

CITY COUNCIL

AGENDA

Monday, November 14, 2011 – Council Chambers, City Hall

Call to Order: 2:00 PM
Recess: 5:00 PM to 6:00 PM

I. MINUTES

- I.1. Confirmation of the Minutes of the Monday October 31, 2011 Regular Council Meeting

(Agenda Pages 1 – 13)

- I.2. Confirmation of the Minutes of the Monday, October 31, 2011 Organizational Meeting

(Agenda Pages 14 – 34)

2. POINT OF INTEREST

3. UNFINISHED BUSINESS

- 3.1. School Bus Flashing Lights
Response to Notice of Motion from Councillor Jefferies

(Agenda Pages 35 – 40)

4. REPORTS

- 4.1. 39 Street Water Trunk Twinning
(from Springbett Drive to Maxwell Avenue)

(Agenda Pages 41 – 43)

5. BYLAWS

- 5.1. 39 Street Water Trunk Twinning (from Springbett Drive to Maxwell Avenue)
Amendment to Water Off-Site Borrowing Bylaw 3459/2010
Borrowing Bylaw Amendment 3459/A-2011
Consideration of First Reading of the Bylaw
(Agenda Pages 44 – 47)
- 5.2. Bylaw 3474/2011 - A Bylaw to Establish a Regional Assessment Review Board
Consideration of Three Readings of the Bylaw
(Agenda Pages 48 – 71)
- 5.3. Revision to Distribution Tariff Effective January 1, 2012
Electric Utility Bylaw Amendment 3273/B-2011
Consideration of First Reading of the Bylaw
(Agenda Pages 72 – 94)

6. PUBLIC HEARINGS

7. CORRESPONDENCE

- 7.1. Request for Tax Penalty Cancellation - Roll #1543785
(Agenda Pages 95 – 103)

8. PETITIONS AND DELEGATIONS

9. NOTICES OF MOTION

10. ADMINISTRATIVE INQUIRIES

11. ADJOURNMENT



UNAPPROVED M I N U T E S

**of the Red Deer City Council Regular Meeting
held on , Monday, October 31, 2011
commenced at 1:09 P.M.**

Present:

Mayor Morris Flewwelling
Councillor Buck Buchanan
Councillor Paul Harris
Councillor Cindy Jefferies
Councillor Lynne Mulder
Councillor Chris Stephan
Councillor Tara Veer
Councillor Frank Wong

City Manager, Craig Curtis
Acting Director of Community Services, Greg Scott
Director of Corporate Services, John Knoch
Director of Development Services, Paul Goranson
Director of Planning Services, Paul Meyeette
Legislative & Governance Services Manager (City Clerk), Elaine Vincent
Deputy City Clerk, Frieda McDougall
Corporate Meeting Coordinator, Bev Greter
City Solicitor, Michelle Baer
Engineering Services Manager, Frank Colosimo
Land & Economic Development Manager, Howard Thompson
Social Planning Manager, Scott Cameron

Absent:

Councillor Dianne Wyntjes



I. IN CAMERA MEETING

Moved by Councillor Buck Buchanan, seconded by Councillor Lynne Mulder

Resolved that Council of The City of Red Deer agrees to enter into an In-Camera meeting of Council on Monday, October 31, 2011 at 1:10 p.m. and hereby agrees to exclude the following:

All members of the media; and
All members of the public.

IN FAVOUR: Mayor Morris Flewwelling, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Cindy Jefferies, Councillor Lynne Mulder, Councillor Chris Stephan, Councillor Tara Veer, Councillor Frank Wong

MOTION CARRIED

Councillor Buck Buchanan left Council Chambers at 1:20 p.m. and returned at 1:22 p.m.

Moved by Councillor Buck Buchanan, seconded by Councillor Lynne Mulder

Resolved that Council of The City of Red Deer hereby agrees to revert to an open meeting of Council on October 31, 2011 at 1:42 p.m.

IN FAVOUR: Mayor Morris Flewwelling, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Cindy Jefferies, Councillor Lynne Mulder, Councillor Chris Stephan, Councillor Tara Veer, Councillor Frank Wong

MOTION CARRIED

Councillor Buck Buchanan left Council Chambers at 1:45 p.m.



2. MINUTES

2.1. Confirmation of the Minutes of the Monday, October 17, 2011 Regular Council Meeting

Moved by Councillor Chris Stephan, seconded by Councillor Lynne Mulder

Resolved that the Monday, October 17, 2011 regular Meeting Minutes of Red Deer City Council be approved as circulated.

IN FAVOUR: Mayor Morris Flewwelling, Councillor Paul Harris, Councillor Cindy Jefferies, Councillor Lynne Mulder, Councillor Chris Stephan, Councillor Tara Veer, Councillor Frank Wong

ABSENT: Councillor Buck Buchanan

MOTION CARRIED

3. POINTS OF INTEREST

Councillor Cindy Jefferies on a Point of Interest indicated she attended the AUMA National Recreation Summit last week. Councillor Jefferies noted that the Waskasoo Environmental Education Society (WEES) is looking for a new Board member for the Kerry Wood Nature Centre. Councillor Jefferies also noted the City Parks crews did a great job placing new bridge railings for the creek bridge at the Kerry Wood Nature Centre and further commented on initiatives provided by the Kerry Wood Nature Centre for new Canadians to learn about our nature and the CARE group who partnered with WEES to make ponchos and provide binoculars for people visiting the centre.

On a Point of Interest Councillor Paul Harris commended staff for pulling the Ross Street Experiment together in a short time span. The event was very well attended with both business owners and residents enjoying the open air café concept. Councillor Harris also spoke about the excellent speakers, Gil Penalosa and Dr. Avi Freedman, who have been brought to Red Deer to speak on livable/walkable communities.



Councillor Buck Buchanan submitted for Council's information a summary of the Proclamations passed during the week he acted as Deputy Mayor:

October 19 – Foster Parents Week

October 19 – Business of the Year Awards hosted by the Red Deer Chamber of Commerce

October 28 – Royal Canadian Legion Remembrance Week

4. UNFINISHED BUSINESS

4.1. Vehicle Noise Attenuation / Motion to Table

Moved by Councillor Lynne Mulder, seconded by Councillor Chris Stephan

Resolved that Council of The City of Red Deer having considered the report from the Planning Department dated October 19, 2011 re: Vehicle Noise Attenuation hereby agrees to table receipt of the final report up to the last Council Meeting in October, 2012.

IN FAVOUR: Mayor Morris Flewwelling, Councillor Cindy Jefferies, Councillor Lynne Mulder, Councillor Chris Stephan, Councillor Frank Wong

OPPOSED: Councillor Paul Harris, Councillor Tara Veer

ABSENT: Councillor Buck Buchanan

MOTION TO TABLE CARRIED

4.2. Federal Homelessness Partnering Strategy Grant Allocation 2011 - 2014 Response to Council's Directive - September 19 2011

Councillor Buck Buchanan returned to Council Chambers at 2:18 p.m.



Moved by Councillor Cindy Jefferies, seconded by Councillor Lynne Mulder

Resolved that Council of The City of Red Deer having considered the report from the Social Planning Manager, dated October 17, 2011, re: Federal Homelessness Partnering Strategy Grant – Response to Council’s Directive of September 19, 2011, hereby agrees that new funding allocations from the Community Housing Advisory Board regarding the Federal Homelessness Partnering Strategy Grant be provided for Council’s review in December, 2011.

IN FAVOUR: Mayor Morris Flewwelling, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Cindy Jefferies, Councillor Lynne Mulder, Councillor Chris Stephan, Councillor Tara Veer, Councillor Frank Wong

MOTION CARRIED

4.3. Landlord and Tenant Services Evaluation

Mr. Ray Downie of Broadview Research was in attendance and provided an overview of this report.

Councillor Buck Buchanan left Council Chambers at 2:42 p.m. and returned to Council Chambers at 2:44 p.m.

Moved by Councillor Tara Veer, seconded by Councillor Cindy Jefferies

Resolved that Council of The City of Red Deer having considered the report from the Social Planning Manager, dated October 19, 2011, re: Landlord & Tenant Services Evaluation, hereby agrees to receive the report titled “An Evaluation of Landlord and Tenant Services in Red Deer” for information and further, that this report be referred to the Red Deer Family & Community Support Services Board, the Community Housing Advisory Board, to the appropriate provincial government ministry and to any other appropriate agency for information.



IN FAVOUR: Mayor Morris Flewwelling, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Cindy Jefferies, Councillor Lynne Mulder, Councillor Chris Stephan, Councillor Tara Veer, Councillor Frank Wong

MOTION CARRIED

5. REPORTS

5.1. Land Matter

Moved by Councillor Frank Wong, seconded by Councillor Buck Buchanan

Resolved that Council of The City of Red Deer having considered the report from the Legislative & Governance Services Department dated October 25, 2011, re: Land Matter, hereby endorses Option No. 3 as included in the report from the Land & Economic Development Department submitted to the In-Camera meeting on October 31, 2011.

IN FAVOUR: Mayor Morris Flewwelling, Councillor Buck Buchanan, Councillor Cindy Jefferies, Councillor Lynne Mulder, Councillor Tara Veer, Councillor Frank Wong

OPPOSED: Councillor Paul Harris, Councillor Chris Stephan

MOTION CARRIED

5.2. Traffic and Roadway Improvements on 43 Street between Taylor Drive and 52 Avenue

Moved by Councillor Paul Harris, seconded by Councillor Lynne Mulder



Resolved that Council of The City of Red Deer having considered the report from the Engineering Services Department, dated October 19, 2011, re: Traffic and Roadway Improvements on 43 Street between Taylor Drive and 52 Avenue, hereby agrees to amend the 2011 Capital Budget by adding the Traffic and Roadway Improvements on 43 Street between Taylor Drive and 52 Avenue Project in the amount of \$575,000 with the funding to come from customer contributions.

IN FAVOUR: Mayor Morris Flewwelling, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Cindy Jefferies, Councillor Lynne Mulder, Councillor Chris Stephan, Councillor Tara Veer, Councillor Frank Wong

MOTION CARRIED

6. BYLAWS

6.1. Gaetz Avenue Revitalization

One-Way Street System Bylaw Amendment 2517/B-2011

Consideration of Three Readings of the Bylaw

Moved by Councillor Lynne Mulder, seconded by Councillor Frank Wong

That the Gaetz Avenue Revitalization One-Way Street System Bylaw Amendment 2517/B-2011 be read a first time.

IN FAVOUR: Mayor Morris Flewwelling, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Cindy Jefferies, Councillor Lynne Mulder, Councillor Chris Stephan, Councillor Tara Veer, Councillor Frank Wong

MOTION CARRIED

Moved by Councillor Lynne Mulder, seconded by Councillor Frank Wong

That the Gaetz Avenue Revitalization One-Way Street System Bylaw Amendment 2517/B-2011 be read a second time.



IN FAVOUR: Mayor Morris Flewwelling, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Cindy Jefferies, Councillor Lynne Mulder, Councillor Chris Stephan, Councillor Tara Veer, Councillor Frank Wong

MOTION CARRIED

Moved by Councillor Chris Stephan, seconded by Councillor Cindy Jefferies

Resolved that with the unanimous consent of the Council members present, the Gaetz Avenue Revitalization One-Way Street System Bylaw Amendment 2517/B-2011 be presented for third reading.

IN FAVOUR: Mayor Morris Flewwelling, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Cindy Jefferies, Councillor Lynne Mulder, Councillor Chris Stephan, Councillor Tara Veer, Councillor Frank Wong

MOTION CARRIED

Moved by Councillor Lynne Mulder, seconded by Councillor Frank Wong

That the Gaetz Avenue Revitalization One-Way Street System Bylaw Amendment 2517/B-2011 be read a third time.

IN FAVOUR: Mayor Morris Flewwelling, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Cindy Jefferies, Councillor Lynne Mulder, Councillor Chris Stephan, Councillor Tara Veer, Councillor Frank Wong

MOTION CARRIED

6.2. Committees Bylaw Amendment 3431/C-2011

Consideration of Third Reading of the Bylaw

Moved by Councillor Tara Veer, seconded by Councillor Frank Wong



Resolved that Council of The City of Red Deer, prior to consideration of third reading of Committees Bylaw 3431/C-2011, hereby agrees to the following amendment:

pg 43 Section 37 (2)(b) change to “make recommendations to Council with respect to membership appointments to committees”.

IN FAVOUR: Mayor Morris Flewwelling, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Cindy Jefferies, Councillor Tara Veer

OPPOSED: Councillor Lynne Mulder, Councillor Chris Stephan, Councillor Frank Wong

MOTION TO AMEND CARRIED

Moved by Councillor Tara Veer, seconded by Councillor Cindy Jefferies

That Committees Bylaw Amendment 3431/C-2011, as amended, be read a third time.

IN FAVOUR: Mayor Morris Flewwelling, Councillor Paul Harris, Councillor Cindy Jefferies, Councillor Lynne Mulder, Councillor Tara Veer, Councillor Frank Wong

OPPOSED: Councillor Buck Buchanan, Councillor Chris Stephan

MOTION CARRIED

8. CORRESPONDENCE

8.1. Request for Approval of Combative Sport Events

Moved by Councillor Cindy Jefferies, seconded by Councillor Lynne Mulder

Resolved that Council of The City of Red Deer agrees to add the Request for Approval of Combative Sport Events item to the Monday, October 31, 2011 Regular Council meeting agenda.



IN FAVOUR: Mayor Morris Flewwelling, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Cindy Jefferies, Councillor Lynne Mulder, Councillor Chris Stephan, Councillor Tara Veer, Councillor Frank Wong

MOTION CARRIED

Retract Inferred Approval of Boxing/Combative Sports Commissions in Red Deer

Moved by Councillor Buck Buchanan, seconded by Councillor Paul Harris

Resolved that Council of The City of Red Deer having considered the report from the Legislative & Governance Services Manager, dated October 27, 2011, re: Combative Sport Event approvals hereby retracts any actual and inferred approval of Boxing / Combative Sport Commissions operating within the City of Red Deer and directs administration to advise promoters/commissions that any event must be brought to Council for consideration.

IN FAVOUR: Mayor Morris Flewwelling, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Cindy Jefferies, Councillor Lynne Mulder, Councillor Chris Stephan, Councillor Tara Veer, Councillor Frank Wong

MOTION CARRIED

Approval for Oilmen's Pure Fighting Championship to Host Combative Sport Event in Red Deer

Moved by Councillor Buck Buchanan, seconded by Councillor Chris Stephan

Motion to Approve Resolved that Council of the City of Red Deer having considered the report of the Legislative & Governance Services Manager, dated October 27, 2011 re: Approval of Combative Sport Event hereby offers no objection to the Oilmen's Pure Fighting Championship hosting a combative sport event on December 9, 2011 under the oversight of the Central Combative Sport Commission.



IN FAVOUR: Mayor Morris Flewwelling, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Cindy Jefferies, Councillor Lynne Mulder, Councillor Chris Stephan, Councillor Tara Veer, Councillor Frank Wong

MOTION CARRIED

Councillor Harris left Council Chambers at 3:58 p.m. and returned at 3:59 p.m.

Council recessed at 4:00 p.m. and reconvened at 6:00 p.m.

7. PUBLIC HEARINGS

7.1. Land Use Bylaw Amendment 3357/S-2011 Rezoning of 6702 & 6712 Golden West Avenue (former Travelaire Site) From II - Industrial (Business Service) to C4 - Commercial (Major Arterial)

Consideration of Second and Third Readings of the Bylaw

Mayor Morris Flewwelling declared open the Public Hearing with respect to Land Use Bylaw 3157/S-2011 which provides for the rezoning of the former Travelaire site from II Industrial (Business Service) to C4 Commercial (Major Arterial). As no one was in attendance to speak for or against the Land Use Bylaw amendment Mayor Flewwelling declared closed the Public Hearing.

Moved by Councillor Tara Veer, seconded by Councillor Cindy Jefferies

That Land Use Bylaw Amendment 3357/S-2011 Rezoning of 6702 & 6712 Golden West Avenue (former Travelaire Site) From II - Industrial (Business Service) to C4 - Commercial (Major Arterial) be read a second time.

IN FAVOUR: Mayor Morris Flewwelling, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Cindy Jefferies, Councillor Lynne Mulder, Councillor Chris Stephan, Councillor Tara Veer, Councillor Frank Wong

MOTION CARRIED



Moved by Councillor Tara Veer, seconded by Councillor Cindy Jefferies

THIRD READING: That Land Use Bylaw Amendment 3357/S-2011 Rezoning of 6702 & 6712 Golden West Avenue (former Travelaire Site) From I1 - Industrial (Business Service) to C4 - Commercial (Major Arterial) be read a third time.

IN FAVOUR: Mayor Morris Flewwelling, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Cindy Jefferies, Councillor Lynne Mulder, Councillor Chris Stephan, Councillor Tara Veer, Councillor Frank Wong

MOTION CARRIED

9. PETITIONS AND DELEGATIONS

There were no Petitions and Delegations at this meeting.

10. NOTICES OF MOTION

There were no Notices of Motion submitted to this meeting.

11. ADMINISTRATIVE INQUIRIES

There were no Administrative Inquiries submitted at this meeting.

12. ADJOURNMENT

Moved by Councillor Cindy Jefferies, seconded by Councillor Paul Harris

Resolved that the Monday, October 31, 2011, regular meeting of The City of Red Deer Council be adjourned at 6:11 p.m.



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City Council Regular Meeting Minutes
Monday, October 31, 2011

IN FAVOUR:

Mayor Morris Flewwelling, Councillor Buck Buchanan,
Councillor Paul Harris, Councillor Cindy Jefferies, Councillor
Lynne Mulder, Councillor Chris Stephan, Councillor Tara Veer,
Councillor Frank Wong

MOTION CARRIED

MAYOR

CITY CLERK



UNAPPROVED M I N U T E S

**of the ORGANIZATIONAL MEETING of City Council
held on Monday, October 31, 2011
commenced at 4:00 p.m.**

Present:

Mayor Morris Flewwelling
Councillor Buck Buchanan
Councillor Paul Harris
Councillor Cindy Jefferies
Councillor Lynne Mulder
Councillor Chris Stephan
Councillor Tara Veer
Councillor Frank Wong

City Manager, Craig Curtis
Acting Director of Community Services, Greg Scott
Director of Corporate Services, John Knoch
Director of Development Services, Paul Goranson
Director of Planning Services, Paul Meyette
Legislative & Governance Services Manager (City Clerk), Elaine Vincent
Deputy City Clerk, Frieda McDougall
Corporate Meeting Coordinator, Bev Greter
City Solicitor, Michelle Baer

Absent:

Councillor Dianne Wyntjes



I. IN CAMERA

I.1. Council & Committee Appointments

Moved by Councillor Cindy Jefferies, seconded by Councillor Buck Buchanan

Resolved that Council of The City of Red Deer agrees to enter into an In Camera Meeting on October 31, 2011 at 4:00 p.m. and hereby agrees to exclude the following:

All members of the Media; and
All members of the Public.

IN FAVOUR: Mayor Morris Flewwelling, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Cindy Jefferies, Councillor Lynne Mulder, Councillor Chris Stephan, Councillor Tara Veer, Councillor Frank Wong

MOTION CARRIED

Moved by Councillor Lynne Mulder, seconded by Councillor Paul Harris

Resolved that Council of The City of Red Deer agrees to revert to an open meeting of the Organizational Meeting of Red Deer City Council on Monday, October 31, 2011 at 4:42 p.m.

IN FAVOUR: Mayor Morris Flewwelling, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Cindy Jefferies, Councillor Lynne Mulder, Councillor Chris Stephan, Councillor Tara Veer, Councillor Frank Wong

MOTION CARRIED

Council recessed at 4:42 p.m. and reconvened at 6:12 p.m.



2. REPORTS

2.1. 2011/2012 Seating Arrangement for Councillors

Council reviewed the Council seating assignments for the next six months.

2.2. Councillor Appointments to Committees

Moved by Councillor Lynne Mulder, seconded by Councillor Buck Buchanan

Resolved that Council of The City of Red Deer hereby approves the Mayor and Councillor appointments for 2011 – 2012 to various boards, committees, commissions and societies, as per Appendix “A”, attached, and as presented to Council October 31, 2011.

2011-2012 COUNCIL REPRESENTATION ON COMMITTEES & SOCIETIES											Appendix "A"
X = Member A = Alternate	Mayor Flewelling	Councillor Buchanan	Councillor Harris	Councillor Jefferies	Councillor Mulder	Councillor Stephan	Councillor Veer	Councillor Wong	Councillor Wyntjes		
COMMITTEES APPOINTED BY COUNCIL											
Audit Committee (staggered 2 year appointments)	X	Appointed 2010 to 2012				Appointed 2010 to 2012	Appointed 2011 to 2013				
Community Housing Advisory Board		X			X						
Crime Prevention Advisory Committee		X						X			
Emergency Management Committee	X	A	A	A	A	X	A	X	A		
Environmental Advisory Board					X			X			
Greater Downtown Action Planning Committee			X				X				
Governance & Policy Committee	X	X	X	X	X		X	X	X		
Heritage Preservation Committee							X				
Municipal Features Naming Committee								X			
Municipal Planning Commission	X	X	X					A			



Monday, October 31, 2011

2011-2012 COUNCIL REPRESENTATION ON COMMITTEES & SOCIETIES										Appendix "A"	
X = Member A = Alternate	Mayor Flewwelling	Councillor Buchanan	Councillor Harris	Councillor Jefferies	Councillor Mulder	Councillor Stephan	Councillor Veer	Councillor Wong	Councillor Wyntjes		
Nomination Committee		X	X					X			
Public Art Jury Committee							X				
Red Deer Subdivision & Development Appeal Board						X				A	
Red Deer Appeal & Review Board						X				A	
Secondary Suite Regulation Ad Hoc Review Committee					X			X			
Steering Committee for Celebration of Red Deer's Centennial Celebrations (2013)											X
OTHER BOARDS & ORGANIZATIONS INVOLVING COUNCIL APPOINTMENTS											
Central Alberta Economic Partnership (CAEP)			X								
Central Alberta Regional Trails System Committee (CARTS) David Girardin – City Rep						X					
Central Alberta Regional Wastewater System (CARWW)					X						
Downtown Business Association of Red Deer				X							



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Monday, October 31, 2011

2011-2012 COUNCIL REPRESENTATION ON COMMITTEES & SOCIETIES										Appendix "A"
	Mayor Flewwelling	Councillor Buchanan	Councillor Harris	Councillor Jefferies	Councillor Mulder	Councillor Stephan	Councillor Veer	Councillor Wong	Councillor Wyntjes	
Family & Community Support Services				X	X					
Inter City Forum on Social Policy							X			
Lieutenant Governor of Alberta Arts Awards Gala Committee									X	
Library Board			X							
Parkland Airshed Management Zone (PAMZ)			X							
Piper Creek Foundation					X					
Queen Elizabeth II Scholarship Awards Selection Committee					X					
Red Deer Chamber of Commerce	X									
Red Deer College Arts Centre Advisory Committee			X							
Red Deer River Watershed Alliance									X	
Red Deer Regional Municipal Users Group (RDRMUG)									X	
Regional Waste Management Services Commission Board				A	X					



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Monday, October 31, 2011

2011-2012 COUNCIL REPRESENTATION ON COMMITTEES & SOCIETIES										Appendix "A"
X = Member A = Alternate	Mayor Flewwelling	Councillor Buchanan	Councillor Harris	Councillor Jefferies	Councillor Mulder	Councillor Stephan	Councillor Veer	Councillor Wong	Councillor Wyntjes	
Westerner Exposition Board						X			X	
Westerner/Red Deer County/Red Deer City Float Committee					X					
SOCIETIES										
Red Deer Museum Society							X			
River Bend Golf & Recreation Society						X				
Tourism Red Deer									X	
Waskasoo Environmental Education Society (WEES)		X								



IN FAVOUR: Mayor Morris Flewwelling, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Cindy Jefferies, Councillor Lynne Mulder, Councillor Chris Stephan, Councillor Tara Veer, Councillor Frank Wong

MOTION CARRIED

2.3. Deputy Mayor Appointments

Moved by Councillor Cindy Jefferies, seconded by Councillor Lynne Mulder

Resolved that Council of The City of Red Deer hereby approves the following Deputy Mayor appointments for November, 2011 to October, 2012:

November, 2011 Councillor Chris Stephan
December, 2011 Councillor Frank Wong
January, 2012 Councillor Dianne Wyntjes
February, 2012 Councillor Tara Veer
March, 2012 Councillor Lynne Mulder
April, 2012 Councillor Buck Buchanan
May, 2012 Councillor Paul Harris
June, 2012 Councillor Cindy Jefferies
July, 2012 Councillor Chris Stephan
August, 2012 Councillor Frank Wong
September, 2012 Councillor Dianne Wyntjes
October, 2012 Councillor Tara Veer

and authorizes:

1. The Mayor to appoint an Acting Deputy Mayor during times of absence of the Deputy Mayor.
2. The Mayor to alter Deputy Mayor rotations.

IN FAVOUR: Mayor Morris Flewwelling, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Cindy Jefferies, Councillor



Lynne Mulder, Councillor Chris Stephan, Councillor Tara Veer,
Councillor Frank Wong

MOTION CARRIED

2.4. Approval of 2011/2012 Council Meeting Dates

Moved by Councillor Lynne Mulder, seconded by Councillor Tara Veer

Resolved that Council of The City of Red Deer hereby agrees that regular meetings of Council commence at 2:00 p.m. and the budget meetings of Council commence at 1:00 p.m. with the exception that the November 24, 2011 Capital Budget meeting will commence at 10:30 a.m. and approves the following Council meeting dates for 2011/2012:

Monday, November 14, 2011 Regular Council Meeting
Thursday, November 24, 2011 Capital Budget Meeting
Monday, November 28, 2011 Regular Council Meeting
Monday, December 12, 2011 Regular Council Meeting
Tuesday, January 3, 2012 Budget Meeting Wednesday
January 4, 2012 Budget Meeting
Thursday, January 5, 2012 Budget Meeting
Friday, January 6, 2012 Budget Meeting
Monday, January 9, 2012 Regular Council Meeting
Tuesday, January 10, 2012 Budget Meeting
Thursday, January 12, 2012 Budget Meeting
Friday, January 13, 2012 Budget Meeting
Monday, January 16, 2012 Budget Meeting
Monday, January 23, 2012 Regular Council Meeting
Monday, February 6, 2012 Regular Council Meeting
Tuesday, February 21, 2012 Regular Council Meeting
Monday, March 5, 2012 Regular Council Meeting
Monday, March 19, 2012 Regular Council Meeting
Monday, April 2, 2012 Regular Council Meeting
Monday, April 16, 2012 Regular Council Meeting
Monday, April 30, 2012 Regular Council Meeting
Monday, May 14, 2012 Regular Council Meeting



Monday, May 28, 2012 Regular Council Meeting
Monday, June 11, 2012 Regular Council Meeting
Monday, June 25, 2012 Regular Council Meeting
Monday, July 9, 2012 Regular Council Meeting
Monday, July 23, 2012 Regular Council Meeting
Monday, August 20, 2012 Regular Council Meeting
Tuesday, September 4, 2012 Regular Council Meeting
Monday, September 17, 2012 Regular Council Meeting
Monday, October 1, 2012 Regular Council Meeting
Monday, October 15, 2012 Regular Council Meeting
Monday, October 29, 2012 Organizational Meeting & Regular Council Meeting.

IN FAVOUR: Mayor Morris Flewwelling, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Cindy Jefferies, Councillor Lynne Mulder, Councillor Chris Stephan, Councillor Tara Veer, Councillor Frank Wong

MOTION CARRIED

2.5. Citizen Appointments to Committees for 2011/2012

Community Housing Advisory Board

Moved by Councillor Cindy Jefferies, seconded by Councillor Lynne Mulder

Resolved that Council of The City of Red Deer hereby appoints the following to serve on the Community Housing Advisory Board for terms to expire as follows:

Matthew Cornall Citizen Representative
(term to expire at the Organizational Meeting of 2013)

Sam Denhaan Citizen Representative
(term to expire at the Organizational Meeting of 2013)

Shahadat Hossain Citizen Representative
(term to expire at the Organizational Meeting of 2013)



Dustin Quirk Citizen Representative
(to fill unexpired term of Bonita Ross)(term to expire at the Organizational Meeting of 2012).

IN FAVOUR: Mayor Morris Flewwelling, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Cindy Jefferies, Councillor Lynne Mulder, Councillor Chris Stephan, Councillor Tara Veer, Councillor Frank Wong

MOTION CARRIED

Crime Prevention Advisory Committee

Moved by Councillor Buck Buchanan, seconded by Councillor Cindy Jefferies

Resolved that Council of The City of Red Deer hereby appoints the following to serve on the Crime Prevention Advisory Committee for terms to expire as follows:

Valdene Callin Citizen Representative
(term to expire at the Organizational Meeting of 2013)

May Johnson Citizen Representative
(term to expire at the Organizational Meeting of 2013)

Brendan O'Brien Citizen Representative
(term to expire at the Organizational Meeting of 2013)

TerryLee Ropchan Citizen Representative
(term to fill unexpired term of Shelley Rattray to the Organizational meeting of 2012).

IN FAVOUR: Mayor Morris Flewwelling, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Cindy Jefferies, Councillor Lynne Mulder, Councillor Chris Stephan, Councillor Tara Veer, Councillor Frank Wong

MOTION CARRIED

**Environmental Advisory Committee**

Moved by Councillor Lynne Mulder, seconded by Councillor Paul Harris

Motion to Amend Resolved that Council of The City of Red Deer hereby appoints the following to serve on the Environmental Advisory Committee for terms to expire as follows:

Evan Bedford Citizen Representative
(term to expire at the Organizational Meeting of 2013)

Cory Leniuk Citizen Representative
(term to expire at the Organizational Meeting of 2013)

Wai (Nick) Ng Citizen Representative
(term to expire at the Organizational meeting of 2013)

Andrea Pagee Citizen Representative
(term to expire at the Organizational meeting of 2013)

Steve Wasson Citizen Representative
(term to expire at the Organizational meeting of 2013).

IN FAVOUR: Mayor Morris Flewwelling, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Cindy Jefferies, Councillor Lynne Mulder, Councillor Chris Stephan, Councillor Tara Veer, Councillor Frank Wong

MOTION CARRIED

Greater Downtown Action Plan Committee

Moved by Councillor Lynne Mulder, seconded by Councillor Buck Buchanan

Resolved that Council of The City of Red Deer hereby appoints the following to serve on the Greater Downtown Action Plan Committee for terms to expire as follows:



Al Gamble Downtown Business Association Representative
(term to expire November 30, 2011)

Davin Kemshead Downtown Business Association Representative
(term to expire November 30, 2011)

Isaac Martinez Citizen Representative
(term to expire November 30, 2011)

Shirley Hocken Citizen Representative
(term to expire November 30, 2011)

Paul Stewart Citizen Representative
(term to expire November 30, 2011)

Janice Wing Citizen Representative
(term to expire November 30, 2011)

Shane Crawford Youth Representative
(term to expire November 30, 2011).

IN FAVOUR: Mayor Morris Flewwelling, Councillor Buck Buchanan,
Councillor Paul Harris, Councillor Cindy Jefferies, Councillor
Lynne Mulder, Councillor Chris Stephan, Councillor Tara Veer,
Councillor Frank Wong

MOTION CARRIED

Heritage Preservation Committee

Moved by Councillor Buck Buchanan, seconded by Councillor Lynne Mulder

Resolved that Council of The City of Red Deer hereby appoints the following to serve on the Heritage Preservation Committee for terms to expire as follows:

Deirdre Ashenhurst-Thurmeier Citizen Representative
(term to expire at the Organizational Meeting of 2013)



Mary Joan Cornett Citizen Representative
(term to expire at the Organizational Meeting 2013)

Susan Knopp Citizen Representative
(term to expire at the Organizational Meeting of 2013).

IN FAVOUR: Mayor Morris Flewwelling, Councillor Buck Buchanan,
Councillor Paul Harris, Councillor Cindy Jefferies, Councillor
Lynne Mulder, Councillor Chris Stephan, Councillor Tara Veer,
Councillor Frank Wong

MOTION CARRIED

Red Deer Public Library Board

Moved by Councillor Lynne Mulder, seconded by Councillor Cindy Jefferies

Resolved that Council of The City of Red Deer hereby appoints the following to serve
on the Library Board for terms to expire as follows:

Duncan Anderson Citizen Representative
(term to expire at the Organizational Meeting of 2014)

Dilys Collier Citizen Representative
(term to expire at the Organizational Meeting of 2014)

Amy Collins Citizen Representative
(term to expire at the Organizational Meeting of 2014).

IN FAVOUR: Mayor Morris Flewwelling, Councillor Buck Buchanan,
Councillor Paul Harris, Councillor Cindy Jefferies, Councillor
Lynne Mulder, Councillor Chris Stephan, Councillor Tara Veer,
Councillor Frank Wong

MOTION CARRIED



Municipal Features Naming Committee

Moved by Councillor Chris Stephan, seconded by Councillor Lynne Mulder

Resolved that Council of The City of Red Deer hereby appoints the following to serve on the Municipal Features Naming Committee for terms to expire as follows:

Judith Clark Citizen Representative
(term to expire at the Organizational Meeting of 2013)

Derek Fuchs Citizen Representative
(term to expire at the Organizational Meeting of 2013).

IN FAVOUR: Mayor Morris Flewwelling, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Cindy Jefferies, Councillor Lynne Mulder, Councillor Chris Stephan, Councillor Tara Veer, Councillor Frank Wong

MOTION CARRIED

Municipal Planning Commission

Moved by Councillor Lynne Mulder, seconded by Councillor Buck Buchanan

Resolved that Council of The City of Red Deer hereby appoints the following to serve on the Municipal Planning Commission for terms to expire as follows:

James Marke Citizen Representative
(term to expire at the Organizational Meeting of 2013)

Larry Thomsen Citizen Representative
(term to expire at the Organizational Meeting of 2013).

IN FAVOUR: Mayor Morris Flewwelling, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Cindy Jefferies, Councillor



Lynne Mulder, Councillor Chris Stephan, Councillor Tara Veer,
Councillor Frank Wong

MOTION CARRIED

Public Art Jury Committee

Moved by Councillor Lynne Mulder, seconded by Councillor Paul Harris

Resolved that Council of The City of Red Deer hereby appoints the following to serve on the Public Art Jury Committee for terms to expire as follows:

Allan MacIntyre Citizen Representative
(term to expire at the Organizational Meeting of 2012)

Brian McLoughlin Citizen Representative
(term to expire at the Organizational Meeting of 2012)

Dennis Nault Citizen Representative
(term to expire at the Organizational Meeting of 2012)

Helen Swanson Citizen Representative From Community Knowledgeable About Art
(term to expire at the Organizational Meeting of 2012).

IN FAVOUR: Mayor Morris Flewwelling, Councillor Buck Buchanan,
Councillor Paul Harris, Councillor Cindy Jefferies, Councillor
Lynne Mulder, Councillor Chris Stephan, Councillor Tara Veer,
Councillor Frank Wong

MOTION CARRIED

Red Deer & District Family & Community Support Services Board

Moved by Councillor Lynne Mulder, seconded by Councillor Frank Wong

Resolved that Council of The City of Red Deer hereby appoints the following to serve on the Red Deer & District Family & Community Support Services Board for terms to expire as follows:



Petro Sabengele Citizen Representative
(term to expire at the Organizational Meeting of 2013)

Kevin Van Bussel Citizen Representative
(term to expire at the Organizational Meeting of 2013)

IN FAVOUR: Mayor Morris Flewwelling, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Cindy Jefferies, Councillor Lynne Mulder, Councillor Chris Stephan, Councillor Tara Veer, Councillor Frank Wong

MOTION CARRIED

Red Deer Appeal & Review Board

Moved by Councillor Chris Stephan, seconded by Councillor Lynne Mulder

Resolved that Council of The City of Red Deer hereby appoints the following to serve on the Red Deer Appeal & Review Board for terms to expire as follows:

William (Bill) Farr Citizen Representative
(term to expire at the Organizational Meeting of 2013)

Peter McGregor Citizen Representative
(term to expire at the Organizational Meeting of 2013)

Francoise Joynt Alternate – Citizen Representative
(term to expire at the Organizational Meeting of 2013).

IN FAVOUR: Mayor Morris Flewwelling, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Cindy Jefferies, Councillor Lynne Mulder, Councillor Chris Stephan, Councillor Tara Veer, Councillor Frank Wong

MOTION CARRIED

**Red Deer Subdivision & Development Appeal Board**

Moved by Councillor Cindy Jefferies, seconded by Councillor Buck Buchanan

Resolved that Council of The City of Red Deer hereby appoints the following to serve on the Red Deer Subdivision and Development Appeal Board for terms to expire as follows:

William (Bill) Farr Citizen Representative
(term to expire at the Organizational Meeting of 2013)

Peter McGregor Citizen Representative
(term to expire at the Organizational Meeting of 2013)

Francoise Joynt Alternate – Citizen Representative
(term to expire at the Organizational Meeting of 2013).

IN FAVOUR: Mayor Morris Flewwelling, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Cindy Jefferies, Councillor Lynne Mulder, Councillor Chris Stephan, Councillor Tara Veer, Councillor Frank Wong

MOTION CARRIED

Red Deer Regional Airport Authority

Moved by Councillor Paul Harris, seconded by Councillor Lynne Mulder

Resolved that Council of The City of Red Deer hereby appoints the following to serve on the Red Deer Regional Airport Authority for terms to expire as follows:

Higginson, Spencer Citizen Representative
(term to expire at the Organizational Meeting of 2015)

Bernie Papp Citizen Representative
(term to expire at the Organizational Meeting of 2015).



IN FAVOUR: Mayor Morris Flewwelling, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Cindy Jefferies, Councillor Lynne Mulder, Councillor Chris Stephan, Councillor Tara Veer, Councillor Frank Wong

MOTION CARRIED

River Bend Golf and Recreation Society

Moved by Councillor Lynne Mulder, seconded by Councillor Cindy Jefferies

Resolved that Council of The City of Red Deer hereby appoints the following to serve on the River Bend Golf and Recreation Society for terms to expire as follows:

Jason Chillibeck Citizen Representative
(term to expire at the Organizational Meeting of 2014)

Randy McConnell Citizen Representative
(term to expire at the Organizational Meeting of 2014)

Linda Rowe Citizen Representative
(term to expire at the Organizational Meeting of 2014)

Monica Zombori Citizen Representative
(term to fill unexpired term of Doug Spurrell to the Organizational Meeting of 2012).

IN FAVOUR: Mayor Morris Flewwelling, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Cindy Jefferies, Councillor Lynne Mulder, Councillor Chris Stephan, Councillor Tara Veer, Councillor Frank Wong

MOTION CARRIED



2.6. Continuation of Ad Hoc Committees of Council

Moved by Councillor Lynne Mulder, seconded by Councillor Buck Buchanan

Resolved that Council of The City of Red Deer hereby authorizes the continuation of the Secondary Suite Regulation Ad Hoc Review Committee and the continuation of the current membership with terms to expire at the Organizational Meeting of 2012.

IN FAVOUR: Mayor Morris Flewwelling, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Cindy Jefferies, Councillor Lynne Mulder, Councillor Chris Stephan, Councillor Tara Veer, Councillor Frank Wong

MOTION CARRIED

3. IN CAMERA

3.1. Council & Committee Appointments

Moved by Councillor Cindy Jefferies, seconded by Councillor Buck Buchanan

Resolved that Council of The City of Red Deer agrees to enter into an In Camera Meeting on October 31, 2011 at 6:35 p.m. and hereby agrees to exclude the following:

All members of the Media; and
All members of the Public.

IN FAVOUR: Mayor Morris Flewwelling, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Cindy Jefferies, Councillor Lynne Mulder, Councillor Chris Stephan, Councillor Tara Veer, Councillor Frank Wong

MOTION CARRIED

Moved by Councillor Lynne Mulder, seconded by Councillor Paul Harris



Resolved that Council of The City of Red Deer agrees to revert to an open meeting of the Organizational Meeting of Red Deer City Council on Monday, October 31, 2011 at 6:38 p.m.

IN FAVOUR: Mayor Morris Flewwelling, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Cindy Jefferies, Councillor Lynne Mulder, Councillor Chris Stephan, Councillor Tara Veer, Councillor Frank Wong

MOTION CARRIED

4. ADJOURNMENT

Moved by Councillor Buck Buchanan, seconded by Councillor Paul Harris

Resolved that the Monday, October 31, 2011, Organizational Meeting of Red Deer City Council be adjourned at 6:38 p.m.

IN FAVOUR: Mayor Morris Flewwelling, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Cindy Jefferies, Councillor Lynne Mulder, Councillor Chris Stephan, Councillor Tara Veer, Councillor Frank Wong

MOTION CARRIED

MAYOR

CITY CLERK



November 08, 2011

Notice of Motion

Councillor Cindy Jefferies – Re: School Bus Flashing Lights

Legislative & Governance Services

Report Summary & Recommendation:

This Notice of Motion was approved at the October 17, 2011 Council Meeting and a report from Administration is attached in response to the Notice of Motion for Council's information.

City Manager Comments:

LGS Only - City Manager Comments

Proposed Resolution



Report Details

Background:

At the Monday, October 17, 2011 Council Meeting, Council passed the following Notice of Motion introduced by Councillor Cindy Jefferies regarding the use of flashing red lights or stop arms of a school bus within the City of Red Deer:

Whereas City of Red Deer Traffic Bylaw 3186/97 prohibits the activation of flashing red lights or stop arms of a school bus on any highway where such highway has been constructed with curbs and gutters; and

Whereas the Province of Alberta, Traffic Safety Act, enables a municipality to make bylaws to regulate school bus flashing lights within their jurisdictions but requires the activation of flashing red lights or stop arms of a school bus on Alberta highways and in rural areas; and

Whereas Alberta Transportation has regulations indicating that motorists must stop when lights are flashing in order to allow children to board the bus safely; and

Whereas some citizens have expressed concerns for the safety of their children and feel safety would be enhanced through the activation of flashing red lights or stop arms of a school bus;

Therefore be it Resolved that The City of Red Deer review its prohibition of the activation of flashing red lights or stop arms of a school bus within The City in light of citizen concerns and consider revising Bylaw 3186/97 to permit their use within City limits; and

Further be it Resolved that administration provide a report to Council, by November 14, 2011 in response to this request.

Discussion:

A report from Administration for Council's information is attached in response to this Notice of Motion.



November 02, 2011

School Bus Flashing Lights

Engineering Services

Report Summary & Recommendation:

A resolution was passed during the regular Council meeting held on Monday, October 17, 2011 directing the administration to review its prohibition of the activation of flashing red lights or stop arms of a school bus within the City in light of citizen concerns, and to consider revising Bylaw 3186/97 to permit their use within City limits; and provide a report to Council, by November 14, 2011.

After reviewing the history and the rationale for prohibiting the activation of flashing red lights or stop arms of a school bus on roads that have curbs and gutters within the City, Engineering reconfirmed that the current prohibition is appropriate for the safety of the students. Engineering does not support revising the current Traffic Bylaw to allow school buses to use flashing lights or stop arms to stop traffic on City's roads that have curbs and gutters.

City Manager Comments:

I support the recommendation of Administration that the Traffic Bylaw not be revised. This is consistent with the largest urban centres within the Province. The five largest urban centres in Alberta follow this approach.

Craig Curtis
City Manager

Proposed Resolution

Resolved that Council of The City of Red Deer having considered the report from the Engineering Services Department, dated November 2, 2011, re: School Bus Flashing Lights, hereby agrees not to revise the current Traffic Bylaw to allow school buses to use flashing lights or stop arms to stop traffic on City roads that have curbs and gutters.



Report Details

Background:

The practice of school buses stopping traffic with flashing red lights was originally intended for use on rural roads only. Rural roads usually have a higher operating speed limit, with no curbs and gutters, stop signs, signals, crosswalks or other traffic control devices to properly assist pedestrians to cross the road. In the rural application, the use of flashing red lights is extremely effective in providing safety for the children.

Due to safety concerns, the Provincial Government had never allowed school buses to stop traffic on roadways with a posted speed limit of 50km/h or lower until 1986. In 1986, the Provincial Government revised the then *Highway Traffic Act* to allow municipalities to regulate school bus flashing lights within their jurisdictions. The Minister of Transportation at the time also urged Alberta municipalities to incorporate the necessary regulations in their Traffic Bylaws before the revised *Highway Traffic Act* came into effect.

The safety reasons for not allowing school buses to stop traffic on City streets can best be summarized by one paragraph of the letter provided by the Minister of Transportation at the time:

"In some low speed urban situations, it is better to require students on school buses to use existing traffic controls such as stop signs or signals and crosswalks than to depend on school bus warning lights for protection. Where well marked intersections and roadways are present, it is actually safer to use those markings and devices than to use flashing school bus lights. With this in mind, the amendment authorizes large urban centres of 10,000 or more population to pass a bylaw that exempts school buses from the requirement to use alternately flashing lamps on any street or roadway where the speed limit is 50km/h or less."

Major urban centres like Calgary, Edmonton, Red Deer, Lethbridge and St. Albert had subsequently adopted bylaws to prohibit school buses from using flashing red lights or stop arms to stop traffic within their cities.

Discussion:

The existing City Bylaw to prohibit school buses to use flashing lights and stop arms to stop traffic dates back to 1982. It was adopted by Council at the time based on consultation with the Prairie Bus Lines, the Transit Department, the RCMP, the City Solicitor and the Engineering Services Department. Traffic Bylaw 2800/82, Section 100.14 states the following:



“The use of school buses of flashing red lights or stop arms is prohibited on highways within the City having a speed limit of 50km/h or less.”

In 1995, it was updated to allow their use on City's rural roads and adopted by Council at the time. Traffic Bylaw 2800/B-95, Section 21, Section 100.14 which states:

“The use of school buses of flashing red lights or stop arms is prohibited on highways that are constructed with curbs and gutters.”

It was further consolidated and adopted by Council in 1997 and the current Traffic Bylaw 3186/97, Part 10, Section 100 – Operation of School Buses, states:

“No person shall activate the flashing red lights or stop arms of a school bus on any highway where such highway has been constructed with curbs and gutters.”

Analysis:

In an urban environment, if school buses are allowed to stop traffic on major arterials like Gaetz Avenue, 30 Avenue, 32 Street, 67 Street, there will be serious disruption of traffic flow, signal coordination, and safety concern as most motorists would not be expecting a stop situation. On multi-lane or divided roads, some motorists in the opposing direction may be confused whether or not they should be stopping for children while they are still crossing in the opposing lanes. This increases the potential for rear-end collisions and the pedestrians may be placed in severe conflict with the motorists if they try to cross mid-blocks.

On local streets, allowing buses to stop randomly mid-block and have children cross the street in front of the school buses is unsafe and increases the pedestrian accident risk. This contradicts what children are learning about traffic safety (basically, to cross at the corner and not to cross the street from between parked cars). Children may rely on stop arms instead of other measures to cross the street (like school patrols, signals and pedestrian crosswalks) and develop a false sense of security that all drivers will stop when the stop arm is activated. The onus of safety has to be the responsibility of the pedestrian to be alert and cautious while crossing any street. Current education presented to children is to cross only at intersections, and signal their intentions to cross the street in accordance with the *Alberta Traffic Safety Act*. Although the alternative crossing location may not be the most direct route, it is felt to be the safest route and that safety, not convenience, is the purpose for the Traffic Bylaw.

The Transit Department is under contract to the school boards in providing student ride services but does not have any buses equipped with flashing red lights and stop arms. Not only would adding flashing red lights and stop arms be an added capital expenditure, it would



also potentially cause confusion to the motorists and students as some buses having flashing red lights and others not.

Over the past years, there were one to two inquiries received by the Engineering Services Department on the same subject every year. Based on the low number of inquiries, it is a good indication that the Bylaw is adequate. Engineering Services does not support revising the current Traffic Bylaw to allow school buses to use flashing lights or stop arms to stop traffic on City's roads that have curbs and gutters. Transportation staffs of both the public and catholic schools have been consulted on this matter. Both parties are in support with the recommendation being presented in this report.

Financial Implications

There are no financial implications with the recommendation in this report.

Council Decision – November 14, 2011

DATE: November 16, 2011
TO: Frank Colosimo, Engineering Services Manager
FROM: Elaine Vincent, Legislative & Governance Services Manager
SUBJECT: Notice of Motion – Councillor Cindy Jefferies
School Bus Flashing Lights

Reference Report:

Engineering Services Manager, dated November 2, 2011.

Resolution:

The following resolution was passed during the Regular Council meeting held on Monday, November 14, 2011:

Resolved that Council of The City of Red Deer having considered the report from the Engineering Services Department, dated November 2, 2011, re: School Bus Flashing Lights, hereby agrees not to revise the current Traffic Bylaw to allow school buses to use flashing lights or stop arms to stop traffic on City roads that have curbs and gutters.

Report back to Council: No

Comments/Further Action:

Administration is to follow up with Councillor Jefferies recommendation regarding better communication to the public for school bus flashing lights within city limits.



Elaine Vincent
Legislative & Governance Services Manager

c Director of Development Services

Christine Kenzie

BACK UP INFORMATION
NOT SUBMITTED TO COUNCIL

From: Linda Rehn
Sent: October 31, 2011 2:52 PM
To: Christine Kenzie
Subject: RE: Item for November 14th Council Meeting - School Bus Flashing Lights

Hi Christine – yes - Micky advised that he has “revised” the report from September...

Linda Rehn
Administrative Assistant
Engineering Services
The City of Red Deer
(403) 342-8184

From: Christine Kenzie
Sent: October 31, 2011 2:37 PM
To: Linda Rehn
Subject: Item for November 14th Council Meeting - School Bus Flashing Lights

I see you have put a workflow item on the November 14th Council Meeting regarding the School Bus Flashing Lights. There was already a report done by Micky Szeto, dated September 23, 2011 --- will you be revising that report for the November 14th Council Meeting?

Christine Kenzie | Corporate Meeting Coordinator
Legislative & Governance Services | The City of Red Deer
D 403.356.8978 | F 403.346.6195
christine.kenzie@reddeer.ca

BACKUP INFORMATION
NOT SUBMITTED TO COUNCIL



REPORT REVISED
ON NOV 2/2011

BACKUP INFORMATION
NOT SUBMITTED TO COUNCIL

Date: September 23, 2011

To: Craig Curtis
City Manager

From: Micky Szeto, Traffic Engineer
Frank Colosimo, Engineering Services Manager

Re: School Bus Bylaw – Council Report

Introduction

The Legislative and Governance Services Department received an electronic enquiry on September 15, 2011 from Councillor Jefferies about a request to change the Traffic Bylaw to allow the use of red flashing lights or stop arms on school buses. The Engineering Services Department investigated the request and is providing its recommendations in this memo based on the findings.

Background

The practice of school buses stopping traffic with flashing red lights was originally intended for use on rural roads only. Rural roads usually have a higher operating speed limit, with no curbs and gutters, stop signs, signals, crosswalks or other traffic control devices to properly assist pedestrians to cross the road. In the rural application, the use of flashing red lights is extremely effective in providing pedestrian safety.

Due to safety concerns, the Provincial Government had never allowed school buses to stop traffic on roadways with a posted speed limit of 50km/h or lower until 1986. In 1986, the Provincial Government revised the then Alberta *Highway Traffic Act* to allow municipalities to regulate school bus flashing lights within their jurisdictions. The Minister of Transportation at the time also urged Alberta municipalities to incorporate the necessary regulations in their Traffic Bylaws before the revised *Highway Traffic Act* came into effect.

The safety reasons for not allowing school buses to stop traffic on City streets can best be summarized by one paragraph of the letter provided by the Minister of Transportation at the time:

"In some low speed urban situations, it is better to require students on school buses to use existing traffic controls such as stop signs or signals and crosswalks than to depend on school bus warning lights for protection. Where well marked intersections and roadways are present, it is actually safer to use those markings and devices than to use flashing school bus lights. With this in mind, the amendment authorizes large urban centres of 10,000 or more population to pass a bylaw that exempts school buses from the requirement to use alternately flashing lamps on any street or roadway where the speed limit is 50km/h or less."

Cities like Edmonton, Calgary and Red Deer had subsequently adopted bylaws to prohibit school buses from stopping traffic within their cities.

Relevant Legislation

The existing City Bylaw to prohibit school buses to use flashing lights and stop arms to stop traffic has its root dating back to 1982. It was adopted by Council at the time based on consultation with the Prairie Bus Lines, the Transit Department, the RCMP, the City Solicitor and the Engineering Services Department. Traffic Bylaw 2800/82, Section 100.14 states the following:

"The use of school buses of flashing red lights or stop arms is prohibited on highways within the City having a speed limit of 50 km/h or less."

In 1995, it was updated and adopted by Council; Traffic Bylaw 2800/B-95, Section 21, which states:

Delete section 100.14 and substitute in its place the following:

"100.14 The use of school buses of flashing red lights or stop arms is prohibited on highways that are constructed with curbs and gutters."

It was further consolidated and adopted by Council in 1997 and the current Traffic Bylaw 3186/97, Part 10, Section 100 – Operation of School Buses, states:

"No person shall activate the flashing red lights or stop arms of a school bus on any highway where such highway has been constructed with curbs and gutters."

Discussion and Analysis

In an urban environment, if school buses are allowed to stop traffic on major arterials like Gaetz Avenue, 30 Avenue, 32 Street, 67 Street, etc., there will be serious disruption of traffic flow, signal coordination, and safety concern as most motorists would not be expecting a stop situation. On multi-lane or divided roads, some motorists in the opposing direction may be confused whether or not they should be stopping for children while they are still crossing in the opposing lanes. This increases the potential for rear-end collisions. The pedestrians may be at further conflict with the motorists if they try to cross mid-blocks.

On local streets, allowing buses to stop randomly mid-block and have children cross the street in front of the school buses is dangerous and increases the pedestrian accident risk. This contradicts what children are learning about traffic safety (basically, to cross at the corner and not to cross the street from between parked cars). Children may rely on stop arms instead of other measures to cross the street, like school patrols, signals and pedestrian crosswalks or develop a false sense of security that all drivers will stop when the stop arm is activated. The onus of safety has to be the responsibility of the pedestrian to be alert and cautious while crossing any street. Current education presented to children is to cross only at intersections, and signal their intentions to cross the street in accordance with the *Alberta Traffic Safety Act*. Although the alternative crossing location may not be the most direct route, it is felt to be the safest route and that safety, not convenience, is the purpose for the Traffic Bylaw.

The Transit Department is under contract to the school boards in providing student ride services but does not have any "school buses" equipped with flashing red lights and stop arms. Not only would adding flashing red lights and stop arms be an added capital expenditure, it would also potentially cause confusion to the motorists and students as some buses having flashing red lights and others not.

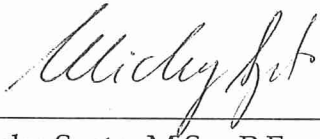
Over the past years, there were one to two inquiries received by the Engineering Services Department on the same subject every year. Based on the low number of inquiries, it is a good indication that the Bylaw is adequate.

Financial Implications

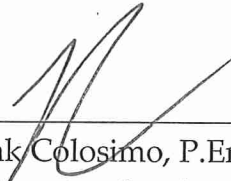
There are no financial implications with the recommendation in this report.

Recommendation

Engineering Services Department does not support revising the current Traffic Bylaw to allow school buses to use flashing lights and stop arms to stop traffic in the City of Red Deer.



Micky Szeto, M.Sc., P.Eng.
Traffic Engineer



Frank Colosimo, P.Eng.
Engineering Services Manager

MS/ldr

Notice of Motion
Submitted by Councillor Cindy Jefferies

Whereas City of Red Deer Traffic Bylaw 3186/97 prohibits the activation of flashing red lights or stop arms of a school bus on any highway where such highway has been constructed with curbs and gutters; and

Whereas the Province of Alberta, Traffic Safety Act, enables a municipality to make bylaws to regulate school bus flashing lights within their jurisdictions but requires the activation of flashing red lights or stop arms of a school bus on Alberta highways and in rural areas; and

Whereas Alberta Transportation has regulations indicating that motorists must stop when lights are flashing in order to allow children to board the bus safely; and

Whereas some citizens have expressed concerns for the safety of their children and feel safety would be enhanced through the activation of flashing red lights or stop arms of a school bus;

Therefore be it Resolved that The City of Red Deer review its prohibition of the activation of flashing red lights or stop arms of a school bus within The City in light of citizen concerns and consider revising Bylaw 3186/97 to permit their use within City limits; and

Further be it Resolved that administration provide a report to Council, by November 14, 2011 in response to this request.

Subject: FW: School Bus Bylaw - for October 3, 2011 Council Agenda

Date: 15 September, 2011 12:43:25 PM MDT
To: Cindy Jefferies <Cindy.Jefferies@reddeer.ca>
Subject: School Bus Bylaw

BACKUP INFORMATION
NOT SUBMITTED TO COUNCIL

I am writing to you as a citizen, not an employee of The City , about an issue that I think is crazy.

I left for work early this morning and it was still somewhat dark outside. There were 2 children standing at the side of the road on Pameley drive awaiting their school bus. The bus arrived and the children waited to board. A car (on the opposite side of the road) was speeding along this busy road (as often is the case) and did not slow down or even stop for the children. I then noticed that the bus had not put on his flashing lights or activated the stop sign.

I was mentioning this at work and was told that The City has a bylaw prohibiting the use of the stop sign and lights flashing (which I thought was wrong) but low and behold, Bylaw No 3186/97 section 100 reads "No person shall activate the flashing red lights or stop arms of a school bus on any highway where such highway has been constructed with curbs and gutters". This basically means all rural children will be provide some safety on boarding buses, but every child in The City are not safeguarded.

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I was hoping that you could bring this to light to other members of council and get this bylaw abolished. Especially with upcoming time changes, the mornings will become darker and we need to protect our children.

A very concerned,

Don't have a name
for person who
sent in complaint -

Christine Kenzie

From: Frieda McDougall
Sent: September 27, 2011 4:32 PM
To: Cindy Jefferies; Elaine Vincent; Christine Kenzie
Subject: FW: School Bus Bylaw
Attachments: 1153984 - Notice of Motion by Councillor Cindy Jefferies re School Bus Flashing Lights - 1.DOC
For your info...this is how I've followed up with the School Bus inquiry.

Frieda McDougall
Deputy City Clerk
Legislative & Governance Services
Phone: 403-342-8136 Fax: 403-346-6195
Email: frieda.mcdougall@reddeer.ca

From: Frieda McDougall
Sent: September 27, 2011 4:31 PM
To: Kim Champigny
Subject: FW: School Bus Bylaw

Hi Kim. Councillor Jefferies forwarded your request to LGS for action and I wanted to provide you with some follow up on next steps. First, I want you to be aware that we removed your name from the email below so at this point; we haven't identified you as the initiator of this request.

In the email below, Councillor Jefferies requests that this issue be considered formally by Council. For a council member to have an item formally considered they need to raise an issue from the floor by way of a Notice of Motion. Councillor Jefferies intends to raise this issue at the meeting of Monday, October 3rd. After that meeting, as you can see in the attached draft Notice of Motion, administration will be instructed to bring back a formal response to this Notice of Motion and council can then consider administration's recommendations.

You don't need to attend any of this but I just wanted to let you know that Councillor Jefferies is actioning your request and in short order; we'll know council's direction in this regard.

Let me know if you have any questions.

Frieda McDougall
Deputy City Clerk
Legislative & Governance Services
Phone: 403-342-8136 Fax: 403-346-6195
Email: frieda.mcdougall@reddeer.ca

From: Cindy Jefferies
Sent: Thursday, September 15, 2011 2:40 PM
To: Elaine Vincent
Subject: Fwd: School Bus Bylaw

I would respectfully request Council review this ASAP.
Thanks
Cindy

Sent from my iPhone

Begin forwarded message:

Date: 15 September, 2011 12:43:25 PM MDT
To: Cindy Jefferies <Cindy.Jefferies@reddeer.ca>
Subject: School Bus Bylaw

I am writing to you as a citizen, not an employee of The City , about an issue that I think is crazy.

I left for work early this morning and it was still somewhat dark outside. There were 2 children standing at the side of the road on Pameley drive awaiting their school bus. The bus arrived and the children waited to board. A car (on the opposite side of the road) was speeding along this busy road (as often is the case) and did not slow down or even stop for the children. I then noticed that the bus had not put on his flashing lights or activated the stop sign.

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I was hoping that you could bring this to light to other members of council and get this bylaw abolished. Especially with upcoming time changes, the mornings will become darker and we need to protect our children.

A very concerned,

Christine Kenzie

From: Melanie Brawn
Sent: September 16, 2011 9:03 AM
To: Micky Szeto
Cc: Christine Kenzie; Elaine Vincent; Frieda McDougall; Teresa Truant; Frank Colosimo; Linda Rehn
Subject: RE: School Bus Bylaw - Council Report
Importance: High

BACK UP INFORMATION
NOT SUBMITTED TO COUNCIL

Hi Micky,

Please see below & prepare a report for Council.

Thanks,

Melanie Brawn

Engineering Services
The City of Red Deer
403.309.8496

From: Frieda McDougall
Sent: Thursday, September 15, 2011 4:34 PM
To: Teresa Truant; Frank Colosimo; Melanie Brawn
Cc: Christine Kenzie; Elaine Vincent
Subject: FW: School Bus Bylaw

See the complaint below. We have committed to Councillor Jefferies that this item will be placed on the next Council agenda. As a result, we need a report from you as soon as possible with respect to administration's recommendations in this regard. Thanks very much.

Frieda McDougall
Deputy City Clerk
Legislative & Governance Services
Phone: 403-342-8136 Fax: 403-346-6195
Email: frieda.mcdougall@reddeer.ca

From: Elaine Vincent
Sent: September 15, 2011 2:43 PM

2011/09/16

To: Frieda McDougall
Subject: FW: School Bus Bylaw

I removed the complainants name as they were a city employee.... I believe we can consider cindy's request a request to go on the council agenda.... Can you send out to the appropriate departments for comment...

Thanks,

E

Elaine Vincent
Manager, Legislative and Governance Services
The City of Red Deer
Phone: 403-342-8134
Fax: 403-346-6195
elaine.vincent@reddeer.ca

From: Cindy Jefferies
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2011/09/16

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A very concerned,

Christine Kenzie

From: Frieda McDougall
Sent: September 15, 2011 4:34 PM
To: Teresa Truant; Frank Colosimo; Melanie Brawn
Cc: Christine Kenzie; Elaine Vincent
Subject: FW: School Bus Bylaw - for October 3, 2011 Council Agenda

See the complaint below. We have committed to Councillor Jefferies that this item will be placed on the next Council agenda. As a result, we need a report from you as soon as possible with respect to administration's recommendations in this regard. Thanks very much.

Frieda McDougall
Deputy City Clerk
Legislative & Governance Services
Phone: 403-342-8136 Fax: 403-346-6195
Email: frieda.mcdougall@reddeer.ca

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Elaine Vincent
Manager, Legislative and Governance Services
The City of Red Deer
Phone: 403-342-8134
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From: Cindy Jefferies
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2011/09/15

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A very concerned,



November 8, 2011

39 Street Water Trunk Twinning (from Springbett Drive to Maxwell Avenue)

Engineering Services

Report Summary & Recommendation:

The purpose of this memo is to request a budget limit increase to the 39 Street Water Trunk Twinning project. A budget increase is required so that the work can be awarded to a contractor in 2011 and the project can be complete by the spring of 2012.

Engineering Services recommends that Council amend the 2011 Capital Budget for the 39 Street Water Trunk Twinning project to \$1,820,000. Source of funds for this project will be the Water Off-Site Reserve. An amendment to the existing Bylaw 3459/2010 will be submitted separately.

City Manager Comments:

I support the recommendation of Administration.

Craig Curtis
City Manager

Proposed Resolution

Resolved that Council of The City of Red Deer having considered the report from the Engineering Services Department, dated November 8, 2011, re: 39 Street Water Trunk Twinning (From Springbett Drive to Maxwell Avenue), hereby agrees to increase the 2011 Capital Budget for the 30 Street Water Truck Twinning project by \$350,000 to \$1,820,000 with the funding to come from the Water Off-Site Reserve.



Report Details

Background:

As part of the 2011 Budget, Council approved \$1,470,000 to install a secondary water trunk along 39 Street. The installation of this water trunk is required to improve the capacity and reliability of The City's water distribution system.

This project involves directional drilling 1.5 km of water pipe from Springbett Drive to Maxwell Avenue. Directional drilling technology will allow the water trunk to be installed along 39 Street without the need to dig up the road for the entire 1.5 km. Instead, roadway excavation will be limited to roughly 7 separate and relatively small locations along 39 Street. Directional drilling is the most efficient and least disruptive method for completing this project.

If the 39 Street Water Trunk Twinning project is not completed by the spring of 2012, the Commuter Bike Pilot Program will be impacted. The Steering Committee of the Commuter Bike Pilot Program has identified 39 Street from 30 Avenue to Spruce Drive as a potential bike lane route for 2012. To avoid impacting the Commuter Bike Pilot Program, it is desirable to complete the water trunk installation over the winter months.

Discussion:

Environmental Services is in the process of completing work on the west and east ends of the project for the new water trunk to tie into the city's distribution system. Environmental Services has completed work in the vicinity of Springbett Drive and they are currently working on the east end of the project by Maxwell Avenue.

In October, 2011, Engineering Services issued a Tender for the directional drilling portion of this project. Only one contractor submitted a bid and the bid amount exceeds the funds available from the currently approved budget.

Analysis:

Based on the submitted bid price, the following budget variance is expected:

Item	Amount
Approved Budget	\$1,470,000
Projected Expenditures	\$1,820,000
Variance	\$ 350,000



The budget variance is largely due to higher than expected material costs and mobilization / traffic control costs. Some savings may be possible by modifying the method of directional drilling however site conditions will dictate this.

Engineering Services does not believe that retendering this project in early 2012 would result in a significant cost savings.

This project is funded 100% by the Water Offsite Levy Fund, which The City is currently borrowing money to supplement. An amendment to the Borrowing Bylaw will be required to allocate the requested funds to the 39 Street Water Trunk Twinning project.



November 02, 2011

39 Street Water Trunk Twinning (from Springbett Drive
to Maxwell Avenue)

Amendment to Water Off-Site Borrowing Bylaw
3459/2010

Engineering Services

Report Summary & Recommendation:

We request that Council amend the Water Off-Site Borrowing Bylaw 3459/2010 to include the additional \$350,000 for 2011 Capital Budget Item #40.8, bringing the total of the borrowing bylaw to \$2,470,000.

City Manager Comments:

I support the recommendation of Administration that Council give first reading to Borrowing Bylaw Amendment 3459/A-2011. To allow sufficient time for advertising, this bylaw would come back to Council for second and third readings at the January 9, 2012 Council Meeting.

Craig Curtis
City Manager

Proposed Resolution

LGS Only - Proposed Resolutions



Report Details

Background:

The 2011 Water Offsite Levy Fund Borrowing Bylaw 3459/2010 was approved January 24, 2011 for a total of \$2,120,000 for the approved capital projects listed below.

2011 Capital Budget Item #	Project Title	2011 Budget
40.1	NW Industrial NE 36, SE 36, NE 25 (53-54)	\$650,000
40.8	39 Street-Water Trunk Twinning (from Mountview)	\$1,470,000
		\$2,120,000

Discussion:

A budget increase request has been submitted separately to Council for an additional \$350,000 for the 39 Street-Water Trunk Twinning (from Mountview).

BYLAW NO. 3459/A-2011

Being a bylaw to amend Borrowing Bylaw No. 3459/2010 to increase the borrowing authority by \$350,000 to a total of \$2,470,000.

WHEREAS:

- A. In 2010 the City passed Bylaw 3459/2010 to borrow the sum of \$2,120,000 to fund the Northwest Industrial NE 36, SE 36, NE 25 (53-54) and the 39 Street – Water Trunk Twinning (from Mountview).
- B. In order to undertake construction and completion of the 39 Street – Water Trunk Twinning (from Mountview) project, additional borrowing of \$350,000 is required.

COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

1. Preamble paragraphs B and C of Bylaw 3459/2010 are deleted and replaced with the following new preamble paragraphs:

“B. The total cost of the projects is estimated to be \$2,470,000 and the Municipality estimates the following funding source(s) will be applied to the projects:

Debenture(s)	<u>\$2,470,000</u>
Total Cost	\$2,470,000

- C. In order to complete the projects, it will be necessary for the Municipality to borrow the sum of \$2,470,000, for a period not to exceed 20 years, from the Alberta Capital Finance Authority or another authorized financial institution, by the issuance of debentures and on the terms and conditions referred to in this bylaw.”
2. In paragraph 1, the words “TWO MILLION ONE HUNDRED AND TWENTY THOUSAND DOLLARS (\$2,120,000)” are deleted and replaced with the words “TWO MILLION FOUR HUNDRED AND SEVENTY THOUSAND DOLLARD (\$2,470,000).”
3. Paragraph 3 is deleted and replaced with the following new paragraph:

“3. The Municipality shall repay the indebtedness according to the repayment structure negotiated with the lender which shall be equal semi-annual or annual payments of combined principal and interest installments not to exceed TWENTY (20) years calculated at the interest rate fixed by the Alberta Capital Finance Authority or another authorized financial institution. The interest rate is not to exceed more than THREE (3) percent above the prevailing Alberta Capital Finance Authority rate on the date the bylaw is created or amended, therefore will not exceed SEVEN (7) percent (rounded up to the nearest whole percent).”

4. This bylaw comes into force on the date that it is passed.

READ A FIRST TIME IN OPEN COUNCIL this	day of	2011.
READ A SECOND TIME IN OPEN COUNCIL this	day of	2012.
READ A THIRD TIME IN OPEN COUNCIL this	day of	2012.
AND SIGNED BY THE MAYOR AND CLERK this	day of	2012.

MAYOR

CITY CLERK

DATE: November 18, 2011
TO: Frank Colosimo, Engineering Services Manager
FROM: Elaine Vincent, Legislative & Governance Services Manager
SUBJECT: 39 Street Water Trunk Twinning (from Springbett Drive to Maxwell Avenue)
Borrowing Bylaw Amendment 3459/A-2011

Reference Reports:

Engineering Services Manager, dated November 2 and November 8, 2011.

Resolution:

The following resolution was passed during the Regular Council meeting held on Monday, November 14, 2011:

Resolved that Council of The City of Red Deer having considered the report from the Engineering Services Department, dated November 8, 2011 re: 39 Street Water Trunk Twinning (From Springbett Drive to Maxwell Avenue), hereby agrees to increase the 2011 Capital Budget for the 39 Street Water Truck Twinning project by \$350,000 to \$1,820,000 with the funding to come from the Water Off-Site Reserve.

Bylaw Reading:

Further to the above Resolution, Council also gave first reading to Borrowing Bylaw Amendment 3459/A-2011. A copy of the Bylaw is attached.

Report back to Council: Yes

Comments/Further Action:

Administration will follow up with the adjustment to the 2011 Capital Budget. As well, our office will proceed with advertising of Borrowing Bylaw Amendment 3459/A-2011. After the appropriate advertising, this item will come back to Council's regular meeting on Monday, January 9, 2012 for consideration of second and third reading. This will allow sufficient time for the public to submit a petition within 15 days after the last date of advertising which is Friday, December 2, 2011.


Elaine Vincent
Legislative & Governance Services Manager
/attach
c Director of Corporate Services
Acting Financial Services Manager
Corporate Meeting Coordinator

BYLAW NO. 3459/A-2011

Being a bylaw to amend Borrowing Bylaw No. 3459/2010 to increase the borrowing authority by \$350,000 to a total of \$2,470,000.

WHEREAS:

- A. In 2010 the City passed Bylaw 3459/2010 to borrow the sum of \$2,120,000 to fund the Northwest Industrial NE 36, SE 36, NE 25 (53-54) and the 39 Street – Water Trunk Twinning (from Mountview).
- B. In order to undertake construction and completion of the 39 Street – Water Trunk Twinning (from Mountview) project, additional borrowing of \$350,000 is required.

COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

1. Preamble paragraphs B and C of Bylaw 3459/2010 are deleted and replaced with the following new preamble paragraphs:

“B. The total cost of the projects is estimated to be \$2,470,000 and the Municipality estimates the following funding source(s) will be applied to the projects:

Debenture(s)	<u>\$2,470,000</u>
Total Cost	\$2,470,000

- C. In order to complete the projects, it will be necessary for the Municipality to borrow the sum of \$2,470,000, for a period not to exceed 20 years, from the Alberta Capital Finance Authority or another authorized financial institution, by the issuance of debentures and on the terms and conditions referred to in this bylaw.”
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3. Paragraph 3 is deleted and replaced with the following new paragraph:

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4. This bylaw comes into force on the date that it is passed.

READ A FIRST TIME IN OPEN COUNCIL this	14 th	day of	November	2011.
READ A SECOND TIME IN OPEN COUNCIL this		day of		2012.
READ A THIRD TIME IN OPEN COUNCIL this		day of		2012.
AND SIGNED BY THE MAYOR AND CLERK this		day of		2012.

MAYOR

CITY CLERK



November 04, 2011

Bylaw 3474/2011 – A Bylaw to Establish a Regional Assessment Review Board

Legislative and Governance Services

Report Summary & Recommendation:

The Municipal Government Act requires a Council to establish an Assessment Review Board. Since 2010 the City has provided Regional Assessment Complaint Service to 25 municipalities in Central Alberta. The agreement to provide this service to the municipalities expires at the end of 2011. This has prompted review and revisions to the Bylaw.

Recommendation: That Council give three readings to Bylaw 3474/2011 establishing a Regional Assessment Review Board.

City Manager Comments:

I support the recommendation of Administration that Council give three readings to Bylaw 3474/2011 to establish a Regional Assessment Review Board.

Craig Curtis
City Manager

Proposed Resolution

That Council give three readings to Bylaw 3474/2011 - a Bylaw to establish a Regional Assessment Review Board.



Report Details

Background:

In 2009 pending changes to the MGA necessitated a complete review of the business operations for the Assessment Review Board. Following a feasibility study and stakeholder consultation, in December 2009 Council adopted Bylaw 3441/2009 – the Regional Assessment Review Board Bylaw.

Issues:

Providing regional service has benefitted both The City of Red Deer and our partner municipalities by:

I. Strengthening intergovernmental relationships:

In its initial year, 19 municipalities joined with the City of Red Deer to form the Central Alberta Regional Assessment Review Board; in 2010 it grew to 25 and potential exists for more partners to join in 2012. The Board has also been recognized and has a standing invitation to Municipal Government Board workshops and events.

II. Providing a center of excellence:

There are a variety of joint / regional services in Alberta. The service provided by The City of Red Deer is unique because it provides complete administration and support for the Board. It is frequently recommended to municipalities by Municipal Affairs.

III. Sustainability:

Completion of training is a legislated requirement for Board Members and the Clerk. The cost of this is offset by the annual membership fee of \$2,000 paid by each partner municipality. Without regional delivery the expenses relating to training for 4 Board Members and 2 Clerks is estimated at \$15,000 per year for each municipality supporting its own appeal processes.

Discussion:

Section 454(2) of the MGA requires Council to establish an Assessment Review Board. Council could choose to establish a Board to serve The City only. If Council chooses this option, The City is obligated to provide its partner Municipalities with 6 months notice – regional operation would continue until late spring 2012.

Analysis:

Bylaw Highlights:



The majority of the changes to the Bylaw do not impact the essence of the Bylaw but are being proposed so the language in the Bylaw more closely reflects the language in the legislation. The following itemizes changes that are more significant:

I. ESTABLISHMENT OF BOARDS (S.6)

This section allows for up to 20 members to be appointed to the Regional Board. The wording has been amended to clearly reflect the creation of panels from the 20 members.

II. TERMS OF APPOINTMENT (S.7(6))

This section has been amended to include a reference to the training required by the Minister.

III. PRESIDING OFFICER AT HEARINGS (S.8)

This section has been clarified to comply with the legislation – The Presiding Officer on a CARB (non-residential) hearing must be the provincial member.

IV. ESTABLISHMENT OF THE REGIONAL ADVISORY GROUP (S. 10)

The Regional Advisory Group was an initiative of the Board created to respond to opportunities for networking and advocacy. Their role is to assist with the development of policies & procedures; mentor new board members and act as advocates for the region. This group will be a key to building on the strong foundations of the Board. Inclusion in the Bylaw makes their role formal.

V. DESIGNATED OFFICER (S. 11)

This section is needed to provide clarity around the role of the Designated Officer (Acting Clerk). It includes reference to the training required by the Minister; the creation of policies & procedures in consultation with the Regional Advisory Group and the authority to assign panel members to hearings.

VI. RULES OF ORDER (S.17)

This has been amended to reflect the legislation and the accepted professional standards of administrative tribunals.

VII. REIMBURSEMENT OF COSTS (S.20)

This is an additional section that ties back to the funding model.

Recommendation:

That Council endorses the ongoing operations of regional assessment complaint delivery by giving three readings to Bylaw 3474/2011.

BYLAW NO. 3474/2011

Being a bylaw of The City of Red Deer, Alberta to establish a Regional Assessment Review Board.

Background

Section 456 of the *Municipal Government Act*, permits two or more Councils to jointly establish assessment review boards to have jurisdiction in their respective municipalities;

The City of Red Deer and the Partner Municipalities jointly wish to establish a Regional Assessment Review Board to exercise the functions of a Local Assessment Review Board (LARB) and the functions of a Composite Assessment Review Board (CARB) under the provisions of the *Municipal Government Act* in respect of assessment complaints made by their respective taxpayers of a Partner Municipality;

COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

Short Title

- 1 The short title of this Bylaw shall be the "Regional Assessment Review Board Bylaw".

Definitions

- 2 (1) Except as otherwise provided herein, words in this Bylaw shall have the meanings prescribed in section 453 of the *Municipal Government Act*.
- (2) In this bylaw the following terms shall have the meanings shown:
 - (a) "Board" means the Regional Assessment Review Board;
 - (b) "CARB" means the Composite Assessment Review Board established in accordance with the *Municipal Government Act*;
 - (c) "Citizen-at-large" means a person who does not represent a specific organization;
 - (d) "Designated Officer" means the person appointed to carry out the duties and functions of the clerk of the assessment review boards in accordance with section 455 of the *Municipal Government Act*;

- (e) “LARB” means the Local Assessment Review Board established in accordance with the *Municipal Government Act*;
- (f) “Member” means a member of the Regional Assessment Review Board;
- (g) “Minister” means the Minister determined by the Province to be responsible for the *Municipal Government Act*;
- (h) “Partner Municipality” means all those municipalities who enter into an agreement with the City to jointly establish a Regional Assessment Review Board and who enact a bylaw substantially in the form of this bylaw, as well as the City of Red Deer;
- (i) “Provincial Member” means a person appointed as a provincial member to a CARB by the Minister.

Member Municipalities

- 3 The Partner Municipalities hereby jointly establish a Regional Assessment Review Board to exercise the functions of a Local Assessment Review Board and the functions of a Composite Assessment Review Board to have jurisdiction in their municipalities.

Regional Board Review Committee

- 4 The Regional Board Review Committee will consist of 5 people appointed jointly by the Partner Municipalities.

Appointment of Board Members

- 5 The Regional Board Review Committee shall appoint not more than 20 citizens-at-large to be Members of the Regional Assessment Review Board.

Establishment of Boards

- 6 The following Central Alberta Regional Assessment Review Boards are established:
- (a) one or more LARB's that consist of one (1) Member;
 - (b) one or more LARB's that consist of three (3) Members;

- (c) one or more CARB's that consist of one (1) Provincial Member
- (d) one or more CARB's that consist of one (1) Provincial Member and two (2) Members.

Terms of Appointment

- 7
- (1) Unless otherwise stated, all Members are appointed for three year terms except in the initial year where one-third is appointed for three year term; one-third is appointed for a two year term and the remaining one-third are appointed for a one year term.
 - (2) If a vacancy on the Board occurs at any time the Regional Board Review Committee may appoint a new person to fill the vacancy for the remainder of that term.
 - (3) A Member may be re-appointed to the Board at the expiration of his/her term.
 - (4) A Member may resign from the Board at any time on written notice to the Designated Officer to that effect.
 - (5) The Regional Board Review Committee may remove a Member at any time on the recommendation of the Designated Officer.
 - (6) Upon being appointed, the Member must successfully complete the training as prescribed by the Minister prior to participating in a hearing.

Presiding Officer

- 8
- The Members of every Board established under section 6(b) of this bylaw will select a Presiding Officer from among themselves who will:
- (a) preside over and be responsible for the conduct of hearings;
 - (b) vote on matters submitted to the Board unless otherwise disqualified;
 - (c) sign orders, decisions and documents issued by the Board.

Jurisdiction of the Board

- 9
- The Board shall have jurisdiction to exercise the functions of a Local Assessment Review Board (LARB) and the functions of a Composite

Assessment Review Board (CARB) under the provisions of the *Municipal Government Act* in respect of assessment complaints made by taxpayers of a Partner Municipality.

Regional Advisory Group

- 10 (1) Board Members will elect from among themselves a Regional Advisory Group consisting of up to 4 members, and comprised of one Chair and up to 3 Vice Chairs.
- (2) The Regional Advisory Group will report to the Designated Officer on all matters affecting the Board and will:
- (a) assist the Designated Officer in developing policies governing hearings, conduct of Members, and other Board matters;
 - (b) evaluate Member performance to identify areas where additional training may be required and prepare reports regarding performance and re-appointment of Members;
 - (c) ensure other Members are provided mentoring;
 - (d) act as a liaison between the Members, board administration and the Designated Officer;
 - (e) review draft decisions to ensure that they comply with legislation, policies and procedures;
- (3) The duties of the Chair of the Regional Advisory Group include:
- (a) chairing meetings of the Regional Assessment Review Board and the Regional Advisory Group;
 - (b) establishing agendas for the Regional Advisory Group and the Regional Assessment Review Board meetings in consultation with the Designated Officer;
 - (c) liaising with the Designated Officer, Councils, and Partner Municipalities on behalf of the Regional Assessment Review Board;
 - (d) appointing an Acting Chair from the Regional Advisory Group;
 - (e) signing correspondence on behalf of the Regional Advisory Group.

- (4) If the Chair ceases to be a Member or is unable or unwilling to fulfil the Chair's duties, the Clerk may appoint one of the Vice Chairs to serve as Acting Chair until the Chair resumes the Chair's duties or the Members elect a new Chair.

Designated Officer of the Board

- 11 (1) The Chief Administrative Officer of the City of Red Deer (CAO) shall appoint a Designated Officer of the Board, and shall prescribe any remuneration associated with the position.
- (2) The Designated Officer is authorized to enter into agreements on behalf of the Board with other non-partner municipalities to provide Assessment Review Board Services.
- (3) The Designated Officer shall assist the Board in fulfilling its mandate.
- (4) The Designated Officer may appoint an Acting Clerk to perform the Designated Officer duties and functions provided they have successfully completed the training as prescribed by the Minister.
- (5) The Designated Officer shall consult with the Regional Advisory Group to set policies, procedures and directives governing hearing processes, Member conduct and other Board matters.
- (6) The Designated Officer will consult with the Regional Advisory Group and Members on matters affecting the Boards.
- (7) The Designated Officer will make arrangements for issuing refunds of filing fees in accordance with the MGA and related regulations.
- (8) The Designated Officer will issue instructions to independent legal counsel for the Boards when required.
- (9) The Designated Officer has the authority to assign duly appointed Members to the established LARB's and CARB's as required.
- (10) The Designated Officer may, at the request of a Presiding Officer of a Board sign orders, decisions and documents issued by the Board.
- (11) The Designated Officer may, at the request of the Chair of the Regional Advisory Group, sign documents issued by the Regional Advisory Group.

- (12) The Designated Officer may set fees payable for persons to obtain copies of the Board's decisions and documents.

Hearings

- 12 (1) Hearings will be held at such time and place as determined by the Designated Officer.
- (2) The proceedings of the Board must be conducted in public except where the Board deals with information protected from disclosure under the provisions of the *Freedom of Information and Protection of Privacy Act*.

Quorum and Voting at Hearings

- 13 (1) In accordance with section 458 of the MGA, quorum for the Boards shall be as follows:
- (a) two Members, for LARB's established under section 4(1)(b) of this bylaw; and
 - (b) one Provincial Member and one other Member, for CARB's established under section 4(1)(d) of this bylaw.
- (2) All Members must vote on all matters before the Board unless a pecuniary interest or a conflict of interest is declared.
- (3) The majority vote of those Members present and voting constitutes the decision of the Board.
- (4) Where a member of a Board absents himself or herself from the proceedings due to a conflict of interest or a pecuniary interest, the Designated Officer shall appoint a replacement member to the Board.

Conflict of Interest

- 14 (1) Where a Member is of the opinion that he or she has a conflict of interest in respect of a matter before the Board, the Member may absent himself or herself from board proceedings while that matter is being discussed, provided that prior to leaving the meeting, the Member:
- (a) declares that he or she has a conflict of interest; and
 - (b) describes in general terms the nature of the conflict of interest.

- (2) The Designated Officer shall cause a record to be made in the Record of Hearing of the Members' absence and the reasons for it.
- (3) For the purposes of this provision, a Member has a conflict of interest in a respect of a matter before the Board when he or she is of the opinion that:
 - (a) he or she has a personal interest in the matter which would conflict with his or her obligation as a Member to fairly consider the issue; or
 - (b) substantial doubt as to the ethical integrity of the Member would be raised in the minds of a reasonable observer, if that Member were to participate in the consideration of that matter.

Pecuniary Interest

- 15 (1) The pecuniary interest provisions of the MGA apply to hearings and meetings of the Board, as though Members were councillors attending meetings of council.
- (2) A Member who fails to declare a pecuniary interest in a matter before the Board, or fails to absent himself or herself from proceedings dealing with such a matter, ceases to be a Member of the Board.

Commencement of Complaints

- 16 In accordance with section 460 of the MGA, a taxpayer may commence an assessment complaint by:
- (a) mailing or delivering to the address specified on the assessment or tax notice a complaint in the form set out in the '*Matters Relating to Assessment Complaints Regulation*', Alberta Regulation 310/2009 and within the time limits specified in the MGA; and
 - (b) paying the applicable fee.

Rules of Order

- 17 The Board will conduct hearings in accordance with:
- (1) the express provisions of the MGA and related regulations;

- (2) principles of natural justice and procedural fairness; and
- (3) policies and procedures approved by the Board.

Notice of Decisions & Record of Hearing

- 18 (1) After the hearing of a complaint, the Designated Officer shall:
- (a) under direction of the Presiding Officer, prepare the decision or order of the Board and the reasons for the decision in compliance with the MGA; and
 - (b) arrange for the order or decision of the Board to be signed; and distributed in accordance with the requirements under the MGA.
- (2) The Designated Officer will maintain a Record of Hearing in accordance with the MGA.

Delegation of Authority

- 19 In accordance with its authority under MGA section 203(1) to delegate power, Council hereby delegates:
- (a) to the Regional Board Review Committee, its authority under MGA s. 454.1(1)(a) & s. 454.2(1)(a) to appoint members of the Assessment Review Boards;
 - (b) to the Designated Officer, its authority under MGA s.454.1(1)(c) & 454.2(1)(c) to prescribe the remuneration and expenses payable to each Member of the assessment review board; and
 - (c) to the Designated Officer, its authority under MGA s. 481(1) to set fees payable by Complainants.

Reimbursement of Costs

- 20 The City of Red Deer shall pay for the administrative costs associated with the operation of the Regional Assessment Review Board. Recovery of costs from Partner Municipalities will be as set out in the agreements established.

Transitional

- 21 (1) This Bylaw comes into effect January 01, 2012.

- (2) Bylaw 3441/2009 and 3433/2009 are repealed effective January 01, 2012.

READ A FIRST TIME IN OPEN COUNCIL this day of 2011.

READ A SECOND TIME IN OPEN COUNCIL this day of 2011.

READ A THIRD TIME IN OPEN COUNCIL this day of 2011.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2011.

MAYOR

CITY CLERK

BYLAW NO. 3441/2009

Being a bylaw of The City of Red Deer, Alberta to establish a Regional Assessment Review Board.

Background

Section 456 of the *Municipal Government Act*, permits two or more Councils to jointly establish assessment review boards to have jurisdiction in their respective municipalities;

The City and the Regional Partner Municipalities jointly wish to establish a Regional Assessment Review Board to exercise the functions of a Local Assessment Review Board (LARB) and the functions of a Composite Assessment Review Board (CARB) under the provisions of the *Municipal Government Act* in respect of assessment complaints made by taxpayers of a Regional Partner Municipality;

The City will pay for the costs associated with the establishment and operations of the Regional Assessment Review Board and each Regional Partner Municipality will pay both a member fee and a user fee to the City in respect of their portions of those costs.

COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

Short Title

- 1 The short title of this Bylaw shall be the "Regional Assessment Review Board Bylaw".

Definitions

- 2 (1) Except as otherwise provided herein, words in this Bylaw shall have the meanings prescribed in section 453 of the MGA.
- (2) In this bylaw the following terms shall have the meanings shown:
- (a) "Board" means the Regional Assessment Review Board;
 - (b) "CARB" means the Composite Assessment Review Board established in accordance with the *'Matters Relating to Assessment Complaints'* regulation;
 - (c) "Citizen-at-large" means a person who does not represent a specific organization.
 - (d) "Designated Officer" means the person appointed to carry out the duties and functions of the clerk of the assessment review board as required under section 455 of the *Municipal Government Act*.

- (e) "LARB" means the Local Assessment Review Board established in accordance with the *'Matters Relating to Assessment Complaints'* regulation.
- (f) "Member" means a member of the Regional Assessment Review Board.
- (g) "MGA" means the Municipal Government Act of Alberta, RSA 2000, Ch. M-26, as amended and Regulations passed under that Act.
- (h) "Regional Partner Municipality" means those municipalities who enter into an agreement with the City to jointly establish a Regional Assessment Review Board and who enact a bylaw substantially in the form of this bylaw.

Appointment of Board Members

- 3
- (1) The Board shall consist of 20 members who shall be Citizens-at-large appointed by the Nomination Review Committee from lists of eligible persons submitted by Regional Partner Municipalities.
 - (2) In addition, when sitting as the CARB, the Board shall include the provincial member appointed by the Minister.
 - (3) The Nomination Review Committee will consist of 5 representatives appointed jointly by the Regional Partner Municipalities.

Terms of Appointment

- 4
- (1) Unless otherwise stated, all Members are appointed for three year terms except in the initial year where two-thirds are appointed for three year terms and the remaining one-third are appointed for a two year term.
 - (2) If a vacancy on the Board occurs at any time the Nomination Review Committee may appoint a new person to fill the vacancy for the remainder of that term.
 - (3) A Member may be re-appointed to the Board at the expiration of his/her term.
 - (4) A Member may resign from the Board at any time on written notice to the Designated Officer to that effect.
 - (5) The Nomination Review Committee may remove a Member at any time on the recommendation of the Designated Officer.

Panels of the Board

- 5 (1) The Board shall sit in panels to hear assessment complaints as the nature of the complaint may permit or require, such panels to consist of:
- (a) three persons selected by the Designated Officer when the Board is acting as a Composite Assessment Review Board or a Local Assessment Review Board; or
 - (b) a single member selected by the Designated Officer when the Board is acting as a Single Member Composite Assessment Review Board or a Single Member Individual Local Assessment Review Board.
- (2) The Designated Officer may select any member to sit on a panel and shall designate the Chairperson for each panel, provided however that:
- (a) the provincial member must be the Chairperson of a panel sitting as the Composite Assessment Review Board; and
 - (b) the provincial member must be the sole member of a panel sitting as a Single Member Composite Assessment Review Board.
 - (c) where possible, the Designated Officer shall include on a 3 person panel a member who is from the municipality under whose jurisdiction the complaint arises.

Chairperson

- 6 (1) The Chairperson of a panel:
- (a) will preside over and be responsible for the conduct of meetings;
 - (b) may limit a submission if it is determined to be repetitious or in any manner inappropriate; and
 - (c) will vote on matters submitted to the panel unless otherwise disqualified.

Jurisdiction of the Board

- 7 The Board shall have jurisdiction to exercise the functions of a Local Assessment Review Board (LARB) and the functions of a Composite Assessment Review Board (CARB) under the provisions of the *Municipal*

Government Act in respect of assessment complaints made by taxpayers of a Regional Partner Municipality.

Designated Officer of the Board

- 8 (1) The Designated Officer of the Board shall be a person designated by the Chief Administrative Officer of the City of Red Deer (CAO), who shall determine the remuneration of the Designated Officer.
- (2) The Designated Officer shall:
- (a) shall assist the Board in fulfilling its mandate.;
 - (b) prescribe the remuneration and expenses payable to each member of the Assessment Review Board; and
 - (c) set the fees payable by a complainant for the filing of a complaint.

Meetings

- 9 (1) Meetings will be held at such time and place as determined by the Board.
- (2) The proceedings and deliberations of the Board must be conducted in public except where the Board deals with information protected from disclosure under the provisions of the *Freedom of Information and Protection of Privacy Act*.

Quorum and Voting

- 10 (1) The quorum for panels of the Board shall be as established by the MGA, namely:
- (i) two members of a panel acting as a local assessment review board; and
 - (ii) one citizen-at-large and the provincial member of a panel acting as a composite assessment review board.
- (2) All Members must vote on all matters before the Board unless a pecuniary interest or a conflict of interest is declared.
- (2) The majority vote of those Members present and voting constitutes the decision of the Board.
- (3) Where a member of a panel absents himself or herself from the proceedings due to a conflict of interest or a pecuniary interest, the Designated Officer shall appoint a replacement member of the panel.

Conflict of Interest

- 11 (1) Where a member of the Board is of the opinion that he or she has a conflict of interest in respect of a matter before the Board, the member may absent himself or herself from board proceedings while that matter is being discussed, provided that prior to leaving the meeting, the member:
- (a) declares that he or she has a conflict of interest; and
 - (b) describes in general terms the nature of the conflict of interest.
- (2) The Designated Officer shall cause a record to be made in the Minutes of the members' absence and the reasons for it.
- (3) For the purposes of this provision, a member has a conflict of interest in a respect of a matter before the Board when he or she is of the opinion that:
- (a) he or she has a personal interest in the matter which would conflict with his or her obligation as a member to fairly consider the issue; or
 - (b) substantial doubt as to the ethical integrity of the member would be raised in the minds of a reasonable observer, if that member were to participate in the consideration of that matter.

Pecuniary Interest

- 12 (1) The pecuniary interest provisions of the MGA apply to all Members of the Board while attending meetings of the Board, as though they were councillors attending meetings of council.
- (2) A Board member who fails to declare a pecuniary interest in a matter before the Board, or fails to absent himself or herself from proceedings dealing with such a matter, ceases to be a member of the Board.

Commencement of Appeals

- 13 (1) A taxpayer may commence an assessment appeal by:
- (a) mailing or delivering to the address specified on the assessment or tax notice a complaint in the form set out in the *'Matters Relating to Assessment Complaints'* regulation and within the time specified in the MGA; and
 - (b) paying the applicable fee.

Rules of Order

- 14 The Board shall make its own procedural rules, having due regard for the principles of procedural fairness.

Adjournments

- 15 (1) The Board may in its discretion grant adjournments of a hearing for such purposes as it feels necessary to ensure proper consideration of the issues before it, including:
- (a) allowing the Board to obtain a legal opinion or other professional guidance; or
 - (b) to allow a viewing by the Board of the site in respect of which the appeal is being made.
- (2) Where the parties to an appeal consent to an adjournment of the hearing, such adjournment may be granted by the Chairperson after consultation with the Members individually (whether in person, by telephone or by email) without the need to convene a formal meeting. In such a case, the Board is deemed to have convened and the hearing is deemed to have commenced as of the date of such consultation.

Notice of Decisions & Record of Hearing

- 16 (1) After the hearing of a complaint, the Designated Officer shall:
- (a) under direction of the Chairperson, prepare Minutes of the hearing, the decision or order of the board and the reasons for the decision in compliance with the MGA; and
 - (b) arrange for the order or decision of the Board to be signed; and distributed in accordance with the requirements under the MGA.
- (2) The Designated Officer will maintain a record of the hearing.

Delegation of Authority

- 17 In accordance with its authority under MGA section 203(1) to delegate power, Council hereby delegates:
- (a) its authority to appoint members of the Assessment Review Board to the Nomination Review Committee;
 - (b) its authority under MGA section 481(1) to set fees payable by complainants to the Designated Officer; and

- (c) its authority under section 454(2)(c) to prescribe the remuneration and expenses payable to each member of the assessment review board to the Designated Officer.

Reimbursement of Costs

- 18 The City of Red Deer shall pay for the administrative costs associated with the operation of the Regional Assessment Review Board. Recovery of costs from Regional Partner Municipalities will be as set out in the agreements established.

Transitional

- 19 (1) The Board shall hear all complaints arising out of assessments from 2010 and subsequent years.
- (2) The Board appointed under Bylaw 3433/2009 shall continue to hear matters arising out of assessments from 2009 and prior years.

READ A FIRST TIME IN OPEN COUNCIL this 14th day of December 2009.

READ A SECOND TIME IN OPEN COUNCIL this 14th day of December 2009.

READ A THIRD TIME IN OPEN COUNCIL this 14th day of December 2009.

AND SIGNED BY THE MAYOR AND CITY CLERK this 14th day of December 2009.

"Morris Flewwelling"

MAYOR

"Elaine Vincent"

CITY CLERK

BYLAW NO. 3433/2009

Being a bylaw of The City of Red Deer to establish as Assessment Review Board.

COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

Short Title

1 The short title of this bylaw is the "The Assessment Review Board Bylaw".

Definitions

2 (1) In this bylaw:

- (a) "Appellant"/"Complainant" means a person who has served a written Notice of Complaint as set out in Division 1 or Part 11 of the Municipal Government Act;
 - (b) "Board" means the Assessment and Review Board ("ARB");
 - (c) "Member" means a member of the ARB.
 - (d) "Organizational Meeting" means the organizational meeting of Council;
 - (e) "MGA" means the Municipal Government Act of Alberta, RSA 2000, Ch. M-26, as amended.
 - (f) "Resident" means a resident of the City of Red Deer.
- (2) The titles or headings used in this bylaw are inserted for convenience of reference only and will not affect the interpretation or construction of this bylaw.

Membership

3 The Board will consist of three members as follows:

- (a) one councillor; and
- (b) two citizens-at-large.

Terms of Appointment

- 4 (1) Council shall establish the term of appointment of each member at the time the member is appointed.
- (4) A member may be re-appointed at the expiration of his or her term.
 - (5) A member may resign at any time on written notice to the Legislative &

Administrative Services Manager.

- (6) Council may remove a member at any time on the recommendation of the Mayor and City Manager.
- 5 The Mayor may appoint a replacement member to fill a vacancy on the Board, for a specified period of time.

Chairperson

- 6 The Chairperson shall be chosen by the members and:
- (a) will preside over and be responsible for the conduct of meetings;
 - (b) may limit a submission if it is determined to be repetitious or in any manner inappropriate;
 - (c) will vote on matters submitted to the Board unless otherwise disqualified;
 - (d) will have a second or casting vote in the event of a tie vote.

Attendance At Meetings

- 7 Any member absent from three consecutive regular meetings of the Board, unless such absence is authorized by resolution of the Board, will automatically forfeit his/her membership as of the date of the third consecutive meeting. Any member forfeiting his/her membership may be eligible for re-appointment in the future but not for the unexpired portion of the term forfeited.

Meetings

- 8
- (1) Regular meetings will be held at such time and place as determined by the Board at the first meeting following the Organizational Meeting of Council each year, and may be changed as required.
 - (2) Special meetings of the Board may be called on 24 hours verbal notice by the Chairperson, or upon 24 hours verbal notice at the request of any two members of the Board.
 - (3) Public notice of a Board meeting will be given in the manner approved by the Council.
 - (4) The proceedings and deliberations of the Board must be conducted in public except where the Board deals with information protected from disclosure under the provisions of the *Freedom of Information and Protection of Privacy Act*.

Remuneration

- 9 The remuneration and expenses payable to each member shall be established by Council resolution.

Quorum and Voting

- 10 (1) A majority of members constitutes a quorum.
- (2) All members must vote on all matters before the Board unless a pecuniary interest or conflict of interest is declared.
- (3) The majority vote of those members present and voting constitutes the decision of the Board.

Administrative Liaisons

- 11 The City Manager shall provide a recording secretary (clerk) for the Board and may provide an administrative liaison(s) (Liaison) to assist the Board in fulfilling its mandate. The City Manager will provide for the duties of the liaison(s).

Rules of Order

- 12 The Board will make procedural rules for those matters that are not governed by the Municipal Government Act and the Procedure Bylaw.

Conflict of Interest

- 13 (1) Where a Member is of the opinion that he or she has a conflict of interest in respect of a matter before the Board, the Member may absent himself or herself from Board proceedings while that matter is being discussed, provided that prior to leaving the meeting, the Member:
- (a) declares that he or she has a conflict of interest; and
- (b) describes in general terms the nature of the conflict of interest.
- (2) The recording secretary shall cause a record to be made in the Minutes of the Member's absence and the reasons for it.
- (3) For the purposes of this provision, a Member has a conflict of interest in a respect of a matter before the Board when he or she is of the opinion that:
- (a) he or she has a personal interest in the matter which would conflict with his or her obligation as a Member to fairly consider the issue;
or
- (b) substantial doubt as to the ethical integrity of the Member would be raised in the minds of a reasonable observer, if that Member were to participate in the consideration of that matter.

Pecuniary Interest

- 14 (1) The Pecuniary Interest provisions of the MGA apply to all members of the Board while attending meetings of the Board, as though they were councillors.
- (2) A Board member who fails to declare a pecuniary interest in a matter before the Board, or fails to absent himself or herself from proceedings dealing with such a matter, ceases to be a member of the Board.

Duty and Purpose

- 15 The Board has the authority to hear and decide upon complaints about any assessment or tax matter filed under Section 460 of the MGA, and to make decisions as required under the Act.

Commencement of Appeal

- 16 An appeal is commenced by mailing or delivering to the Clerk of the Board at City Hall a notice of appeal in the form established by the Board from time to time.

Adjournments

- 17 (1) The Board may in its discretion grant adjournments of a hearing for such purposes as it feels necessary to ensure proper consideration of the issues before it, including:
- (a) allowing a party to obtain additional information or plans;
 - (b) allowing the Board to obtain a legal opinion or other professional guidance; or
 - (c) to allow a viewing by the Board of the site in respect of which the appeal is being made.
- (2) Where the parties to an appeal consent to an adjournment of the hearing, such adjournment may be granted by the Chairperson after consultation with the members individually (whether in person, by telephone or by email) without the need to convene a formal meeting. In such a case, the Board is deemed to have convened and the hearing is deemed to have commenced as of the date of such consultation.

Minutes and Notice of Decisions

- 18 (1) After the Board has made its decision in respect of a matter, the secretary shall:
- (a) under the direction of the Chairperson, prepare Minutes of the hearing including the particulars of the appeal, the decision or order of the Board and the reasons for the decision (if applicable); and

- (b) arrange for the order or decision of the Board to be signed by the Chairperson.
- (2) Within 15 days of the conclusion of the hearing, the designated officer (see MGA s. 469) shall mail a copy of the decision or order of the Board (with reasons for the decision, if applicable) to the municipality, the complainant and to other affected parties as provided for in the MGA.
- (2) The secretary will maintain Board minutes at City Hall for public inspection at all reasonable times.

Transitional

- 19 (1) Board members holding office at the date this bylaw comes into force shall continue to hold office until the expiry of their terms in accordance with their appointment under Committees Bylaw 3265/2000 or until new members are appointed under this Bylaw.
- (2) This bylaw will come into force on October 19, 2009.

READ A FIRST TIME IN OPEN COUNCIL this 19th day of October 2009.
READ A SECOND TIME IN OPEN COUNCIL this 19th day of October 2009.
READ A THIRD TIME IN OPEN COUNCIL this 19th day of October 2009.
AND SIGNED BY THE MAYOR AND CITY CLERK this 19th day of October 2009.

"Morris Flewwelling"
Mayor

"Elaine Vincent"
City Clerk

COPY



Council Decision – November 14, 2011

DATE: November 16, 2011
TO: Jackie Kurylo, LGS Appeals Coordinator
FROM: Elaine Vincent, Legislative & Governance Services Manager
SUBJECT: Bylaw 3474/2011 – A Bylaw to Establish a Regional Assessment Review Board

Reference Report:

Legislative & Governance Services Manager dated November 4, 2011.

Bylaw Reading:

At the Monday, November 14, 2011 Council Meeting, Regional Assessment Review Board Bylaw 3474/2011 received three readings. A copy of the bylaw is attached.

Report back to Council: No

Comments/Further Action:

Administration will proceed with the distribution of this bylaw.

A handwritten signature in blue ink, appearing to read 'Elaine Vincent'.

Elaine Vincent
Legislative & Governance Services Manager
/attach

c: Corporate Meeting Coordinator

BYLAW NO. 3474/2011

Being a bylaw of The City of Red Deer, Alberta to establish a Regional Assessment Review Board.

Purpose

The purpose of this bylaw is to enable municipalities to provide a mechanism for citizens to appeal their property assessment and tax notices.

Background

Section 456 of the *Municipal Government Act*, permits two or more Councils to jointly establish assessment review boards to have jurisdiction in their respective municipalities;

The City of Red Deer and the Partner Municipalities jointly wish to establish a Regional Assessment Review Board to exercise the functions of a Local Assessment Review Board (LARB) and the functions of a Composite Assessment Review Board (CARB) under the provisions of the *Municipal Government Act* in respect of assessment complaints made by their respective taxpayers of a Partner Municipality;

COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

Short Title

- 1 The short title of this Bylaw shall be the "Regional Assessment Review Board Bylaw".

Definitions

- 2 (1) Except as otherwise provided herein, words in this Bylaw shall have the meanings prescribed in section 453 of the *Municipal Government Act*.
- (2) In this bylaw the following terms shall have the meanings shown:
 - (a) "Board" means the Regional Assessment Review Board;
 - (b) "CARB" means the Composite Assessment Review Board established in accordance with the *Municipal Government Act* that hears complaints on assessment notices for property other than the property described in section 2(2)(e) of this bylaw and section 460(11) of the *Municipal Government Act* (linear property or an equalized assessment set by the Minister);
 - (c) "Citizen Representative" means a person who does not represent a specific organization;

- (d) "Designated Officer" means the person appointed to carry out the duties and functions of the clerk of the assessment review boards in accordance with section 455 of the *Municipal Government Act*;
- (e) "LARB" means the Local Assessment Review Board established in accordance with the *Municipal Government Act* who hears complaints about assessment notices for:
 - i. residential property with 3 or fewer dwelling units, or
 - ii. farm land, orabout a tax notice other than a property tax notice;
- (f) "Member" means a member of the Regional Assessment Review Board;
- (g) "Minister" means the Minister determined by the Province to be responsible for the *Municipal Government Act*;
- (h) "Partner Municipality" means all those municipalities who enter into an agreement with the City to jointly establish a Regional Assessment Review Board and who enact a bylaw substantially in the form of this bylaw, as well as the City of Red Deer;
- (i) "Provincial Member" means a person appointed as a provincial member to a CARB by the Minister.

Partner Municipalities

- 3 The Partner Municipalities hereby jointly establish a Regional Assessment Review Board to exercise the functions of a Local Assessment Review Board and the functions of a Composite Assessment Review Board to have jurisdiction in their municipalities.

Regional Board Review Committee

- 4 The Regional Board Review Committee will consist of 5 people appointed jointly by the Partner Municipalities.

Appointment of Board Members

- 5 The Regional Board Review Committee shall appoint not more than 20 citizens-at-large to be Members of the Regional Assessment Review Board.

Establishment of Boards

- 6 The following Central Alberta Regional Assessment Review Boards are established:
- (a) one or more LARB's that consist of one (1) Member;
 - (b) one or more LARB's that consist of three (3) Members;
 - (c) one or more CARB's that consist of one (1) Provincial Member
 - (d) one or more CARB's that consist of one (1) Provincial Member and two (2) Members.

Terms of Appointment

- 7 (1) Unless otherwise stated, all Members are appointed for three year terms except in the initial year where one-third is appointed for three year term; one-third is appointed for a two year term and the remaining one-third are appointed for a one year term.
- (2) If a vacancy on the Board occurs at any time the Regional Board Review Committee may appoint a new person to fill the vacancy for the remainder of that term.
- (3) A Member may be re-appointed to the Board at the expiration of his/her term.
- (4) A Member may resign from the Board at any time on written notice to the Designated Officer to that effect.
- (5) The Regional Board Review Committee may remove a Member at any time on the recommendation of the Designated Officer.
- (6) Upon being appointed, the Member must successfully complete the training as prescribed by the Minister prior to participating in a hearing.

Presiding Officer

8 The Members of every Board established under section 6(b) of this bylaw will select a Presiding Officer from among themselves who will:

- (a) preside over and be responsible for the conduct of hearings;
- (b) vote on matters submitted to the Board unless otherwise disqualified;
- (c) sign orders, decisions and documents issued by the Board.

Jurisdiction of the Board

9 The Board shall have jurisdiction to exercise the functions of a Local Assessment Review Board (LARB) and the functions of a Composite Assessment Review Board (CARB) under the provisions of the *Municipal Government Act* in respect of assessment complaints made by taxpayers of a Partner Municipality.

Regional Advisory Group

10 (1) Board Members will elect from among themselves a Regional Advisory Group consisting of up to 4 members, and comprised of one Chair and up to 3 Vice Chairs.

(2) The Regional Advisory Group will report to the Designated Officer on all matters affecting the Board and will:

- (a) assist the Designated Officer in developing policies governing hearings, conduct of Members, and other Board matters;
- (b) evaluate Member performance to identify areas where additional training may be required and prepare reports regarding performance and re-appointment of Members;
- (c) ensure other Members are provided mentoring;
- (d) act as a liaison between the Members, board administration and the Designated Officer;
- (e) review draft decisions to ensure that they comply with legislation, policies and procedures;

(3) The duties of the Chair of the Regional Advisory Group include:

- (a) chairing meetings of the Regional Assessment Review Board and the Regional Advisory Group;
 - (b) establishing agendas for the Regional Advisory Group and the Regional Assessment Review Board meetings in consultation with the Designated Officer;
 - (c) liaising with the Designated Officer, Councils, and Partner Municipalities on behalf of the Regional Assessment Review Board;
 - (d) appointing an Acting Chair from the Regional Advisory Group;
 - (e) signing correspondence on behalf of the Regional Advisory Group.
- (4) If the Chair ceases to be a Member or is unable or unwilling to fulfil the Chair's duties, the Clerk may appoint one of the Vice Chairs to serve as Acting Chair until the Chair resumes the Chair's duties or the Members elect a new Chair.

Designated Officer of the Board

- 11 (1) The Chief Administrative Officer of the City of Red Deer (CAO) shall appoint a Designated Officer of the Board, and shall prescribe any remuneration associated with the position.
- (2) The Designated Officer is authorized to enter into agreements on behalf of the Board with other non-partner municipalities to provide Assessment Review Board Services.
- (3) The Designated Officer shall assist the Board in fulfilling its mandate.
- (4) The Designated Officer may appoint an Acting Clerk to perform the Designated Officer duties and functions provided they have successfully completed the training as prescribed by the Minister.
- (5) The Designated Officer shall consult with the Regional Advisory Group to set policies, procedures and directives governing hearing processes, Member conduct and other Board matters.
- (6) The Designated Officer will consult with the Regional Advisory Group and Members on matters affecting the Boards.

- (7) The Designated Officer will make arrangements for issuing refunds of filing fees in accordance with the MGA and related regulations.
- (8) The Designated Officer will issue instructions to independent legal counsel for the Boards when required.
- (9) The Designated Officer has the authority to assign duly appointed Members to the established LARB's and CARB's as required.
- (10) The Designated Officer may, at the request of a Presiding Officer of a Board sign orders, decisions and documents issued by the Board.
- (11) The Designated Officer may, at the request of the Chair of the Regional Advisory Group, sign documents issued by the Regional Advisory Group.
- (12) The Designated Officer may set fees payable for persons to obtain copies of the Board's decisions and documents.

Hearings

- 12 (1) Hearings will be held at such time and place as determined by the Designated Officer.
- (2) The proceedings of the Board must be conducted in public except where the Board deals with information protected from disclosure under the provisions of the *Freedom of Information and Protection of Privacy Act*.

Quorum and Voting at Hearings

- 13 (1) In accordance with section 458 of the MGA, quorum for the Boards shall be as follows:
 - (a) two Members, for LARB's established under section 6(1)(b) of this bylaw; and
 - (b) one Provincial Member and one other Member, for CARB's established under section 6(1)(d) of this bylaw.
- (2) All Members must vote on all matters before the Board unless a pecuniary interest or a conflict of interest is declared.
- (3) The majority vote of those Members present and voting constitutes the decision of the Board.

- (4) Where a member of a Board absents himself or herself from the proceedings due to a conflict of interest or a pecuniary interest, the Designated Officer shall appoint a replacement member to the Board.

Conflict of Interest

- 14 (1) Where a Member is of the opinion that he or she has a conflict of interest in respect of a matter before the Board, the Member may absent himself or herself from board proceedings while that matter is being discussed, provided that prior to leaving the meeting, the Member:
 - (a) declares that he or she has a conflict of interest; and
 - (b) describes in general terms the nature of the conflict of interest.
- (2) The Designated Officer shall cause a record to be made in the Record of Hearing of the Members' absence and the reasons for it.
- (3) For the purposes of this provision, a Member has a conflict of interest in a respect of a matter before the Board when he or she is of the opinion that:
 - (a) he or she has a personal interest in the matter which would conflict with his or her obligation as a Member to fairly consider the issue; or
 - (b) substantial doubt as to the ethical integrity of the Member would be raised in the minds of a reasonable observer, if that Member were to participate in the consideration of that matter.

Pecuniary Interest

- 15 (1) The pecuniary interest provisions of the MGA apply to hearings and meetings of the Board, as though Members were councillors attending meetings of council.
- (2) A Member who fails to declare a pecuniary interest in a matter before the Board, or fails to absent himself or herself from proceedings dealing with such a matter, ceases to be a Member of the Board.

Commencement of Complaints

16 In accordance with section 460 of the MGA, a taxpayer may commence an assessment complaint by:

- (a) mailing or delivering to the address specified on the assessment or tax notice a complaint in the form set out in the '*Matters Relating to Assessment Complaints Regulation*', Alberta Regulation 310/2009 and within the time limits specified in the MGA; and
- (b) paying the applicable fee.

Rules of Order

17 The Board will conduct hearings in accordance with:

- (1) the express provisions of the MGA and related regulations;
- (2) principles of natural justice and procedural fairness; and
- (3) policies and procedures approved by the Board.

Notice of Decisions & Record of Hearing

18 (1) After the hearing of a complaint, the Designated Officer shall:

- (a) under direction of the Presiding Officer, prepare the decision or order of the Board and the reasons for the decision in compliance with the MGA; and
- (b) arrange for the order or decision of the Board to be signed; and distributed in accordance with the requirements under the MGA.

- (2) The Designated Officer will maintain a Record of Hearing in accordance with the MGA.

Delegation of Authority

19 In accordance with its authority under MGA section 203(1) to delegate power, Council hereby delegates:

- (a) to the Regional Board Review Committee, its authority under MGA s. 454.1(1)(a) & s. 454.2(1)(a) to appoint members of the Assessment Review Boards;

- (b) to the Designated Officer, its authority under MGA s.454.1(1)(c) & 454.2(1)(c) to prescribe the remuneration and expenses payable to each Member of the assessment review board; and
- (c) to the Designated Officer, its authority under MGA s. 481(1) to set fees payable by Complainants.

Reimbursement of Costs

20 The City of Red Deer shall pay for the administrative costs associated with the operation of the Regional Assessment Review Board. Recovery of costs from Partner Municipalities will be as set out in the agreements established.

Transitional

- 21 (1) This Bylaw comes into effect January 01, 2012.
- (2) Bylaw 3441/2009 and 3433/2009 are repealed effective January 01, 2012.

READ A FIRST TIME IN OPEN COUNCIL this 14th day of November 2011.

READ A SECOND TIME IN OPEN COUNCIL this 14th day of November 2011.

READ A THIRD TIME IN OPEN COUNCIL this 14th day of November 2011.

AND SIGNED BY THE MAYOR AND CITY CLERK this 14th day of November 2011.



MAYOR



CITY CLERK

BYLAW NO. 3474/2011

Being a bylaw of The City of Red Deer, Alberta to establish a Regional Assessment Review Board.

Background

Section 456 of the *Municipal Government Act*, permits two or more Councils to jointly establish assessment review boards to have jurisdiction in their respective municipalities;

The purpose of this bylaw is to enable municipalities to provide a mechanism for citizens to appeal their property assessment and tax notices.

The City of Red Deer and the Partner Municipalities jointly wish to establish a Regional Assessment Review Board to exercise the functions of a Local Assessment Review Board (LARB) and the functions of a Composite Assessment Review Board (CARB) under the provisions of the *Municipal Government Act* in respect of assessment complaints made by their respective taxpayers of a Partner Municipality;

COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

Short Title

- 1 The short title of this Bylaw shall be the "Regional Assessment Review Board Bylaw".

Definitions

- 2 (1) Except as otherwise provided herein, words in this Bylaw shall have the meanings prescribed in section 453 of the *Municipal Government Act*.
- (2) In this bylaw the following terms shall have the meanings shown:
 - (a) "Board" means the Regional Assessment Review Board;
 - (b) "CARB" means the Composite Assessment Review Board established in accordance with the *Municipal Government Act* that hears complaints on assessment notices for property other than the property described in section 2(2)(e) of this bylaw and section 460(11) of the *Municipal Government Act* (linear property or an equalized assessment set by the Minister);
 - (c) "Citizen-at-large" means a person who does not represent a specific organization;

HANDLED OUT AT
NOVEMBER 14, 2011
CITY COUNCIL MEETING
- CHANGES TO
BYLAW 3474/2011

- (d) "Designated Officer" means the person appointed to carry out the duties and functions of the clerk of the assessment review boards in accordance with section 455 of the *Municipal Government Act*;
- (e) "LARB" means the Local Assessment Review Board established in accordance with the *Municipal Government Act* who hears complaints about assessment notices for:
 - i. residential property with 3 or fewer dwelling units, or
 - ii. farm land, orabout a tax notice other than a property tax notice;
- (f) "Member" means a member of the Regional Assessment Review Board;
- (g) "Minister" means the Minister determined by the Province to be responsible for the *Municipal Government Act*;
- (h) "Partner Municipality" means all those municipalities who enter into an agreement with the City to jointly establish a Regional Assessment Review Board and who enact a bylaw substantially in the form of this bylaw, as well as the City of Red Deer;
- (i) "Provincial Member" means a person appointed as a provincial member to a CARB by the Minister.

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Member Municipalities

- 3 The Partner Municipalities hereby jointly establish a Regional Assessment Review Board to exercise the functions of a Local Assessment Review Board and the functions of a Composite Assessment Review Board to have jurisdiction in their municipalities.

Regional Board Review Committee

- 4 The Regional Board Review Committee will consist of 5 people appointed jointly by the Partner Municipalities.

Appointment of Board Members



Report Details

Background:

In 2009 pending changes to the MGA necessitated a complete review of the business operations for the Assessment Review Board. Following a feasibility study and stakeholder consultation, in December 2009 Council adopted Bylaw #3441/2009 – the Regional Assessment Review Board Bylaw.

Issues:

Providing regional service has benefitted both The City of Red Deer and our partner municipalities by:

I. Strengthening intergovernmental relationships:

In its initial year, 19 municipalities joined with the City of Red Deer to form the Central Alberta Regional Assessment Review Board; in 2010 it grew to 25 and potential exists for more partners to join in 2012. The Board has also been recognized and has a standing invitation to Municipal Government Board Workshops & events.

II. Providing a center of excellence:

There are a variety of joint / regional services in Alberta. The service provided by The City of Red Deer is unique because it provides complete administration and support for the Board. It is frequently recommended to municipalities by Municipal Affairs.

III. Sustainability:

Completion of training is a legislated requirement for Board Members and the Clerk. The cost of this is offset by the annual membership fee of \$2,000 paid by each partner municipality. Without regional delivery the expenses relating to training for 4 Board Members and 2 Clerks is estimated at \$15,000 per year.

for each municipality supporting its own appeal processes

Discussion:

Section 454(2) of the MGA requires Council to establish an Assessment Review Board. Council could choose to establish a Board to serve The City only. If Council chooses this option, The City is obligated to provide its partner Municipalities with 6 months notice – regional operation would continue until late spring 2012.

Analysis:

Bylaw Highlights:

I. ESTABLISHMENT OF BOARDS (S. 6)

Jackie in this section just review at a high level what the changes are + why. If there are no changes - don't comment, eg. IV

Section 5 allows for up to 20 members to be appointed to the Regional Board. The wording in section 6 reflects the ability to create multiple panels from the 20 members.

II. ESTABLISHMENT OF THE REGIONAL ADVISORY GROUP (S. 10)

The Regional Advisory Group was an initiative of the Board created to respond to opportunities for networking and advocacy. Their role is to assist with the development of policies & procedures; mentor new board members and act as advocates for the region. This group will be a key to building on the strong foundations of the Board. Inclusion in the Bylaw makes their role formal.

III. DESIGNATED OFFICER (S. 11)

This section is needed to provide clarity around the role of the Designated Officer (Acting Clerk). It includes reference to the training required by the Minister; the creation of policies & procedures in consultation with the Regional Advisory Group and the authority to assign panel members to hearings.

IV. DELEGATION OF AUTHORITY (S. 19)

In this section Council delegates its authority to:

- (a) Appoint Members of the Assessment Review Board. This will be done by the Regional Board Review Committee which is made up of 5 representatives from partner municipalities who review applications and make appointments to the Board.
- (b) Prescribe the remuneration and expenses for Board Members. Hearings are charged to partner Municipalities on a cost recovery basis. Delegating this authority allows the Designated Officer the ability to honour commitments made to partner Municipalities.
- (c) Set fees payable to file complaints.

Recommendation:

That Council endorses the ongoing operations of regional assessment complaint delivery by giving three readings to Bylaw 3474/2011.

2012 OPERATIONS BACKGROUNDER

The Central Alberta Regional Assessment Review Board exists to provide administration and hearings of assessment complaints. We strive to provide a center of excellence for municipalities and ratepayers. Our operational plan for the future incorporates both feedback from our municipal partners and our experience over the last two years of operations.

Key changes to our operations are summarized in this document.

What can we expect as a partner?

Involvement: Regional service delivery means that you have a professional, qualified, experienced Board to hear and decide assessment complaints. You can expect to be invited to participate in Board recruitment and appointments when there is a vacancy on the Board.

Administration of Complaints: Regional service delivery includes administration of complaints that are filed. We speak with the Complainant, explain the process and answer questions. We schedule and send the Notice of Hearing, track the information disclosed, schedule the Panel Members and assist them with the hearing, the deliberations and the decision.

Administrative Support: We provide you with administrative support for your municipality. We offer in-services for your staff members who may have to respond to ratepayers' questions or concerns about filing a complaint (send as many staff members as often as you like to the in-services – the more, the better!). This will be our time to share general information about the complaint lifecycle; the function and processes of the Board as well as let you know about interesting decisions and emerging issues around the Province.

Why do we need to pass a Bylaw and enter into an Agreement?

In a nutshell, it is the Bylaw that establishes the Central Alberta Regional Assessment Review Board as your municipalities' Assessment Review Board. The Agreement sets out the terms by which that service is provided to you.

Why a new Bylaw?

A large part of the original bylaw adopted in 2009 was drafted under restrictive timelines and in the absence of the changes to the *Municipal Government Act* and the *Matters Relating to Assessment Complaints Regulation*. In several areas the bylaw has been amended to reflect the language of the legislation (ie. quorum, training). The amendments are itemized on the following pages.

Why a new Agreement?

The original agreement reflected a 2 year cost model. Going forward, each municipality will pay a membership fee which covers fixed operational costs (like board training and business travel for advocacy). If complaints are filed and hearings are needed, the cost is paid by the municipality that requires it. This is now reflected in the 'schedules' portion of the agreement which can easily be amended if required. There are a few other amendments which are itemized on the following pages.

The following information is intended to highlight changes made to the bylaw and the agreement. It is not all encompassing. Each municipality should carefully review both the bylaw and the agreement.

CHANGES TO BYLAW:

1. ESTABLISHMENT OF BOARDS (S. 6)
Section 5 allows for up to 20 members to be appointed to the Regional Board. The wording in section 6 reflects the ability to create multiple panels from the 20 members.
2. TERMS OF APPOINTMENT (S.7(6))
This has been added to reflect the training required by the Minister.
3. PRESIDING OFFICER AT HEARINGS (S. 8)
This has been clarified and complies with the legislation – only LARB's select their Presiding Officer; the Presiding Officer on a CARB hearing is the provincial member.
4. ESTABLISHMENT OF THE REGIONAL ADVISORY GROUP (S. 10)
The Regional Advisory Group was an initiative of the Board created to respond to opportunities for networking and advocacy. Their role is to assist with the development of policies & procedures; mentor new board members and act as advocates for the region. This group will be a key to building on the strong foundations of the Board. Inclusion in the Bylaw makes their role formal.
5. DESIGNATED OFFICER (S. 11)
This section is needed to provide clarity around the role of the Designated Officer (Acting Clerk). It includes reference to the training required by the Minister; the creation of policies & procedures in consultation with the Regional Advisory Group and the authority to assign panel members to hearings.
6. QUORUM AND VOTING (S. 13)
This wording has been amended to clearly reflect the legislation.
7. RULES OF ORDER (S. 17)
This wording has been amended to clearly reflect the legislation and the accepted professional standards of administrative tribunals.
8. DELEGATION OF AUTHORITY (S. 19)
The citation for the *Municipal Government Act* has been corrected.
9. REIMBURSEMENT OF COSTS (S 20)
This is an additional section that refers to the new funding model.
10. TRANSITIONAL (S. 21(2))
Each municipality will need to amend this section to reflect their own bylaw citations.

CHANGES TO AGREEMENT:

1. SECTION 3.6: COST OF LEGAL SERVICES

Change: In the event a decision of the Regional Assessment Review Board (RARB) is challenged to the Court of Queen's Bench; Partners will be responsible for legal services required for the RARB.

Purpose: Was not addressed in the prior agreement

2. SECTION 3.7: PARTNER TO PROVIDE INFORMATION ANNUALLY (by Jan 31)

Change: Partners must provide to The City the amount they will be charging for Complainants to file assessment complaints.

Purpose: This will enable The City to assemble and provide statistics regarding practices among the Partners.

Change: Partners must provide The City with contact information for their assessor appointed under s. 289 of the *Municipal Government Act* as well as the estimated deadline for complaints to be filed in that municipality.

Purpose: This will assist The City with smooth administration of complaints; Panel Member assignments and the allocation of a Board Officer.

3. SECTION 3.8: PARTNER DUTIES UPON RECEIPT OF COMPLAINT

Change: Assistant Clerks must forward a copy of all complaints to The City; advise if the complaint was received on time and if the complaint fee was paid.

Purpose: In the Bylaw, Municipalities designate the Designated Officer for The City of Red Deer as their Clerk. The Clerk is the only person authorized to receive complaints (s. 455 of the MGA). Municipalities must forward all complaints to The City – even if they may be withdrawn.

4. SECTION 4.1: COORDINATOR DUTIES

Change: Incorporate annual review of membership fee.

Purpose: To ensure partner municipalities have accurate information to prepare their operating budgets.

5. SECTION 7: TERM

Change: This has been amended for an ongoing agreement but can be changed to reflect your municipalities' needs.

6. SCHEDULE A: BYLAW

7. SCHEDULE B: FEES

8. SCHEDULE C: SERVICES

Dated this _____ day of _____, 2012

Between:

The City of Red Deer
("Coordinator")

- and -

("Partner Municipality")

AGREEMENT FOR REGIONAL ASSESSMENT REVIEW SERVICES

BACKGROUND

- A. Councils for City of Red Deer and the Partner Municipality have passed bylaws to establish a joint Regional Assessment Review Board having jurisdiction within their boundaries.
- B. The City of Red Deer is the Coordinator for property assessment complaints for the residents of Partner Municipalities who enter into this agreement and who enact a bylaw in substantially the same form as the Bylaw attached in Schedule A.
- C. As the Partner municipality wishes to join the Central Alberta Regional Assessment Review Board membership, this agreement shall establish the terms of membership and the administrative and policy framework of the Board.

The Parties agree as follows:

1. AGREEMENT

1.1. The following schedules form part of this agreement:

Schedule A – Sample Bylaw

Schedule B- Membership and Other Fees

Schedule C – Services

2. DEFINITIONS

In this Agreement, unless the context provides otherwise, the following words or phrases shall have the following meanings:

- 2.1. **"Assessor"** is the person appointed by the Partner Municipality to assess residents' property.
- 2.2. **"Assistant Clerk"** is a staff person employed by the Partner Municipality to provide service to the Complainant;
- 2.3. **"CARB"** is Composite Assessment Review Board as defined by the Municipal Government Act and the Matters Relating to Assessment Complaints Regulation;
- 2.4. **"Clerk"** is the staff person appointed by the CAO of the City of Red Deer to act as the Designated Officer to the Central Alberta Regional Assessment Review Board;
- 2.5. **"Complainant"** is an assessed person or taxpayer of the Partner Municipality who files a complaint regarding that person's tax or assessment notice;
- 2.6. **"Coordinator"** is The City of Red Deer.
- 2.7. **"LARB"** is Local Assessment Review Board as defined by the *Municipal Government Act* and the *Matters Relating to Assessment Complaints Regulation*;
- 2.8. **"Regional Board Review Committee"** is the committee, appointed by the Partner municipalities to appoint board members to the Central Alberta Regional Assessment Review Board;
- 2.9. **"Regional Board"** means the Central Alberta Regional Assessment Review Board appointed to hear appeals on tax and assessment notices established in accordance with section 454 of the Municipal Government Act.

3. PARTNER MUNICIPALITY RESPONSIBILITIES

- 3.1. The Partner Municipality is entitled to receive Regional Board services provided it has passed a Bylaw in the form attached as Schedule A and pays the membership fee identified in Schedule B.
- 3.2. The Partner Municipality will participate annually in establishing the Regional Board Review Committee.
- 3.3. The Partner Municipality will pay the membership fee in consideration for the services to be provided by the Coordinator. To continue participation, the membership fee is to be paid annually by January 31. The membership fee covers Services as defined in Schedule C.
- 3.4. Upon receipt of a complaint from an assessed person or taxpayer of the Partner Municipality and in addition to the membership fee, the Partner Municipality will pay additional administration and board fees identified in Schedule B. Any fees are payable 30 days upon receipt of invoice.
- 3.5. If legal services are required for general purposes to facilitate the administration of the complaint, (i.e. procedure questions) the cost of the service will be paid by the Coordinator.

- 3.6. If legal services are required for issues that relate to a specific complaint, the Coordinator will advise the Partner Municipality which has jurisdiction over the appeal and the cost of the service will be payable by the Partner Municipality, 30 days upon receipt of invoice. This includes legal services for challenges to the Court of Queen's Bench.
- 3.7. On or before January 31 in every year of the Agreement, the Partner Municipality will provide to the Coordinator the following information:
 - 3.7.1. The filing fees that will be payable by a Complainant in accordance with section 481(1) of the *Municipal Government Act* (MGA).
 - 3.7.2. The contact information for the Assessor of the Partner Municipality.
 - 3.7.3. The estimated deadline for Complainants to file complaints in the Partner Municipality.
 - 3.7.4. Copies of Certificates evidencing the Insurance requirements referred to in Section 11 of this Agreement.
- 3.8. Immediately upon receipt of a complaint the Assistant Clerk shall:
 - 3.8.1. Forward a copy of the complaint; the tax or assessment notice that is the subject of the complaint and any supporting documents to the Clerk;
 - 3.8.2. Advise the Clerk if the complaint was received before the deadline set by the Partner Municipality and if the complaint filing fee was paid.
- 3.9. When required, the Assistant Clerk will administer withdrawn complaints in accordance with legislation and the Partner Municipality's practice.
- 3.10. Any other responsibilities as identified in Schedule C.

4. COORDINATOR RESPONSIBILITIES

- 4.1 The Coordinator will annually review the membership fee. If a change is required to the membership fee, the Coordinator will notify the Partner Municipality of same in writing to the address in Section 12 of this Agreement no later than June 30th of the calendar year.
- 4.2 The Coordinator will provide services for the Partner Municipality as identified in Schedule C.
- 4.3 The Coordinator will, at the request of the Partner Municipality, assist during discussions between the Assessor and the Complainant.
- 4.4 The Coordinator is responsible for ensuring that Regional Board members receive training in accordance with the MGA and regulations.

- 4.5 The Coordinator will keep a record of the complaints filed in accordance with the MGA and regulations.
- 4.6 The Coordinator will retain paper records such as background information, correspondence, appeal notices and withdrawn appeals for ten (10) years upon receipt of such paper records.
- 4.7 The Coordinator will obtain legal services on behalf of the Regional Board when required.

5. BOTH PARTIES' RESPONSIBILITIES

- 5.1. Both parties will make every reasonable effort to ensure that personal information that will be or is intended to be used in a complaint is both complete and accurate.

6. TERM

- 6.1. The term of this Agreement is permanent, unless terminated by either party as follows:
 - 6.1.1. The Partner Municipality may withdraw from this Agreement at any time upon ten (10) days written notice, forfeiting the full amount of the membership paid.
 - 6.1.2. The Coordinator may terminate the agreement at any time upon six (6) months written notice to the Partner Municipality.

7. PRIVACY

- 7.1. The Coordinator is subject to the *Freedom of Information and Protection of Privacy Act* (FOIP) and will protect the confidential information provided from unauthorized access or disclosure as permitted by law.
- 7.2. The Partner Municipality shall ensure that any information of a confidential nature which it provides to the Coordinator is clearly marked as such.

8. INFORMATION SHARING

- 8.1. In order to process complaints for a property tax or assessment notice, the Coordinator is authorized to collect the following types of personal information:
 - 8.1.1. Roll number
 - 8.1.2. Legal Address
 - 8.1.3. Civic Address

8.1.4. Registered Owner Name(s)

8.1.5. Registered Owner(s) mailing address and phone number

8.1.6. Assessed Value and Assessment Class of the property under review

8.1.7. Name, address and phone number of Registered Agent for the Owner

8.2. The specific personal information will be collected from the Partner Municipality.

8.3. The collection of personal information from a source other than the individual the information is about is authorized by FOIP Section 34(1)(b).

9. DISPUTE RESOLUTION

9.1. All claims, disputes, and other matters arising out of this Agreement or relating to a breach thereof may, upon agreement of both parties, be referred to either:

9.1.1. Mediation: a voluntary, no risk, non-binding process bringing the parties to a resolution. The mediator will be appointed upon the agreement of both parties; or

9.1.2. Arbitration: a single arbitrator under the *Arbitration Act*, RSA 2000, A-43, and if so referred, the decision of the arbitrator shall be final, conclusive and binding upon the parties. The arbitrator will be appointed upon the agreement of both parties. If the parties are not able to agree on an arbitrator, the Alberta Court of Queen's Bench shall select one. All costs associated with the appointment of the arbitrator shall be shared equally between the Coordinator and the Partner Municipality unless the arbitrator determines otherwise in accordance with the *Arbitration Act*.

10. INDEMNIFICATION

10.1. The Partner Municipality agrees, to the fullest extent permitted by law, to indemnify and hold harmless the Coordinator, its Officers, Directors and Employees against all damages, liabilities or costs arising out of the property assessment complaints or disputes related to property assessment complaints.

10.2. The Partner Municipality is solely responsible for the property assessments and compliance with the outcome of the disputed property assessments.

11. INSURANCE

11.1. The Partner Municipality shall maintain, in full force and effect with insurers licensed in the Province of Alberta the following insurance:

11.1.1. Professional Liability Insurance with policy limits of not less than \$1,000,000 per claim \$2,000,000 per aggregate; and

11.1.2. General Liability insurance policy of not less than \$2,000,000 per occurrence. The Coordinator must be named as additional insured.

12. NOTICES

12.1. Any notices or other correspondence required to be given to an opposite party shall be deemed to be adequately given if delivered to:

To the Partner Municipality at:

To the Coordinator at:

Legislative & Governance Services
The City of Red Deer
4914-48 Ave
Red Deer AB T4N 3T3
Phone: (403)-342-8273 Fax: (403)-341-6960

13. SUCCESSORS

13.1. This Agreement shall enure to the benefit of and be binding upon the Parties and the successors and assigns thereof.

14. ENTIRE AGREEMENT

14.1. This Agreement is the whole agreement between the parties and replaces any prior agreement existing between the parties.

14.2. This agreement may not be modified, changed, amended or waived except by signed written agreement of the parties.

15. COUNTERPART

- 15.1. This Agreement may be executed in any number of counterparts by the parties. All counterparts so executed shall have the same effect as if all parties actually had joined in executing one and the same document.

The parties to this Agreement have affixed their corporate seals signed by the hands of their proper officers.

The City of Red Deer

Partner Municipality

City Clerk

Schedule A - BYLAW

BYLAW NO. <<insert>>

Being a bylaw of The <<insert>>, Alberta to establish a Regional Assessment Review Board.

Background

Section 456 of the *Municipal Government Act*, permits two or more Councils to jointly establish assessment review boards to have jurisdiction in their respective municipalities;

The City of Red Deer and the Partner Municipalities jointly wish to establish a Regional Assessment Review Board to exercise the functions of a Local Assessment Review Board (LARB) and the functions of a Composite Assessment Review Board (CARB) under the provisions of the *Municipal Government Act* (MGA) in respect of assessment complaints made by their respective taxpayers of a Partner Municipality;

COUNCIL OF THE <<insert>> ENACTS AS FOLLOWS:

Short Title

- 1 The short title of this Bylaw shall be the "Regional Assessment Review Board Bylaw".

Definitions

- 2 (1) Except as otherwise provided herein, words in this Bylaw shall have the meanings prescribed in section 453 of the *Municipal Government Act* (MGA).
- (2) In this bylaw the following terms shall have the meanings shown:
 - (a) "Board" means the Regional Assessment Review Board;
 - (b) "CARB" means the Composite Assessment Review Board established in accordance with the MGA;
 - (c) "Citizen-at-large" means a person who does not represent a specific organization;
 - (d) "Designated Officer" means the person appointed to carry out the duties and functions of the clerk of the assessment review boards in accordance with section 455 of the MGA;
 - (e) "LARB" means the Local Assessment Review Board established in accordance with the MGA;

- (f) "Member" means a member of the Regional Assessment Review Board;
- (g) "Minister" means the Minister determined by the Province to be responsible for the MGA;
- (h) "Partner Municipality" means all those municipalities who enter into an agreement with The City to jointly establish a Regional Assessment Review Board and who enact a bylaw substantially in the form of this bylaw, as well as The City of Red Deer;
- (i) "Provincial Member" means a person appointed as a provincial member to a CARB by the Minister.

Member Municipalities

- 3 The Partner Municipalities hereby jointly establish a Regional Assessment Review Board to exercise the functions of a Local Assessment Review Board and the functions of a Composite Assessment Review Board to have jurisdiction in their municipalities.

Regional Board Review Committee

- 4 The Regional Board Review Committee will consist of 5 people appointed jointly by the Partner Municipalities.

Appointment of Board Members

- 5 The Regional Board Review Committee shall appoint not more than 20 citizens-at-large to be Members of the Regional Assessment Review Board.

Establishment of Boards

- 6 The following Central Alberta Regional Assessment Review Boards are established:
- (a) one or more LARB's that consist of one (1) Member;
 - (b) one or more LARB's that consist of three (3) Members;
 - (c) one or more CARB's that consist of one (1) Provincial Member
 - (d) one or more CARB's that consist of one (1) Provincial Member and two (2) Members.

Terms of Appointment

- 7 (1) Unless otherwise stated, all Members are appointed for three year terms except in the initial year where one-third is appointed for a three year term; one-third is appointed for a two year term and the remaining one-third are appointed for a one year term.
- (2) If a vacancy on the Board occurs at any time the Regional Board Review Committee may appoint a new person to fill the vacancy for the remainder of that term.
- (3) A Member may be re-appointed to the Board at the expiration of his/her term.
- (4) A Member may resign from the Board at any time on written notice to the Designated Officer to that effect.
- (5) The Regional Board Review Committee may remove a Member at any time on the recommendation of the Designated Officer.
- (6) Upon being appointed, the Member must successfully complete the training as prescribed by the Minister prior to participating in a hearing.

Presiding Officer

- 8 The Members of every Board established under section 6(b) of this bylaw will select a Presiding Officer from among themselves who will:
- (a) preside over and be responsible for the conduct of hearings;
- (b) vote on matters submitted to the Board unless otherwise disqualified;
- (c) sign orders, decisions and documents issued by the Board.

Jurisdiction of the Board

- 9 The Board shall have jurisdiction to exercise the functions of a Local Assessment Review Board (LARB) and the functions of a Composite Assessment Review Board (CARB) under the provisions of the *Municipal Government Act* in respect of assessment complaints made by taxpayers of a Partner Municipality.

Regional Advisory Group

- 10 (1) Board Members will elect from among themselves a Regional Advisory Group consisting of up to 4 members, and comprised of one Chair and up to 3 Vice Chairs.
- (2) The Regional Advisory Group will report to the Designated Officer on all matters affecting the Board and will:
- (a) assist the Designated Officer in developing policies governing hearings, conduct of Members, and other Board matters;
 - (b) evaluate Member performance to identify areas where additional training may be required and prepare reports regarding performance and re-appointment of Members;
 - (c) ensure other Members are provided mentoring;
 - (d) act as a liaison between the Members, board administration and the Designated Officer;
 - (e) review draft decisions to ensure that they comply with legislation, policies and procedures;
- (3) The duties of the Chair of the Regional Advisory Group include:
- (a) chairing meetings of the Regional Assessment Review Board and the Regional Advisory Group;
 - (b) establishing agendas for the Regional Advisory Group and the Regional Assessment Review Board meetings in consultation with the Designated Officer;
 - (c) liaising with the Designated Officer, Councils, and Partner Municipalities on behalf of the Regional Assessment Review Board;
 - (d) appointing an Acting Chair from the Regional Advisory Group;
 - (e) signing correspondence on behalf of the Regional Advisory Group.
- (4) If the Chair ceases to be a Member or is unable or unwilling to fulfil the Chair's duties, the Clerk may appoint one of the Vice Chairs to serve as Acting Chair until the Chair resumes the Chair's duties or the Members elect a new Chair.

Designated Officer of the Board

- 11 (1) The Chief Administrative Officer of The City of Red Deer (CAO) shall appoint a Designated Officer of the Board, and shall prescribe any remuneration associated with the position.
- (2) The Designated Officer is authorized to enter into agreements on behalf of the Board with other non-partner municipalities to provide Assessment Review Board Services.
- (3) The Designated Officer shall assist the Board in fulfilling its mandate.
- (4) The Designated Officer may appoint an Acting Clerk to perform the Designated Officer duties and functions provided they have successfully completed the training as prescribed by the Minister.
- (5) The Designated Officer shall consult with the Regional Advisory Group to set policies, procedures and directives governing hearing processes, Member conduct and other Board matters.
- (6) The Designated Officer will consult with the Regional Advisory Group and Members on matters affecting the Boards.
- (7) The Designated Officer will make arrangements for issuing refunds of filing fees in accordance with the MGA and related regulations.
- (8) The Designated Officer will issue instructions to independent legal counsel for the Boards when required.
- (9) The Designated Officer has the authority to assign duly appointed Members to the established LARB's and CARB's as required.
- (10) The Designated Officer may, at the request of a Presiding Officer of a Board sign orders, decisions and documents issued by the Board.
- (11) The Designated Officer may, at the request of the Chair of the Regional Advisory Group, sign documents issued by the Regional Advisory Group.
- (12) The Designated Officer may set fees payable for persons to obtain copies of the Board's decisions and documents.

Hearings

- 12 (1) Hearings will be held at such time and place as determined by the Designated Officer.
- (2) The proceedings and deliberations of the Board must be conducted in public except where the Board deals with information protected from

disclosure under the provisions of the *Freedom of Information and Protection of Privacy Act*.

Quorum and Voting at Hearings

- 13 (1) In accordance with section 458 of the MGA, quorum for the Boards shall be as follows:
- (a) two Members, for LARB's established under section 4(1)(b) of this bylaw; and
 - (b) one Provincial Member and one other Member, for CARB's established under section 4(1)(d) of this bylaw.
- (2) All Members must vote on all matters before the Board unless a pecuniary interest or a conflict of interest is declared.
- (3) The majority vote of those Members present and voting constitutes the decision of the Board.
- (4) Where a member of a Board absents himself or herself from the proceedings due to a conflict of interest or a pecuniary interest, the Designated Officer shall appoint a replacement member to the Board.

Conflict of Interest

- 14 (1) Where a Member is of the opinion that he or she has a conflict of interest in respect of a matter before the Board, the Member may absent himself or herself from board proceedings while that matter is being discussed, provided that prior to leaving the meeting, the Member:
- (a) declares that he or she has a conflict of interest; and
 - (b) describes in general terms the nature of the conflict of interest.
- (2) The Designated Officer shall cause a record to be made in the Record of Hearing of the Members' absence and the reasons for it.
- (3) For the purposes of this provision, a Member has a conflict of interest in a respect of a matter before the Board when he or she is of the opinion that:
- (a) he or she has a personal interest in the matter which would conflict with his or her obligation as a Member to fairly consider the issue;
or

- (b) substantial doubt as to the ethical integrity of the Member would be raised in the minds of a reasonable observer, if that Member were to participate in the consideration of that matter.

Pecuniary Interest

- 15 (1) The pecuniary interest provisions of the MGA apply to hearings and meetings of the Board, as though Members were councillors attending meetings of council.
- (2) A Member who fails to declare a pecuniary interest in a matter before the Board, or fails to absent himself or herself from proceedings dealing with such a matter, ceases to be a Member of the Board.

Commencement of Complaints

- 16 In accordance with section 460 of the MGA, a taxpayer may commence an assessment complaint by:
- (a) mailing or delivering to the address specified on the assessment or tax notice a complaint in the form set out in the *'Matters Relating to Assessment Complaints Regulation'*, Alberta Regulation 310/2009 and within the time limits specified in the MGA; and
 - (b) paying the applicable fee.

Rules of Order

- 17 The Board will conduct hearings in accordance with:
- (1) the express provisions of the MGA and related regulations;
 - (2) principles of natural justice and procedural fairness; and
 - (3) policies and procedures approved by the Board.

Notice of Decisions & Record of Hearing

- 18 (1) After the hearing of a complaint, the Designated Officer shall:
- (a) under direction of the Presiding Officer, prepare the decision or order of the Board and the reasons for the decision in compliance with the MGA; and

- (b) arrange for the order or decision of the Board to be signed; and distributed in accordance with the requirements under the MGA.
- (2) The Designated Officer will maintain a Record of Hearing in accordance with the MGA.

Delegation of Authority

19 In accordance with its authority under MGA section 203(1) to delegate power, Council hereby delegates:

- (a) to the Regional Board Review Committee, its authority under MGA s. 454.1(1)(a) & s. 454.2(1)(a) to appoint members of the Assessment Review Boards;
- (b) to the Designated Officer, its authority under MGA s.454.1(1)(c) & 454.2(1)(c) to prescribe the remuneration and expenses payable to each Member of the Assessment Review Board; and

Reimbursement of Costs

20 The City of Red Deer shall pay for the administrative costs associated with the operation of the Regional Assessment Review Board. Recovery of costs from Partner Municipalities will be as set out in the agreements established.

Transitional

- 21 (1) This Bylaw comes into effect January 01, 2012.
- (2) Bylaw <<insert>> is repealed effective January 01, 2012.

READ A FIRST TIME IN OPEN COUNCIL this day of 2011.

READ A SECOND TIME IN OPEN COUNCIL this day of 2011.

READ A THIRD TIME IN OPEN COUNCIL this day of 2011.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2011.

MAYOR

CITY CLERK

Schedule B - FEES

I. ANNUAL MEMBERSHIP:

\$2,000.00

2. ADDITIONAL FEES:

- a. Withdrawn Complaints: in instances where a complaint is filed and withdrawn; the Partner Municipality will be obligated to pay a \$30.00 / hour administration fee.
- b. Board Member Honorariums: in instances where a complaint proceeds to a hearing and decision; the Partner Municipality will be obligated to pay Board Member Honorariums in accordance with the following:

	Up to 4 hours	4-8 Hours	Over 8 Hours
Presiding Officer	\$ 219.00	\$ 383.00	\$ 601.00
Panel	\$ 164.00	\$ 290.00	\$ 427.00

- c. Board Support: \$30.00 / hour for time spent by Coordinator to prepare and distribute legislated documents, receive and record disclosure, prepare the agenda, attend the hearing and assist the Board with deliberations and decision writing.
- d. Meals & Expenses: will be charged to the Partner Municipality in accordance with policies and procedures prescribed by the Coordinator. In the absence of a policy or procedure prescribed by the Clerk, The City of Red Deer policies and procedures will be applied.
- e. Office / Print Supplies: will be charged to the Partner Municipality on a cost recovery basis.
- f. Legal Services: will be charged to the Partner Municipality on a cost recovery basis.

Schedule C - SERVICES

SERVICES FOR MEMBERSHIP FEE

1. The following services are provided by the Coordinator to all Partnering Municipalities on payment of the Membership Fee:
 - (a) Training for board member(s) & clerk(s)
 - (b) In-services / Assistant Clerk Workshops
 - (c) Production of Assistant Clerk Tool Box
 - (d) Business Travel for Advocacy

SERVICES FOR ADDITIONAL FEES

2. The following services will be provided by the Coordinator at contract rates as set out in Schedule B.

AC = Assistant Clerk in Partner Municipality A = Assessor for partner municipality C = Coordinator	
	GENERAL
AC	<ul style="list-style-type: none"> ensure complaint form(s) are available for ratepayers
C	<ul style="list-style-type: none"> advise AC, A & Complainant regarding process; validity of complaint; Board mandate, operations, hearing procedures
	RECEIPT OF COMPLAINT
AC	<ul style="list-style-type: none"> collect fee / verify deadline to file
AC	<ul style="list-style-type: none"> forward complaint to Coordinator (s.5 agreement)
	INTAKE
C	<ul style="list-style-type: none"> review of complaint for compliance with legislation
C	<ul style="list-style-type: none"> forward copy of complaint to A
C	<ul style="list-style-type: none"> assign file # and advise AC
A	<ul style="list-style-type: none"> contact Complainant to determine if issues can be resolved; if so, provide and complete withdraw form
A	<ul style="list-style-type: none"> advise C of status
	SCHEDULING
C	<ul style="list-style-type: none"> contact AC to advise of W/D or determine hearing location
C / AC	<ul style="list-style-type: none"> book meeting rooms and AV resources for hearing & deliberations
C	<ul style="list-style-type: none"> issue notice of hearing / assign panel members & board support / copy to minister if CARB
C	<ul style="list-style-type: none"> receive and record disclosure
	AGENDA
C	<ul style="list-style-type: none"> verify disclosure against filing deadlines / verify attendance of all parties / produce agenda & packages
	HEARING / DECISION
C	<ul style="list-style-type: none"> attend hearing, provide support for the Board, produce a Record of Hearing
C	<ul style="list-style-type: none"> attend deliberations, assist in production and distribution of decision
	REPORTING / CLOSE OF FILE
C	<ul style="list-style-type: none"> provide AC with reporting package (Record of Hearing, invoice for service, statistics, survey re: best practices)

OTHER

3. The Coordinator may provide other services at such rates as the parties agree from time to time.



November 02, 2011

Revision to Distribution Tariff Effective January 1, 2012

Electric Light and Power

Report Summary & Recommendation:

The Electric Light & Power Department is requesting Council's approval of revisions to the Distribution Tariff, Appendix A, Electric Utility Bylaw No. 3273/2000, effective January 1, 2012.

Approving the rates out of sync with the budget approval, is clearly awkward but necessary based on current practices. It is proposed that for 2013 a different approach be implemented to better link the budget approval and rate approval processes.

It is recommended that City Council provide the first reading, at the Council meeting of November 14, 2011, and provide 2nd and 3rd readings on November 28, 2011, for final approval of the proposed revisions to "Appendix A – Distribution Tariff" of the Electric Utility Bylaw No. 3273/2000 as detailed in the attachments with the effective date being January 1, 2012.

City Manager Comments:

I support the recommendation of Administration that Council give first reading to Electric Utility Bylaw Amendment 3273/B-2011. This Bylaw would come back to the Monday, November 28, 2011 Council meeting for consideration of second and third readings. The process to link budget approval and rate approvals will be revised in the future.

Craig Curtis
City Manager

Proposed Resolution

That Council consider first reading of Electric Utility Bylaw Amendment 3273/B-2011.



Report Details

Background:

There are three separate cost category adjustments required for all customer classifications:

1. **Increase in Distribution Tariff**
2. **Increased Balancing Pool Allocation Rebate**
3. **Increase in Local Access Fee**

The EL&P department, as the operator of the electric distribution system in Red Deer, recovers its cost of operating and maintaining the utility system through its Distribution Tariff ("DT"), which is regulated and approved by City Council.

In the submission to Council on November 10, 2006 for rate adjustment, EL&P proposed to align EL&P's DT cycle with the AESO tariff cycle on a go-forward basis. Doing so minimized working capital requirements and avoids having to implement rate riders. This means that EL&P's distribution tariffs will commence on January 1 of each year as AESO's tariff runs on a calendar year basis. This alignment, however, requires EL&P to file rate applications with Council before completion of the internal budget debate and discussion process. EL&P has been following this approach to setting rates since November, 2006.

Discussion:

1. INCREASE IN DISTRIBUTION TARIFF

The EL&P Department's 2012 operating budget has gone through internal discussions with the City Manager and will soon be presented to Council for final approval. The department anticipates a total cost increase of approximately \$1,113,000 for 2012 operating costs.

Table 1 (below) presents the major cost drivers and their magnitude.

Table 1. EL&P department's 2012 major cost drivers

Items	Increase \$000	Note
Increased Cost		
AESO transmission charge increase	\$150	AESO charge to use transmission system
Increase in distribution cost	\$1,543	Cost increase to operate local distribution
TOTAL COST INCREASE	\$1,693	
Increased Revenue		



Load growth	\$414	1.8% growth in consumption volume
Transmission Facility Owner (TFO) tariff recovery from AUC	\$127	EL&P's transmission assets are regulated by the Alberta Utilities Commission (AUC)
Other income (e.g. interest income)	\$39	Other revenue increases
TOTAL REVENUE INCREASE	\$580	
Net increase to cost	\$1,113	Equivalent to an average rate increase of 2.8%

This net increase in cost, \$1,113,000, is equivalent to increasing the DT by an average 2.8%. This increase can be broken down into the following components:

Component	Increase %
System Access Charge (SAC)	1.3%
Distribution Access Charge (DAC)	1.5%
Average increase	2.8%

The SAC component accounts for 35% to 40% of the total revenue requirement, and is for the purpose of recovering our share of the regulated costs of building and maintaining the provincial transmission grid to deliver electricity to customers, it is essentially a cost that is not in our control. Each month, EL&P pays transmission charges to the AESO for all the Red Deer loads. EL&P then recovers these AESO transmission charges through the SAC component within its Distribution Tariff.

Each year, EL&P forecasts the following year's transmission cost as part of its budgeting process. Many factors are taken into consideration in the transmission cost forecast, including load growth (both local and provincial) and the long-term trend of power pool prices.

The DAC is for the purpose of recovering the cost of operating and maintaining the local distribution system.

2. BALANCING POOL ALLOCATION REBATE

The Alberta Balancing Pool ("BP") was established in 1998 by the provincial government and was mandated to ensure that benefits (or losses) associated with the formerly regulated generating capacity are retained (or paid) by customers in Alberta on a go-forward basis. The BP plays a number of roles in the deregulated electricity market, including managing the power purchase arrangements and selling the output of the remaining regulated generation assets at fair market prices.

Under the provincial Electric Utilities Act ("EUA"), the net balance of the balancing pool



account, either positive (net surplus) or negative (net deficit), must be flowed back to customers. The following is the sequence of events that take place to flow a rebate back to (or recover a shortfall from) all electricity consumers:

- a) The BP transfers the funds to the AESO;
- b) A distribution system owner receives a share of the funds from the AESO as a credit against their AESO transmission invoice;
- c) The distribution system owner transfers the rebate to the retailers through the DT tariff wholesale billing process;
- d) The retailers rebate customers on their monthly power bill.

Each year, the BP is required to forecast its revenues and expenses to estimate the future year's surpluses or shortfalls. Since the establishment of the BP in 1998, Alberta consumers have received rebates in 2001, and between 2006 to 2011.

On October 13, 2011, the BP announced a rebate of \$0.0055 per kWh to all electricity customers in Alberta. The kWh energy is measured at a transmission substation; however, customers are normally billed based on the end-use meter readings. As a result, the refund must be converted to the end-use meter point by adding distribution system losses and unaccounted-for-energy.

In the Red Deer electric system, the distribution system loss factor is set at 3.6%, and the unaccounted-for-energy is generally negligible. Therefore the refund rate at the end-use meter level becomes:

$$\$0.0055 \times (1 + 3.6\%) = \$0.00569 \text{ (per kWh)}$$

The EL&P Department submits that a rebate of \$0.00569 per kWh, measured at the end-use meter level, be flowed back to all customers in Red Deer, starting January 1, 2012 and ending December 31, 2012.

3. INCREASE IN LOCAL ACCESS FEE

The Local Access Fee ("**LAF**") is a separate line item within the DT and is a charge levied by the municipality to the electric utility as a franchise fee for the exclusive rights to use portions of road, rights-of-way and other City owned properties and lands for the purpose of placing and maintaining electrical distribution facilities. This fee is assessed against only the DAC component of the DT with no assessment against the SAC component.

The current LAF for electric customers is 32%. For 2012 we propose to increase the LAF to **33%**.



PROPOSED RATE ADJUSTMENT

The attached red-lined bylaw presents detailed information of the proposed changes to our DT, specifically to Appendix A of Bylaw 3273/2000.

IMPACT ON CUSTOMERS

Impacts of the above tariff adjustments on customers are shown in the following table.

Table 2. Impact of each rate adjustment on total monthly DT charge

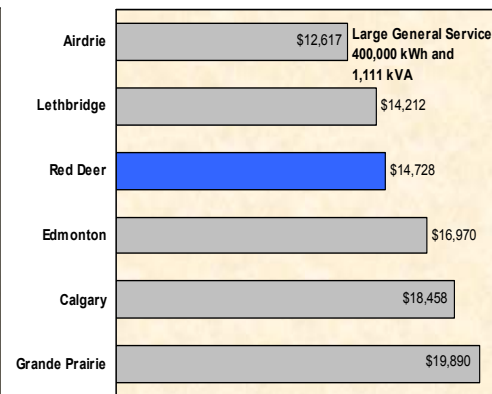
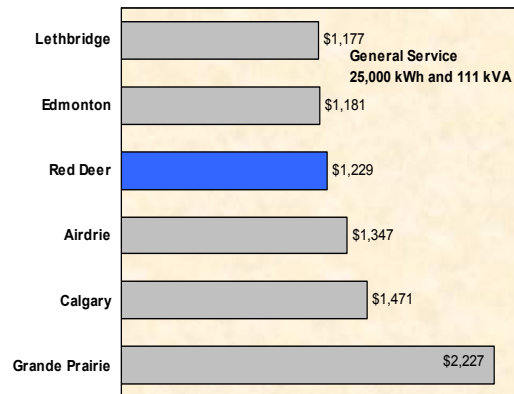
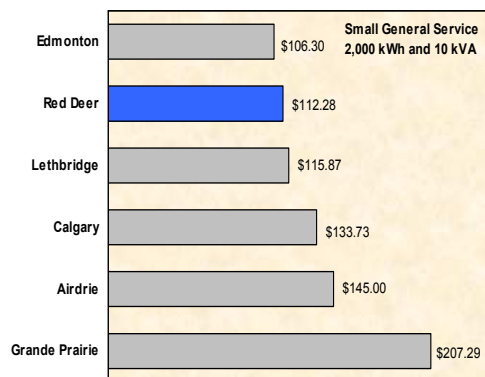
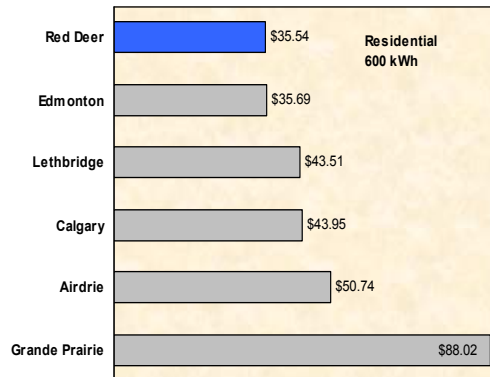
Rate Class	DT Charge		Local Access Fee		Balancing Pool		Total Change	
	\$	%	\$	%	\$	%	\$	%
E61 Residential	\$1.40	3.9%	\$1.21	3.4%	(\$2.17)	(6.1%)	\$0.44	1.2%
E63 Small GS	(\$1.74)	(1.5%)	\$2.89	2.6%	(\$7.24)	(6.4%)	(\$6.09)	(5.4%)
E64 General Service	(\$59.90)	(4.9%)	\$22.64	1.8%	(\$90.50)	(7.4%)	(\$127.76)	(10.4%)
E78 Large GS	(\$548.66)	(3.7%)	\$320.32	2.2%	(1,448.00)	(9.8%)	(\$1,676.34)	(11.4%)

RATE COMPARISONS

It is not possible to compare the City distribution tariff with other Alberta utilities for 2012, as the rates of most other Alberta utilities for 2012 are presently unknown.

The following four graphs show the current (November 2011) monthly DT charges for typical customer classes in selected service areas in the province. It should be noted that these graphs are for delivery charges only. Retailer charges, including energy charge and billing charge, are not included.

The graphs show that with the recommended rate changes the City will continue to remain very competitive in the Alberta market.



Analysis:

Approved Rate Change required by **NOVEMBER 28, 2011**

Provincial regulations require wires service providers (such as EL&P) to provide at least 30 days advanced notice to retailers about any changes to their distribution tariffs. In order for EL&P to comply with this requirement and for the retailers in Red Deer to make the required changes in their billing systems with an effective date of January 1, 2012, we will need to inform retailers of the DT change prior to December 1, 2011. Therefore, it is recommended that Council approve the proposed rates no later than the Council meeting on November 28, 2011.

CITY OF RED DEER

ELECTRIC LIGHT & POWER DEPARTMENT

DISTRIBUTION TARIFF

GENERAL

Effective Date

This Tariff is effective on ~~August 1, 2011~~ **January 1, 2012**. It applies to all consumptions, whether estimated or actual, on and after ~~August 1, 2011~~ **January 1, 2012**, for the use of System Access and Distribution Access services.

Terms and Conditions

The "Terms and Conditions for Distribution Access Services" and the "Terms and Conditions for Retail Access Services" are part of this Tariff. Furthermore, the "Schedule of Fees for Distribution Access Services" and the "Retail Access Service Agreement" are also part of this Tariff.

Billing Demand

The kVA of Billing Demand with respect to the monthly billing period will be the greater of:

1. the highest kVA Metered Demand in the monthly billing period; or
2. the highest kVA Metered Demand in the 12 consecutive months including and ending with the monthly billing period.

The kVA Metered Demand will be measured by either a thermal demand meter having a demand response period of 90% in 15 minutes and a 30 minute test period, or 15 minute interval demand metering equipment.

The kVA of Billing Demand will be re-established on such shorter periods of time as designated by the Electric Light & Power Manager for the individual customer as warranted by that customer's changing load characteristics.

APPENDIX "A"
Bylaw 3273/B-2011
Page 2 of 8

RESIDENTIAL - RATE 61

Application Applies to all residential premises which are measured by a single meter and which contain not more than two dwelling units.

**Distribution
Tariff**

	Unit	System Access	Distribution Access
Basic Charge	\$ per day	0.3036 0.2660	0.3363 0.3984
Variable Charge	\$/kWh of all energy	0.0081 0.0071	0.0116 0.0137

**Balancing
Pool
Allocation** A credit of ~~\$0.00207~~ **\$0.00569**/kWh of all energy effective from January 1, ~~2011~~ **2012** to December 31, ~~2011~~ **2012** inclusive and nil for any other time periods.

**Local Access
Fee** Assessed as ~~32%~~ **33%** of each and every component of the Distribution Access Charge and is added to the customer's bill.

**Minimum
Monthly
Charge** Total Basic Charge (System Access plus Distribution Access), plus any applicable Local Access Fee.

APPENDIX "A"
Bylaw 3273/B-2011
Page 3 of 8

GENERAL SERVICE - RATE 63

Application Applies to non-residential customers and to residential premises not entitled to Rate 61, plus the "house lights" services (including common area lighting and utility rooms) of apartment buildings where the kVA Metered Demand is less than 50 kVA. If the kVA Metered Demand exceeds 50 kVA, Rate 64 will be applied immediately and will be continued to be applied irrespective of future kVA Metered Demand.

Services are to be taken at one of the following nominal voltages:

120/240 Volts, single phase, 3 wire;
120/208Y Volts, network, 3 wire;
120/208Y Volts, three phase, 4 wire;
347/600Y Volts, three phase, 4 wire.

**Distribution
Tariff**

	Unit	System Access	Distribution Access
Basic Charge	\$ per day	1.2065 1.0015	0.9705 1.1180
Variable Charge	\$/kWh of all energy	0.0081 0.0067	0.0093 0.0107

**Balancing
Pool
Allocation**

A credit of ~~\$0.00207~~ **\$0.00569**/kWh of all energy effective from January 1, ~~2011~~ **2012** to December 31, ~~2011~~ **2012** inclusive and nil for any other time periods.

**Local Access
Fee**

Assessed as ~~32%~~ **33%** of each and every component of the Distribution Access Charge and is added to the customer's bill.

**Minimum
Monthly
Charge**

Total Basic Charge (System Access plus Distribution Charge), plus any applicable Local Access Fee.

APPENDIX "A"
Bylaw 3273/B-2011
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GENERAL SERVICE - RATE 64

Application Applies to commercial and industrial installations where service is taken at the voltage listed for Rate 63 but where the kVA Metered Demand is 50 kVA or greater.

**Distribution
Tariff**

	Unit	System Access	Distribution Access
Demand Charge	\$/kVA of Billing Demand per day	0.1410 0.1174	0.0863 0.0966
Variable Charge	\$/kWh of all energy	0.0081 0.0067	0.0066 0.0074

**Balancing
Pool
Allocation** A credit of ~~\$0.00207~~ **\$0.00569**/kWh of all energy effective from January 1, ~~2011~~ **2012** to December 31, ~~2011~~ **2012** inclusive and nil for any other time periods.

**Local Access
Fee** Assessed as ~~32%~~ **33%** of each and every component of the Distribution Access Charge and is added to the customer's bill.

**Minimum
Monthly
Charge** Total Demand Charge (System Access plus Distribution Access), plus any applicable Local Access Fee.

APPENDIX "A"
Bylaw 3273/B-2011
Page 5 of 8

LARGE GENERAL SERVICE/INDUSTRIAL - RATE 78

Application Applies where 4,160 volts or greater is available with adequate system capacity and service is taken at 4,160 volts or greater, balanced three phase and the kVA Metered Demand is not less than 1000 kVA.

Rate 78 is also applicable to all customers who were billed on Rate 78 prior to December 31, 2000 regardless of the kVA Metered Demand.

**Distribution
Tariff**

	Unit	System Access	Distribution Access
Demand Charge	\$/kVA of Billing Demand per day	0.1480 0.1234	0.0906 0.1037
Variable Charge	\$/kWh of all energy	0.0081 0.0068	0.0062 0.0071

**Balancing
Pool
Allocation** A credit of ~~\$0.00207~~ **\$0.00569**/kWh of all energy effective from January 1, ~~2011~~ **2012** to December 31, ~~2011~~ **2012** inclusive and nil for any other time periods.

**Local Access
Fee** Assessed as ~~32%~~ **33%** of each and every component of the Distribution Access Charge and is added to the customer's bill.

**Minimum
Monthly
Charge** Total Basic Charge (System Access plus Distribution Charge), plus any applicable Local Access Fee.

APPENDIX "A"
Bylaw 3273/B-2011
Page 6 of 8

STREET LIGHT SERVICE - RATE 81

Application Applies to standard street light fixtures.

**Distribution
Tariff**

	Unit	System Access	Distribution Access
Demand Charge	\$/kVA of Billing Demand per day	0.1966 0.1617	0.1128 0.1309
Variable Charge	\$/kWh of all energy	0.0081 0.0067	0.0071 0.0082

Note: Demand and consumption values of individual fixtures will be established by the Electric Light & Power Manager and will be reviewed by the Electric Light & Power Manager from time to time.

**Balancing
Pool
Allocation**

A credit of ~~\$0.00207~~ **\$0.00569**/kWh of all energy effective from January 1, ~~2011~~ **2012** to December 31, ~~2011~~ **2012** inclusive and nil for any other time periods.

**Local Access
Fee**

Assessed as ~~32%~~ **33%** of each and every component of the Distribution Access Charge and is added to the customer's bill.

**Minimum
Monthly
Charge**

Total Demand Charge (System Access plus Distribution Access), plus any applicable Local Access Fee.

APPENDIX "A"
Bylaw 3273/B-2011
Page 7 of 8

TRAFFIC LIGHT SERVICE - RATE 82

Application Applies to standard traffic light systems.

**Distribution
Tariff**

	Unit	System Access	Distribution Access
Demand Charge	\$/kVA of Billing Demand per day	0.1966 0.1623	0.1047 0.1225
Variable Charge	\$/kWh of all energy	0.0081 0.0067	0.0086 0.0101

Note: Demand and consumption values of individual fixtures will be established by the Electric Light & Power Manager and will be reviewed by the Electric Light & Power Manager from time to time.

**Balancing
Pool
Allocation**

A credit of ~~\$0.00207~~ **\$0.00569**/kWh of all energy effective from January 1, ~~2011~~ **2012** to December 31, ~~2011~~ **2012** inclusive and nil for any other time periods.

**Local Access
Fee**

Assessed as ~~32%~~ **33%** of each and every component of the Distribution Access Charge and is added to the customer's bill.

**Minimum
Monthly
Charge**

Total Demand Charge (System Access plus Distribution Access), plus any applicable Local Access Fee.

DISTRIBUTION GENERATION - RATE 83

Application Applies to generators meeting all of the following requirements

- 1. Have a capacity of 150 kW or greater, and connected to a distribution voltage;
- 2. Have installed a revenue class bi-directional 15-minute interval meter.

Generators not meeting the above requirements are reviewed on an individual basis.

Distribution Tariff		Unit	Distribution Access
	Capacity Charge	\$/kW of peak output per day	0.0825
	Variable Charge	\$/kWh of supplied energy	0.0057

- Note:
- 1. Power consumption by the customer for standby purposes is subject to an applicable rate (61, 63, 64, 78, 81 or 82) for load customers
 - 2. Peak output is measured and calculated in the same manner as the Billing Demand for load customers

Local Access Fee Assessed as ~~32%~~ **33%** of each and every component of the Distribution Access Charge and is added to the customer’s bill.

Transmission Charge As per the applicable supply tariff of the Transmission Administrator. This is a charge to the customer and is added to the customer’s bill.

Transmission Credit $DTS \times \Sigma(A - B)$ where
DTS is the applicable demand tariff of the Transmission Administrator
A is hourly gross billing determinants at the Point of Delivery to which the customer is connected
B is hourly net billing determinants at the Point of Delivery to which the customer is connected

This is a credit to the customer and is calculated on a monthly basis.

BYLAW NO. 3273/B-2011

Being a bylaw to amend Bylaw No. 3273/2000, the Electric Utility Bylaw of The City of Red Deer.

COUNCIL ENACTS AS FOLLOWS:

Bylaw No. 3273/2000 is hereby amended as follows:

1. By deleting 'Appendix A" – Distribution Tariff' and replacing it with the attached revised 'Appendix A – Distribution Tariff'.
4. This bylaw shall come into effect on January 1, 2012.

READ A FIRST TIME IN OPEN COUNCIL this day of 2011.

READ A SECOND TIME IN OPEN COUNCIL this day of 2011.

READ A THIRD TIME IN OPEN COUNCIL this day of 2011.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2011.

MAYOR

CITY CLERK

CITY OF RED DEER
ELECTRIC LIGHT & POWER DEPARTMENT
DISTRIBUTION TARIFF

GENERAL

Effective Date

This Tariff is effective on January 1, 2012. It applies to all consumptions, whether estimated or actual, on and after January 1, 2012, for the use of System Access and Distribution Access services.

Terms and Conditions

The "Terms and Conditions for Distribution Access Services" and the "Terms and Conditions for Retail Access Services" are part of this Tariff. Furthermore, the "Schedule of Fees for Distribution Access Services" and the "Retail Access Service Agreement" are also part of this Tariff.

Billing Demand

The kVA of Billing Demand with respect to the monthly billing period will be the greater of:

1. the highest kVA Metered Demand in the monthly billing period; or
2. the highest kVA Metered Demand in the 12 consecutive months including and ending with the monthly billing period.

The kVA Metered Demand will be measured by either a thermal demand meter having a demand response period of 90% in 15 minutes and a 30 minute test period, or 15 minute interval demand metering equipment.

The kVA of Billing Demand will be re-established on such shorter periods of time as designated by the Electric Light & Power Manager for the individual customer as warranted by that customer's changing load characteristics.

APPENDIX "A"
Bylaw 3273/B-2011
Page 2 of 8

RESIDENTIAL - RATE 61

Application Applies to all residential premises which are measured by a single meter and which contain not more than two dwelling units.

**Distribution
Tariff**

	Unit	System Access	Distribution Access
Basic Charge	\$ per day	0.2660	0.3984
Variable Charge	\$/kWh of all energy	0.0071	0.0137

**Balancing
Pool
Allocation** A credit of \$0.00569/kWh of all energy effective from January 1, 2012 to December 31, 2012 inclusive and nil for any other time periods.

**Local Access
Fee** Assessed as 33% of each and every component of the Distribution Access Charge and is added to the customer's bill.

**Minimum
Monthly
Charge** Total Basic Charge (System Access plus Distribution Access), plus any applicable Local Access Fee.

APPENDIX "A"
Bylaw 3273/B-2011
Page 3 of 8

GENERAL SERVICE - RATE 63

Application Applies to non-residential customers and to residential premises not entitled to Rate 61, plus the "house lights" services (including common area lighting and utility rooms) of apartment buildings where the kVA Metered Demand is less than 50 kVA. If the kVA Metered Demand exceeds 50 kVA, Rate 64 will be applied immediately and will be continued to be applied irrespective of future kVA Metered Demand.

Services are to be taken at one of the following nominal voltages:

120/240 Volts, single phase, 3 wire;
120/208Y Volts, network, 3 wire;
120/208Y Volts, three phase, 4 wire;
347/600Y Volts, three phase, 4 wire.

**Distribution
Tariff**

	Unit	System Access	Distribution Access
Basic Charge	\$ per day	1.0015	1.1180
Variable Charge	\$/kWh of all energy	0.0067	0.0107

**Balancing
Pool
Allocation** A credit of \$0.00569/kWh of all energy effective from January 1, 2012 to December 31, 2012 inclusive and nil for any other time periods.

**Local Access
Fee** Assessed as 33% of each and every component of the Distribution Access Charge and is added to the customer's bill.

**Minimum
Monthly
Charge** Total Basic Charge (System Access plus Distribution Charge), plus any applicable Local Access Fee.

APPENDIX "A"
Bylaw 3273/B-2011
Page 4 of 8

GENERAL SERVICE - RATE 64

Application Applies to commercial and industrial installations where service is taken at the voltage listed for Rate 63 but where the kVA Metered Demand is 50 kVA or greater.

**Distribution
Tariff**

	Unit	System Access	Distribution Access
Demand Charge	\$/kVA of Billing Demand per day	0.1174	0.0966
Variable Charge	\$/kWh of all energy	0.0067	0.0074

**Balancing
Pool
Allocation** A credit of \$0.00569/kWh of all energy effective from January 1, 2012 to December 31, 2012 inclusive and nil for any other time periods.

**Local Access
Fee** Assessed as 33% of each and every component of the Distribution Access Charge and is added to the customer's bill.

**Minimum
Monthly
Charge** Total Demand Charge (System Access plus Distribution Access), plus any applicable Local Access Fee.

APPENDIX "A"
Bylaw 3273/B-2011
Page 5 of 8

LARGE GENERAL SERVICE/INDUSTRIAL - RATE 78

Application Applies where 4,160 volts or greater is available with adequate system capacity and service is taken at 4,160 volts or greater, balanced three phase and the kVA Metered Demand is not less than 1000 kVA.

Rate 78 is also applicable to all customers who were billed on Rate 78 prior to December 31, 2000 regardless of the kVA Metered Demand.

**Distribution
Tariff**

	Unit	System Access	Distribution Access
Demand Charge	\$/kVA of Billing Demand per day	0.1234	0.1037
Variable Charge	\$/kWh of all energy	0.0068	0.0071

**Balancing
Pool
Allocation**

A credit of \$0.00569/kWh of all energy effective from January 1, 2012 to December 31, 2012 and nil for any other time periods.

**Local Access
Fee**

Assessed as 33% of each and every component of the Distribution Access Charge and is added to the customer's bill.

**Minimum
Monthly
Charge**

Total Basic Charge (System Access plus Distribution Charge), plus any applicable Local Access Fee.

APPENDIX "A"
Bylaw 3273/B-2011
Page 6 of 8

STREET LIGHT SERVICE - RATE 81

Application Applies to standard street light fixtures.

**Distribution
Tariff**

	Unit	System Access	Distribution Access
Demand Charge	\$/kVA of Billing Demand per day	0.1617	0.1309
Variable Charge	\$/kWh of all energy	0.0067	0.0082

Note: Demand and consumption values of individual fixtures will be established by the Electric Light & Power Manager and will be reviewed by the Electric Light & Power Manager from time to time.

**Balancing
Pool
Allocation** A credit of \$0.00569/kWh of all energy effective from January 1, 2012 to December 31, 2012 inclusive and nil for any other time periods.

**Local Access
Fee** Assessed as 33% of each and every component of the Distribution Access Charge and is added to the customer's bill.

**Minimum
Monthly
Charge** Total Demand Charge (System Access plus Distribution Access), plus any applicable Local Access Fee.

APPENDIX "A"
Bylaw 3273/B-2011
Page 7 of 8

TRAFFIC LIGHT SERVICE - RATE 82

Application Applies to standard traffic light systems.

**Distribution
Tariff**

	Unit	System Access	Distribution Access
Demand Charge	\$/kVA of Billing Demand per day	0.1623	0.1225
Variable Charge	\$/kWh of all energy	0.0067	0.0101

Note: Demand and consumption values of individual fixtures will be established by the Electric Light & Power Manager and will be reviewed by the Electric Light & Power Manager from time to time.

**Balancing
Pool
Allocation** A credit of \$0.00569/kWh of all energy effective from January 1, 2012 to December 31, 2012 inclusive and nil for any other time periods.

**Local Access
Fee** Assessed as 33% of each and every component of the Distribution Access Charge and is added to the customer's bill.

**Minimum
Monthly
Charge** Total Demand Charge (System Access plus Distribution Access), plus any applicable Local Access Fee.

DISTRIBUTION GENERATION - RATE 83

Application Applies to generators meeting all of the following requirements

- 1. Have a capacity of 150 kW or greater, and connected to a distribution voltage;
- 2. Have installed a revenue class bi-directional 15-minute interval meter.

Generators not meeting the above requirements are reviewed on an individual basis.

Distribution Tariff		Unit	Distribution Access
	Capacity Charge	\$/kW of peak output per day	0.0825
	Variable Charge	\$/kWh of supplied energy	0.0057

- Note:
- 1. Power consumption by the customer for standby purposes is subject to an applicable rate (61, 63, 64, 78, 81 or 82) for load customers
 - 2. Peak output is measured and calculated in the same manner as the Billing Demand for load customers

Local Access Fee Assessed as 33% of each and every component of the Distribution Access Charge and is added to the customer’s bill.

Transmission Charge As per the applicable supply tariff of the Transmission Administrator. This is a charge to the customer and is added to the customer’s bill.

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COPY



Council Decision – November 14, 2011

DATE: November 16, 2011
TO: Jim Jorgensen, Electric, Light & Power Manager
FROM: Elaine Vincent, Legislative & Governance Services Manager
SUBJECT: Revision to Distribution Tariff Effective January 1, 2012
Electric Utility Bylaw Amendment 3273/B-2011

Reference Report:

Electric Light & Power Manager dated November 2, 2011.

Bylaw Reading:

At the Monday, November 14, 2011 Red Deer City Council meeting, Council gave first reading to Electric Utility Bylaw Amendment 3273/B-2011.

Report back to Council: Yes

Comments/Further Action:

This bylaw will come back to the November 28, 2011 Regular Council meeting for consideration of second and third reading.

A handwritten signature in blue ink, appearing to read 'Elaine Vincent', written in a cursive style.

Elaine Vincent
Legislative & Governance Services Manager

c: Director of Development Services
Corporate Meeting Coordinator

BYLAW NO. 3273/B-2011

Being a bylaw to amend Bylaw No. 3273/2000, the Electric Utility Bylaw of The City of Red Deer.

COUNCIL ENACTS AS FOLLOWS:

Bylaw No. 3273/2000 is hereby amended as follows:

1. By deleting 'Appendix A' – Distribution Tariff' and replacing it with the attached revised 'Appendix A – Distribution Tariff'.
4. This bylaw shall come into effect on January 1, 2012.

READ A FIRST TIME IN OPEN COUNCIL this 14th day of November 2011.

READ A SECOND TIME IN OPEN COUNCIL this day of 2011.

READ A THIRD TIME IN OPEN COUNCIL this day of 2011.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2011.

MAYOR

CITY CLERK

CITY OF RED DEER
ELECTRIC LIGHT & POWER DEPARTMENT
DISTRIBUTION TARIFF

GENERAL

Effective Date

This Tariff is effective on January 1, 2012. It applies to all consumptions, whether estimated or actual, on and after January 1, 2012, for the use of System Access and Distribution Access services.

Terms and Conditions

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	Unit	System Access	Distribution Access
Basic Charge	\$ per day	1.0015	1.1180
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Balancing Pool Allocation

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Local Access Fee

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Minimum Monthly Charge

Total Demand Charge (System Access plus Distribution Access), plus any applicable Local Access Fee.

TRAFFIC LIGHT SERVICE - RATE 82

Application Applies to standard traffic light systems.

**Distribution
Tariff**

	Unit	System Access	Distribution Access
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Variable Charge	\$/kWh of all energy	0.0067	0.0101

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**Balancing
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Tariff**

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This is a credit to the customer and is calculated on a monthly basis.

Christine Kenzie

From: Andreas Zabel
Sent: November 07, 2011 10:18 AM
To: Christine Kenzie
Cc: Jim Jorgensen; Karen Yetter
Subject: RE: EL&P Distribution Tariff Revision report - For November 14, 2011 Council meeting'
REVISED NOVEMBER 7 2011

Follow Up Flag: Follow up
Flag Status: Red

Attachments: Council Report January 1 2012 DT Rate Increase-version 6.doc; Electric Utility Bylaw - Schedule A - Distribution Tariff - Effective January 1 2012.DOC

Christine,

Literally just determined which scenario to submit (see immediately below). Attached are the applicable documents - report and appendix.

Thx,

Andreas Zabel
Utility Specialist
Electric Light & Power Department
The City of Red Deer
Ph 403-309-8468
Fx 403-314-5842



Council Report
January 1 2012 ...



Electric Utility Bylaw
- Sched...

From: Karen Yetter
Sent: November 07, 2011 10:04 AM
To: Andreas Zabel
Cc: Jim Jorgensen; Linda Rehn; Paul Goranson
Subject: RE: 2012 ELP Service Plan Sept 19 2011 Final.doc

Andreas - just got off the phone with Paul - leave the rate at 2.8%.

Thanks,
Karen Yetter
403-342-8734

From: Christine Kenzie
Sent: November 07, 2011 10:09 AM
To: Andreas Zabel
Subject: FW: EL&P Distribution Tariff Revision report - For November 14, 2011 Council meeting'

I am wondering if you have the changes made yet to the report ----- I will need the revised report prior to 9:00 A.M. tomorrow -- as we meet with the City Manager to review items for the November 14th Council Agenda.

Thanks.

Christine Kenzie | Corporate Meeting Coordinator
Legislative & Governance Services | The City of Red Deer
D 403.356.8978 | F 403.346.6195
christine.kenzie@reddeer.ca

From: Christine Kenzie
Sent: November 04, 2011 9:03 AM
To: Andreas Zabel
Cc: Paul Goranson
Subject: FW: EL&P Distribution Tariff Revision report - For November 14, 2011 Council meeting'

<< File: Revision to Distribution Tariff Effective January 1 2010 Report.doc >>

I am forwarding the email Jim sent to me earlier with his reports for the EL&P Distribution Tariff Revision (below). Jim was having trouble with the SIRE workflow so I have also included a word version of Jim's report that we put into the new format that is used through the new workflow. (above) If you are not able to revise the report in the new format, use the original report that Jim submitted and we will put that version on the agenda.

Let me know if you have any questions.

Christine Kenzie | Corporate Meeting Coordinator
Legislative & Governance Services | The City of Red Deer
D 403.356.8978 | F 403.346.6195
christine.kenzie@reddeer.ca

From: Jim Jorgensen
Sent: November 02, 2011 4:47 PM
To: Christine Kenzie
Subject: RE: EL&P Distribution Tariff Revision report - For November 14, 2011 Council meeting'

As discussed, here are the two documents I was trying to submit. Talk to you tomorrow.

<< File: Redlined 32732000 Schedule A of Distribution Tariff - January 1 2012.DOC >> << File: Council Report January 1 2012 DT Rate Increase-version 5.doc >>

Thanks,

Jim

The City of Red deer
Electric Light & Power
Ph: 403-342-8341
Fax: 403-314-5842

From: Jim Jorgensen
Sent: November 02, 2011 2:52 PM
To: Christine Kenzie
Subject: RE: EL&P Distribution Tariff Revision report

Need to get it in for the 14th so will send it asap.

Jim
The City of Red Deer
Electric Light & Power
Ph: 403-342-8341
Fax: 403-314-5842

From: Christine Kenzie
Sent: November 02, 2011 2:48 PM
To: Jim Jorgensen
Subject: RE: EL&P Distribution Tariff Revision report

I'll need the report by the end of today ----- will you be ready ---- or do you want to postpone to November 28th??

Christine Kenzie | Corporate Meeting Coordinator
Legislative & Governance Services | The City of Red Deer
D 403.356.8978 | F 403.346.6195
christine.kenzie@reddeer.ca

From: Jim Jorgensen
Sent: November 02, 2011 2:31 PM
To: Christine Kenzie
Cc: Elaine Vincent
Subject: EL&P Distribution Tariff Revision report

Hi Christine,

We're working on submitting a Distribution Tariff item for the Council Agenda on November 14th. Just wanted to give you a heads up because we'll be using the SIRE process for the first time and I'm not sure if we'll get crossed up at all...hopefully not but...

Thanks,
Jim
The City of Red Deer
Electric Light & Power
Ph: 403-342-8341
Fax: 403-314-5842

Christine Kenzie

From: Andreas Zabel
Sent: November 04, 2011 8:46 AM
To: Christine Kenzie
Cc: Jim Jorgensen
Subject: RE: Amendment to Electric Utility Bylaw - 3273/B-2011 - Schedule "A" - Distribution Tariff - Effective January 1, 2012

Christine,

One change is needed, please. The Local Access Fee for Rate 64 (page 4 of 8) needs to be changed to 33% consistent with the other rate classes.

Thanks.

Andreas Zabel
Utility Specialist
Electric Light & Power Department
The City of Red Deer
Ph 403-309-8468
Fx 403-314-5842

From: Christine Kenzie
Sent: November 04, 2011 8:25 AM
To: Andreas Zabel
Subject: FW: Amendment to Electric Utility Bylaw - 3273/B-2011 - Schedule "A" - Distribution Tariff - Effective January 1, 2012

See attached for the documents that I had forwarded Jim.

Christine Kenzie | Corporate Meeting Coordinator
Legislative & Governance Services | The City of Red Deer
D 403.356.8978 | F 403.346.6195
christine.kenzie@reddeer.ca

From: Christine Kenzie
Sent: November 03, 2011 3:41 PM
To: Jim Jorgensen
Subject: Amendment to Electric Utility Bylaw - 3273/B-2011 - Schedule "A" - Distribution Tariff - Effective January 1, 2012

Jim, I have drafted the Electric Utility Bylaw Amendment to revise Schedule "A" - Distribution Tariff - to be effective January 1, 2012. - as attached.
Please review to make sure that I made the changes as noted on your strike out copy.

Thanks.

2011/11/04

Christine Kenzie

From: Jim Jorgensen
Sent: November 02, 2011 4:47 PM
To: Christine Kenzie
Subject: RE: EL&P Distribution Tariff Revision report

Attachments: Redlined 32732000 Schedule A of Distribution Tariff - January 1 2012.DOC; Council Report January 1 2012 DT Rate Increase-version 5.doc

As discussed, here are the two documents I was trying to submit. Talk to you tomorrow.



Redlined 32732000 Council Report
Schedule A o... January 1 2012 ...

Thanks,

Jim

The City of Red Deer
Electric Light & Power
Ph: 403-342-8341
Fax: 403-314-5842

From: Jim Jorgensen
Sent: November 02, 2011 2:52 PM
To: Christine Kenzie
Subject: RE: EL&P Distribution Tariff Revision report

Need to get it in for the 14th so will send it asap.

Jim

The City of Red Deer
Electric Light & Power
Ph: 403-342-8341
Fax: 403-314-5842

From: Christine Kenzie
Sent: November 02, 2011 2:48 PM
To: Jim Jorgensen
Subject: RE: EL&P Distribution Tariff Revision report

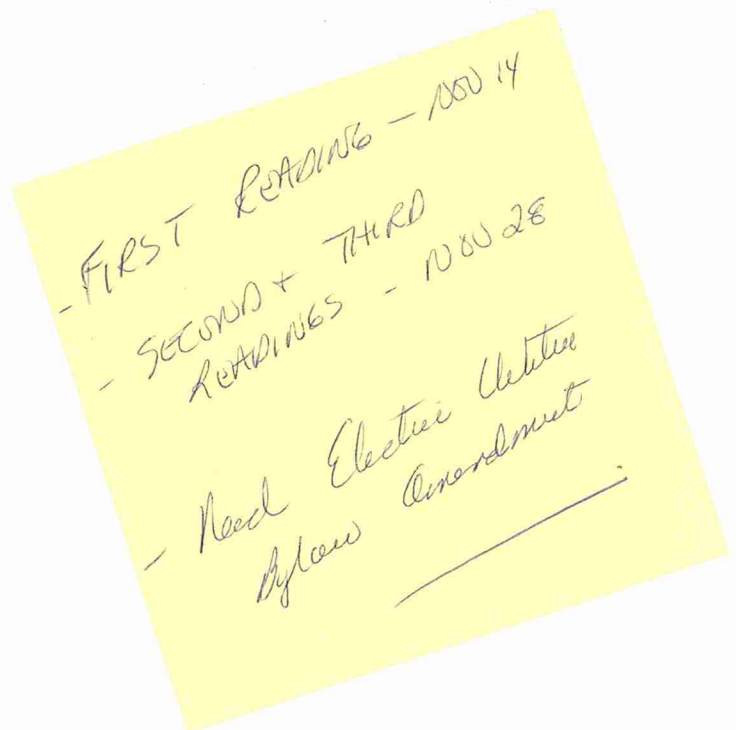
I'll need the report by the end of today ----- will you be ready --- or do you want to postpone to November 28th??

Christine Kenzie | Corporate Meeting Coordinator

Legislative & Governance Services | The City of Red Deer

D 403.356.8978 | F 403.346.6195

christine.kenzie@reddeer.ca



From: Jim Jorgensen

Sent: November 02, 2011 2:31 PM
To: Christine Kenzie
Cc: Elaine Vincent
Subject: EL&P Distribution Tariff Revision report

Hi Christine,

We're working on submitting a Distribution Tariff item for the Council Agenda on November 14th. Just wanted to give you a heads up because we'll be using the SIRE process for the first time and I'm not sure if we'll get crossed up at all...hopefully not but...

Thanks,
Jim
The City of Red Deer
Electric Light & Power
Ph: 403-342-8341
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ELECTRIC LIGHT & POWER DEPARTMENT

WORD VERSION

BACKUP INFORMATION
NOT SUBMITTED TO COUNCIL

DATE: November 7, 2011
TO: Craig Curtis, City Manager
FROM: Jim Jorgensen, Electric Light & Power Manager
RE: Revision to Distribution Tariff Effective January 1, 2012

PURPOSE

The Electric Light & Power Department is requesting Council's approval of revisions to the Distribution Tariff, Appendix A, Electric Utility Bylaw No. 3273/2000, effective January 1, 2012.

There are three separate cost category adjustments required for all customer classifications:

- 1. Increase in Distribution Tariff**
- 2. Increased Balancing Pool Allocation Rebate**
- 3. Increase in Local Access Fee**

BACKGROUND

The EL&P department, as the operator of the electric distribution system in Red Deer, recovers its cost of operating and maintaining the utility system through its Distribution Tariff ("DT"), which is regulated and approved by City Council.

In the submission to Council on November 10, 2006 for rate adjustment, EL&P proposed to align EL&P's DT cycle with the AESO tariff cycle on a go-forward basis. Doing so minimized working capital requirements and avoided rate riders. This means that EL&P's distribution tariffs will commence on January 1 of each year as AESO's tariff runs on a calendar year basis. This alignment, however, requires EL&P to file rate applications with Council before completion of the internal budget debate and discussion process. EL&P has been following this approach to setting rates since November, 2006.

1. INCREASE IN DISTRIBUTION TARIFF

The EL&P Department's 2012 operating budget has gone through internal discussions with the City Manager and will soon be presented to Council for final approval. The department anticipates a total cost increase of approximately \$1,113,000 for 2012 to operating costs.

Table 1 (below) presents the major cost drivers and their magnitude.

Table 1. EL&P department's 2012 major cost drivers

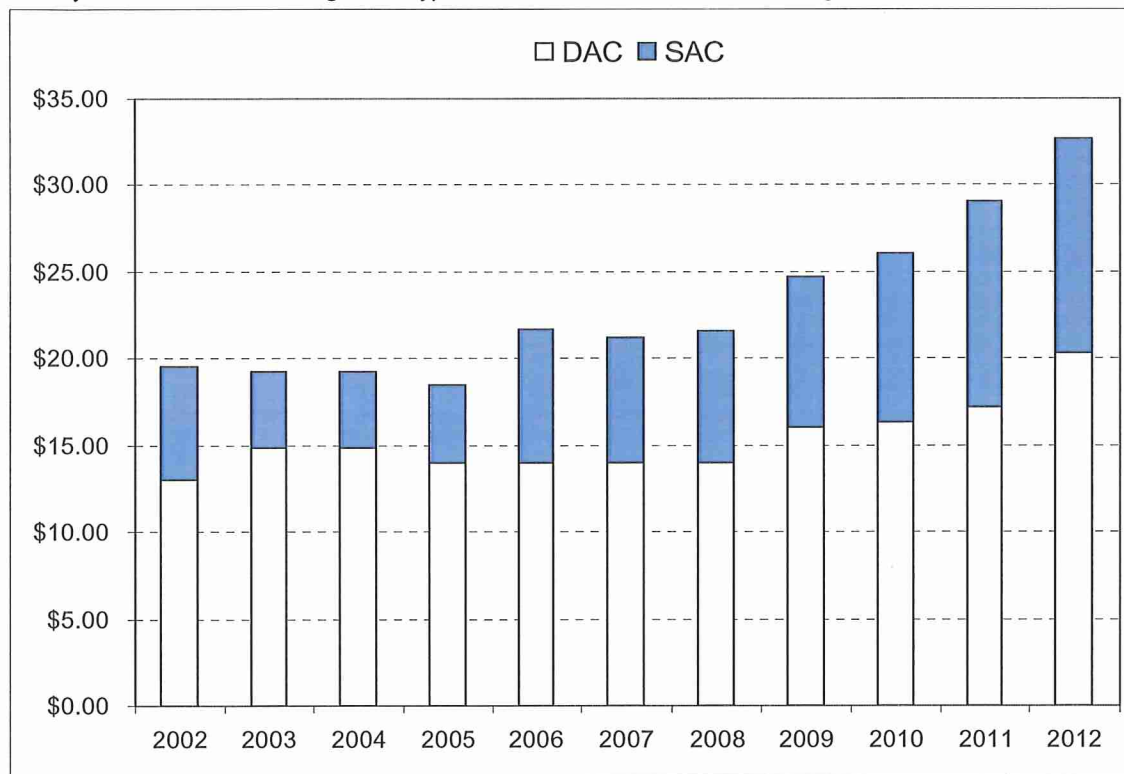
Items	Increase \$000	Note
Increased Cost		
AESO transmission charge increase	\$150	AESO charge to use transmission system
Increase in distribution cost	\$1,543	Cost increase to operate local distribution
TOTAL COST INCREASE	\$1,693	
Increased Revenue		
Load growth	\$414	1% growth in consumption volume
Transmission Facility Owner (TFO) tariff recovery from AUC	\$127	EL&P's transmission assets are regulated by Alberta Utilities Commission (AUC)
Other income (e.g. interest income)	\$39	Other revenue increases
TOTAL REVENUE INCREASE	\$580	
Net increase to cost	\$1,113	Equivalent to an average rate increase of 2.8%

This net increase in cost, \$1,113,000, is equivalent to increasing the DT by an average 2.8%. This increase can be broken down into the following components:

Component	Increase %
System Access Charge (SAC)	1.3%
Distribution Access Charge (DAC)	1.5%
Average increase	2.8%

The following chart shows the DT charge history between 2002 and 2012 for the Residential rate class.

Monthly Distribution Tariff charge for a typical Residential customer consuming 600 kWh



Note: **SAC** = AESO transmission charge for accessing the provincial transmission system
DAC = EL&P cost to operate and maintain the City's local distribution system

The SAC component accounts for 35% to 40% of the total revenue requirement of the EL&P department, and is for the purpose of recovering our share of the regulated costs of building and maintaining the provincial transmission grid to deliver electricity to customers. The government's policy requires that the transmission costs be recovered through a postage stamp rate, which means that the rate charged for using the transmission system is the same for every customer in Alberta regardless of where the customer is located. Each month, EL&P pays transmission charges to the AESO for all the Red Deer loads. EL&P then recovers these AESO transmission charges through the SAC component within its Distribution Tariff.

Each year, EL&P forecasts the following year's transmission cost as part of its budgeting process. Many factors are taken into consideration in the transmission cost forecast, including load growth (both local and provincial) and the long-term trend of power pool prices.

The DAC is for the purpose of recovering the cost of operating and maintaining the local distribution system.

2. BALANCING POOL ALLOCATION REBATE

The Alberta Balancing Pool ("BP") was established in 1998 by the provincial government and was mandated to ensure that benefits (or losses) associated with the formerly regulated generating capacity are retained (or paid) by customers in Alberta on a go-forward basis. The BP plays a number of roles in the deregulated electricity market, including managing the power

purchase arrangements and selling the output of the remaining regulated generation assets at fair market prices.

Under the provincial Electric Utilities Act ("EUA"), the net balance of the balancing pool account, either positive (net surplus) or negative (net deficit), must be flowed back to customers. The following is the sequence of events that take place to flow a rebate back to (or recover a shortfall from) all electricity consumers:

- a) The BP transfers the funds to the AESO;
- b) A distribution system owner receives a share of the funds from the AESO as a credit against their AESO transmission invoice;
- c) The distribution system owner transfers the rebate to the retailers through the DT tariff wholesale billing process;
- d) The retailers rebate customers on their monthly power bill.

Each year, the BP is required to forecast its revenues and expenses to estimate the future year's surpluses or shortfalls. Since the establishment of the BP in 1998, Alberta consumers have received rebates in 2001, and between 2006 to 2011.

On October 13, 2011, the BP announced a rebate of \$0.0055 per kWh to all electricity customers in Alberta. The kWh energy is measured at a transmission substation; however, customers are normally billed based on the end-use meter readings. As a result, the refund must be converted to the end-use meter point by adding distribution system losses and unaccounted-for-energy.

In the Red Deer electric system, the distribution system loss factor is set at 3.6%, and the unaccounted-for-energy is generally negligible. Therefore the refund rate at the end-use meter level becomes:

$$\$0.0055 \times (1 + 3.6\%) = \$0.00569 \text{ (per kWh)}$$

The EL&P Department submits that a rebate of \$0.00569 per kWh, measured at the end-use meter level, be flowed back to all customers in Red Deer, starting January 1, 2012 and ending December 31, 2012.

3. INCREASE IN LOCAL ACCESS FEE

The Local Access Fee ("LAF") is a separate line item within the DT and is a charge levied by the municipality to the electric utility as a franchise fee for the exclusive rights to use portions of road, rights-of-way and other City owned properties and lands for the purpose of placing and maintaining electrical distribution facilities. This fee is assessed against only the DAC component of the DT with no assessment against the SAC component.

The current LAF for electric customers is 32%. For 2012 we propose to increase the LAF to **33%**.

PROPOSED RATE ADJUSTMENT

The attached red-lined bylaw presents detailed information of the proposed changes to our DT, specifically to Appendix A of Bylaw 3273/2000.

IMPACT ON CUSTOMERS

Impacts of the above tariff adjustments on customers are shown in the following table.

Table 2. Impact of each rate adjustment on total monthly DT charge

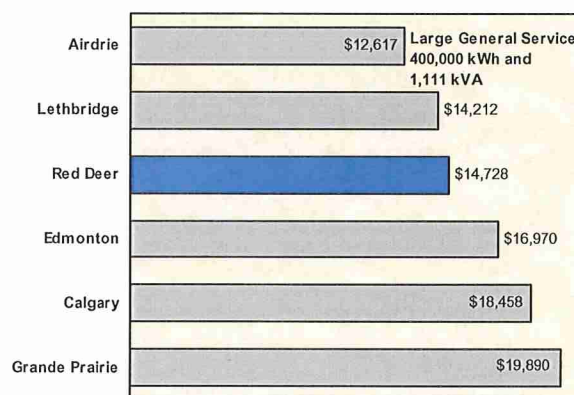
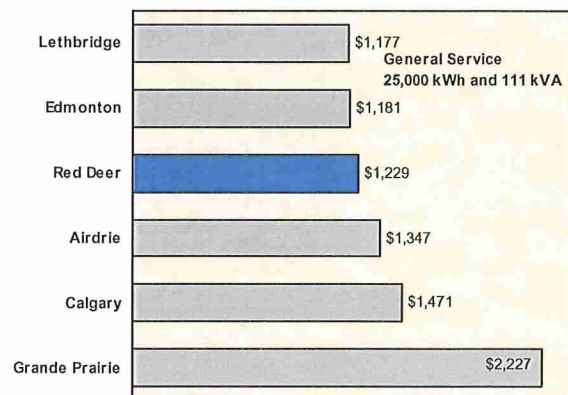
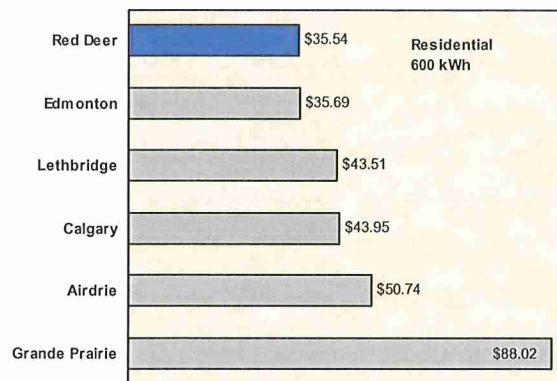
Rate Class	DT Charge		Local Access Fee		Balancing Pool		Total Change	
	\$	%	\$	%	\$	%	\$	%
E61 Residential	\$1.40	3.9%	\$1.21	3.4%	(\$2.17)	(6.1%)	\$0.44	1.2%
E63 Small GS	(\$1.74)	(1.5%)	\$2.89	2.6%	(\$7.24)	(6.4%)	(\$6.09)	(5.4%)
E64 General Service	(\$59.90)	(4.9%)	\$22.64	1.8%	(\$90.50)	(7.4%)	(\$127.76)	(10.4%)
E78 Large GS	(\$548.66)	(3.7%)	\$320.32	2.2%	(1,448.00)	(9.8%)	(\$1,676.34)	(11.4%)

The BP Allocation is a provincial program and is set solely by the Alberta Balancing Pool. The City, as the owner of an electrical distribution system, is required to flow the refunds back to customers. Because BP refunds are based on the volume of consumption only, customers with a higher load factor would likely receive a higher proportion of the refunds.

RATE COMPARISONS

At this moment, it is extremely difficult to make a meaningful comparison on the distribution tariff with other Alberta utilities for 2012, as the rates of most other Alberta utilities for 2012 are presently unknown and will likely remain unknown well into 2012 when they receive final approvals from their regulators.

The following four graphs show the current (November 2011) monthly DT charges for typical customer classes in selected service areas in the province. It should be noted that these graphs are for delivery charges only. Retailer charges, including energy charge and billing charge, are not included.



Approved Rate Change required by NOVEMBER 28, 2011

Provincial regulations require wires service providers (such as EL&P) to provide at least 30 days advanced notice to retailers about any changes to their distribution tariffs. In order for EL&P to comply with this requirement and for the retailers in Red Deer to make the required changes in their billing systems with an effective date of January 1, 2012, we will need to inform retailers of the DT change prior to December 1, 2011. Therefore, it is recommended that Council approve the proposed rates no later than the Council meeting on November 28, 2011.

RECOMMENDATION

It is recommended that City Council provide the first reading, at the Council meeting of November 14, 2011, and provide 2nd and 3rd readings on November 28, 2011, for final approval of the proposed revisions to "**Appendix A – Distribution Tariff**" of the Electric Utility Bylaw No. 3273/2000 as detailed in the attachments with the effective date being January 1, 2012.

Jim Jorgensen
Manager, Electric Light & Power Department

cc. Paul Goranson, Director, Development Services
Lisa Frances, Acting Manager, Financial Services
Karen Yetter, Divisional Controller, Development Services
Andreas Zabel, Utility Specialist, EL&P

Attachment

Christine Kenzie

From: Jim Jorgensen
Sent: November 02, 2011 2:31 PM
To: Christine Kenzie
Cc: Elaine Vincent
Subject: EL&P Distribution Tariff Revision report

Hi Christine,

We're working on submitting a Distribution Tariff item for the Council Agenda on November 14th. Just wanted to give you a heads up because we'll be using the SIRE process for the first time and I'm not sure if we'll get crossed up at all...hopefully not but...

Thanks,
Jim
The City of Red Deer
Electric Light & Power
Ph: 403-342-8341
Fax: 403-314-5842

CITY OF RED DEER
ELECTRIC LIGHT & POWER DEPARTMENT
DISTRIBUTION TARIFF

GENERAL

Effective Date

This Tariff is effective on ~~August 1, 2011~~ **January 1, 2012**. It applies to all consumptions, whether estimated or actual, on and after ~~August 1, 2011~~ **January 1, 2012**, for the use of System Access and Distribution Access services.

Terms and Conditions

The "Terms and Conditions for Distribution Access Services" and the "Terms and Conditions for Retail Access Services" are part of this Tariff. Furthermore, the "Schedule of Fees for Distribution Access Services" and the "Retail Access Service Agreement" are also part of this Tariff.

Billing Demand

The kVA of Billing Demand with respect to the monthly billing period will be the greater of:

1. the highest kVA Metered Demand in the monthly billing period; or
2. the highest kVA Metered Demand in the 12 consecutive months including and ending with the monthly billing period.

The kVA Metered Demand will be measured by either a thermal demand meter having a demand response period of 90% in 15 minutes and a 30 minute test period, or 15 minute interval demand metering equipment.

The kVA of Billing Demand will be re-established on such shorter periods of time as designated by the Electric Light & Power Manager for the individual customer as warranted by that customer's changing load characteristics.

RESIDENTIAL - RATE 61

Application Applies to all residential premises which are measured by a single meter and which contain not more than two dwelling units.

**Distribution
Tariff**

	Unit	System Access	Distribution Access
Basic Charge	\$ per day	0.3036 0.2660	0.3363 0.3984
Variable Charge	\$/kWh of all energy	0.0081 0.0071	0.0116 0.0137

**Balancing
Pool
Allocation** A credit of ~~\$0.00207~~ \$0.00569/kWh of all energy effective from January 1, ~~2011~~ 2012 to December 31, ~~2011~~ 2012 inclusive and nil for any other time periods.

**Local Access
Fee** Assessed as ~~32%~~ 33% of each and every component of the Distribution Access Charge and is added to the customer's bill.

**Minimum
Monthly
Charge** Total Basic Charge (System Access plus Distribution Access), plus any applicable Local Access Fee.

GENERAL SERVICE - RATE 63

Application Applies to non-residential customers and to residential premises not entitled to Rate 61, plus the "house lights" services (including common area lighting and utility rooms) of apartment buildings where the kVA Metered Demand is less than 50 kVA. If the kVA Metered Demand exceeds 50 kVA, Rate 64 will be applied immediately and will be continued to be applied irrespective of future kVA Metered Demand.

Services are to be taken at one of the following nominal voltages:

120/240 Volts, single phase, 3 wire;
120/208Y Volts, network, 3 wire;
120/208Y Volts, three phase, 4 wire;
347/600Y Volts, three phase, 4 wire.

Distribution Tariff

	Unit	System Access	Distribution Access
Basic Charge	\$ per day	1.2065 1.0015	0.9705 1.1180
Variable Charge	\$/kWh of all energy	0.0081 0.0067	0.0093 0.0107

Balancing Pool Allocation

A credit of ~~\$0.00207~~ **\$0.00569**/kWh of all energy effective from January 1, ~~2011~~ **2012** to December 31, ~~2011~~ **2012** inclusive and nil for any other time periods.

Local Access Fee

Assessed as ~~32%~~ **33%** of each and every component of the Distribution Access Charge and is added to the customer's bill.

Minimum Monthly Charge

Total Basic Charge (System Access plus Distribution Charge), plus any applicable Local Access Fee.

GENERAL SERVICE - RATE 64

Application Applies to commercial and industrial installations where service is taken at the voltage listed for Rate 63 but where the kVA Metered Demand is 50 kVA or greater.

**Distribution
Tariff**

	Unit	System Access	Distribution Access
Demand Charge	\$/kVA of Billing Demand per day	0.1410 0.1174	0.0863 0.0966
Variable Charge	\$/kWh of all energy	0.0081 0.0067	0.0066 0.0074

**Balancing
Pool
Allocation** A credit of ~~\$0.00207~~ **\$0.00569**/kWh of all energy effective from January 1, ~~2011~~ **2012** to December 31, ~~2011~~ **2012** inclusive and nil for any other time periods.

**Local Access
Fee** Assessed as ~~32%~~ **33%** of each and every component of the Distribution Access Charge and is added to the customer's bill.

**Minimum
Monthly
Charge** Total Demand Charge (System Access plus Distribution Access), plus any applicable Local Access Fee.

LARGE GENERAL SERVICE/INDUSTRIAL - RATE 78

Application Applies where 4,160 volts or greater is available with adequate system capacity and service is taken at 4,160 volts or greater, balanced three phase and the kVA Metered Demand is not less than 1000 kVA.

Rate 78 is also applicable to all customers who were billed on Rate 78 prior to December 31, 2000 regardless of the kVA Metered Demand.

**Distribution
Tariff**

	Unit	System Access	Distribution Access
Demand Charge	\$/kVA of Billing Demand per day	0.1480 0.1234	0.0906 0.1037
Variable Charge	\$/kWh of all energy	0.0081 0.0068	0.0062 0.0071

**Balancing
Pool
Allocation** A credit of ~~\$0.00207~~ **\$0.00569**/kWh of all energy effective from January 1, ~~2011~~ **2012** to December 31, ~~2011~~ **2012** inclusive and nil for any other time periods.

**Local Access
Fee** Assessed as ~~32%~~ **33%** of each and every component of the Distribution Access Charge and is added to the customer's bill.

**Minimum
Monthly
Charge** Total Basic Charge (System Access plus Distribution Charge), plus any applicable Local Access Fee.

STREET LIGHT SERVICE - RATE 81

Application Applies to standard street light fixtures.

**Distribution
Tariff**

	Unit	System Access	Distribution Access
Demand Charge	\$/kVA of Billing Demand per day	0.1966 0.1617	0.1128 0.1309
Variable Charge	\$/kWh of all energy	0.0081 0.0067	0.0071 0.0082

Note: Demand and consumption values of individual fixtures will be established by the Electric Light & Power Manager and will be reviewed by the Electric Light & Power Manager from time to time.

**Balancing
Pool
Allocation**

A credit of ~~\$0.00207~~ **\$0.00569**/kWh of all energy effective from January 1, ~~2011~~ **2012** to December 31, ~~2011~~ **2012** inclusive and nil for any other time periods.

**Local Access
Fee**

Assessed as ~~32%~~ **33%** of each and every component of the Distribution Access Charge and is added to the customer's bill.

**Minimum
Monthly
Charge**

Total Demand Charge (System Access plus Distribution Access), plus any applicable Local Access Fee.

TRAFFIC LIGHT SERVICE - RATE 82

Application Applies to standard traffic light systems.

**Distribution
Tariff**

	Unit	System Access	Distribution Access
Demand Charge	\$/kVA of Billing Demand per day	0.1966 0.1623	0.1047 0.1225
Variable Charge	\$/kWh of all energy	0.0081 0.0067	0.0086 0.0101

Note: Demand and consumption values of individual fixtures will be established by the Electric Light & Power Manager and will be reviewed by the Electric Light & Power Manager from time to time.

**Balancing
Pool
Allocation**

A credit of ~~\$0.00207~~ **\$0.00569**/kWh of all energy effective from January 1, ~~2011~~ **2012** to December 31, ~~2011~~ **2012** inclusive and nil for any other time periods.

**Local Access
Fee**

Assessed as ~~32%~~ **33%** of each and every component of the Distribution Access Charge and is added to the customer's bill.

**Minimum
Monthly
Charge**

Total Demand Charge (System Access plus Distribution Access), plus any applicable Local Access Fee.

DISTRIBUTION GENERATION - RATE 83

Application Applies to generators meeting all of the following requirements

1. Have a capacity of 150 kW or greater, and connected to a distribution voltage;
2. Have installed a revenue class bi-directional 15-minute interval meter.

Generators not meeting the above requirements are reviewed on an individual basis.

**Distribution
Tariff**

	Unit	Distribution Access
Capacity Charge	\$/kW of peak output per day	0.0825
Variable Charge	\$/kWh of supplied energy	0.0057

- Note:
1. Power consumption by the customer for standby purposes is subject to an applicable rate (61, 63, 64, 78, 81 or 82) for load customers
 2. Peak output is measured and calculated in the same manner as the Billing Demand for load customers

Local Access Fee Assessed as ~~32%~~ 33% of each and every component of the Distribution Access Charge and is added to the customer's bill.

Transmission Charge As per the applicable supply tariff of the Transmission Administrator. This is a charge to the customer and is added to the customer's bill.

Transmission Credit $DTS \times \Sigma(A - B)$ where
DTS is the applicable demand tariff of the Transmission Administrator
A is hourly gross billing determinants at the Point of Delivery to which the customer is connected
B is hourly net billing determinants at the Point of Delivery to which the customer is connected

This is a credit to the customer and is calculated on a monthly basis.

Comments:

I support the recommendation of Administration that Council give first reading to Electric Utility Bylaw Amendment 3273/B-2011. Electric Utility Bylaw Amendment will come back to the Monday, November 28, 2011 Council meeting for consideration of second and third readings. I recognize this is different from the traditional practice of the request coming to Council after budget discussions. The process will be revised to work better in the future.

“Craig Curtis”
City Manager



October 13, 2011

Request For Penalty Cancellation - Roll #1543785

Revenue and Assessment

Report Summary & Recommendation:

The City has received a request to cancel a late payment penalty on a property tax account. Administration's review of the account indicates that the payment was processed in compliance with approved City policy and procedures and that penalties were correctly applied as per the bylaw.

Given the property owners responsibility for the payment of taxes, fairness and equity to all property owners, and the extensive communications by the City please consider the following recommendation.

RECOMMENDATION:

It is recommended that the tax penalty applied to this roll is not waived.

City Manager Comments:

I support the recommendation of Administration that the tax penalty not be waived.

Craig Curtis
City Manager

Proposed Resolution

Resolved that Council of The City of Red Deer having considered the report from the Revenue and Assessment Department, dated October 13, 2011, re: Request for Penalty Cancellation - Roll #1543785, agrees not to waive the tax penalty.



Report Details

Background:

The City has received a request to cancel property tax penalties applied to the tax account for 62 Cosgrove Close. This property is owned by Ms. Elsie Frodle.

Following is a summary of the activity in this tax account for 2011.

- On May 11, 2011 a tax notice was mailed to Ms. Elsie Frodle. The 2011 levy on this property totaled \$1797.91.
 - A payment of \$1797.91 for this account was received by mail at The City in July. The Canada Post postmark on the envelope was clearly July 2, 2011. In compliance with MGA 341 and The City's Corporate Banking and Payment Handling Procedure, the payment was processed as a July 2011 payment.
 - This payment was made on behalf of Ms. Frodle by her niece, Ms. Petrowich. Ms. Petrowich initiated the request for penalty cancelation.
 - In accordance with City bylaw 3280/2001, a penalty of \$107.87 was applied to this property tax roll on July 1, 2011.
 - As no further payments have been received on this account, additional penalties have been assessed bringing the outstanding balance at November 8, 2011 to \$114.44
- The Canada Post strike is referenced in the attached letter. As background for Council, a summary of the labour disruption follows:
- The Canada Post/CUPE labour disruption began on June 3, 2011 with 11 days of rotating strikes by CUPE workers. Red Deer and Calgary were both affected by the rotating strikes. Red Deer strike action began in the evening on Friday June 10 and lasted for 48 hours. Calgary strike action began on Tuesday June 7 and lasted 24 hours. In both cases, mail service existed before the rotating strike and was resumed after the strike.
 - On Tuesday June 14 Canada Post locked out CUPE workers, disrupting mail service across the country. On Sunday June 26 the Federal government passed 'back to work' legislation and on Tuesday June 28 full mail delivery resumed across the country.

Discussion:

This year in early May, The City became aware of the possibility of a postal interruption and purposefully mailed property tax notices by May 11, three weeks earlier than in the prior year and well before the anticipated disruption. Additionally The City increased its communications to property owners clearly advising them that late tax payments were subject to penalties and recommending that owners use alternate payment methods. We were not alone in this. Other municipalities, including Calgary, as well as utility companies



and service providers also advised their customers that payments were still due by the due dates and encouraged them to use alternate payment methods during the postal interruption.

Any time a property tax payment is mailed there is a risk that the envelope will not be delivered to the municipality by the due date. This is a risk every year, not just when there is a postal disruption. Section 341 of the MGA states “A tax payment that is sent by mail to a municipality is deemed to have been received by the municipality on the date of the postmark stamped on the envelope.” Because of this reference in the MGA, the postmark is a key determinant of receipt date for the majority of Alberta municipalities.

Every year The City of Red Deer includes information on ‘payments made by mail’ in its extensive communications campaign on the City web site, public service announcements and in the detailed information on the tax notices. Specifically the City tells tax payers that to avoid penalties when making their payments by mail, they need to ensure that the envelope is postmarked by Canada Post no later than June 30. This is easily done by taking the envelope to one of the many Canada Post substations located in every municipality and ensuring that the cancellation stamp is applied no later than June 30. This simple step ensures that the payment is processed & deemed to be “received” by The City as of the date of the Canada Post cancellation stamp. Without this step, the person mailing the payment assumes the risk that the envelope is postmarked after the due date and that the account is penalized.

Analysis:

Responsibility for the timely payment of property taxes rests with the tax payer, as does the choice of payment method. As the postal dispute was extensively covered by the media it is fair to assume that the risks of mailing payments were well communicated to the general public, and that Ms. Petrowich was aware of them. Ms. Petrowich could have made the property tax payment on this account at a bank, through on-line or telephone banking, or via a courier service. She could have telephoned The City or checked The City website to determine the options for making a payment from out of town. She chose to mail the payment to The City.

Every year The City prepares an extensive communications plan to advise property owners about their taxes, due dates and penalties. The 2011 communications plan was expanded to deal with the postal interruption and indications are that the communications plan was effective. Despite the postal interruption most taxpayers did pay their taxes on time. At July 1, 2011, The City added late payment penalties to approximately 2200 accounts, which represents about 6% of the total accounts. This is down from prior years where over 7% of City properties were penalized on July 1.



Approving this request for a penalty cancellation would set a precedent and could result in other owners expecting the same consideration.

Section 347(1) 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 condition:

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

A penalty imposed is deemed to be part of the tax in respect of which it is imposed.

September 15, 2011

Legislative and Governance Services
P.O. Box 5008
Red Deer, Alberta
T4N 3T4

Re: Elsie Frodle
Roll : 1543785
Address : 62 Cosgrove Close
Lot : 28, Block 11, Plan : 8821884

To whom it may concern:

I am writing requesting the late payment fee for my Aunt's taxes be reversed.

Why? Unfortunately, the payment arrived late because of the postal strike. I have spoken to Deb Stott and she explained that Red Deer had taken many steps to ensure people knew how to pay their taxes.

In there lies the problem. I look after my Aunt's affairs and I live in Calgary. When I went to visit Elsie in May she gave me the little bottom slip for the taxes and asked me to write the cheque and mail it. I did this upon my return to Calgary. You can see the cheque was dated May 24, 2011. And I personally put in the mail at the beginning of June.

Deb Stott explained how there were ads on busses and information in the paper as well she mentioned there was a flyer in the envelope. I do not live in Red Deer and was not privy to any of that information.

Elsie has dutifully paid her taxes since she has been living in Red Deer since 1989. Never once missed a payment. Thus she knew enough to give me the bottom of the bill and ask for it to be paid.

Secondly, my Aunt now lives in Sylvan Lake in a lodge where I visited her so had no reason to go to Red Deer to take advantage of any of the extensive advertisements. As my Aunt has lived in Sylvan Lake since December 2010 she does not get the Red Deer paper. She could not read it anyhow, thus the reason I handle her affairs.

Deb Stott also suggested that I should have gone to the Post Office and got them to date stamp it. Good idea, but I have no reason to do this as I mailed it at the beginning of June. As well, I did not even know the Post Office offered that service. So I would not even had thought of it. My taxes are paid monthly from my chequing account.


My Aunt is 86 years old and is living on a fixed income. I would ask that you reconsider the levy for what appears to be late taxes but in reality I wrote the cheque and I mailed at the beginning of June and obviously we are a victim of circumstance with respect to the Postal Strike.

I have attached a copy of the cheque, a copy of the payment slip and a copy of the post mark.

I would ask that you reconsider this situation and remove the interest charge from her account.

If you have any questions, please do not hesitate to contact me. Please note I will be out of the country from September 21, 2011 until October 7, 2011.

Thank you very much,

A handwritten signature in black ink, appearing to read "J. Petrowich". The signature is fluid and cursive, with the first letter "J" being particularly large and stylized.

Jamie Petrowich

work: 403 410 8358

home: 403 242 6670

email: Jamie.petrowich@shaw.ca

or Jamie.petrowich@bell.ca

Your Everyday Banking statement

MS ELSIE FRODLE,
MRS JAMIE PETROWICH
For the period ending July 22, 2011

Everyday Banking

Cheque #209 **1,797.91**

MISS ELSIE FRODLE
MRS JAMIE PETROWICH

DATE 20110524

PAY TO THE ORDER OF The City of Red Deer \$1797.91

One Thousand Seven Hundred Ninety Seven and 91/100 DOLLARS

MEMO Bank of Montreal
255, 45TH AVENUE TEL: (403) 340-4416
RED DEER, ALBERTA T4N 2N4

MEMO ELSES CITY OF J Petrowich
RED DEER TAVES

Cheque #254 **100.00**

MISS ELSIE FRODLE
MRS JAMIE PETROWICH

DATE 20110718

PAY TO THE ORDER OF Laurena Frodla \$100.00

One Hundred and 00/100 DOLLARS

MEMO Bank of Montreal
255, 45TH AVENUE TEL: (403) 340-4416
RED DEER, ALBERTA T4N 2N4

MEMO Veru Laurena Frodla



BMMEC12100_8893558_001-0001679 HRI- -02-01-09-1- 009773



information about the TIP plan.

RETURN THIS PORTION WITH YOUR PAYMENT. PLEASE WRITE YOUR ROLL NUMBER ON BACK OF CHEQUE.

THE CITY OF RED DEER

4 FL, 4914 - 48 Avenue, Box 5008 Red Deer, Alberta T4N 3T4

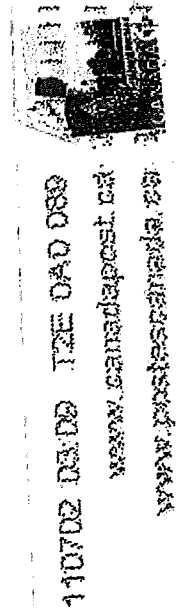


CURRENT TAXES	\$1,797.91	ROLL NUMBER:	1543785
PREPAYMENT/ARREARS AT May 04, 2011	\$0.00	ELSIE MARY FRODLE	
PAYMENT DUE June 30, 2011	\$1,797.91	62 COSGROVE CL	
AMOUNT PAID	\$1797.91	LOT-28 BK-11 PL-8821884	

⑈05998⑈900⑈

95

209



Submission Request For Inclusion on a Council Agenda

Requests to include a report on a Council Agenda must be received by 4:30pm two Wednesdays prior to the scheduled Council meeting.

PLEASE NOTE: If reports are not received by two Wednesdays prior to the scheduled meeting/hearing the report may be moved to the next Agenda.

CONTACT INFORMATION			
Name of Report Writer:	Deb Stott		
Department & Telephone Number:	Revenue & Assessment Services		
REPORT INFORMATION			
Preferred Date of Agenda:	October 3, 2011		
Subject of the Report (provide a brief description)	Report is in response to a request for a property tax cancellation		
Is this Time Sensitive? Why?	Yes, a decision is desired in early October, in order to give the property owner sufficient time to pay any outstanding balance prior to the November 1, 2011 penalty date.		
What is the Decision/Action required from Council?	Require a decision on cancellation of penalties that have been applied to this tax account		
Please describe Internal/ External Consultation, if any.	LGS has contacted the letter writer		
Is this an In-Camera item?	No		
Is Advertising Required?	No		
How does the Report link to the Strategic Plan and other existing Plans & Policies? Economic sustainability			
Has Legal Counsel been consulted? Are there any outstanding issues? Please describe. No. No outstanding issues.			
Are there any financial/budget implications? Please describe. Are there other organizational implications? Please describe. This particular penalty is very small, so it would not impact our finances. However any penalty cancellation can set a precedent resulting in reduction of penalty revenue, which is currently budgeted at \$500,000 for 2011.			
Presentation: (10 Min Max.)	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Presenter Name and Contact Information: Deb Stott
COMMUNITY IMPACT			
Should External Stakeholder(s) be advised of the Agenda item? (e.i. Community Groups, Businesses, Community Associations) If Yes, please provide the Contact Information for the External Stakeholder(s)		X YES	<input type="checkbox"/> NO
External Stakeholder(s) Contact Information: (please provide, name, mailing address, telephone number and e-mail address) Jamie Petrowich. My understanding is that LGS has her contact information			
FOR LEGISLATIVE & GOVERNANCE SERVICES USE ONLY			
Has this been to CLT / City Manager Briefings/ Committees: MPC, EAC, CPAC (Please circle those that apply)			
CLT	City Manager Briefings	Board(s) / Committee(s)	
When/describe: _____	When/Describe: _____	When/Describe: _____	

Do we need Communications Support?	<input type="checkbox"/> YES	<input type="checkbox"/> NO

Please return completed form, along with report and any additional information to Legislative & Governance Services.



COPY

LEGISLATIVE & GOVERNANCE SERVICES

November 16, 2011

Ms. Elsie Frodle
c/o Ms. Jamie Petrowich
62 Cosgrove Close
Red Deer, AB

Dear Ms. Frodle,

**Re: The City of Red Deer – Council Decision
Request for Penalty Cancellation – Roll #1543785**

At the Monday, November 14, 2011 Regular Council Meeting, Red Deer City Council passed the following resolution regarding the above item:

Resolved that Council of The City of Red Deer having considered the report from the Revenue and Assessment Department, dated October 13, 2011, re: Request for Penalty Cancellation –Roll #1543785, hereby agrees not to waive the tax penalty.

If you have any questions regarding this item, please contact Ms. Joanne Parkin, Revenue & Assessment Manager directly at: 403.342.8124.

Sincerely,

Elaine Vincent
Manager

c Revenue & Assessment Manager
Tax Collector

DATE: November 16, 2011
TO: Joanne Parkin, Revenue & Assessment Manager
FROM: Elaine Vincent, Legislative & Governance Services Manager
SUBJECT: Request for Penalty Cancellation – Roll #1543785

Reference Report:

Tax Collector dated October 13, 2011.

Resolution:

The following resolution was passed during the Regular Council meeting held on Monday, November 14, 2011:

Resolved that Council of The City of Red Deer having considered the report from the Revenue and Assessment Department, dated October 13, 2011, re: Request for Penalty Cancellation – Roll #1543785, hereby agrees not to waive the tax penalty.

Report back to Council: No

Comments/Further Action:

Administration will forward Council's decision to the complainant.



Elaine Vincent
Legislative & Governance Services Manager

c: Director of Corporate Services
Acting Financial Services Manager
Corporate Meeting Coordinator



Revenue and Assessment Services

BACK UP INFORMATION
NOT SUBMITTED TO COUNCIL

DATE: September 21, 2011

TO: Craig Curtis, City Manager

FROM: Debra Stott, Controller – Property Taxation

SUBJECT: Request for penalty cancellation – Roll # 1543785

In reference to Jamie Petrowich's letter dated September 15, 2011 requesting cancellation of the property tax penalty that was applied to her aunt's (Elsie Frodle) account, please consider the following:

- A payment of \$1797.91 for this account was received by The City in July. The payment was received by mail and the Canada Post postmark on the envelope was clearly July 2, 2011. In compliance with MGA 341 and The City's Corporate Banking and Payment Handling Procedure, the payment was processed as a July 2011 payment. In accordance with City bylaw 3280/2001, a penalty of \$107.87 was applied to this property tax roll on July 1, 2011. On August 5, 2011 The City mailed a tax statement to Ms. Frodle, indicating that taxes in the amount of \$107.87 were outstanding on this tax roll. As no further payments were received on the account, on September 1, 2011 a penalty was applied in the amount of \$3.24 resulting in an outstanding balance on this roll of \$111.11
- It is unfortunate that Ms Petrowich was not aware of the risks involved with mailing tax payments, as those risks exist every year, not just during postal interruptions. Section 341 of the MGA states "A tax payment that is sent by mail to a municipality is deemed to have been received by the municipality on the date of the postmark stamped on the envelope." Every year The City of Red Deer includes information on 'payments made by mail' in its extensive communications campaign on the City web site, public service announcements and in the detailed information on the tax notices. Specifically the City tells tax payers that to avoid penalties when making their payments by mail, they need to ensure that the envelope is postmarked by Canada Post no later than June 30. This is easily done by taking the envelope to one of the many Canada Post substations located in every municipality and ensuring that the cancellation stamp is applied no later than June 30. This simple step ensures that the payment is processed & deemed to be "received" by The City as of the date of the Canada Post cancellation stamp. Without this step, the person mailing the payment assumes the risk that the envelope is delivered to the municipality after the due date and the account is penalized.
- This year The City was aware of the possibility of a postal interruption and increased its communications to property owners clearly advising them that late tax payments were subject to penalties and recommending that owners use alternate payment methods. We were not alone in this. Other municipalities, utility companies and service providers advised their customers to use alternate payment methods during the postal interruption, most of them indicating that payments were still expected by the due dates.
- Responsibility for the timely payment of property taxes rests with the property owner. It is unfortunate Ms Petrowich did not receive the full tax notice with its recommendations and information. However the City is not responsible for the

circumstances that surround the payments for each tax payer. Many property owners are challenged to make their tax payments by the due date. Despite those challenges only 6% of the property tax accounts were penalized for late payment on July 1, 2011. However approving this request for a penalty cancellation would set a precedent and could result in other owners possibly expecting the same consideration.

- Section 347(1) 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 condition:
 - a. cancel or reduce tax arrears;
 - b. cancel or refund all or part of a tax;
 - c. defer the collection of a tax.

A penalty imposed is deemed to be part of the tax in respect of which it is imposed.

Given the property owners responsibility for the payment of taxes, fairness and equity to all property owners, and the communications by the City to make it easy to ensure timely payment of property taxes please consider the following recommendation.

RECOMMENDATION:

It is recommended that the tax penalty applied to this roll is not waived.

Deb Stott
Controller – Property Taxation
Revenue & Assessment Services

Jo-Anne Parkin
Revenue & Assessment Manager
Revenue & Assessment Services

BACKUP INFORMATION
NOT SUBMITTED TO COUNCIL

COPY

Bev Greter

From: Bev Greter
Sent: Monday, November 21, 2011 8:46 AM
To: 'jamie.petrowich'
Subject: RE: November 14, 2011 - Council Decision Letter - Request for Penalty Cancellation - Roll #1543785

Good morning Jamie,

Thank you for the email. Unfortunately a copy has already been sent to her old address. I will forward another copy to the address below and I'll destroy the original copy when it is returned from Canada Post.

Regards,
Bev

Bev Greter
Corporate Meeting Coordinator
Legislative & Governance Services
Phone: 403.342.8201
Bev.greter@reddeer.ca
www.reddeer.ca

From: jamie.petrowich [mailto:jamie.petrowich@shaw.ca]
Sent: Saturday, November 19, 2011 10:44 AM
To: Bev Greter
Cc: Jamie.Petrowich@bell.ca
Subject: RE: November 14, 2011 - Council Decision Letter - Request for Penalty Cancellation - Roll #1543785
Importance: High

Good morning,
Please do not mail to the address noted in the letter....
My aunt no longer lives there..
Please mail to
167 Signal Ridge Link SW
Calgary Alberta
T3H 2J9

Thank you

From: Bev Greter [mailto:Bev.Greter@reddeer.ca]
Sent: Friday, November 18, 2011 8:55 AM
To: 'Jamie.petrowich@shaw.ca'; 'Jamie.petrowich@bell.ca'
Subject: November 14, 2011 - Council Decision Letter - Request for Penalty Cancellation - Roll #1543785

Good morning Jamie,

Attached is an electronic copy of Red Deer City Council's decision from Monday's meeting. A hard copy will also be mailed to the address noted in the letter.

11/21/2011

403.342.8124

If you have any questions please don't hesitate to contact Revenue & Assessment directly at 403.342.8124.

Kind regards,
Bev

Bev Greter
Corporate Meeting Coordinator
Legislative & Governance Services
Phone: 403.342.8201
Bev.greter@reddeer.ca
www.reddeer.ca

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BACK UP INFORMATION
NOT SUBMITTED TO COUNCIL

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T3H 2J9

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Kind regards,
Bev

Bev Greter
Corporate Meeting Coordinator
Legislative & Governance Services
Phone: 403.342.8201
Bev.greter@reddeer.ca
www.reddeer.ca

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11/21/2011

Christine Kenzie

From: Jamie.Petrowich@bell.ca
Sent: November 14, 2011 9:03 AM
To: Christine Kenzie
Subject: RE: Elsie Frodle Property Taxes - for October 3 2011 Council Meeting

Perfect, thank you very much for your help....
I will tune in.....

Regards,
Jamie

From: Christine Kenzie [mailto:Christine.Kenzie@reddeer.ca]
Sent: November 14, 2011 9:01 AM
To: Petrowich, Jamie (611617)
Subject: RE: Elsie Frodle Property Taxes - for October 3 2011 Council Meeting

Hi Jamie. Sorry to hear that you are not feeling well. The live streaming should start when the Council meeting starts -- at around 2:00 this afternoon. It will show up at the same location where you were able to get a copy of the agenda -- will say "live streaming" next to the agenda for November 14th. Give it a few minutes because Council meetings don't always start right on time.

Christine Kenzie | Corporate Meeting Coordinator
Legislative & Governance Services | The City of Red Deer
D 403.356.8978 | F 403.346.6195
christine.kenzie@reddeer.ca

From: Jamie.Petrowich@bell.ca [mailto:Jamie.Petrowich@bell.ca]
Sent: November 14, 2011 8:58 AM
To: Christine Kenzie
Subject: RE: Elsie Frodle Property Taxes - for October 3 2011 Council Meeting

Good morning,
As luck would have it, I am a sick person today....so I will not be going anywhere.....I was actually in Sylvan Lake Sat/Sun but came home due to illness...
So I will be listening to the Live streaming....

I have checked the website and do have a copy of the information pertaining to my aunt....however, I do not see how to connect for live streaming...Will that link be put up later on today?

Thank you
Jamie

From: Christine Kenzie [mailto:Christine.Kenzie@reddeer.ca]
Sent: November 8, 2011 12:23 PM
To: Petrowich, Jamie (611617)

2011/11/14

Subject: RE: Elsie Frodle Property Taxes - for October 3 2011 Council Meeting

I wanted to update you on the item you have going before Council to request a waiver of the property tax penalty for your aunt. The Monday, November 14th Council Meeting will start at 2:00 P.M. There are not many items on this agenda, and I would estimate that this item would be considered by Council at around 3:00 P.M. (or a little bit later). Are you interested in attending or sending someone in your place?

Christine Kenzie | Corporate Meeting Coordinator
Legislative & Governance Services | The City of Red Deer
D 403.356.8978 | F 403.346.6195
christine.kenzie@reddeer.ca

From: Jamie.Petrowich@bell.ca [mailto:Jamie.Petrowich@bell.ca]
Sent: October 18, 2011 11:49 AM
To: Christine Kenzie
Subject: RE: Elsie Frodle Property Taxes - for October 3 2011 Council Meeting

Thank you very much for this....quite a bit of clarity...I do appreciate it....

Jamie

From: Christine Kenzie [mailto:Christine.Kenzie@reddeer.ca]
Sent: October 18, 2011 11:23 AM
To: Petrowich, Jamie (611617)
Subject: RE: Elsie Frodle Property Taxes - for October 3 2011 Council Meeting

You will be able to see the report from Administration on the City's website -- when the November 14th Council Agenda is published -- the Thursday afternoon before the Council Meeting Date.

Council Meetings are held in City Hall, 4914 - 48 Avenue, on the 2nd Floor in Council Chambers. I will be able to advise a time once I have the agenda put together for the November 14th Council Meeting.

The matter is not open for discussion i.e. you will not be provided an opportunity to speak. Administration will review the report they have presented to Council, and Council will make their decision. You are welcome to attend the Council Meeting to hear the discussion. You will be sent a written letter outlining Council's decision following the Council Meeting.

Christine Kenzie | Corporate Meeting Coordinator
Legislative & Governance Services | The City of Red Deer
D 403.356.8978 | F 403.346.6195
christine.kenzie@reddeer.ca

From: Jamie.Petrowich@bell.ca [mailto:Jamie.Petrowich@bell.ca]
Sent: October 18, 2011 10:51 AM

2011/11/14

To: Christine Kenzie
Subject: RE: Elsie Frodle Property Taxes - for October 3 2011 Council Meeting

Good morning,
Safely back in the country!

Please can you advise the details of the council meeting?
Where?
What time?
Is that matter open for discussion? Or does the Council review the submissions and then discuss?
Should I be preparing some remarks?

Thank you
Jamie

From: jamie.petrowich [mailto:jamie.petrowich@shaw.ca]
Sent: September 27, 2011 6:37 AM
To: 'Christine Kenzie'
Cc: Petrowich, Jamie (611617)
Subject: RE: Elsie Frodle Property Taxes - for October 3 2011 Council Meeting

Hi Christine,
I checked with Jamie, this would work for her.
Thank you very much.
Regards,
Mark

From: Christine Kenzie [mailto:Christine.Kenzie@reddeer.ca]
Sent: Monday, September 26, 2011 9:54 AM
To: 'jamie.petrowich'
Subject: FW: Elsie Frodle Property Taxes - for October 3 2011 Council Meeting
Importance: High

Update to the email below ---- this item would be postponed from the October 3rd Council Meeting to the November 14th Council Meeting. Would this work for you?

Christine Kenzie | Corporate Meeting Coordinator
Legislative & Governance Services | The City of Red Deer
D 403.356.8978 | F 403.346.6195
christine.kenzie@reddeer.ca

From: Christine Kenzie
Sent: September 26, 2011 8:03 AM
To: 'jamie.petrowich'
Subject: RE: Elsie Frodle Property Taxes - for October 3 2011 Council Meeting

2011/11/14

Thanks for getting back to me Mark. It is not necessary for the person to attend the Council Meeting, nor will they be required to speak, they observe the proceedings. Because Jamie is out of town until October 7th --- we have postponed this item until the next Council meeting -- October 17th. If she feels that we should go ahead on October 3rd -- we can do that --- but she will need to let me know by the end of today if possible. (September 26th)

Thanks.

Christine Kenzie | Corporate Meeting Coordinator
Legislative & Governance Services | The City of Red Deer
D 403.356.8978 | F 403.346.6195
christine.kenzie@reddeer.ca

From: jamie.petrowich [mailto:jamie.petrowich@shaw.ca]
Sent: September 23, 2011 6:43 AM
To: Christine Kenzie
Subject: RE: Elsie Frodle Property Taxes - for October 3 2011 Council Meeting

Hi Christine,
My name is Mark and I'm responding on behalf of Jamie, who, as you know is enjoying herself abroad!! She has asked if it is necessary to attend and if the person will be required to speak or merely observe the proceedings.
Please let me know and we will plan accordingly.
Thanks very much.
Mark

From: Christine Kenzie [mailto:Christine.Kenzie@reddeer.ca]
Sent: Wednesday, September 21, 2011 4:16 PM
To: 'jamie.petrowich@shaw.ca'
Cc: Deb Stott
Subject: FW: Elsie Frodle Property Taxes - for October 3 2011 Council Meeting

Jamie, I am forwarding this email to your home. Hoping that you are checking emails while you are away and are able to respond?

Thanks.

Christine Kenzie | Corporate Meeting Coordinator
Legislative & Governance Services | The City of Red Deer
D 403.356.8978 | F 403.346.6195
christine.kenzie@reddeer.ca

From: Christine Kenzie
Sent: September 21, 2011 4:09 PM
To: 'Jamie.Petrowich@bell.ca'

Cc: Deb Stott

Subject: RE: Elsie Frodle Property Taxes - for October 3 2011 Council Meeting

City Administration has just notified me that they will be ready with a report to Council for the Monday, October 3rd Council Meeting regarding your request to waive the tax penalties. I know in your letter you indicated you would be out of the country from September 21st to October 7th.

If you are checking your emails --- would you please let me know if you (or someone else) are still wanting to attend the Council Meeting and if the October 3rd meeting would work for you?? If possible I would like to hear back from you by Monday, September 26th.

Thanks,

Christine Kenzie | Corporate Meeting Coordinator
Legislative & Governance Services | The City of Red Deer
D 403.356.8978 | F 403.346.6195
christine.kenzie@reddeer.ca

From: Jamie.Petrowich@bell.ca [mailto:Jamie.Petrowich@bell.ca]
Sent: September 19, 2011 12:00 PM
To: Christine Kenzie
Subject: RE: Elsie Frodle Property Taxes

Thank you very much....
I might have to send an envoy in my place.....

Regards
Jamie

From: Christine Kenzie [mailto:Christine.Kenzie@reddeer.ca]
Sent: September 19, 2011 11:58 AM
To: Petrowich, Jamie (611617)
Subject: RE: Elsie Frodle Property Taxes

Yes you would be welcome to attend the Council meeting. Red Deer City Council Meetings are held on Monday afternoons --- starting at 1:00 P.M. until October 31st, at which time a new schedule of Council meetings and meeting start times would be approved by Council for the balance of 2011 and into 2012.

Christine Kenzie | Corporate Meeting Coordinator
Legislative & Governance Services | The City of Red Deer
D 403.356.8978 | F 403.346.6195
christine.kenzie@reddeer.ca

From: Jamie.Petrowich@bell.ca [mailto:Jamie.Petrowich@bell.ca]
Sent: September 19, 2011 11:55 AM

2011/11/14

To: Christine Kenzie
Subject: RE: Elsie Frodle Property Taxes

Thank you very much for responding. I do appreciate it.

Some advice if you don't mind – should a person actually attend the meeting if they are able?

From: Christine Kenzie [mailto:Christine.Kenzie@reddeer.ca]
Sent: September 19, 2011 11:54 AM
To: Petrowich, Jamie (611617)
Subject: FW: Elsie Frodle Property Taxes

This is to acknowledge receipt of your request to have Red Deer City Council waive the late payment fee for property taxes. This letter will be sent to City Administration for review and comment, and I will let you know when it will be brought forward for Council's consideration.

Christine Kenzie | Corporate Meeting Coordinator
Legislative & Governance Services | The City of Red Deer
D 403.356.8978 | F 403.346.6195
christine.kenzie@reddeer.ca

From: Jamie.Petrowich@bell.ca [mailto:Jamie.Petrowich@bell.ca]
Sent: September 16, 2011 4:32 PM
To: Legislative Services
Subject: Elsie Frodle Property Taxes

Hello,

Please see my attachment requesting the outstanding monies owed on Elsie Frodle's taxes be forgiven.

Please advise if I have not correctly followed protocol for this type of request.

Thank you very much

Jamie Petrowich
403 410 8358

[This message has been scanned for security content threats and viruses.]

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2011/11/14

Christine Kenzie

To: Deb Stott; Joanne Parkin
Subject: FW: submission for October 3, 2011 Council agenda

Importance: High

Attachments: Sept 21 2011 Roll 1543785 Petrowich Frodle request for penalty cancellation
SubmissionRequestforInclusiononaCouncilAgenda2.DOC; DMPROD-#1151884-v1-
September_21_2011
_Report_to_Council_regarding_a_request_for_penalty_cancellation_for_Roll_1543785_at_62
_Cosgrove_Close_from_Jamie_Pe.DOC

We are pulling this item from the October 3rd Council Agenda and putting it to the October 17th Council Agenda. Elaine Vincent feels we should not bring this item before Council unless the complainant is available to attend. If you want to delay this further --- let me know.

Christine Kenzie | Corporate Meeting Coordinator

Legislative & Governance Services | The City of Red Deer

D 403.356.8978 | F 403.346.6195

christine.kenzie@reddeer.ca

From: Deb Stott
Sent: September 21, 2011 4:50 PM
To: Legislative Services
Cc: Christine Kenzie; Joanne Parkin
Subject: submission for October 3, 2011 Council agenda
Importance: High

Hi Christine,
As we spoke about earlier today, here is my report and Council agenda submission form regarding the Sept 15, 2011 request from Jamie Petrowich for penalty cancellation on Roll 1543785.
As I expect we will tweak the report on Monday Sept 26, I have left Joanne Parkin as the Manager signing on behalf of our department.

Please let me know if you would like any more information or are suggesting changes to the report or submission form. I should let you know that I am away from the office on Thursday and Friday and will be back on Monday Sept 26.

Thanks for all your help!!



Sept 21 2011 Roll
1543785 Petr...

Deb Stott, CMA

Christine Kenzie

From: Deb Stott
Sent: September 21, 2011 4:50 PM
To: Legislative Services
Cc: Christine Kenzie; Joanne Parkin
Subject: submission for October 3, 2011 Council agenda

Importance: High

Follow Up Flag: Follow up
Flag Status: Red

Attachments: Sept 21 2011 Roll 1543785 Petrowich Frodle request for penalty cancellation
SubmissionRequestforInclusiononaCouncilAgenda2.DOC; DMPROD-#1151884-v1-
September_21__2011
_Report_to_Council_regarding_a_request_for_penalty_cancellation_for_Roll_1543785_at_62
_Cosgrove_Close_from_Jamie_Pe.DOC

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As I expect we will tweak the report on Monday Sept 26, I have left Joanne Parkin as the Manager signing on behalf of our department.

Please let me know if you would like any more information or are suggesting changes to the report or submission form. I should let you know that I am away from the office on Thursday and Friday and will be back on Monday Sept 26.

Thanks for all your help!!



Sept 21 2011 Roll
1543785 Petr...



DMPROD-#115188
4-v1-September_2...

Deb Stott, CMA
Controller - Property Taxation
Revenue & Assessment Services
City of Red Deer
ph: (403) 342-8123
email: deb.stott@reddeer.ca