



AGENDA

County Council Meeting

9:00 AM - Thursday, October 1, 2020
Council Chambers

Page

A. CALL TO ORDER

B. ADOPTION OF AGENDA

C. ADOPTION OF MINUTES

- 4 - 7
1. **September 17, 2020 Lethbridge County Council Meeting Minutes**
[County Council - 17 Sep 2020 - Minutes - Pdf](#)

D. SUBDIVISION APPLICATIONS

- 8 - 17
1. **Subdivision Application #2020-0-098 – MS Maclean Livestock Ltd. Lot 1, Block 5, Plan 1012154 in Section 06-10-20-W4M**
[Subdivision Application #2020-0-098 – MS Maclean Livestock Ltd. - Lot 1, Block 5, Plan 1012154 in Section 06-10-20-W4M - Pdf](#)
- 18 - 30
2. **Subdivision Application #2020-0-108 – Overeem Lot 1, Block 1, Plan 0411743 within NE 34-10-23-W4M**
[Subdivision Application #2020-0-108 – Overeem - Lot 1, Block 1, Plan 0411743 within NE 34-10-23-W4M - Pdf](#)
- 31 - 40
3. **Subdivision Application #2020-0-114 – Atkinson NW 11-10-24-W4M**
[Subdivision Application #2020-0-114 – Atkinson - NW 11-10-24-W4M - Pdf](#)

E. PUBLIC HEARINGS - 9:30 AM

- 41 - 45
1. **Bylaw 20-007 - Road Closure, Sale and Consolidation of a portion of Sidney Road within subdivision plan 4000AQ (Lucy-Howe Subdivision)**
[Bylaw 20-007 - Road Closure, Sale and Consolidation - Public Hearing - Pdf](#)

F. DELEGATIONS

G. DEPARTMENT REPORTS

G.1. MUNICIPAL SERVICES

G.2. COMMUNITY SERVICES

- 46 - 47 G.2.1. **Hamlet of Kipp - Removal of Hamlet Designation**
[Hamlet of Kipp - Removal of Hamlet Designation - Pdf](#)
- 48 - 52 G.2.2. **Bylaw 20-018 - Road Closure, Sale and Consolidation of a portion of First Avenue within the Hamlet of Turin- First Reading**
[Bylaw 20-018 - Road Closure, Sale and Consolidation - First Reading - Pdf](#)
- 53 - 56 G.2.3. **Resolution - Road Closure, Sale and Consolidation of the eastern portion of First Avenue within the Hamlet of Turin**
[Resolution - Road Closure, Sale and Consolidation - Portion of First Avenue in Turin - Pdf](#)
- 57 - 80 G.2.4. **Council Procedural Bylaw No 20-019**
[Draft Council Procedural Bylaw No. 20-019 - Pdf](#)
- 81 - 84 G.2.5. **Recreation Reserve Withdrawal**
[Recreation Reserve Withdrawal - Pdf](#)
- 85 - 87 G.2.6. **Proposed Amendment to Policy 109A - Road Allowance Closure and Sale**
[Policy 109A - proposed amendments - Pdf](#)
- 88 - 92 G.2.7. **Request to Rescind Policy No. 104 - Road Allowance Leases**
[Rescind Policy 104 - Pdf](#)

G.3. CORPORATE SERVICES

- 93 - 97 G.3.1. **Tax Payment Plan and Penalty Waiver Request**
[Tax Payment Plan & Penalty Waiver Request - Pdf](#)

G.4. ADMINISTRATION

- 98 - 100 G.4.1. **Request to Rescind Policy No. 105, Member at Large Per Diem, Subsistence and Mileage**
[Report - Pdf](#)
- 101 - 113 G.4.2. **Request to Rescind Policy No. 125 - Access to Public Information -**
[Report - Pdf](#)
- 114 - 121 G.4.3. **Proposed Revisions to Policy #107, Recognition of Councillors and Request to Rescind Policy #167,**

Swearing-In Ceremony

[Report - Pdf](#)

122 - 128

G.4.4. **Proposed Revisions to Policy #139, Flag Policy**

[Report - Pdf](#)

129 - 130

G.4.5. **Removal of Lethbridge County Representation on the LINK Pathway Society and the North County Potable Water Co-op**

[Report - Pdf](#)

H. NEW BUSINESS

I. COUNTY COUNCIL AND COMMITTEE UPDATES

J. CLOSED SESSION

K. ADJOURN



MINUTES

County Council Meeting

9:00 AM - Thursday, September 17, 2020
Council Chambers

The Council Meeting of Lethbridge County was called to order on Thursday, September 17, 2020, at 9:00 AM, in the Council Chambers, with the following members present:

PRESENT:

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

A. CALL TO ORDER

Reeve Lorne Hickey called the meeting to order, the time being 9:00 am.

B. ADOPTION OF AGENDA

B.1. September 17, 2020 Lethbridge County Council Meeting Agenda

236-2020 Deputy Reeve Zeinstra MOVED that Lethbridge County Council approve the September 17, 2020 Lethbridge County Council Meeting Agenda as amended, the amendment as follows:

Addition to Municipal Services - G.1.1 Monarch Water Tower Demolition - Tender Results

CARRIED

C. ADOPTION OF MINUTES

C.1. September 3, 2020 Lethbridge County Council Meeting Minutes

237-2020 Councillor S.Campbell MOVED that Lethbridge County Council approved the September 3, 2020 Lethbridge County Council Meeting Minutes, as presented.

CARRIED

D. PUBLIC HEARINGS

E. SUBDIVISION APPLICATIONS

F. DELEGATIONS

G. DEPARTMENT REPORTS

G.1. MUNICIPAL SERVICES

G.1.1. *Monarch Water Tower Demolition - Tender Results*

- 238-2020 Councillor S.Campbell MOVED that Lethbridge County Council approve an additional \$81,000 for the Monarch Water Tower Demolition, for a total project cost of \$336,000, funded from the Utility Reserve.
- CARRIED

G.2. COMMUNITY SERVICES

G.2.1. The Link Pathway

- 239-2020 Councillor T.Campbell Whereas, Lethbridge County Council supports in principle, the creation of a regional pathway through the municipality that would link the Town of Coaldale and the City of Lethbridge, but in order to minimize risk to the County, several conditions must first be met by the Link Pathway Society before Council will give its final approval; therefore, be it

Resolved, that written agreements with all landowners, including the SMRID, granting permission for the pathway to run through their property, must be completed; and be it

Resolved, that written confirmation from the City of Lethbridge that they are committed to constructing the pathway that will connect with the city pathway network, must be provided; and be it

Resolved, that all roadway crossings be engineered and constructed to the satisfaction of the County before the pathway is open for public use; and be it

Resolved, that written permission from CP Rail must be given for the pathway to cross the railway; and be it

Resolved, that written permission from Alberta Transportation must be given for the pathway to cross their property; and be it

Resolved, that the County be thoroughly involved throughout the planning and development phase of the pathway; and be it

Resolved, a Memorandum of Understanding between Lethbridge County, SMRID and LINK Pathway Society be completed, and be it

Resolved, that once these conditions have been fulfilled, Lethbridge County will approve construction of a pathway through the County from the Town of Coaldale to the City of Lethbridge.

CARRIED

G.2.2. Parking Bylaw 20-017

- 240-2020 Councillor VanderVeen MOVED that Bylaw 20-017, being the Highway Parking Bylaw, be given first reading.

CARRIED

G.2.3. Fire Engine 107 Scheduled Replacement

- 241-2020 Councillor T.Campbell MOVED that, as the cost of replacing Engine 107 that serves Lethbridge County and Town of Picture Butte citizens came in higher than budgeted for as per the Emergency Services Agreement, that an additional \$10,546 be withdrawn from the Emergency Apparatus Replacement Schedule (EARS) reserve to cover the overage.
CARRIED

G.3. CORPORATE SERVICES

G.3.1. 2020 Business Tax Adjustments

- 242-2020 Councillor VanderVeen MOVED that Lethbridge County Council approved the Business Tax adjustment requests, as presented, in the total amount of \$8,329.10.
CARRIED

G.3.2. 2021 Budget Presentation Schedule

Councillor Klaas VanderVeen left the meeting, the time being 10:48 am.

- 243-2020 Deputy Reeve Zeinstra MOVED that Lethbridge County Council approve the 2021 Budget Presentation Schedule, as presented.
CARRIED

Councillor VanderVeen returned to the meeting, the time being 10:50 am.

G.3.3. Quarterly Financial Report - May - August 2020

- 244-2020 Councillor Horvath MOVED that Lethbridge County Council receive the Quarterly Financial Report - May August 2020, as information.
CARRIED

G.4. ADMINISTRATION

G.4.1. Partnership Request Between Lethbridge County and Alberta Conservation Association

- 245-2020 Deputy Reeve Zeinstra MOVED that Lethbridge County Council enter into a Memorandum of Understanding with Alberta Conservation Association for a period of five (5) years.
CARRIED

G.4.2. Recreation Agreement and Intermunicipal Collaboration Framework (ICF) Agreement with the Town of Coalhurst

- 246-2020 Councillor VanderVeen Be it Resolved that Lethbridge County Council direct Administration to approve the attached Intermunicipal Collaboration Framework Agreement with the Town of Coalhurst;

And be it further Resolved that Lethbridge County Council approve the five (5) year Recreation Agreement with the Town of Coalhurst.
CARRIED

H. NEW BUSINESS

I. **COUNTY COUNCIL UPDATES**

I.1. **Lethbridge County Council Attendance Update - August 2020**

- 247-2020 Councillor Benson MOVED that Lethbridge County Council receive the report titled "Lethbridge County Council Attendance Update - August 2020", identifying the activities and events attended by Lethbridge County Council for the month of August 2020, as information.
- CARRIED

J. **CLOSED SESSION**

J.1. **Broadband Update (FOIP Act Sections 16, 24, 25)**

- 248-2020 Councillor VanderVeen MOVED that the Lethbridge County Council Meeting move into Closed Session, pursuant to Section 197 of the *Municipal Government Act*, the time being 11:00 am, for discussion on the following:

Broadband Update (*Freedom of Information and Protection of Privacy Act*, Sections 16, 24 and 25)

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

- 249-2020 Councillor VanderVeen MOVED that the Lethbridge County Council Meeting move out of the closed session, the time being 1:22 pm.
- CARRIED

K. **ADJOURN**

K.1. **September 17, 2020 Lethbridge County Council Meeting Adjournment**

- 250-2020 Deputy Reeve Zeinstra MOVED that the Lethbridge County Council Meeting adjourn, the time being 1:40 pm.
- CARRIED

Reeve

CAO

AGENDA ITEM REPORT



Title: Subdivision Application #2020-0-098 – MS Maclean Livestock Ltd.
- Lot 1, Block 5, Plan 1012154 in Section 06-10-20-W4M

Meeting: County Council - 01 Oct 2020

Department: ORRSC

Report Author: Steve Harty

APPROVAL(S):

Hilary Janzen, Supervisor of Planning & Development	Approved - 16 Sep 2020
Larry Randle, Director of Community Services	Approved - 16 Sep 2020
Ann Mitchell, Chief Administrative Officer	Approved - 18 Sep 2020

STRATEGIC ALIGNMENT:



Outstanding Quality
of Life



Effective Governance
and Service Delivery



Prosperous
Agricultural
Community



Vibrant and Growing
Economy



Strong Working
Relationships

EXECUTIVE SUMMARY:

The application is to subdivide a large agricultural title comprised of 308.21 acres into three separate titles within their parent ¼-sections, resulting in titles 154.1 acres, 77.6 acres and 76.5 acres respectively in size, for agricultural use. The proposal meets the subdivision criteria of the Land Use Bylaw.

RECOMMENDATION:

That S.D. Application #2020-0-098 be approved subject to the conditions as outlined in the draft resolution.

PREVIOUS COUNCIL DIRECTION / POLICY:

- The proposal is eligible for subdivision consideration as it conforms to the bylaw criteria as an agricultural subdivision, and there are no abandoned gas wells or historical resource designations affecting these lands.
- The proposed parcels of 154.1 acres, 77.6 acres and 76.5 acre titles all exceed the bylaw's minimum 70-acre minimum agricultural parcel size for irrigated land.
- The proposed subdivision is deemed to be a logical and rationale use of the land as the subdivision is delineating the land and creating title boundaries that align within the original respective ¼-sections, with all resulting titles having legal access.
- County Council approved subdivision policy in LUB No. 1404 that enables agricultural parcels less than a full ¼-section provided the resulting parcels are no less than 70-acres in size.

BACKGROUND INFORMATION:

Located just to the northwest of Eight Mile Lake, 3-½-miles northeast of the City of Lethbridge. The proposal is to separate the agricultural land amalgamated on one title into separate individual titles as delineated by the ¼-sections they are located within.

The land is cultivated, irrigated farmland with no buildings or improvements present. There are different irrigation pivot systems operating within the different ¼-sections and the owner intends to separate the agricultural land holdings into logical land units. These land parcels within the separate ¼-sections had been consolidated together in the past onto one title, as the parent title was assembled from different land owners during a period when the County did not allow an agricultural split of a ¼-section. This application may be considered with the reintroduction of policy in the County's land use bylaw enabling a ¼-section to be subdivided into small agricultural sizes, provided they are no less than 70-acres in size.

Overall, the proposal meets the criteria of the County's Land Use Bylaw No. 1404 for an agricultural land subdivision. (see full ORRSC Planner's comments attached)

The application was circulated to the required external agencies and no objections were expressed regarding the application, and the SMRID has no concerns. ATCO Gas has requested an utility easement.

ALTERNATIVES / PROS / CONS:

The Subdivision Authority could decide to not approve if it determines the proposal is not logical and the large title size would remain as is.

FINANCIAL IMPACT:

None, and the tax situation will remain as is.

REASON(S) FOR RECOMMENDATION(S):

The proposed subdivision meets the provincial Subdivision and Development Regulations and the municipal agricultural subdivision policies as stated in the Land Use Bylaw.

ATTACHMENTS:

[5A Lethbridge County 2020-0-098 Approval Subdivision Referral 2020-0-098 - County Version](#)

RESOLUTION

2020-0-098

Lethbridge County

Agricultural subdivision of Lot 1, Block 5, Plan 1012154 within 6-10-20-W4M

THAT the Agricultural subdivision of Lot 1, Block 5, Plan 1012154 within 6-10-20-W4M (Certificate of Title No. 101 150 757), to subdivide a large agricultural title comprised of 308.21 acres (124.73 ha) into three separate titles within their parent ¼-sections, resulting in titles 154.1 acres (62.36 ha), 77.6 acres (31.41 ha) and 76.5 acres (30.94 ha) respectively in size, for agricultural use; BE APPROVED subject to the following:

CONDITIONS:

1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to Lethbridge County.
2. That, pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant or owner or both enter into a Development Agreement with Lethbridge County which shall be registered concurrently with the final plan against the title(s) being created.
3. That the easement(s) as required by ATCO shall be established prior to finalization of the application.

REASONS:

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan and Land Use Bylaw.
2. The Subdivision Authority is satisfied that the proposed subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 7 of the Subdivision and Development Regulation.
3. The Subdivision Approval Authority has determined the proposed parcels comply with the subdivision criteria and the minimum agricultural parcel sizes in accordance with the Land Use Bylaw.

INFORMATIVE:

- (a) Since the proposed subdivision complies with Section 663(b) of the Municipal Government Act, Reserve is not required.
- (b) That a legal description for the proposed parcel be approved by the Surveys Branch, Land Titles Office, Calgary.
- (c) The applicant/owner is advised that other municipal, provincial or federal government or agency approvals may be required as they relate to the subdivision and the applicant/owner is responsible for verifying and obtaining any other approval, permit, authorization, consent or license that may be required to subdivide, develop and/or service the affected land (this may include but is not limited to Alberta Environment and Parks, Alberta Transportation, and the Department of Fisheries and Oceans.)
- (d) TELUS Communications Inc. has no objections to the above noted circulation.
- (e) Thank you for contacting FortisAlberta regarding the above application for subdivision. We have reviewed the plan and determined that no easement is required by FortisAlberta.

FortisAlberta is the Distribution Wire Service Provider for this area. The developer can arrange installation of electrical services for this subdivision through FortisAlberta. Please have the developer contact 310-WIRE (310-9473) to make application for electrical services.

Please contact FortisAlberta land services at landserv@fortisalberta.com or by calling (403) 514-4783 for any questions.

2020-0-098
Page 1 of 2

- (f) ATCO Gas has no existing Utility Right of Way on the subject property, or the existing Utility Right of Way is not sufficient for subdivision servicing.

The landowner(s) is required to contact the ATCO Gas land agent listed below to execute a Utility Right of Way to the satisfaction of ATCO Gas.

Once the Utility Right of Way has been registered at the Alberta Land Titles Office we will notify the municipality of the same.

Land Agent: Ellen Struthers

Phone No.: (587) 581-6567

Existing URW's will not be sufficient for future servicing on parcels – New URW Required.

- (g) Further to your August 25th, 2020 correspondence, this is to advise that we have no objection to the proposed subdivision as Mr. Maclean has already informed the SMRID of his proposed changes.
- (h) Canada Post has no comment.

MOVER

REEVE

DATE



OLDMAN RIVER REGIONAL SERVICES COMMISSION

3105 - 16th Avenue North
Lethbridge, Alberta T1H 5E8

Phone: (403) 329-1344
Toll-Free: 1-844-279-8760
E-mail: subdivision@orrsc.com
Website: www.orrsc.com

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: August 25, 2020

Date of Receipt:

July 28, 2020

Date of Completeness:

August 4, 2020

TO: Landowner: MS Maclean Livestock Co Ltd.

Agent or Surveyor: Thomas C. Penner, A.L.S.

Referral Agencies: Lethbridge County, Morris Zeinstra, Holy Spirit RC School Division, Palliser School Division, AltaLink, FortisAlberta, TELUS, ATCO Gas, ATCO Pipelines, AB Health Services - South Zone, St Mary River Irrigation District (SMRID), AB Environment & Parks - J. Wu, AER, Canada Post

Adjacent Landowners: Notified Via Ad in Sunny South News

Planning Advisor: Steve Harty *SH*

The Oldman River Regional Services Commission (ORRSC) is in receipt of the following subdivision application which is being processed on behalf of the Lethbridge County. This letter serves as the formal notice that the submitted application has been determined to be complete for the purpose of processing.

In accordance with the Subdivision and Development Regulation, if you wish to make comments respecting the proposed subdivision, please submit them via email or mail no later than **September 14, 2020**. (Please quote our File No. **2020-0-098** in any correspondence with this office).

File No: 2020-0-098

Legal Description: Lot 1, Block 5, Plan 1012154 within 6-10-20-W4M

Municipality: Lethbridge County

Land Designation: Rural Agriculture – RA
(Zoning)

Existing Use: Agricultural

Proposed Use: Agricultural

of Lots Created: 3

Certificate of Title: 101 150 757

Proposal: To subdivide a large agricultural title comprised of 308.21 acres (124.73 ha) into three separate titles within their parent ¼-sections, resulting in titles 154.1 acres (62.36 ha), 77.6 acres (31.41 ha) and 76.5 acres (30.94 ha) respectively in size, for agricultural use.

Planner's Preliminary Comments:

The purpose of this application is to subdivide a large agricultural title comprised of 308.21 acres (124.73 ha) into three separate titles within their parent ¼-sections, resulting in titles 154.1 acres (62.36 ha), 77.6 acres (31.41 ha) and 76.5 acres (30.94 ha) respectively in size, for agricultural use. The parcels are located just to the northwest of Eight Mile Lake, 3-½-miles northeast of the City of Lethbridge.

The proposal is to separate the agricultural land amalgamated on one title into separate individual titles as delineated by the ¼-sections they are located within. All the land is cultivated cropped farmland with various irrigation rights, and there are different irrigation pivot systems in place operating within the different ¼-sections. There are no buildings or improvements situated on the land. The owner intends to separate the agricultural land holdings into logical land units and to also help with future estate planning. These land parcels within the separate ¼-sections had been consolidated together in the past onto one title, as the parent title was assembled from different land owners during a period when the County did not permit an agricultural split of a ¼-section. With the reintroduction of policy in the County's land use bylaw subdivision criteria enabling a ¼-section to be split into approximately 80-acre portions (a 70-acre minimum parcel size), this allows this proposal to be considered.

Access to the parcels once subdivided will be from a developed county road allowance on the west and east sides of the parcels in the NW and NE of 6-10-20-W4M (proposed Lots 3 & 2, Block 5), while proposed Lot 3, Block 4 in the SE 6-10-20-W4M will take access from the local municipal roadway (Road Plan 4262 B.M.). There are no abandoned gas wells or historical resource designations affecting these lands.

The application review indicates that this proposal meets the eligibility criteria of the Lethbridge County Land Use Bylaw in regards to the subdivision of agricultural titles. All of the parcels meet and exceed the bylaw's required 70-acre minimum parcel size stipulation. The Subdivision Authority hereby requested to consider the following when rendering a decision:

- Any outstanding property taxes shall be paid to Lethbridge County.
- The applicant or owner or both enter into a Service Agreement with Lethbridge County.
- That any easement(s) as required by utility companies or the municipality shall be established.
- Consideration of referral agencies comments and any requirements.

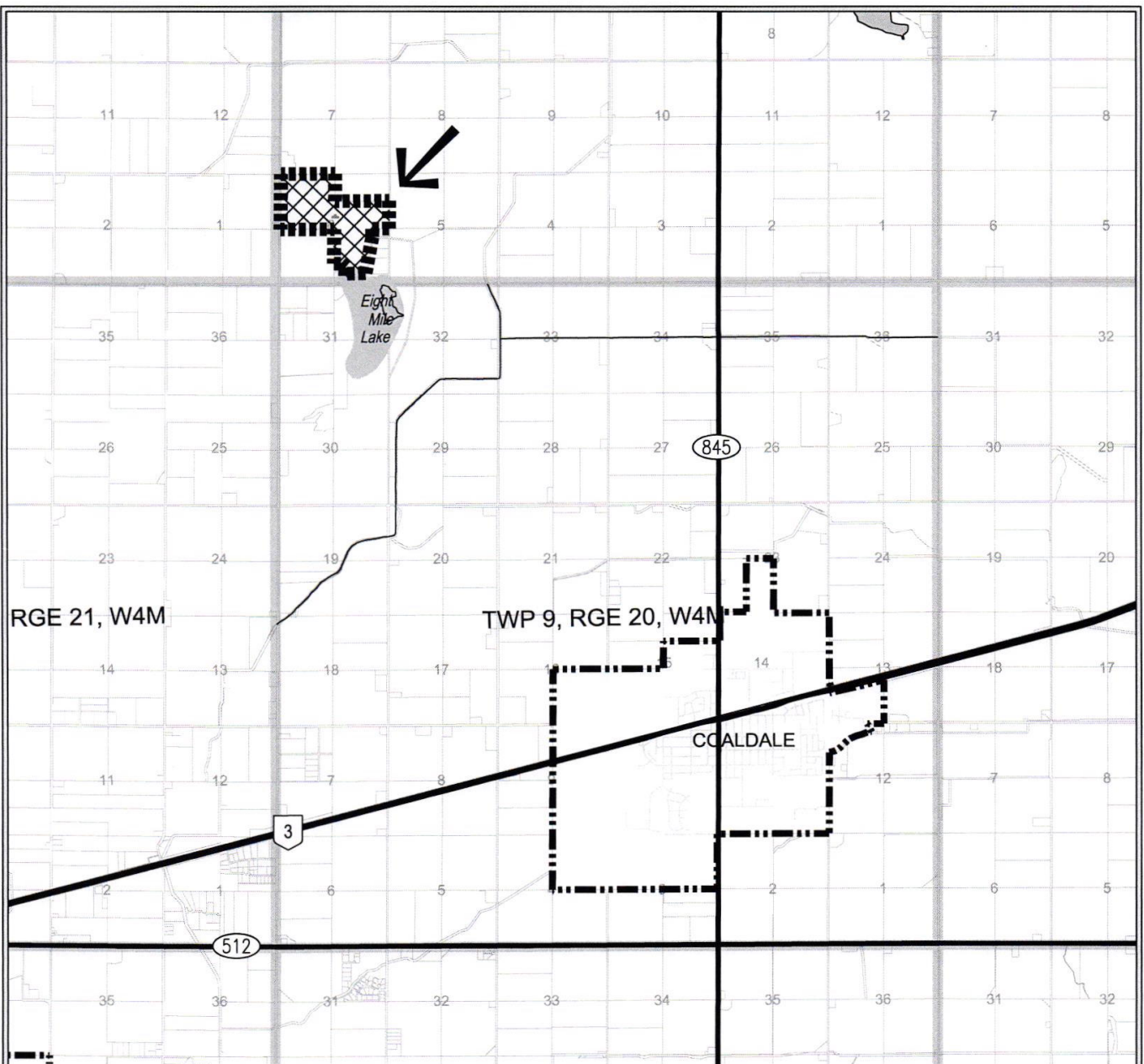
RESERVE:

Municipal Reserve is not applicable pursuant to Section 663(b) of the MGA, as the parcels are 40-acres or greater in size for agricultural use.

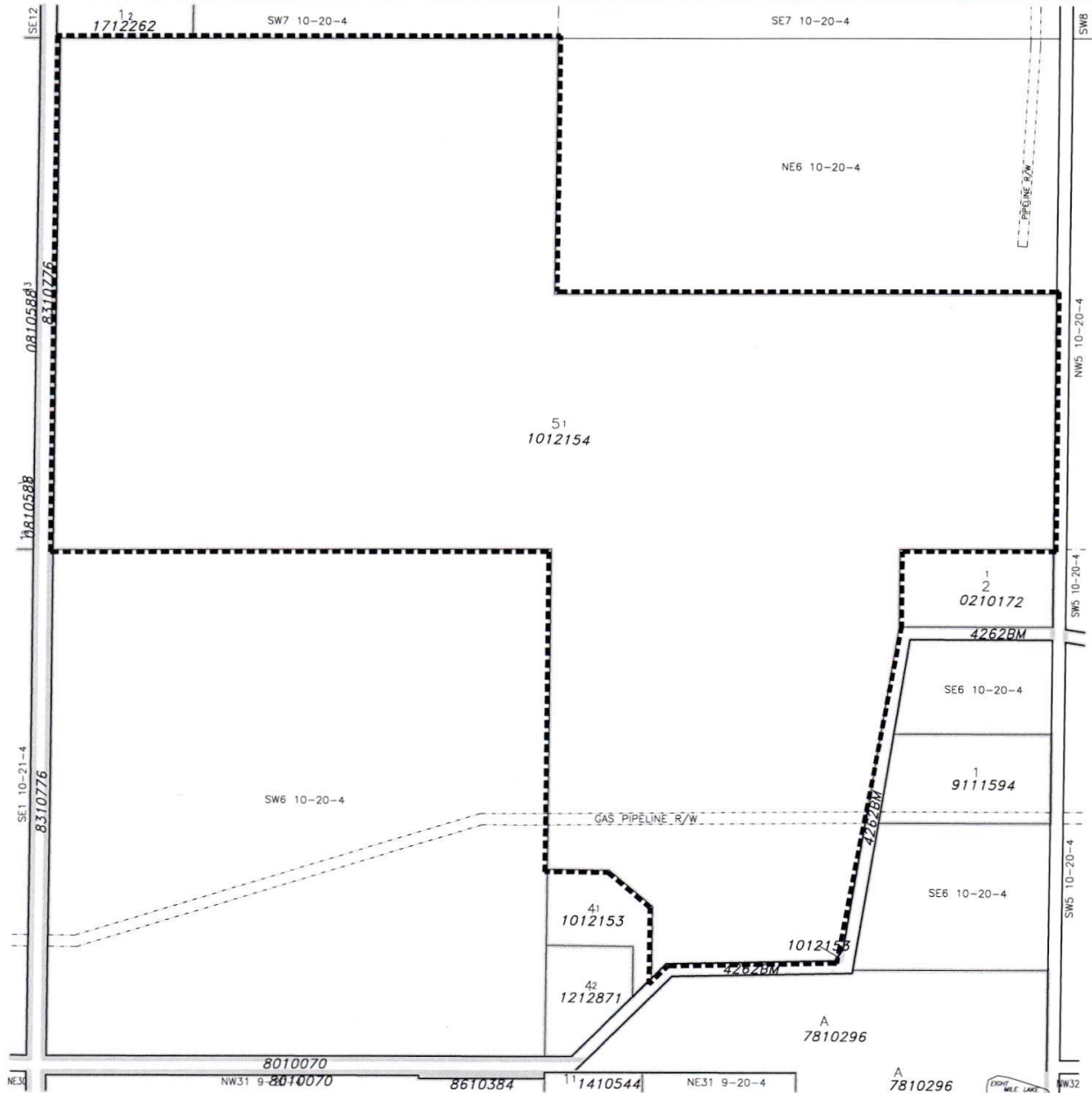
No further comment pending a site inspection.

If you wish to make a presentation at the subdivision authority meeting, please notify the Lethbridge County Municipal Administrator as soon as possible.

<p>Submissions received become part of the subdivision file which is available to the applicant and will be considered by the subdivision authority at a public meeting.</p>



SUBDIVISION LOCATION SKETCH
LOT 1, BLOCK 5, PLAN 101 2154
WITHIN SEC 6, TWP 10, RGE 20, W 4 M
MUNICIPALITY: LETHBRIDGE COUNTY
DATE: JULY 31, 2020
FILE No: 2020-0-098



SUBDIVISION SKETCH - EXISTING

LOT 1, BLOCK 5, PLAN 101 2154
 WITHIN SEC 6, TWP 10, RGE 20, W 4 M
 MUNICIPALITY: LETHBRIDGE COUNTY
 DATE: JULY 31, 2020
 FILE No: 2020-0-098



OLDMAN RIVER REGIONAL SERVICES COMMISSION
 July 31, 2020 N:\Subdivisions\2020\2020-0-098.dwg



SUBDIVISION SKETCH - PROPOSED
LOT 1, BLOCK 5, PLAN 101 2154
WITHIN SEC 6, TWP 10, RGE 20, W 4 M
MUNICIPALITY: LETHBRIDGE COUNTY
DATE: JULY 31, 2020
FILE No: 2020-0-098



AERIAL PHOTO DATE: 2015

AGENDA ITEM REPORT



Title: Subdivision Application #2020-0-108 – Overeem
- Lot 1, Block 1, Plan 0411743 within NE 34-10-23-W4M

Meeting: County Council - 01 Oct 2020

Department: ORRSC

Report Author: Steve Harty

APPROVAL(S):

Hilary Janzen, Supervisor of Planning & Development	Approved - 16 Sep 2020
Larry Randle, Director of Community Services	Approved - 16 Sep 2020
Ann Mitchell, Chief Administrative Officer	Approved - 18 Sep 2020

STRATEGIC ALIGNMENT:



Outstanding Quality
of Life



Effective Governance
and Service Delivery



Prosperous
Agricultural
Community



Vibrant and Growing
Economy



Strong Working
Relationships

EXECUTIVE SUMMARY:

The application is to create a 16.01 acre parcel from a cut-off/fragmented title comprised of 41.54 acres for business light industrial use. The proposal meets the subdivision criteria of the Land Use Bylaw.

RECOMMENDATION:

That S.D. Application #2020-0-108 be approved subject to the conditions as outlined in the draft resolution.

PREVIOUS COUNCIL DIRECTION / POLICY:

- The proposed subdivision property lines conform to the area of land that was redesignated to Business Light Industrial (BLI) by Council in May of 2020 (Bylaw No. 20-002).
- The proposed 16.01 acre parcel conforms to the bylaw's Business Light Industrial (BLI) land use district standards.
- The land is within the Lethbridge County and Town of Nobleford IDP boundary and complies with the policies and growth concepts of the IDP (Planning Area 4, policy 5.3.44 applicable), which allows for this type of use and subdivision.
- Site servicing is met: Water is provided by the rural water co-op and septic by an individual on-site private septic evaporation field system that will remain within the confines of the yard title once subdivided. Access is provided by Highway 519 but is also able to be provided from the east municipal road allowance if needed.

BACKGROUND INFORMATION:

Located adjacent to the southside of Highway 519, approximately ½-mile east of the Town of Nobleford. The proposal is to create a separate title for an area that has an existing rural business situated in the northeast corner, adjacent to Highway 519.

The proposed new parcel title contains a shop building and some minor outdoor storage. There has been a cabinetry business operating in the shop building for years and the rezoning was to allow for the potential expansion of the business. The proposed subdivision boundary aligns with the land area rezoned to BLI. The remnant 25.53 acre portion of the title contains a dwelling at the very west-end. The County and Town updated and amended the IDP last year in order to allow commercial/light industrial use for this area.

Overall, the proposal meets the criteria of the County's Land Use Bylaw No. 1404 for a rural industrial subdivision from a fragmented title of land. (see full ORRSC Planner's comments attached)

The application was circulated to the required external agencies and no concerns were expressed regarding the application and no utility easements are requested (at time of agenda preparation). Alberta Transportation will require the provision of a 20m wide service road adjacent to Highway 519 by caveat (registered on title for the future). The Town of Nobleford has not provided comments (at time of agenda preparation).

ALTERNATIVES / PROS / CONS:

None apparent as the proposal complies with all the subdivision criteria, the zoning and IDP, but the Subdivision Authority could decide to not approve if it is not satisfied the subdivision criteria is met; however, this may result in an appeal to the provincial MGB.

FINANCIAL IMPACT:

The tax situation will remain as is, but the County will benefit from a municipal reserve payment of approximately \$8,005.00 that is applicable on the 16.01 acres.

REASON(S) FOR RECOMMENDATION(S):

The proposed subdivision meets the provincial Subdivision and Development Regulations and the municipal subdivision policies as stated in the IDP and the Land Use Bylaw.

ATTACHMENTS:

[5A Lethbridge County 2020-0-108 Approval](#)
[AB Transportation](#)
[Subdivision Referral 2020-0-108 - County Version](#)

RESOLUTION

2020-0-108

Lethbridge County

Industrial subdivision of Lot 1, Block 1, Plan 0411743 within NE1/4 34-10-23-W4M

THAT the Industrial subdivision of Lot 1, Block 1, Plan 0411743 within NE1/4 34-10-23-W4M (Certificate of Title No. 151 108 133 +1), to create a 16.01 acre (6.48 ha) light industrial parcel from a fragmented title comprised of 41.54 acres (16.81 ha) for rural industrial use; BE APPROVED subject to the following:

RESERVE: The 10% reserve requirement, pursuant to Sections 666 and 667 of the Municipal Government Act, be provided as money in place of land on the 16.01 acres at the market value of \$5,000 per acre with the actual acreage and amount to be paid to Lethbridge County be determined at the final stage, for Municipal Reserve purposes.

AND FURTHER that a Deferred Reserve caveat be registered on the remnant 25.53 acre title to reflect the 10% reserve requirement, with the actual acreage to be determined at the final stage, for Municipal Reserve purposes. Upon payment of the reserve, the existing deferred reserve caveat on the title (Reg. No. 151 108 134) shall be discharged and a new adjusted caveat registered accordingly upon receipt of the final subdivision plan.

CONDITIONS:

1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to Lethbridge County.
2. That, pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant or owner or both enter into a Development Agreement with Lethbridge County which shall be registered concurrently with the final plan against the title(s) being created. This agreement may address the terms of future service road dedication and construction when required, and any other matter the County deems necessary.
3. That any conditions as required by Alberta Transportation shall be provided prior to finalization, including the provision of a 20 metre wide service road right-of-way perpendicular to and across the highway frontage of the parcel to be created, which may be acceptable by a caveat agreement.
4. That a final plan of survey as prepared by an Alberta Land Surveyor be provided for final endorsement.
5. That any easement(s) as required by utility agencies shall be established prior to finalization of the subdivision.

REASONS:

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan and Land Use Bylaw.
2. The Subdivision Authority is satisfied that the proposed rural light industrial subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 7 of the Subdivision and Development Regulation.
3. The Subdivision Approval Authority of Lethbridge County has determined the proposed subdivision complies with the bylaw and subdivision criteria for land designated for Business Light Industrial (BLI) use, and is eligible for subdivision consideration.
4. This land is situated within the IDP boundary with the Town of Nobleford and the proposal conforms to the policies and growth concepts of the IDP (Planning Area 4, policy 5.3.44 applicable) and meets the eligibility for subdivision policies of the IDP with the Town of Nobleford.

2020-0-108
Page 1 of 3

INFORMATIVE:

- (a) The existing deferred reserve caveat registered on title (Reg. No. 151 108 134) shall be discharged and/or adjusted accordingly depending on the final cash-in-lieu provision requirements, as payment of Municipal Reserve is applicable on the 41.54 acre parcel pursuant to Section 663 of the MGA.
- (b) That a legal description for the proposed parcel be approved by the Surveys Branch, Land Titles Office, Calgary.
- (c) The applicant/owner is advised that other municipal, provincial or federal government or agency approvals may be required as they relate to the subdivision and the applicant/owner is responsible for verifying and obtaining any other approval, permit, authorization, consent or license that may be required to subdivide, develop and/or service the affected land (this may include but is not limited to Alberta Environment and Parks, Alberta Transportation, and the Department of Fisheries and Oceans.)
- (d) TELUS Communications Inc. has no objections.
- (e) Canada Post has no comment.
- (f) Alberta Transportation – Leah Olsen, Development/Planning Technologist:

“Reference your file to create an industrial parcel at the above noted location.

The proposal is contrary to Section 14 and resultantly by default subject to the requirements of Section 15(2) of the Subdivision and Development Regulation, being Alberta Regulation 43/2002 (“the regulation”).

Alberta Transportation’s primary objective is to allow subdivision and development of adjacent properties in a manner that will not compromise the integrity and associated safe operational use or the future expansion of the provincial highway network.

To that end and as the existing direct access is considered to be temporary in nature and as no additional direct access to the highway will be allowed as result of this application, provided that an access management strategy/alternative that would be in accordance with Alberta Transportation’s current access management guidelines and/or as required by the regulation were to be provided and could be implemented in the future the proposal could be accommodated.

The requirements of said Section 15(2) to be outlined in the following text would adequately address any transportation related concerns/objectives by allowing Alberta Transportation the flexibility to limit and strategically locate (option to move laterally along the highway) access in the future. The service road will as well serve notice to current and/or future landowners that Alberta Transportation has an interest in the property and dependent upon future subdivision or development proposals they could be apprised of Alberta Transportation’s current “Access Management Guidelines”.

Therefore, in this instance Alberta Transportation grants a waiver of said Section 14 and as per the requirements of Section 15(2), a condition of subdivision approval would be subject to the applicant providing a 20 metre wide service road right-of-way perpendicular to and across a portion of the highway frontage of the parcel to be created. The standard 30 metre wide requirement has been reduced to mitigate the impact on the developable area of the parcel to be created. The proposed service road is shown and highlighted on the attached subdivision sketch.

The service road would be acceptable to Alberta Transportation by caveat agreement or plan of survey subject to the approval authority and the Land Titles Office.

To help speed the process for the creation of Service Road Agreement, Alberta Transportation requires the following information be forwarded electronically to: TransDS-YEGCaveats@gov.ab.ca

- a copy of the survey plan (as a PDF)
- the Subdivision Authority Approval Letter
- a Service Road Agreement

The templates can be accessed at the following link: <http://www.transportation.alberta.ca/3633.htm>

Once these documents are received and verified to be correct, an e-mail will be sent to advise that the Service Road Agreement can be executed and forwarded to:

Planning, Finance & Technical Standards

Alberta Transportation

2nd Floor, Twin Atria Building

4999 – 98 Avenue

Edmonton AB T6B 2X3 Phone: 780-415-1538 Fax: 780-415-1268

The documents will be signed, sealed and returned to the Alberta Land Surveyor or lawyer for execution on behalf of the Crown at the Land Titles Office. To ensure these documents meet the requirements of the Land Titles Office it is recommended they be prepared by an Alberta Land Surveyor or lawyer.

Notwithstanding the foregoing, the applicant is further advised that ***no additional direct access to the highway will be allowed*** as a result of this application and that the existing direct access could remain on a temporary basis only.

The applicant is also advised that any development within the highway right-of-way or within 300 metres beyond the limit of a controlled highway or within 800 metres from the center point of an intersection of the highway and another highway would require the benefit of a permit from Alberta Transportation. This requirement is outlined in the Highways Development and Protection Regulation, being Alberta Regulation 326/2009.

The subject property is within the noted control lines and as such any development would require the benefit of a permit from Alberta Transportation. To ensure that any future highway expansion plans are not unduly compromised, minimum setbacks would be identified and invoked as condition of approval such that an adequate buffer would be maintained alongside the highway and any other highway related issues could be appropriately addressed. The applicant could contact Alberta Transportation through the undersigned, at Lethbridge 403/382-4052, in this regard.

Alberta Transportation accepts no responsibility for the noise impact of highway traffic upon any development or occupants thereof. Noise impact and the need for attenuation should be thoroughly assessed. The applicant is advised that provisions for noise attenuation are the sole responsibility of the developer and should be incorporated as required into the subdivision/development design.

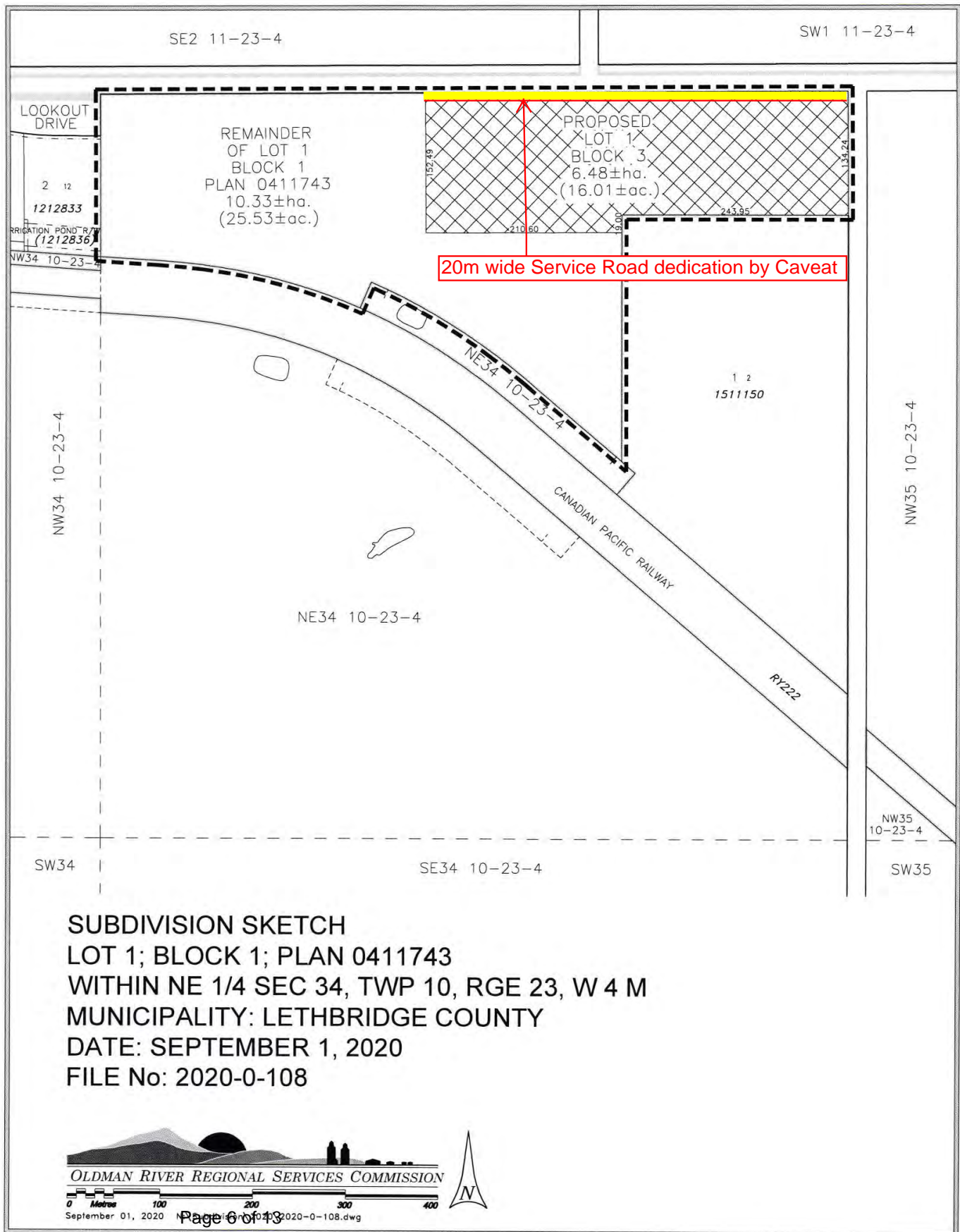
Any peripheral lighting (yard lights/area lighting) that may be considered a distraction to the motoring public or deemed to create a traffic hazard is not permitted.”

(See Attachment)

MOVER

REEVE

DATE





3105 - 16th Avenue North
Lethbridge, Alberta T1H 5E8

Phone: (403) 329-1344
Toll-Free: 1-844-279-8760
E-mail: subdivision@orrsc.com
Website: www.orrsc.com

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: September 3, 2020

Date of Receipt: August 31, 2020

Date of Completeness: August 31, 2020

TO: Landowner: Jan & Juanita Overeem

Agent or Surveyor: Michael A. Thompson, A.L.S.

Referral Agencies: Lethbridge County, Morris Zeinstra, Town of Nobleford, M. Baldwin - ORRSC, Holy Spirit RC School Division, Palliser School Division, AltaLink, FortisAlberta, TELUS, Little Bow Gas Co-op Ltd., AB Health Services - South Zone, AB Environment & Parks - J. Wu, AB Transportation, AER, Lethbridge North County Potable Water Co-op (LNCPCW), Canada Post, CPR

Adjacent Landowners: Notified Via Ad in Sunny South News

Planning Advisor: Steve Harty *SH*

The Oldman River Regional Services Commission (ORRSC) is in receipt of the following subdivision application which is being processed on behalf of the Lethbridge County. This letter serves as the formal notice that the submitted application has been determined to be complete for the purpose of processing.

In accordance with the Subdivision and Development Regulation, if you wish to make comments respecting the proposed subdivision, please submit them via email or mail no later than **September 22, 2020**. (Please quote our File No. **2020-0-108** in any correspondence with this office).

File No: 2020-0-108

Legal Description: Lot 1, Block 1, Plan 0411743 within NE1/4 34-10-23-W4M

Municipality: Lethbridge County

Land Designation: Business Light Industrial - BLI
(Zoning)

Existing Use: Industrial

Proposed Use: Industrial

of Lots Created: 1

Certificate of Title: 151 108 133 +1

Proposal: To create a 16.01 acre (6.48 ha) light industrial parcel from a fragmented title comprised of 41.54 acres (16.81 ha) for rural industrial use.

Planner's Preliminary Comments:

The purpose of this application is to create a 16.01 acre (6.48 ha) light industrial parcel from a fragmented title comprised of 41.54 acres (16.81 ha) for rural industrial use. The parcel is located ½-mile east of the Town of Nobleford boundary, immediately south of Highway 519.

The proposal is to create a separate title for an area of a parcel that has an existing business situated in the northeast corner adjacent to Highway 519. The area was redesignated to the Business Light Industrial – BLI (Bylaw No. 20-002) land use district by County Council in May of 2020. The parent title is situated between the CPR railway to the south and Highway 519 to the north. The proposed new yard contains a metal sided shop building and some minor outdoor storage. There has been an existing cabinetry business operating in the shop building for years and the rezoning was to allow for the potential business expansion for other commercial, light industrial uses such as trucking and a welding shop. The proposed subdivision aligns with the boundary of the land area rezoned.

The industrial yard currently has direct physical access to Highway 519 to the north, but is also adjacent to the municipal road allowance on the east side (Rge Rd 23-2). The remnant portion of the title contains a residential dwelling at the very west-end and will be 25.53 acres (10.33 ha) in size. Access to this residual title is from the west via Lookout Drive, an internal road within an adjacent country residential subdivision (Outlook Acres). The application indicates that servicing is through the rural water co-op for water and septic is managed by an individual onsite septic field system which is situated on the west side of the shop building. The services and septic field for the west dwelling will be unaffected by the subdivision.

There are no abandoned gas wells located in proximity of this proposal. As the land is located adjacent to Highway 519, any pertinent comments or conditions from Alberta Transportation must be taken into consideration.

The lands are within the Lethbridge County and Town of Nobleford IDP boundary. The County and Town updated and amended the IDP last year in order to consider the commercial/light industrial use for this area. The proposal conforms to the policies and growth concepts of the IDP (Planning Area 4, policy 5.3.44 applicable) and meets the eligibility for subdivision policies of the IDP with the Town of Nobleford.

The proposed 16.01 acre title complies with Lethbridge County's Land Use Bylaw 'Business Light Industrial – BLI' land use district. This proposal also conforms to the land zoning area and boundary as approved by the Bylaw No. 20-002 redesignation process. The Subdivision Authority is hereby requested to take the following conditions into consideration for an approval:

- Any outstanding property taxes shall be paid to Lethbridge County.
- The applicant or owner or both enter into a Development Agreement with Lethbridge County.
- That any easement(s) as required by utility companies or the municipality shall be established.
- That a final plan of survey as prepared by an Alberta Land Surveyor be provided.
- That any conditions of Alberta Transportation shall be met.
- As this title is located within the Town of Nobleford and County IDP plan boundary, consideration of any comments from the Town must be taken into consideration. (As this proposal conforms to both existing subdivision and IDP policies, the proposal is not seen to be inconsistent with any policies for this area.)
- Consideration of referral agencies comments and any requirements.

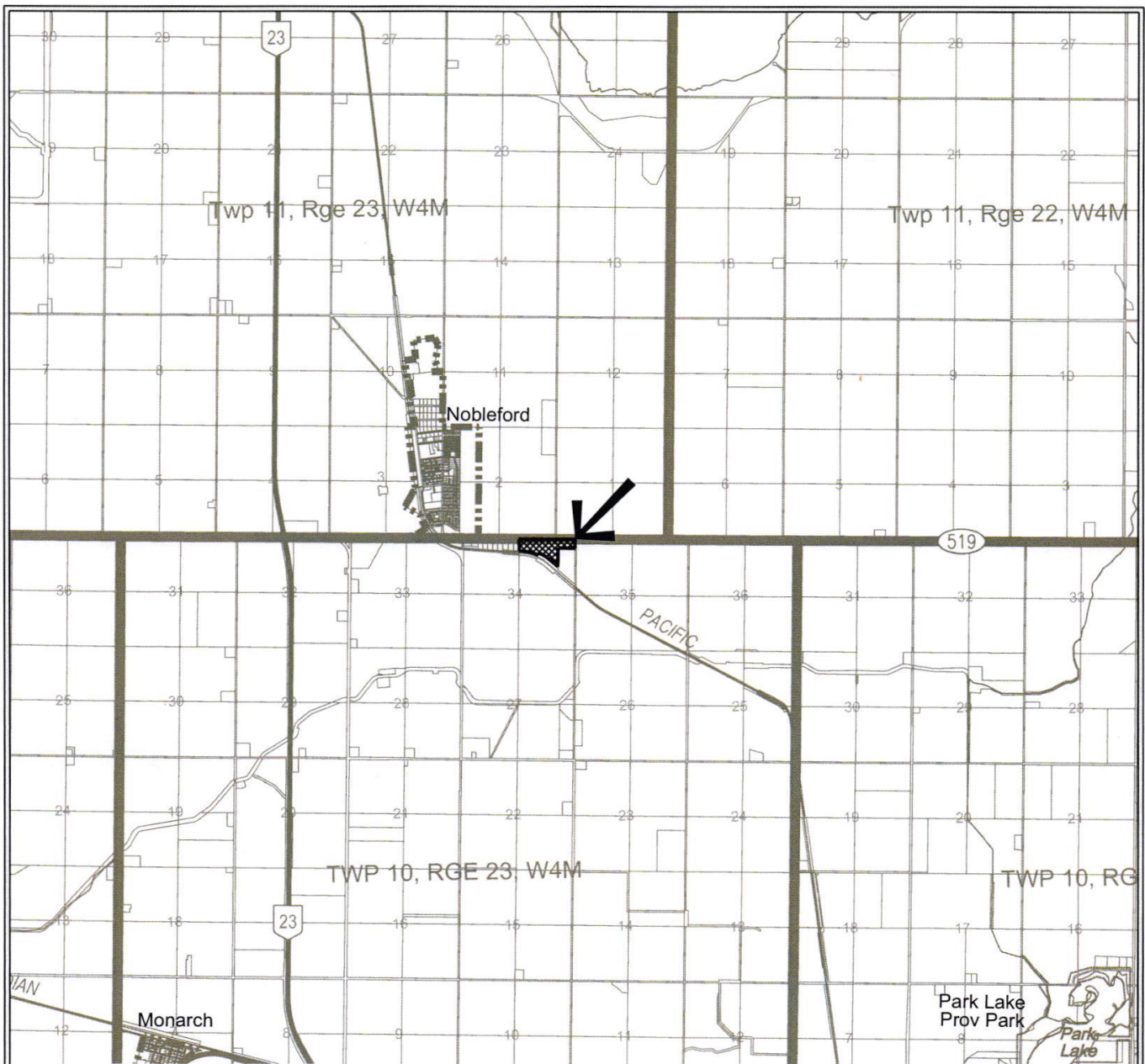
RESERVE:

The payment of Municipal Reserve is applicable on the 41.54 acres parcel pursuant to Section 663 of the MGA and shall be provided as cash-in-lieu. The Subdivision Authority may determine if they want a partial payment and discharge (such as one the 16.01 acres) or payment on the entire 41.54 acres at this time. There is an existing deferred reserve caveat registered on title and it shall be discharged and/or adjusted accordingly depending on the final cash-in-lieu provision requirements.

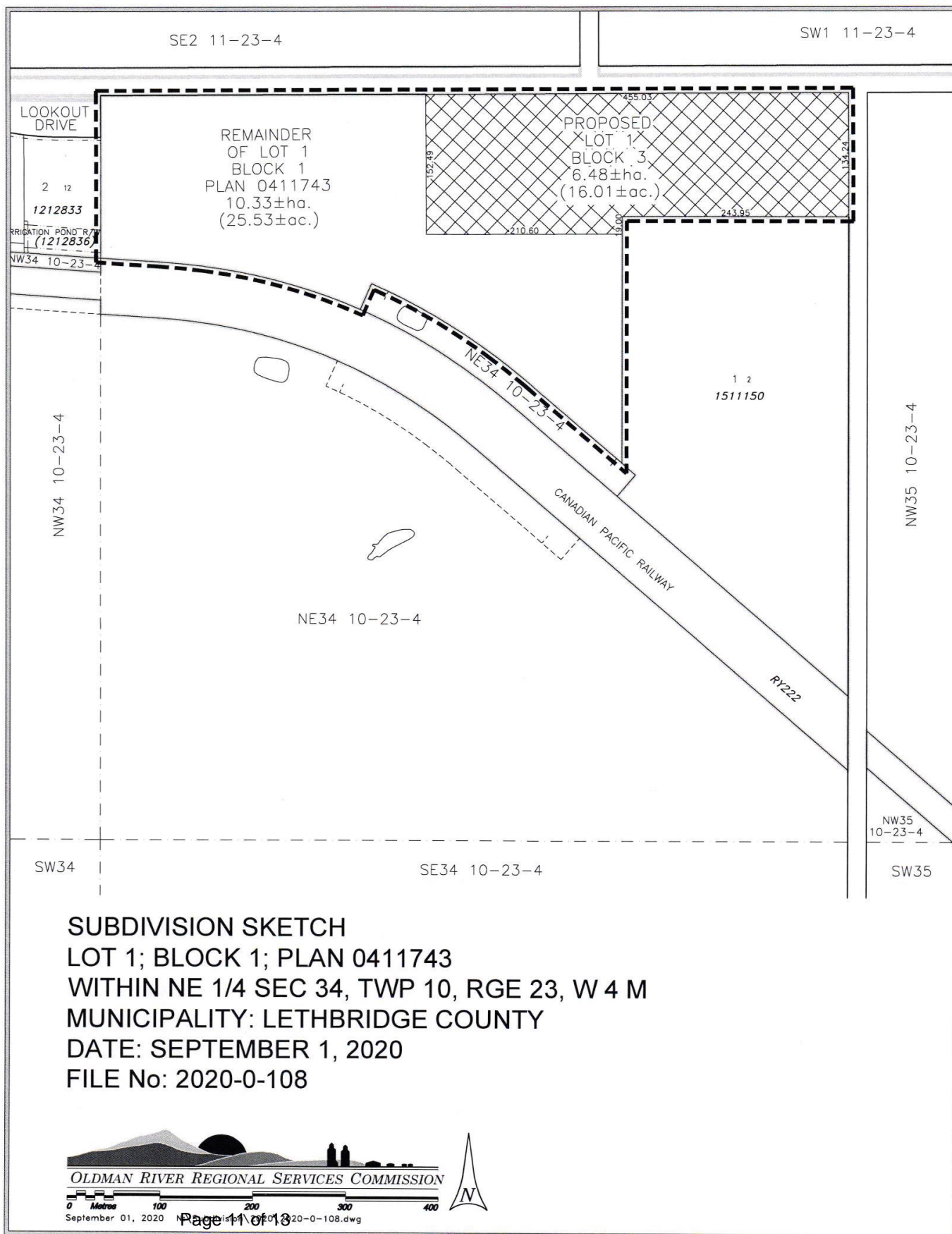
No further comment pending a site inspection.

If you wish to make a presentation at the subdivision authority meeting, please notify the Lethbridge County Municipal Administrator as soon as possible.

Submissions received become part of the subdivision file which is available to the applicant and will be considered by the subdivision authority at a public meeting.



SUBDIVISION LOCATION SKETCH
 LOT 1; BLOCK 1; PLAN 0411743
 WITHIN NE 1/4 SEC 34, TWP 10, RGE 23, W 4 M
 MUNICIPALITY: LETHBRIDGE COUNTY
 DATE: SEPTEMBER 1, 2020
 FILE No: 2020-0-108





SUBDIVISION SKETCH

LOT 1; BLOCK 1; PLAN 0411743

WITHIN NE 1/4 SEC 34, TWP 10, RGE 23, W 4 M

MUNICIPALITY: LETHBRIDGE COUNTY

DATE: SEPTEMBER 1, 2020

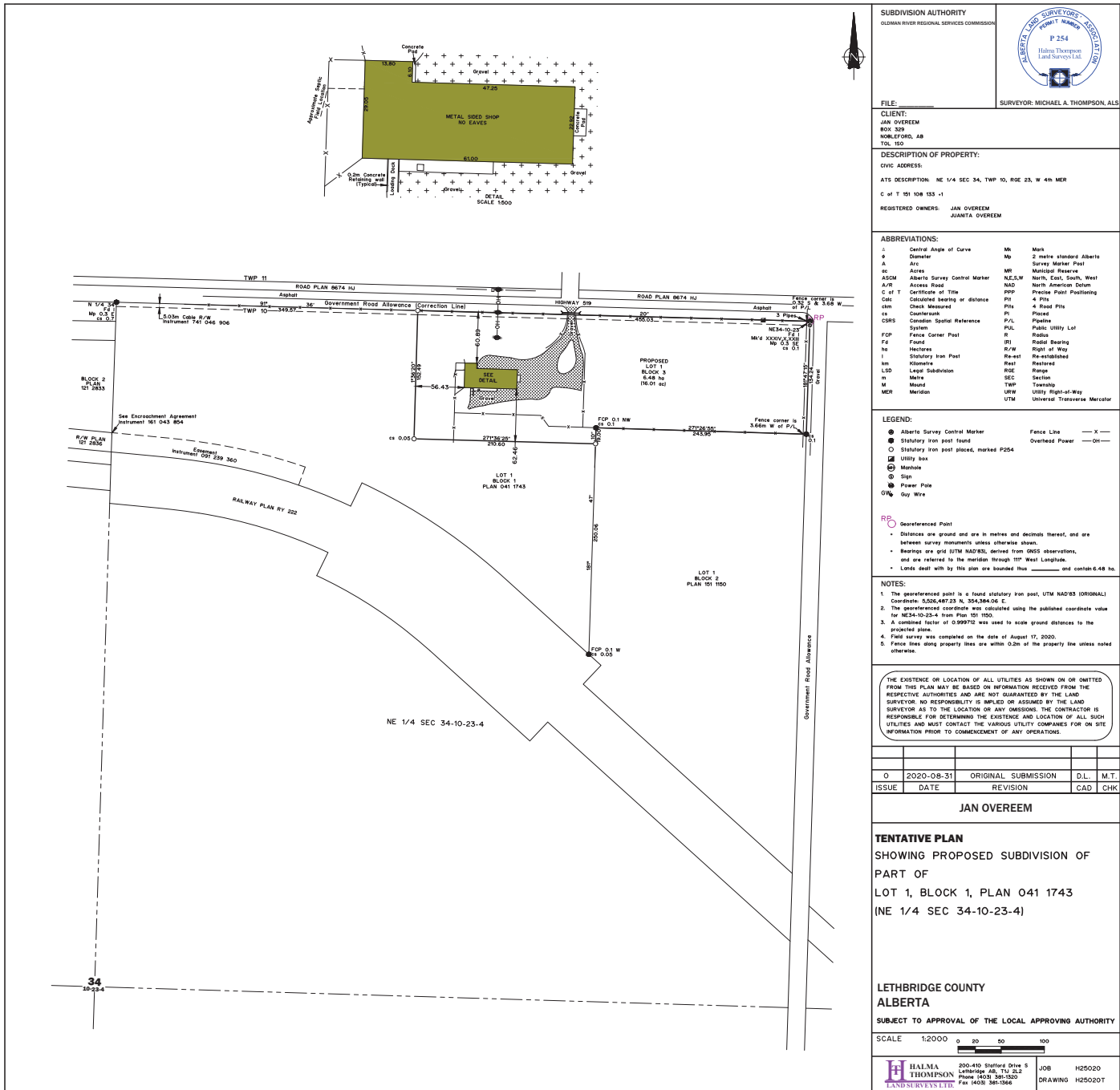
FILE No: 2020-0-108



0 100 200 300 400 Metres
September 01, 2020 Page 12 of 13
2020-0-108.dwg



AERIAL PHOTO DATE: 2015



SUBDIVISION AUTHORITY

OLDMAN RIVER REGIONAL SERVICES COMMISSION

LETHBRIDGE LAND SURVEYORS

PERMIT NUMBER

P 254

Halma Thompson

Land Survey Ltd.

FILE:

SURVEYOR: MICHAEL A. THOMPSON, ALS

CLIENT:

JAN OVEREEM

BOX 329

WILFORD, AB

TOL 1S0

DESCRIPTION OF PROPERTY:

CIVIC ADDRESS:

ATS DESCRIPTION: NE 1/4 SEC 34, TWP 10, RGE 23, W 4th MER

C of T 151 104 133 -1

REGISTERED OWNERS: JAN OVEREEM

JUANITA OVEREEM

ABBREVIATIONS:

1	Central Angle of Curve	Mn	Mark
Δ	Diameter	Mp	2 metre standard Alberta
A	Acc	MS	Survey Marker Post
ac	Acres	N.E.S.W	Municipal Reserve
ASCM	Alberta Survey Control Marker	N	North
A/R	Access Road	E	East
C of T	Certificate of Title	S	South
Cad	Calculated bearing or distance	W	West
ch	Check Measured	PP	Private Post Positioning
CSRS	Canadian Spatial Reference System	P	4 Pins
FOP	Fence Corner Post	P/L	4 Road Pins
F4	Fence	PUL	Public Utility Lot
HA	Healores	R	Radius
Im	Statutory Iron Post	R/W	Right of Way
LSD	Legal Subdivision	Re-est	Re-established
M	Metric	Rst	Restored
M	Mound	RDC	Range
ME	Metric	SEC	Section
		TWP	Township
		URW	Utility Right-of-Way
		UTM	Universal Transverse Mercator

LEGEND:

●	Alberta Survey Control Marker	— X —	Fence Line
○	Statutory Iron post found	— OH —	Overhead Power
○	Statutory Iron post placed, marked P254		
■	Utility loss		
■	Munishole		
■	Sign		
○	Power Pole		
○	Day Wire		

NOTES:

1. The georeferenced point is a found statutory iron post, UTM NAD83 (ORIGINAL) Coordinates: 5308.487 23 N, 354.384 04 E

2. The georeferenced coordinate was calculated using the published coordinate value for NE34-10-23-4 from Plan 101 1500.

3. A combined factor of 0.99870 was used to scale ground distances to the projected plane.

4. Field survey was completed on the date of August 17, 2020.

5. Fence lines along property lines are within 0.2m of the property line unless noted otherwise.

THE EXISTENCE OR LOCATION OF ALL UTILITIES AS SHOWN ON OR OMITTED FROM THIS PLAN MAY BE BASED ON INFORMATION RECEIVED FROM THE RESPECTIVE AUTHORITIES AND ARE NOT GUARANTEED BY THE LAND SURVEYOR. NO RESPONSIBILITY IS IMPLIED OR ASSUMED BY THE LAND SURVEYOR AS TO THE LOCATION OR ANY OMISSIONS. THE CONTRACTOR IS RESPONSIBLE FOR DETERMINING THE EXISTENCE AND LOCATION OF ALL SUCH UTILITIES AND MUST CONTACT THE VARIOUS UTILITY COMPANIES FOR ON SITE INFORMATION PRIOR TO COMMENCEMENT OF ANY OPERATIONS.

0	2020-08-31	ORIGINAL SUBMISSION	D.L.	M.T.
ISSUE	DATE	REVISION	CAD	CHK

JAN OVEREEM

TENTATIVE PLAN

SHOWING PROPOSED SUBDIVISION OF

PART OF

LOT 1, BLOCK 1, PLAN 041 1743

(NE 1/4 SEC 34-10-23-4)

LETHBRIDGE COUNTY

ALBERTA

SUBJECT TO APPROVAL OF THE LOCAL APPROVING AUTHORITY

SCALE 1:2000

0 20 40 60 80 100

HALMA THOMPSON

LAND SURVEY LTD.

200-410 Stafford Drive S

LETHBRIDGE AB, T1J 2L2

Phone (403) 581-1500

Fax (403) 581-5564

JOB

H25020

DRAWING

H25020T

AGENDA ITEM REPORT



Title: Subdivision Application #2020-0-114 – Atkinson
- NW 11-10-24-W4M
Meeting: County Council - 01 Oct 2020
Department: ORRSC
Report Author: Steve Harty

APPROVAL(S):

Hilary Janzen, Supervisor of Planning & Development
Larry Randle, Director of Community Services
Ann Mitchell, Chief Administrative Officer

Approved - 17 Sep 2020
Approved - 17 Sep 2020
Approved - 18 Sep 2020

STRATEGIC ALIGNMENT:



Outstanding Quality
of Life



Effective Governance
and Service Delivery



Prosperous
Agricultural
Community



Vibrant and Growing
Economy



Strong Working
Relationships

EXECUTIVE SUMMARY:

The application is to subdivide a 3.73 acre first parcel out farmstead subdivision from a title of 155.28 acres for country residential use. The proposal meets the subdivision criteria of the Land Use Bylaw.

RECOMMENDATION:

That S.D. Application #2020-0-114 be approved subject to the conditions as outlined in the draft resolution.

PREVIOUS COUNCIL DIRECTION / POLICY:

- The proposal is eligible for subdivision consideration as a first parcel out farm yard subdivision as per the policies of Land Use Bylaw No. 1404.
- The proposal complies with the subdivision criteria of Land Use Bylaw No. 1404, and the proposed parcel size conforms to the bylaw's required minimum 2.0 acres and not to exceed 10 acres maximum in size. The resulting 151.55 acre agricultural parcel complies with the minimum agricultural parcel size bylaw requirements.
- Site servicing is met: Water is provided by a private on-site well and sewage is treated by an on-site septic field system. Access is from the west municipal road allowance.
- There are no abandoned gas wells located in proximity. There is an 18,000 head beef finishing operation located to the northeast. The applicable minimum distance separation (MDS) is 851m and an actual distance of 815m exists as measured to the existing dwelling. However, this proposal may be considered with respect to the bylaw criteria and subdivision policy (policy 2(3), Part 7 of LUB No. 1404) as the farmyard site existed prior (circa 1940s) to the MDS regulations coming into effect and the neighboring CFO being established.

BACKGROUND INFORMATION:

Located approximately 2-miles west of the Hamlet of Monarch, 1½-miles north of the Oldman River. The proposal is to subdivide an older long-established farmstead yard located in the very northwest corner of the ¼-section.

The yard has all services in place and contains an older house, garage, multiple sheds and well-established tree shelterbelt. The proposed parcel is squared-off and an older barn and shed on the south side will be excluded from the acreage title and remain on the remnant irrigated agricultural title. There is a CFO to the northeast where the MDS is slightly compromised (a distance of 851m is required and an actual distance of 815m exists). However, the application meets the subdivision policies, as the farmstead was established in the 1940s and existed prior to the MDS regulations coming into effect and also the CFO being established in 1983. Additionally, the yard met the MDS prior to 2018 but the NRCB approved an expansion of the feedlot by waiving the MDS to the yard, although the landowners did not sign an MDS waiver to their residence with the NRCB. (There are two other acreages located west across the road that would likely affect the potential for future expansion of the CFO with respect to MDS considerations.)

Overall, the proposal meets the criteria of the County's Land Use Bylaw No. 1404 for a first parcel out farmstead subdivision and MDS policy consideration. (see full ORRSC Planner's comments attached)

The application was circulated to the required external agencies and no utility easements are requested (at time of agenda preparation). The CPR expressed the typical concerns related to residential uses in proximity to rail-lines, but the yard is pre-existing and exceeds the recommended 75m setback.

ALTERNATIVES / PROS / CONS:

With the MDS consideration the proposal complies with all the subdivision criteria, but alternatively, the Subdivision Authority could decide to not approve if it does not agree the MDS criteria is met.

FINANCIAL IMPACT:

None, but the future tax situation may slightly increase with a new dwelling constructed.

REASON(S) FOR RECOMMENDATION(S):

The proposed subdivision meets the provincial Subdivision and Development Regulations and the municipal subdivision policies for a first parcel-out as stated in the Land Use Bylaw.

ATTACHMENTS:

[5A Lethbridge County 2020-0-114 Approval](#)
[Subdivision Referral 2020-0-114 - County Version](#)

RESOLUTION

2020-0-114

Lethbridge County

Country Residential subdivision of NW1/4 11-10-24-W4M

THAT the Country Residential subdivision of NW1/4 11-10-24-W4M (Certificate of Title No. 181 067 174), to subdivide a 3.73 acre (1.51 ha) first parcel out subdivision from a title of 155.28 acres (62.84 ha) for country residential use; BE APPROVED subject to the following:

CONDITIONS:

1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to Lethbridge County.
2. That, pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant or owner or both enter into a Development Agreement with Lethbridge County which shall be registered concurrently with the final plan against the title(s) being created.
3. That any easement(s) as required by utility agencies shall be established prior to finalization of the application.

REASONS:

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan and Land Use Bylaw.
2. The Subdivision Authority is satisfied that the proposal as a first parcel out subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 7 of the Subdivision and Development Regulation.
3. The Subdivision Authority has determined this application conforms to the County's subdivision policies and the proposed 3.73 acre size complies with the bylaw's flexible 3.0-to-10.0 acre maximum parcel size criteria for an existing yard.
4. The application is eligible for a waiver consideration in applying the MDS based on Part 7 policy 2(3) of the land use bylaw, as the use preexisted both the MDS policy coming into effect and the establishment of a nearby CFO, and the proposal otherwise meets the criteria of the County's Land Use Bylaw.

INFORMATIVE:

- (a) Since the proposed subdivision complies with Section 663(a) of the Municipal Government Act, Reserve is not required.
- (b) That a legal description for the proposed parcel be approved by the Surveys Branch, Land Titles Office, Calgary.
- (c) The applicant/owner is advised that other municipal, provincial or federal government or agency approvals may be required as they relate to the subdivision and the applicant/owner is responsible for verifying and obtaining any other approval, permit, authorization, consent or license that may be required to subdivide, develop and/or service the affected land (this may include but is not limited to Alberta Environment and Parks, Alberta Transportation, and the Department of Fisheries and Oceans.)
- (d) TELUS Communications Inc. has no objections.

2020-0-114
Page 1 of 2

(e) Lethbridge Northern Irrigation District (LNID) – Alan Harrold, General Manager:

"The above noted Application for Subdivision has been reviewed by the Lethbridge Northern Irrigation District (LNID) and is approved subject to the following conditions:

1. Payment in full of any outstanding irrigation rates that may be assessed on the original parcel at the time of finalization of the subdivision.
2. Payment of the District's subdivision administration fee. The current fee is \$630.00 (includes GST).
3. Any acres assessed as "irrigation acres" which cannot be re-arranged to suitable areas within the original parcel, must be removed from the Assessment Rolls.
4. A water agreement suitable to meet the needs of the proposed subdivision may be required if the proposed new subdivision requires the use of irrigation water. In addition, since the delivery would be from the Lateral 84 Pipeline, a landowner construction contribution would be required at the time of signing a water agreement for this parcel. The current Lateral 84 Pipeline rate is \$3,150 including GST plus the cost of a water delivery turnout if one is required.
5. Any easements required by the subdivided parcels for access to water from the District's works must be in place for the supply of domestic water, if required.
6. All permanent structures such as buildings with footings, pilings or foundations, septic tanks/ fields, corrals, and silage pits, etc. must meet the minimum set-back distance of 15 metres (50 feet) from the outside boundary of all LNID pipeline right-of-ways and or interests within this parcel.
7. Any alteration to District works required as a result of this subdivision is subject to District approval and payment by the applicant of all applicable costs.

Thank you for the opportunity to comment. If you require more information or would like to set up an appointment to discuss the conditions above, please contact Janet Beck, Land Agent, at the Lethbridge Northern Irrigation District Office, 403-327-3302."

(f) CPR – Cyrus Njung, Real Estate Technician:

"As it relates to this development, Canadian Pacific Railway is not in favor of residential uses adjacent to our right-of-way as this land use is not compatible with railway operations.

The health, safety and welfare of future residents could be adversely affected by railway activities.

Should any proposed residential subdivision application adjacent to railway right of way receive approval. Canadian Pacific Railway requests that all recommended guidelines are considered as it relates to residential development adjacent to the CPR, which can be found at the following link -

<http://www.proximityissues.ca>

We would appreciate being circulated with all future correspondence related to Residential or Commercial developments."

MOVER

REEVE

DATE



3105 - 16th Avenue North
Lethbridge, Alberta T1H 5E8

Phone: (403) 329-1344
Toll-Free: 1-844-279-8760
E-mail: subdivision@orrrsc.com
Website: www.orrrsc.com

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: September 9, 2020

Date of Receipt:

September 8, 2020

Date of Completeness:

September 8, 2020

TO: Landowner: Chase Daniel Atkinson and Jaylene Marie Atkinson

Agent or Surveyor: David J. Amantea, A.L.S.

Referral Agencies: Lethbridge County, Morris Zeinstra, Holy Spirit RC School Division, Palliser School Division, AltaLink, FortisAlberta, TELUS, ATCO Gas, ATCO Pipelines, AB Health Services - South Zone, Lethbridge Northern Irrigation District (LNID), AB Environment & Parks - J. Wu, AER, Canada Post, CPR

Adjacent Landowners: Notified Via Ad in Sunny South News

Planning Advisor: Steve Harty *S.H.*

The Oldman River Regional Services Commission (ORRSC) is in receipt of the following subdivision application which is being processed on behalf of the Lethbridge County. This letter serves as the formal notice that the submitted application has been determined to be complete for the purpose of processing.

In accordance with the Subdivision and Development Regulation, if you wish to make comments respecting the proposed subdivision, please submit them via email or mail no later than **September 29, 2020**. (Please quote our File No. **2020-0-114** in any correspondence with this office).

File No: 2020-0-114

Legal Description: NW1/4 11-10-24-W4M

Municipality: Lethbridge County

Land Designation: Rural Agriculture – RA
(Zoning)

Existing Use: Agricultural

Proposed Use: Country Residential

of Lots Created: 1

Certificate of Title: 181 067 174

Proposal: To subdivide a 3.73 acre (1.51 ha) first parcel out subdivision from a title of 155.28 acres (62.84 ha) for country residential use.

Planner's Preliminary Comments:

The purpose of this application is to subdivide a 3.73 acre (1.51 ha) first parcel out subdivision from a title of 155.28 acres (62.84 ha) for country residential use. The parcel is located approximately 2-miles west of the Hamlet of Monarch, 1½-miles north of the Oldman River.

The proposal is to accommodate the subdivision of an older long-established farmstead yard located in the very northwest corner of the quarter-section. The yard area contains an older house, garage, multiple sheds and tree shelterbelt. There is an irrigation pivot system operating on the associated agricultural land within the ¼-section. The proposed yard parcel is squared-off and an older barn and shed on the south side will be excluded from the acreage parcel and remain on the larger remnant agricultural title. Water is provided by an on-site well and sewage is treated by an individual on-site septic field system situated south of the house. Access is provided from the west municipal road allowance and an existing approach is in place to the old yard.

There are no abandoned gas wells located in proximity to this proposal. There is an 18,600 head beef finishing operation located to the northeast. The application does not meet the normally applied minimum distance separation (MDS), as a distance of 851m is required and an actual distance of 815m exists as measured to the dwelling wall. However, the farmstead yard being subdivided was originally established circa 1940 and existed prior to the MDS regulations coming into effect and also the nearby CFO being established in 1983. It is noted that the yard met the MDS prior to 2018, as the NRCB approved an expansion of the feedlot in 2018 by granting a waiver of the compromised MDS to the yard (although the landowners did not sign an MDS waiver to their residence with the NRCB). It is further observed that there are two additional acreages located across the road allowance immediately to the west that would also affect future expansion of the beef operation in consideration of the MDS.

As a first parcel out subdivision of the original farmstead area this application is eligible for subdivision consideration. This application conforms to the County's subdivision policies and the proposed 3.73 acre size complies with the bylaw's flexible 3.0-to-10.0 acre maximum parcel size criteria for an existing yard based on improvements present. The Subdivision Authority is hereby requested to take the following conditions into consideration for an approval:

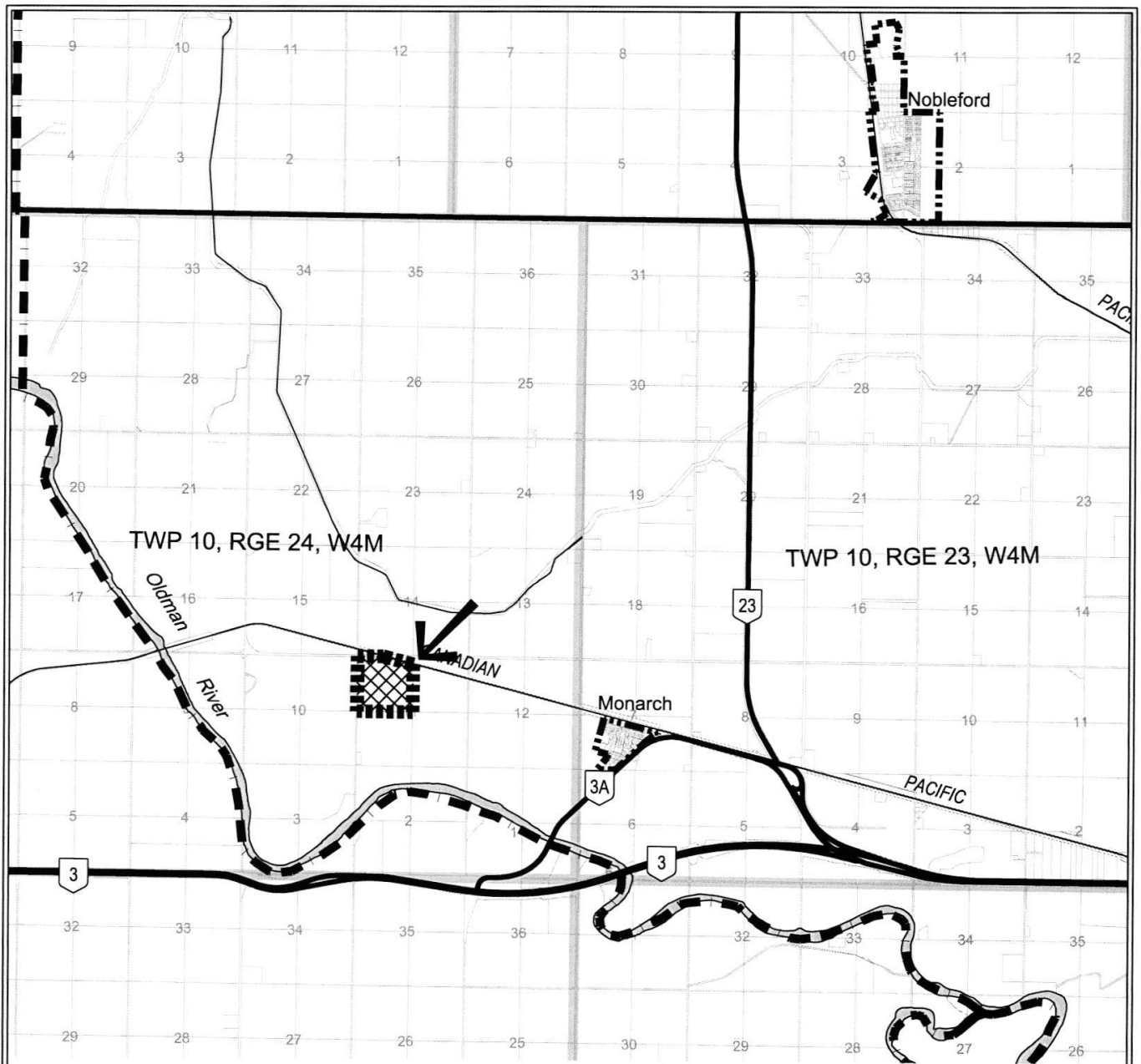
- Any outstanding property taxes shall be paid to Lethbridge County.
- The applicant or owner or both enter into a Development Agreement with Lethbridge County.
- That any easement(s) as required by utility companies or the municipality shall be established.
- Consideration of referral agencies comments and any requirements.

RESERVE: The payment of Municipal Reserve is not applicable on the parcel pursuant to Section 663(a) of the MGA.

No further comment pending a site inspection.

If you wish to make a presentation at the subdivision authority meeting, please notify the Lethbridge County Municipal Administrator as soon as possible.

Submissions received become part of the subdivision file which is available to the applicant and will be considered by the subdivision authority at a public meeting.

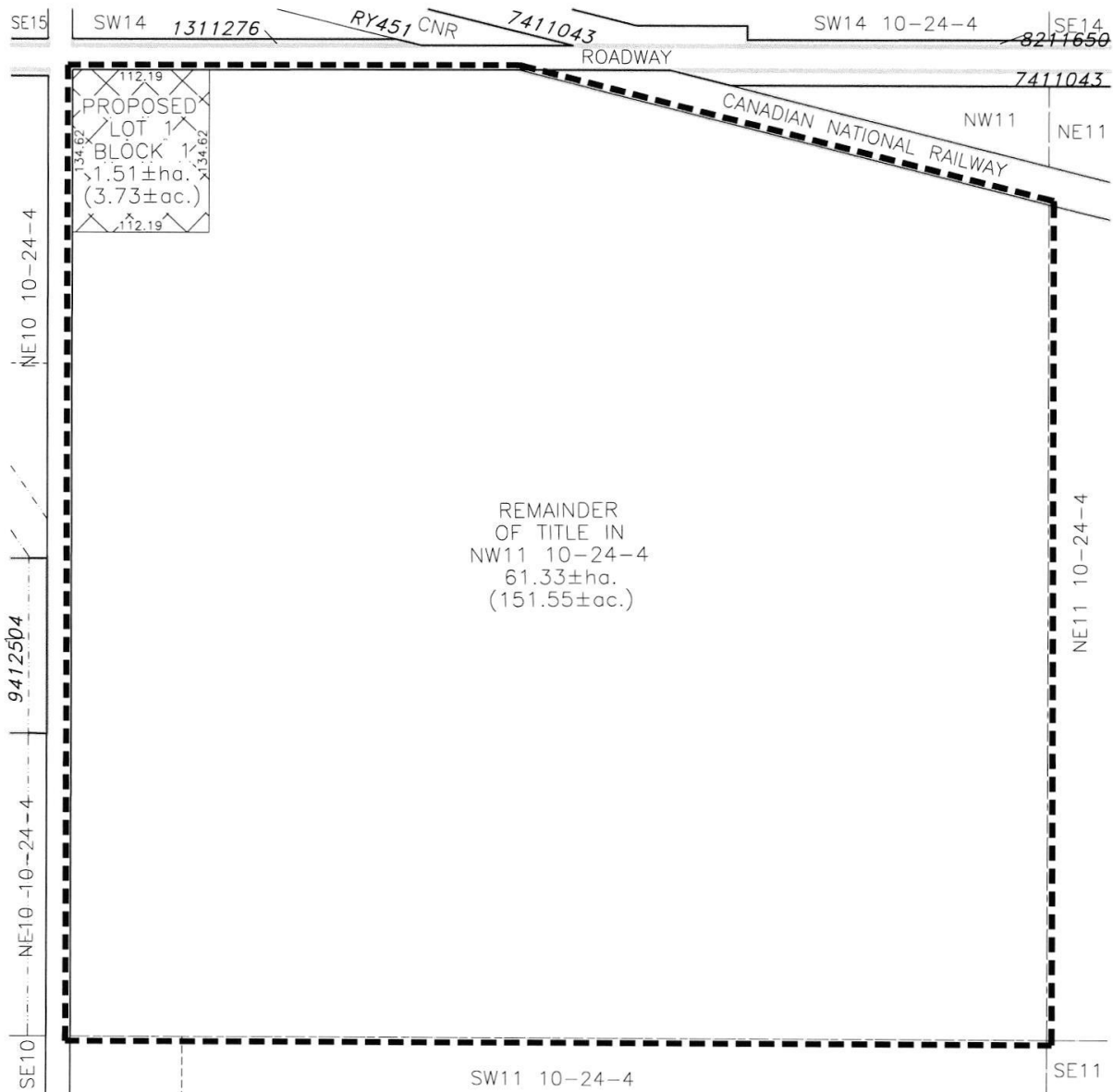


SUBDIVISION LOCATION SKETCH
NW 1/4 SEC 11, TWP 10, RGE 24, W 4 M
MUNICIPALITY: LETHBRIDGE COUNTY
DATE: SEPTEMBER 9, 2020
FILE No: 2020-0-114

MAP PREPARED BY:
 OLDMAN RIVER REGIONAL SERVICES COMMISSION
 3105 18th AVENUE NORTH, LETHBRIDGE, AB T1Y 1H1
 NOT RESPONSIBLE FOR ERRORS OR OMISSIONS

OLDMAN RIVER REGIONAL SERVICES COMMISSION

September 09, 2020 Page 1 of 10 2020-0-114.dwg



SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 20-14981T

NW 1/4 SEC 11, TWP 10, RGE 24, W 4 M

MUNICIPALITY: LETHBRIDGE COUNTY

DATE: SEPTEMBER 9, 2020

FILE No: 2020-0-114





SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 20-14981T

NW 1/4 SEC 11, TWP 10, RGE 24, W 4 M

MUNICIPALITY: LETHBRIDGE COUNTY

DATE: SEPTEMBER 9, 2020

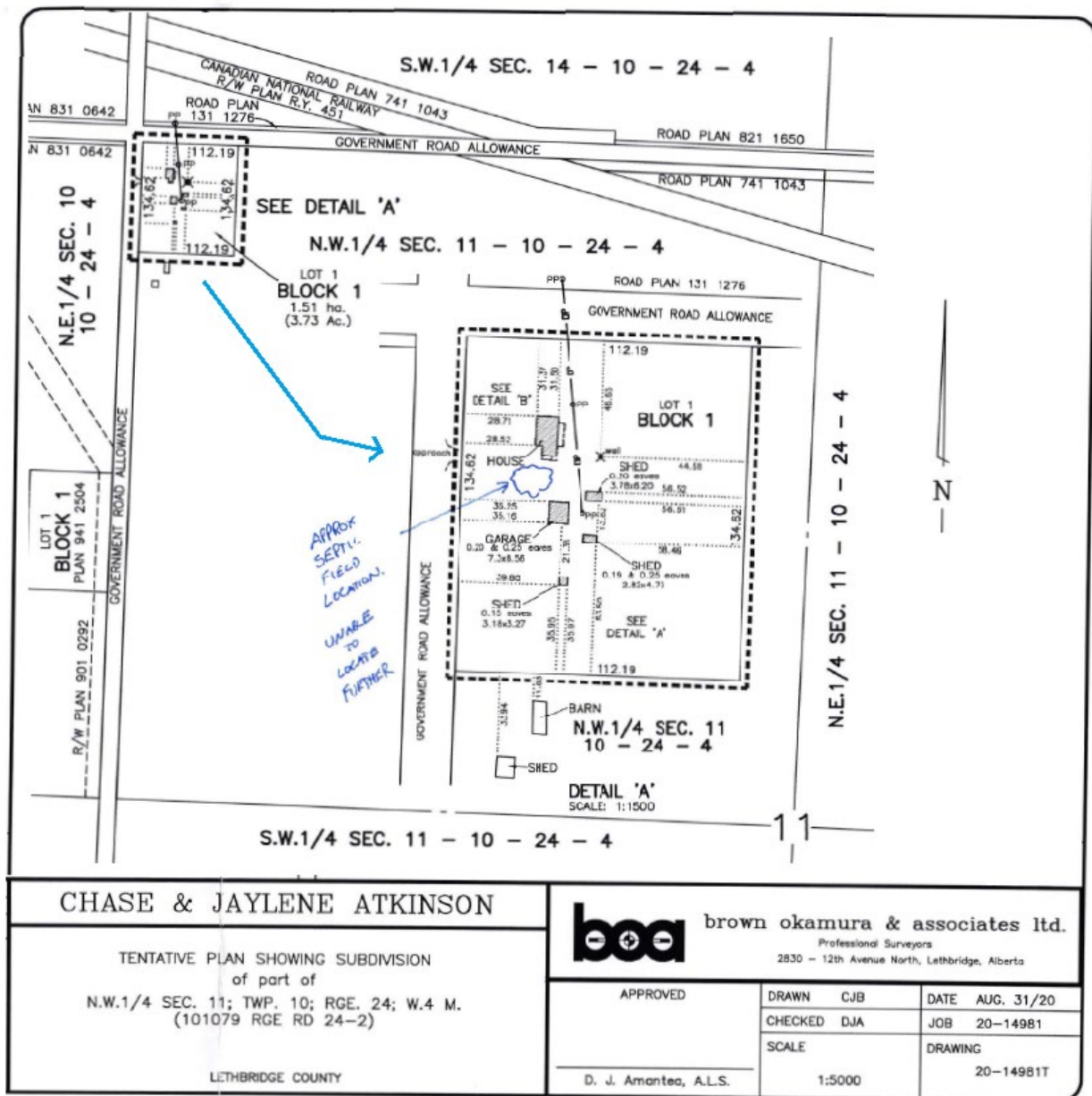
FILE No: 2020-0-114



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September 09, 2020
Page 9 of 10
2020-0-114.dwg



AERIAL PHOTO DATE: 2015



AGENDA ITEM REPORT



Title: Bylaw 20-007 - Road Closure, Sale and Consolidation of a portion of Sidney Road within subdivision plan 4000AQ (Lucy-Howe Subdivision) - Public Hearing

Meeting: County Council - 01 Oct 2020

Department: Community Services

Report Author: Hilary Janzen

APPROVAL(S):

Larry Randle, Director of Community Services
Ann Mitchell, Chief Administrative Officer

Approved - 11 Sep 2020
Approved - 15 Sep 2020

STRATEGIC ALIGNMENT:



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EXECUTIVE SUMMARY:

An application has been made to close a road in the Lucy-Howe Subdivision, being a portion of Sidney Road in subdivision plan 4000AQ.

RECOMMENDATION:

That the proposed road closure in subdivision plan 4000AQ be sent to the Minister of Transportation for Approval.

PREVIOUS COUNCIL DIRECTION / POLICY:

- Policy 109A - Road Allowance Closure & Sale approved by County Council on March 6, 2014.
- Bylaw 20-007 was read a first time on August 6, 2020.

BACKGROUND INFORMATION:

An application has been made to close a road in the Lucy-Howe Subdivision, being a portion of Sidney Road in subdivision plan 4000QA. The proposed road closure is 187.05m (614 feet) long x 10.06m (33 feet) wide (0.188 hectares / 0.46 acres).

The lands were taken as road right-of-way when the area was originally subdivided in 1913 and has never been developed for use as a road since its creation. The County has determined that this portion of road will not be required for future use and can be closed.

If approved, the applicant will be required to consolidate the road closure area into their adjacent parcel which is located north of the road proposed to be closed.

The notice of public hearing was advertised in the September 15 and 22 editions of the Sunny South News and also mailed to the affected landowners.

ALTERNATIVES / PROS / CONS:

County Council may decide not to send the proposed bylaw for Ministerial approval if there were concerns with the proposed road closure that come up during the public hearing.

Pros:

- This would keep the portion of road open and alleviate any concerns from the public regarding access.

Cons:

- They Council would forgo \$8694.00 sale revenue.
- The County would have to manage and maintain the road way.

FINANCIAL IMPACT:

If the road closure is approved the proceeds of the sale will be \$8,694.00. The taxes will increase on the property the road is consolidated to by \$1.77.

REASON(S) FOR RECOMMENDATION(S):

Prior to receiving second and third reading the Bylaw must be sent to the Minister of Transportation for Approval. Once the Bylaw receives Ministerial approval, second and third reading of the Bylaw can proceed.

ATTACHMENTS:

[Bylaw 20-007](#)

[Map of Road Closure Area](#)

**LETHBRIDGE COUNTY
IN THE PROVINCE OF ALBERTA**

BYLAW 20-007

A BYLAW OF LETHBRIDGE COUNTY FOR THE PURPOSE OF CLOSING TO PUBLIC TRAVEL AND CREATING TITLE TO AND DISPOSING OF PORTIONS OF A PUBLIC HIGHWAY IN ACCORDANCE WITH SECTION 22 OF THE MUNICIPAL GOVERNMENT ACT, CHAPTER M26, REVISED STATUTES OF ALBERTA 2000, AS AMENDED.

WHEREAS, the lands hereafter described are no longer required for public travel;

WHEREAS, application has been made to Council to have the roadway closed, and;

WHEREAS, the Council of Lethbridge County deems it expedient to provide for a bylaw for the purpose of closing to public travel certain roads or portions thereof, situated in the said municipality and thereafter creating title to and disposing of same, and;

WHEREAS, notice of intention of Council to pass a bylaw has been given in accordance with Section 606 of the Municipal Government Act, and;

WHEREAS, Council was not petitioned for an opportunity to be heard by any person claiming to be prejudicially affected by the bylaw;

NOW THEREFORE BE IT RESOLVED that the Council of Lethbridge County in the Province of Alberta does hereby close to Public Travel and creating title to and disposing of the following described highways, subject to rights of access granted by other legislation.

ALL THAT PORTION OF SIDNEY ROAD SHOWN ON PLAN 4000 AQ
FORMING PART OF LOT 10, BLOCK 17, PLAN _____
CONTAINING 0.188 HECTARES (0.46 ACRES) MORE OR LESS
EXCEPTING THEREOUT ALL MINES AND MINERALS

GIVEN first reading this _____ day of _____, 20____.

Reeve

Chief Administrative Officer

Approved this _____ day of _____, 20____.

Minister of Transportation

GIVEN second reading this _____ day of _____, 20__.

Reeve

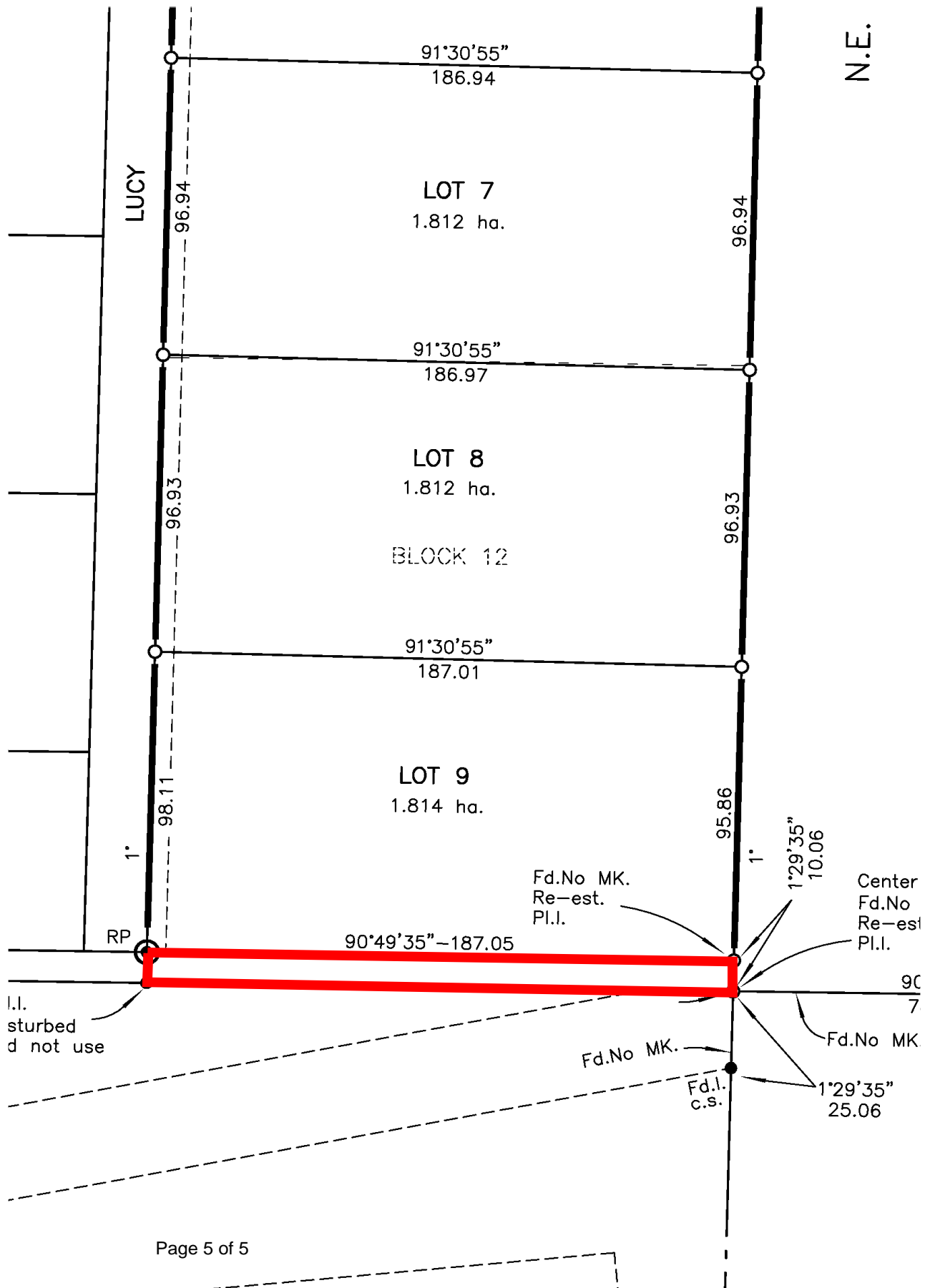
Chief Administrative Officer

GIVEN third reading this _____ day of _____, 20__.

Reeve

Chief Administrative Officer

First Reading	
Send to Minister of Transportation	
Public Hearing	
Second Reading	
Third Reading	



AGENDA ITEM REPORT



Title: Hamlet of Kipp - Removal of Hamlet Designation
Meeting: County Council - 01 Oct 2020
Department: Community Services
Report Author: Hilary Janzen

APPROVAL(S):

Larry Randle, Director of Community Services
Ann Mitchell, Chief Administrative Officer

Approved - 15 Sep 2020
Approved - 18 Sep 2020

STRATEGIC ALIGNMENT:



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EXECUTIVE SUMMARY:

With the completion of the Kipp Hamlet Study it was determined that the Hamlet of Kipp no longer meets the requirements of a Hamlet as directed by the Municipal Government Act. County Administration has determined that it would be appropriate to remove the designation of Hamlet to the area of Kipp.

RECOMMENDATION:

That County Council approve removing the Hamlet designation from the area known as Kipp and direct County Administration to proceed with re-designating the lands in the Kipp area from Direct Control to Rural Agriculture.

PREVIOUS COUNCIL DIRECTION / POLICY:

Hamlet of Kipp Study was accepted by County Council June 18, 2020.

BACKGROUND INFORMATION:

The Hamlet of Kipp Study was completed and accepted by County Council on June 18, 2020. One of the key recommendations in the study is to remove the hamlet designation as the Hamlet does not meet the legislative criteria for the Municipal Government Act, section 59(1) regarding hamlets. This section states that an unincorporated community may be designated a hamlet if the community:

- consists of 5 or more buildings used as dwellings, a majority of which are on parcels of land smaller than 1850 square metres,
- has a generally accepted boundary and name, and
- contains parcels of land that are used for non-residential purposes.

Kipp currently only meets one of the criteria in that it has a generally accepted boundary and name. There is only one residence within the current hamlet area and there are no non-residential uses.

In addition, it is highly unlikely that there will be any growth in this area as all the lands within the hamlet boundary are owned by Alberta Transportation in anticipation of future improvements to the Highway 3 and 509 intersection.

ALTERNATIVES / PROS / CONS:

County Council can keep the Hamlet designation for Kipp and keep it as a designated Hamlet.

Pros:

- This would allow for future growth in the area as if the Hamlet Status is removed it would be difficult to get it reinstated as a Hamlet.

Cons:

- The lands are under the control Alberta Transportation would be used for the realignment of the Highway 3 and Highway 509 intersection, keeping the Hamlet Status would be of no benefit.

FINANCIAL IMPACT:

There are no financial implications to removing the Hamlet designation.

REASON(S) FOR RECOMMENDATION(S):

The area of Kipp does not meet the requirements for a Hamlet as stated in the Municipal Government Act.

AGENDA ITEM REPORT



Title: Bylaw 20-018 - Road Closure, Sale and Consolidation of a portion of First Avenue within the Hamlet of Turin- First Reading
Meeting: County Council - 01 Oct 2020
Department: Community Services
Report Author: Hilary Janzen

APPROVAL(S):

Larry Randle, Director of Community Services
Ann Mitchell, Chief Administrative Officer

Approved - 14 Sep 2020
Approved - 15 Sep 2020

STRATEGIC ALIGNMENT:



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EXECUTIVE SUMMARY:

Lethbridge County Administration is proposing to close a portion of First Avenue in the Hamlet of Turin as part of the realignment of First Avenue. The portion of road that is proposed to be closed is not used as part of the right-of-way and has been generally used by the adjacent landowners.

RECOMMENDATION:

That Bylaw 20-018 be read a first time.

PREVIOUS COUNCIL DIRECTION / POLICY:

- Policy 109A - Road Allowance Closure & Sale approved by County Council on March 6, 2014.
- Subdivision 2019-0-155 was approved by County Council November 21, 2019 which included the realignment of First Avenue in the Hamlet of Turin.

BACKGROUND INFORMATION:

County Administration has determined that the southern portion of First Avenue will not be required for future use and can be closed and consolidated with the properties directly to the south of the road closure area. The westerly portion which is the subject of this report is for Road Plan 7610828 as shown on the attached sketch, as this portion is located within the Hamlet Boundary it is required to be closed by Bylaw. The easterly portion which is located outside of the Hamlet Boundary can be closed by County Council Resolution and will be discussed in a separate report.

If this road closure is approved, the adjacent landowners, being the Turin Community Association and Ms. Tara Mason and Dominic Hillareguy, will consolidate the road closure area into their adjacent parcel which is located south of the road proposed to be closed.

ALTERNATIVES / PROS / CONS:

County Council may deny first reading of the bylaw if there are concerns with the proposed road closure. This would be contrary to legal advice which has been that first reading of the bylaw shall be given as the applicant and the public have the right to attend and speak at a public hearing which is set up upon first reading of the bylaw. The public hearing process allows County Council the opportunity to hear out all positions on the Bylaw and make an informed decision. If first reading is not given the applicant would have the right to appeal that decision to the Court of Appeal of Alberta.

FINANCIAL IMPACT:

The assessed value of the lands proposed to be closed comes in at \$3000 per acre. If the road closure is approved the County would give the land to the Turin Community Association for \$1.00 and would sell the portion to Ms. Mason and Mr. Hillareguy for \$960.00 In addition their taxes would increase by \$1.23.

REASON(S) FOR RECOMMENDATION(S):

Proceeding with First Reading will allow County Administration to set up the Public Hearing time and date and send out the notices to the adjacent landowners and the utility companies.

ATTACHMENTS:

[Bylaw 20-018 Road Closure and Consolidation](#)

**LETHBRIDGE COUNTY
IN THE PROVINCE OF ALBERTA**

BYLAW 20-018

A BYLAW OF LETHBRIDGE COUNTY FOR THE PURPOSE OF CLOSING TO PUBLIC TRAVEL AND CREATING TITLE TO AND DISPOSING OF PORTIONS OF A PUBLIC HIGHWAY IN ACCORDANCE WITH SECTION 22 OF THE MUNICIPAL GOVERNMENT ACT, CHAPTER M26, REVISED STATUTES OF ALBERTA 2000, AS AMENDED.

WHEREAS, the lands hereafter described are no longer required for public travel;

WHEREAS, application has been made to Council to have the roadway closed, and;

WHEREAS, the Council of Lethbridge County deems it expedient to provide for a bylaw for the purpose of closing to public travel certain roads or portions thereof, situated in the said municipality and thereafter creating title to and disposing of same, and;

WHEREAS, notice of intention of Council to pass a bylaw has been given in accordance with Section 606 of the Municipal Government Act, and;

WHEREAS, Council was not petitioned for an opportunity to be heard by any person claiming to be prejudicially affected by the bylaw;

NOW THEREFORE BE IT RESOLVED that the Council of Lethbridge County in the Province of Alberta does hereby close to Public Travel and creating title to and disposing of the following described highways, subject to rights of access granted by other legislation.

1. ALL THAT PORTION OF FIRST AVENUE ON PLAN 7610828 FORMING PART OF LOT 1, BLOCK 4, PLAN _____, CONTAINING 0.130 HECTARES (0.32 ACRES) MORE OR LESS EXCEPTING THEREOUT ALL MINES AND MINERALS
2. ALL THAT PORTION OF FIRST AVENUE ON PLAN 7610828 FORMING PART OF LOT 2, BLOCK 4, PLAN _____, CONTAINING 0.077 HECTARES (0.19 ACRES) MORE OR LESS EXCEPTING THEREOUT ALL MINES AND MINERALS

GIVEN first reading this _____ day of _____, 2020.

Reeve

Chief Administrative Officer

Approved this _____ day of _____, 20____.

Minister of Transportation

GIVEN second reading this _____ day of _____, 20__.

Reeve

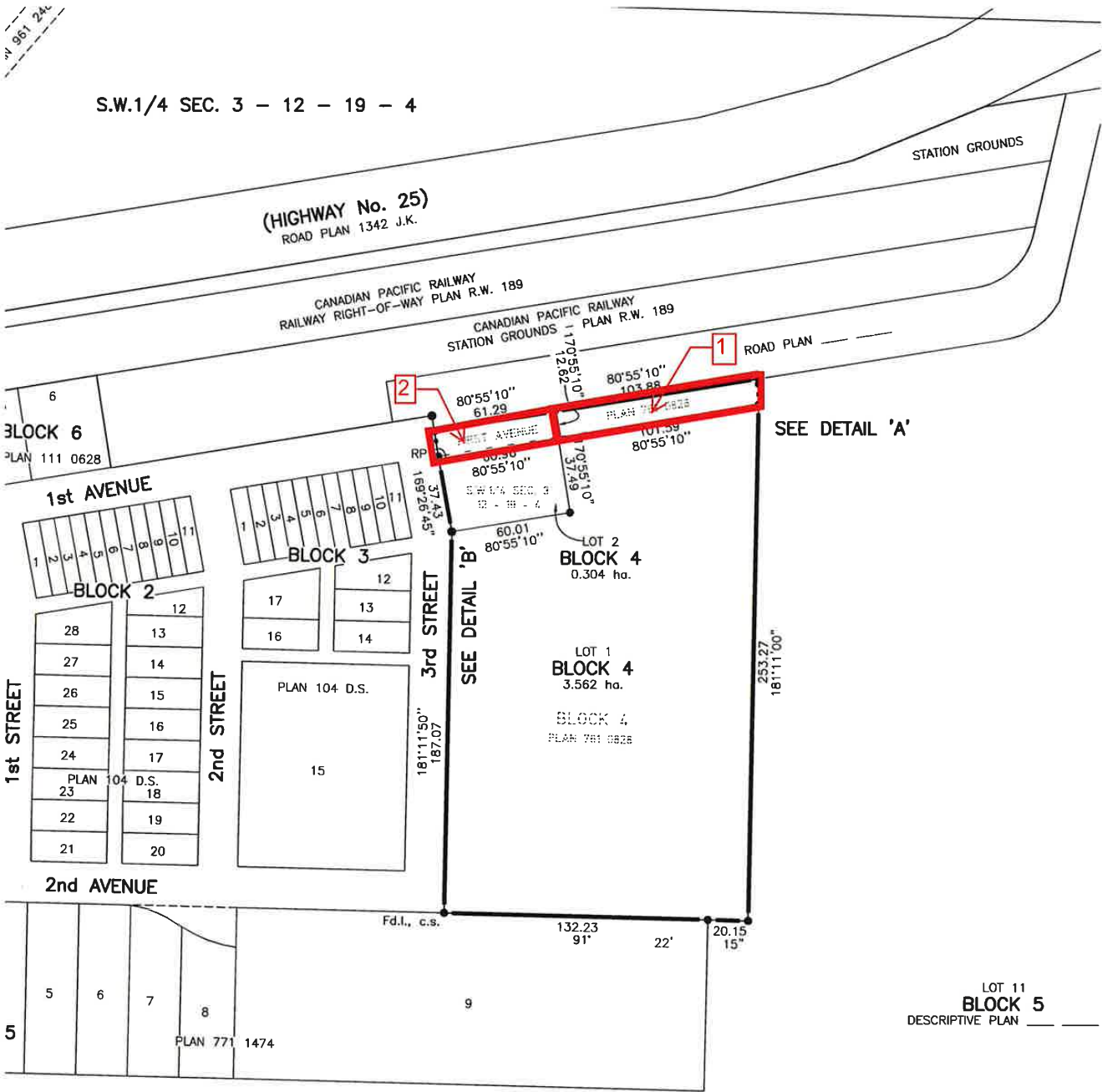
Chief Administrative Officer

GIVEN third reading this _____ day of _____, 20__.

Reeve

Chief Administrative Officer

First Reading	
Send to Minister of Transportation	
Public Hearing	
Second Reading	
Third Reading	



AGENDA ITEM REPORT



Title: Resolution - Road Closure, Sale and Consolidation of the eastern portion of First Avenue within the Hamlet of Turin
Meeting: County Council - 01 Oct 2020
Department: Community Services
Report Author: Hilary Janzen

APPROVAL(S):

Larry Randle, Director of Community Services
Ann Mitchell, Chief Administrative Officer

Approved - 15 Sep 2020
Approved - 16 Sep 2020

STRATEGIC ALIGNMENT:



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EXECUTIVE SUMMARY:

Lethbridge County Administration is proposing to close and consolidate the eastern portion of First Avenue in the Hamlet of Turin as part of the realignment of First Avenue. The portion of road that is proposed to be closed is not used as part of the right-of-way and has been historically used by the adjacent landowners. As this portion of First Avenue was created through a road plan, it can be closed by County Resolution instead of the standard Bylaw process.

RECOMMENDATION:

That closure of the south-eastern portion of First Avenue in the Hamlet of Turin be approved by Resolution.

PREVIOUS COUNCIL DIRECTION / POLICY:

- Policy 109A - Road Allowance Closure & Sale approved by County Council on March 6, 2014.
- Subdivision 2019-0-155 was approved by County Council November 21, 2019 which included the realignment of First Avenue in the Hamlet of Turin.

BACKGROUND INFORMATION:

Lethbridge County Administration is proposing to close and consolidate the south portion of First Avenue in the Hamlet of Turin as part of the realignment of First Avenue (see enclosed map). There is an existing drainage ditch in the current Right-of-Way that the County is keeping as part of the new Road Plan.

The easterly portion of road that is the subject of this report is not used as part of the right-of-way and has been historically used (farmed) by the adjacent landowners. County Administration has

determined that this portion of road will not be required in the future and the lands can be closed and consolidated with the adjacent farm title.

A Road Plan may be closed by County Council Resolution as long as it is not in an urban area (i.e. Hamlet). The proposed closure for this eastern portion of First Avenue is located outside of the Hamlet Boundary so it can be closed by County Council Resolution instead of by Bylaw.

If approved, the adjacent landowners, Mr. Gerald Papworth and Mr. Lawrence Papworth, will consolidate the road closure area into their properties located directly south of the proposed road closure area.

ALTERNATIVES / PROS / CONS:

1. Reject the road closure:

Pros:

- the County would retain the land as an asset which could be used to improve the existing road or drainage system in the future, if deemed appropriate by the Director of Public Works.

Cons:

- the County would forgo \$1410.00 sale revenue;
- County Administration would be required to address the current encroachment and liability issues of someone utilizing and occupying a County Right-of-Way.

2. Approve the road closure:

Pros:

- the adjacent land owner is willing to purchase the land;
- it would reduce the number of small, remnant parcels of land the County has to manage
- the road closure was carefully reviewed and considered as part of the subdivision of County-owned lots on the north side of the roadway and the road realignment.

Cons:

- it would be a cumbersome process to re-take the closed portion of the road in the future, should the County ever decide that was practical or necessary.

FINANCIAL IMPACT:

- The assessed value of the lands proposed to be closed, is \$3000 per acre. If the road closure is approved the County would sell the portion lands (0.19 hectares/0.47 acres) to Mr. Gerald Papworth and Mr. Lawrence Papworth for \$1,410.00.
- The taxes for the property would increase by \$1.92 per year if the road closure is approved.

REASON(S) FOR RECOMMENDATION(S):

This portion of road is not required as part of the County's road network and is currently being used by the adjacent landowner for agricultural purposes, without compensation to the County.

ATTACHMENTS:

[20-14779C-LethbridgeCounty-Resolution](#)
[Road Closure Plot - Resolution](#)

Lethbridge County

A Resolution of **Lethbridge County** for the purpose of closing to public travel and cancelling a public highway in accordance with Section 24 of the Municipal Government Act, Chapter M26, Revised Statutes of Alberta 2000, as amended.

WHEREAS, the lands hereafter described are no longer required for public travel,

NOW THEREFORE be it resolved that the Council of Lethbridge County does hereby close the following described road, subject to rights of access granted by other legislation.

SW 3-12-19-4

THAT PORTION OF **ROAD PLAN** 1311856 FORMING PART OF LOT 11, BLOCK 5, DESCRIPTIVE PLAN _____, CONTAINING 0.19 HECTARES (0.47 ACRES) MORE OR LESS
EXCEPTING THEREOUT ALL MINES AND MINERALS

To be transferred to:

LAWRENCE WILLIAM PAPWORTH, OF PO BOX 806, MAGRATH, ALBERTA, T0K 1J0
AS TO AN UNDIVIDED 1/2 INTEREST

GERALD BRUCE PAPWORTH, OF 2336 – 6 AVE NW, CALGARY, ALBERTA, T2N 0X2
AS TO AN UNDIVIDED 1/2 INTEREST

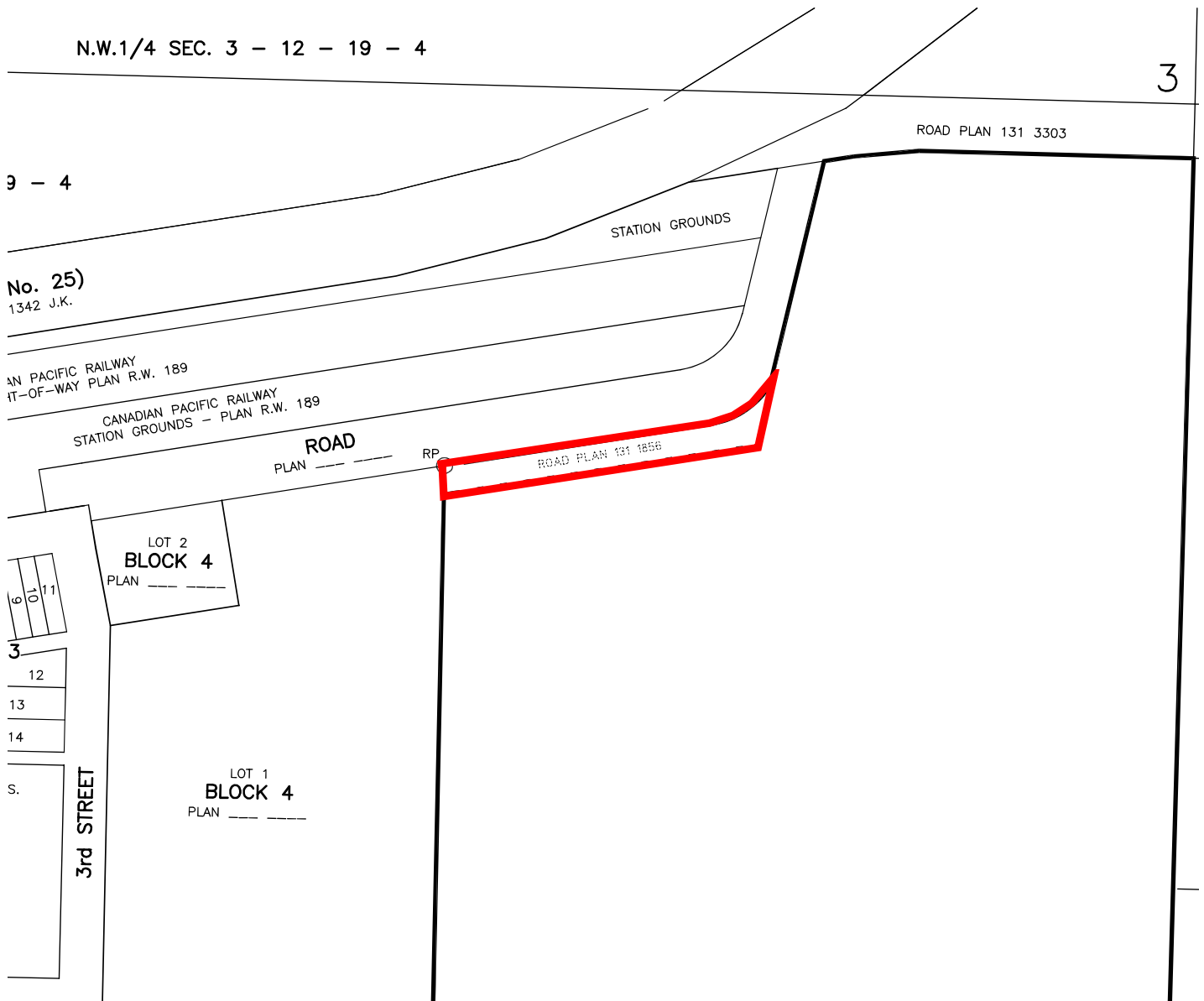
Chief Elected Official

Seal

Chief Administrative Officer

Approved this ____ day of _____, 20__.

Minister of Transportation



AGENDA ITEM REPORT



Title: Council Procedural Bylaw No 20-019
Meeting: County Council - 01 Oct 2020
Department: Community Services
Report Author: Larry Randle

APPROVAL(S):

Ann Mitchell, Chief Administrative Officer

Approved - 25 Sep 2020

STRATEGIC ALIGNMENT:



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EXECUTIVE SUMMARY:

Proposed revisions to the Council Procedural Bylaw address electronic council and council committee meetings, provide greater clarity on procedures for election and appointment of the Reeve, and reflect changes to dates and times of council meetings.

RECOMMENDATION:

1. That Council Procedural Bylaw No. 20-019 be read a first time.
2. That Council Procedural Bylaw No. 20-019 be read a second time.
3. That Council consider third reading of Council Procedural Bylaw No. 20-019.
4. That Council Procedural Bylaw No. 20-019 be read a third time.

PREVIOUS COUNCIL DIRECTION / POLICY:

The current Council Procedures Bylaw No. 19-041 was adopted by council on October 3, 2019.

BACKGROUND INFORMATION:

The Covid-19 pandemic has raised the importance for governing bodies to have the ability to meet electronically. The Municipal Government Act (MGA) gives authority for councils and council committees to meet electronically if:

- a) public notice is given explaining how the meeting is to be conducted;
- b) the public is able to watch or listen to the meeting; and
- c) all meeting participants are able to watch or hear each other

Some additional wording in draft Bylaw 20-019 is included to more clearly reflect this authority and its accompanying requirements.

To ensure that the MGA is adhered to regarding the election of the position of Reeve, legal advice was acquired. Based on this, clearer procedures for the election of Reeve have been included in draft Bylaw 20-019.

The draft bylaw has been amended to reflect the changes council has made regarding council meeting dates and the deadline for agenda preparation and distribution. Two new definitions and some minor wording changes in technical sections of the bylaw have also been proposed to improve clarity.

ALTERNATIVES / PROS / CONS:

1. Defeat Council Procedural Bylaw No. 20-019

Pros: maintains the status quo

Cons: misses the opportunity to keep the bylaw current and applicable, as circumstances change

2. Adopt Council Procedural Bylaw No. 20-019

Pros: keeps the bylaw current and adaptive to a constantly changing municipal

Cons: keeps the bylaw current and reflective of the municipal government environment in which Council operates

3. Amend Council Procedural Bylaw No. 20-019

Pros: Allows Council to include any specific amendments it would like to see in the bylaw

Cons: may delay adoption of the bylaw

FINANCIAL IMPACT:

There are no financial implications whether the bylaw is adopted or defeated.

REASON(S) FOR RECOMMENDATION(S):

Since the last Council Procedural Bylaw was adopted, electronic meetings have become more prevalent, additional guidance on internal elections has been received, and Council meetings dates have changed.

ATTACHMENTS:

[Bylaw 20-019 final - Procedural Bylaw](#)

[Bylaw 20-019 marked up - Procedural Bylaw](#)

LETHBRIDGE COUNTY

BYLAW NO. 20-019

COUNCIL PROCEDURAL BYLAW

A BYLAW OF LETHBRIDGE COUNTY IN THE PROVINCE OF ALBERTA, TO REGULATE THE PROCEDURE AND CONDUCT OF BUSINESS BY THE COUNCIL OF LETHBRIDGE COUNTY.

WHEREAS, the *Municipal Government Act*, RSA 2000, Chapter M-26 as amended, provides that a Council may pass Bylaws in relation to the procedure and conduct of Council and Committees established by Council.

NOW THEREFORE THE COUNCIL OF LETHBRIDGE COUNTY, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1.0 This Bylaw may be cited as “Lethbridge County Council Procedural Bylaw No. 20-019”

2.0 Purpose: To regulate the procedure and conduct of business by the Council of Lethbridge County.

3.0 DEFINITIONS AND INTERPRETATION

3.1 In this Bylaw

- 1) “**Act**” means the Municipal Government Act of Alberta;
- 2) “**Acting Reeve**” is the Council member appointed by Council to be the Acting Reeve in the absence or inability of the Reeve and the Deputy Reeve to act;
- 3) “**Agenda**” means the agenda for a Regular, Special or Closed meeting of Council prepared pursuant to Section 7;
- 4) “**Ballot**” means a secret paper ballot or a ballot cast by any electronic means that does not reveal how the voter voted;
- 5) “**Bylaw**” means a Bylaw of Lethbridge County;
- 6) “**Chief Administrative Officer**” (CAO) means the person appointed to the position in accordance with the *Municipal Government Act*;
- 7) “**Council**” means the Reeve and Councillors of Lethbridge County;
- 8) “**County**” means the Corporation of Lethbridge County and where the context so requires, means the area included within the geographic boundaries of the County;
- 9) “**Deputy Reeve**” means the member, or members who are appointed by resolution of Council to act as Reeve in the absence or incapacity of the Reeve;
- 10) “**Lay on the Table**” is a motion that temporarily delays action on a pending question when something else of immediate urgency has arisen or needs to be addressed before consideration of the pending question resumes. The resumption must occur either later in the same meeting or if the meeting ends before the question is considered, at the next regular meeting.

- 11) **“Majority”** means more than half of the members present
- 12) **“Member”** means a member of Council, duly elected and continuing to hold office;
- 13) **“Notice of Motion”** means the procedure by which a Council member may have a matter placed on a future agenda for Council’s consideration;
- 14) **“Presiding Officer”** means the Chairperson of a meeting – these terms may be used interchangeably;
- 15) **“Quorum”** means the majority of Council, Committee or Board, unless the Bylaw, Terms of Reference or resolution establishing such a body specifies otherwise.

4.0 APPLICATION OF THIS BYLAW

- 4.1 This Bylaw applies to all Regular, Special and Closed Meetings of Council and to the extent practical, to Council Committees.
- 4.2 The precedence of the rules governing the procedure and conduct of Council is:
 - a) the *Municipal Government Act*;
 - b) other provincial legislation;
 - c) this Bylaw;
 - d) “*Robert’s Rules of Order Newly Revised – 12th Edition.*”
- 4.3 In accordance with Robert’s Rules for small assemblies of 12 or fewer members which shall guide Council, a motion is considered to be on the floor without the need of a seconder.
- 4.4 The Presiding Officer of any meeting has the same rights and privileges as all other members including the right to speak in debate and to vote on all questions.

5.0 ORGANIZATIONAL MEETING OF COUNCIL

- 5.1 Council shall hold an annual Organizational Meeting each year no later than two weeks after the third Thursday in October.
- 5.2 The CAO shall set the time and place for the Organizational Meeting, and the business of the meeting will be limited to:
 - a) Election of the Reeve, which shall be by secret ballot. To be elected, an individual must receive a majority of the votes cast. Once elected, the individual must then be appointed as Reeve by resolution, adopted by majority vote. The Reeve shall serve until the following annual Organizational Meeting, as per the MGA.

For the election of Reeve, in the event that three or more individuals receive votes, but none emerge with a majority, one the following options for resolving the impasse should be agreed upon, prior to the commencement of voting:

1. Build a consensus around a single candidate who can be favoured by all of Council. In the event that consensus cannot be reached, repeated balloting as explained in the next subsection shall be conducted.
 2. Balloting is repeated as many times as necessary until one candidate receives a majority vote.
- b) Appointment of the Deputy Reeve(s) by resolution of Council requiring a majority vote to serve on a rotational basis until the following annual Organizational Meeting, unless otherwise specified.
 - c) the appointment by resolution requiring a majority vote of Members to Committees which shall be for a term of one year, unless otherwise specified; and
 - d) any other business required by the Act, or which Council or the CAO may direct.

6.0 MEETINGS OF COUNCIL

- 6.1 Regular Council meetings shall be held in the Council Chambers twice per month on the first and third Thursday of each month, unless otherwise decided. Exceptions are during the month of July and August when there shall be only one Regular Council meeting and periodically at other times throughout the year when there is a scheduling conflict, subject to Council approval.
- 6.2 Unless otherwise decided, Council meetings shall commence at 9:00 a.m. and shall continue not later than 4:30 p.m. of the same day unless by resolution of a two-thirds (2/3) vote of members present, taken before 3:30 p.m., an extension of the meeting beyond 4:30 p.m. is agreed to.
- 6.3 For all meetings requiring notice which includes Council Committee meetings, the notice must be:
 - a) issued a minimum 24 hours prior to the meeting date with written notice for each Councillor and for the general public;
 - b) in writing and specifying the time, date, location and in general terms, the purpose of the meeting;
 - c) e-mailed to each Council and/or Committee Member;
 - d) posted as a notification at the Administration building; and
 - e) any other notification as requested by Council or the Committee.
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12.1 The Executive Assistant shall ensure:

- a) minutes of all Council Meetings are prepared and that a copy is distributed to each Member of Council for the next meeting or as soon as feasible thereafter;

- b) a copy is made available to all County Officials who are entitled to receive copies; and
 - c) minutes of Council meetings that have not yet been approved by Council are made available in the form of an attachment to the next agenda, once that agenda is available to the public.
- 12.2 The Presiding Officer shall present minutes to Council with a request for a motion to confirm the minutes.
- 12.3 Any member of Council may make a motion requesting that the Minutes be amended to correct any inaccuracy or omissions at any future time by giving previous notice and receiving a majority vote on the amendment, or without notice and receiving a 2/3 vote in favour of the correction.
- 12.4 Minor changes may be made to the minutes by Administration without Council approval to correct errors in grammar, spelling and punctuation or to correct the omission of a word necessary to the meaning or continuity of a sentence. No change by Administration may be made which would alter a decision made by Council.

13.0 CONTROL AND CONDUCT OF COUNCIL MEETINGS

- 13.1 Council meetings will be held in public and no person may be excluded from the meeting except for:
 - a) improper conduct; or
 - b) when, by resolution, Council moves into a Closed meeting to discuss any matter if a statute authorizes the holding of that meeting in the absence of the public.
- 13.2 Subject to being overruled by a majority vote of Members, which vote shall be taken without debate, the Presiding Officer:
 - a) shall maintain order and preserve decorum and may, if necessary, call a Member to order;
 - b) shall decide points of order without debate or comment other than to state the relevant section of this Bylaw, subject to an appeal made in accordance with section 15.3 of this bylaw.
 - c) shall determine which Member has the floor;
 - d) shall ensure that all Members who wish to speak on a motion have spoken and then call the question.
- 13.3 No person shall address Council or otherwise speak aloud unless they have first obtained the floor from the Presiding Officer. Any Council member may appeal the Presiding Officer's decision and the matter shall then be put to a vote with the majority vote prevailing.
- 13.4 Citizens in the viewing gallery during a Council meeting:
 - a) shall remain quiet and maintain order throughout the duration of the meeting; and
 - b) shall not applaud or otherwise interrupt any speech or action of a Member, or any other person addressing Council.
- 13.5 The Presiding Officer may, in accordance with the Act, expel and exclude any person who creates a disturbance or acts improperly.
- 13.6 When a Member or Officer is addressing the Presiding Officer, every other Member shall;

- a) remain quiet and seated;
 - b) not interrupt the speaker except on a Point of Order or Point of Procedure; and
 - c) not carry on private conversations.
- 13.7 When a Member is addressing Council the Member shall not speak disrespectfully of others, shout, raise their voice or use offensive language.
- 13.8 No member shall, subject to the Act, leave the Council Chambers after a question has been called, and before the question has been put to a vote. At that time, the Member shall leave the Council Chambers if they have received permission from the Presiding Officer.
- 13.9 A member who leaves the Council Chambers due to a conflict of interest must openly declare the matter by briefly stating the nature of the conflict which shall be recorded in the minutes.

14.0 CLOSED MEETINGS

- 14.1 Any Council member may move that Council move into a Closed meeting to consider matters that fall within one of the exceptions to disclosure under the Freedom of Information and Protection of Privacy Act (FOIPP). In all cases, the applicable section of the FOIPP Act shall be identified prior to resolving into any Closed meeting.
- 14.2 Procedures during Closed meetings differ only from Regular meetings insofar that the only motions permitted are:
- a) to revert to a meeting held in public; or
 - b) to propose a recess.

15.0 POINT OF ORDER

- 15.1 When a Point of Order is raised by any member, it shall be immediately taken into consideration by the Presiding Officer who may consult with appropriate Senior Management Staff prior to making a decision.
- 15.2 The decision of the Presiding Officer shall be final unless a challenge is made pursuant to Section 15.3 of this Bylaw.
- 15.3 When a Member wishes to challenge a procedural ruling of the Presiding Officer, the motion, "That the decision of the Presiding Officer be overruled" must be made immediately following the ruling, and the question shall be put immediately without debate.
- 15.4 The Presiding Officer's decision shall be either upheld or overturned by a majority of the Members present.

16.0 MOTION IN COUNCIL

- 16.1 Except as specifically provided elsewhere in this Bylaw, the following motions are debatable by Council:
- a) a motion for adoption of, refusal of, or further consideration of a report to Council;
 - b) a motion arising out of any matter included or proposed to be included on the Agenda;

- c) a motion for amendment to any Bylaw or any matter arising directly out of any Bylaw presented before Council;
- d) a motion for a second reading of a Bylaw;
- e) a motion for appointment or dismissal of a Committee;
- f) a motion for Council to go into a Closed meeting;

16.2 After a motion has been made but before it has been stated by the Chair, a member may change its wording or withdraw it completely. Once the motion has been stated by the Chair it becomes the property of the Council and only with the consent of a majority of Council may the mover change the wording of their motion or agree to a change proposed by another Member.

17.0 VOTING ON MOTIONS

- 17.1 A question or motion shall be declared defeated when it does not receive the required number of votes.
- 17.2 Each Member present shall vote on every motion as prescribed by the Act, unless the Act or other provincial or federal enactment requires or permits the Members of Council to abstain.
- 17.3 Votes on all motions must be taken as follows:
 - a) the Presiding Officer must declare the motion and call for the vote;
 - b) the Presiding Officer must declare the results of the vote verbally.
- 17.4 After the Presiding Officer declares the result of the vote, Members may not change their vote for any reason, unless immediately after the result of the vote has been announced the member requests and is granted, by unanimous consent, the right to do so.
- 17.5 If a member wishes to have the minutes of the meeting show who voted for and against a motion (a recorded vote), the member shall state this prior to the vote being taken.

18.0 RECONSIDERING AND RESCINDING A RESOLUTION

- 18.1 A Councillor who voted with the prevailing side may move to reconsider the resolution only at the same meeting at which the vote on the motion took place.
- 18.2 A motion to rescind a resolution may be proposed at any meeting subsequent to the meeting at which the motion was passed, by any member, regardless of how they voted, by a majority vote with notice, or by a 2/3 vote when notice has not been given.
- 18.3 A motion to rescind may not be applied to a resolution that has led to an irrevocable action that has already occurred.

19.0 BYLAWS

- 19.1 Every Bylaw shall have three readings before it is considered adopted. Only the title of the Bylaw and Bylaw number must be read at each reading.
- 19.2 A Bylaw shall not be given more than two readings at a Meeting, unless the Members present unanimously agree that the Bylaw

may be considered for third reading, except in circumstances where the Bylaw requires provincial approval or that a Public Hearing be held after first reading and prior to adoption.

- 19.3 After first reading, a Member may ask a question concerning the Bylaw.
- 19.4 After a member has made a motion for second reading of a Bylaw Council may:
 - a) debate the substance of the proposed Bylaw; and
 - b) propose and consider any amendments to the Bylaw that they may have.
- 19.5 A proposed amendment shall be put to a vote and if carried, shall be considered as having been incorporated into the Bylaw.
- 19.6 When all amendments have been accepted or rejected the motion for the second reading of the Bylaw as amended, shall be put.
- 19.7 After Council votes affirmatively for a third reading of any Bylaw it becomes a municipal enactment of the County, and is effective immediately once it has been signed by the Chief Elected Official and the CAO, unless the Bylaw provides for a future effective date.
- 19.8 After adoption of a Bylaw, the Bylaw shall be signed by the Reeve or by the member presiding at the meeting at the time at which it was passed, and by the CAO, and shall be impressed with the corporate seal of the County.
- 19.9 Where prescribed by provincial statute requiring a Bylaw to be submitted to the electorate for voting, Council shall follow the requirements as set out in the relevant statutes.
- 19.10 After a Bylaw submitted to the electorate for voting has received its first reading by Council, it shall not again be debated in Council before the electorate has voted on it.

20.0 COMMITTEES

- 20.1 Subject to the provisions of the Act, Council may create Committees as deemed necessary and expedient for the orderly and efficient handling of the affairs of the County and may also:
 - a) state the duties, responsibilities and purposes of a Committee by way of approving Terms of Reference; and
 - b) Appoint members to the Committee by resolution requiring a majority vote.
- 20.2 Each Standing or Select Committee shall select its own Chairperson.
- 20.3 In accordance with the Act, the Reeve is an ex-officio member of all committees.
- 20.4 The CAO or designate is a non-voting member of all committees.
- 20.5 If directed by Council, any member attending a meeting of an external governing body as a County Council representative, must vote in accordance with Council's direction, if any has been given.

20.6 A committee may make a recommendation to Council who may then accept, reject or amend the recommendation as they deem appropriate.

This Bylaw shall come into effect upon third and final reading thereof, and hereby repeals previous Bylaw No. 19-041.

GIVEN first reading this _____ day of _____, 2020.

Reeve

Chief Administrative Officer

GIVEN second reading this _____ day of _____, 2020.

Reeve

Chief Administrative Officer

GIVEN third reading this _____ day of _____, 2020.

Reeve

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LETHBRIDGE COUNTY

BYLAW NO. ~~19-04120-019~~

COUNCIL PROCEDURAL BYLAW

A BYLAW OF LETHBRIDGE COUNTY IN THE PROVINCE OF
ALBERTA, TO REGULATE THE PROCEDURE AND CONDUCT OF
BUSINESS BY THE COUNCIL OF LETHBRIDGE COUNTY.

WHEREAS, the Municipal Government Act, RSA 2000, Chapter M-26 as amended, provides that a Council may pass Bylaws in relation to the procedure and conduct of Council and Committees established by Council.

NOW THEREFORE THE COUNCIL OF LETHBRIDGE COUNTY, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1.0 This Bylaw may be cited as “Lethbridge County Council Procedural Bylaw No. ~~19-04120-019~~”

2.0 Purpose: To regulate the procedure and conduct of business by the Council of Lethbridge County.

3.0 **DEFINITIONS AND INTERPRETATION**

3.1 In this Bylaw

- 1) “**Act**” means the Municipal Government Act of Alberta;
- 2) “**Acting Reeve**” is the Council member appointed by Council to be the Acting Reeve in the absence or inability of the Reeve and the Deputy Reeve to act;
- 3) “**Agenda**” means the agenda for a Regular, Special or Closed meeting of Council prepared pursuant to Section 7;
- 4) “**Ballot**” means a secret paper ballot or a ballot cast by any electronic means that does not reveal how the voter voted.
- 4) “**Bylaw**” means a Bylaw of Lethbridge County;
- 5) “**Chief Administrative Officer**” (CAO) means the person appointed to the position in accordance with the Municipal Government Act;
- 6) “**Council**” means the Reeve and Councillors of Lethbridge County;
- 7) “**County**” means the Corporation of Lethbridge County and where the context so requires, means the area included within the geographic boundaries of the County;
- 8) “**Deputy Reeve**” means the member, or members who are appointed by resolution of Council to act as Reeve in the absence or incapacity of the Reeve;
- 9) “**Lay on the Table**” is a motion that temporarily delays action on a pending question when something else of immediate urgency has arisen or needs to be addressed before consideration of the pending question resumes. The resumption must occur either later

in the same meeting or if the meeting ends before the question is considered, at the next regular meeting.

“Majority” means more than half of the members present

- 10) **“Member”** means a member of Council, duly elected and continuing to hold office;
- 11) **“Notice of Motion”** means the procedure by which a Council member may have a matter placed on a future agenda for Council’s consideration;
- 12) **“Presiding Officer”** means the Chairperson of a meeting – these terms may be used interchangeably;
- 13) **“Quorum”** means the majority of Council, Committee or Board, unless the Bylaw, Terms of Reference or resolution establishing such a body specifies otherwise.

4.0 APPLICATION OF THIS BYLAW

- 4.1 This Bylaw applies to all Regular, Special and Closed Meetings of Council and to the extent practical, to Council Committees.
- 4.2 The precedence of the rules governing the procedure and conduct of Council is:
 - a) the Municipal Government Act;
 - b) other provincial legislation;
 - c) this Bylaw;
 - d) “*Robert’s Rules of Order Newly Revised – 1~~1~~²th Edition.*”
- 4.3 In accordance with Robert’s Rules for small assemblies of 12 or fewer members which shall guide Council, a motion is considered to be on the floor without the need of a seconder.
- 4.4 The Presiding Officer of any meeting has the same rights and privileges as all other members including the right to speak in debate and to vote on all questions.

5.0 ORGANIZATIONAL MEETING OF COUNCIL

- 5.1 Council shall hold an annual Organizational Meeting each year no later than two weeks after the third Thursday in October.
- 5.2 The CAO shall set the time and place for the Organizational Meeting, and the business of the meeting will be limited to:
 - a) Election of the Reeve, which shall be by secret ballot. To be elected, an individual must receive a majority of the votes cast. Once elected, the individual must then be appointed as Reeve, by resolution adopted by majority vote. The Reeve shall serve until the following annual Organizational Meeting, as per the MGA.

For the election of Reeve, in the event that three or more individuals receive votes, but none emerge with a majority, one the following options for resolving the impasse should be agreed upon, prior to the commencement of voting:

1. Build a consensus around a single candidate who can be favoured by all of Council. In the event that

consensus cannot be reached, repeated balloting as explained in the next subsection shall be conducted.

2. Balloting is repeated as many times as necessary until one candidate receives a majority vote.

- a) ~~and appointment of the Reeve by resolution of Council requiring a majority vote to serve until the following annual Organizational Meeting.~~
- b) ~~Election and a~~Appointment of the Deputy Reeve(s) by resolution of Council requiring a majority vote to serve on a rotational basis until the following annual Organizational Meeting, unless otherwise specified.
- c) the appointment by resolution requiring a majority vote of Members to Committees which shall be for a term of one year, unless otherwise specified; and
- d) any other business required by the Act, or which Council or the CAO may direct.

6.0 MEETINGS OF COUNCIL

- 6.1 Regular Council meetings shall be held in the Council Chambers twice per month on the first and third Thursday of each month, unless otherwise decided. Exceptions are during the month of July and August when there shall be only one Regular Council meeting ~~scheduled on the first Thursday of the month~~ and periodically at other times throughout the year when there is a scheduling conflict, subject to Council approval.
- 6.2 Unless otherwise decided, Council meetings shall commence at 9:00 a.m. and shall continue not later than 4:30 p.m. of the same day unless by resolution of a two-thirds (2/3) vote of members present, taken before 3:30 p.m., an extension of the meeting beyond 4:30 p.m. is agreed to.
- 6.3 For all meetings requiring notice which includes Council Committee meetings, the notice must be:
 - a) issued a minimum 24 hours prior to the meeting date with written notice for each Councillor and for the general public;
 - b) in writing and specifying the time, date, location and in general terms, the purpose of the meeting;
 - c) e-mailed to each Council and/or Committee Member;
 - d) posted as a notification at the Administration building; and
 - e) any other notification as requested by Council or the Committee.
- 6.4 The Reeve may call a Special Meeting of Council on shorter notice without giving notice to the public, provided that at least two-thirds (2/3) of Council members support waiving notice to the public before the Meeting begins.
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- c) minutes of Council meetings that have not yet been approved by Council are made available in the form of an attachment to the next agenda, once that agenda is available to the public.

12.2 The Presiding Officer shall present minutes to Council with a request for a motion to confirm the minutes.

12.3 Any member of Council may make a motion requesting that the Minutes be amended to correct any inaccuracy or omissions at any future time by giving previous notice and receiving a majority vote on the amendment, or without notice and receiving a 2/3 vote in favour of the correction.

12.4 Minor changes may be made to the minutes by Administration without Council approval to correct errors in grammar, spelling and punctuation or to correct the omission of a word necessary to the meaning or continuity of a sentence. No change by Administration may be made which would alter a decision made by Council.

13.0 CONTROL AND CONDUCT OF COUNCIL MEETINGS

13.1 Council meetings will be held in public and no person may be excluded from the meeting except for:

- a) improper conduct; or
- b) when, by resolution, Council moves into a Closed meeting to discuss any matter if a statute authorizes the holding of that meeting in the absence of the public.

13.2 Subject to being overruled by a majority vote of Members, which vote shall be taken without debate, the Presiding Officer:

- a) shall maintain order and preserve decorum and may, if necessary, call a Member to order;
- b) shall decide points of order without debate or comment other than to state the relevant section of this Bylaw, subject to an appeal made in accordance with section 15.3 of this bylaw.
- c) shall determine which Member has the floor;
- d) shall ensure that all Members who wish to speak on a motion have spoken and then call the question.

13.3 No person shall address Council or otherwise speak aloud unless they have first obtained the floor from the Presiding Officer. Any Council member may appeal the Presiding Officer's decision and the matter shall then be put to a vote with the majority vote prevailing.

13.4 Citizens in the viewing gallery during a Council meeting:

- a) shall remain quiet and maintain order throughout the duration of the meeting; and
- b) shall not applaud or otherwise interrupt any speech or action of a Member, or any other person addressing Council.

- 13.5 The Presiding Officer may, in accordance with the Act, expel and exclude any person who creates a disturbance or acts improperly.
- 13.6 When a Member or Officer is addressing the Presiding Officer, every other Member shall;
 - a) remain quiet and seated;
 - b) not interrupt the speaker except on a Point of Order or Point of Procedure; and
 - c) not carry on private conversations.
- 13.7 When a Member is addressing Council the Member shall not speak disrespectfully of others, shout, raise their voice or use offensive language.
- 13.8 No member shall, subject to the Act, leave the Council Chambers after a question has been called, and before the question has been put to a vote. At that time, the Member shall leave the Council Chambers if they have received permission from the Presiding Officer.
- 13.9 A member who leaves the Council Chambers due to a conflict of interest must openly declare the matter by briefly stating the nature of the conflict which shall be recorded in the minutes.

14.0 CLOSED MEETINGS

- 14.1 Any Council member may move that Council ~~resolve-move~~ into a Closed meeting to consider matters that fall within one of the exceptions to disclosure under the Freedom of Information and Protection of Privacy Act (FOIPP). In all cases, the applicable section of the FOIPP Act shall be identified prior to resolving into any Closed meeting.
- 14.2 Procedures during Closed meetings differ only from Regular meetings insofar that the only motions permitted are:
 - a) to revert to a meeting held in public; or
 - b) to propose a recess.

15.0 POINT OF ORDER

- 15.1 When a Point of Order is raised by any member, it shall be immediately taken into consideration by the Presiding Officer who may consult with appropriate Senior Management Staff prior to making a decision.
- 15.2 The decision of the Presiding Officer shall be final unless a challenge is made pursuant to Section 15.3 of this Bylaw.
- 15.3 When a Member wishes to challenge a procedural ruling of the Presiding Officer, the motion, "That the decision of the Presiding Officer be overruled" must be made immediately following the ruling, and the question shall be put immediately without debate.
- 15.4 The Presiding Officer's decision shall be either upheld or overturned by a majority of the Members present.

16.0 MOTION IN COUNCIL

- 16.1 Except as specifically provided elsewhere in this Bylaw, the following motions are debatable by Council:

- a) a motion for adoption of, refusal of, or further consideration of a report to Council;
- b) a motion arising out of any matter included or proposed to be included on the Agenda;
- c) a motion for amendment to any Bylaw or any matter arising directly out of any Bylaw presented before Council;
- d) a motion for a second reading of a Bylaw;
- e) a motion for appointment or dismissal of a Committee;
- f) a motion for Council to go into a Closed meeting;

16.2 After a motion has been made but before it has been stated by the Chair, a member may change its wording or withdraw it completely. Once the motion has been stated by the Chair it becomes the property of the Council and only with the consent of a majority of Council may the mover change the wording of their motion or agree to a change proposed by another Member.

17.0 VOTING ON MOTIONS

- 17.1 A question or motion shall be declared defeated when it does not receive the required number of votes.
- 17.2 Each Member present shall vote on every motion as prescribed by the Act, unless the Act or other provincial or federal enactment requires or permits the Members of Council to abstain.
- 17.3 Votes on all motions must be taken as follows:
 - a) the Presiding Officer must declare the motion and call for the vote;
 - b) the Presiding Officer must declare the results of the vote verbally.
- 17.4 After the Presiding Officer declares the result of the vote, Members may not change their vote for any reason, unless immediately after the result of the vote has been announced the member requests and is granted, by unanimous consent, the right to do so.
- 17.5 If a member wishes to have the minutes of the meeting show who voted for and against a motion (a recorded vote), the member shall state this prior to the vote being taken.

18.0 RECONSIDERING AND RESCINDING A RESOLUTION

- 18.1 A Councillor who voted ~~in favour of a motion may move to~~ with the prevailing side may move to reconsider the resolution only at the same meeting at which the vote on the motion took ~~place~~ place. ~~and when that Councillor voted with the prevailing side.~~
- 18.2 A motion to rescind a resolution ~~or to renew a defeated motion~~, may be proposed at any meeting subsequent to the meeting at which the motion was passed, ~~or defeated~~ by any member, regardless of how they voted, by a majority vote with notice, or by a 2/3 vote when notice has not been given.
- 18.3 A motion to rescind may not be applied to a resolution that has led to an irrevocable action that has already occurred.

19.0 BYLAWS

- 19.1 Every Bylaw shall have three readings before it is considered

adopted. Only the title of the Bylaw and Bylaw number must be read at each reading.

- 19.2 A Bylaw shall not be given more than ~~one~~two readings at a Meeting, unless the Members present unanimously agree that the Bylaw may be ~~presented for a second or even a~~considered for third reading, except in circumstances where the Bylaw requires provincial approval or that a Public Hearing be held after first reading and prior to adoption.
- 19.3 After first reading, a Member may ask a question concerning the Bylaw.
- 19.4 After a member has made a motion for second reading of a Bylaw Council may:
- a) debate the substance of the proposed Bylaw; and
 - b) propose and consider any amendments to the Bylaw that they may have.
- 19.5 A proposed amendment shall be put to a vote and if carried, shall be considered as having been incorporated into the Bylaw.
- 19.6 When all amendments have been accepted or rejected the motion for the second reading of the Bylaw as amended, shall be put.
- 19.7 After Council votes affirmatively for a third reading of any Bylaw it becomes a municipal enactment of the County, and is effective immediately once it has been signed by the Chief Elected Official and the CAO, unless the Bylaw provides for a future effective date.
- 19.8 After adoption of a Bylaw, the Bylaw shall be signed by the Reeve or by the member presiding at the meeting at the time at which it was passed, and by the CAO, and shall be impressed with the corporate seal of the County.
- 19.9 Where prescribed by provincial statute requiring a Bylaw to be submitted to the electorate for voting, Council shall follow the requirements as set out in the relevant statutes.
- 19.10 After a Bylaw submitted to the electorate for voting has received its first reading by Council, it shall not again be debated in Council before the electorate has voted on it.

20.0 COMMITTEES

- 20.1 Subject to the provisions of the Act, Council may create Committees as deemed necessary and expedient for the orderly and efficient handling of the affairs of the County and may also:
- a) state the duties, responsibilities and purposes of a Committee by way of approving Terms of Reference; and
 - b) Appoint members to the Committee by resolution requiring a majority vote.
- 20.2 Each Standing or Select Committee shall select its own Chairperson.
- 20.3 In accordance with the Act, the Reeve is an ex-officio member of all committees.
- 20.4 The CAO or designate is a non-voting member of all committees.

- 20.5 If directed by Council, any member attending a meeting of an external governing body as a County Council representative, must vote in accordance with Council’s direction, if any has been given.
- 20.6 A committee may make a recommendation to Council who may then accept, reject or amend the recommendation as they deem appropriate.

| This Bylaw shall come into effect upon third and final reading thereof, and hereby repeals previous Bylaw No. 1~~79~~-00~~4~~16.

| GIVEN first reading this ~~3rd~~1st day of October, 20~~19~~19.

Reeve

Chief Administrative Officer

| GIVEN second reading this ~~3rd~~1st day of October, 20~~19~~19.

Reeve

Chief Administrative Officer

| GIVEN third reading this ~~3rd~~1st day of October, 20~~19~~20.

Reeve

Chief Administrative Officer

AGENDA ITEM REPORT



Title: Recreation Reserve Withdrawal
Meeting: County Council - 01 Oct 2020
Department: Community Services
Report Author: Larry Randle

APPROVAL(S):

Ann Mitchell, Chief Administrative Officer

Approved - 01 Sep 2020

STRATEGIC ALIGNMENT:



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EXECUTIVE SUMMARY:

As per the recreation agreements currently in place with Coaldale, Nobleford, Coalhurst and Barons, the County needs to withdraw funds from the recreation reserve account on an annual basis in order to meet its 2020-2024 recreation funding commitment, as stated in those agreements.

RECOMMENDATION:

That funds be withdrawn from the recreation reserve account annually, as per the County's 2020-2024 recreation agreement commitments to its urban neighbours.

PREVIOUS COUNCIL DIRECTION / POLICY:

The County has signed recreation agreements with the Towns of Coaldale, Coalhurst and Nobleford, as well as with the Village of Barons. These agreements are for the five-year period 2020-2024.

BACKGROUND INFORMATION:

Lethbridge County has committed to providing the Towns of Coaldale, Picture Butte, Coalhurst, Nobleford and the Village of Barons with funding for recreation through the Intermunicipal Collaboration Framework process. The County has signed recreation agreements with Coaldale, Coalhurst, Barons and Nobleford that run from 2020 through 2024. An agreement with Picture Butte has not yet been finalized. The financial commitments by the County for each municipality are shown in the attached document titled Recreation Funding Distribution by Municipality.

Funds are in place within the recreation reserve to meet the County's 2020 commitment of \$250,000. The agreements include a 1.5% annual increase beginning in 2021. Future years allocations will be brought forward for Council approval as part of the annual budget process. The recreation reserve has a current balance of \$462,025, which includes the 2020 budgeted transfer of \$125,000.

ALTERNATIVES / PROS / CONS:

The County has signed recreation agreements with four municipalities and is committed to signing the outstanding agreement, if and when Picture Butte decides to sign.

FINANCIAL IMPACT:

The recreation reserve will be reduced by the annual allocations as per the recreation agreements as shown in the attached document titled Annual Recreation Agreement Funding.

REASON(S) FOR RECOMMENDATION(S):

The County has committed to providing annual funding for recreation to the five urban municipalities which lie entirely within its boundaries. A Council resolution is required to withdraw funds from the reserve account throughout the term of the recreation agreements.

ATTACHMENTS:

[Annual Recreation Agreement Funding](#)
[Recreation Funding Distribution by Municipality](#)

The Municipalities agree that the funding to be provided by the County will be phased in over a five-year period as follows:

Year	Funding Provided by the County
2020	\$250,000
2021	\$253,750
2022	\$257,556
2023	\$261,420
2024	\$265,341

Lethbridge County Recreation Funding Commitments, by Municipality – 2020-2024

Municipality	2020	2021	2022	2023	2024
Summary of Total Allocations	\$ 250,000.00	\$ 253,750.00	\$ 257,556.25	\$ 261,419.59	\$ 265,340.89
Barons	\$ 7,058.00	\$ 7,163.87	\$ 7,271.32	\$ 7,380.39	\$ 7,491.10
Nobleford	\$ 16,719.91	\$ 16,970.71	\$ 17,225.27	\$ 17,483.65	\$ 17,745.91
Coalhurst	\$ 31,469.75	\$ 31,941.80	\$ 32,420.93	\$ 32,907.24	\$ 33,400.85
Picture Butte	\$ 103,343.97	\$ 104,894.12	\$ 106,467.54	\$ 108,064.55	\$ 109,685.52
Coaldale	\$ 91,408.37	\$ 92,779.50	\$ 94,171.19	\$ 95,583.76	\$ 97,017.51
	\$ 250,000.00	\$ 253,750.00	\$ 257,556.25	\$ 261,419.59	\$ 265,340.89

AGENDA ITEM REPORT



Title: Proposed Amendment to Policy 109A - Road Allowance Closure and Sale
Meeting: County Council - 01 Oct 2020
Department: Community Services
Report Author: Larry Randle

APPROVAL(S):

Ann Mitchell, Chief Administrative Officer

Approved - 31 Aug 2020

STRATEGIC ALIGNMENT:



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EXECUTIVE SUMMARY:

Road Allowance Closure and Sale Policy No. 109A requires some minor amendments to better reflect the procedures followed when road closure applications are received.

RECOMMENDATION:

That Road Allowance Closure and Sale Policy No. 109A be amended as presented at the September 17, 2020 Council meeting.

PREVIOUS COUNCIL DIRECTION / POLICY:

Existing Policy No. 109A was adopted by Council on March 6, 2014.

BACKGROUND INFORMATION:

Administration is conducting a review of all County policies. This will result in recommendations to Council to rescind or amend some existing policies. Administration is proposing some minor changes to Policy No. 109A - Road Allowance Closure and Sale, that will make it more reflective of the procedures followed for undeveloped road closures and sales.

ALTERNATIVES / PROS / CONS:

Council may choose to not amend the policy as proposed.

Pros:

- The policy would remain as it is currently written.

Cons:

- The policy does not reflect the fact that road closures are reviewed by senior management, rather than by one person.

- The policy does not indicate that road closures and consolidations must be done by bylaw and approved by the Minister of Transportation.

FINANCIAL IMPACT:

Whether the policy is amended or not, it has no financial impact on the County.

REASON(S) FOR RECOMMENDATION(S):

The proposed changes better reflect current County practice regarding the team approach followed for reviewing road closure applications and clearly state that road closures require Council and Minister of Transportation approval.

ATTACHMENTS:

[109A Road Allowance Closure Sale POLICY](#)



County of Lethbridge Policy Handbook

EFFECTIVE: March 6, 2014 **SECTION:** 100 NO. 109A Page 1 of 1
APPROVED BY: County Council **SUBJECT:** Road Allowance Closure
REVISED DATE: September 17, 2020 **& and Sale**

Purpose:

The purpose of this policy is to establish a fair and consistent process for the closure and sale of undeveloped road allowances in Lethbridge County.

Policy:

1. Applications seeking to purchase undeveloped road allowances following closure of the road allowance can only come from adjacent landowners.
2. The road allowance shall not be an integral part of the Lethbridge County's road network as deemed by ~~the Director of Municipal Services~~ County Administration.
3. The road allowance closure will not be considered if closure would prevent existing public access to nearby lands for any purpose including recreational pursuits such as walking, fishing, swimming, skiing, hunting, and/or recreational vehicle use.
4. The road allowance shall not be closed if the closure will result in a loss of access to Crown lands or licenses of occupation or privately held lands currently served by the road allowance.
- ~~4.5.~~ Council approves road closures and consolidations by bylaw, which must also be approved by the Minister of Transportation.

The purchase price for a closed road will be the current market value of the land as determined by the County Assessor. However, where a market appraisal is deemed required to determine the purchase price for the sale of a road allowance, the cost of the appraisal shall be paid by the applicant.

AGENDA ITEM REPORT



Title: Request to Rescind Policy No. 104 - Road Allowance Leases
Meeting: County Council - 01 Oct 2020
Department: Community Services
Report Author: Larry Randle

APPROVAL(S):

Ann Mitchell, Chief Administrative Officer

Approved - 31 Aug 2020

STRATEGIC ALIGNMENT:



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EXECUTIVE SUMMARY:

Road Allowance Leases Policy No. 104 was originally created in 1979. With the adoption of Licence of Undeveloped Road Allowances Policy No. 109 in 2014, the earlier Policy No. 104 became redundant.

RECOMMENDATION:

That Road Allowance Leases Policy No. 104 be rescinded.

PREVIOUS COUNCIL DIRECTION / POLICY:

The adoption of Licence of Undeveloped Road Allowance Policy No. 109 on May 6, 2014 established fair and consistent procedures for licensing undeveloped County road allowances.

BACKGROUND INFORMATION:

When Policy No. 109 was adopted in 2014, Policy No. 104 should have been rescinded. A policy review by staff has identified this oversight which can now be corrected by Council rescinding the earlier policy.

ALTERNATIVES / PROS / CONS:

Licence of Undeveloped Road Allowance Policy No. 109 is relevant to the County in terms of the current operational environment. Rescinding Policy No. 104 will eliminate duplication created by an older policy that addresses the same subject as Policy No. 109 does.

FINANCIAL IMPACT:

Road licensing fees are established in the County's Schedule of Fees Bylaw No. 19-030.

REASON(S) FOR RECOMMENDATION(S):

Policy No. 104 was replaced by Policy No. 109 in 2014.

ATTACHMENTS:

[104 Road Allowance Leases](#)

[109 Licence of Undeveloped Road Allowances](#)



County of Lethbridge Policy Handbook

EFFECTIVE: February 15, 1979 **SECTION:** 100 NO. 104
APPROVED BY: County Council **SUBJECT:** Road Allowance Leases
REVISED DATE: April 4, 2002

The County agrees to let, and the Lessee agrees to take, for the term of five (5) years all that parcel of land being a portion of public highway which has been closed by the County of Lethbridge. The lease is subject to the following conditions and as set out by the Municipal Government Act.

1. The lessee shall not, without the consent of the County, assign, sublet, or transfer the demised premises or any portion thereof, and if the lessee ceases to be the owner or occupier of land adjoining the demised premises, this lease shall thereupon terminate and be of no further effect.
2. The lessee shall permit a right of passage as provided in Clause 3, onto the demised property and for this purpose shall provide gates at each end which shall be twelve (12) feet in width and these gates shall not be locked.
3. This lease is subject to any rights given to any person under any other Act or Regulation and to any right granted by the County to any person for the use of the public highway that has been closed and thereto leased.
4. This lease is issued subject to the right of the County or the Minister of Transportation to open up the road for public use at any time, in accordance with the provisions of the Municipal Government Act.
5. No building, structure or other thing that is in the opinion of the County, a permanent improvement except for a fence, shall be on this lease land unless such erection received the prior approval in writing of the County.
6. The said County covenants with the said lessee for quiet enjoyment provided, however, that the County may upon three (3) months notice in writing to the lessee, cancel the within lease should the lands herein demised be required for the purpose of the County.
7. The lessee shall pay upon receipt of notice and before December 31st of each year prior to the effective term of the lease, the lease amount as set out in this agreement. If the lease should be cancelled by the lessor due to non-payment, a reinstatement fee of a minimum of ten (10) percent of the annual lease amount shall be paid prior to reinstatement as authorized by Council.
8. The price per acre is established in the County of Lethbridge Schedule of Fees By-Law.



Lethbridge County Policy Handbook

EFFECTIVE: March 6, 2014

SECTION: 100 NO. 109 Page 1 of 2

APPROVED BY: County Council

SUBJECT: Licence of Undeveloped Road Allowances

REVISED DATE:

Lethbridge County Council recognizes that there are some benefits derived from agricultural pursuits on undeveloped road allowances.

Purpose:

The purpose of this policy is to establish a fair and consistent policy for the use and occupation of undeveloped road allowances in Lethbridge County pursuant to Licences of Occupation with adjacent landowners.

Policy:

1. Applications to obtain a Licence of Occupation for undeveloped road allowances for agricultural purposes can only come from adjacent landowners or those holding a beneficial interest in the adjacent land.
2. The road allowance shall not be an integral and active part of the Lethbridge County road network as determined by the Directors of Municipal Services and Community Services.
3. The issue of a Licence of Occupation for a road allowance shall not be permitted if the occupation and use of that undeveloped road allowance would restrict current public access for any purpose including recreational pursuits such as walking, fishing, swimming, skiing, hunting, and/or recreational vehicle use where applicable.
4. Any Licence of Occupation granted by the County will require the holder to allow access to Crown lands or licenses of occupation or privately held lands without road access. The use of the area shall not hinder access to Crown land or to property of other landowners.
5. Applications that propose to fence the road allowance will be acceptable only where public access is not an issue.
6. At the expiry of a road allowance Licence of Occupation, or earlier termination, the licensee is responsible for road allowance reclamation, at their expense, including the removal of fencing and/or Texas gates and site grading of road allowance to its pre-license state.



Lethbridge County Policy Handbook

EFFECTIVE: March 6, 2014

SECTION: 100 NO. 109 Page 2 of 2

APPROVED BY: County Council

SUBJECT: Licence of Undeveloped Road Allowances

REVISED DATE:

-
7. A license holder may receive permission from the County to construct a locked gate providing that it does not hinder access to Crown land or to the property of other landowners pursuant to point 4 above, the license holder must make arrangements to allow access to Crown lands and other properties. A license will not be issued if it would result in a loss of access to Crown lands or licenses of occupation or privately held lands currently served by the road allowance.
 8. As required by the Traffic Safety Act, a License of Occupation made pursuant to this policy shall provide for termination by the County on 30 days notice.

The License of Occupation rate for a road will be based on the current market value of adjacent land as determined by the County Assessor.

License of Occupation of road allowances shall for a period of up to 5 years with the licensee having first option to renew, subject to:

- a) Any license not renewed within 60 days of the expiry date shall terminate and not be renewed.
- b) All licenses shall be subject to termination on 30 days' notice as required under the Traffic Safety Act.

AGENDA ITEM REPORT



Title: Tax Payment Plan and Penalty Waiver Request
Meeting: County Council - 01 Oct 2020
Department: Corporate Services
Report Author: Jennifer Place

APPROVAL(S):

Ann Mitchell, Chief Administrative Officer

Approved - 25 Sep 2020

STRATEGIC ALIGNMENT:



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EXECUTIVE SUMMARY:

An email has been received from Barrel Oil Corporation, who has acquired the assets within the County of a former oil company, of which the 2020 Tax Levy is still owing. As the new owners of the properties, Barrel Oil has indicated a payment plan that would bring the 2020 tax balances to zero by December 31, 2020, however as part of the payment plan they are also requesting a waiver of the tax penalty levy.

RECOMMENDATION:

That Administration enter into a tax payment agreement, which includes the waiver of tax penalties with Barrel Oil Corporation for Tax Roll #9400200, 9690100 and 73770000 to December 31, 2020, should a balance be remaining on any or all of the tax rolls as of December 31st, penalties will be implemented as per the Tax Penalty Bylaw.

PREVIOUS COUNCIL DIRECTION / POLICY:

Council has the discretion to cancel a tax penalty if they consider it equitable to do so as per section 347 of the MGA, as provided below.

Section 347 of the Municipal Government Act states:

If a council considers it equitable to do so, it may, generally or with respect to a particular taxable property or business or a class of taxable property or business, do one or more of the following, with or without conditions:

- (a) cancel or reduce tax arrears;
- (b) cancel or refund all or part of a tax
- (c) defer the collection of tax

Previous tax payment agreements have been entered into with other Oil and Gas Companies of which tax penalties were waived for the agreement term.

BACKGROUND INFORMATION:

As per the email received, Barrel will pay the 2020 property tax balance of Traverse, however stated that due to the lasting economic effects of the COVID19 pandemic, the drop in demand for crude oil and the overall poor economic climate in Alberta, we are proposing to pay the property tax balance over four installments on September 30, October 31, November 30 and December 31.

Additionally, Barrel Oil indicated that they have applied for a loan under the Regional Relief and Recovery Fund (RRRF) administered by Western Economic Diversification Canada in May 2020. A portion of the loan proceeds applied for are intended to help Barrel Oil pay its property tax obligations for 2020. At this time they have not received a response as to whether or not they qualify for the RRRF funding, however if the funding is issued they would accelerate their payments.

ALTERNATIVES / PROS / CONS:

1) Not waive tax penalty

PRO - Revenues up to \$3,786.38 could be received from tax penalty levies;

CON - Could impact proposed repayment plan, potentially delaying payment(s).

2) Waive tax penalty

PRO - Assists County in receiving tax levy payments prior to end of the year from oil and gas sector. Consistent with past tax payment agreements.

CON - Allows for a tax penalty waiver that is specific to one company.

FINANCIAL IMPACT:

The tax penalty levy would be between \$2,361.37 and \$3,786.38 depending upon payments.

REASON(S) FOR RECOMMENDATION(S):

Administration feels that if Barrel Oil Corporation enters into a tax payment agreement, this would be consistent with past agreements, which have been successful in ensuring tax funds are received in a timely manner. Previous agreements also included a waiver of tax penalties as long as the payment plan was adhered to. This particular request would not only provide some financial relief to Barrel Oil Corporation during this time but would also help to ensure taxes are collected prior to the end of the year.

ATTACHMENTS:

[Lethbridge Property Tax Proposal Letter - 2020](#)

[Lethbridge Property Tax Proposal - 2020](#)

[Tax Penalty Calculation](#)



#940 – 505 3rd Street S.W.
Calgary AB T2P 3E6

September 24, 2020

Lethbridge County Council
#100, 905 – 4th Ave. South
Lethbridge, Alberta T1J 4E4

Re: Property Tax Payment Proposal

Dear sirs/madams

In June 2020, Barrel Oil Corp acquired all of the assets of Traverse Energy Ltd. Attached is the 2020 statement of property taxes for Traverse Energy Ltd.

Barrel will pay the 2020 property tax balance of Traverse, however due to the lasting economic effects of the Covid 19 pandemic, the drop in demand for crude oil and the overall poor economic climate in Alberta, we are proposing to pay the property tax balance over four installments on September 30, October 31, November 30 and December 31 as per the attachment. If you could send back an email if this proposal is acceptable, that would be appreciated.

Barrel has applied for a loan under the Regional Relief and Recovery Fund (RRRF) administered by Western Economic Diversification Canada in May 2020. Part of the loan proceeds applied for were intended to help Barrel pay for its property tax obligations in 2020. We have still not heard whether we qualify for RRRF funding yet, however if such funding were to get put in place, we would be able to accelerate the proposed payment schedule.

Your truly,

A handwritten signature in blue ink, appearing to be "D. Jamieson", written over a horizontal line.

Dennis Jamieson, CPA – CA
Chief Financial Office

Barrel Oil Corp.
Proposed Payment Schedule

<u>Roll Number</u>	<u>Amount Owing</u>
9400200	\$ 10,126.38
9690100	\$ 647.12
73770000	\$ 27,090.17
Owner Total	<u>\$ 37,863.67</u>

Proposed Payment Schedule:

September 30, 2020	\$ 9,500.00
October 31, 2020	\$ 9,500.00
November 30, 2020	\$ 9,500.00
December 31, 2020	\$ 9,363.67
Total	<u>\$ 37,863.67</u>

Barrel Oil Corp. (Traverse Energy Ltd.)
Proposed Payment Schedule and Penalty Waivers

Page 5 of 5

<u>Roll Number</u>	<u>Amount Owning</u>	<u>October 1st - 5% Penalty</u>	<u>December 1st - 5% Penalty</u>
9400200	\$ 10,126.38	\$ 506.32	Would only be a total of \$468.18 on all 3 tax rolls as long as they make the proposed payments.
9690100	\$ 647.12	\$ 32.36	
73770000	\$ 27,090.17	\$ 1,354.51	
Owner Total	<u>\$ 37,863.67</u>	<u>\$ 1,893.19</u>	

Proposed Payment Schedule:

September 30, 2020	\$ 9,500.00
October 31, 2020	\$ 9,500.00
November 30, 2020	\$ 9,500.00
December 31, 2020	<u>\$ 9,363.67</u>
Total	<u>\$ 37,863.67</u>

AGENDA ITEM REPORT



Title: Request to Rescind Administration Policy No. 105, Member at Large Per Diem, Subsistence and Mileage
Meeting: County Council - 01 Oct 2020
Department: Administration
Report Author: Ann Mitchell

APPROVAL(S):

Ann Mitchell, Chief Administrative Officer

Approved - 01 Sep 2020

STRATEGIC ALIGNMENT:



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EXECUTIVE SUMMARY:

Administration Policy 105 has been in effect since 1997, with a revision in 1998.

This policy provides the per diem, subsistence and mileage allowance for Members at Large appointed by Lethbridge County Council to the Subdivision and Development Appeal Board and the Library Board.

RECOMMENDATION:

That Lethbridge County Council rescind Administration Policy No. 105, Member at Large Per Diem, Subsistence and Mileage.

PREVIOUS COUNCIL DIRECTION / POLICY:

The last appointment to the Library Board was in 2005. It appears that with the creation of the Chinook Arch Library Board, the County of Lethbridge Library Board was no longer necessary.

The Chinook Intermunicipal Subdivision and Development Appeal Board was created in 2019. Bylaw No. 19-026, being the Chinook Intermunicipal Subdivision and Development Appeal Board Bylaw, states "all costs related to appeal hearings and the remuneration to Board Members shall be provided as specified in the intermunicipal agreement of the participating members of the Chinook Intermunicipal Subdivision and Development Appeal Board." The agreement, with the Oldman River Regional Services Commission was endorsed August 1, 2019.

BACKGROUND INFORMATION:

With the review of Lethbridge County policies, Policy 105 was reviewed by Administration, and the rationale to continue the policy was discussed.

ALTERNATIVES / PROS / CONS:

Lethbridge Council could consider the following when deliberating this decision:

In support of the recommendation:

- Removing unnecessary policies promotes better understanding in the operations of Lethbridge County
- Policy 105 is irrelevant to current operations

To deny the recommendation:

- Policy 105 continues as written

Alternatives could include:

- Amending Policy 105 per Council's direction

FINANCIAL IMPACT:

None at this time.

REASON(S) FOR RECOMMENDATION(S):

Lethbridge County Council no longer appoints members at large to the Municipal Library Board, and all costs associated with appeals are factored into the Chinook Intermunicipal Subdivision and Development Board, there is no rationale to continue Policy 105.

ATTACHMENTS:

[105 Member at Large per Diem Subsistence and Mileage](#)



Lethbridge County Policy Handbook

EFFECTIVE: December 15, 1997 **SECTION:** 100 NO. 105
APPROVED BY: County Council **SUBJECT:** Member at Large Per Diem, Subsistence and Mileage
REVISED DATE: December 21, 1998

1. Member at Large Per Diem Allowance:

- a) A per diem allowance of \$150.00 per day applies in the event of a regular day activity.
- b) A per diem allowance of \$75.00 per day applies to the number of hours up to a four hour time span, to be considered as half a day.
 - Subdivision and Development Appeal Board
 - Library Board

2. Subsistence

- a) Subsistence will be paid at a maximum of \$40.00 per day for any one full day activity.

Should a Member required to attend an activity for part of the full day the following schedule will apply.

- 1. Breakfast \$10.00
- 2. Lunch \$13.00
- 3. Dinner \$17.00

3. Mileage

- a) Mileage will be paid at the rate of \$0.36 cents per kilometre.

AGENDA ITEM REPORT



Title: Policy No. 125 - Access to Public Information - Request to Rescind
Meeting: County Council - 01 Oct 2020
Department: Administration
Report Author: Larry Randle

APPROVAL(S):

Larry Randle, Director of Community Services
Ann Mitchell, Chief Administrative Officer

Approved - 01 Sep 2020
Approved - 01 Sep 2020

STRATEGIC ALIGNMENT:



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EXECUTIVE SUMMARY:

Administration is reviewing Lethbridge County policies to determine their relevance to current operations.

Administration Policy 125 - Access to Public Information was developed December 15, 1988. With the adoption of Policy 173 Freedom of Information and Protection of Privacy (FOIP) in 2018, the earlier Policy 125 became redundant.

RECOMMENDATION:

That Policy 125, Access to Public Information be rescinded.

PREVIOUS COUNCIL DIRECTION / POLICY:

Administration Policy 125 - Access to Public Information became effective December 15, 1998 with one revision in April 2002.

This policy was intended to give citizens of Lethbridge County the right to inspect municipal records and information with some exceptions.

BACKGROUND INFORMATION:

When Policy 173 Freedom of Information and Protection of Privacy (FOIP) was adopted in January 24, 2018, Policy 125 should have been rescinded.

The revision in 2002 was in the Schedule of Fees bylaw, which at the time dictated the fees that applied to Access to Public Information requests. Those fees are now prescribed by the Freedom of Information and Protection of Privacy Act.

A policy review currently being undertaken by administration identified this oversight and has brought forward Policy 125 for Council's consideration to rescind.

ALTERNATIVES / PROS / CONS:

Council could consider the following when deliberating this decision:

In support of the recommendation:

- The Freedom of Information and Protection of Privacy Act supersedes the internal County Policy No. 125.
- Eliminating Policy No. 125 will eliminate any outdated information that is no longer relevant.

To deny the recommendation:

- Policy No. 125 would continue but have no standing.

FINANCIAL IMPACT:

Fee structure is dictated by the Freedom of Information and Protection of Privacy Act fee schedule.

REASON(S) FOR RECOMMENDATION(S):

Policy 125 was replaced by Policy 173 in 2018, therefore it is justified to rescind Policy 125.

ATTACHMENTS:

[173 FOIP](#)

[125 Access to Public Information 1988](#)



Lethbridge County Policy Handbook

EFFECTIVE: January 24, 2018

SECTION: 100 NO. 173 Page 1 of 6

APPROVED BY: County Council

SUBJECT: Freedom of Information
and Protection of Privacy (FOIP)

REVISED DATE:

Overview of Legislation

As of October 1, 1999, the Freedom of Information and Protection of Privacy Act establishes public right of access to records in the custody or under the control of Lethbridge County. It provides a formal request process for information that is not available through routine channels. Most requests for information should be satisfied through routine channels. A request under the legislation should be the avenue of last resort.

In determining what information should be routinely released, consideration should be given to whether the provisions of the Act, dealing with a formal request under the legislation, would result in the release of the information.

Records Covered by the Act

The Freedom of Information and Protection of Privacy Act (the Act) covers all records in the custody or under the control of Lethbridge County. The Act defines a record as recorded information in any form, including books, documents, maps, drawings, photographs, letters, vouchers and papers and any other information that is written, photographed, recorded or stored in any matter. It includes electronic records, personal filing systems and items such as working papers, post-it notes and agendas. The definition is intended to cover all sorts of recorded information created in carrying out the operations and activities of Lethbridge County such as e-mail, voice-mail and personal handwritten notes of employees and members of Council.

Physical possession of a record by the County normally constitutes custody. A record is under the control of Lethbridge County when the County has the authority to manage the record through its life cycle including restricting, regulating and administering its use or disclosure. This definition of "custody and control" is broader in that it also includes situations where the business records of a third party are stored on the premises of Lethbridge County and those stored off-site where the County has responsibility for the records.



Lethbridge County Policy Handbook

EFFECTIVE: January 24, 2018

SECTION: 100 NO. 173 Page 2 of 6

APPROVED BY: County Council

SUBJECT: Freedom of Information
and Protection of Privacy (FOIP)

REVISED DATE:

Request Under the Act

The Act requires an applicant to make a request in writing. The request can be made in a letter or in any other written form and qualifies as a request as long as it mentions the legislation.

Provision is made in the Act for the acceptance of oral requests from those who are disabled, do not have the literacy capabilities or are otherwise unable to exercise their rights under regular procedures. In such cases, the request should be recorded in written form and sent to the applicant. They may have to use this document if they wish to appeal to the Information and Privacy Commissioner.

The legislation establishes a duty to make a reasonable effort to assist applicants and to respond to each applicant openly, accurately and completely. Included in this duty is the requirement to help applicants be more specific about what they are requesting. This not only helps the applicant but also may cut down on the work that must be performed by Lethbridge County in responding to a request. There should be an effort to clarify requests that are unclear immediately upon receipt in the Freedom of Information and Protection of Privacy Coordinator's office. If it takes some time to clarify a request, the Act allows Lethbridge County to claim a time extension where the applicant does not give enough detail to enable the County to identify a requested record.

Timeframes Under the Act

Once a formal request is received, Lethbridge County has **30 calendar - not working - days** to respond. Within this period, the requests must be reviewed, records found, records reviewed and either access provided or an initial response made to the applicant indicating an extension of time to respond to the request. There are limited grounds for extending the time for response for another 30 days, without seeking permission from the Information and Privacy Commissioner. If you can assist the public outside of the legislation, you can avoid these restrictive time frames.

Fees Under the Act

The Act permits Lethbridge County, by bylaw, resolution or other legal instrument, to set its own schedule for the fees that may apply to requests under the legislation. Lethbridge County must comply with the fee schedule set out in the Act's Regulations and may not charge more than these maximum amounts. It should be noted that the



Lethbridge County Policy Handbook

EFFECTIVE: January 24, 2018

SECTION: 100 NO. 173 Page 3 of 6

APPROVED BY: County Council

SUBJECT: Freedom of Information
and Protection of Privacy (FOIP)

REVISED DATE:

County cannot create new categories for which fees can be charged related to requests under the Act. Furthermore, only photocopying charges apply to personal information (in excess of 40 pages) and fees may be waived if the records relate to a matter of public interest. The fee provisions set out in the Act do not apply to charges for information released routinely. Public bodies may set reasonable fees for access to general information released through routine channels. See Lethbridge County Schedule of Fees Bylaw.

Lethbridge County may exercise its discretion and grant a fee waiver related to a request under the Act. In consideration of a request for a fee waiver the County should ask for a submission in writing from the applicant to support a request for a fee waiver. The expectation is that fees will be waived only in limited circumstances having regard to all the factors.

Release Exceptions

Although the Act establishes a “culture of openness,” it also provides specific exceptions to disclosure. There are mandatory exceptions, which require local public bodies not to release the information and discretionary exceptions, in which local public bodies decide whether or not to release the information based on the harm that might occur or the type of information involved. These exceptions are, however, fairly limited and have to be viewed narrowly.

Protection and Privacy of Personal Information

The legislation requires that personal information be safeguarded and only released to others in certain situations specified in the Act. That personal information is, however, almost always releasable to the person to whom the information is about. Likewise, there are strict rules related to the collection of personal information under the Act. The Act regulates the specific purposes for which Lethbridge County may collect information. Essentially, the County collects information to provide services, and to provide complete and accurate documentation of the local government process so as to ensure a high standard of municipal services.

Severing Records

Many records contain both information that can be released and other information that should be excepted from access. Where information that falls with an exception can



Lethbridge County Policy Handbook

EFFECTIVE: January 24, 2018

SECTION: 100 NO. 173 Page 4 of 6

APPROVED BY: County Council

SUBJECT: Freedom of Information
and Protection of Privacy (FOIP)

REVISED DATE:

reasonably be severed from a record, the Act provides an applicant with a right of access to the remainder of the record.

Protecting the Privacy of Individuals

The Freedom of Information and Protection of Privacy Act regulates the specific purposes for which Lethbridge County may collect, use, and disclose personal information. Employees are obligated to protect personal information by making reasonable security arrangements as outlined under Section 38 of the Act. Security precautions are depending on the sensitivity and nature of the records, i.e. the more sensitive the information in the records, the stricter the security arrangements that are required. Security arrangements should be reviewed with the Chief Administrative Officer (CAO) or designate.

The goal is to keep personal information secure from unauthorized access, collection, use, disclosure or disposal. This includes electronic systems, surveillance systems, and hardcopy files used to store and/or share personal information.

All Councillors and employees of Lethbridge County are required to take the Freedom of Information and Protection of Privacy "Focus on Privacy" online training course within one (1) year of taking office and/or commencement of employment.

Collection of Personal Information

The collection of personal information under the Act is addressed in Section 33. The following principles are recommended for providing notice of collection of personal information:

- Notice of collection is provided in writing and meets the following requirements under Section 34(2).
 - the purpose for which the information is collected
 - the specific legal authority for the collection, and
 - how the information will be used
 - the title, business address and business telephone number of an officer or employee of the public body who can answer the individual's questions about the collection.



Lethbridge County Policy Handbook

EFFECTIVE: January 24, 2018

SECTION: 100 NO. 173 Page 5 of 6

APPROVED BY: County Council

SUBJECT: Freedom of Information
and Protection of Privacy (FOIP)

REVISED DATE:

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- Procedures are in place for staff to follow for the use, disclosure and disposal of personal information. If the circumstance arises in which the FOIP Coordinator has determined that notice of collection cannot be provided in writing, procedures are to be in place for staff to follow when providing oral notice.

Access of Personal Information

Employees with access to information (in any form or medium) about County applicants/clients; employees or business matters may only obtain information that is necessary for job duties and performance. Viewing any information other than that required in performing a job function is a breach of the Lethbridge County's confidentiality standard, even if one keeps the information to oneself and does not disclose it to any other person.

Regardless of the format in which information is obtained (either orally, written or electronic) it must be treated with the same level of confidentiality. Every effort should be made to ensure that confidential information is not inadvertently disclosed to persons not otherwise entitled to receive such information. For example:

1. Confidential information should never be discussed in any area where others not entitled to receive that information are present. This includes:
 - in public areas of Lethbridge County such as elevators, washrooms, lounges, stairwells, or cafeteria facilities;
 - at home or in public places outside of Lethbridge County, unless required to do so by law or with permission from an authorized individual.
2. Confidential information should never be left unattended in written form on desks or displayed on computer terminals in locations where it may be seen by unauthorized persons (e.g. while transporting records or leaving information on photocopiers, facsimile machines, or white boards).
3. File cabinets and storage areas that contain confidential information should be kept locked when unattended and access should be restricted in rooms where personal records are stored.



Lethbridge County Policy Handbook

EFFECTIVE: January 24, 2018

SECTION: 100 NO. 173 Page 6 of 6

APPROVED BY: County Council

SUBJECT: Freedom of Information
and Protection of Privacy (FOIP)

REVISED DATE:

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4. Staff should limit using e-mail or facsimile transmissions to send personal information and make reasonable efforts to ensure that the recipient of such transmissions is verified.
 5. Confidential information should be disposed of in accordance with Records Retention and Destruction Policies.

EFFECTIVE DATE: Dec. 15, 1988

SECTION: 100

NO. 125 P.1

APPROVED BY: County Council

SUBJECT:

REVISED DATE: March 7, 2002

ACCESS TO PUBLIC INFORMATION

1. General Statement

Residents of the County of Lethbridge shall have the right to inspect municipal records and information, on payment of a designated fee, with the exception of the following:

- 1.1 Information the publication of which is prohibited by statute.
- 1.2 Information obtained in confidence.
- 1.3 Personnel records other than those required by law to be made public.
- 1.4 Information which if released would infringe on the right to privacy of any person.
- 1.5 Information which if released could prejudicially affect the legitimate financial interest of the County of Lethbridge or any member of the community or which would result in unfair competitive advantage or reveal a trade secret.
- 1.6 Drafts, proposals, reports, studies, consultations, recommendations, (preliminary or planning stage information not otherwise released at a public meeting) relative to projects or contract negotiations.
- 1.7 Any information, the disclosure of which could prejudice security and the maintenance of law.

A. Chief Administrative Officer

- (1) Subject to Section (2) below the chief administrative officer must on the request of any person and within a reasonable time,
 - (a) provide information in the possession of the municipality, and
 - (b) provide copies of the information on payment of a reasonable fee established by bylaw.

**COUNTY OF LETHBRIDGE
POLICY HANDBOOK**

EFFECTIVE DATE:	Dec. 15, 1988	SECTION:	100	NO. 125 P.2
APPROVED BY:	County Council	SUBJECT:		
REVISED DATE:	March 7, 2002	ACCESS TO PUBLIC INFORMATION		

- (2) The chief administrative officer must withhold the following information, within the possession of the municipality unless its disclosure is required by this or any other enactment or by an order of the court or its disclosure is consented to by the person to whom the information relates:
- (a) commercial information, the disclosure of which would
 - (i) likely prejudice the commercial position of the person who supplied it,
 - (ii) reveal a trade secret,
 - (iii) likely prejudice the municipality's ability to carry out its activities or negotiations, or
 - (iv) allow the information to be used for improper gain or advantage;
 - (b) information that is subject to obligations of confidence, the disclosure of which would
 - (i) likely prejudice the future supply of similar information or advice,
 - (ii) likely prejudice the municipality's ability to carry out its activities or negotiations,
 - (iii) place councillors or employees of the municipality at risk of improper pressure or harassment,
 - (iv) breach legal professional privilege, or
 - (v) prejudice measures protecting health and safety;
 - (c) personal information, including personnel information, unless its disclosure

COUNTY OF LETHBRIDGE
POLICY HANDBOOK

EFFECTIVE DATE: Dec. 15, 1988

SECTION: 100

NO. 125 P.3

APPROVED BY: County Council

SUBJECT:

REVISED DATE: March 7, 2002

ACCESS TO PUBLIC INFORMATION

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- (i) is for the purpose for which the information was obtained or for a consistent purpose,
 - (ii) is required so that the municipality can carry out its duties and functions, or
 - (iii) is in a statistical or other form so that the names of persons are not revealed or made identifiable;
 - (d) information of a deliberative kind and draft reports that are likely to be released to the public in a final form in due course except when the information or draft report is placed before a meeting held in public;
 - (e) information the disclosure of which could prejudice security and the maintenance of the law;
 - (f) information about assessments and taxes, except as provided in this or any other enactment;
 - (g) information placed before the council or council committee meeting that is closed to the public, except when the information is later placed before a meeting held in public;
 - (h) information that is prohibited from being released by this or any other enactment.
- (3) Despite subsection (2), the chief administrative officer must provide information on the salaries of councillors, the chief administrative officer and designated officers of the municipality.
- (4) If a chief administrative officer withholds information, the chief administrative officer must give a written notice, within a reasonable time of receiving the request, that the information is withheld and the reason why it is withheld to the person who requested it.

**COUNTY OF LETHBRIDGE
POLICY HANDBOOK**

EFFECTIVE DATE: Dec. 15, 1988

SECTION: 100

NO. 125 P.4

APPROVED BY: County Council

SUBJECT:

REVISED DATE: March 7, 2002

ACCESS TO PUBLIC INFORMATION

-
- (5) Despite subsection (2)(d), the council may release information when public interest considerations outweigh a reason for withholding it, unless the release is prohibited by this or any other enactment.

B. Appeal about information disclosure decisions

- (1) A written appeal may be made to the council
- (a) by a person who receives a written notice that information is withheld, within 15 days of receiving the notice, or
 - (b) by a person who does not receive the requested information and does not receive a written notice that the information is withheld, within 60 days of requesting the information.
- (2) The only grounds for an appeal are that the released information was not complete, that the information has been withheld without any reason being stated or that the reason for withholding the information was insufficient or wrong.
- (3) The council may not consider an appeal unless the persons to whom the information relates and the persons who would be affected by the release of the information have been notified or reasonable attempts have been made to notify them of the appeal.
- (4) The Council's decision to withhold or release information must be in writing and is final.

Fees - As per the County of Lethbridge Schedule of Fees By-Law

INFORMATION REQUEST FORM	
This form must be completed by any person requesting information in the possession of the municipality. A fee will be charged for all information released.	
PART 1 - TO BE COMPLETED BY THE APPLICANT:	
Name:	
Address:	
Phone:	Fax:
Assessed Property (if applicable):	
Information Requested (Please be specific as possible):	
SIGNATURE OF APPLICANT:	DATE:
PART 2 - TO BE COMPLETED BY THE MUNICIPALITY:	
Date Request Received:	
Request Approved: (Date)	
Information Released: (Date)	
Method of Release: (Mail, fax, pick up in person, view in office etc.)	
Fee Estimated: \$	Fee Assessed: \$
Request Denied: (Date)	
Reason for Denial:	
Page 13 of 13	

This form must be completed by any person requesting information in the possession of the municipality. A fee will be charged for all information released.

PART 1 - TO BE COMPLETED BY THE APPLICANT:

Name:

Address:

Phone:

Fax:

Assessed Property (if applicable):

Information Requested (Please be specific as possible):

SIGNATURE OF APPLICANT:

DATE:

PART 2 - TO BE COMPLETED BY THE MUNICIPALITY:

Date Request Received:

Request Approved: (Date)

Information Released: (Date)

Method of Release: (Mail, fax, pick up in person, view in office etc.)

Fee Estimated: \$

Fee Assessed: \$

Request Denied: (Date)

Reason for Denial:

AGENDA ITEM REPORT



Title: Proposed Revisions to Policy #107, Recognition of Councillors and Request to Rescind Policy #167, Swearing-In Ceremony
Meeting: County Council - 01 Oct 2020
Department: Administration
Report Author: Ann Mitchell

APPROVAL(S):

Ann Mitchell, Chief Administrative Officer

Approved - 01 Sep 2020

STRATEGIC ALIGNMENT:



Outstanding Quality
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EXECUTIVE SUMMARY:

Policy #107, Recognition of Councillor Year of Service and Policy #167, Swearing-In Ceremony were reviewed by Administration to ensure relevance.

Policy #167 has been incorporated into Policy #107, as well, Policy #107 has been revised to reflect current and up-to-date practices.

RECOMMENDATION:

That Lethbridge County Council approve revised Policy #107, Recognition of Councillors, as presented;

And that Policy #167, Swearing-In Ceremony be rescinded.

PREVIOUS COUNCIL DIRECTION / POLICY:

Policy #107 has been in effect since 1998, with one revision in 2017.

Policy #167 has been in effect since 2017.

BACKGROUND INFORMATION:

Administration is reviewing Lethbridge County policies to ensure accuracy, relevancy, and that current practices are identified.

ALTERNATIVES / PROS / CONS:

Council could consider the following when deliberating this decision:

To support the recommendation:

- Having one policy that is relevant to Councillor Recognition alleviates misunderstandings and missed policies

To deny the recommendation:

- Both policies continue as they are currently written

An alternative may also include amending one or both policies, as directed by Council.

FINANCIAL IMPACT:

None at this time.

REASON(S) FOR RECOMMENDATION(S):

Having accurate and relevant policies creates transparency and understanding throughout the organization.

ATTACHMENTS:

[107 Recognition of Councillor Years of Service REVISED](#)

[167 Swearing In Ceremony](#)

[REVISED 107 Recognition of Councillor Years of Service](#)



Lethbridge County Policy Handbook

EFFECTIVE: December 22, 1998 **SECTION:** 100 NO. 107
APPROVED BY: County Council **SUBJECT:** Recognition of Councillor
Years of Service
REVISED DATE: September 7, 2017

PURPOSE:

To establish guidelines to determine how County Councillors will be recognized for years of service.

TERMS AND CONDITIONS:

Recognition of years of service will be in four (4) year increments. All Councillors will be presented a County Pin indicating years of service at the conclusion of each four (4) year term.

County Council will also recognize each Councillor who does not return to office after the Municipal election with a plaque. Past Councillors who have served at least 12 years will be presented with a County wrist watch.



Lethbridge County Policy Handbook

EFFECTIVE: September 21, 2017 **SECTION:** 100 NO. 167 Page 1 of 2
APPROVED BY: County Council **SUBJECT:** Swearing-In Ceremony
REVISED DATE: _____

1. **POLICY STATEMENT**

- 1.1 This policy ensures Members of Council-elect are duly sworn in to Lethbridge County Council in a manner that satisfies legislative and traditional requirements, honours the office of Councillor, Reeve and Deputy Reeve and allows for public participation.

2. **PURPOSE**

- 2.1 This policy governs the legislative format and related celebratory functions of the Swearing-In Ceremony for Members of Council-elect.

3. **APPLICABILITY**

- 4.1 This policy applies to the Swearing-In Ceremony of all Members of Council-elect following a municipal general election or by-election.

4. **LEGISLATIVE AUTHORITY**

- 4.1 The *Municipal Government Act*, RSA 2000, c M-26 stipulates that Members of Council-elect cannot carry out any power, duty or function until they have taken the official oath prescribed by the *Oaths of Office Act*, RSA 2000, c O-1.

5. **PROCEDURE**

5.1 **Following a municipal general election:**

- a. The Swearing-In Ceremony shall take place during the Organizational meeting that follows the municipal general election.
- b. The Swearing-In Ceremony shall include:
 - i. Administration of the oath of office and introduction of Members at the first organizational meeting following the municipal general election.



Lethbridge County Policy Handbook

EFFECTIVE: September 21, 2017 **SECTION:** 100 NO. 167 Page 2 of 2

APPROVED BY: County Council **SUBJECT:** Swearing-In Ceremony

REVISED DATE:

- ii. A celebratory function comprising:
 - 1. a private component for Members of Council-elect, their invited guests, and senior members of Administration; and,
 - 2. a component that is open to the public.
- c. The Swearing-In Ceremony shall take the same general format as occurred following the previously held municipal general election, or as approved by Council in section 5.3.

5.2 Following a by-election:

- a. The Swearing-In Ceremony shall take place on the occasion of the first meeting of Council following the by-election as the first item on the agenda.
- b. For a Councillor-elect, the Swearing-In Ceremony shall include:
 - i. the administration of the oath of office;
 - ii. a private function for the Councillor-elect, invited guests and senior members of Administration.

5.3 General format:

- a. Council may approve changes to the general format of the Swearing-In Ceremony, insofar as permissible by legislation, no later than one year prior to the date of the municipal general election.
- b. Changes to the general format of the Swearing-In Ceremony following a by-election may not be approved if a by-election has been called.
- c. Proposed changes and any related budgetary requirements over and above previously approved budgets must be forwarded through



Lethbridge County Policy Handbook

the Chief Administrative Officer's (CAO) Office, for subsequent Council approval.

CURRENT



Lethbridge County Policy Handbook

EFFECTIVE: December 22, 1998 **SECTION:** 100 NO. 107 Page 1 of 2
APPROVED BY: County Council **SUBJECT:** Recognition of Councillors
REVISED DATE: September 7, 2017
REVISED DATE:

PURPOSE:

The purpose of this policy is to provide a consistent approach in recognizing Lethbridge County Councillors.

SWEARING-IN CEREMONY

- The Swearing-In Ceremony satisfies legislative and traditional requirements, honours the office of Councillor, Reeve and Deputy Reeve and allows for public participation.
- All members of Council-Elect will take place in the Swearing-In Ceremony following a municipal general election or by-election.
- The *Municipal Government Act*, RSA 2000, c M-26 stipulates that members of Council-elect cannot carry out any power, duty or function until they have taken the official oath prescribed by the *Oaths of Office Act*, RSA 2000, c O-1.

Procedure:

Following a municipal general election:

- The Swearing-In Ceremony shall take place at the commencement of the Organizational Meeting immediately following the municipal general election.
- The Swearing-In Ceremony will be a celebratory function comprising of a private component for Members of Council-elect, their invited guest(s), and senior members of Administration and a component that is open to the public.
- Council-Elects will be introduced, and the Oath of Office will be administered.

Following a by-election:

- The Swearing-In Ceremony shall take place on the occasion of the first meeting of Council following the by-election as the first item on the agenda.



Lethbridge County Policy Handbook

EFFECTIVE: December 22, 1998 **SECTION:** 100 NO. 107 Page 2 of 2
APPROVED BY: County Council **SUBJECT:** Recognition of Councillors
REVISED DATE: September 7, 2017
REVISED DATE:

- The Swearing-In Ceremony will be a celebratory function comprising of a private component for the Councillor-elect, their invited guest(s), and senior members of Administration.
- The Councillor-Elect will be introduced, and the Oath of Office will be administered.

YEARLY SERVICE AWARDS

- Recognition of years of service will be in four (4) year increments to coincide with the general municipal elections. All Councillors will be presented a County Pin indicating years of service at the conclusion of each four (4) year term.
- Years of service pins will be presented during the Organizational Meeting, immediately following the general municipal election.

COUNCILLORS NOT RETURNING TO OFFICE

- County Council will also recognize each Councillor who does not return to office after the general municipal election with a plaque.
- Past Councillors who have served at least 12 years will be presented with a County wrist watch.

AGENDA ITEM REPORT



Title: Proposed Revisions to Policy #139, Flag Policy
Meeting: County Council - 01 Oct 2020
Department: Administration
Report Author: Jennifer Place

APPROVAL(S):

Jennifer Place, Manager of Finance & Administration
Ann Mitchell, Chief Administrative Officer

Approved - 01 Sep 2020
Approved - 02 Sep 2020

STRATEGIC ALIGNMENT:



Outstanding Quality
of Life



Effective Governance
and Service Delivery



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Agricultural
Community



Vibrant and Growing
Economy



Strong Working
Relationships

EXECUTIVE SUMMARY:

Administration Policy #139, Flag Policy, has been in effect since December 2001.

Revisions are required to Policy #139 to align with current guidelines and to update the policy.

RECOMMENDATION:

That Lethbridge County Council approve the revisions to Policy #139, Flag Policy, as presented.

PREVIOUS COUNCIL DIRECTION / POLICY:

On December 6, 2001, Policy #139 was adopted.

The purpose of Policy #139 was stated as "to establish guidelines for the County of Lethbridge to properly display the Canadian National Flag."

BACKGROUND INFORMATION:

Administration is reviewing current Lethbridge County policies to determine if revisions and updates are required.

Policy #139 was revised to provide further clarification to the current flag policy.

ALTERNATIVES / PROS / CONS:

Council could consider the following when deliberating this decision:

In support of the recommendation:

- Updating policies to current guidelines provides accurate information

To deny the recommendation:

- Policy #139 continues as written

An alternative could include:

- An amendment to Policy #139, based on Council's direction

FINANCIAL IMPACT:

None at this time.

REASON(S) FOR RECOMMENDATION(S):

The revisions to Policy #139 provide additional information, clarification and rationale to the Flag Policy.

ATTACHMENTS:

[139 Flag Policy](#)

[139 Flag Policy August 2020](#)



Lethbridge County Policy Handbook

EFFECTIVE: December 6, 2001 **SECTION:** 100 NO. 139 Page 1
APPROVED BY: County Council **SUBJECT:** Flag Policy
REVISED DATE:

PURPOSE AND INTENT

To establish guidelines for Lethbridge County to properly display the Canadian National flag.

POLICY

Lethbridge County intends on displaying the Canadian National Flag in conjunction with its own flag and the Provincial Flag at the Administration Building (or any other municipal building). The County recognizes that the flag must be displayed in a manner befitting the national emblem. It also recognizes that at times, the flag will be flown at half-mast position as a sign of mourning.

GUIDELINES AND PROCEDURES

1. The Canadian flag should always be flown aloft and free.
2. The National Flag of Canada is flown in conformity with rules adopted by the Government in 1966. (Dept. of Canadian Heritage)
3. The flag may be flown by night as well as by day.
4. The top left (first) quarter or canton should be placed in the position nearest the top of the staff.
5. When only three flags are displayed, the National Flag should be at the centre.
6. The National Flag should be raised first and lowered last.
7. Flags are flown at the half-mast position as a sign of mourning. The flag is brought to the half-mast position by first raising it to the top of the mast then immediately lowering it slowly to the half-mast position. On occasions requiring that one flag be flown at half-mast, all flags flown together should also be flown at half-mast.
8. Flags are flown at half-mast when directed by the Department of Canadian Heritage. The following are examples of the practice:



Lethbridge County Policy Handbook

EFFECTIVE: December 6, 2001 **SECTION:** 100 NO. 139 Page 2

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

REVISED DATE:

-
- Across Canada and abroad, on the death of the Sovereign or a member of the Royal Family related in the first degree to the Sovereign (spouse, son or daughter, father, mother, brother or sister), the Governor General, the Prime Minister, a former governor general, a former prime minister, or a federal cabinet minister.
 - Within a province, on the death of the Lieutenant Governor, the Premier or another person similarly honored by that province.
 - Within his/her own riding, on the death of the Member of the House of Commons, or the Member of the Provincial/Territorial Legislature.
 - At his/her place of residence, on the death of a Senator, a Canadian Privy Councillor, or a Mayor/Reeve.
 - "Death" may be taken to include the day of death and up to and including the day of the funeral.
9. Flags are also half-masted subject to special instructions on the death of members of the Royal Family other than those related in the first degree to the Sovereign, a Head of a Foreign State, or some other person whom it is desired to honor.
 10. Flags are also half-masted subject to special instructions from the Reeve, County Council or the County Manager.
 11. When a flag becomes tattered and is no longer in a suitable condition for use, it should be destroyed in a dignified way by burning it privately.
 12. This policy is subject to review to ensure that it remains in conformance with the rules and proper etiquette for displaying the national flag.



Lethbridge County Policy Handbook

EFFECTIVE: December 6, 2001 **SECTION:** 100 NO. 139 Page 1 of 3
APPROVED BY: County Council **SUBJECT:** Flag Policy
REVISED DATE:

1. PURPOSE

- a. The purpose of this Policy is to ensure all flags at Lethbridge County facilities are flown and displayed in a consistent and appropriate manner.

2. SCOPE

- a. This policy applies to all properties and facilities owned and operated by Lethbridge County.

3. POLICY

- a. Lethbridge County acknowledges that flags are important symbols of honour and pride and must be treated in a respectful manner that reflects such importance.
- b. Lethbridge County supports half-masting as an expression of collective mourning and sense of loss that is shared regionally, provincially, nationally, or globally.

4. GUIDELINES AND PROCEDURES

- a. All flags at Lethbridge County facilities are flown, displayed and disposed of in accordance with the provisions set forth by National Flag of Canada Etiquette – Rules for the flying the National Flag of Canada.
- b. Flags to be flown on separate poles.
- c. Flags to be flown at the same height.
- d. Flags flown in a group to be the same size.
- e. Flags will be flown by night as well as day.
- f. Where there are three flag poles, the National Flag of Canada will be flown in the middle.
- g. The National Flag of Canada will be raised and lowered first.



Lethbridge County Policy Handbook

EFFECTIVE: December 6, 2001 **SECTION:** 100 NO. 139 Page 2 of 3

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

REVISED DATE:

5. HALF-MASTING

- a. Flags are flown at the half-mast position as a sign of mourning.
- b. The flag is brought to the half-mast position by first raising it to the top of the mast then immediately lowering it slowly to the half-mast position. On occasions requiring that one flag be flown at half-mast, all flags flown together should also be flown at half-mast.
- c. Flags are flown at half-mast when directed by the Department of Canadian Heritage. The following are examples of the practice:
 - 1) Across Canada and abroad, on the death of the Sovereign or a member of the Royal Family related in the first degree to the Sovereign (spouse, son or daughter, father, mother, brother or sister), the Governor General, the Prime Minister, a former governor general, a former prime minister, or a federal cabinet minister.
 - 2) Within a province, on the death of the Lieutenant Governor, the Premier or another person similarly honored by that province.
 - 3) Within his/her own riding, on the death of the Member of the House of Commons, or the Member of the Provincial/Territorial Legislature.
 - 4) At his/her place of residence, on the death of a Senator, a Canadian Privy Councillor, or a Mayor/Reeve.
 - 5) "Death" may be taken to include the day of death and up to and including the day of the funeral.
- d. Flags are also half-masted subject to special instructions on the death of members of the Royal Family other than those related in the first degree to the Sovereign, a Head of a Foreign State, or some other person whom it is desired to honour.
- e. Flags are also half-masted subject to special instructions from the Reeve, County Council or the Chief Administrative Officer.



Lethbridge County Policy Handbook

EFFECTIVE: December 6, 2001 **SECTION:** 100 NO. 139 Page 3 of 3

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

REVISED DATE:

6. DISPOSAL OF FLAG

- a. When a flag becomes tattered and is no longer in a suitable condition for use, it should be destroyed in a dignified way, as outlined by National Flag of Canada Etiquette – Rules for the flying the National Flag of Canada.

7. SPECIAL REQUESTS

- a. Organizations, from time to time, may request their flag be flown at Lethbridge County facilities to mark an event or occasion.
- b. A special request must be submitted to the Chief Administrative Officer, at least two weeks prior to the requested date, and must include the following information:
 - 1) Name of the requesting organization
 - 2) Contact information
 - 3) Requested event or occasion
 - 4) Date or time of event or occasion
 - 5) Explanation or purpose of the event or occasion
 - 6) Description of the applicant organization including any local, national or international affiliation, brief history and any other relevant information of interest.

8. AUTHORITY

- a. Lethbridge County reserves the right to choose which flags may or may not be flown at Lethbridge County owned facilities.
- b. At no time will Lethbridge County display flags deemed to be inappropriate or offensive in nature, or those supporting discrimination, prejudices, political or religious movements.

AGENDA ITEM REPORT



Title: Removal of Lethbridge County Representation on the LINK Pathway Society and the North County Potable Water Co-op.
Meeting: County Council - 01 Oct 2020
Department: Administration
Report Author: Ann Mitchell

APPROVAL(S):

Ann Mitchell, Chief Administrative Officer

Approved - 25 Sep 2020

STRATEGIC ALIGNMENT:



Outstanding Quality
of Life



Effective Governance
and Service Delivery



Prosperous
Agricultural
Community



Vibrant and Growing
Economy



Strong Working
Relationships

EXECUTIVE SUMMARY:

In preparing for the upcoming Organization Meeting, scheduled for October 15, 2020, the number of Committees that have Lethbridge County Council representation was reviewed.

It was determined that there is no longer a necessity to have Lethbridge County representation on two Committees - the LINK Pathway Society and the North County Potable Water Co-op.

RECOMMENDATION:

That Lethbridge County Council remove Lethbridge County representation from the LINK Pathway Society and the North County Potable Water Board.

PREVIOUS COUNCIL DIRECTION / POLICY:

At the Organization Meeting held in 2019, Councillor Tory Campbell was appointed to represent Lethbridge County on the LINK Pathway Society and Councillor Morris Zeinstra was appointed to represent Lethbridge County on the North County Potable Water Co-op.

BACKGROUND INFORMATION:

The *Municipal Government Act*, section 192, mandates that an Organizational Meeting be held annually.

During the Organizational Meeting, Council appoints representation to several committees, both internally, specifically to Lethbridge County and externally to various organizations within the community.

Linked Pathway Society

At the September 17th Regular Meeting of Council, Council deliberated and passed a motion containing several conditions be met of the Linked Pathway Society. It is my recommendation that representation from the County is not needed on this committee at this time. Staff can work with the committee to ensure conditions are being met to our satisfaction.

Further, since the Linked Pathway is not a committee of Council it creates confusion in the stakeholders view as to what exactly is the relationship between the County and the committee.

North County Potable Water Coop

Council has previously removed representation on the South County Potable Water Co-op due to concerns about liability, however, the same was not done for the North County Water Co-op.

At this time the County acts as utility operators for both the north and south co-op. This includes; all water quality testing and controls, distribution for the regional water system. The certified operators perform all the AEP requirements for potable water.

It is a fine line for a member of Council to sit on both Council and North Water Coop.

ALTERNATIVES / PROS / CONS:

Council could consider the following when deliberating this decision:

Pros:

- Lethbridge County becomes separate from these committees
- Lethbridge County has previously remove representation from the South County Potable Water Coop
- The number of Council appointments to committees is reduced

Cons:

- Lessens our public engagement with special interest groups

FINANCIAL IMPACT:

This could lead to legal issues which could be quite costly.

REASON(S) FOR RECOMMENDATION(S):

By removing Lethbridge County representation, it allows Lethbridge County Council to be an objective third party. This allows Council to make decisions with no biases or perceived biases.