



AGENDA Council Meeting

9:00 AM - Thursday, June 15, 2023
Council Chambers

Page

A. CALL TO ORDER

B. ADOPTION OF AGENDA

C. ADOPTION OF MINUTES

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1. County Council Meeting Minutes
[Council Meeting - 01 Jun 2023 - Minutes](#)

D. DELEGATIONS

1. 9:15 a.m. - RCMP

E. DEPARTMENT REPORTS

E.1. COMMUNITY SERVICES

10 - 13

- E.1.1. Disposal of Land - Plan 9312230 Block 1 Lot 9
[Disposal of Land - Plan 9312230 Block 1 Lot 9](#)

14 - 22

- E.1.2. Bylaw 22-003 - Road Closure, Sale and Consolidation of a portion of Range Road 22-0 (between SE 25-9-22-W4 and SW 30-9-21-W4)- 2nd and 3rd Reading
[Bylaw 22-003 - Road Closure, Sale and Consolidation](#)

E.2. ADMINISTRATION

- E.2.1. Letters to Ministers - McCain Foods

E.3. PUBLIC OPERATIONS

E.4. INFRASTRUCTURE

E.5. FINANCE AND ADMINISTRATION

F. CORRESPONDENCE

23

1. Prairie Hill Farms & Haskalife - A Taste of Innovation - 2023 Haskap Berry Harvest Invitation

[Prairie Hill Farms & Haskalife - A Taste of Innovation - 2023 Haskap Berry Harvest](#)

24 2. **Nobleford Heritage Day - Invitation to Participate**
[Nobleford Heritage Day - Invitation to Participate](#)

25 - 28 3. **Lethbridge Northern Irrigation District**
[Lethbridge Northern Irrigation District](#)

G. COUNTY COUNCIL AND COMMITTEE UPDATES

29 - 32 1. **Lethbridge County Council Attendance Update - May 2023**
[Lethbridge County Council Attendance Update - May 2023](#)

H. CLOSED SESSION

33 - 39 1. **Fire Service Response Fees Waiver Request Analysis (FOIP Section 27 - Privileged Information)**
[Fire Service Response Fees Waiver Request Analysis](#)

I. NEW BUSINESS

J. ADJOURN



MINUTES

Council Meeting

9:00 AM - Thursday, June 1, 2023
Council Chambers

The Council Meeting of Lethbridge County was called to order on Thursday, June 1, 2023, at 9:00 AM, in the Council Chambers, with the following members present:

PRESENT: Reeve Tory Campbell
Deputy Reeve John Kuerbis
Councillor Lorne Hickey
Councillor Mark Sayers
Councillor Klaas VanderVeen
Councillor Morris Zeinstra
Interim Chief Administrative Officer, Larry Randle
Director of Public Operations, Jeremy Wickson
Director of Infrastructure, Devon Thiele
Director of Finance & Administration, Jennifer Place
Executive Assistant, Candice Robison
Supervisor of Planning & Development, Hilary Janzen
Senior Planner, Steve Harty

Councillor Van Essen - Excused

A. CALL TO ORDER

Reeve Campbell called the meeting to order at 9:01 a.m.

Reeve Campbell congratulated Premier Smith and the UCP on winning the election and thanked all those who let their names stand.

Reeve Campbell congratulated local MLA's Grant Hunter, Joseph Schow, Nathan Neudorf and Shannon Phillips on being re-elected.

B. ADOPTION OF AGENDA

177-2023 Councillor MOVED that the June 1, 2023 Lethbridge County Council Meeting
Sayers Agenda be adopted as presented.

CARRIED

C. ADOPTION OF MINUTES

C.1. County Council Meeting Minutes

178-2023 Councillor MOVED that the May 18, 2023 Lethbridge County Council Minutes
VanderVeen be adopted as presented.

CARRIED

F. SUBDIVISION APPLICATIONS

F.1. Subdivision Application #2023-0-044 – Green Life Farms Ltd. - NW1/4 36-10-20-W4M

179-2023 Deputy MOVED that the Country Residential subdivision of NW1/4 36-10-20-
Reeve W4M (Certificate of Title No. 091 130 597), to subdivide a 10.34-acre
Kuerbis (4.18 ha) first parcel out subdivision from a title of 152.56 acres (61.74
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 and comply with a Development Agreement with Lethbridge County which shall be registered concurrently with the final plan against the title(s) being created.
3. That the applicant provides a final Plan of Surveyor to illustrate the exact dimensions and parcel size of the proposed parcel as approved.

CARRIED

**F.2. Subdivision Application #2023-0-043 – Green Life Farms Ltd.
- Section 35-10-20-W4M**

- 180-2023 Councillor VanderVeen MOVED that the Agricultural & Country Residential subdivision of Sec. 35-10-20-W4M (Certificate of Title No. 141 132 946), to subdivide and reconfigure portions of four ¼-sections within Section 35-10-20-W4M and create a new 12.87-acre (5.21 ha) lot for country residential use, and consolidate the residuals to create two agricultural titles, 232.79 and 199.17 acres (94.21 & 80.60 ha) respectively in size; 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 and comply with a Development Agreement with Lethbridge County which shall be registered concurrently with the final plan against the title(s) being created.
3. That the titles and portions of land to be subdivided to create the yard title and the consolidation of the agricultural parcels be done by a plan prepared by a certified Alberta Land Surveyor in a manner such that the resulting titles cannot be further subdivided without approval of the Subdivision Authority.
4. That the easement as required by FORTIS Alberta shall be provided prior to finalization

CARRIED

D. DELEGATIONS

D.1. 9:30 a.m. - Green Acres Foundation - Dawna Coslovi (CEO) & Jeff Carlson (Board Chair)

Dawna Coslovi, CEO and Jeff Carlson, Board Chair from the Green Acres Foundation were present to provide Council an update on the foundation and their 2022 Report to the Community.

Reeve Campbell recessed the meeting at 9:52 a.m.

Reeve Campbell reconvened the meeting at 10:01 a.m.

E. PUBLIC HEARINGS - 10:00 a.m.

E.1. Bylaw 23-012 - Road Closure, Sale and Consolidation- Public Hearing

Reeve Campbell called a recess to the Council Meeting, for the Public Hearing for Bylaw 23-012 at 10:01 a.m.

- 181-2023 Councillor Sayers MOVED that the Public Hearing for Bylaw 23-012 commence at 10:01 a.m.

CARRIED

The Interim Director of Community Services reviewed Bylaw 23-012.

Reeve Campbell asked if anyone wished to speak in favour or opposition of Bylaw 23-012.

No comments were made.

182-2023	Councillor Zeinstra	MOVED that the Public Hearing for Bylaw 23-012 adjourn at 10:06 a.m.	CARRIED
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Reeve Campbell reconvened the Council meeting at 10:06 a.m.

183-2023	Deputy Reeve Kuerbis	MOVED that Bylaw 23-012 be sent to the Minister of Transportation for Approval	CARRIED
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F. **SUBDIVISION APPLICATIONS**

F.3. **Subdivision Application #2023-0-057 – Shimek - NW1/4 22-11-21-W4M**

184-2023	Councillor Sayers	MOVED that the Agricultural and Country Residential subdivision of Lot 1, Block 1, Plan 9010254 and a portion of the NW1/4 22-11-21-W4M all within NW1/4 22-11-21-W4M (Certificate of Title No. 901 033 612, 901 033 612 +1), to reconfigure an existing 6.57-acre (2.66 ha) title and realign its boundaries to create a title reduced in size to 6.08-acres (2.46 ha) for country residential use; BE APPROVED subject to the following:
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- 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 and comply with a Development Agreement with Lethbridge County which shall be registered concurrently with the final plan against the title(s) being created.
 - 3. That the applicant submits a plan as prepared by an Alberta Land Surveyor that certifies the exact location and dimensions of the parcels being subdivided and consolidated. The titles and portions of land to be subdivided and consolidated to reconfigure the boundaries (property line) of the two adjacent parcels, is to be done by a plan prepared by a certified Alberta Land Surveyor in a manner such that the resulting titles cannot be further subdivided without approval of the Subdivision Authority.
 - 4. That any easement(s) as required by utility companies, or the municipality shall be established.
- CARRIED

F.4. **Subdivision Application #2023-0-059 – K. Sugimoto & Sons Ltd. - Sec. 12-7-21-W4M**

185-2023	Deputy Reeve Kuerbis	MOVED that the Agricultural subdivision of Sec. 12-7-21-W4M (Certificate of Title No. 121H233, 121H234, 121H237), to both subdivide and reconfigure the property boundaries of three adjacent agricultural titles 286.30, 80.0 & 27.77 acres (115.86, 32.4 & 11.24 ha) in size, by subdividing and consolidating thereby creating four new titles 92.75, 113.95, 101.67 & 85.70 acres (37.53, 46.11, 41.14 & 34.68 ha) respectively in size, all for agricultural use; BE APPROVED subject to the following:
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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 and comply with a Development Agreement with Lethbridge County which shall be registered concurrently with the final plan against the title(s) being created.
- 3. That the titles and portions of land to be subdivided and consolidated to reconfigure the boundaries (property lines) of the agricultural parcels be done by a plan prepared by a certified Alberta Land Surveyor in a manner such that the resulting title cannot be further subdivided without approval of the Subdivision Authority.
- 4. That the applicant provides an up-to-date Surveyor's sketch to illustrate the exact dimensions and parcel size and the location of the three improvements closest to the NW and SW ¼-section line. Additionally, the applicant is required to submit a final plan as prepared by an Alberta Land Surveyor that corresponds to the subdivision approval.
- 5. That if the Surveyor's sketch illustrates any encroachments over the property line (¼-section line), the applicant shall remove the encroachments or provide an encroachment agreement to the satisfaction of the Subdivision Authority prior to final endorsement of the subdivision.
- 6. That any easement(s) as required by utility companies, or the municipality shall be established.

CARRIED

G. DEPARTMENT REPORTS

G.1. COMMUNITY SERVICES

G.1.1. Bylaw 23-018 - Reconfigure the land use districts for portions of NW 21-11-20-W4 and Plan 1810343 Block 1 Lot 1 - First Reading

186-2023	Deputy Reeve Kuerbis	MOVED that Bylaw 23-018 be read a first time.	CARRIED
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G.1.2. Bylaw 23-014 - Road Closure, Sale and Consolidation- First Reading

187-2023	Councillor VanderVeen	MOVED that Bylaw 23-014 be read a first time.	CARRIED
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G.1.3. Bylaw 23-002 - Country Crossroads Estate Area Structure Plan and Bylaw 23-003 Land Use Bylaw Amendment (Rural Agriculture to Grouped Country Residential) - Second Reading

Councillor Klaas VanderVeen abstained from voting on Bylaw 23-002 and Bylaw 23-003 due to being absent from the Public Hearing.

188-2023	Deputy Reeve Kuerbis	MOVED that Bylaw 23-002 - Country Crossroad Estate ASP be read a second time, as amended to include a 3-acre parcel minimum and that the applicant amend the ASP accordingly.	CARRIED
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189-2023	Deputy Reeve Kuerbis	MOVED that Bylaw 23-002 - Country Crossroad Estate ASP be read a third time.	CARRIED
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190-2023	Deputy Reeve Kuerbis	MOVED that Bylaw 23-003 - Land Use Bylaw Amendment - RA to GCR be read a second time.	CARRIED
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191-2023	Councillor Hickey	MOVED that Bylaw 23-003 - Land Use Bylaw Amendment - RA to GCR be read a third time.	CARRIED
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G.1.4. Alberta Advantage Immigration Program - Opportunity for Lethbridge County (Verbal Update from Administration)

192-2023	Deputy Reeve Kuerbis	MOVED that Administration draft a letter to the Town of Taber under the Reeve's signature regarding the Alberta Advantage Immigration Program.	CARRIED
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G.2. ADMINISTRATION

G.2.1. Land Acknowledgement Statement

193-2023	Councillor VanderVeen	MOVED that County Council adopt the following Land Acknowledgment Statement:	
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"In the true spirit of reconciliation, we acknowledge all those who call this land home now and for thousands of years in the past. May we respect each other and find understanding together and recognize the benefits that this land provides to all of us."

CARRIED

194-2023	Deputy Reeve Kuerbis	MOVED that the land acknowledgement be read at the following times:	
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1. At the onset of the Annual Organizational Meeting each year.
2. At the onset of every council meeting.
3. At the onset of public events hosted by Lethbridge County.
4. And is also included on County correspondence such as letterhead, email signature lines and the County website.

CARRIED

G.3. INFRASTRUCTURE

G.3.1. RAVE Industrial Park Infrastructure Upgrades - Tender Results

195-2023	Councillor VanderVeen	MOVED that Council approves an additional \$1,285,000 from Municipal Sustainability Initiative and an additional \$340,143.05 from the Public Works Project Reserve, for a total budget of \$5,225,143.05.	
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CARRIED

G.3.2. Local Improvement Tax - Counter Petitions

The Director of Infrastructure updated Council on the Local Improvement Tax Counter Petitions.

The Interim Chief Administrative Officer formally declared the counter-petitions for the paving of Township Road 8-2 and the paving of Range Road 21-5, and Valley View Place sufficient as required by the Municipal Government Act.

G.4. PUBLIC OPERATIONS

G.4.1. 2023 Calgary Stampede BMO Farm Family Awards

- 196-2023 Councillor VanderVeen MOVED that County Council select Deputy Reeve Kuerbis and a guest to represent Lethbridge County at the 2023 BMO Farm Family awards presentations scheduled for July 10, 2023.
- CARRIED

G.4.2. 2024 Capital Equipment Purchasing

- 197-2023 Councillor VanderVeen MOVED that Council approve the 2024 Capital Equipment list for purchasing requirements.
- CARRIED

G.5. FINANCE AND ADMINISTRATION

G.5.1. Water Pipeline Purchase Borrowing Bylaw 23-016

- 198-2023 Councillor Hickey MOVED that Water Pipeline Purchase Borrowing Bylaw No. 23-016 be read a second time.
- CARRIED
- 199-2023 Councillor Sayers MOVED that Water Pipeline Purchase Borrowing Bylaw No. 23-016 be read a third time.
- CARRIED

H. CORRESPONDENCE

H.1. Town of Coaldale - 2023 Coaldale Summer Fest and Candy Parade Invitation

Council reviewed the Town of Coaldale's 2023 Coaldale Summer Fest and Candy Parade Invitation.

H.2. MP Thomas - Community Builders Awards

Council reviewed the correspondence from MP Thomas wherein she has requested nominations for her Community Builders Awards.

H.3. STARS - Donation Thank You

Council reviewed the thank you from STARS for the donation they received from Lethbridge County.

H.4. Ukrainian Day Celebration Invitation

Council reviewed the Ukrainian Canadian Congress - Alberta Provincial Council's Ukrainian Day Celebration Invitation.

I. CLOSED SESSION

I.1. - Economic Development Opportunity (FOIP Section 16 - Disclosure harmful to business interests of a third party)

I.2. - Administration Meeting with Blood Tribe (FOIP Section 21 - Disclosure harmful to intergovernmental relations)

I.3. - Land Request (FOIP Section 21 - Disclosure harmful to intergovernmental relations)

I.4. - Chief Administrative Officer Appointment (FOIP Section 19 - Confidential Evaluations)

200-2023 Councillor MOVED that the Lethbridge County Council Meeting move into Closed
Hickey Session, pursuant to Section 197 of the Municipal Government Act,
the time being 11:46 a.m. for the discussion on the following:

I.1. - Economic Development Opportunity (FOIP Section 16 -
Disclosure harmful to business interests of a third party)

I.2. - Administration Meeting with Blood Tribe (FOIP Section 21 -
Disclosure harmful to intergovernmental relations)

I.3. - Land Request (FOIP Section 21 - Disclosure harmful to
intergovernmental relations)

I.4. - Chief Administrative Officer Appointment (FOIP Section 19 -
Confidential Evaluations)

Present during the Closed Session:
Lethbridge County Council
Chief Administrative Officer
Senior Management
Administrative Staff
CARRIED

201-2023 Councillor MOVED that the Lethbridge County Council Meeting move out of the
VanderVeen closed session at 12:20 p.m.

CARRIED

I.1. **Land Request (FOIP Section 21 - Disclosure harmful to intergovernmental
relations)**

202-2023 Councillor MOVED that County Council authorize the sale of the property within
VanderVeen Lethbridge County to the City of Lethbridge and send a letter to the
City under the Reeve's signature.

CARRIED

I.2. **Chief Administrative Officer Appointment (FOIP Section 19 - Confidential
Evaluations)**

203-2023 Deputy MOVED that Cole Beck be appointed to the position of Chief
Reeve Administrative Officer for Lethbridge County, effective June 12, 2023.
Kuerbis

CARRIED

J. **COUNTY COUNCIL AND COMMITTEE UPDATES**

K. **NEW BUSINESS**

L. **ADJOURN**

204-2023 Councillor MOVED that the Lethbridge County Council Meeting adjourn at 12:22
Hickey p.m.

CARRIED

Reeve

CAO

AGENDA ITEM REPORT



Title: Disposal of Land - Plan 9312230 Block 1 Lot 9
Meeting: Council Meeting - 15 Jun 2023
Department: Community Services
Report Author: Hilary Janzen

APPROVAL(S):

Larry Randle, Interim Chief Administrative Officer

Approved - 29 May 2023

STRATEGIC ALIGNMENT:



Governance



Relationships



Region



Prosperity

EXECUTIVE SUMMARY:

The parcel of land is a pond that is currently used as the potable water source for the residents of the Riverbrink subdivision.

RECOMMENDATION:

County Council approve the disposal of the pond and transfer it to the Riverbrink Water Users Co-op Ltd.

REASON(S) FOR RECOMMENDATION(S):

The pond is not part of the County's required infrastructure and is used solely by the water users co-op for potable water purposes. As the land has no value with regards to future development and only benefits the existing subdivision, the land can be transferred for \$1.00.

PREVIOUS COUNCIL DIRECTION / POLICY:

Policy 172 - Land Disposition

BACKGROUND INFORMATION:

A review of all the ponds owned by the County was completed and it was determined that this pond does not serve any infrastructure function for the County (i.e. storm-water detention) and that the pond should be disposed of.

County Administration has had discussion regarding the pond with a representative of the Riverbrink subdivision and it has been determined that the Riverbrink Water Users Co-op can take over the ownership of the pond. They would maintain the pond and associated infrastructure as they have historically been doing.

In order to ensure that the property cannot be developed or used for anything other than a pond, County Administration is registering a caveat on title that ensures the pond remains a pond in perpetuity.

As the land has no value with regards to future development, County Administration recommends disposing of it for \$1.00.

ALTERNATIVES / PROS / CONS:

County Council may choose to not transfer the parcel

Pros - none identified

Cons -the County would be responsible to maintain the property and any liabilities that go with that.

FINANCIAL IMPACT:

There would be no financial impact to transferring the lands to the water users co-op.

LEVEL OF PUBLIC PARTICIPATION:

☐ Inform ☐ Consult ☒ Involve ☐ Collaborate ☐ Empower

ATTACHMENTS:

[Policy 172 Land Disposition](#)



Lethbridge County Policy Handbook

EFFECTIVE: January 24, 2018

SECTION: 100 NO. 172 Page 1 of 2

APPROVED BY: County Council

SUBJECT: Land Disposition

REVISED DATE: December 6, 2021

POLICY STATEMENT

Lethbridge County owns multiple parcels of land within its boundaries, many of which provide no benefit to the County and in some cases, may even be a liability. Increasing property values and development pressures dictate that Lethbridge County should have a responsive strategy in place so that when County-owned land that is no longer needed, is not anticipated to be needed and has the potential to generate revenue, may be disposed of in a fair and timely manner. The Department of Community Services through the Planning and Development Department working collaboratively with all other departments, will take primary responsibility for land disposition management and inventory.

The Municipal Government Act (MGA) shall guide any land disposition matter not addressed in this policy and in the event of conflict with this policy, take precedence.

POLICY GOALS

The purpose of this policy is to establish a framework for the consistent, effective and timely disposition of surplus County-owned land.

PROCESS FOR CONSIDERATION OF LAND DISPOSAL

The following steps shall be taken when considering the permanent or temporary (via land lease) disposition of County-owned land:

- Step 1: County-owned land that may be surplus is identified and brought to the attention of the Community Services Department.
- Step 2: The Chief Administrative Officer and all department Directors are informed of land that has been identified as no longer being needed. If there is consensus that a parcel or parcels serve no value to the County, a Council resolution approving the sale or lease of specifically identified parcels must be acquired. If Council does not approve, the lands shall remain in the County's name for an indefinite period of time.



Lethbridge County Policy Handbook

EFFECTIVE: January 24, 2018 **SECTION:** 100 NO. 172 Page 2 of 2
APPROVED BY: County Council **SUBJECT:** Land Disposition
REVISED DATE: December 6, 2021

- Step 3: Once Council has approved the disposal of a parcel, the land shall be publicly advertised for sale or lease, as the case may be. The price of land shall be market value, as determined through market evaluation, current assessment or through independent appraisal. Council reserves the right to transfer an interest in land for less than market value in accordance with the MGA.
- Step 4: Offers to purchase or lease County-owned land must be approved by Council, prior to transfer of ownership or execution of lease agreements, unless otherwise delegated by Council.

Exceptions

Council direction will ultimately determine the process to be followed. In determining the course of action that will be taken for the disposition of a given piece of property, Council's decision may be influenced by various factors such as: the effect which the sale, lease, or alternate use of the subject property by a third party may have on adjacent land, the proposed future use of the property by an interested party, the potential benefit that the County may realize by negotiating a trade of land for other property that may have strategic value or interest for the county, etc.

At the conclusion of the review process, Council may determine that there are extenuating circumstances that justify waiving the open process established through this policy. In those circumstances, Council may direct Administration to take specific actions regarding the property in question. This may include retaining the right to negotiate a lease or sale agreement with a party that Council has determined may be impacted in a significant way by the lease or sale of the subject property to a third party. A tenant's previous stewardship of land may also be taken into consideration. All exceptions to the open public process outlined above shall be carried out in accordance with the relevant sections of the Municipal Government Act.

LAND SALE COSTS

Costs associated with legal, subdivision, survey, title registration, sale transfer costs, etc. will be at the cost of the purchaser, where applicable. Any up front County costs associated with a sale will be funded through the purchase proceeds.

AGENDA ITEM REPORT



Title: Bylaw 22-003 - Road Closure, Sale and Consolidation of a portion of Range Road 22-0 (between SE 25-9-22-W4 and SW 30-9-21-W4)- 2nd and 3rd Reading
Meeting: Council Meeting - 15 Jun 2023
Department: Community Services
Report Author: Hilary Janzen

APPROVAL(S):

Larry Randle, Interim Chief Administrative Officer

Approved - 29 May 2023

STRATEGIC ALIGNMENT:



Governance



Relationships



Region



Prosperity

EXECUTIVE SUMMARY:

An application has been made to close a portion of Range Road 22-0 that is between SE 25-9-22-W4 and SW 30-9-21-W4 which is east of the Oldman River and north of the City of Lethbridge.

RECOMMENDATION:

That Bylaw 22-003 be read a second time.
That Bylaw 22-003 be read a third time.

REASON(S) FOR RECOMMENDATION(S):

There were no objections to the proposed road closure and Alberta Transportation has signed off on the Bylaw.

PREVIOUS COUNCIL DIRECTION / POLICY:

Policy 109A - Road Allowance Closure & Sale approved by County Council on March 6, 2014

Bylaw 22-003 was given first reading on April 7, 2022

Bylaw 22-003 - public hearing was held on June 16, 2022

BACKGROUND INFORMATION:

An application has been made to close a portion of Range Road 22-0 that is between SE 25-9-22-W4 and SW 30-9-21-W4. The applicant would like to consolidate this section of road to allow for contiguous mining (gravel extraction operation) between the two parcels.

The County has determined that this portion of road will not be required for future use and can be closed. In addition, Alberta Transportation has submitted a letter stating that they have no concerns or objections to the proposed road closure.

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

The application was referred to the City of Lethbridge. They had no concerns with road closure as long as they would be referred any applications to expand the approved sand and gravel operations into the road area or further to the west.

The public hearing for Bylaw 22-003 was held on June 16, 2022 and sent to Alberta Transportation to be signed.

ALTERNATIVES / PROS / CONS:

County Council may decide not to proceed with 2nd reading of the Bylaw:

Pros:

- None identified.

Cons:

- The County would forgo \$9,650.00 sale revenue.
- The County would have to manage and maintain the road way.

FINANCIAL IMPACT:

- Lethbridge County will receive \$9,650.00 in sale revenue if the road is closed.
- There would be a negligible increase in property taxes.

LEVEL OF PUBLIC PARTICIPATION:

☐

Inform

☒

Consult

☐

Involve

☐

Collaborate

☐

Empower

ATTACHMENTS:

[Bylaw 22-003 - signed by AT](#)

[Bylaw 22-003 - Road Closure Application](#)

[Lafarge Road Closure Map](#)

**LETHBRIDGE COUNTY
IN THE PROVINCE OF ALBERTA**

BYLAW 22-003

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 GOVERNMENT ROAD ALLOWANCE FORMING PART OF LOT 2, BLOCK 1, PLAN _____ CONTAINING 0.78 HECTARES (1.93 ACRES) MORE OR LESS EXCEPTING THEREOUT ALL MINES AND MINERALS

GIVEN first reading this 7th day of April, 2022.

 _____ Reeve	Seal
 _____ Chief Administrative Officer	

Approved this 19th day of May, 2023.



Minister of Transportation
✓ and Economic Corridors ✓

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

Reeve

Seal

Chief Administrative Officer

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

Reeve

Seal

Chief Administrative Officer



LETHBRIDGE COUNTY APPLICATION FOR ROAD CLOSURE

OFFICE USE		
Date of Application: <u>January 31, 2022</u>	Assigned Bylaw	No. <u>22-003</u>
Date Deemed Complete: <u>February 18, 2022</u>	Application & Processing Fee:	\$ <u>1500.00 - PAID Jan. 31/2022</u>
	Assessed Value:	\$

APPLICANT INFORMATION

Name of Applicant: Lafarge Canada Inc.

Mailing Address: 2213 50 Avenue SE **Phone:** (403) 312-0480
Calgary, AB

Postal Code: T2B 0R5 **Email:** jennifer.weslowski@lafargeholcim.com

Name of Owner: Leroy & Sandra Pavan
(if not the applicant)

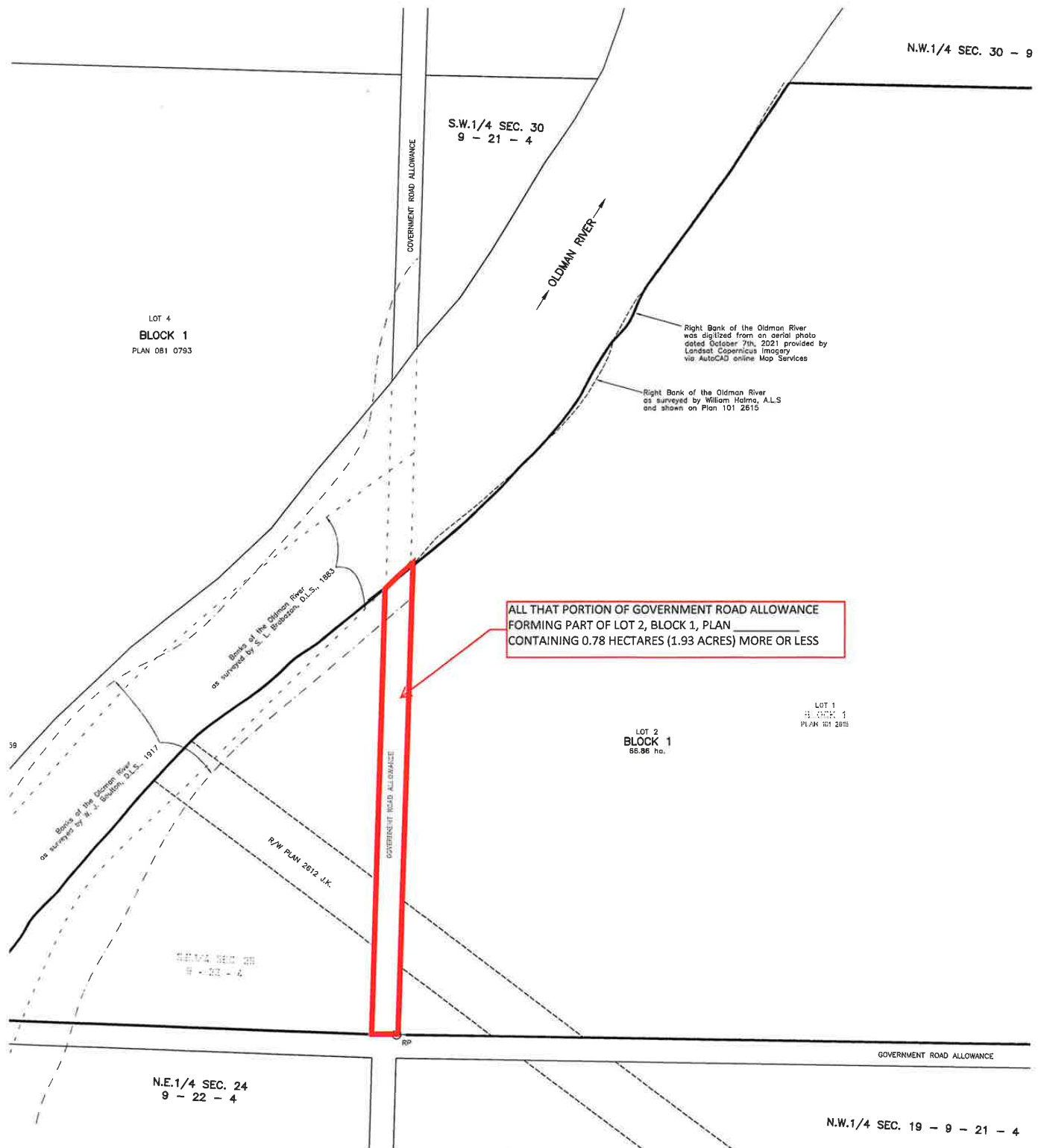
Mailing Address: RR 8-42-12 **Phone:** (403) 327-5150
Lethbridge, AB

Postal Code: T1J 4P4 **Email:** _____

ROAD CLOSURE INFORMATION

The applicant shall provide the following information:

- A map showing proposed road closure area and the applicant's property,
- Copy of the certificate of title(s) to which the road closure would be consolidated to,
- Legal Description of the proposed Road Closure (acceptable at the Land Titles Office)
- If there are other adjacent landowners provide written confirmation that they have been consulted with on the proposed road closure,
- Provide the reasons for the road closure request, and
- Application fee payment (See Schedule of Fees).





LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0034 375 296 1012615;1;1 101 194 898

LEGAL DESCRIPTION
PLAN 1012615
BLOCK 1
LOT 1
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 58.74 HECTARES (145.15 ACRES) MORE OR LESS

ESTATE: FEE SIMPLE
ATS REFERENCE: 4;21;9;30;SW

MUNICIPALITY: LETHBRIDGE COUNTY

REFERENCE NUMBER: 101 194 881
 091 247 493

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
101 194 898	30/06/2010	PLAN OF SURVEY - NEW TITLE		

OWNERS

LEROY PAVAN

AND

SANDRA PAVAN

BOTH OF:

RR 8-42-12

LETHBRIDGE

ALBERTA T1J 4P4

AS JOINT TENANTS

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION	DATE (D/M/Y)	PARTICULARS
NUMBER		

696EU		RESTRICTIVE COVENANT
-------	--	----------------------

(CONTINUED)



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0022 104 624 4;22;9;25;SE 041 489 241

LEGAL DESCRIPTION

MERIDIAN 4 RANGE 22 TOWNSHIP 9
SECTION 25
THOSE PORTIONS OF THE SOUTH EAST QUARTER
WHICH LIE TO THE EAST OF THE BELLY RIVER AS SHOWN ON A PLAN OF SURVEY
OF THE SAID TOWNSHIP DATED ON THE 6TH DAY OF NOVEMBER 1889
CONTAINING 6.07 HECTARES (15 ACRES) MORE OR LESS
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE

MUNICIPALITY: LETHBRIDGE COUNTY

REFERENCE NUMBER: 021 386 014

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
041 489 241	31/12/2004	TRANSFER OF LAND		SEE INSTRUMENT

OWNERS

LEROY PAVAN

AND

SANDRA PAVAN

BOTH OF:

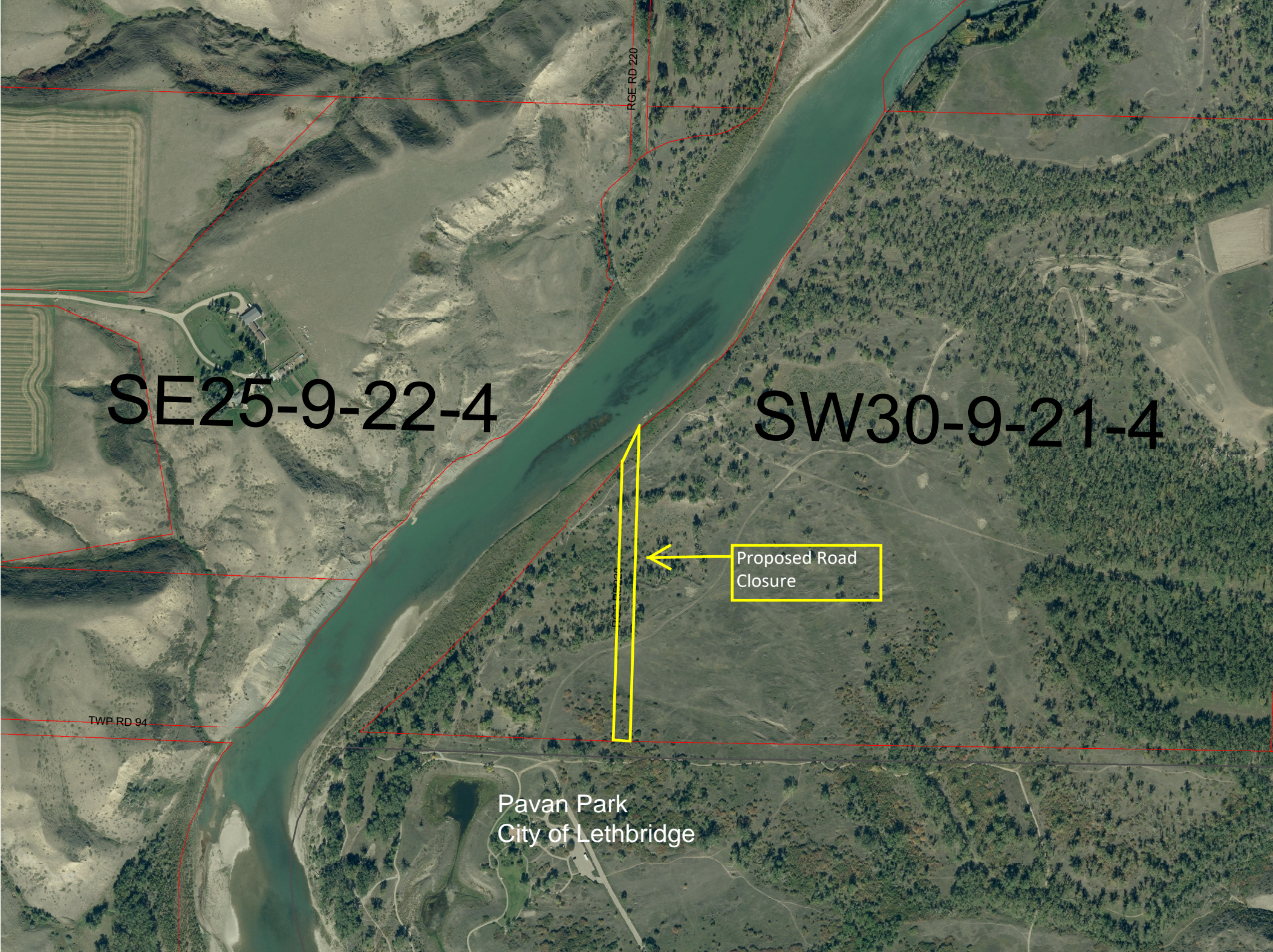
RR 8-42-12

LETHBRIDGE

ALBERTA T1J 4P4

AS JOINT TENANTS

(CONTINUED)



SE25-9-22-4

SW30-9-21-4

Proposed Road Closure

Pavan Park
City of Lethbridge



9:00 a.m. – 1:00 p.m. – Prairie Hill Farms Ltd. – 105078 Range Rd 21-1, Picture Butte

A Taste of Innovation

Rex Vandenberg, founder of Prairie Hill Farms, and Kiren Singh, founder of Haskalife, invite you to our 2023 Haskap Berry Harvest, in celebration of Alberta's superfruit!

- Immerse yourself in the harvest experience as you savour haskap berries straight from the bush
- Take a guided tour of our cutting-edge production facilities
- Gain insights into the remarkable health benefits offered by haskap berries
- Sample an array of our premium haskap berry foods & beverages

Details: Our immersive farm-to-table experience includes the following:

- 9:00 – 10:30 AM - Hands-on harvest opportunity in the field
- 10:30 – 12:00 AM - Facility tours and educational content
- 12:00 – 1:00 PM - Lunch
- Haskap food & beverage sampling throughout

Kindly RVSP by June 22nd



Box 67, Nobleford, Alberta T0L 1S0
nobleford.heritatesociety@gmail.com

May 24, 2023

Good Day,

The Nobleford Heritage Society is organizing the annual Heritage Day event to take place in Nobleford on August 12, 2023. This fun-filled day is kicked off by a pancake breakfast and also includes a candy parade, BBQ lunch, bouncy castles, food trucks, car show, bench fair, farmers market and many more activities. There are a number of ways to participate in the event this year!

Candy Parade- We are looking for companies, organizations, towns, families and individuals to participate in the Candy Parade. The lineup for the parade starts at 10:00am on Railway Ave. beside Richardson Pioneer. You are welcome to enter a float, vehicle, animals, music, etc and are encouraged to hand out candy to the spectators. Sign up is not required in advance. Please email nobleford.heritatesociety@gmail.com if you have any questions.

Farmers Market- New this year! We are looking for a variety of vendors to participate in the market. Tables are \$25 each (max. 2 tables per vendor). We are looking for vendors in the following areas: fresh produce, baking, crafts, clothing and home-based businesses. Please email nobleford.heritatesociety@gmail.com if you have any question or to secure your spot.

Financial Sponsor- We are looking for financial sponsors to help support this great community event. All sponsors will be recognized on posters, social media as well as throughout the Heritage Day festivities. Please contact **Joan Boeder at 403-331-4674** if you are interested in sponsoring or drop off your donation at the Town Office. Please make cheques payable to 'The Nobleford Heritage Society'.

We are looking forward to another successful Heritage Day Event and your participation will ensure this community event is a success! We look forward to seeing you on August 12th, 2023.

Sincerely,

The Nobleford Heritage Day Society

Email: nobleford.heritatesociety@gmail.com

Find us on Facebook!

LNID News - June 12, 2023

TO WATER USERS OF THE LETHBRIDGE NORTHERN IRRIGATION DISTRICT JUNE 12, 2023

The Board never imagined that we would be in the situation that we are faced with today. After a couple years of dealing with low canal flows due to a liner that had reached the end of its life, we were excited that the reline project was underway and would be completed before the 2023 water season. We were devastated to find out about the mess that was created that we as a district are dealing with today. We have been relaying information as it is available to us but we realize that it is not enough for you to make the management decisions on your farm that you need to make. We have been busy, often meeting several times per week in order to manage the small amount of water that has been flowing this spring. With the low flows the District has been receiving and the storage that we have in Keho Reservoir, we are trying to manage the water in such a way that everyone gets to irrigate and Keho Reservoir will last for the season. Only a very small amount of the water that has flowed down the canal has gone into Keho, so it goes without saying that we are definitely running a deficit on water. Although this is a normal occurrence at times of high water usage, (flow capacity of the flume over the Old Man River is 46 CMS and we use upwards of 60 CMS at high usage season) with a low canal flow and the level of Keho receding rapidly starting in May already, we need to be very careful in how the water is distributed. It is our hope to get up to at least a 35 CMS flow so we can maintain 50% of systems running and continue increasing allocation on a steady basis. From there we will increase or decrease the amount of systems being able to run at one time according to the flow we receive. AA&I feels quite confident that increased flows will hold but there are no such thing as a guarantee in this situation. It is important to understand that the LNID's water allocation will not be restored back to 17.5 inches this season. Within the next couple weeks we hope to better be able to give an estimation of what the total allotment MIGHT look like.

We acknowledge and understand the devastation that is being felt across the District. There is much anxiety due to the need for feed stocks and the dollars and cents that have been put into this season's crops. We, along with the help of some producer groups, are busy talking to government officials to come up with some viable options to ensure enough water to support livestock feed and higher input crops.

We will continue to keep in contact with the departments involved and are advocating for more consultation with the operation and maintenance of the LNID headworks and portion of the canal that AA&I owns and operates.

Several questions have arisen from the Board and from producers and here are a few of them:

Q - Why doesn't the Alberta Government invoke a state of emergency to allow extraordinary measures to be taken to repair the canal and/or pump water from the river into the canal after the flume without months upon months of red tape?

A - This situation does not fall under framework of state of emergency. It needs to be a life and limb threat to humans and this will never qualify.

Q - How did this happen? Who's fault is this?

A - These are questions that will be asked and investigated at a future date. Right now the priority is getting a sustainable flow of water through the canal.

Q - What is plan B or C?

A - Plan B or C. is plan A. The only option we have is to get water down the canal. There are no other options that are viable.

We continue to ask for your understanding and support in this matter. Please be kind to the LNID water supervisors as their job is very difficult right now and it is not their fault that water is rationed. Also, we know that there have been people stealing water, running too many pivots or running irrigation at night hoping nobody sees it. Please consider your neighbors and fellow producers as this causes someone else to run out of water and creates longer periods of time between allocation increases. We commit to continue to be as stewardly as possible with the resource we are tasked to manage. We will allocate as much water as possible from now till the end of the season.

Crop Impact Assessment

The following is an estimate of the damage and or reduction in yield resulting in late and inadequate supply of irrigation water to district users up to today Monday June 12, 2023. This estimate gives insight into losses accumulated already, but no calculation for the longer-term consequences if we do not address irrigation capacity for the remainder of the season and the downstream impacts affecting primary producers and livestock producers down the chain to vegetable processors, packing plants, custom equipment operators and equipment dealers.

1. Winter Wheat
 - a. Winter cereals have a much higher crop water usage early in the season and with warm temperatures that need increases significantly. Shorting water during head development has significantly reduced the yield potential on fall seeded crops. (estimate 50-70% yield reduction on winter cereals) On winter wheat and fall rye we expect 16-17MT on average and yields will in the 6-8MT range- a 10 MT reduction @ \$100/mt. Many of these fields would typically be seeded again into a summer crop to generate an additional 7-10MT on second crop (total crop value loss of \$1700/ac)
 - b. Because silage is difficult to transport longer distances- finding replacement feed will add to costs significantly and make availability more difficult as well as force feeding operations to silage other cash crops (ex. Hauling a MT of silage 12 additional miles at a cost of \$0.75/mt/mile would add about \$144/acre freight cost for replacement silage)
 - c. For comparison producers have applied 9 inches on silage rye crops in Coaldale (SMRID) to date vs 2.5 inches in LNID
2. Beets/Canola
 - a. Delays on planting both of these crops and limited water to assist in germination have reduced yield potential- Yield on both beets and canola decline in a linear trend for every day after May 1st (Canola yield decline is 1.7% per day after May 1st) Canola seeding delayed until May 15th would incur a 24% reduction in yield
 - i. Seed canola- \$2600 @ 24% = \$624/ac
 - ii. Commercial canola- \$1400 @ 24% = \$336/ac
3. Potatoes- plant water usage has not been high but producers have shorted plants on water. As with many of the specialty crops if water availability does not significantly increase soon yield and quality will be severely impacted. Similar to seed canola, contracts for producers growing these crops rely on access to water in a timely fashion and in adequate quantities and without this guarantee the companies that contract production will look elsewhere for production going forward
4. Timothy/Grass/Alfalfa- estimate 50% reduction in yield due to insufficient water (50% loss on 3.8MT @ \$330 = \$627/ac) Loss of second cut due to insufficient water would result in an additional \$700 in lost revenue
 - a. Comparison- 8 inches of water applied on Timothy hay in SMRID to date. For a second cut of timothy it takes double the water to produce a ton than the first cut (10+ inches required for second cut)
5. Spring Cereals
 - a. Chart to follow showing reduction per day in spring cereal yields under irrigation courtesy of AAF

- b. Many producers have delayed or shorted watering spring crops believing they may have to conserve that water for other crops later in the season. Losses accrued from these decisions vary but could easily contribute to 20-30% yield reductions at the current stage
- 6. Yield losses given here just cover some of the crops grown in the area but do not account for changes in cropping plans and irregular irrigation plans made due to insufficient information passed to irrigators.

With the peak water usage of the majority of longer season crops rapidly approaching it is critical that we proceed with a set aside program to allow for a portion of water users to switch off all irrigation for the season and allow the remaining acres to finish off the year with reduced impact and crop loss. (Proposal is \$1250/ac for set aside program for 50-80,000 acres to achieve this)

*Information for yield reduction on spring seeded crops is direct from the Alberta Agriculture and Forestry dataset

Yield decline for S Alberta for planting after May 1

Barley – malt: 1.20%

Barley – grain: 1.3%

Wheat – hard red spring: 0.8%

Wheat – CPS: 1%

Wheat – durum: 1.3%

Canola: 1.7%

Flax: 0.6%

***Source: Alberta Agriculture and Forestry**

AGENDA ITEM REPORT



Title: Lethbridge County Council Attendance Update - May 2023
Meeting: Council Meeting - 15 Jun 2023
Department: Administration
Report Author: Candice Robison

APPROVAL(S):

Larry Randle, Director of Community Services

Approved - 07 Jun 2023

STRATEGIC ALIGNMENT:



Governance



Relationships



Region



Prosperity

EXECUTIVE SUMMARY:

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

RECOMMENDATION:

No motion required.

REASON(S) FOR RECOMMENDATION(S):

To remain transparent to the citizens of Lethbridge County.

PREVIOUS COUNCIL DIRECTION / POLICY:

A County Council update is provided monthly.

BACKGROUND INFORMATION:

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

ALTERNATIVES / PROS / CONS:

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

FINANCIAL IMPACT:

None at this time.

LEVEL OF PUBLIC PARTICIPATION:



Inform



Consult



Involve



Collaborate



Empower

ATTACHMENTS:

[Lethbridge County Council Attendance Update - May 2023](#)

**Lethbridge County Council Attendance
May 2023**

Division 1

Councillor Lorne Hickey

May 1-3	CPAA Conference
May 4	Lethbridge County Council Meeting
May 11-13	Green Acres Strategic Planning
May 17	Green Acres Finance Meeting
May 18	Lethbridge County Council Meeting
May 18	Truth and Reconciliation Committee Meeting
May 24	Green Acres Board Meeting
May 30	Land Use Bylaw Review Workshop

Division 2

Reeve Tory Campbell

May 4	Lethbridge County Council Meeting
May 18	Lethbridge County Council Meeting
May 25	Meeting with Incoming CAO
May 27	Picture Butte High School Graduation
May 29	Exhibition Park Ownership Engagement Meeting
May 30	Land Use Bylaw Review Workshop

Division 3

Councillor Mark Sayers

May 4	Lethbridge County Council Meeting
May 17	Coaldale Chamber of Commerce
May 18	Lethbridge County Council Meeting
May 18	Truth and Reconciliation Committee Meeting
May 23	Emergency Advisory Committee Meeting
May 30	Land Use Bylaw Review Workshop

Division 4

Deputy Reeve John Kuerbis

May 1-3	CPAA Conference
May 4	Lethbridge County Council Meeting
May 18	Lethbridge County Council Meeting
May 23	Emergency Advisory Committee
May 24	Community Futures Meeting

Division 5
Councillor Eric Van Essen

May 4	Lethbridge County Council Meeting
May 11	Picture Butte Chamber of Commerce Meeting
May 18	Lethbridge County Council Meeting
May 23	Emergency Advisory Committee Meeting
May 30	Land Use Bylaw Review Workshop

Division 6
Councillor Klaas VanderVeen

May 4	Lethbridge County Council Meeting
May 18	Lethbridge County Council Meeting
May 18	Truth and Reconciliation Committee Meeting
May 26	SAEWA Meeting
May 30	Land Use Bylaw Review Workshop

Division 7
Councillor Morris Zeinstra

May 1-3	CPAA Conference
May 4	Lethbridge County Council Meeting
May 18	Lethbridge County Council Meeting
May 30	Land Use Bylaw Review Workshop

AGENDA ITEM REPORT

CLOSED ITEM



Title: Fire Service Response Fees Waiver Request analysis (FOIP S. 27 - Privileged Information)
Meeting: Council Meeting - 15 Jun 2023
Department: Community Services
Report Author: Byron Fraser

APPROVAL(S):

Hilary Janzen, Supervisor of Planning & Development
Larry Randle, Interim Chief Administrative Officer

Approved - 05 Jun 2023
Approved - 05 Jun 2023

STRATEGIC ALIGNMENT:



Governance



Relationships



Region



Prosperity

EXECUTIVE SUMMARY:

At April 20th Council meeting, council requested administration to research other municipalities and their common actions in regard to this type of incident and clearly state why Mr. Oudshorn was the only one identified to bear the cost of the invoice.

RECOMMENDATION:

That County Council consider the information provided and determine if the fire services invoice should be pursued, given the limited evidence available.

REASON(S) FOR RECOMMENDATION(S):

- There is not sufficient evidence available with regards the particular situation. Additional time would be needed to collect evidence which may not be available, as the event occurred on February 1, 2022.

PREVIOUS COUNCIL DIRECTION / POLICY:

- Council Considers each request for a waiver in fire response fees based on the unique circumstances of an incident. Schedule of Fees Bylaw No. 20-022 states that the cause and/or origin of an incident will determine if the registered property owner will be invoiced fees for an emergency response.

BACKGROUND INFORMATION:

Research with other municipalities indicates that this type of incident is not common as the RCMP usually control incidents, but in this case were directed not to interfere as all the controversial events related to the Covid-19 pandemic happening at the time across the country and in Alberta. The municipalities contacted stated that this is not usually a job that is tasked to fire departments.

With regards to why Mr. Oudshoorn being the one who was invoiced, it was based on conversations with the RCMP and the county's Manager of Fire Services, Byron Fraser, who was on scene and that Mr. Oudshoorn was in the middle of the blockade and had the most identifiable vehicle at the incident. Other people in the blockade were in farm equipment and did not have a license plate to support invoicing.

During the time of the incident the Manager of Fire Services also had been shown text messages from other individuals who were on scene stating it was Mr. Oudshoorn who was encouraging the participation in the event.

County Administration received a legal review completed by North and Company on whether or not the invoice from the County to Mr. Oudshoorn was warranted. Their opinion was that we could issue such an invoice but there may be challenges with regards to sufficient evidence as to Mr. Oudshoorn's role in the blockade.

ALTERNATIVES / PROS / CONS:

OPTION 1 - Pursue the Invoice as is

- Pros - collect fees associated with managing the incident.
- Cons - There is not clear evidence that Mr. Oudshoorn was the leader of the blockade at the Nobleford Traffic circle.

OPTION 2 - County Council can ask for additional evidence regarding the incident

- Pros - More time put in to gather evidence with the objective of collecting the fee.
- Cons - More time put in and possibly even time already put in is equal to or more that would be collected. Additional evidence may not be available.

OPTION 3 - County Council can waive the invoice

- Pros - there is currently insufficient evidence that Mr. Oudshoorn was the organizer of the blockade and no additional time or effort would be required to pursue the invoice.
- Cons - the County will have to cover the cost of the Emergency Services provided.

FINANCIAL IMPACT:

The county would not collect the fees charged (\$2,482.50) if the invoice is waived.

LEVEL OF PUBLIC PARTICIPATION:

☒ **Inform** ☐ **Consult** ☐ **Involve** ☐ **Collaborate** ☐ **Empower**

ATTACHMENTS:

[Fire Services Response Fees Waiver Request Analysis](#)



NORTH & COMPANY^{LLP}
LAW OFFICES

Reply To:
Lethbridge Office
Phone: (403) 328-7781
Fax: (403) 359-5749

FROM:
Hunter Evans
hevans@north-co.com
Assistant:
Malorie Guo
mguo@north-co.com

Our File: 111625.000

March 8, 2023

M E M O R A N D U M

To: Kerry Gellrich

**Re: Billing Blockade Organizers for Fire
Services**

Kerry, you asked me to research whether the Lethbridge County (the “**County**”) can bill the individuals responsible for a blockade for the costs incurred in relation to Fire Services having to attend. I understand that a group of people set up a blockade at a traffic circle which became a hazard and resulted in the Fire Service having to attend to clear out the blockade. If the County cannot allocate the bill to the blockaders or the person who organized the blockade, the County will have to pay for the cost.

To find an answer, I reviewed the relevant sections of the *Municipal Government Act* (the “**MGA**”), the *Public Highways Development Act* (the “**PHDA**”), the *Traffic Safety Act* and the County’s Bylaws including the *Highway Protection Bylaw*. I also researched caselaw citing the relevant portions of the *MGA* and the *PHDA*.

Brief Answer

The *MGA* and the *PHDA* create a legislative framework in which the County should be able to recover its expenses in relation to clearing the blockade in Nobleford. Under the *MGA*, municipalities have the direction, control and management of roads within the municipality. According to the courts, this authorizes municipalities to enforce statutes that deal with the use or obstruction of roads within the municipality. One such statute is the *PHDA* which contains a “self-help” remedy that allows a highway authority (which can be a municipality) to remove road obstructions and recover expenses incurred in the process in an action in debt.

Analysis

Nobleford Blockade.docx

S. 554(1) of the *MGA* states that when...(b) a contravention of this Act, another enactment that a municipality is authorized to enforce or a bylaw is of a continuing nature...in addition to any other remedy and penalty imposed by this or any other enactment or a bylaw, the municipality may apply to the Court of King's Bench for an injunction or other order.¹ While ss. 16 – 27 of the *MGA* deal with roads, none of these sections outline contraventions in relation to roads.² However, s. 18 of the *MGA* provides that a municipality has the direction, control and management of all roads within the municipality.³

As such, a municipality, and in our case the County, is the highway authority under the *PHDA*. S. 43(1) of the *PHDA* states that a person who, without justification or excuse, (a) obstructs or deposits any material on a highway, or (b) interferes with, breaks, cuts or otherwise injures a highway, is guilty of an offence.⁴ In addition, s. 43(3) states that when any person contravenes subsection (1), the highway authority concerned may remove the obstruction or material deposited on the highway or repair the highway, as the case may be, and recover its expenses incurred in doing so from that person in an action in debt.⁵ What constitutes an obstruction is not specified in the *PHDA*. S. 43(4) adds that subsection (3) applies whether or not a conviction is made under subsection (1) or an order is made under subsection (2).⁶

In *St. Paul (County) No. 19 v. Belland* the Court found that section 18 of the *MGA* and s. 43 of the *PHDA* were sufficient to trigger s. 554 of the *MGA*.⁷ In providing its reasons, the Court states that:

...since the municipality has “direction, control and management” of the roads within the county, it must follow that the Appellant is “authorized to enforce” any other statutes that deal with the use, or obstruction of the use, of roads within the municipality. A municipality cannot “control” roads without preventing breaches of statutes that regulate the use of roads. The “control” does not have to be exercised by bylaw. Further, this authority exists whether the municipality actually launches any prosecution to enforce any apparent contravention of the other statute.⁸

In considering the remedies available to a municipality, the Court further states that:

Section 43(3) of the *P.H.D. Act* provides that the highway authority (in this case the Appellant) may remove any obstruction on a highway. This signals that the municipality is “authorized to enforce” this enactment, in support of its power to “direct, control and manage” the road. The municipality might launch a prosecution, remove the obstruction itself, or possibly have recourse to remedies in tort. As the entity charged with the management and control of the highway, and the entity with the specific power under s. 43(3) to remove the obstruction, the municipality is clearly “authorized to enforce” s. 43. As such, s. 554 provides that the municipality is not limited to the penal remedy in s. 43(1), or the self-help remedy in s. 43(3), but is entitled to an injunction. That, as previously indicated, is the very purpose of s. 554.⁹

In *St. Paul* the Court was dealing with an obstruction that still existed on an access road for which the municipality was seeking an injunction for. In the County's case, the obstruction has been dealt with and the County is seeking to allocate the associated costs to the parties that caused the obstruction. While this analysis provides two remedial paths, the appropriate remedy for the County is the “self-help” remedy under s. 43(3)

¹ *Municipal Government Act*, RSA 2000, c M-26 at s. 554(1)(b).

² *Ibid* at ss. 16-27.

³ *Ibid* at 18.

⁴ *Public Highways Development Act*, RSA 2000, c P-38 at s. 43(1).

⁵ *Ibid* at s. 43(3).

⁶ *Ibid* at s. 43(4).

⁷ *St. Paul (County) No. 19 v. Belland*, 2006 ABCA 55, [*St. Paul*] at 22.

⁸ *Ibid* at 23.

⁹ *Ibid* at 25.

of the *PHDA*. A municipality's authority to enforce the provisions of the *PHDA* comes from s. 18 of the *MGA* which gives municipalities the direction, control and management of roads within the municipality as stated in *St. Paul*.¹⁰

The second remedial path is to use s. 18 and s. 532 of the *MGA* and s. 43 of the *PHDA* to trigger s. 554 of the *MGA* as was done in *St. Paul*.¹¹ While s. 554 provides for injunctive relief, it specifies that such relief is in addition to any other remedy and penalty imposed by the *MGA* or any other enactment.¹² The issue with seeking a remedy under s. 554(1)(b) of the *MGA* is that it requires that the contravention be of a "continuing nature". Since the blockade has been cleared out, it would not be considered of a "continuing nature" and would therefore not trigger the remedies under s. 554.

While this legislative scheme gives the County the ability to recover its expenses related to removing the blockade, the strength of the evidence showing who was responsible for the blockade must also be considered. I understand that the evidence includes a text message that implicates someone as the blockade organizer. However, I understand that this text was merely shown to the Fire Services Manager and we do not have the text message. With that being said, the legislative framework does not explicitly require the organizer of the blockade to be identified. Instead, any individual who was blocking the road would have been in contravention of s. 43(3) of the *PHDA* and could be responsible for costs associated with the removal of the blockade. If we do have the text message, photos of the vehicles blocking the road or other means of identifying the individuals responsible for the obstruction, the chances of successful recovery would go up.

Thank you for this assignment. All of the caselaw is highlighted and saved under this memo. If you need any further assistance with this matter or any other matter, please let me know.

¹⁰ *Ibid* at 23.

¹¹ *Ibid* at 22.

¹² *Supra* note 1 at s. 554(1).

Summary → Guilty of an offence under section 43 of the *PHDA* triggers relief under section 554 of the *MGA*. Section 554 provides for injunctive relief in some circumstances as well as any other remedy and penalty imposed by *MGA* or *PHDA*. In addition, section 569 of the *MGA* states that a person who is guilty of an offence under this Act may also be liable in a civil proceeding.

Section 18 of the *MGA* gives municipalities direction, control and management of all roads within the municipality, and section 43(3) of the *PHDA* allows the highway authority to recover expenses incurred from removing an obstruction, the County is entitled to recover.

[*SCRUBBED*]

In reference to the lack of an enactment that explicitly gives a municipality the power to enforce the *PHDA*, the Court in *St. Paul* added that it is “no longer necessary to point to an express provision empowering the municipality to act” because “the expansive drafting of the *M.G.A.* is intended to confer broad power on a municipality”.¹³ In part, the broad power of municipalities is [word] by the ability to enforce statutes outside of the *MGA* that deal with [things] that municipalities are given control over in the *MGA*.

- ***Alberta (Attorney General) v. Plantation Indoor Plants Limited, 1982 ABCA 1***
 - [12] “the history of the matter must clearly demonstrate, as it does here, an open and continuous disregard of an imperative public statute and its usual sanctions which is unlikely to be thwarted without the intervention of the court.”
- Differentiate that in our case, municipality is seeking compensation for expenses, not injunction.

Research

MGA

¹³ *Ibid* at 27.

- **562** Obstructing construction of public work or utilities
 - No person may interfere with the construction, maintenance, operation or repair of a public work or public utility. **NO**
- **532(1)** Repair of roads, public places and public works
 - Every road or other public place that is subject to the direction, control and management of the municipality, including all public works in, on or above the roads or public place put there by the municipality or by any other person with the permission of the municipality, must be kept in a reasonable state of repair by the municipality, having regard to
 - (a) the character of the road, public place or public work, and
 - (b) the area of the municipality in which it is located.
- (2) The municipality is liable for damage caused by the municipality failing to perform its duty under subsection (1).

St. Paul (County) No. 19 v. Belland, 2006 ABCA 55

- [18] Notwithstanding that ownership of the roads is in the Crown in right of Alberta, s. 18(1) of the *M.G.A.* then provides that the municipality has “the direction, control and management of all roads within the municipality”, a concept carried forward in s. 2 of the *P.H.D. Act*. Interpreting this wording in the broad and purposive manner dictated by the Supreme Court, this section is intended to give municipalities wide-ranging authority over the roads within the municipality. The section appears to grant all rights with respect to roads short of an ability to alienate the title to the road, or the right to unilaterally close the road (see s. 22). Section 2 of the *P.H.D. Act* makes the municipality responsible for the construction and maintenance of highways. Section 532 of the *M.G.A.* goes on to provide that the municipality has a positive duty to keep the roads in a reasonable state of repair, and that the municipality is liable for any damages resulting from non-repair.
- [21] The power in s. 554(1)(b) is predicated on “a contravention of this Act, another enactment that a municipality is authorized to enforce or a bylaw...” since there is no bylaw in place, the Appellant must demonstrate that there is a contravention of the *M.G.A.*, or another enactment that it is “authorized to enforce”.
- [22] **The Appellant points to the combination of two enactments that it is “authorized to enforce” that would trigger the remedies under s. 554. The first is s. 18 of the *M.G.A.*, giving it direction, control and management of roads, combined with its duty under s. 532 of the *M.G.A.* to maintain the roads in good repair. The second is s. 43 of the *P.H.D. Act*. In my view these provisions are sufficient to trigger s. 554 in this case.**
- [23-] Reasoning for finding in 22.