Tory Campbell

November 3	RMA Virtual Convention
November 4	RMA Virtual Convention
November 5	Lethbridge County Council Meeting
November 10	Lethbridge Regional Waste Management Services Commission Meeting
November 12	Facilities, Haul Route, Fire Services Workshops
November 17	Goals and Objectives Update
November 19	Lethbridge County Council Meeting, Coffee with Council
November 23	Budget Presentation
November 24	Budget Presentation

Division 3

Councillor Robert Horvath

November 3	RMA Virtual Convention
November 4	RMA Virtual Convention
November 5	Lethbridge County Council Meeting
November 12	Facilities, Haul Route, Fire Services Workshops
November 17	Goals and Objectives Update
November 19	Lethbridge County Council Meeting, Coffee with Council
November 23	Budget Presentation
November 24	Budget Presentation

Division 4**Councillor Ken Benson**

November 3	RMA Virtual Convention
November 4	RMA Virtual Convention
November 5	Lethbridge County Council Meeting
November 12	Facilities, Haul Route, Fire Services Workshops
November 17	Goals and Objectives Update
November 19	Lethbridge County Council Meeting, Coffee with Council
November 23	Budget Presentation
November 24	Budget Presentation

Division 5**Councillor Steve Campbell**

November 3	RMA Virtual Convention
November 4	RMA Virtual Convention
November 4	Exhibition Park Board Meeting
November 5	Lethbridge County Council Meeting
November 12	Facilities, Haul Route, Fire Services Workshops
November 17	Goals and Objectives Update
November 19	Lethbridge County Council Meeting, Coffee with Council
November 23	Budget Presentation
November 24	Budget Presentation
November 25	Exhibition Park Committee Meeting

Division 6**Councillor Klaas VanderVeen**

November 3	RMA Virtual Convention
November 4	RMA Virtual Convention
November 5	Lethbridge County Council Meeting
November 12	Facilities, Haul Route, Fire Services Workshops
November 17	Goals and Objectives Update
November 19	SAEWA Conference Call
November 19	Lethbridge County Council Meeting, Coffee with Council
November 23	Budget Presentation
November 24	Budget Presentation
November 27	SAEWA Virtual AGM

Division 7**Councillor Morris Zeinstra**

November 3	RMA Virtual Convention
November 4	RMA Virtual Convention

November 5	Lethbridge County Council Meeting
November 12	Facilities, Haul Route, Fire Services Workshops
November 17	Goals and Objectives Update
November 19	Lethbridge County Council Meeting, Coffee with Council
November 23	Budget Presentation
November 24	Budget Presentation

AGENDA ITEM REPORT



Title: Council Remuneration
Meeting: County Council - 17 Dec 2020
Department: Administration
Report Author: Ann Mitchell

APPROVAL(S):

Ann Mitchell, Chief Administrative Officer,

Approved - 10 Dec 2020

STRATEGIC ALIGNMENT:



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EXECUTIVE SUMMARY:

At the October 15, 2020 County Council meeting, Council made a resolution that County Council maintain 10% reduction of remuneration until the December 17, 2020 Council meeting when it can be revisited by Council. As the pandemic continues and another lockdown is enforced, administration wanted to remind Council of the reduction for Council discussion and consideration of continuing with the reduced remuneration as per the resolution.

RECOMMENDATION:

MOVED that County Council maintain 10% reduction of remuneration until the March 11, 2021 Council Meeting when it can be revisited by Council.

OR

MOVED that County Council return to budgeted remuneration as per the Policy #183, effective the January monthly payroll run for Council issued on January 29, 2021.

PREVIOUS COUNCIL DIRECTION / POLICY:

108-2020 Councillor VanderVeen

MOVED that County Council, due to the COVID-19 Pandemic, amend Policy #183 to reflect a reduction in salary by 10% for a temporary period of time, the policy will be revisited at a future date in 2020, post pandemic.

BACKGROUND INFORMATION:

County Council first discussed the uncertainties around the pandemic at the April 16th meeting, as the pandemic was just beginning with little insight into what the future would hold for the County,

Council determined a reduction of 10% to their remuneration would be prudent as their duties and public commitments were restrained due to isolation and the closing of many businesses/operations. As per the resolution this decision was to be revisited at a future date to reevaluate. Although the pandemic is still ongoing, administration wanted to remind Council of their decision as we move into the beginning of 2021.

ALTERNATIVES / PROS / CONS:

1) Maintain 10% Reduction of remuneration

PRO - Continuation of reduced remuneration in light of COVID-19 pandemic

CON - N/A

2) Return to full remuneration

PRO - Brings Council back to budget remuneration as per policy

CON - Perception as pandemic is still ongoing

FINANCIAL IMPACT:

There is no financial implication if Council goes back to full remuneration as it was budgeted for. A surplus will be realized in Council's budget either way, as they have taken a reduction for several months already.

REASON(S) FOR RECOMMENDATION(S):

If Council were to go back to full salary, there would be no impact to the overall budget. To date operations have been maintained throughout the pandemic. The pandemic continues with no firm end in sight.