

AUMA CONVENTION & AMSC TRADE SHOW



Calgary TELUS Convention Centre September 28-30, 2011

# **2011 Convention Policy and Resolutions Handbook**

**Alberta Urban Municipalities Association**

**Calgary, Alberta  
September 28–30**



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# Bylaws

## Article I Name

- 1.01** The name of the Association shall be the Alberta Urban Municipalities Association, referred to in these bylaws as the “Association”.

## Article II Purpose of Bylaws

- 2.01** The purpose of these bylaws is to conform to the provisions of the *Societies Act*, R.S.A. 2000, c. S-14 and to set out how the Association will provide leadership in advocating local government interests to the Provincial Government and other organizations, and provide services that address the needs of its membership.
- 2.02** These Bylaws establish, and shall continue to establish in each and every year of the Association’s existence, a fundamental and paramount principle that the Association is owned and controlled by the Regular Members of the Association in every material way, and that the Association’s Bylaws, or any other constating document of the Association, shall be interpreted by the Association’s Members, any court of competent jurisdiction and any taxing authority having jurisdiction, in a manner consistent with this fundamental and paramount principle.

## Article III – General

- 3.01** The Board of Directors may establish procedures for convening any meeting referred to in these Bylaws by electronic or other communication facilities including a conference telephone call, facsimile, e-mail or such other technology as may become available.
- 3.02** Notwithstanding anything in these Bylaws, if by virtue of severe weather conditions, a pandemic or other emergency reason, it is impossible for a quorum to participate in any scheduled or required meeting
- (a) the time for undertaking any action, and
  - (b) the terms of office of the President, Vice-Presidents and Directors
- are extended until the meeting can be reconvened.
- 3.03** When written notice is required to be provided under these Bylaws, the notice may be given by mail, facsimile or other electronic means which enables the recipient to review the entire text of the notice.
- 3.04** The classifications of Regular Members are
- (a) Cities over 500,000 population
  - (b) Cities up to 500,000 population
  - (c) Towns
  - (d) Villages
  - (e) Summer Villages
- 3.05** A reference in these Bylaws to “elected representative” means a member of the council of a Regular Member.
- 3.06** A reference in these Bylaws to a “special general meeting” means a meeting of the membership held at a time other than the annual general meeting.

## Article IV Membership

- 4.01** Any municipality, organization or business which
- (a) desires to further the Object of the Association,
  - (b) qualifies under a membership category described in 4.02, and
  - (c) pays the relevant membership fee
- may become a member of the Association.
- 4.02** The categories of membership are:
- (a) Regular Membership which shall be available to any municipality located in Alberta;
  - (b) Associate Membership which shall be available to

- (i) any municipality not eligible for regular membership;
- (ii) any organization wholly owned by one or more municipalities that are eligible to be either Regular Members or Associate Members, any municipally-related non-profit organization or special purpose board or commission;
- (iii) any municipally-related non-profit organization or special purpose board or commission that holds a reciprocal membership that has been approved by the Board of Directors; and
- (iv) any other local authority or related non-profit organization incorporated pursuant to provincial legislation.

(c) Affiliate Membership which shall be available to any private company, organization or individual, in or outside of the Province of Alberta.

**4.03** For purposes of determining membership classification, a Specialized Municipality, Municipal District or County which has a population equal to or greater than the population set out in the *Municipal Government Act*, R.S.A. 2000, c. M-26, or any amendments thereto, for a

- (a) city shall be considered a city,
- (b) town shall be considered a town,
- (c) village shall be considered a village, and
- (d) if less than the population set out for a village, shall be considered a summer village.

**4.04** The Townsite of Redwood Meadows, the Special Areas Board and an Improvement District are eligible for inclusion in the classification of Regular Membership appropriate to its population.

**4.05** The Board of Directors in its sole discretion may appoint any Past President of the Association and any person who has held municipal office or rendered any meritorious service to municipalities in general as a Life Member.

**4.06** (a) Subject to sub-clause (b), any member may withdraw from membership in the Association at any time by notice in writing.

(b) A Regular Member which wishes to withdraw from membership in the Association shall provide at least 12 months notice in writing to the Association accompanied by a certified copy of the resolution of council.

(c) Any notice of withdrawal of membership shall be presented to the Board of Directors.

(d) A member which withdraws from membership is not entitled to reimbursement of any membership fees.

**4.07** The membership year is the calendar year.

**4.08** A “member in good standing” is a member in respect of whom the Association has received the membership fee for the current membership year or in the case of a Regular Member evidence of intention to pay satisfactory to the Board of Directors has been received.

For purposes of this section “Association activities” means all activities of the Association under its mandate other than business services, and “business services” means any product or service provided by the Association to its members either directly or indirectly through a service delivery entity owned by the Association.

(a) Regular Members - Regular Members are entitled to participate in all Association activities and business services, including the right to vote as set forth in Article V.

(b) Associate Members - Associate Members are entitled to participate in business services and may, on conditions set by the Board from time to time, be entitled to participate in some or all Association activities, not including the right to vote.

(c) Affiliate Members - Affiliate members are not entitled to participate in business services but may, on conditions set by the Board from time to time, be entitled to participate in some or all Association activities, not including the right to vote.

(d) Eligible Members (Regular and Associate Member Categories) - Municipalities or organizations eligible for the Regular or Associate Membership categories shall not be entitled to participate in Association activities when not a member in good standing, but shall be entitled to participate in the Association’s business services.

**4.10** If a member ceases to be a member in good standing, at the expiration of six (6) months from the date for which the membership fee was due, the member shall be automatically expelled from the Association and thereafter shall not be entitled to participate in Association activities or enjoy membership privileges until the member has been brought into good standing and reinstated by the Board of the Directors.

## Article V Voting Rights

- 5.01** The persons entitled to vote at any annual general meeting or special general meeting are those elected representatives in attendance whose municipalities are Regular Members of the Association in good standing.
- 5.02** Each person qualified to vote at any annual general meeting or special general meeting shall be entitled to one vote.

## Article VI Nominations

- 6.01** Nominations shall be conducted in accordance with the election procedures established by the Returning Officer.
- 6.02** To be eligible for nomination a person must
- (a) be an elected representative of a Regular Member in good standing,
  - (b) submit a completed nomination in the form prescribed by the Returning Officer, and
  - (c) be nominated by at least two other elected representatives of Regular Members in good standing.
- 6.03** The persons making a nomination and the person being nominated must be eligible to vote in the election for which the nomination is being made.
- 6.04** The persons eligible for nomination as Vice-President for a classification are the persons who are elected or appointed as Directors for that classification provided that, for purposes of electing a Vice-President,
- (a) the City of Calgary shall be considered as one classification
  - (b) the City of Edmonton shall be considered as one classification, and
  - (c) Villages and Summer Villages shall be considered one classification.

## Article VII Elections

- 7.01** The Board of Directors shall appoint a person as Returning Officer who shall be responsible for the fair and proper conduct of elections.
- 7.02** The Returning Officer shall establish and publish election procedures in accordance with these bylaws and generally in accordance with the provisions of the *Local Authorities Election Act*, R.S.A. 2000, c. L-21 or any amendments thereto with any necessary modifications.
- 7.03** Elections shall be held at the annual general meeting.
- 7.04** The election of the
- (a) President shall be conducted among all of the persons,
  - (b) Vice-Presidents shall be conducted among all of the persons from the relevant classification as established in Clause 3.04
  - (c) Directors shall be conducted among all of the persons from the relevant classification as established in Clause 3.04 and electoral zone if applicable
    - (i) who are eligible to vote and are in attendance at the meeting.

## Article VIII Board of Directors

- 8.01** The Association shall have a Board of Directors consisting of
- (a) the President, and
  - (b) 14 Directors.
- 8.02** The number of Directors representing each classification is:
- (a) two Directors appointed by the City of Calgary, one of whom shall be designated by the City as Vice-President for Calgary
  - (b) two Directors appointed by the City of Edmonton, one of whom shall be designated by the City as Vice-President for Edmonton
  - (c) three Directors representing Cities up to 500,000 population
  - (d) three directors representing Towns

- (e) three Directors representing Villages
  - (f) one Director representing Summer Villages
- 8.03** The Directors representing Towns and Villages shall be elected by electoral zone
- 8.04** For purposes of establishing electoral zones, the Board of Directors shall group
- (a) Towns into three zones in such a manner that the number of Towns in each zone is approximately the same
  - (b) Villages into three zones in such a manner that the number of Villages in each zone is approximately the same and shall publish the zone information by June 30 in each year.
- 8.05** The term of office for each position on the Board
- (a) commences at the organizational meeting of the Board following the annual general meeting and
  - (b) continues until the end of the next annual general meeting at which time the position is available for election.
- 8.06** The term of office for the position of
- (a) President is one year
  - (b) Vice-President is one year
  - (c) Director is two years.
- 8.07** (a) The term of office for the following Director positions shall begin in odd numbered years
- (ii) 1 Calgary Director
  - (iii) 1 Edmonton Director
  - (iv) 2 Cities up to 500,000 population
  - (v) Towns East
  - (vi) Villages South
  - (vii) Summer Villages
- (b) The term of office for the following Director positions shall begin in even numbered years
- (i) 1 Calgary Director
  - (ii) 1 Edmonton Director
  - (iii) 1 Cities up to 500,000 population
  - (iv) Towns West and South
  - (v) Villages East and West
- 8.08** (a) A President who no longer remains an elected representative is nevertheless eligible to remain a member of the Board of Directors and to continue in office as President until the next annual general meeting providing such period shall not exceed three months.
- (b) A Director who no longer remains an elected representative is nevertheless eligible to remain a member of the Board of Directors and to continue in office as a Director until the next annual general meeting providing such period shall not exceed three months.
- (c) In the case of either (a) or (b), if the period until the next annual general meeting is longer than three months, the position shall be deemed to be vacant.
- 8.09** Should the legal municipal status change of the municipality of which a Director is an elected representative,
- (a) the Director is eligible to remain in the position until the next annual general meeting, and
  - (b) if the term of office for the position does not expire at the end of the next annual general meeting a by-election shall be held at the next annual general meeting to fill the position for the remainder of the term
- 8.10** Should the office of the President become vacant, the remaining Board of Directors shall forthwith appoint a member of the Board to serve as President until the next annual general meeting.
- 8.11** (a) Should a vacancy occur in a Director position other than a Director appointed by the City of Calgary or the City of Edmonton or in a Vice-President position
- (i) the Board may appoint a replacement to serve until the next annual general meeting, and

- (ii) if the term of office for the position does not expire at the end of the next annual general meeting a by-election shall be held at the next annual general meeting to fill the position for the remainder of the term.
  - (b) Should a vacancy occur in a Director position or a Vice-President position appointed by the City of Calgary or the City of Edmonton, the relevant city may appoint a replacement for the remainder of the term of office of the position.
- 8.12** A person appointed to fill a vacancy in any position must be eligible for election to that position if an election were held.
- 8.13** In carrying out the responsibilities of a Director, every Director of the Association shall
- (a) act honestly and in good faith with a view to the best interests of the Association,
  - (b) exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances,
  - (c) comply with the Societies Act (Alberta) and any regulations under it and with the bylaws and policies of the Association
  - (d) maintain the confidentiality of all Association information given to the Director that is considered confidential, except in the following circumstances
    - (i) the confidential information is or subsequently enters the public domain through no action of the Director; or
    - (ii) the confidential information is required to be disclosed by law and if the Director receives Association information that is considered confidential
    - (iii) from his or her own independent sources; or
    - (iv) any third party not under an obligation to keep the information confidential the Director will disclose to the Board that he or she has received that information.
- 8.14** A member of the Board of Directors ceases to be a Director if:
- (a) the person is disqualified from Council pursuant to Section 174(1) of the *Municipal Government Act*; R.S.A. 2000, c. M-26, or any amendments thereto, or
  - (b) the person misses three consecutive regular meetings of the Board, unless authorized by resolution prior to the conclusion of the missed third consecutive regular meeting of the Board.
- 8.15** The Board of Directors may by resolution passed by at least three fourths (3/4) of the votes cast declare that a Board Member has ceased to be a Board member. The provisions of Article 9.05 regarding notice and an opportunity to be heard apply to a resolution under this Article.

## Article IX Disqualification of Board Members

- 9.01** In this Article
- (a) "Board member's family" means the Board member's spouse, the Board member's children, the parents of the Board member and the parents of the Board member's spouse;
  - (b) "spouse"
    - (i) includes a party to a relationship between a man and a woman who are living together on a bona fide domestic basis, and
    - (ii) does not include a spouse who is living apart from the other spouse if the spouses have separated pursuant to a written separation agreement or if their support obligations and family property have been dealt with by a court order.
- 9.02** (1) A member of the Board of Directors has a pecuniary interest in a matter if;
- (a) the matter could monetarily affect the Board member or an employer of the Board member, or
  - (b) the Board member knows or should know that the matter could monetarily affect the Board member's family.
- (2) For the purposes of subsection (1), a person is monetarily affected by a matter if the matter monetarily affects
- (a) the person directly,

- (b) a corporation, other than a corporation the shares of which are traded on a stock exchange, in which the person is a shareholder, director or officer,
- (c) a corporation, the shares of which are traded on a stock exchange, in which the person beneficially owns voting shares carrying at least 10% of the voting rights attached to the voting shares of the corporation or of which the person is a director or officer, or
- (d) a partnership or firm of which the person is a member.

(3) A Board member does not have a pecuniary interest by reason only of any interest

- (a) that the Board member or a member of the Board member's family may have by reason of being appointed by the Board as a director of a company incorporated for the purpose of carrying on business for and on behalf of the Association or by reason of being appointed as the representative of the Board on another body;
- (b) that the Board member or member of the Board member's family may have with respect to any allowance, honorarium, remuneration or benefit to which the Board member or member of the Board member's family may be entitled by being appointed by the Board to a position described in clause (a);
- (c) that the Board member may have with respect to any allowance, honorarium, remuneration or benefit to which the Board member may be entitled by being a Board member; or
- (d) that is so remote or insignificant that it cannot reasonably be regarded as likely to influence the Board member.

**9.03** (1) When a Board member, or a Regular Member of which the Board member is an elected representative, has a pecuniary interest in a matter before the Board , a Board committee or any other body to which the Board member is appointed as a representative of the Board , the Board member must, if present,

- (a) disclose the general nature of the pecuniary interest prior to any discussion of the matter,
- (b) abstain from voting on any question relating to the matter,
- (c) abstain from any discussion of the matter, and
- (d) subject to subsection (2), leave the room in which the meeting is being held until discussion and voting on the matter are concluded.

(2) If the matter with respect to which the Board member, or the Regular Member of which the Board member is an Elected Representative has a pecuniary interest is the payment of an account for which funds have previously been committed, it is not necessary for the Board member to leave the room.

**9.04** (1) A member of the Board of Directors ceases to be a Board Member if he or she

- (a) as a Board Member, takes part in a decision knowing that the decision might further a private interest of
  - (i) the Board Member,
  - (ii) a corporation, firm or partnership referred to in section 4.1.2(2) of this Article 4.1, or
  - (iii) a Regular Member of which the Board member is an Elected Representative,
- (b) where applicable, does not declare an interest and withdraw from a meeting without voting on or discussing a matter before the Board of Directors which might further a private interest referred to in clause (a)(i), (ii) or (iii), or
- (c) accepts
  - (i) a fee of any amount other than a fee or honorarium paid by the Association for the Board member's services as a Board member, or
  - (ii) a gift or other benefit having a value of more than \$100.
 that is received because the Board Member is a Board Member.

(2) Subsection (1)(c) does not apply if a Board Member is invited to attend an event or function as a representative of AUMA and the Board Member discloses such attendance in a manner approved by the Board from time to time.

**9.05** (1) A meeting of the Board of Directors may be called under section 10.01 to determine whether a Board Member has ceased to be a Board member under this Article.

(2) The Board Member

- (a) shall be given notice of a meeting of the Board of Directors called under this section;

- (b) upon request
  - (a) shall be given particulars of the grounds on which it is alleged that he or she has ceased to be a Board member;
  - (b) shall be given an opportunity to make representations to the Board of Directors in writing or in person, or by legal counsel, or any combination of the foregoing;
  - (c) is not entitled to be present while the Board of Directors discusses the question whether or not the Board Member has ceased to be a Board Member.

- 9.06** (1) The Board of Directors may by resolution state that the Board Member has ceased to be a Board Member.  
 (2) The provisions of Article VIII relating to the filling of vacancies on the Board until the next annual general meeting apply to filling a vacancy under this Article.

**9.07** A Board Member, by accepting appointment or election as a Board Member, agrees the Board Member will not be entitled to assert any claim or bring any legal action, whether for defamation or any other cause of action, against the Association or any officer, director or employee of the Association, in respect of anything done by any of them in good faith pursuant to this Article.

## Article X Powers and Duties of The Board

**10.01** Meetings of the Board of Directors shall be held

- (a) pursuant to a regular schedule of meetings set by the Board at its organizational meeting following the annual general meeting, or
- (b) at the call of the President, or
- (c) upon the written request of four Directors with at least 72 hours notice.

**10.02** A quorum of the Board is eight members.

**10.03** At meetings of the Board of Directors each Board Member present shall have one vote and, in the case of a tie, the motion shall be lost.

**10.04** The Board of Directors has the authority and responsibility to carry out as appropriate, or delegate to its committees, the powers and duties conferred upon the Association.

**10.05** If the Board establishes and prescribes the terms of reference for any committee, or delegates that authority to the Executive Committee, the persons appointed as committee members may be

- (a) Directors
- (b) elected representatives of members
- (c) other persons, or
- (d) any combination of the above.

**10.06** Members of the Board of Directors and Executive Committee shall receive an honorarium for their service and shall be reimbursed for expenses reasonably incurred in performing their duties on the Board of Directors or Executive Committee.

## Article XI Executive Committee

**11.01** The Executive Committee shall consist of the President and the Vice-Presidents.

**11.02** A quorum shall consist of three (3) members of the Executive.

**11.03** The Executive Committee shall have all the powers of the Board of Directors between meetings of the Board on emergent issues in accordance with such rules as the Board of Directors may adopt provided that the Executive may only recommend

- (a) the employment or termination of the Chief Executive Officer of the Association,
- (b) the amount of membership fees under clause 15.04, and
- (c) borrowing money under clauses 15.07 and 15.08.

**11.04** The Executive Committee shall report any action taken under clause 11.03 at the next meeting of the Board.

**11.05** The President and Vice-Presidents have the duties and powers commonly assigned to such officers.

## Article XII Meetings

- 12.01** The annual general meeting of the Association shall be held at such time and place as the Board of Directors may determine.
- 12.02** Written notice of the date of the annual general meeting shall be provided to each member not less than twelve (12) weeks prior to the date of the meeting.
- 12.03** A special general meeting of the Association may be held at the call of five (5) percent of the Regular Membership or by two-thirds vote of all the Board and written notice shall be provided to each member not less than fourteen (14) days before the date of the meeting.
- 12.04** A quorum at an annual general meeting or special general meeting shall be representation from twenty-five percent of the Regular Membership in good standing and the quorum shall be determined within fifteen minutes of the posted starting time of the meeting.
- 12.05** The President or another member of the Board delegated by the President shall chair the annual general meeting and any special general meeting.
- 12.06** The persons entitled to speak at an annual general meeting or special general meeting are
- (a) those elected representatives in attendance whose municipalities are Regular Members of the Association in good standing,
  - (b) in the event a Regular Member is unable to be represented at the annual general meeting or special general meeting by an elected representative, an official appointed by motion of the Council to represent it, provided that notice of such appointment is submitted in writing to the Chief Executive Officer at least three (3) days prior to the date of the annual general meeting or special general meeting, and
  - (c) upon a motion from the floor, a representative of an Associate Member.
- 12.07** Except as otherwise provided in these Bylaws, the Rules of Procedure to be followed at meetings of the Board of Directors, the annual general meeting and any special general meeting shall be those in "Robert's Rules of Order, Newly Revised."

## Article XIII Chief Executive Officer

- 13.01** The Board shall appoint a Chief Executive Officer to manage the affairs of the Association under the general direction of the Executive Committee.
- 13.02** The Chief Executive Officer shall ensure that
- (a) accurate minutes of all meetings of the Association, the Board, the Executive Committee and any other committees are recorded,
  - (b) accurate records of revenues and expenditures are recorded,
  - (c) all money belonging to or held by the Association is deposited in a financial institution or invested in financial instruments approved by the Board, and
  - (d) all records and the Seal of the Association are kept safe.
- 13.03** The Chief Executive Officer may employ any administrative staff required within the expenditure authority included in the Association's budget.

## Article XIV Signing Authority

- 14.01** After they are approved, the minutes of all meetings shall be signed by the person presiding at the meeting and the Chief Executive Officer.
- 14.02** The Board of Directors shall designate signing authorities for any financial instrument and the use of the seal.

## Article XV Financial Affairs

- 15.01** The fiscal year of the Association shall be the calendar year.
- 15.02** Before the end of each fiscal year, the Board of Directors shall approve a budget for the next fiscal year which shall include revenues at least sufficient to pay the estimated expenditures.
- 15.03** The Board of Directors may approve an interim budget for part of the next fiscal year.

- 15.04** The Board of Directors shall annually determine a method of calculating membership fees which will generate the membership fee revenue projected in the budget.
- 15.05** If any number of Regular Members agree to undertake a special initiative, the Board of Directors may levy a special fee on those members to raise the required revenue.
- 15.06** The membership fees in effect on the date that these bylaws are approved are continued until they are changed by the Board of Directors.
- 15.07** The Board of Directors shall have the power to borrow on behalf of the Association and upon the credit of the Association for operating purposes an amount not in excess of sixty percent (60%) of annual fees or special assessments then levied or assessed by the Association to its membership but not yet collected.
- 15.08** By a two-thirds majority vote of the Board, the Association may borrow for capital purposes.
- 15.09** The Association may draw, make, accept, endorse, execute and issue promissory notes, bills of exchange and other negotiable instruments.
- 15.10** The books and records of the Association shall be available for the inspection by any Regular Member of the Association at the Association's office during normal business hours.
- 15.11** In the event the Association is wound up or dissolved, all of its remaining assets after payment of its liabilities shall be paid to such registered and incorporated non-profit organization or organizations with purposes similar to those of the Association as a Majority of the Regular Members determine. In no event shall any Member become entitled to any assets of the Association.
- 15.12** The Board of Directors shall appoint by resolution an auditor and an audited annual financial statement shall be submitted to each annual general meeting.
- 15.13** The Association may acquire by gift or purchase and have, possess and enjoy land, tenements, rents, annuities and other property of any kind whatsoever within the Province of Alberta.
- 15.14** The Association may from time to time sell, alienate, exchange, mortgage, let, lease or otherwise dispose of any part of its real or personal estate.
- 15.15** Every Director and officer of the Association and their heirs, executors and administrators, respectively, shall from time to time and at all times be indemnified and saved harmless out of the funds of the Association from and against:
- (a) all costs, charges, damages and expenses whatsoever which they sustain or incur in or about any action, suit or proceeding which is brought, commenced or prosecuted against them or in respect of any act, omission, deed, matter or thing whatsoever made, done or permitted by them in or about the execution of the duties of their office; and
  - (b) all other costs, charges, damages and expenses which they sustain or incur in or about in relation to any act, omission, deed, matter or thing whatsoever made, done or permitted by them in or about the execution of the duties of their office;
- except such costs, charges, damages and expenses as are occasioned by their own wilful act, default or dishonesty.

## Article XVI Amendments

- 16.01** The Board of Directors or a Regular Member may propose a special resolution, as required by the *Societies Act*, R.S.A. 2000, c. S-14, or any amendments thereto, to amend these Bylaws.
- 16.02** A proposed special resolution may be considered at the annual general meeting or at a special general meeting.
- 16.03** Written notice of a proposed special resolution shall be provided to each member not less than eight (8) weeks before the meeting at which the special resolution is to be considered.
- 16.04** An amendment to the Bylaws shall not be made unless a three-quarters (3/4) majority of the representatives of Regular Members in good standing present at the meeting vote in favour of the amendment.
- 16.05** Notwithstanding any other provision of contained in these Bylaws, every Special Resolution to amend these Bylaws shall contain the following preamble:
- WHEREAS the following proposed amendment has been submitted to the Association only after taking into consideration:
- (a) the Association's fundamental and paramount principle of ownership and control of the Association by its Regular Members; and

(b) the Association's tax exempt status under para. 149(1)(d.5) of the Income Tax Act, Canada as discussed by the Canada Revenue Agency in its letter dated March 14, 2007

and that the proposed amendment herein will not, by its nature, content or description, compromise, modify, alter, affect or change in any way the fundamental and paramount principle of the Association (the Association being owned and controlled by its Regular Members only) or the Association's tax exempt status under para. 149(1)(d.5) of the Income Tax Act, Canada as same may be amended from time to time.

**16.06** In 2015 and every subsequent year divisible by five (5), the President shall establish a special committee to conduct a general review of the Bylaws of the Association.

**16.07** In the event any provision of these Bylaws is in any manner determined to be inconsistent with, or in violation of, the fundamental and paramount principle of the Association set forth in Article 2.02 above, then such provision shall be deemed to be void *ab initio* and of no force and effect, and such provision shall be struck from these Bylaws without further notice or approval by the Regular Members.

AUMA CONVENTION & AMSC TRADE SHOW



Calgary TELUS Convention Centre September 28-30, 2011

## **AUMA Resolutions Policy**

## Resolutions

### General

1. The Municipal Governance Committee shall serve as the Resolutions Committee of the Association.
2. The responsibilities of the Committee are to review proposed resolutions for format and content, and assign a category.
3. Resolutions may be submitted for consideration at the annual convention by
  - (a) a regular member or group of regular members or
  - (b) the Board of Directors.
4. Resolutions shall be in the form:  
**WHEREAS ...**  
**AND WHEREAS ...**  
**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association (take some action)

### Resolution Guidelines

5. Resolutions must meet the following criteria:
  - (a) Each resolution
    - i) must be approved by the council of the sponsoring municipality.
    - ii) should strive to address a topic of concern to municipalities throughout the Province.
  - (b) Resolutions must not direct a municipality to adopt a particular course of action, but must be worded as a request for consideration of the issue.
  - (c) Whereas clauses should clearly and briefly set out the reasons for the resolutions.
6. Each resolution should be accompanied by background information outlining the issue as it relates to the sponsoring municipality, when and how often the resolution has been submitted in the past, and how the resolution is related to AUMA policy. This material will assist the Municipal Governance Committee, and later the convention body, in understanding the issues.
7. The operative clause of the resolution (i.e. the one beginning **NOW THEREFORE BE IT RESOLVED THAT...**)
  - (a) must clearly set out what the resolution is meant to achieve, and
  - (b) state a specific proposal for action.
  - (c) The wording should be straightforward and brief so that the intent of the resolution is clear. Generalization should be avoided.
8. Resolutions are to be in the hands of the Chief Executive Officer no later than May 31 each year, provided that, the Chief Executive Officer may grant an extension of the deadline,
  - (a) if the annual convention is scheduled later than Thanksgiving Day in any year; or,

- (b) if requested by a member, if the Chief Executive Officer is satisfied that severe weather conditions, a pandemic or other emergency reason, has made it impossible for the member to submit the resolution by the deadline date..
9. The annual call for resolutions may include information on key issues identified in the AUMA strategic or business plan on which the Board wishes to focus and/or information regarding any other matters on which AUMA seeks assistance in the coming year. As well, the annual call for resolutions will remind members that alternatives to convention resolutions available during the year include bringing Requests for Decisions to the appropriate Mayors Caucus and bringing a matter directly to the attention of the AUMA Board.

## Extraordinary Resolutions

10. A resolution arising from the proceedings of the convention or related to a matter of an urgent nature arising after the resolution deadline may be considered an Extraordinary Resolution.
11. A regular member wishing to propose an extraordinary resolution shall present it, together with a rationale as to why it is extraordinary, to the Chief Executive Officer after the first day of the convention. The sponsoring municipality(ies) shall provide 1000 copies of the resolution.
12. The determination whether the proposed resolution meets the criteria of an extraordinary resolution will be made by
- (a) in the case of a proposed extraordinary resolution submitted after the Resolution Deadline but before the final Board meeting prior to the Convention, by the Board on the recommendation of the Municipal Governance Committee,
  - (b) in the case of a proposed extraordinary resolution submitted after the final Board meeting prior to the Convention, by the Executive Committee, in consultation with the Resolutions Session Chair.
13. The AUMA Executive Committee, in consultation with the Municipal Governance Standing Committee chair, will determine whether the proposed resolution meets the criteria of an extraordinary resolution.
14. Criteria for an Extraordinary Resolutions are:
- (a) they deal with an emergent issue of concern to the general membership that has arisen after the resolution deadline;
  - (b) they deal with an emergent issue of concern to the general membership that will be addressed by another order of government BEFORE the next AUMA annual Convention; and
  - (c) they comply with the guidelines for resolutions set out elsewhere in this policy (AP002).
15. A 2/3 majority vote of the assembly is required prior to any Extraordinary Resolution accepted by the Executive Committee being considered by the assembly.
16. No debate on the merits or “urgency” of any Extraordinary Resolution will take place prior to the vote.
17. Extraordinary resolutions accepted for consideration by the assembly shall be presented following debate of the **Targeted Scope** resolutions.

## Administrative Review

18. The Chief Executive Officer may return any submitted resolution to the sponsoring municipality to have deficiencies corrected.
19. Deficiencies may include but are not limited to:
  - (a) absence of any indication of the resolution being endorsed by the council of the sponsoring municipality;
  - (b) preliminary clauses which are contradictory to the operative clause or the absence of preliminary clauses;
  - (c) lack of a clear supporting narrative where the rationale of the resolution is unclear.
20. The return by the Chief Executive Officer of any proposed resolution for the correction of any deficiencies will not affect its categorization nor will it make a timely resolution late.

## Committee Review

21. The Municipal Governance Committee shall review each proposed resolution and may recommend that the Board refuse to submit to the convention any resolution deemed inappropriate for consideration by the Association.
22. The Municipal Governance Committee will notify the appropriate policy committee of any proposed resolution related to its policy.
23. The Municipal Governance Standing Committee may:
  - (a) amend the grammar or format of the resolution;
  - (b) consolidate resolutions of similar intent or subject matter;
  - (c) provide comments on each resolution with regard to its background;
  - (d) inform the sponsoring municipality where the resolution will materially change or contradict current AUMA policy.
  - (e) recommend to the Board of Directors, that resolutions already adopted and/or forming AUMA policy (see clause 58 of this Policy) NOT be considered at the Convention, and be returned to the sponsor(s) of the resolution(s) with an explanation of the reason for return.
24. The Committee will categorize each proposed resolution as:
  - (a) AUMA Strategic/Business Plan Priorities
  - (b) Provincial Scope
  - (c) Targeted Scope
  - (d) Endorsement Requests
  - (e) Non-Municipal Matters
25. The AUMA Strategic/Business Plan Priorities category would address matters related to implementing the AUMA strategic and/or business plans.
26. The Provincial Scope category would have resolutions that address matters of significance to all or most municipalities in the province.
27. The Targeted Scope category would have resolutions that address matters of significance to all or most municipalities located in one area of the Province or municipal members of a similar size.

28. The Endorsement Requests category would address requests of regular Members to endorse positions they are taking without any advocacy action by AUMA
29. The Non-Municipal Matters category would address matters outside of municipal jurisdiction and therefore not appropriate for presentation to the convention.
30. When the Board has approved the resolutions report (section 30), proposed resolutions assigned to the Non-Municipal Matters category will be returned to the sponsoring member(s) with an explanation of why the resolution will not appear in the Policy and Resolutions Book at the convention.
31. The Committee will prepare a resolutions report which will include all proposed resolutions determined appropriate for submission to the convention including the following information on each resolution:
  - (a) Number and Title of Resolution
  - (b) Name of Sponsoring Member(s)
  - (c) Proposed Resolution
  - (d) Resolutions Category
  - (e) Municipal Governance Committee Comment (if any)
32. Resolutions will be presented in the following order:
  - (a) AUMA Strategic/Business Plan Priorities
  - (b) Provincial Scope
  - (c) Targeted Scope
  - (d) Endorsement Requests
33. The Committee will recommend to the Board a Policy and Resolutions Book including the resolutions report together with such other information on bylaws, policies and procedures as the Committee may deem appropriate which shall be provided to members at least eight (8) weeks prior to the Convention.

## Resolution Session Agenda

34. Prior to the beginning of the first resolution session the Chair will ask for a motion from the floor to adopt the Resolution Session Agenda as presented in the Policy and Resolutions Book.
35. Amendments from the floor to the Resolution Session Agenda will be accepted when duly moved and seconded.
36. No debate on the proposed amendments to the Resolution Session Agenda will occur.
37. A 2/3rds majority of the delegates will be required to change the Resolution Session Agenda.
38. If there are no amendments to the Resolutions Session Agenda, resolutions will be debated in the order they are presented in the resolution booklet. No further amendments to the resolution agenda will be accepted.

## Considering Resolutions

39. The Board, after consulting with the Municipal Governance Committee Chair, will appoint a Resolutions Sessions Chair.

40. The Session Chair will introduce each proposed resolution by indicating its number, the name of the sponsoring municipality, and then will move the resolution. The Session Chair will then call on the sponsoring or a supporting municipality to second the resolution. If no municipality seconds the resolution, the resolution dies.
41. If the resolutions report includes a comment by the Municipal Governance Committee on the proposed resolution, the Session Chair will then call on a member of the Municipal Governance Committee to give the views of the Municipal Governance Committee (if necessary).
42. The Session Chair will then call for a spokesperson from the sponsoring municipality(ies) to speak to the resolution and open the debate. The spokesperson will be allowed two (2) minutes for the opening.
43. In the case of a proposed new policy position paper, the Session Chair will allow a spokesperson or designate a maximum of five (5) minutes to introduce the new policy position paper and place the resolution on the proposed new policy before the convention and to name the seconder.
44. Following the initial speaker, the Session Chair will then call alternately for persons opposing and supporting the resolution. These speakers will have a two (2) minute time limit and shall not speak more than once on any one question. When no alternate position speaker is available, the Session Chair will declare the end of the debate and the spokesperson will be allowed one (1) minute for the closing of debate.
45. If no one rises to speak in opposition to a proposed resolution, the question will be immediately called.
46. A sponsoring municipality or designate may declare its intent to withdraw a proposed resolution when the resolution is introduced. In this event, the Session Chair shall declare the resolution withdrawn and no further debate or comments will be allowed.
47. Amendments, including “minor amendments” from the floor will be accepted when duly moved and seconded. Amendments, including “minor amendments” must be submitted in writing to the Session Chair prior to the amendment being introduced.
48. The Session Chair will rule whether or not an amendment complies with the intent of the original resolution.
49. Discussion procedures for an amendment shall be the same as for a resolution.
50. The conflict of interest guidelines for council votes, as outlined in the *Municipal Government Act*, shall also apply to convention resolution votes for all delegates. It is incumbent upon each delegate to ensure adherence to this rule.
51. Voting may be by
  - (a) a show of delegate accreditation cards, or
  - (b) electronic means.
52. As long as there is a quorum present (as provided in the Bylaws a quorum is comprised of representatives of twenty-five percent [25%] of the Regular Members) the final resolution session shall not be closed until all resolutions listed in the agenda are debated and voted upon, or the allotted time for the session has expired unless the majority of delegates present vote to extend the allotted time.

53. Resolutions which are not debated at a convention resolutions session because of insufficient time or lack of quorum, will be considered by the Board of Directors following the convention. In considering such a resolution, the Board may
- (a) provide an opportunity for the sponsoring municipality to make a presentation in person, electronically or in writing
  - (b) request advice from the relevant Standing Committee.
54. Resolutions passed by the membership shall not be amended or modified by the Municipal Governance Standing Committee or the Board of Directors.

<h2>Carried Resolutions</h2>
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55. Carried resolutions will be referred to the relevant Standing Committee which will develop policy statements and make a recommendation to the Board.
56. When the policy statements are approved by the Board, each statement will be sent to the relevant Minister(s).
57. The Board of Directors will determine and implement the method by which advocacy of the policy statements will be undertaken.
58. The Chief Executive Officer will collect all advocacy responses and maintain a status of resolutions inventory on the AUMA website. The status of resolutions inventory will include the responses and an indication of what (if any) follow up action AUMA will take with regards to any resolution for which the advocacy was not successful.
59. Resolutions have an active life of three (3) years, then are deemed inactive.

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## **AUMA Policy Paper**

# AUMA Policy Paper 2011.1

**AUMA Board of Directors  
Local Authorities Election Act**

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**WHEREAS** in 2011 the AUMA Board of Directors established a Task Force to review the *Local Authorities Election Act* and identify recommended changes to send to the Government of Alberta; and

**WHEREAS** at its June 2011 meeting, the AUMA Board of Directors adopted the Task Force's recommendations and directed that they be forwarded to the 2011 Convention for approval.

**NOW THEREFORE BE IT RESOLVED THAT** the AUMA 2011 General Assembly receive the 2011 recommendations on the *Local Authorities Election Act* for information, adopt the recommendations as presented, and forward the recommendations to the Government of Alberta citing a critical need for change.



# Recommended Changes to the Local Authorities Election Act

September 2011



## RECOMMENDED CHANGES TO THE LOCAL AUTHORITIES ELECTION ACT

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### BACKGROUND

The *Local Authorities Election Act* (LAEA) governs the processes associated with the nomination and election of a municipal council under the *Municipal Governance Act* and a board of trustees under the *School Act*.

This Act was reviewed by an MLA Committee in 2005 and has had several amendments in recent years. Members of the Alberta Urban Municipalities Association (AUMA) have voiced concerns with these amendments, particularly in regards to Bill 203 Local Authorities Election (Finance and Contributions Disclosure) Amendment Act 2009 which made sweeping changes pertaining to campaign contributions and financial accountabilities, without consultation with municipalities. While some of these concerns were addressed through Bill 9 Local Authorities Election Statutes Amendment Act 2010, a number of significant issues have not been resolved and were problematic during the 2010 election process. As well, the following resolutions from AUMA's members remain outstanding:

Previously Proposed Changes	Summary of Government of Alberta's Response
Extend the term of municipal office from three years to four years (2008 resolution).	No changes to the term of office will be made until clear consensus is reached through public consultation. There are no plans to pursue this issue.
Enable acknowledgement of contributions to local government candidates by tax deductions or tax credits (2009 resolution).	This cannot be supported at this time. Consideration could be given to an alternative form of funding, such as municipally funded political tax credits deducted against municipal taxes (similar to Manitoba and Ontario).

In recognition of the critical need for changes before the next election, AUMA's Board established a Task Force in the spring of 2011 to identify and research matters of legislative or administrative concern, and identify changes that the Board could consider as part of its intention to propose amendments to the Government of Alberta. The scope of matters considered by the Board included those pertaining to the election date, electoral term, nomination and voting processes, and financial contributions and disclosure requirements. The Board is presenting the numbered recommendations outlined in this document based on input from the Task Force as well as feedback from members at the June Mayor's Caucus.

The Task Force was chaired by a Board member and was comprised of elected officials, returning officers, municipal administrators, solicitors and clerks, and a representative from the Alberta School Boards Association. The Task Force suggested several changes to clarify and promote consistent and efficient processes pertaining to nomination and election provisions. The Board agreed with the Task Force that no legislative changes were required for advance vote stations and alternate voting methods (e.g., through mail and internet) as these are matters that are considered to be discretionary decisions for municipalities. A spring election was considered but not recommended due to concerns that this timeframe would be problematic. The 2009 resolution to enable tax credits/deductions for contributions to local government candidates was endorsed and the Board agreed with the need to fundamentally change provisions relating to financial contributions and disclosure as the current requirements are unclear and cumbersome and fail to recognize that there are inherent differences in the way that financial contributions are generated and managed by municipal candidates in various types of municipalities. The Board understands that the current administrative requirements are burdensome and complicated, often with little cost benefit, and

may not be adhered to by municipalities and candidates. As well, there are inequities in the enforcement and penalty provisions.

The Board endorsed some guiding principles for financial contributions and disclosure requirements and considered a number of options for how they could best be realized. The Board believes that the best option is to rescind legislation and give municipalities the option to pass bylaws that set out their standards (i.e., return to the former model prior to Bill 203 and Bill 9 amendments). If the Government is not receptive to this approach, another approach is to require municipalities with populations greater than 25,000 to pass bylaws specifying the requirements. In the event that the Government requires provincial legislation, the Board agreed on a number of recommendations to improve the financial contributions and disclosure provisions.

The Board presented AUMA members with a summary of the proposed amendments at the June 2011 Mayor's Caucus. The amendments were revised to reflect members' feedback and were then finalized and approved by the Board. The Board is presenting these amendments as numbered recommendations on the following pages. The first set of recommendations pertains to electoral term and processes and the second set pertains to financial contributions and disclosure requirements.

**PART 1 – RECOMMENDED CHANGES TO ELECTORAL TERM AND PROCESSES**

	<i>Recommendation</i>
1.	Change section 10(1) General Term of Office from three years to four years.
2.	<p>Change section 27 Form of Nomination as follows to clarify the action to be taken when there are less than the required signatures on nominations.</p> <p>27 Form of Nomination (changes noted in red font and through the use of the strikethrough)</p> <p>27(5) A nomination paper is not valid nor shall it be acted upon by the returning officer unless it contains at least 5 nominator's signatures.</p> <p>(6) Notwithstanding subsection (5), if a city has specified by bylaw the minimum number of electors required to sign the nomination of a candidate for office pursuant to subsection (2), a nomination paper is not valid nor shall it be acted upon by the returning officer unless it contains at least the number of nominator's signatures specified in the bylaw.</p>
3.	Change section 25 Nomination Day to provide the same time between nomination date and election date as the timeframe for federal and provincial elections (i.e., at least five weeks).
4.	<p>Change section 17 Substitute Returning Officer as follows to require a substitute returning officer to be appointed at the same time as the returning officer so that a replacement is immediately available in the event that the returning officer becomes incapable of performing his or her duties.</p> <p>17 Substitute Returning Officer (changes noted in red font and through the use of the strikethrough)</p> <p>17.1 (a) If an elected authority appoints a returning officer, it must, at the time of appointment, a person who has been appointed a returning officer becomes incapable of carrying out the duties of that office, the chief elected official of a municipality or chair of the board of trustees may, in writing, appoint a substitute returning officer person to act in the place of replace the returning officer if the returning officer becomes incapable of performing the duties of the returning officer's office.</p>

	<p>(b) If the secretary is the returning officer and becomes incapable of performing the duties of that office, the person who replaces the secretary will be the substitute returning officer.</p>
5.	<p>Prohibit campaign activity and signage at a voting station or within areas adjacent to a voting station on an election day or other voting day.</p>
6.	<p>Clarify section 48(1) Rules of Residence as follows to ensure that a voter only votes once, regardless of the voter’s location. This is the intention of the current Act but some of the wording in this section is unclear and needs to be changed. The suggested changes shown below require a person with more than one residence to declare one place of residence for the purpose of voting. Changes to this section will <u>not</u> affect the current provisions in the Act pertaining to summer villages.</p> <p>48 (1) Rules of residence (changes noted in red font and through the use of the strikethrough)</p> <p>48(1) For the purposes of this Act, the place of residence is governed by the following rules:</p> <p>(a) a person may be a resident of only one place at a time for the purposes of voting under this Act;</p> <p>(a)</p> <p>(a.1) if a person has more than one residence in Alberta, that person shall, <del>in accordance with subsection (1.1), designate</del> <b>declare</b> one place of residence as the person’s place of residence for the purposes of this Act;</p> <p>(b) the residence of a person is the place where the person <b>ordinarily works, lives, resides</b> and sleeps and <b>the residence</b> to which, when the person is absent, the person intends to return;</p> <p>(c) a person does not lose the person’s residence by leaving the person’s home for a temporary purpose;</p> <p>(d) subject to clause (e), a student who</p> <p>(i) attends an educational institution within or outside Alberta,</p> <p>(ii) temporarily rents accommodation for the purpose of attending an educational institution; and</p> <p>(iii) has family members who are resident in Alberta and with whom the student ordinarily resides when not attending an educational institution</p> <p>is deemed to reside with those family members:</p> <p>(e) if a person leaves <b>his or her residence</b> <del>the area</del> with the intention</p>

	<p>of making the person's residence at a new location elsewhere, the person loses the person's residence <del>is at the new location</del> within the area.</p>
7.	Require mandatory photo identification to validate the voter's identity.
8.	<p>Change section 98 Recount to clarify that a recount only need to be done at the actual voting station that had a problem and a complete vote recount is not required.</p> <p>Recount (changes noted in red font and through the use of the strikethrough)</p> <p>98 1.1 If the returning officer makes a recount pursuant to subsection (1), the returning officer may count the ballots cast at one or more voting stations as the returning officer considers necessary.</p>
9.	Delete all references in the Act to the appointment of an "official agent" since there is no role specified for such an agent.
10.	Ensure all forms and materials are updated to align with legislation in its entirety.

## PART 2 – FINANCIAL CONTRIBUTIONS AND DISCLOSURE REQUIREMENTS

	<i>Recommendation</i>
11.	Enable tax credits for contributions to local government candidates, provided that there are no resulting financial and administrative burdens to municipalities.
12.	<p>Adopt the following principles to guide the requirements for financial contribution and disclosure requirements:</p> <ul style="list-style-type: none"> <li>• <i>Transparency</i> – clear and understandable requirements that can be consistently applied</li> <li>• <i>Accessibility</i> – candidates can readily access information on the requirements for the acquisition, use, and reporting of contributions and the public can access disclosure documents</li> <li>• <i>Accountability</i> – candidates are held to a minimum standard of acceptable practices</li> <li>• <i>Equity</i> – penalties act as deterrents and apply equally to all candidates, regardless of won or lost campaigns</li> <li>• <i>Efficiency</i> – streamlined and effective requirements and administrative processes have a cost benefit, and appropriately mitigate risk associated with insufficient and/or inappropriate practices</li> <li>• <i>Communication and Engagement</i> - requirements are developed through dialogue with municipalities and timely and open communication ensures common understanding</li> </ul>
13.	Rescind provisions in the current legislation (Part 5.1) and give municipalities the option to pass bylaws to set standards appropriate for their communities.
14.	Only if the Government of Alberta will not support recommendation 13, require municipalities with populations greater than 25,000 to pass bylaws outlining financial contribution and disclosure requirements.
15.	Only if the Government of Alberta will not support recommendation 13 or 14, submit the changes outlined in recommendation 16 through 38 inclusive.
16.	Require a signed Declaration of Intent to confirm that a candidate is running in a local election before he or she can accept/use financial contributions.
17.	Remove the cap on self-funded contributions and campaign expenditures.
18.	Remove the cap on third party contributions if there is no tax

	<p>credit/deduction</p> <p style="text-align: center;">Or</p> <p>Establish a \$5,000 cap per year on third party contributions if there is a tax credit/deduction.</p>
19.	Allow candidates to accept a contribution from an individual who lives outside the local authority or province and from an Alberta business (i.e., registered in Alberta or registered to carry on business in Alberta), a trade union, or employee organization.
20.	Require candidates to issue a receipt and disclose third party contributions of \$100 or more by reporting the name of the third party contributor and his/her municipality of residence or head office as well as the amount contributed.
21.	Require candidates to report expenditures by category.
22.	Allow anonymous contributions less than \$100 to be used for campaign purposes.
23.	Require financial contributions to be deposited into a separate account at a financial institution in candidate's name.
24.	Require contributions for a by-election to be reported separately from a general election.
25.	Provide clear and comprehensive definitions and timeframes for campaign contributions, allowable campaign expenditures, campaign period, campaign surplus and campaign deficit.
26.	Require candidates to pay all bills associated with their election campaign.
27.	Require surplus and deficit amounts to be reported, regardless of whether candidate is running in the next election.
28.	Allow surplus and deficit amounts to be carried over to the next election period.
29.	Require surplus amounts to be accounted for and retained by the candidate in a separate bank account.
30.	Allow candidates to access carryover surplus funds as soon as a

	Declaration of Intent is filed for the next election.
31.	Require candidates to give the surplus funds to his or her municipality if not running in the next election.
32.	Require candidates to acknowledge and clear their deficit if not running again.
33.	Require candidates, including those who are exclusively self-funded, to file a disclosure statement by a specified deadline with no grace period/exception.
34.	Where practical, establish disclosure provisions for third party lobby groups through the LAEA and/or through other legislation.
35.	Consolidate penalty provisions in Part 6 Offenses section of the Act.
36.	Ensure that the application and enforcement of penalties applies equally to candidates, regardless of whether they won the election or not.
37.	Clarify responsibility for enforcing reporting requirements.
38.	Require candidates to retain records of their campaign contributions and expenditures for two years after the reporting date.

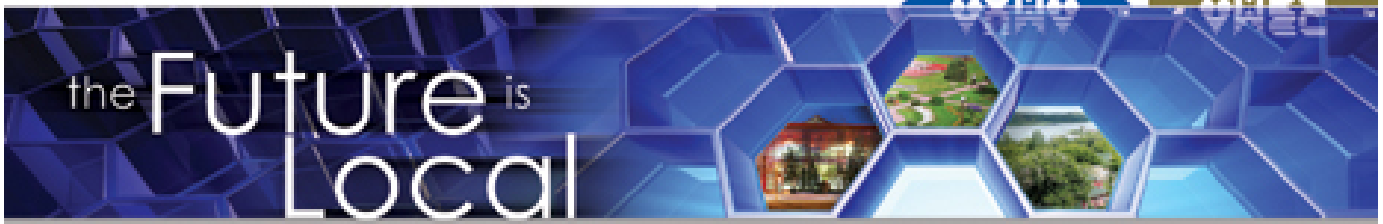
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## Resolutions



## **2011 Policy and Resolutions Book**

### **Category AUMA Strategic/Business Plan Priorities**

#### **AUMA Resolutions Policy:**

The **AUMA Strategic/Business Plan Priorities** category would address matters related to implementing the AUMA strategic and/or business plans.

0 resolution recommended under this Category.



## **2011 Policy and Resolutions Book Category Targeted Scope**

### **AUMA Resolutions Policy:**

The **Targeted Scope** category would have resolutions that address matters of significance to all or most municipalities located in one area of the Province or municipal members of a similar size.

0 resolutions recommended under this Category.



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## **2011 Policy and Resolutions Book Category Endorsement Requests**

### **AUMA Resolutions Policy:**

The **Endorsement Requests** category would address requests of regular Members to endorse positions they are taking without any advocacy action by AUMA.

0 resolutions recommended under this Category.



## **2011 Policy and Resolutions Handbook Category Provincial Scope**

### **AUMA Resolutions Policy:**

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

21 resolutions recommended under this Category.

# AUMA Resolution 2011.D.1

Strathcona County  
Alberta Land Trust Alliance

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**WHEREAS** Alberta's Land-use Framework provides a comprehensive approach for managing lands and natural resources to achieve Alberta's long-term economic, environmental and social goals; and

**WHEREAS** a key objective in the Land-use Framework is to develop a strategy for conservation and stewardship on private and public lands; and

**WHEREAS** the Government of Alberta initiated and funded the creation of the Alberta Land Trust Alliance with a mission to represent the land trust community and build capacity in land trusts to conserve diverse and ecologically important landscapes in Alberta; and

**WHEREAS** the Alberta Land-Trust Alliance and local land trusts can play a vital role in municipal efforts to conserve and steward land.

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association urge the Government of Alberta to provide ongoing operating funds to the Alberta Land Trust Alliance thereby ensuring its future vitality.

## **BACKGROUND:**

The Alberta Land Trust Alliance (ALTA) is a registered charity formed in 2006 with a mandate to help conserve and protect Alberta's environmental heritage and landscapes of natural and cultural significance. The organization aims to help maintain biodiversity and ecological integrity of those landscapes for public benefit.

### *Assistance to Municipalities*

- Increase awareness and education about conservation options including easements.
- Advise on where conservation easements currently exist within a municipality.
- Link municipalities with local land trusts to assist with acquiring and managing conserved lands, researching open space needs and priorities, and developing community open space plans.
- Provide resources including start up of a proposed new land trust where a local land trust may not currently exist.
- Provide resources and assistance to municipalities with regards to execution of policies related to land use and preservation.

### *Alberta Land Trust Alliance Priorities*

1. Increasing public awareness of the value of land conservation and land stewardship;
2. Advancing environmentally sound stewardship among landowners and increasing their understanding of environmental issues pertaining to specific areas of land in Alberta;
3. Educating potential stakeholders about the role that local land trusts can play in preserving land in perpetuity;
4. Fostering relationships and building linkages within the land trust community in order to advance the work of local land trusts;
5. Working with all levels of government to influence positive land conservation policies;
6. Increasing the number of acres of conserved lands in Alberta by building capacity in local land trusts;
7. Identifying where gaps may exist in specific areas of the province and assisting with the formation of new land trusts at the grassroots level; and
8. Speaking as a unified voice on behalf of our member organizations.

# AUMA Resolution 2011.D.2

**WHEREAS** the population of Alberta seniors represents the fastest growing demographic in the province; and

**WHEREAS** seniors with poor health and disability status are the largest group of seniors to state difficulty with current access to existing mobility and transportation options; and

**WHEREAS** seniors request specialized transportation out of necessity; and

**WHEREAS** municipalities are already heavily subsidizing the specialized transportation needs of seniors, but with an increasing number of seniors with specialized transportation needs, municipalities will be unable to keep up with the costs of these demands; and

**WHEREAS** Alberta villages, towns and cities collaborate with other orders of government and stakeholders to ensure appropriate supports for seniors to remain as independent as much as possible; and

**WHEREAS** as per the Provincial Government's Aging Population Policy Framework (November 2010), the Province states that one of its eight outcomes is that "Albertans have access to safe, affordable, appropriate and accessible transportation options during their senior years;" and

**WHEREAS** part of the strategy in Alberta's Continuing Care Strategy – Aging in the Right Place (December 2008) document is to "Invest in Community Supports."

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association urge the Province of Alberta to provide financial support to municipalities so that they can continue to provide specialized transportation for the increasing number of seniors who require this service.

## **BACKGROUND:**

### *Alberta Seniors Specialized Transportation - Background*

- In Alberta seniors represent 10% of the population currently and this number is projected to be 17.9% by the year 2016. (Statistics Canada, 2007)
- Demand for specialized door-to-door transit service has increased dramatically; the number of registered customers has increased 47% since 2007. Ridership, or overall usage, has increased by 39% and most of the gain has been managed through automated scheduling efficiency. Elderly customers' form 29% of the total registered customer base; 11 of 733 elderly customers are transported for dialysis purposes. From April 1, 2010 to March 31, 2011, 35% of all passenger trips were taken by elderly passengers. Forty three (43) % of elderly passenger trips were for medical purposes. We are now at capacity without additional resources. From 2007 to 2010 demand for dialysis trips has increased 59%. The system currently refuses over 500 trips per month and this has increased by 95% since 2009.
- As per the Provincial Government's Aging Population Policy Framework (November 2010), the Province states that one of its eight outcomes is that "Albertans have access to safe, affordable, appropriate and accessible transportation options during their senior years" (p. 9). Indeed, part of the first strategy in Alberta's Continuing Care Strategy – Aging in the Right Place (December 2008) document is to "Invest in Community Supports" (p.5). Transportation is an absolute need of seniors, which will assist with them aging in their home communities.

The positive social and economic impacts of an appropriately funded specialized senior transportation services in Alberta will reflect equally on both large and small municipalities.

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# AUMA Resolution 2011.D.3

## Village of Carbon, Village of Acme Alberta TrailNet Relations with Municipalities

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**WHEREAS** the Government of Alberta provides funding and direction to the Alberta TrailNet Society; and

**WHEREAS** the Alberta TrailNet's mandate includes to support local groups in their trail building activities by providing a provincial plan, facilitating liability insurance and providing practical information on trail planning, construction and operation; and

**WHEREAS** the Alberta TrailNet Society is to identify what is needed for the trail and trailhead, and then recommend selling unused portions of the lands to the Trans Canada Trail Foundation; and

**WHEREAS** many municipalities have large areas of railway beds, elevator/station areas and roadways that could now be used for other purposes along with the trail system.

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association urge the Government of Alberta to provide direction to the Alberta TrailNet to work with municipalities in developing community plans for the railway areas that will complement the municipalities' plans, as well as the trail systems.

### **BACKGROUND:**

- Municipalities are solid and sustainable, unlike a local group, thus agreements other than leases should be considered, including the possible sale of excess lands.
- Many municipalities have large areas that are now abandoned in their villages and towns that sit empty.
- This change would encourage sustainability in these small communities that have been greatly impacted by the removal of the railway industry.

# AUMA Resolution 2011.D.4

City of Airdrie/Town of Okotoks/City of Red Deer  
Off-site Levies

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**WHEREAS** the Province of Alberta continues to enjoy growth and development rates exceeding the Canadian average; and

**WHEREAS** all jurisdictions are placing a greater emphasis on sustainable development; and

**WHEREAS** new growth and development creates the need for additional capital expenditures to expand the provision of essential services such as recreational facilities, fire halls and libraries; and

**WHEREAS** Section 648 of the *Municipal Government Act* allows municipalities to collect off-site levies for water systems, sanitary sewer systems, storm sewer systems and roads only, without the necessary ability to collect off-site levies for provisions of essential services such as recreational facilities, fire halls and libraries; and

**WHEREAS** local jurisdictions have a limited scope of revenues and continue to fund the provision of essential services largely through their tax base unless they have a private agreement with a local branch of the Urban Development Institute and/or individual developers; and

**WHEREAS** the Government of Alberta and local municipalities both benefit from orderly and well planned growth coordinated with capital costs of public services resourced through a fair and equitable funding program mechanism that assigns a defined portion of these costs to the development industry; and

**WHEREAS** both the Alberta Association of Municipal Districts and Counties and the Alberta Urban Municipalities Association have previously passed resolutions calling upon the provincial government to amend Section 648 of the *Municipal Government Act* beyond the current provisions for assessment and payment of levies for supplying water, sanitary sewage, storm sewage, and roads (i.e. Resolution 7-07F, and 2008.C.ii.3, respectively).

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association renew the request that the Government of Alberta amend Section 648(2) of the *Municipal Government Act* addressing off-site levies to add new or expanded facilities for fire rescue service, police service, transit service, recreation and library service to the list of capital costs, thereby granting authority to municipalities to impose an essential services off-site levy to fully serve and complete new communities; and

**FURTHER BE IT RESOLVED THAT** the Alberta Urban Municipalities Association request that the Government of Alberta amend section 648 of the *Municipal Government Act* so as to allow the collection of additional off-site levies following annexation.

## **BACKGROUND:**

**City of Airdrie:** In the last few years, like many municipalities in Alberta, the City of Airdrie has undergone significant growth. As a result, since 2009 the City has had to fund a number of capital projects in order to meet the increased demands on essential services. These projects include \$7.3 million for 2 new fire halls, \$24 million for new and expanded recreational facilities, \$1.5 million to expand arts & culture facilities, \$1.2 million for expanded transit service and \$5.9 million for a new RCMP building. These types of services and facilities significantly increase the costs of running a city, and are triggered by subdivision and development. The ability to use off-site levies to pay for these types of capital and infrastructure expenditures would help reduce the costs of borrowing and the time and effort needed to find alternative sources of funding.

The City of Airdrie asks that the AUMA request that the Government of Alberta amend section 648(2) of the *Municipal Government Act* to give authority to municipalities to impose a community infrastructure off-site levy to fully serve and complete new communities.

**Town of Okotoks:** Essential public services and facilities such as fire rescue, police service, transit service, recreation and library are needed for complete community building when new communities are constructed. Relying on accumulation of tax base from the development to finance essential public services and facilities can result in significant delays to realizing complete community construction. Completion of the required essential public services and facilities prior to accumulation of tax base from the new community most often results in significant financial debt for the municipality.

The AUMA has raised this issue with the Government of Alberta in the past through Resolution 2008.C.ii.3, submitted by the City of Edmonton. In July 2009 the response from the Government of Alberta was that this issue was raised by the Minister's Council on Municipal Sustainability and was not under consideration at that time.

As Resolution 2008.C.ii.3 is set to expire, it is appropriate to renew our request that Section 648(2) of the Municipal Government Act be amended to address off-site levies to add new or expanded essential public services and facilities.

This issue has also been raised by the AAMD&C to the Government of Alberta with Resolution 6-07F and a renewed resolution is pending decision at this time. Continued persistence by both the AAMD&C and the AUMA sends a strong, unified message to the Government of Alberta in this regard.

#### **City of Red Deer:**

- Alberta is experiencing significant growth with a high focus in urban centers. Growth has resulted in the expansion of urban municipal boundaries. Through annexation, urban municipalities are expanding.
- The provision of municipal utility service (treated water, sanitary sewage, and storm sewer drainage) and expansion of road system are required to support urban development in annexed lands. An offsite levy is imposed to pay for all or part of the capital cost of municipal services.
- Existing rural developments often desire municipal utility service, specifically treated water and sanitary sewage. It is desirable for a municipality to provide those services when available. An offsite levy may be imposed to pay for all or part of the capital cost of municipal services.
- There are occurrences when an offsite levy has been imposed to those existing rural developments by the municipal authority previous to annexation. Often the levies imposed are for a lower rate and a lower standard of municipal service, e.g. gravel road system but not an urban road standards, treated water, sanitary sewage or storm sewer drainage. The MGA restricts the imposition of an offsite levy rate to only once.

Off site levies are generally seen as a reasonable methodology to define existing and future infrastructure requirements due to the impacts of expanding municipal services. Off sites allow for the participation in the cost of providing and installing infrastructure in the municipality on an equitable basis related to the degree of benefit. Changes to the MGA that allow the imposition of another off site levy after annexation due to the provision of a higher level of municipal service to developments will ensure financial sustainability to municipalities.

# AUMA Resolution 2011.D.5

**WHEREAS** it is the role of Municipal Government to provide for the safety and wellbeing of their residents; and

**WHEREAS** the Provincial Government has in recent past requested and implemented systems to focus on a high level of expectation by Municipalities to ensure there is a high level of Professionalism maintained within the Levels of Community Peace Officers; and

**WHEREAS** the Province desires to provide an ongoing safe working environment for all Peace Officers throughout the Province; and

**WHEREAS** the Canadian Police Information Centre (CPIC) was designed for the information and safety of Peace Officers.

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association encourage the Province to find a solution to allow Community Peace Officers the ability to use the Canadian Police Information Centre (CPIC) for the purpose of obtaining information on respective vehicles/personnel ensuring their safety prior to approaching a complete unknown situation; and

**FURTHER BE IT RESOLVED THAT** if the Provincial RCMP find this task too onerous that this service be reviewed for possible alternatives that will best assist our law enforcement agencies.

## **BACKGROUND:**

The Canadian Police Information Centre (CPIC) was created in 1966 to provide tools to assist the police community in combating crime. It was approved by Treasury Board in 1967 as a computerized information system to provide all **Canadian law enforcement agencies** with information on crimes and criminals. CPIC is operated by the RCMP under the stewardship of National Police Services, on behalf of the Canadian law enforcement community.

## **Community Peace Officers Comments:**

Canadian Police Information Centre (CPIC) was built so that law enforcement officers would have an up to date database of information so that they may query individuals that have:

- recorded interactions with law enforcement
- charges pending before the courts (Canada wide)
- criminal convictions (Criminal Records)
- warrants for their apprehension (Canada wide)
- documentation of violence towards others
- documentation of violence towards law enforcement (police haters)
- known gang interaction or affiliation
- suicidal tendencies
- individuals currently under criminal investigation

CPIC as well as listing the above, also gives law enforcement officers on the street (mostly working alone) a heads up of any recorded documentation of criminal behaviour or tendencies that may place the officer "at risk". As for traffic stops, which are one of the common duties a Community Peace Officer (CPO) does, vehicle queries (stolen licence plates, stolen vehicles or wanted in connection to a crime) is a huge benefit to assisting them in safety.

As CPIC is "the" national database for all criminal activity, it is imperative that all law enforcement officers with

powers of arrest have unrestricted access to this system. There appears to be an argument that this is a FOIP issue. The individuals using the system are doing so as law enforcement officers in the lawful execution of their duties.

CPIC ensures integrity of our justice system by ensuring individuals that are "wanted" are detected by law enforcement officers, and processed according to the law. Often, many individuals that are wanted would never be detected or held accountable for outstanding charges if the officer they were being investigated by did not have CPIC access.

CPIC for CPOs is essential since CPOs often "work alone," unarmed, and since they are subject to interact with the same individuals as regular police officers. Until a CPO is able to query an individual on CPIC, he or she has no idea if the person they are dealing with is wanted for murder, convicted of a serious violent criminal act, or just "Joe Public." Without CPIC, the CPO is at serious risk.

The RCMP needs to embrace the need of working together in sharing of information. Without CPIC, many law enforcement agencies are at great risk.

# AUMA Resolution 2011.D.6

**WHEREAS** Alberta's Climate Change Strategy sets out goals, principles, and actions to address the challenge of climate change; and

**WHEREAS** many Alberta Municipalities wish to take steps to increase energy efficiency and sustainability standards in keeping with principles of Alberta's Climate Change Strategy.

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association requests the Government of Alberta to:

1. Proceed with the implementation of new energy efficiency requirements for homes and other buildings in Alberta; and
2. Provide municipalities with the authority or the opportunity to receive delegation from the province to establish energy efficiency and sustainable development standards and bylaws for enhanced energy efficiency requirements.

## **BACKGROUND:**

In January 2008, the Alberta government released Alberta's Climate Change Strategy. The climate change action plan provided the next steps to address this global environmental issue. The strategy includes a goal to reduce greenhouse gas emissions by transforming how we use energy, applying energy efficient solutions, and conserving energy.

The Safety Codes Act, Revised Statutes of Alberta 2000, Chapter S-1, Section 66 invalidates a bylaw enacted by a municipality that regulates a matter that is regulated by the Safety Codes Act such as the Alberta Building Code. As a result, the current legislation prohibits a municipality from establishing enhanced energy efficiency and sustainability standards in new building construction. This is a barrier to municipal implementation of sustainability initiatives, and limits municipalities from contributing at the municipal level to Alberta's Climate Change Strategy, particularly with respect to the goal of conserving and using energy efficiently.

# AUMA Resolution 2011.D.7

## Town of Barrhead Fire Services as a First Responders to Emergency Calls

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**WHEREAS** Alberta Health Services dispatch has an established protocol that mobilizes the nearest responder to emergency calls (typically this responder is typically the Fire Services); and

**WHEREAS** Fire service providers are not currently compensated for the services provided at emergency call outs requested by Alberta Health Services dispatch; and

**WHEREAS** the ability to be compensated for an emergency call out requested by Alberta Health Services will provide funding towards the recruitment, retention and training programs for the fire services.

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association urge the Government of Alberta to consider compensation for fire service providers as first responders to emergency call outs requested by Alberta Health Services.

### **BACKGROUND:**

Typically within any given municipality that provides both fire and ambulance service, it has been established that the fire department provides call out services to the Emergency Medical Services during an emergency. Previously when municipalities dispatched ambulances and a second unit was requested for backup, another ambulance would have been called out. Alberta Health Services now provides dispatch services and the established protocol is to call out the fire services as a backup or first responder, however, the cost of man power and equipment to provide this service is not compensated for. Many fire departments are manned by volunteers, who also have full time jobs. To be called out to an emergency during normal working hours can have a negative impact on the recruitment and retention of fire fighters within these volunteer departments. Many areas have seen the average career of a volunteer fire fighter drop to as little as two years. With the average time to train a volunteer fire fighter at two years, this is a significant investment for municipalities with a very time limited return.

Municipalities do support the cooperative efforts between fire department and ambulance services, as first responders can intervene with immediate care in critical situations where ambulance providers may be delayed due to call volume or transfers. This intervention can include defibrillation, bariatric patient assist, CPR, and treatment of traumatic injuries; however, it has become increasing necessary for these types of services and programs to be developed for fire service providers with cost being incurred by municipalities.

# AUMA Resolution 2011.D.8

## City of Lethbridge Fluoride in Public Water Supplies

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**WHEREAS** each municipality in Alberta is left to self-determine the appropriateness of adding hydrofluorosilicic acid (fluoride) to its respective water supply; and

**WHEREAS** contradictory literature and evidence exists on the pros and cons of adding fluoride to a public water supply; and

**WHEREAS** there exists little research into the environmental effects of discharging fluoridated water into a water source or water table; and

**WHEREAS** several state or national jurisdictions have established a state/nation-wide policy on the practice of adding fluoride to a public water source; and

**WHEREAS** public health does not fall under the jurisdiction of Alberta municipalities; and

**WHEREAS** Alberta Environment has the ultimate legislative authority to permit or prevent the addition of fluoride in a municipality.

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association petition the Government of Alberta to develop and implement Province-wide Legislation regarding the addition or removal of fluoride in public water supplies.

# AUMA Resolution 2011.D.9

City of Red Deer  
High Speed Rail Corridor

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**WHEREAS** there is increasing use and safety pressures on our highways and an increasing public desire for an alternative transportation system that is efficient and cost-effective; and

**WHEREAS** High Speed Rail as discussed in the 2009 FCM Report, Sustainable Community Planning in Canada: Status & Best Practices has been identified as a feature of Sustainable Community Planning; and

**WHEREAS** there have now been plans and proposals put forward with respect to high speed linkages between:

- Vancouver – Seattle
- Edmonton – Red Deer – Calgary
- Windsor to Quebec via London, Toronto, Ottawa and Montreal; and

**WHEREAS** the province and private industry have conducted multiple studies that indicate high speed rail is economically viable; and

**WHEREAS** High Speed Rail is an alternative transportation method that is sustainable and supports environmental stewardship; and

**WHEREAS** High Speed Rail has been shown to provide a source of economic development and diversity; and

**WHEREAS** municipalities in Alberta are increasingly caught in a financial vice as other orders of government are transferring greater responsibilities in areas such as regional transportation systems without accompanying financial transfers; and

**WHEREAS** provincial government holds back funding for municipal transportation while actively funding highway expansion that is not supporting municipalities' planning goals.

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association urge the Provincial Government to take the lead in developing integrated strategies, policies and funding frameworks to support the development of a high-speed rail link.

# AUMA Resolution 2011.D.10

## City of Grande Prairie Increase Traffic Speed Violation Fees

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**WHEREAS** the traffic rules in Alberta are set by the Traffic Safety Act and regulations.

**WHEREAS** fines for all provincial legislation are set according to the Provincial Offences Procedures Act and regulations, which clearly set out the specified penalty fines for traffic offences.

**WHEREAS** the Province has changed the regulations to increase speed fines (double) for motorist speeding past construction zones and stopped emergency vehicles.

**WHEREAS** school zones and playground areas represent a high hazard environment for young pedestrians.

**WHEREAS** speed fines established by bylaw would not have demerit points associated nor appear on a driver's abstract, thus reducing their effectiveness as a deterrent to speeding motorist.

**NOW THEREFORE BE IT RESOLVED** that Alberta Urban Municipalities Association urge the Government of Alberta to increase speeding violation fines within school zones and playground areas in Alberta.

### **BACKGROUND:**

The City of Grande Prairie takes the safety of its children very seriously. We have taken several initiatives to help ensure the safety of our young residents including extending the daily duration of school zones (7:30 – 4:30). We feel we are not alone in this and the safety of our children is a primary concern for all Alberta municipalities.

School zone and playground area speed enforcement does have a significant amount of public support in the community. These areas represent high risk locations for young pedestrians. Collision statistics since 2001 suggest that speed is one of the significant contributing factors into injury and fatality collisions in the City of Grande Prairie. Any means to reduce speed should, overtime, help reduce the number of injury and fatality collisions.

The Municipal Government Act does have general provision that allow municipalities to pass bylaws for the safety and protection of people and property. However, the fines established under such a bylaw are equal to or less than those established by the Province. In addition, where peace officers lay charges under the bylaw, the driver is not subject to demerit points or have the offence appear on the driver's abstract, as they would if charged under the Traffic Safety Act. As a result, this method will prove to be much less effective as a deterrent to speeding motorist within the above noted zones.

# AUMA Resolution 2011.D.11

**WHEREAS** the Government of Alberta has established an important process to develop high level planning principles and policy for regions through the use of the Land Use Frameworks; and

**WHEREAS** the study areas are split into areas defined as Land Use Planning Areas, and the studies will make planning policy related to each area including policy on or that will impact water use and allocation; and

**WHEREAS** the Province has chosen to proceed with development of Land Use Planning Areas in some regions ahead of others; and

**WHEREAS** the Land Use Planning Areas may cross watersheds from other Land Use Planning Areas; and

**WHEREAS** the decisions of one land use planning area can impact other land use planning areas especially in the instance of water use and allocation;

**NOW THEREFORE BE IT RESOLVED THAT** the AUMA work with the Province of Alberta to ensure that consultation between land use planning areas must be completed prior to any formal plan being approved; and

**FURTHER BE IT RESOLVED THAT** in the absence of the land use planning areas being established that consultation occur with the impacted municipalities.

# AUMA Resolution 2011.D.12

**WHEREAS** the *Municipal Government Act* Subdivision & Development Regulations states that a subdivision authority shall not approve an application for subdivision for school, hospital, food establishment or residential use if the application would result in the creation of a building site for any of those uses:

- (a) within 450 metres of the working area of an operating landfill, or
- (b) within 300 metres of the disposal area of an operating or non-operating landfill; and

**WHEREAS** up until the past decade, setbacks from non-operating landfills were set at 30 metres and were changed to 300 metres; and

**WHEREAS** requirements for setbacks may only be varied with the written consent of the Deputy Minister of Environment; and

**WHEREAS** the setback distances have varied from time to time and are currently not justified from a Health or Safety perspective; and

**WHEREAS** Alberta Environment does not approve setbacks to landfill sites and requires municipalities to issue stop orders which are then appealable to local Subdivision & Development Appeal Boards which are not bound by setbacks; and

**WHEREAS** this is a sub delegation of provincial responsibility to a local body;

**NOW THEREFORE BE IT RESOLVED THAT** the AUMA request the Government of Alberta to immediately review the provisions of the *Municipal Government Act* with respect to non-operating landfill setbacks.

## **BACKGROUND:**

- The Subdivision and Development Regulation<sup>1</sup> under the *Municipal Government Act* prevents a subdivision authority and a development authority from approving subdivision applications and development permit applications, respectively, if it would result in a school, hospital, food establishment or residence being located within:
  - a. 450 metres of the working area of an operating landfill, or
  - b. 300 metres of the disposal area of a operating or non-operating landfill
- The Subdivision and Development Regulation provides subdivision authorities and development authorities the ability to request the above restrictions be waived or varied, if the Deputy Minister of the Environment provides written consent.<sup>1</sup>

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<sup>1</sup> Province of Alberta, *Municipal Government Act*, Subdivision and Development Regulation (AR 43/2002)

- This restriction makes it very difficult for a home owner whose home is located within this setback area to apply for a permit to add on to their home or to redevelop (infill). The application of a development permit triggers the Owner/City of Red Deer to seek a waiver from Alberta Environment.
- Requests for waivers submitted to Alberta Environment must include detailed information regarding the landfill; the proposed development; regional and site specific geology and hydrogeology; groundwater and landfill gas monitoring results and interpretation; and documentation that the Health Authority has no concerns with the development, among other requirements.<sup>2</sup>
- As waste in closed landfills decomposes it produces Landfill Gas and Leachate. Landfill Gas is composed of both methane and carbon dioxide and has the potential to migrate through the soil surrounding the landfill and can cause explosive conditions if able to accumulate in a confined area. Leachate is contaminated liquid that has the potential to impact groundwater around landfills that were constructed prior to Leachate collection systems becoming a design requirement. Both Landfill Gas and Leachate can pose risks to developments near closed landfills, and the level of risk is dependent on the amount, type and age of waste in the landfill, the landfill's design and the soil and groundwater conditions surrounding the site.<sup>3</sup>
- Many landfills have been in existence for a limited period of time and are scattered throughout municipalities causing ongoing problems for development and subdivision.
- Alberta Environment has a practice where each development requires independent analysis, notwithstanding the results of earlier studies which do not indicate any problems from small, older landfills.
- Each landfill is unique and the technical specifications for landfill setbacks should be provided in the Regulations, rather than a standard 300 metre or 450 metre setback.

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<sup>2</sup> Alberta Environment, Landfill Setback Variation Requests AENV Required Information, Documentation received during a meeting with AENV March 6, 2007.

<sup>3</sup> Parkland Geotechnical Consulting Ltd., Proposed Decision Matrix for Development around Landfill Sites, November 2007, prepared for The City of Red Deer.

# AUMA Resolution 2011.D.13

**WHEREAS** Service Alberta informed municipalities on March 11, 2011, without prior notice or consultation, that effective April 1, 2011 municipalities would be charged \$15.00 for information provided for each electronic search request made pursuant to Operator Licensing and Vehicle Control Regulation (OLVCR), AR 320/2002; and

**WHEREAS** municipalities have no legislative authority to collect the \$15.00 charge for electronic searches through fines collected through the Traffic Safety Act, RSA 2000 cT-6; and

**WHEREAS** those municipalities that continue to provide photo enforcement programs will be required to pass the Service Alberta fees for electronic search requests onto municipal taxpayers.

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association requests the Government of Alberta to:

1. Increase the fines under the Procedures Regulation AR233/89, in respect of speeding contraventions under the Traffic Safety Act, to cover the new service fees that are being charged to municipalities for motor vehicle data searches; and
2. Commit to a process of collaboration with the intent to avoid decision-making that results in adverse financial impacts on municipalities.

## **BACKGROUND:**

On March 11, 2011 Service Alberta issued a letter to all municipalities stating that although the Alberta Government has never charged for the release of motor vehicle information required for enforcement programs such as photo radar, red light infractions or parking violations, with the increased demand and cost of providing the release of information, the Alberta Government is no longer able to absorb the cost associated with this service.

Effective April 1, 2011, municipalities will be charged \$15 for information provided for each electronic search request. Motor vehicle fees in the Operator Licensing and Vehicle Control Regulation (OLVCR) Section 123, has been amended to facilitate the increases effective April 1, 2011. Alberta municipalities conducting photo enforcement programs have no avenue to pass the costs of provincial searches to persons issued fines under the Traffic Safety Act. Accordingly, municipalities are required to pass the additional costs charged by Service Alberta on to municipal taxpayers.

# AUMA Resolution 2011.D.14

## City of Red Deer Regional Trail Linkages Outside of Trans Canada Trail Network

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**WHEREAS** there are opportunities for regional trail development which fall outside trail routes designated as Trans Canada Trail; and

**WHEREAS** Trans Canada Trail funding is only available for sections of trails designated as Trans Canada Trail; and

**WHEREAS** waterways and abandoned railways connect many of our communities and hold historical significance and heritage and environmental value; and

**WHEREAS** regional trail development along waterways and abandoned railways resolve safety issues regarding trail development along highway right of ways and provides for a more enjoyable trail connection;

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities request funding from the province for regional trail development along waterways and abandoned rail right of ways.

### **BACKGROUND:**

- The highest household participation rate of outdoor recreation activities in the Province of Alberta is walking (93%) (CORD, 2010). In the city of Red Deer walking on trails and pathways is also the most participated in outdoor recreational activity with 66.6% of the municipal populations' participation. Moreover, bicycling on trails and pathways both in the city of Red Deer and the Province is one of the more popular outdoor recreation activities.
- Funding for the Trans Canada Trail system cannot be used for provincial or regional trail development and must be allocated to the construction and rehabilitation of trail segments designated as Trans Canada Trail (Trans Canada Trail, 2010).
- Currently less than one third of Albertans are physically active which has resulted in "...68.8% of Alberta adults and 22% of children overweight or obese and at increased risk of preventable chronic diseases..." (ARPA, 2005, pp.3). Trail use promotes personal health and is capable of reducing the burden of physical inactivity on the healthcare system; "Recent estimates place the national economic burden of physical inactivity at \$5.3 billion", of which \$4.3 billion is due to obesity (ARPA, 2005, pp.3). Trails as a means to physical activity are accessible to all Albertans, regardless of socio-economical barriers; their use is free, they do not require costly sports equipment, and individuals can participate as their schedules allow. Regional trails provide significant benefits to the province of Alberta in reducing healthcare costs and to the municipalities they intersect by increasing residents' quality of life.
- The *Red Deer Trails Master Plan* (2005) states the City of Red Deer's commitment to "Partner with other local government and community groups to develop a regional trail network," (pp.53). This network has the potential to better connect people across Alberta. Furthermore, regional trail development is encouraged along waterways and abandoned railways; "Support and promote the concept of regional recreational trails between Red Deer and Sylvan Lake along the abandon railway right-of-way, including a trail to Fort Normandeau along the river from Heritage Ranch" (as cited in CORD, 2005, pp. 53).

- Regional and provincial trail development along waterways and abandoned railways facilitates the preservation of historical and natural heritage. *The River Valley & Tributaries Parks Concept Plan (2010)* identifies the importance of natural resources, primarily lands adjacent to waterways. The plan identifies lands best suited for trails within the City of Red Deer growth area and regional connections along identified waterways; “opportunities to link The City of Red Deer’s parks and trail network with Red Deer County’s future ... trails” (pp. 5).
- The *Red Deer County and City of Red Deer Intermunicipal Development Plan (2007)* encourages both parties to explore partnerships and joint development projects and to establish, where possible, a linear park system focused on the Red Deer River, Blindman River, Piper Creek and Waskasoo Creek. Linear parks are centered on the provision of trails and due to the inherent cross-boundary nature of waterways, linear parks promote the development of regional trail systems. A safer more enjoyable alternative to highway trails.

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# AUMA Resolution 2011.D.15

City of Red Deer  
Regulated Recyclables

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**WHEREAS** ensuring the sustainability of resources is the concern of all Albertans; and

**WHEREAS** the Province of Alberta has taken a leadership role in the creation of provincial wide recycling programs including electronics, tires and beverage containers; and

**WHEREAS** the Province's leadership has enabled a greener environment and secured recycling facilities for the betterment of all Albertans and the Province as a whole; and

**WHEREAS** Alberta villages, towns and cities collaborate with other orders of government and stakeholders to ensure the sustainability of future resources; and

**WHEREAS** many commodities are not recycled or are recycled at significant costs to municipalities due to the commodity market volatility; and

**WHEREAS** it is in everyone's interest that the maximum amount of recycled materials are recycled;

**NOW THEREFORE BE IT RESOLVED HTAT** the Alberta Urban Municipalities Association urge the Province of Alberta to create means to stabilize and develop predictable markets for additional recycled material including paper, cardboard, plastics, steel, drywall, glass and other materials.

## **BACKGROUND:**

- The Province of Alberta has shown leadership over the past 30 years implementing a number of successful province wide waste management and recycling programs including; the beverage container collection program (1972), the pesticide container collection program (1980), hazardous waste legislation (1985), the tire recycling program (1994), the used oil materials recycling program (1997), an electronics recycling program (2004).
- Alberta currently has the highest per capita waste disposal rate of any province in Canada. The Province had set a goal to reduce the provincial per capita waste disposal rate to 500 kg per person per year by 2010. This goal has not been achieved, and in actual fact the per capita disposal rate was 1,122 kg per person in 2008.
- Increased stability in recycling markets would greatly assist municipalities in diverting waste from landfills and funding their recycling programs. For example, in late 2008 and early 2009 the industry experienced a crash in recycling commodity markets. Municipalities saw greatly reduced revenue for certain recycling commodities (e.g. cardboard), were forced to pay recyclers to accept certain commodities (e.g. mixed paper and plastics) or send some commodities to landfill where no market could be found. The revenue The City of Red Deer received from residential recyclables dropped by 27% in the last quarter of 2008, and by 45% in 2009, when compared to revenues in 2007.
- Expansion of the existing provincial recycling programs would also assist with waste diversion. For example, The City currently recycles, at its own cost, additional electronic items (e.g. stereo systems, DVD players and microwaves) that are not part of the provincial electronic waste recycling program. Since 2005 the City has collected and recycled 275 tonnes of this material.

- Ensuring access to existing provincial recycling programs is also crucial for meeting diversion goals. For example, the Alberta Used Oil Management Association not only diverts used oil to be recycled but also diverts oil filters, oil pails and oil jugs to be recycled. Currently, the city of Lacombe has more drop-off locations for used oil than the city of Red Deer.
- The impact the crash of international recycling markets had on local municipalities is a good example how relying on one major recycling market (i.e. China) does not create robust recycling programs. More recycling markets and markets that are located closer to the source of the recyclables would strengthen Alberta's recycling programs. Additionally, reducing the distance that recyclables must be transported prior to being recycled would increase the sustainability of recycling programs and reduce the emissions related to transportation.

### **References:**

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# AUMA Resolution 2011.D.16

City of Lethbridge  
Removal of Educational Tax Requirement

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**WHEREAS** education funding is the responsibility of the Provincial Government; and

**WHEREAS** the Provincial Government collects funding for education from each taxpayer in the Province; and

**WHEREAS** in the past there was no education tax collected from each taxpayer; and

**WHEREAS** the responsibility to collect this education tax has become the duty of each municipality in the Province through their own tax system; and

**WHEREAS** this extra education tax portion creates a burden for many in the Province, especially seniors; and

**WHEREAS** a goal of the Ministry of Housing and Urban Affairs is to create an environment where senior citizens can remain in their homes as long as possible;

**NOW THEREFORE BE IT RESOLVED THAT** Alberta Urban Municipalities Association petition the Government of Alberta to review the practice of collecting the education tax from all residents.

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

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

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

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

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

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

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

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

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association encourage the Government of Alberta to develop creative programs and solutions that will offer family and extended family members the option to provide care for aging parents in a fashion similar to that offered through the “Kinship” Child Care Program.

## **BACKGROUND:**

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

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

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

# AUMA Resolution 2011.D.18

## Town of Penhold Shared Facilities Funding

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**WHEREAS** it is the role of Municipal Government to provide good, responsible and fair government to their respective communities; and

**WHEREAS** the Minister of Municipal Affairs desires to promote open communication creating good planning and development of shared facilities throughout the Province; and

**WHEREAS** the Minister of Municipal Affairs further brought forward Municipal Sustainability Initiative (MSI) Program for the purpose of communities working cooperatively; and

**WHEREAS** AUMA and AAMD&C have co-operatively worked on the development and promotion of a Cost-Sharing Toolkit entitled “Cost-sharing for Success” for municipalities; and

**WHEREAS** this toolkit was intended for use within a co-operative spirit in finding solutions to issues regarding equitable negotiation of cost-sharing arrangements in circumstances of inter-municipal use of facilities; and

**WHEREAS** circumstances persist where municipalities bearing the cost for facilities used by surrounding municipalities have no firm recourse when those surrounding municipalities resist making fair contribution.

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association work with and encourage the Minister of Municipal Affairs and the Government of Alberta to assist municipalities that are seeking equitable solutions in their quest for fair, sustainable cost-sharing agreements for regional facilities when an equitable solution cannot be reached.

# AUMA Resolution 2011.D.19

## Town of Okotoks Venting of Solid Fuel (Pellet) Burning Appliances

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**WHEREAS** Alberta Municipal Affairs is responsible for the development of the Alberta Building Code, as established by the Safety Codes Council and published by the National Research Council of Canada; and

**WHEREAS** Alberta Municipal Affairs and local municipalities are responsible for the proper administration of the Alberta Building Code; and

**WHEREAS** residential solid fuel burning appliances are regulated under the Alberta Building Code which in turn references CA/CSA B365, the “installation code for solid-fuel-burning appliances and equipment”; and

**WHEREAS** Section 5.6.1 of CA/CSA B365 provides that the termination of a sidewall vent serving a pellet-burning appliance shall be located to avoid interference with or damage to adjacent (residential) properties; and

**WHEREAS** a reasonable interpretation of Section 5.6.1 of CA/CSA B365 would require that “interference with an adjoining property” be determined by reference to both (a) horizontal distance of the flue pipe from an adjoining residence and (b) height of the exhaust flue pipe (by way of example, 2.1 m above grade); and

**WHEREAS** pursuant to the provisions of Section 7 of the Municipal Government Act, Statutes of Alberta, RSA 2000 and amendments thereto, municipalities may pass a bylaw for municipal purpose respecting the safety, health and welfare of people and the protection of people and property; and

**WHEREAS** though accepted as complying with Provincial code requirements, Town of Okotoks municipal building permitting procedures were interpreted by Council for the Town of Okotoks to inadequately ensure that solid fuel (pellet) burning appliances were exhausted sufficiently above grade; and

**WHEREAS** Council for the Town of Okotoks passed a municipal bylaw in 2009, prospectively governing the venting of solid fuel (pellet) burning appliances within municipal boundaries, to assure the safe exhaust of carcinogenic volatilized products associated with the combustion of solid fuels, specifically by reference to a mandated minimum height of the exhaust flue pipe; and

**WHEREAS** His Worship, the Mayor and Councillors for the Town of Okotoks remain concerned for the health of local residents to whom the 2009 bylaw cannot be retroactively extended and more importantly, for the health of Albertans generally.

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association request that the Government of Alberta, in collaboration with the Safety Codes Council, develop and administer the necessary amending regulations assuring all Albertans that the exhaust venting from solid fuel (pellet) burning appliances will satisfy minimum requirements by reference to both (a) horizontal distance of the flue pipe from an adjoining residence and (b) above-grade height of the exhaust flue.

### **BACKGROUND:**

Section 3.2.1 of CA/CSA B365 requires that “certified appliances, accessories, components, and equipment shall be installed in accordance with the manufacturer’s instructions”. Research has shown a the installation manual of at least one major manufacturer to require “a minimum of 60 in (1,524 mm) vertical” with a caution that “above the eave is preferred”. The Mayor and Councillors for The Town of Okotoks are resolute in their

opinion that minimum venting requirements are more appropriately mandated within provisions of the Code itself.

- The correction of venting concerns for existing installations need not be expensive if established as a minimum of between 5 feet (1.52 m) and 7 feet (2.3 m) above grade. A key and important principle underlying this resolution is that protection be extended to every Albertan bearing in mind that, when and as necessary, relatively minor extensions to exhaust flues are not anticipated to exceed between \$100 and \$150 for material and labour (in current dollars).
- Clearly, a revised code must be by reference to urban density and where there is an adjoining residence.
- This resolution is intended to apply solely by reference to solid fuel burning appliance installations.

# AUMA Resolution 2011.D.20

**WHEREAS** there are many complaints with regard to noisy vehicles and/or vehicles with modified exhaust systems throughout the province; and

**WHEREAS** municipalities are considering adopting local bylaws to address noise complaints; and

**WHEREAS** the province is responsible for establishing guidelines for controlling operational noise levels of many consumer products, equipment and vehicles; and

**WHEREAS** in a report a CBC Marketplace titled "Noise Regulations in Canada" dated November 7, 2001 (as attached) indicates that in other municipalities and countries measures have been taken to try to establish acceptable community noise levels;

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association ask the Province of Alberta to establish provincial standards with respect to noise produced in connection with a vehicle, define what constitutes an objectionable noise, and establish a method of determining or measuring noise, and prohibiting the use or operation of a vehicle that emits noise above an established regulated level.

## **BACKGROUND:**

### **CBC MARKETPLACE: HOME » NOISE POLLUTION**

#### **Noise regulations in Canada**

Broadcast: November 7, 2001 | Producer: Carmel Smyth; Researcher: Colman Jones

#### **Canada**

In Canada, the federal, provincial and municipal levels of government have different roles and responsibilities with respect to noise-related issues:

**Federal Role:** The federal government is responsible for establishing and ensuring compliance with standards for noise emission labeling and maximum noise emission for consumer products, equipment, and vehicles. These regulations do not extend to "after sale" situations where products deteriorate and exceed sound levels required at the time of manufacture. The federal government also establishes guidelines for noise control over interprovincial transportation systems including aircraft, trains and navigable waterways. Health Canada is legally required to provide expert advice on the health effects of environmental noise to environmental assessments involving other federal departments.

**Provincial Role:** Provincial governments establish guidelines for noise control in land use planning. They authorize and assist municipalities in creating and implementing municipal plans and noise control by-laws to abate individual sources of noise. Provincial governments are also responsible through various statutes for controlling the operational noise levels of many consumer products, equipment and vehicles.

**Municipal Roles:** Most environmental noise control legislation has been enacted at the municipal level. Municipalities exercise environmental noise control through municipal noise control by-laws, municipal land use plans and zoning, traffic management and road noise barrier retrofit programs.

**Example:** Cape Breton Regional Municipality — where police say they have had more than 880 noise complaints since January of last year — has passed a new noise bylaw, which applies to about two dozen activities including loud engines, horns, power tools, stereos and singing. The bylaw also restricts the

operation of recreational vehicles, including ATVs, within 1,000 feet of a residence, with a potential \$5,000 fine. Snowplows, utility trucks and emergency vehicles are exempt.

"One of the big problems with noise by-laws", notes The Right to Quiet Society's Hans Schmidt, "is that they are municipal, and each municipality can implement whatever law it deems necessary, so they can vary quite considerably from one city to another."

Schmidt adds, "enforcement is more difficult than implementing a law, because when it comes to sound, you have to have somebody out there at the right moment, with the right equipment — and it has to be an official whose sound meter and reading is legally acceptable, because any one of us taking measurements is not legally acceptable if it comes to a court case."

## Europe

The toughest legislation on noise is to be found in Europe, especially Scandinavian countries and the Netherlands. Since 1970, 17 specific noise directives have been ratified by the European Union (EU), covering a huge range of topics, with more on the way. The European Union's Council Directive 86/594/EEC of 1 December 1986 on airborne noise emitted by household appliances can be found online ("household appliance" means "any machine, portion of a machine or installation manufactured principally for use in dwellings, including cellars, garages and other outbuildings, in particular household appliances for upkeep, cleaning purposes, preparation and storage of foodstuffs, production and distribution of heat and cold, air conditioning, and other appliances used for non-professional purposes").

Official publication of the European Noise Directive took place in July 2000. Under the European Union procedure for directives, members of the European Community must adopt and implement the regulations by January 2002. The Noise Directive is meant to "harmonize EC laws on outdoor equipment noise emissions, contribute to the smooth functioning of the EC markets, and protect human health and well-being."

Noise emission levels have been established for motor vehicles, motorcycles, aircraft, generators, agricultural and forestry tractors, earth-moving equipment, construction equipment, and domestic appliances, including lawn-mowers, food mixers and coffee grinders. Particular attention has been paid to road and air traffic, which poses a major noise nuisance. Manufacturers will be required to measure noise emissions of 57 categories of outdoor equipment, 22 of which must meet specified decibel limits. Labels will be required showing the guaranteed sound power level for all equipment covered by the directive. A brief summary of the Noise Directive may be found at the U.K. Department of Trade and Industry's Web site or [you can download the entire text in PDF format](#).

It is noteworthy that data provided by manufacturers of heavy equipment indicate that differences between standard and quiet models are as high as 20 decibels. For example, a major German manufacturer of chain saws, gasoline-powered trimmers and blowers, has developed quiet models for use in conditions where noise is particularly harmful, and expends considerable research effort on noise-related issues with respect to use of their products. In contrast, some North American manufacturers, whose market is principally domestic, appear to be less concerned with the noise emissions from their products.

EC directive 337/85 also states that the environmental effects of public works such as new roads, including increased levels of noise, should be assessed and published as an environmental statement with legislative orders for schemes to allow public comment. The EU Parliament has repeatedly stressed the need for further cuts in limit values and improved measurement procedures. With regard to air traffic over residential areas near to airports, consideration is being given to a ban on night flying, landing fees graded according to noise levels, and measures to avoid particularly noise-intensive take-off and landing manoeuvres.

There is also the European Union Eco-label, a labeling system of different product groups for which ecological criteria — including noise production — have been developed (see the European Union Eco-label website).

**In Britain**, officials are taking drastic action to turn down the volume, setting up anti-noise patrols that cruise the streets to control the clatter, confiscating piles of stereo equipment along the way. For offenders who persist there can be an extremely hefty price to pay, with fines ranging up to \$10,000.00. And there's

momentum to make noisy behaviour a criminal offence in Britain, with some politicians pushing for a jail sentence up to seven years.

**In Germany,** a handful of inner-city neighborhoods and busy freeway interchanges that abut residential areas are under "night-driving bans," which prohibit heavy trucks between 10 p.m. and 6 a.m. Similarly, night-flight bans are in effect at two of Berlin's three airports, Tegel and Tempelhof.

Laws governing the larger cities usually restrict hours when apartment dwellers can run water or flush toilets and forbid the disposal of glass, metal and other trash late at night or on Sundays.

Even smaller towns tend to have hours for the use of lawn mowers and other noisy outdoor equipment. For citizens plagued by noise in Hamburg, Schwerin and Lübeck, a call to the central noise line is all that is needed. On behalf of the Federal Environmental Agency, Lärmkontor (noise office) in Hamburg has designed a computer assisted system which makes it easier to deal with noise related problems in municipal administrations and thus helps citizens to solve their individual problems.

**In Ireland,** under Section 51 of the Local Government Act 1963 it is an offence to make any noise or variation which is so loud, continuous or repeated or at such time as to give reasonable cause for annoyance to neighbours. It also provides for procedures for securing the abatement of the noise.

Conditions may be attached to planning permission for developments to reduce emissions from and/or intrusions into structures by noise. Building regulations in 1992 provide for greater insulation to reduce noise intrusion into new houses.

Most new and expanded projects, including motorways and airport runways over 2,100 metres in length, are required by law to be assessed in regard to their expected impact on the local noise pattern.

**In Australia,** Labor backbenchers Michelle O'Byrne (Tasmania) and Kirsten Livermore (Queensland) want television ads to be broadcast at the same volume as the programs they interrupt. The two MPs have co-sponsored a private members' bill, The Quieter Advertising — Happier Homes Bill, to amend the Broadcasting Services Act 1992 to address the problem.

Schmidt says the tougher regulations in Europe has not so much to do with an increased willingness, but because of the forcing circumstances. "Their population is that much denser, and they are exposed to so much more noise that they *have* to do it."

Eric Greenspoon, of Guelph-Ontario based NoiseWatch, says the problem is not taken as seriously as water or air pollution in North America because it's invisible, can often be intermittent and is therefore hard to measure consistently. But Greenspoon insists noise levels overall have been growing over the past decades, with some studies suggesting actual sound levels are doubling every ten years, the chief culprits being ground and air transportation, with predictions that air traffic will be doubling worldwide within the next 10 or 15 years.

# AUMA Resolution 2011.D.21

## Town of Nanton Addressing Liability Limits for Professional Engineers

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**WHEREAS** municipalities are required to utilize engineering services in the design of municipal infrastructure; and

**WHEREAS** there are limited financial resources available to invest in municipal infrastructure; and

**WHEREAS** all levels of government have a shared responsibility in effective use of public money; and

**WHEREAS** the Government of Alberta and Government of Canada provide substantial infrastructure funding through grant programs; and

**WHEREAS** there exists in Alberta agreements between municipalities and engineers or engineering firms that significantly limit the damages and liability of engineers.

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association requests that the Government of Alberta and Government of Canada ensure that provincially or federally funded infrastructure programs are with professional engineers who do not limit their liability in a restrictive fashion.

### **BACKGROUND:**

To ensure the provision of an adequate and safe water supply, and to meet increasing environmental standards, the Town of Nanton, like many Alberta municipalities, invested significant financial resources into a major upgrade to the Water Treatment Plant. This upgrade was based upon design criteria established and recommended by the Town's municipal engineer, and accepted by Council.

The Town has had challenges in the functionality and operation of the plant in the fact that the plant has never functioned to its capacity or met the design criteria. In reviewing the options available to resolve this issue, the Town discovered that its agreement with its engineers included several clauses which significantly limit the engineers' liability in all instances. The terms of the contract severely limit liability and damages to the lesser of: a maximum ceiling, re-performance of services proven at law to constitute errors, omissions or negligent acts on the part of the engineer, the total of the engineer's fee paid, direct damages only, with no consequential damages, and no personal liability.

As a large portion of municipal infrastructure projects are funded through provincial and federal grants, it would be reasonable to request that the Government of Alberta and the Government of Canada ensure that provincially or federally funded programs are completed with professional engineers who do not limit their liability in a restrictive fashion. This would enhance stewardship of public funding, and potentially increase the accountability in the design and construction process of capital projects for all municipalities.

The Alberta Urban Municipalities Associations Guiding Principles include:

2. The federal and provincial governments have sole responsibility for direct income redistribution programs and services.
8. Quality infrastructure is critical to supporting healthy, financially sustainable communities, and strengthens the quality of life for all Albertans, and is the foundation for the Alberta Advantage.

This proposed resolution relates to and supports each of these Guiding Principles, by increasing the stewardship and effectiveness of project funding, and helping to ensure appropriate and functional capital improvements in Alberta municipalities.



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