

CITY COUNCIL

AGENDA

Monday, November 28, 2011 – Council Chambers, City Hall

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

1. MINUTES

- 1.1. Confirmation of the Minutes of the Monday, November 14, 2011 Regular Council Meeting

(Agenda Pages 1 – 9)

2. POINT OF INTEREST

3. PRESENTATION

- 3.1. Central Alberta Self Advocate (CASA) Presentation
Certificate of Appreciation to The City of Red Deer Regarding Photo Montage Project

4. REPORTS

- 4.1. Organizational Review - Legal Services

(Agenda Pages 10 – 60)

5. UNFINISHED BUSINESS

- 5.1. Directional Signage for the Kerry Wood Nature Centre - Request to Table.

(Agenda Pages 61 – 62)

- 5.2. Red Deer Gymnastic - Review of Interest Rate on Loan
Loan Bylaw Amendment 3390/A-2011
Consideration of Second and Third Readings of the Bylaw
(Agenda Pages 63 – 67)
- 5.3. Revision to Distribution Tariff Effective January 1, 2012
Electric Utility Bylaw Amendment 3273/B-2011
Consideration of Second and Third Readings of the Bylaw
(Agenda Pages 68 – 92)
- 5.4. Secondary Suite Licensing Bylaw 3475/2011
Consideration of First Reading of the Bylaw
(Agenda Pages 93 – 106)
- 5.5. Council request for information September 6, 2011
Information on Place of Worship site in Lancaster/Vanier East Neighbourhood
Area Structure Plan (NASP)
Land Use Bylaw Amendment 3357/T-2011
Consideration of First Reading of the Bylaw
(Agenda Pages 107 – 126)

6. BYLAWS

- 6.1. Proposed Increase in Parking Penalties and Early Payment Reduction
Traffic Bylaw Amendment 3186/D-2011
Consideration of First Reading of the Bylaw
General Penalties Bylaw Amendment 3036/C-2011
Consideration of First Reading of the Bylaw
(Agenda Pages 127 – 162)

7. REPORTS - CONTINUED

- 7.1. Council Roles and Remuneration
(Agenda Pages 163 – 168)

- 7.2. Council Policy 5353-C - Trade Accounts Receivable Write Offs
(Agenda Pages 169 – 175)

8. PUBLIC HEARINGS

9. CORRESPONDENCE

- 9.1. Ratification of Red Deer Downtown Business Association Board of Director
Appointments
(Agenda Pages 176 – 178)

10. PETITIONS AND DELEGATIONS

11. NOTICES OF MOTION

12. ADMINISTRATIVE INQUIRIES

13. ADJOURNMENT



U N A P P R O V E D M I N U T E S

**of the Red Deer City Council Regular Meeting
held on Monday, November 14, 2011
commenced at 2:05 P.M.**

Present:

Deputy Mayor Chris Stephan
Councillor Buck Buchanan
Councillor Paul Harris
Councillor Cindy Jefferies
Councillor Lynne Mulder
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
Deputy City Clerk, Frieda McDougall
Corporate Meeting Coordinator, Christine Kenzie
Corporate Meeting Coordinator, Bev Greter
City Solicitor, Michelle Baer
Engineering Services Manager, Frank Colosimo
Appeals Coordinator, Jackie Kurylo
Controller, Property Taxation, Deb Stott

Absent:

Mayor Morris Flewwelling
Councillor Dianne Wyntjes

**I. MINUTES****1.1. Confirmation of the Minutes of the Monday October 31, 2011 Regular Council Meeting**

Moved by Councillor Lynne Mulder, seconded by Councillor Buck Buchanan

Resolved that the Monday, October 31, 2011 Regular Council Meeting Minutes be approved with the following amendment:

Page 3, delete Points of Interest by Councillor Cindy Jefferies and replace with the following:

Councillor Cindy Jefferies on a Point of Interest indicated she attended the National Recreation Summit on behalf of AUMA last week. Councillor Jefferies noted that the Waskasoo Environmental Education Society (WEES) is looking for new Board members 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 for people visiting the centre.

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

MOTION TO AMEND CARRIED

1.2. Confirmation of the Minutes of the Monday, October 31, 2011 Organizational Meeting

Moved by Councillor Cindy Jefferies, seconded by Councillor Paul Harris

Resolved that the Monday, October 31, 2011 Organizational Council Meeting Minutes be approved as circulated.



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

MOTION CARRIED

2. POINTS OF INTEREST

Councillor Paul Harris on a Point of Interest noted that Lindsay Thurber High School is working on an initiative with the organization A Better World to work on a project titled The Spirit of Harumbee to raise funds to help build a school in Male, Kenya. Lindsay Thurber students are seeking the community's support for this initiative.

On a Point of Interest, Councillor Cindy Jefferies shared that she attended the presentation made by Jim Dyers regarding generating neighbourhood power.

Councillor Tara Veer, on a Point of Interest, indicated her attendance at the Pregnancy Care Centre Fund Raiser and the Gideon's Banquet on behalf of Mayor Morris Flewwelling. She also attended the Prisoner of War Exhibit at the Museum and Art Gallery.

On a Point of Interest, Councillor Buck Buchanan shared, that along with Mayor Morris Flewwelling, he attended the Central Alberta Mayors meeting. On November 3, Councillor Buchanan, along with the Mayor Morris Flewwelling and Councillor Chris Stephan, attended the Black Tie Bingo Rotary fundraiser. Councillor Buchanan played the bagpipes at Red Deer's Remembrance Day Service and attended the Agri-Trade Banquet where several bursaries and scholarships were handed out. Councillor Buchanan commented on his attendance at the Regimental Ball in Inuvik on the weekend.

On a Point of Interest, Councillor Chris Stephan commented on his attendance at the Remembrance Day ceremony on November 9 at Lindsay Thurber High School. Councillor Stephan indicated he also attended the Remembrance Day Service on November 11 and laid a wreath on behalf of the citizens of Red Deer. Councillor Stephan shared that he attended the Red Deer College student awards on November 7 where close to 100 different scholarships were handed out. Councillor Stephan met with the Executive Director of the US and Japan delegation that were in Red Deer regarding high speed rail and the potential alignment in Red Deer.



3. UNFINISHED BUSINESS

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

Moved by Councillor Lynne Mulder, seconded by Councillor Cindy Jefferies

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.

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

MOTION CARRIED

4. REPORTS

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

Moved by Councillor Buck Buchanan, seconded by Councillor Lynne Mulder

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.



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

MOTION CARRIED

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

Moved by Councillor Lynne Mulder, seconded by Councillor Buck Buchanan

FIRST READING: That Bylaw 3459/A-2011 (A Bylaw for 39 Street Water Trunk Twinning -from Springbett Drive to Maxwell Avenue)
Amendment to Water Off-Site Borrowing Bylaw 3459/2010 be read a first time.

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

MOTION CARRIED

5.2. Bylaw 3474/2011 - A Bylaw to Establish a Regional Assessment Review Board
Consideration of Three Readings of the Bylaw

Moved by Councillor Cindy Jefferies, seconded by Councillor Paul Harris

FIRST READING: That Bylaw 3474/2011 - A Bylaw to Establish a Regional Assessment Review Board be read a first time.



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

MOTION CARRIED

Moved by Councillor Cindy Jefferies, seconded by Councillor Paul Harris

SECOND READING: That Bylaw 3474/2011 - A Bylaw to Establish a Regional Assessment Review Board be read a second time.

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

MOTION CARRIED

Moved by Councillor Lynne Mulder, seconded by Councillor Buck Buchanan

Resolved that with the unanimous consent of the Council members present, Bylaw 3474/2011 be presented for third reading.

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

MOTION CARRIED

Moved by Councillor Cindy Jefferies, seconded by Councillor Paul Harris

THIRD READING: That Bylaw 3474/2011 - A Bylaw to Establish a Regional Assessment Review Board be read a third time.

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

MOTION CARRIED



**5.3. Revision to Distribution Tariff Effective January 1, 2012
Electric Utility Bylaw Amendment 3273/B-2011
Consideration of First Reading of the Bylaw**

Moved by Councillor Frank Wong, seconded by Councillor Buck Buchanan

FIRST READING: That Bylaw 3273/B-2011 (Revision to Distribution Tariff Effective January 1, 2012) be read a first time.

Prior to voting on first reading, the following amendment was on the floor:

Moved by Councillor Tara Veer, seconded by Councillor Paul Harris

Resolved that Electric Utility Bylaw Amendment 3273/B-2011 be amended to keep the Local Access Fee at 32% instead of increasing it to 33%.

IN FAVOUR: Deputy Mayor Chris Stephan, Councillor Buck Buchanan

OPPOSED: Councillor Paul Harris, Councillor Cindy Jefferies, Councillor Lynne Mulder, Councillor Tara Veer, Councillor Frank Wong

MOTION TO AMEND DEFEATED

The original motion as presented was back on the floor.

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

MOTION CARRIED

6. PUBLIC HEARINGS

There were no Public Hearings for this meeting.



7. CORRESPONDENCE

7.1. Request for Tax Penalty Cancellation - Roll #1543785

Moved by Councillor Lynne Mulder, seconded by Councillor Cindy Jefferies

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.

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

MOTION CARRIED

8. PETITIONS AND DELEGATIONS

There were no Petitions and Delegations for this meeting.

9. NOTICES OF MOTION

There were no Notices of Motion for this meeting.

10. ADMINISTRATIVE INQUIRIES

There were no Administrative Inquiries for this meeting.



II. ADJOURNMENT

Moved by Councillor Buck Buchanan, seconded by Councillor Paul Harris

Resolved that the November 14, 2011, regular meeting of the City of Red Deer Council be adjourned at 3:34 pm.

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

MOTION CARRIED

DEPUTY MAYOR

CITY CLERK

Christine Kenzie

From: Shyam Kansal
Sent: November 22, 2011 9:05 AM
To: 'Mauricia Warbrick'
Cc: 'Debbie Murray'; Christine Kenzie; Frank Colosimo; Micky Szeto; Linda Rehn; Frieda McDougall
Subject: RE: Casa presentation of appreciation certificate
Good Morning Mauricia

As requested by you, November 28 at 2:00 pm has been booked for Terrie Hauck's presentation to the City Council Members (2nd Floor, City Hall). Please contact **Christine Kenzie**, Corporate Meeting Coordinator at 403-356-8978 (christine.kenzie@reddeer.ca) for more information if required.

Shyam Kansal M.Eng., P.Eng.
Traffic Operations Engineer
City of Red Deer
shyam.kansal@reddeer.ca
403.342.8221

From: Mauricia Warbrick [<mailto:Mauricia.Warbrick@gov.ab.ca>]
Sent: November 21, 2011 8:38 AM
To: Shyam Kansal
Subject: Casa presentation of appreciation certificate

Good Morning Shyam.

On behalf of CASA, Terrie Hauck is requesting a time to meet with you and city members to present a certificate of appreciation, for the cities assistance with their Photo Montage project. If there is a time and date that works best for you please contact Mauricia Warbrick via email or phone to schedule. Thank you for your time and we look forward to hearing from you soon.

Mauricia Warbrick
M. Warbrick
Citizenship Involvement Coordinator
Michener Services, PDD
P - 403-340-5626
F - 403340-7560
mauricia.warbrick@gov.ab.ca

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2011/11/22

Christine Kenzie

From: Frieda McDougall
Sent: November 21, 2011 10:16 AM
To: Shyam Kansal
Cc: Christine Kenzie
Subject: RE: Casa presentation of appreciation certificate

Hi Shyam. In the email below it's asking for City members and doesn't say anything about Council. Is this a presentation to administration – if so it doesn't need to be held at a Council meeting or with Council present?

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

From: Shyam Kansal
Sent: November 21, 2011 8:48 AM
To: Frieda McDougall
Cc: Micky Szeto
Subject: FW: Casa presentation of appreciation certificate

Good Morning Frieda,

Central Alberta Self Advocate (CASA) is looking for a time and date to present a Certificate of Appreciation to the City Council, as requested in below email. Can you provide a date and time, if possible Nov 28 at 3:00 pm?

Should you require more info, please let me know.

Shyam Kansal M.Eng., P.Eng.
Traffic Operations Engineer
City of Red Deer
shyam.kansal@reddeer.ca
403.342.8221

From: Mauricia Warbrick [<mailto:Mauricia.Warbrick@gov.ab.ca>]
Sent: November 21, 2011 8:38 AM
To: Shyam Kansal
Subject: Casa presentation of appreciation certificate

Good Morning Shyam.

On behalf of CASA, Terrie Hauck is requesting a time to meet with you and city members to present a certificate of appreciation, for the cities assistance with their Photo Montage project. If there is a time

2011/11/21

and date that works best for you please contact Mauricia Warbrick via email or phone to schedule.
Thank you for your time and we look forward to hearing from you soon.

Mauricia Warbrick

M. Warbrick

Citizenship Involvement Coordinator

Michener Services, PDD

P - 403-340-5626

F - 403340-7560

mauricia.warbrick@gov.ab.ca

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and date that works best for you please contact Mauricia Warbrick via email or phone to schedule.
Thank you for your time and we look forward to hearing from you soon.

Mauricia Warbrick

M. Warbrick

Citizenship Involvement Coordinator

Michener Services, PDD

P - 403-340-5626

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mauricia.warbrick@gov.ab.ca

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November 18, 2011

Organizational Review: Legal Services

LEGISLATIVE & GOVERNANCE SERVICES

Report Summary & Recommendation:

Upon review of the consultants report, it is clear that there are 4 distinct service delivery options available to provide legal services to The City of Red Deer. The four options can have different combinations that may need to be assessed for organizational effectiveness. The four options that the consultant considered were:

- 1) Option 1: Enter into a New Contract with the Current Service Provider
- 2) Option 2: Enter into a contract with a New External Service Provider
- 3) Option 3: Obtain Legal Services from Multiple Legal Service Providers
- 4) Option 4: Establish an Internal Legal Services Business Unit

In reviewing the legal services report completed by the consultant, and with the additional consideration of administration, we would recommend that a legal services unit be created within the organization and 2 staff be hired (one lawyer and one support) in mid to late 2012 to transition legal services from the current service delivery provider

City Manager Comments:

I support the recommendation of Administration. I believe this transitional approach allows us to begin the process of establishing an in house legal department while maintaining the flexibility of building capacity over a longer term rather than trying to recruit for all expertise in one year.

Craig Curtis
City Manager

Proposed Resolution

The City of Red Deer implement the following approach for the delivery of legal services:

- 1) That The City of Red Deer create an internal legal services business unit comprising one lawyer and one support staff with said staff reporting to the Legislative and Governance Services Department.

Based on Council's decision, administratively the following actions will then be taken:

- 1) Notice be provided to Chapman Riebeek to advise that their contract will expire with The City on December 31, 2012 and will not be renewed;
- 2) The City launch an RFP for the delivery of legal services; and



- 3) The City provides an analysis of the impact of the changes to legal services in 2014 to determine if further changes to the service delivery model are required.

Report Details

Background:

In 2010, Phase 2 of the organizational review was considered by City Council and the following resolutions were passed:

“Resolved that Council of the City of Red Deer having considered the report from the City Manager, dated May, 2010, re: Organizational Review: Phase 2, hereby approves the recommendations of the City Manager as follows:

That a new Legislative and Governance Services Department be created with the Manager reporting directly to the City Manager effective May 17, 2010.

“Resolved that Council of the City of Red Deer having considered the report from the City Manager, dated May, 2010, re: Organizational Review: Phase 2, hereby approves the recommendations of the City Manager as follows:

That the new department be responsible for legal services and corporate meeting management. “

“Resolved that Council of the City of Red Deer having considered the report from the City Manager, dated May, 2010, re: Organizational Review: Phase 2, hereby approves the recommendations of the City Manager as follows:

That City Council approve undertaking a review of legal services commencing and concluding in 2011 under the direction of the LGS manager.”

In the 2011 Budget deliberations Council approved \$25,000 to fund a review of legal services. The selected consultant, Western Management Consultants has now completed their review of legal services and the document is attached for your review.

Since 1959 the law firm of Chapman Riebeek has provided general legal services to The City. Prior to 2007, legal services were provided without a formal contract but in 2007 the



services were formalized under a five year legal services contract. The contract expires on December 1, 2012 and The City has the right to either renew the agreement for a second term of five years commencing on December 1, 2012 or The City may terminate the agreement without cause on one year's notice.

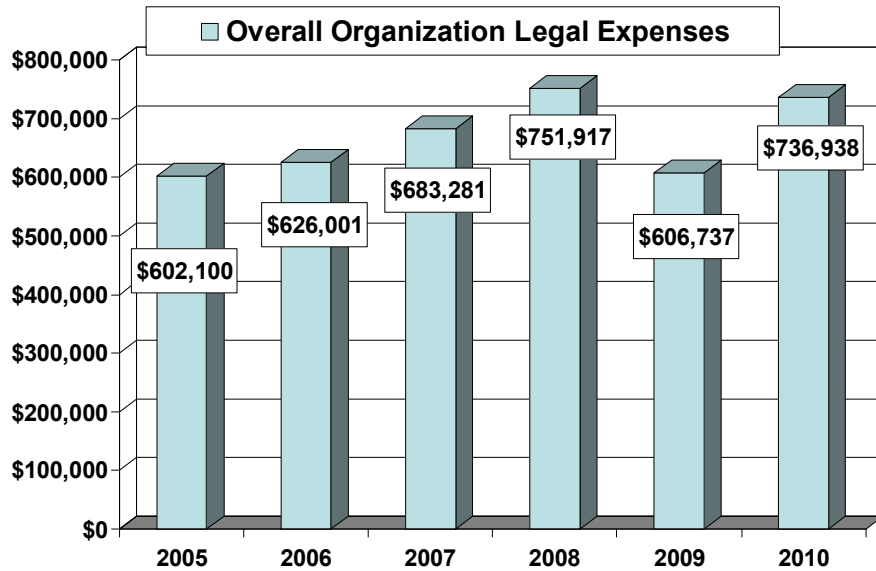
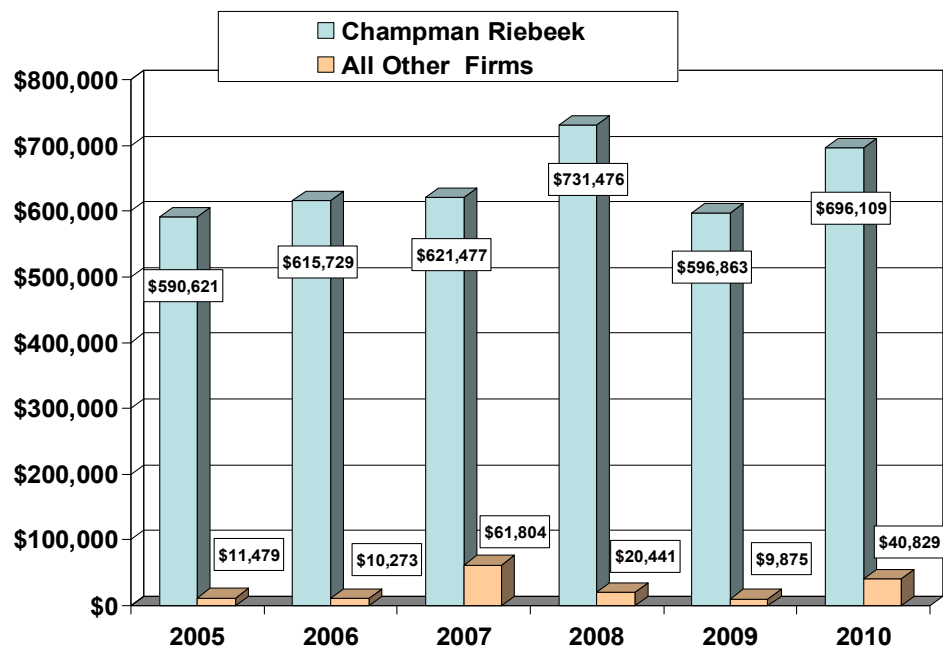
In addition to Chapman Riebeek, The City also engages eight other legal firms for specialized legal counsel and services in the areas of human resources, annexations and various special projects for which Chapman Riebeek does not have the required expertise.

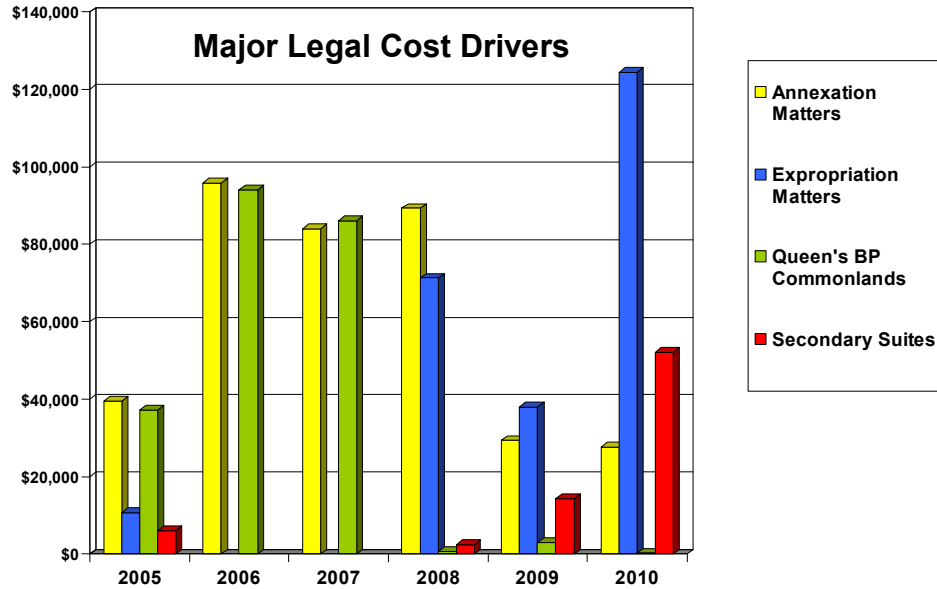
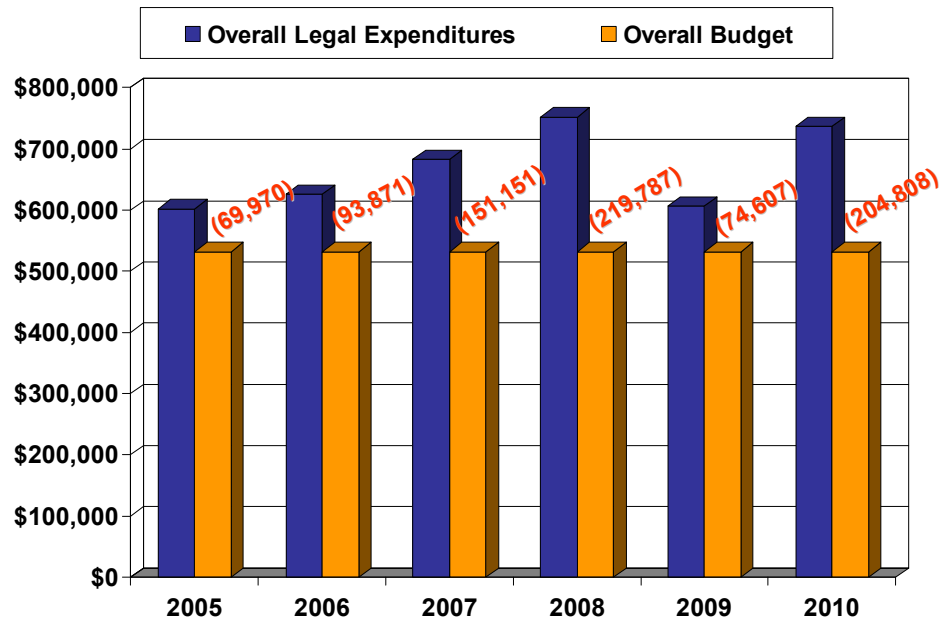
The City currently has both a centralized and decentralized budgeting approach for legal expenses. In total the city has a legal budget of \$532,130 per year. Legislative and Governance Services has responsibility for the administration of the centralized budget of \$300,430 while the balance is distributed to departments/projects with specialized legal needs.

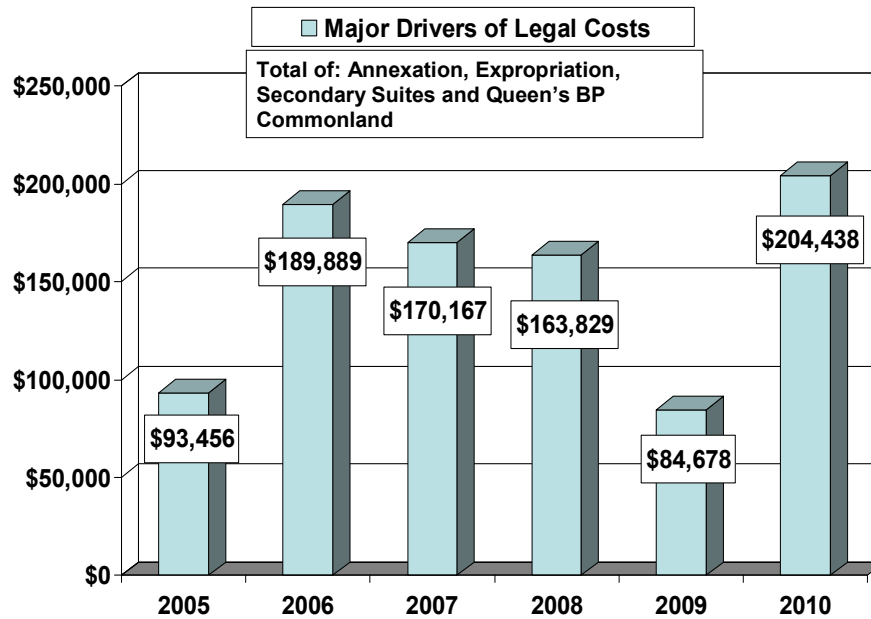
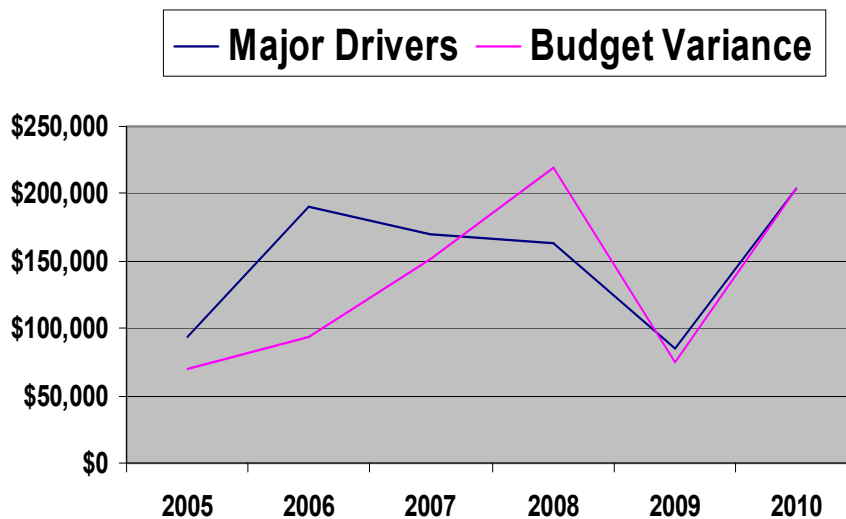
Discussion:

A review of legal costs over the last number of years highlights some trends for The City of Red Deer. These include:

- 1) An upward trend in legal expenses (Table A)
- 2) The legal expenses allocated to service providers (Table B)
- 3) Specific projects which have significant legal impacts (Table C)
- 4) The budget deficits in legal services (Table D)
- 5) The increased project costs directly correlate to the over expenditure in legal expenses (Tables E and F)
- 6) Inconsistent approaches in accessing and utilizing legal services across the corporation

**Table A****Table B**

**Table C****Table D**

**Table E****Table F**



Analysis:

Upon review of the consultants report, it is clear that there are 4 distinct service delivery options available to provide legal services to The City of Red Deer. The four options can have different combinations that may need to be assessed for organizational effectiveness.

The four options that the consultant considered were:

- 5) Option 1: Enter into a New Contract with the Current Service Provider
- 6) Option 2: Enter into a contract with a New External Service Provider
- 7) Option 3: Obtain Legal Services from Multiple Legal Service Providers
- 8) Option 4: Establish an Internal Legal Services Business Unit

In reviewing these options the consultant recommended the following factors in assessing the merits of each of the options:

- 1) Alignment with the City's Strategic Direction
- 2) Level of Service
- 3) Timeliness of Service
- 4) Quality of Service
- 5) Cost of Service
- 6) Community Support

After completing an analysis of the options and having a meeting with the Corporate Leadership Team to validate findings, the consultant is recommending that The City establish an internal Legal Services business unit.

Rather than reiterate what the consultant highlights as pros and cons of the service delivery models, it is important to build in the organizational and operational considerations of the proposed models. Organizationally, both the City Manager and Council have declared that due to the public transparency requirements of contracting. Entering into another long term contract with the current service provider without going through an open competitive process is not an option. Although legal services are exempted from compliance with NAFTA, WTA etc, from a public transparency perspective this is not an option that can be considered. The direction has been that if external legal services are to continue as the service delivery model of choice, a request for proposal process will be utilized to evaluate those interested in delivering services to the City and the current service provider can determine if they wish to submit a response to the competitive process for legal services.

It is also recognized that not all services will be able to be internally provided. From a value for money perspective, it is clear that some specialized services will always need to be externally delivered and it will continue to make sense for this to happen. In essence this means that we will always have some form of a hybrid service delivery model. The question to examine is whether it makes sense for the majority of legal services to be internally or externally provided. In utilizing the evaluation results of the consultant it is clear that the recommendation is to bring in legal services to the City with hiring 2 lawyers and 2 support staff.



Our estimate of costs to bring legal in house are:

- 1) Salaries: \$400,000
 - 2) Benefit Costs: \$100,000
 - 3) Incremental Lease Costs: 750 sq. ft at \$23/sq ft per annum = \$17,250
(assuming no internal currently owned/lease space is available)
 - 4) Office, computer, memberships, Training: \$ 45,000
- Total Estimated Costs: \$562,250**

The benefits of this approach include increased accountability from a performance accountability process however may result in an 'over prescription' of legal services as we will have to continue to use specialized legal providers for specialized legal needs. Over hiring may result in increased expenditures.

If the option to move with in house legal is transitioned in, rather than moving to a sole in house model a transition step may be to hire one solicitor and one support staff. The costs for this model include:

- 1) Salaries \$200,000
 - 2) Benefit Costs: \$50,000
 - 3) Incremental Lease Costs: 375 sq. ft at \$23/sq ft per annum: \$8625 (assuming no internal currently owned/lease space is available)
 - 4) Office, computer, memberships, Training: \$ 22,500
 - 5) Contracted legal support \$281,125
- Total Estimated Costs: \$562,250**

The benefits of this approach include the opportunity to build the model we need and allow time for the enhanced corporate policies and procedures to be established and evaluated resulting in operational efficiencies being further enhanced.

At this point in time cost savings are not anticipated from the adoption of either model. It is anticipated that in the transition year, more administrative time will be required to either bring legal services internally or to manage a hybrid model to determine which legal files should be handled internally or externally.

It should be noted that as part of the corporate business planning process for 2012, Legislative and Governance Services has recommended cost savings for legal expenses by no longer requiring the attendance of the City Solicitor at Council meetings. These savings are anticipated to be offset by increased legal costs for the support to the Secondary Suites Bylaw.



THE CITY OF RED DEER

Legal Services Review

FINAL REPORT

October 14, 2011



W e s t e r n M a n a g e m e n t C o n s u l t a n t s

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APPENDIX I: INTERNAL STAKEHOLDER CONSULTATION RESPONSES

**APPENDIX II: CORPORATE LEADERSHIP TEAM LEGAL SERVICE OPTION
EVALUATION CRITERIA AND RESULTS**



1.0 Background

Over the past two decades, The City of Red Deer has experienced significant growth and change resulting in a greater complexity and diversity of issues. Over this period, The City has experienced many changes including corporate organizational changes resulting from an organizational review completed in 2009. The review identified a series of recommendations to position the municipal organization to achieve the City's strategic objectives as outlined in the Strategic Plan 2009 – 2011.

Since 1959 the law firm of Chapman Riebeek has provided general legal services to The City. Prior to 2007, legal services were provided without a formal contract but in 2007 the services were formalized under a five year legal services contract. The contract expires on December 1, 2012 and The City has the right to either renew the agreement for a second term of five years commencing on December 1, 2012 or The City may terminate the agreement without cause on one year's notice.

In addition to Chapman Riebeek, The City also engages eight other legal firms for specialized legal counsel and services in the areas of human resources, annexations and various special projects for which Chapman Riebeek does not have the required expertise.

The legal needs of The City were last reviewed in detail in the mid-1990's. In early 2011, The City of Red Deer identified the need to review and evaluate the City's current method for the delivery of legal services which had been referenced in the 2009 Organizational Review. A Request for Proposal (RFP) was issued on April 19, 2011, inviting qualified consultants to submit proposals for the review and evaluation of The City's current method for delivery of legal services and to recommend different options for a legal services delivery model.

2.0 Project Overview

The goals and objectives of the project were identified in the RFP as:

- To review and evaluate current legal services and costs associated with current service delivery;
- To assess current and future needs for legal services across the organization;
- To develop a vision of the role of legal services for The City of Red Deer and explore alternative service delivery models; and



- To suggest which option is the optimal mechanism, considering the organizational needs and the pillars of financial and governance sustainability.

3.0 Project Deliverables

The key deliverables for the project include:

- Review and evaluate the role and cost associated with the current legal services for The City of Red Deer;
- Assess the needs for legal services across the organization today and in the future through consultation with internal and external stakeholders;
- Evaluate how the current legal services meet assessed current and future needs;
- Suggest other possible delivery methods and analyze the costs & benefits of each; and
- Provide recommendations for the optimal delivery method focusing on specialized areas where technical legal services are utilized.

4.0 The Review Process

Following the public call for proposals, Western Management Consultants was engaged to conduct the review of how the City currently provides legal services and to engage internal stakeholders in conversation concerning their future needs for legal services.

The consultants proposed the following high-level work plan to achieve project objectives:

Task 1 - Initiate Project: Meet with the Project Manager to review the project charter, confirm deliverables and timelines and arrange for contract execution.

Task 2 - Research on Present and Future Legal Services: Gather information from internal stakeholders relative to how legal services are being provided and how they should be provided in the future. Also gather information from four comparator municipalities as to how those municipalities provide legal services to their organizations.

Task 3 - Develop Legal Services Provision Options: Use the data and information collected in Task 2, to develop two to three options to meet the legal services needs of The City. Each option will be accompanied with an analysis of costs and benefits.



Task 4 - Validate the Options and Select a Preferred Option: Facilitate a session with the CLT to validate the options and to select a preferred option.

Task 5 - Prepare a Final Project Report: Produce a final report detailing the tasks in the project. The finalized report will be submitted to the Project Manager signaling the completion of the project.

5.0 Project Research

In accordance with Task 2, the consultants conducted three focus group sessions in late July 2011 to hear from members of Council and administration about their past experiences in obtaining legal services and their future legal service needs. Focus group sessions were held with:

1. Council, and the Corporate Leadership Team (CLT);
2. The Operational Leadership Team (OLT); and
3. High Users of legal services.

A list of research questions was developed by the Consultants and approved by the Project Manager. The questions formed the basis of information gathering from internal stakeholders. The results of the focus group sessions are attached as Appendix I.

The consultants also met with and interviewed the principals from Chapman Riebeek to gather their input into the current service contract and gather their input into the strengths and weaknesses of the current situation.

6.0 Themes Arising from the City Stakeholder Consultation

The responses from the participants in the City focus group sessions were collated and the major themes from the responses were identified. The consultation results identified aspects of the current service that are working well and generally represent good value and service to the City and aspects of the current service that are not working well and should be addressed.

- 1. Aspects of the current service that are working well and should be maintained.*

The City's Legal Service Provider must have a Thorough Understanding of Municipal Legislation and Regulations



- The current service provider possesses a thorough knowledge of the Municipal Government Act and other municipal legislation and is able to translate that knowledge into appropriate advice.
- The current service provider is generally seen as providing unbiased legal advice.

The City's Legal Service Provider must understand the Corporation and Major Community Issues

- The current service provider has a thorough knowledge, grasp and understanding of local community issues and understands the operation of the municipal corporation.

Availability of Legal Services

- Stakeholders noted that legal advice and services are readily available to City staff although procedures need clarification.

2. Aspects of the current service that are not working well and should be addressed, regardless of service delivery model.

Corporate Expectations for Legal Services

- Stakeholders identified the need to clearly define the roles and responsibilities for The City's legal service provider.
- Stakeholders identified the need for a consistent set of performance measures on which to gauge the performance of City legal services, regardless of the method of service delivery.

Need for Corporate Procedure to Access Legal Services

- Stakeholders identified the need for a clear corporate procedure for accessing legal services (who, why, what, and when).
- Stakeholders were divided in their opinion concerning a centralized service where there would be one point of contact to obtain legal service, versus decentralized service where various staff members would be able to obtain legal service depending on need.
- Stakeholders were generally of the opinion that City legal advisors do not need to be consulted on all issues. The determination of when a legal opinion or legal advice is obtained or required should be left to the discretion of administration.
- Stakeholders questioned the need for legal advisors to attend all Council meetings. This level of service is costly and most issues do not require an



immediate response. If a legal opinion is required Senior Administration should be responsible for defining the context and scope of the issue and thereafter engaging legal counsel to obtain advice or opinion. This could result in a reduction of legal costs.

Consistent Approach to Legal Opinions:

- Stakeholders need assurance that there will be a consistent approach to the provision of legal opinions and advice regardless of which solicitor provides the advice;

Timeliness of Services

- The timeliness of responses to some legal issues was identified by several stakeholders as being problematic.

7.0 Legal Services in Comparable Municipalities

The consultants also researched how legal services are delivered in four comparator municipalities including The City of Lethbridge, The City of Grande Prairie, The City of Victoria and Strathcona County. The comparator municipalities were selected on the basis that Lethbridge and Victoria employ City solicitors as part of their organizational structures and Grande Prairie and Strathcona County operate with contracted legal services with in-house contract administration.

The investigation focused on how the four municipalities deliver or address legal services; the level of resources allocated to deliver legal services; the role of the legal service provider; and how they gauge performance and success.

7.1 Comparator Municipalities with Contracted Legal Services

Strathcona County and City of Grande Prairie

Strathcona County and the City of Grande Prairie have historically obtained legal advice and services from external law firms.

The City of Grande Prairie has a long standing relationship with a local law firm in the City of Grande Prairie and has retained the firm on a four-year contract. Strathcona County has a long standing relationship with its primary legal service provider which has offices in Edmonton and Calgary; however, they do not have a contract with the law firm. Both municipalities use other law firms for a range of specialized legal services such as labor relations and special projects. Contract and



file administration is handled through Legislative Services departments of the two municipalities. A corporate procedure for accessing legal services is being developed by staff of the Legislative and Legal Services at the City of Grande Prairie. In Strathcona County there is no formal procedure for accessing legal services, however department directors are requested to contact Legislative and Legal Services to initiate a legal file or to advise that a file has been established with the County's legal advisors. Both municipalities indicated a high degree of satisfaction with the current arrangement and are not contemplating changes in the near future.

7.2 Comparator Municipalities with Internal Legal Services

The City of Lethbridge

The cities of Lethbridge and Victoria were reviewed because both municipalities have their own internal law departments managed by designated City Solicitors.

The City of Lethbridge has had a City Solicitor for over a hundred years with a full time solicitor for the past five decades. The current City Solicitor has been in the position for thirty years. This individual will be retiring within the next two years and the City has implemented a succession plan and will be hiring a new employee to succeed the current City Solicitor sometime between 2012 and 2014. The City Solicitor is a currently a member of the Senior Management Team and provides general legal counsel to the Municipal Corporation and City Council. He attends all Council meetings as a member of the Senior Management Team. He refrains from providing specific legal advice within the context of a Council meeting but will comment on matters of procedure. The City Solicitor is supported by two administrative assistants. The department is responsible for preparing and approving all legal documents, contracts, conveyances and leases. It also prepares bylaws and amendments for introduction to City Council. The City Solicitor indicated that his replacement will not likely be a part of the Senior Management Team but will serve in an advisory capacity.

In addition to the City Solicitor, the City's Community Services Department employs a junior level solicitor to handle bylaw prosecutions including animal control and parking enforcement. The annual budget for the department has averaged \$250,000 each year over the past five years.



The City of Victoria

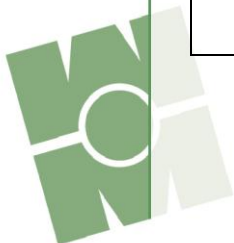
Prior to 1998, The City of Victoria had a Law Department staffed by a City Solicitor and two employees. This changed in 1998 when the City decided to contract out legal services. Over time it was determined that the arrangement with the contracted legal service providers was not meeting City needs and the decision was made to reinstitute a law department in the City.

In 2010, the City hired a new City Solicitor who came from the Law Department of the City of Vancouver. The City Solicitor is a member of the Senior Management Team and reports to the City Manager. He is supported by one legal assistant. The contracted legal service provider is still providing legal services on a transitional basis which the City will phase out with the addition of two additional solicitors in the near future.

Labor relations and historical property designations and some planning matters may still be contracted out. The average annual budget for legal services at the City of Victoria over the past ten years has been approximately \$600,000 per annum.

The results of the research of comparator municipalities are provided in Table 1 below:

Table 1 - Legal Services in Comparator Municipalities				
Municipality	Method of Service Delivery	Legal Resources # of Solicitors	Legal Services Budget	Involvement in Decision Making
Grande Prairie	External – Contracted arrangement	1 primary law firm, several specialized legal advisors Primary – 4 year contract	\$350,000 - \$450,00/annum	Law firm reports through Legislative Services department. Corporate legal service procedures are currently being developed.
Lethbridge	Internal – City Solicitor	2 solicitors- one general counsel and one for bylaw prosecutions located in the Community services Dept. The City is	\$340,000	City Solicitor reports to the City Manager All reports to Council have to be signed off by solicitor Solicitor attends all Council meetings and guides Council on



<i>Table 1 – Legal Services in Comparator Municipalities</i>				
<i>Municipality</i>	<i>Method of Service Delivery</i>	<i>Legal Resources # of Solicitors</i>	<i>Legal Services Budget</i>	<i>Involvement in Decision Making</i>
		planning to add one more solicitor in prior to retirement of the current City Solicitor.		procedure
Strathcona County	External – County does not have a contract with its main legal advisor. Long standing verbal agreement.	1 primary service provider, several specialized service providers	\$600,000	<p>Law firm reports through Legislative Services Director.</p> <p>Legal advisors do not attend Council meetings as a general rule.</p> <p>The County has an informal process for accessing legal advice and services.</p>
Victoria, BC	Internal – City Solicitor	The City recently returned to a City Solicitor format after a brief period where legal services were contracted to external legal services contractors. The City has a City Solicitor and is in the process of hiring another solicitor.	\$600,000 Estimate billable hours of 3,800 hrs.	<p>City Solicitor is part of the senior management team and reports to the City Manager.</p> <p>Administrative reports to Council are reviewed by City solicitor relative to legal impact to the City. Solicitor does not attend Council meetings.</p>



8.0 City of Red Deer Legal Costs

Legal service expenditure information obtained from The City indicates legal service costs have averaged approximately \$660,000 per annum over the past six years. Legal fees have ranged from a low of \$602,000 in 2005 to a high of \$752,000 in 2008.

In addition to Chapman Riebeek, The City of Red Deer has procured legal services from the following law firms:

- Brownlee LLP;
- Langford Law Office;
- Reynolds Mirth Richards & Farmer Barristers and Solicitors;
- Shores Jardine;
- Procurement Law Office Professional Group;
- Caron & Partners LLP;
- Witten LLP; and
- Neuman Thompson.

The following table illustrates legal costs paid to external service providers from 2005 to 2011 YTD.

Payments to Chapman Riebeek and Other Legal Service Providers 2005 - 2011 YTD

	Chapman Riebeek	Others	Total
2005 Total	590,620.74	11,479.18	602,099.92
2006 Total	615,728.60	10,272.19	626,000.79
2007 Total	621,476.78	61,804.31	683,281.09
2008 Total	731,475.59	20,441.41	751,917.00
2009 Total	596,862.69	9,875.28	606,737.97
2010 Total	696,108.99	40,829.27	736,938.26
2011 Total - YTD	454,406.37	42,082.70	496,489.07
Total All Years:	4,306,679.76	196,784.34	4,503,464.10



9.0 Options for the Delivery of Legal Services

In consideration of the current and future needs for legal services for The City of Red Deer as identified by internal stakeholders, the following four options for legal services are described below. The options range from maintaining the status quo contracted relationship with Chapman Riebeek under a negotiated services contract, to establishing an internal legal services branch or department staffed by one or more city solicitors and appropriate support resources.

Each of the options is described below with a discussion of the relative advantages and disadvantages of each option.

9.1 Option 1: Enter into a New Contract with the Current Service Provider

Description of Service

The City would negotiate a new contract with Chapman Riebeek under conditions which could include existing or new legal services, new or different fees, different personnel, and an appropriate set of performance measures against which to monitor the success of the services received.

This option retains one external primary legal services provider but leaves the option open for other external legal service providers for specialized services i.e. human resources, annexations, and special projects. Discussions with the comparator municipalities indicated that one service that the City should not procure from the current or any external legal service provider would be having legal counsel attend Council or Council committee meetings unless specifically required to deal with a specific matter. This level of service as provided under the arrangement is costly and of questionable value to The City. The other municipalities indicated that they don't see the need to have an immediate response to legal issues or questions that may arise in a Council meeting. In fact the City Solicitor of the City of Victoria does not attend Council meetings unless called to an in-camera meeting to discuss matters requiring his involvement or for which he can add context.

Advantages:

- Chapman Riebeek has good knowledge of The City, its history, its needs and the boundaries for the provision of services.



- Chapman Riebeek has several solicitors to support the diverse and specialized needs of the City;
- This option would necessitate a new contract under which The City could seek a different fee arrangement including target fees, monthly retainer, project fees or other fee basis negotiated by the parties. This could present the opportunity to potentially purchase services on a flexible, scalable basis;
- The City would not have to provide office space and support staff;
- The cost of professional development for solicitors would be Chapman Riebeek's responsibility;
- The perception of professional independence in reporting; and
- External legal counsel may be viewed as impartial and independent by the community- at-large.

Disadvantages:

- Possible conflict of interest if the firm is representing other municipalities or citizens;
- Unknown cost of labour as the law firm decides on the number of hours required, and submits invoices on that basis. Need a better tracking mechanism;
- Competing demands on the law firm may detract from timeliness of service provision; and
- Potential for "scope creep" on files as the law firm looks for ways to maximize revenue potential.

Cost of this Option

Assuming the rates charged by Chapman Riebeek and the other legal service providers remains relatively consistent; the City can expect its legal costs to be approximately \$660,000 per annum not counting for new or emergent legal issues. According to internal stakeholders the scope of City services does not appear to be reducing in complexity and scope and it is likely that legal costs will remain relatively consistent year over year.



9.2 Option 2: Enter into a Contract with a New External Service Provider

Description of Service

The City would issue an open Request of Proposal (RFP) for legal services. Based on the results of the tendering process, The City would enter into a new contract with a different law firm other than the current service provider. The contract should include a description of core and optional legal services, an agreeable fee schedule, a core legal service team, and suitable performance measures against which to evaluate services provided.

This option envisions one external primary legal services provider other than Chapman Riebeek drawn from existing City of Red Deer legal services firms or outside of Red Deer depending on competitive bidding. Other external legal service providers would be retained for specialized services i.e. human resources, annexations, and special projects unless the new legal services provider has the capabilities to meet other needs.

Advantages

- This option has the same advantages as Option 1 except for the likelihood that a new firm may not have good knowledge of The City, its history, its needs and boundaries for the provision of legal services.
- This option will provide other law firms with the opportunity to bid on and obtain the contract which has been unavailable for many years. This would signal that The City is open and inclusive in its procurement of tax payer supported services. It should be noted that municipalities are not obligated to tender legal services which are outside the Trade Investment and Labour Mobility Agreement (TILMA)/New Western Trade Partnership. This gives municipalities more freedom to determine how they procure legal services.

Disadvantages

This option has the same disadvantages as Option 1 in addition to the following:

- The new legal services provider will require a period of time to get to know the operational aspects of The City and this may result in some disruption to service delivery.



- Relationships between a new legal service provider and The City would take time to develop a level of trust and confidence in the abilities of the new service provider.

Cost of this Option

The costs for this option will be dependent entirely on a negotiated rate schedule and service level agreement with a new contractor.

9.3 Option 3: Obtain Legal Services from Multiple Legal Services Providers

Description of Service

The City's legal services work would be spread across several law firms located in or outside of Red Deer. The number and type of legal service providers would depend on the types of general or specialized legal services that are required and the results of a competitive bidding process possibly through a prequalification process.

Advantages:

- The City would have broader access to legal services specific to an issue/case or matter; and
- The public may see The City as being open and inclusive of more local law firms.

Disadvantages:

- Stakeholders are of the opinion that new law firms may not have good knowledge of The City and hence may not provide the best level of service while they get to know how The City operates and functions. Law firms serving The City for the first time will require a period of time to get to know the City governance and policy framework, staff, and municipal operations;
- There may be a lack of consistency of advice and opinions if more than one law firm was to be involved in a matter; and
- Managing contracts with several law firms could be onerous for City administration staff. Management of the contracts would have to be assigned to a responsible individual in conjunction with other assigned duties. The number of law firms providing legal services will determine the level of work required to provide oversight of legal services in the corporation to maintain accountability and value for money.



Cost of this Option

The costs for this option will be dependent on the service levels and rates negotiated with the various service providers.

9.4 Option 4: Establish an Internal Legal Services Business Unit

Description of Service

Under this option The City would establish an internal Legal Services Business Unit with a minimum of one solicitor and support staff to provide advice and opinion on all municipal issues that require a legal lens. Under the current organization structure recently adopted by The City of Red Deer, this position could report to the Director of Legislative and Administrative Services, or the Director of Corporate Services. The reporting relationship would depend on the needs of the organization. Discussions with municipalities that have internal law departments indicate different approaches to the reporting relationship of the City Solicitor. As noted earlier, the City Solicitor of The City of Lethbridge reports to the City Manager as does the City Solicitor of The City of Victoria. City Solicitors employed by other major western Canadian cities such as Calgary, Edmonton, and Vancouver do not report directly to the Chief Administrative Officer which suggests that the law departments and the services they provides are considered to be corporate services similar to human resources, information services and information technology.

Advantages:

- Stakeholders believe that this option will result in easier access to legal services for all departments and increase the confidence on the part of staff to seek information on less complex issues.
- This option allows The City to have control over the choice of solicitor(s). The City will have to develop a recruitment strategy which should include:
 - Defining the role and responsibilities for the position;
 - Identifying the mandatory and desirable qualifications for the position;
 - Advertising the position;
 - Conducting recruitment , screening and short-listing candidates; and
 - Interviewing and selecting of an appropriate candidate.
- Stakeholders expressed the opinion that as a municipal employee the City Solicitor would be immersed in The City's corporate culture which may foster an



understanding of City business and issues. This may also promote an understanding of City Council and the management team's strategies for the organization. This could facilitate proactive advice that is aligned with The City's corporate strategies and objectives.

- Stakeholders are of the opinion that internal legal service providers may be more accountable for the services provided.
- If The City chooses this option, it will have internal capacity to address routine legal issues affecting the corporation. Only specialized legal services would need to be contracted out i.e. expropriations, special projects, litigation, and prosecutions or if the required need exceeds capacity.
- Stakeholders believe that this option has the potential to reduce duplication and hence reduce the overall cost of legal services. The internal service provider would have knowledge of the operations across departments and would be able to advise when legal advice and opinion is required or not required.
- An in house solicitor is more convenient for administration and the level of service is apt to be higher since The City is that solicitor's sole client.
- An in house solicitor could augment any existing Risk Management programs or protocols by ensuring standardized practices, materials and processes are developed and maintained.

Disadvantages:

- A City Solicitor may not be viewed as impartial by some citizens depending on the issue. Notwithstanding professional ethics to which lawyers are bound, some observers may not see a staff member as totally objective.
- Legal services may become bureaucratic with time. It is possible that the solicitor's time could be consumed with meetings leaving little time to address key legal work.
- The City may not be able to find solicitors with the knowledge and skill set to cover all legal needs of the corporation. The City solicitor should be able to provide advice and opinion on almost all municipal matters. Extensive knowledge of municipal government, the Municipal Government Act and other legislation relating to municipalities will be required. The research and discussions with several municipal legal practitioners indicates that municipal solicitors are currently in high demand.
- The City would incur various overhead costs in the form of office space, support staff and technology for the internal legal services branch. Technology



requirements include connection to the internet for research and to the internal network for communication with all departments.

- The professional development of the solicitors will be an additional cost to the corporation. In order to stay abreast of the changes in jurisprudence, and for the City solicitor to be professionally current and connected to other legal services providers, the City will have to provide additional funds for these activities.
- If the City employed only one solicitor; an unplanned absence may result in a disruption of legal services for the corporation.

Cost of this Option

The cost of this option would include at least one City Solicitor at a projected salary range of E3 on The City's Exempt Salary Structure Model which ranges between \$111,169 and \$138,962 plus benefit costs of approximately 26%. This salary range is consistent with the information obtained from The City of Lethbridge and The City of Victoria and is in keeping with compensation information obtained by The City of Red Deer Human Resources Department. Internal volume will dictate the number of solicitors required. Given that the City has experienced average annual legal expenses of \$660,000 it is arguable that the City could afford to hire more than one municipal solicitor which could offset the cost of contracted legal services even considering the creation of an internal legal services branch or department.

Assuming a minimal staffing model, the City Solicitor would need to be supported by at least one administrative or legal assistant. The salary range of "A" on The City's Exempt Salary Structure Model between \$45,900 and \$57,375 plus benefits costs of approximately 26% would apply.

Staffing costs would therefore be approximately \$220,000 for this option. Additional resources for one-time startup costs for office space, computers and related equipment, memberships and professional development would likely add an additional 10% or \$22,000 to the total cost of a new Legal Services Branch. This would result in an approximate cost of \$250,000 +/- in the first year.



10.0 Validating Service Delivery Options and Selecting a Preferred Option

The following six factors are identified by the Consultants as appropriate criteria to evaluate the acceptability of each of the four potential options for the future delivery of legal services at The City of Red Deer. While these criteria may appear to be subjective in nature, when taken together they represent criteria that can be substantiated through input from legal practitioners.

1. **Alignment with The City's Strategic Direction:** To what extent does the option align with The City's larger strategic agenda?
2. **Level of Service:** Does the option maintain or exceed the current level of service?
3. **Timeliness of Service:** Does the option ensure timeliness of services required? To what extent are customers able to receive legal counsel in a timely manner?
4. **Quality of Service:** To what extent does the option ensure the quality of legal services? What is the potential for the option to increase stakeholder satisfaction? Does the option potentially reduce the level of risk that the City may face in the achievement of its service mandate?
5. **Cost of Service:** Does the cost of the option provide value for money? To what extent does the option achieve City budgetary considerations?
6. **Community Support:** To what extent can The City expect support for this option in the larger community?

11.0 Review of Legal Service Delivery Options with the Corporate Leadership Team (CLT)

In a session with members of the CLT held on October 6, 2011, the consultants reviewed the advantages and disadvantages of each option and received feedback from the team on each of the options. The consultants facilitated an evaluation of the options the results of which are illustrated on the Table attached as Appendix II. Based on the evaluation, **Option 4: Establish an Internal Legal Services Business Unit** received the highest rating of the four possible options presented by the consultants.



12.0 Preferred Option for the Future Delivery of Legal Services

12.1 Conclusion

Based on the research and information gathered during the project, the consultants are of the opinion that *Option 4: Establish an Internal Legal Services Business Unit* is the preferred option for the future delivery of legal services for The City of Red Deer. This conclusion was validated in the October 6, 2011 session with members of the CLT where Option 4 garnered the highest rating using the six criteria identified in Section 10.0 of this report.

12.2 Rationale

Option 4: Establish an Internal Legal Services Business Unit is supported by each of the six criteria for evaluating the options as discussed below.

Alignment with The City's Strategic Agenda: Most large cities in Canada have an internal legal services function with at least one solicitor and one or more support staff. Establishing an internal legal services business unit in The City of Red Deer is consistent with the City's future vision of being a major city in the province with a population of 300,000 residents in the next 50 to 75 years.

Level of Service: An internal legal services function would allow The City to exercise greater control over the level of legal services required by the corporation, and enhance its ability to determine when and if legal services are required on any particular issue or matter.

Timeliness of Services: An internal legal services function would ensure that legal services are available to City functions that require timely legal advice and support. Although a city solicitor's time can be taken up with meetings and other matters of a non-legal nature, it will be incumbent on the CLT to ensure that legal services are accessed only when necessary and the primary focus of the city solicitor's work is on legal issues. It is strongly recommended that The City develop a corporate procedure for department use of legal services. This need was identified by internal stakeholders during project consultations. Regardless of the option selected, a corporate procedure should be developed without delay.



Quality of Service: The quality of service will depend largely on the individual(s) selected for the internal legal services function. The selection of a qualified, competent and service-oriented city solicitor will be a critical factor affecting the quality of legal services. These same selection criteria should be used for support staff for the business unit. An annual survey of internal customers should be completed to assess the quality and timeliness of legal services following introduction of an internal legal services business unit. The City should also investigate appropriate performance measures against which to gauge service delivery.

Cost of Legal Services: Over the past five years, The City of Red Deer has paid Chapman Riebeek LLP an average of \$650,000/annum for general legal services. This is in addition to legal expenses paid to other specialized legal services providers which have averaged approximately \$29,000/annum over the same period. Based on the research on legal services costs conducted for this project, it is apparent The City could establish a legal services function that could employ two qualified solicitors and support staff at an annual cost of \$400,000 +/- resulting in an annual saving of approximately \$250,000 +/- . If The City creates an internal legal services business unit it will still require the services of one or more legal service providers during the transition period and for specialized legal services going forward.

Community Support: By establishing an internal legal services business unit The City could realize substantial cost savings which would generally be supported by the community. These savings could be applied in other service areas.

12.3 Implementation Considerations

The consultants are of the opinion that based on current City legal service needs, an internal legal services business unit should optimally be staffed by two solicitors, one at a senior level and one at a junior level with appropriate administrative support.

As a transitional measure, The City could meet current legal service needs with one solicitor and appropriate support resources. The new service would need to be supplemented by a contract or contracts with external law firms whose services would be obtained through a competitive bidding process based on criteria such as expertise in municipal law, cost and availability. The in-house solicitor would be responsible for administering these contracts and would be the primary contact for the delivery of corporate legal services to City departments.



If the business unit is established, its operation should be reviewed after an appropriate period of operation to determine if one internal solicitor supported by external legal contractors is sufficient to meet City needs. Adjustments could be made at that time.



APPENDIX I:

INTERNAL STAKEHOLDER CONSULTATION RESPONSES



The City of Red Deer - Legal Services Review

Council and Corporate Leadership Team

Questions and Responses:

1. Thinking about your current role with The City and/or your involvement with The City's external legal services provider (Chapman Riebeek), what is working well and should be maintained in any new legal service delivery model?

- Chapman Riebeek(CR) is a firm with competent/experienced municipal lawyers
- – great reporting – i.e., legislative changes
- Extensive corporate knowledge. They are familiar with the legislation and regulations our organization and its history and though their long standing involvement with The City the staff has developed a level of comfort with them. Having continuity is helpful especially in legal matters.
- The firm has the capacity to provide backup solicitors.
- CR is familiar with the Municipal Government Act and other legislation and regulations that are relevant to municipalities.
- CR has good grounding in understanding of issues and provides independent advice and creative solutions using plain language.
- CR has experience with other municipalities

2. Thinking about your current role with The City and/or your involvement with The City's external legal services provider (Chapman Riebeek), what is not working well and should be changed in any new legal service delivery model?

- CR's bench strength – the firm uses some inexperienced solicitors
- CR sometimes wants to be more involved in operations
- CR attendance at Council meetings is both a plus and a minus. The lawyers sometimes stray beyond legal parameters on issues.
- Being very familiar with The City, CR may have lost their pragmatic approach.
- On occasion working to CR's schedule and not the City's has affected timeliness of service.
- Lack of clarity around what is legal and what is enabling in the legislation in the advice provided.



- Optics of sole-sourcing of legal services since CR has been the primary legal services provider to The City since 1959.
- Little oversight by the City on the costs of legal services.
- Having a contracted legal services provider inhibits going out to other specialized lawyers.
- Lack of formal and informal corporate protocols and expectations for accessing legal services. We as an organization are not coordinated in how we relate to and deal with legal so we are not leveraging their services well or effectively.
- Council does not know what legal services are accessed? CR? HR? Assessment?
- Lack of consistency in legal opinions – e.g., signage, sec. suites
- Perception that legal opinions influenced by politics and /or personal opinion
- Given the complexity of the issues we are dealing with are increasing, does Chapman Riebeek have the expertise necessary?

3. If The City of Red Deer were to continue with contracted legal services, what do you perceive as the benefits of this type of service delivery model? What are the perceived liabilities?

Benefits

- Lots of backup – competent personnel to backfill
- Independence – objective advice
- Cost of developing expertise born by contractor
- Contractor absorbs support cost and time
- City benefits from contractors interaction with other clients
- Professional independence in reporting
- Do not need more office space/staff
- Arm's length – no bias
- Independent opinions
- As the service provider is not on staff, the services can be used as needed.
- Professional distance – they are lawyers with no vested interest in our organization.
- The service provider can be Innovative and flexible and not be constrained by organizational bureaucracy.



Perceived Liabilities

- The City will have little influence in choice of personnel to provide the services.
- Increased liabilities if we don't use enough of the services.
- Possibility that costs of legal services will increase.
- Can result in timeliness of response, e.g. review of purchasing contracts
- Consistency is sometimes lacking i.e., amendment to borrowing bylaws
- Contractors may have competing masters
- Reduced history with the organization re-building relations with a new contractor; the potential exists for a contractor from outside The City.

4. If The City of Red Deer were to create a legal services department, what do you perceive as the benefits of this type of service delivery model? What are the perceived liabilities?

Benefits

- The City would have complete control over hiring
- The internal legal services provider becomes part of the corporate culture
- Greater focus on City business issues.
- Increased accessibility to legal opinions as the legal services provider will be on staff.
- Fill the policy vacuum in the City
- Greater control over costs and approach. Has the potential to more efficient and reduce legal costs.
- Result in greater integration of city services – left hand knowing what the right hand is doing.
- Budget is more transparent.
- Coordination of legal advice so we look at issues from a corporate perspective.
- Becomes part of the process which will hopefully allow us to be more proactive and less reactive. Legal is part of our solution not a problem fixer.

Perceived Liabilities

- Over use of legal services
- Create more bureaucracy
- Perceived loss of independence
- Legal services provider may work outside of his/her areas of competency.
- Offer other opinion rather than legal alone.
- Be able to handle expropriation and specialized projects
- The City becomes averse to risk – need a legal opinion on every matter.



- Support costs – office, secretarial
- Likely need more than one internal role may become politicized

5. What legal services would you expect to be provided by a City legal department if one is created? What legal services would or should be obtained from external legal services providers?

- Mitigate risks.
- Provide quick and appropriate legal opinions.
- Labour issues.
- Land use planning – consistent legal advice.
- Have expertise and experience with the MGA, policy, bylaws, contracts/agreements, procurement, trends and case law, procedures, triage of legal issues, and point of contact for all legal services.
- Inspections and licensing.
- Contract out in areas where individual lacks expertise.
- See the individual(s) in a coordinator/generalist role. Providing general legal advice on policy /bylaws /agendas/process, and coordinate special services.

Services to be accessed from external legal services providers:

- HR
- Prosecutions
- Expropriation
- Utility – rates, AUB
- Partnerships
- Assessment
- Procurement
- Complex legal agreements
- Regional service agreements
- Plasco
- Managing specialists

➤ In what ways do you anticipate legal service needs changing in the future? What types of legal services will be required to meet these changing needs?

- Privacy issues
- Environmental issues
- Aboriginal
- Increased personal litigation
- Regional role
- Liability in facilities owned by the City and used by community groups



- City Council – fee for service agreements/contracts capacity of ongoing actions – re: policy, etc.
- Legal expertise to support governance advisory committees
- Vision – risks –
- Increased access to information by citizens – inconsistencies in practices – bylaws, data bank and legal lessons learned
- Orientation to what a Councilor can/cannot do according to MGA
- Issues related to increased accountability and transparency
- Court challenges to municipal bylaws
- Land ownership rights
- Privacy issues
- Social media
- Trade agreements
- Expropriations
- Fees and charges i.e., para transit
- Human rights issues

6. How should the cost of future legal services be recovered? Should there be a central budget or should individual departments budget for their own legal service needs?

- Combination of central budgeting and project based i.e., utilities
- Cost recoverable programs
- Active cost monitoring
- Centralized purchasing
- Decentralized \$ to each department – greater accountability
- Corporate procedure for accessing legal service
- Central if it is to be coordinated or done in house with a 'real bill' given to departments.
- Departments get to determine when to use legal or not, the bill would go to the department. Cannot expect someone to be accountable for something they have no control over.

7. What performance measures should be used to measure the effectiveness of The City's legal services regardless of the manner of delivery?

- Combination of outcome and input/output measures
- Value for money
- Challenge is risk in measuring perceptions
- Satisfaction with services provided
- Number of litigations



- Number of bylaws challenged
- Satisfaction index
- Cost effectiveness
- Quality of service
- Understanding of role
- Can do attitude
- Public support for service model
- Confidence with opinions given
- Number of times decisions respect legal advice thus making them more sound
- Number of times need to back track/redouble things to fix legal errors
- Satisfaction that a legal opinion/services compliment business decisions
- Satisfaction from legal that they are a positive contributor to solutions/decisions
- Increased confidence in our decisions because we know they are 'solid' from a legal perspective.



The City of Red Deer - Legal Services Review

Operational Leadership Team

Questions and Responses:

1. **Thinking about your current involvement with the City's external legal services provider i.e., Chapman Riebeek (CR), what is working well and should be maintained in any new legal service delivery model?**
 - Ease of access
 - CR knows our business, knows the Municipal Government Act and the legislation and regulation relating to municipal government. Large team
 - CR is able to connect the dots with their knowledge of The City.
 - Global perspective, Very responsive
 - CR problem solves effectively and provides relevant solutions.
 - CR has a number of qualified practitioners who are competent, dedicated and committed to The City.
 - Being external CR is at arm's length and unbiased
 - Balanced approach – cost and reputation benefit
 - Trust – options
 - Timely response (usually except for when they are on vacation or absent for other reasons)
 - CR acts as a sounding board
 - Established relationship
 - Location of office
 - Broader network from relationship – i.e., utility bylaw review
 - CR is grounded in the community
 - CR has provided support for community groups
2. **Thinking of your current involvement with the City's external legal services provider (Chapman Riebeek), what is not working well and should be changed and or improved in any new legal service delivery model?**
 - Do not see the need to have every document/agreement revised by counsel. Unclear about when to involve legal counsel
 - Need to balance cost with legal advice
 - Sometimes opinions provided by different solicitors in the firm are not consistent.
 - Skill sets of legal service providers



- Succession planning at CR i.e. replacing seasoned solicitors with new to the profession practitioners.
- Need role clarification
- Wording changes/wordsmithing
- Some confusion on protocols for using legal services
- Lack of independent advice
- Cost creep at times
- Role of solicitor vs. operational manager

3. If The City of Red Deer were to continue with contracted legal services, what do you perceive as the benefits of this type of service delivery model? What are the perceived liabilities?

Benefits

- Close relationship and understanding with the legal services provider developed over time.
- Access to specialized legal counsel e.g., Canyon Ski Hill.
- Flexibility to manage workload.
- Pay as you go. Pay for only the services requested.
- Higher service standard – quality vs. cash?
- Potential to reduce costs when re-tendered – competitive response
- The City can choose a firm that has the capacity to meet city needs
- Arm's length independence

Perceived Liabilities

- Do not know what other legal firms can do for The City. The City has a long history with CR. Will a new provider have the same dedication as CR?
- Takes time to build trust relationship – re-tooling.
- Cost of changing legal services provider.
- The City cannot choose the solicitor who works on project.
- Potential lack of cost control.
- Administrative work to re-tender.
- Reduction in knowledge transfer if new contractor.

4. If The City of Red Deer were to create a legal services department, what do you perceive as the benefits of this type of service delivery model? What are the perceived liabilities?

Benefits

- Broader understanding of options
- Better and faster communication (in theory)



- Ease of access
- Salary based
- Able to triage issues and required services
- Possible to control costs and quality of service
- Ownership of City issues
- Could coordinate production of legal opinions
- Internal service provider would have corporate knowledge
- Internal control of information

Perceived Liabilities

- Could end up focusing on one or two departments
- Number of commitments i.e. meetings, hearings, etc.
- Difficulty finding a lawyer
- Open to internal politics
- Potential for capacity overload
- Influencing from within the organization
- Cost of professional development and resources
- City departments could become dependent on legal services to carry out their work
- Potential scope and depth issues – knowledge (unique)
- Independent legal advice may be impacted , there is potential for internal biases
- Limited network possibility

5. What legal services would you expect to be provided by a City legal department if one is created? What legal services would or should be obtained from external legal services providers?

- Cover off routine legal matters (core services)
- Most planning matters
- Most regulatory matters
- Meeting intent of MGA
 - Project resource on i.e., annexation – tax recovery
- Subdivision matters
- Utility/rate hearing support
- Assessment and tax matters
- Annexation – territory expansion
- Contract issues i.e., P3
- Prosecutions
- Collection matters



- Contracts – funding agreements
- Within the general risk management context
- Support Council's decisions
- Manage contracts for operational projects – consider risk level

Specialized Legal Services from External Service Providers

- Assessments
- Expropriation
- Court Prosecutions...
- Capital retention of community assets
- Labour relations
- Litigation

6. In what ways do you anticipate legal service needs changing in the future? What types of legal services will be required to meet these changing needs?

- Increased demands due to increased population
- Changing municipal legislative framework
- Economic development
- Increasing appetite for litigation
- Small city becoming a larger city and the changing demographics
- CULTURE shifts
- Training of community mediators
- Skills to address new arrangements e.g., P3, trade agreements, inter-municipal environment – water
- Support for community events for groups that may not have the resources
- Assumption of public liability
- Commercial assessment appeals
- Property tax recovery
- Customer disputes – service disputes
- Education and training
- Procurement issues

7. How should the cost of future legal services be recovered? Should there be a central budget or should individual departments budget for their own legal service needs?

- Charge City business units for service
- Legal department has a budget to cover corporate needs



- Currently there is a lack of accountability as units do not pay for legal services directly
- Department specific for certain legal/project costs. If part of business it should be budgeted by business unit (self-supported)
- General legal budget for other matters

8. What performance measures should be used to measure the effectiveness of The City's legal services regardless of the manner of delivery?

Potential Performance measures

- Feedback from managers – (annually) customer satisfaction
- Timeliness of service
- Cost – time – product
- Keeping the City out of litigation
- Quality of service
- User-friendly (plain) language – people understand, long used
- Success in court
- Cost benefit analysis
- Number of legal challenges faced by City
- Lessons learned reporting
- Amount of dollars spent
- Legal hours expended



The City of Red Deer - Legal Services Review

High Users Group

Questions and Responses:

1. **Thinking about your current involvement with the City's external legal services provider (Chapman Riebeek), what is working well and should be maintained in any new legal service delivery model?**
 - CR provides plain language opinions.
 - Lawyers are flexible, open, approachable and friendly.
 - Located close to City Hall making them easily accessible.
 - CR cares about the City. They are a local firm – general knowledge of business players in Red Deer and are familiar with local practices.
 - Knowledgeable – MGA, procedures, MPC.
 - Subject expertise
 - Animal control
 - Prosecutions
 - They did some satisfaction assessment with clients.
 - Knowledge and exp. of City.
 - Provide services to other municipalities.
 - City staff has built a relationship with CR and are not hesitant to ask for clarification.
 - CR has more than one lawyer to assist The City.
2. **Thinking of your current involvement with the City's external legal services provider (Chapman Riebeek), what is not working well and should be changed and or improved in any new legal service delivery model?**
 - Sometimes inconsistent opinions even from the same solicitor
 - Definition of scope of services resulting in scope creep. Exceed boundaries sometimes and make a mountain out of a molehill.
 - No corporate protocol for seeking services.
 - Sometimes move into administrative domain.
 - Unclear who is assigned to any given solicitor.
 - Poor response to safety code violations – 3 year O/S.
 - Have chosen not to use CR to safety code violation prosecutions.
 - CR learns about issues on the City dime.



- Working for other clients – effect on timeliness of services
- Could exceed amount budgeted for legal services
- Proximity of CR to City Hall has potential for overuse of services
- If not CR, lose continuity in knowledge of City
- Getting more service than requested
- Managing the contract

3. If The City of Red Deer were to continue with contracted legal services, what do you perceive as the benefits of this type of service delivery model? What are the perceived liabilities?

Benefits of Contracted Legal Services

- Contractors account for time
- Perceived as impartial
- May encourage admin to do background research before seeking an opinion
- Legal firm has municipal experience
- Depth of expertise, # of solicitors in an external firm ; The City will have many individuals to go to
- Access to specialized legal services
- Independent – not biased
- Flexible – supply and demand
- Do not have to provide office space and overhead costs

Perceived Liabilities

- Conflict of interest if firm is representing other municipalities
- May serve other clients which can detract from service
- Unknown cost of labour
- Competing demands for services
- Succession as lawyers leave the firm
- May not have expertise in some areas
- Sometimes go beyond what is asked for
- Need a corporate procedure to access legal services



4. If The City of Red Deer were to create a legal services department, what do you perceive as the benefits of this type of service delivery model? What are the perceived liabilities?

Benefits

- Service should be more accountable
- One point of contact for legal matters with organization
- Potentially better corporate knowledge of issues
- Legal ease to translate needs of organization
- Validate external legal work/quality, cost
- Resource/human and other costs should be less
- Access to resources and records
- Reduce duplication
- Hire who we want
- Communication – the bridge, templates
- Insights into common issues across the corporation
- Confidence to seek legal information on smaller less complex issues

Perceived Liabilities

- Public perceptions that internal legal services are not impartial
- May cost more than contracted services
- Loss of corporate knowledge if solicitors leave
- Becoming bureaucratic
- Potential for political or administrative influence
- Knowledge and expertise limits
- Will need to refill contract out
- May not have the capacity to meet requests
- Will need an administrative structure
- Recruitment and compensation
- Meetings can potentially take up all of the person's time
- Not totally independent

5. What legal services would you expect to be provided by a City legal department if one is created? What legal services would or should be obtained from external legal services providers?

General Services

- Bylaws
 - Drafting



- Updating
- Opinions
- MGA and relevant legislation and regulation interpretation
- Enforcement
- Representation in competent jurisdictions
- Prosecutions
- Environmental law
- Contracts/agreements
- Procurement
- Conveyancing
- Jack of all trades except oddities
- General inquiries
- Real estate law
- MGA – municipal legislation
- Contracts and purchasing
- Routine agreements and caveats – current and up to date
- Labour law
- Criminal Law
- Manage all legal contracts

Specialized services from external service providers

- HR
- Expropriation
- Tendering
- Expropriation
- Special appeals – assessment
- Utilities
- Annexation
- Litigation

**6. In what ways do you anticipate legal service needs changing in the future?
What types of legal services will be required to meet these changing needs?**

- Increasing tendency to litigation
- Need expertise in things like “Brownfields” redevelopment
- Environmental
- Tendering, administering contracts
- More admin resources could reduce need for legal
- Development of protocols
- Economy – growth



- Increased demands due to increasing population
- Council initiatives
- Environmental issues
- Small city becomes a big city and emerging issues
- Mediation
- Mitigating risks
- Proactive action – e.g., writing of bylaws

7. How should the cost of future legal services be recovered? Should there be a central budget or should individual departments budget for their own legal service needs?

- Use of both departmental and project specific budgets
- May vary on size of department/volume type of business i.e., inspections, licensing
- Central budget
- Project based (capital)
- Operational budget
- Combination of centralized and departmental budgets

8. What performance measures should be used to measure the effectiveness of The City's legal services regardless of the manner of delivery?

- Timeliness of services
- Customer satisfaction with services provided
- Outcome of prosecutions -- performance
- Accuracy of information and legal opinions provided.
- Quality of services provided
- Cost



APPENDIX II:

CORPORATE LEADERSHIP TEAM

LEGAL SERVICE OPTION EVALUATION

CRITERIA AND RESULTS



Evaluation Criteria

Alignment with The City's Strategic Direction: To what extent does the option align with The City's larger strategic agenda?

3	The option fully aligns with and supports The City's Strategic agenda
2	The option partially aligns with and supports The City's Strategic agenda
1	The option does not align with or support The City's Strategic agenda

Level of Service: Does the option maintain or exceed the current level of service?

3	The option has the potential to exceed The City's current level of legal services
2	The option has the potential to maintain The City's current level of legal services
1	The option has the potential to reduce The City's current level of legal services

Timeliness of Service: Does the option ensure timeliness of services required? To what extent are customers able to receive legal counsel in a timely manner?

3	The option has the potential to improve the timeliness of The City's legal services
2	The option has the potential to maintain the timeliness of The City's legal services
1	The option has the potential to reduce the timeliness of The City's legal services

Quality of Service: To what extent does the option ensure the quality of legal services? What is the potential for the option to increase stakeholder satisfaction? Does the option potentially reduce the level of risk that the City may face in the achievement of its service mandate?

3	The option has the potential to improve the quality of The City's legal services
2	The option has the potential to maintain the quality of The City's legal services
1	The option has the potential to reduce the quality of The City's legal services

Cost of Service: Does the cost of the option provide value for money? To what extent does the option achieve City budgetary considerations?

3	The option has the potential to reduce cost of The City's legal services
2	The option has the potential to maintain cost of The City's legal services
1	The option has the potential to increase the cost of The City's legal services

Community Support: To what extent can The City expect support for this option in the larger community?

3	The option has the potential to generate strong community support
2	The option has the potential to maintain community support
1	The option has the potential to decrease community support



2.

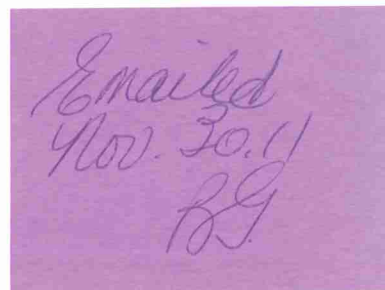
LEGAL SERVICE OPTION EVALUATION RESULTS

Legal Service Delivery Options		Evaluation Criteria						
		Alignment with Strategic Agenda	Level of Service	Timeliness of Service	Quality of Service	Cost of Service	Community Support	Total
Option 1	Enter into a New Contract with the Current Service Provider	1.9	1.9	2.4	2.2	1.8	1.8	2.0
Option 2	Enter into a Contract with a New External Service Provider	2.1	2.4	2.3	2.4	1.9	2.0	2.2
Option 3	Obtain Legal Services from Multiple Legal Services Providers	1.8	1.8	2.0	2.5	1.6	1.9	1.9
Option 4	Establish an Internal Legal Services Business Unit	2.7	2.7	2.2	1.9	2.3	2.0	2.3

LEGISLATIVE & GOVERNANCE SERVICES

November 29, 2011

Mr. Don Simpson
Chapman Riebeek
Suite 208, 4808 Ross Street
Red Deer, AB T4N 1X5



**Re: Council Decision – November 28, 2011
Organizational Review – Legal Services**

Dear Don:

At the Monday, November 28, 2011 Regular Meeting of City Council the following resolution was passed:

Resolved that Council of The City of Red Deer having considered the report from the Legislative & Governance Services Manager dated November 18, 2011 re: Organizational Review: Legal Services hereby agrees that The City of Red Deer create an internal legal services business unit comprising of one lawyer and one support staff with said staff reporting to the Legislative and Governance Services Department with an RFP to be utilized for the contracting of the additional and specialized services required.

Our current contract with Chapman Riebeek is set to expire on December 1, 2012 and at this point The City of Red Deer wishes to advise that we will not be extending the contract. With the decision of Council to move the service delivery model to a hybrid model, we will begin the recruitment of an in house City Solicitor and will also begin the process of developing a tendering process for the delivery of any externally required legal services.

This decision of Council marks a turning point for The City and a recognition that our service delivery model for the delivery of legal services needs to change. We appreciate the support and excellent service that we have received from the firm of Chapman Riebeek and are confident that we will continue to be well served in the upcoming transition year.

.../2

I would like to thank you for the professional manner and support you have provided as The City gathered input and data regarding the future legal services delivery model. I recognize the challenges this may have posed and appreciated the manner in which you handled the discussions. As plans begin to unfold, we will start to work with you to develop a transition plan for the upcoming changes.

Please express our thanks to your staff for their support in the past and with the upcoming transition. If ever you have questions regarding the changes and transition plan, don't hesitate to contact myself.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Elaine Vincent". The signature is written in dark ink and is positioned above the printed name.

Elaine Vincent

Manager, Legislative and Governance Services
The City of Red Deer

DATE: November 30, 2011
TO: Frieda McDougall, Deputy City Clerk
FROM: Elaine Vincent, Legislative & Governance Services Manager
SUBJECT: Organizational Review – Legal Services

Reference Reports:

Legislative & Governance Services Manager, dated November 18, 2011.

Resolutions:

The following resolution was passed during the Regular Council meeting held on Monday, November 28, 2011:

Resolved that Council of The City of Red Deer having considered the report from the Legislative & Governance Services Manager dated November 18, 2011 re: Organizational Review: Legal Services hereby agrees that The City of Red Deer create an internal legal services business unit comprising of one lawyer and one support staff with said staff reporting to the Legislative and Governance Services Department with an RFP to be utilized for the contracting of the additional and specialized services required.

Report back to Council: Yes

Comments/Further Action:

Administration is to proceed with the transition to an internal legal department for The City of Red Deer including a Request for Proposal for the additional and specialized services required.



Elaine Vincent
Legislative & Governance Services Manager

c: City Manager
Director of Corporate Services
Financial Services Manager
Human Resources Manager
Financial Services Supervisor
Corporate Meeting Coordinator



Legislative & Governance Services

DATE: November 1, 2011

TO: City Council

FROM: Craig Curtis, City Manager
Elaine Vincent, Legislative & Governance Services Manager

SUBJECT: Organizational Review: Legal Services

Legislative History

In 2010, Phase 2 of the organizational review was considered by City Council and the following resolutions were passed:

“Resolved that Council of the City of Red Deer having considered the report from the City Manager, dated May, 2010, re: Organisational Review: Phase 2, hereby approves the recommendations of the City Manager as follows:

That a new Legislative and Governance Services Department be created with the Manager reporting directly to the City Manager effective May 17, 2010.

“Resolved that Council of the City of Red Deer having considered the report from the City Manager, dated May, 2010, re: Organisational Review: Phase 2, hereby approves the recommendations of the City Manager as follows:

That the new department be responsible for legal services and corporate meeting management. “

“Resolved that Council of the City of Red Deer having considered the report from the City Manager, dated May, 2010, re: Organisational Review: Phase 2, hereby approves the recommendations of the City Manager as follows:

That City Council approve undertaking a review of legal services commencing and concluding in 2011 under the direction of the LGS manager.”

In the 2011 Budget deliberations Council approved \$25,000 to fund a review of legal services. The selected consultant, Western Management Consultants has now completed their review of legal services and the document is attached for your review.

Background

Since 1959 the law firm of Chapman Riebeek has provided general legal services to The City. Prior to 2007, legal services were provided without a formal contract but in 2007 the services were formalized under a five year legal services contract. The contract expires on December 1, 2012 and The City has the right to either renew the agreement for a second term of five years commencing on December 1, 2012 or The City may terminate the agreement without cause on one year's notice.

In addition to Chapman Riebeek, The City also engages eight other legal firms for specialized legal counsel and services in the areas of human resources, annexations and various special projects for which Chapman Riebeek does not have the required expertise.

The City currently has both a centralized and decentralized budgeting approach for legal expenses. In total the city has a legal budget of \$532,130 per year. Legislative and Governance Services has responsibility for the administration of the centralized budget of \$300,430 while the balance is distributed to departments/projects with specialized legal needs.

Analysis

A review of legal costs over the last number of years highlights some trends for The City of Red Deer. These include:

- 1) An upward trend in legal expenses (Table A)
- 2) The legal expenses allocated to service providers (Table B)
- 3) Specific projects which have significant legal impacts (Table C)
- 4) The budget deficits in legal services (Table D)
- 5) The increased project costs directly correlate to the over expenditure in legal expenses (Tables E and F)
- 6) Inconsistent approaches in accessing and utilizing legal services across the corporation

Table A

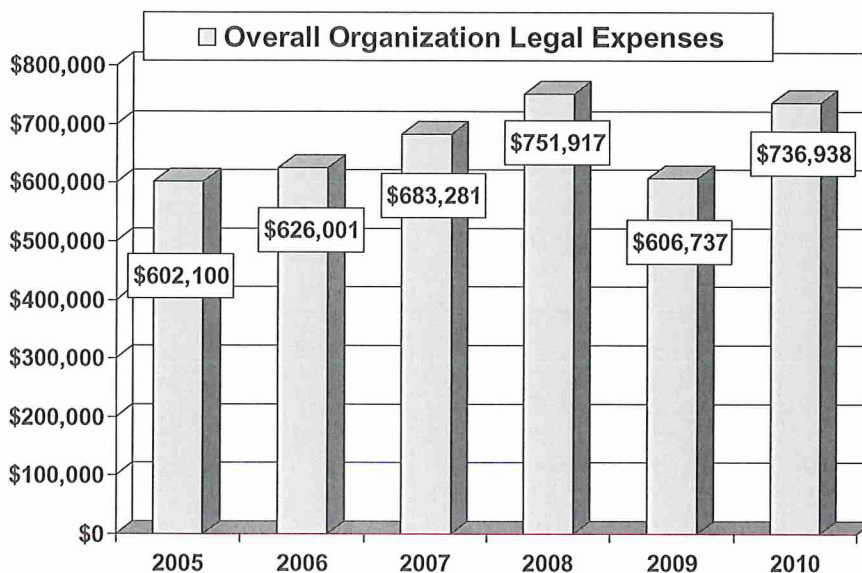


Table B

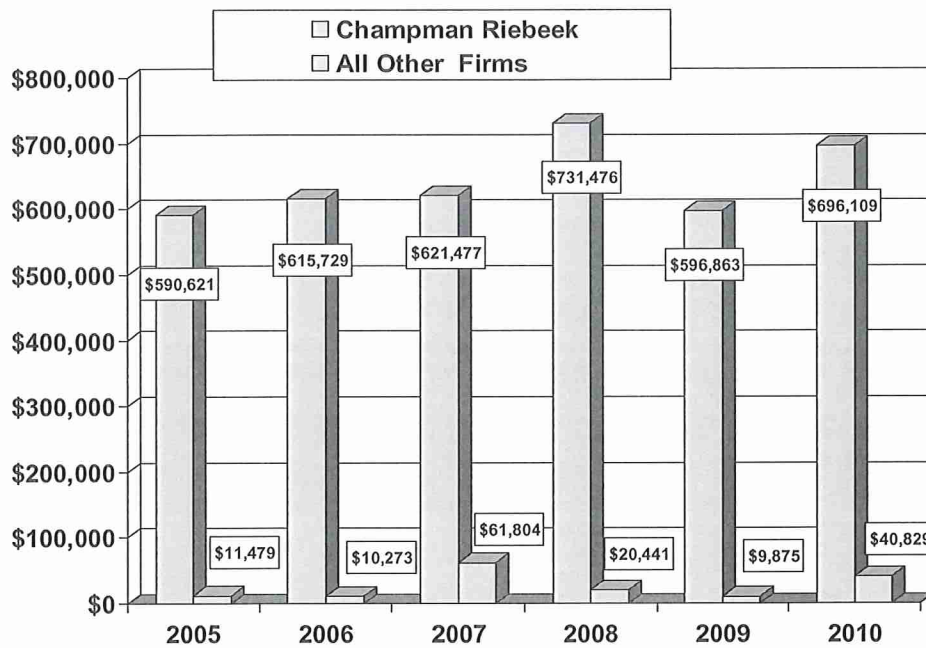


Table C

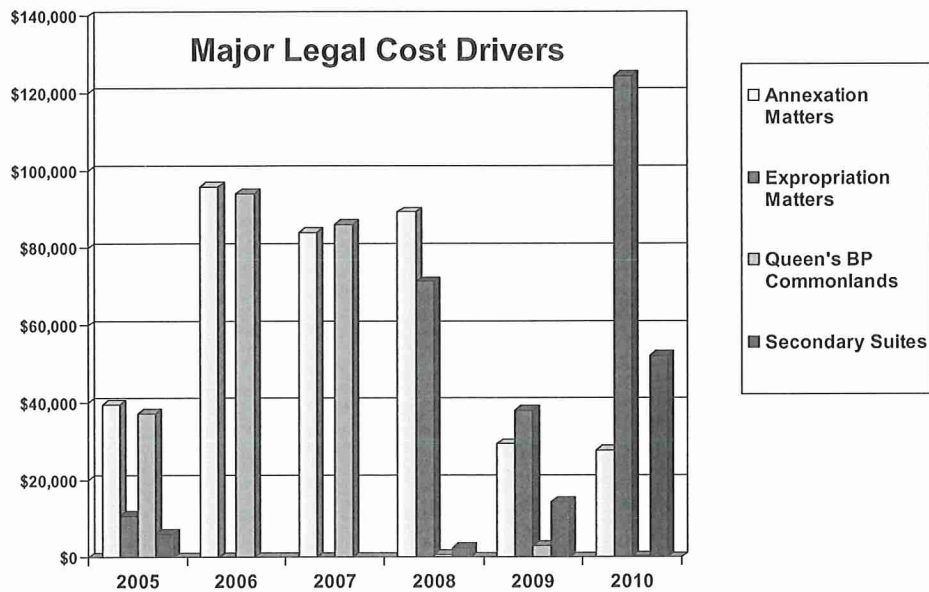


Table D

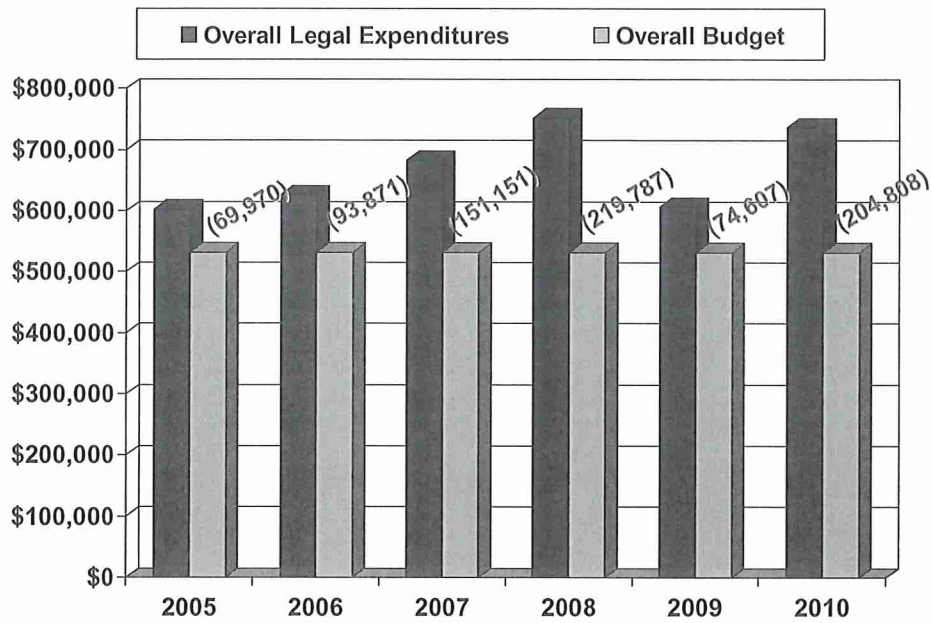


Table E

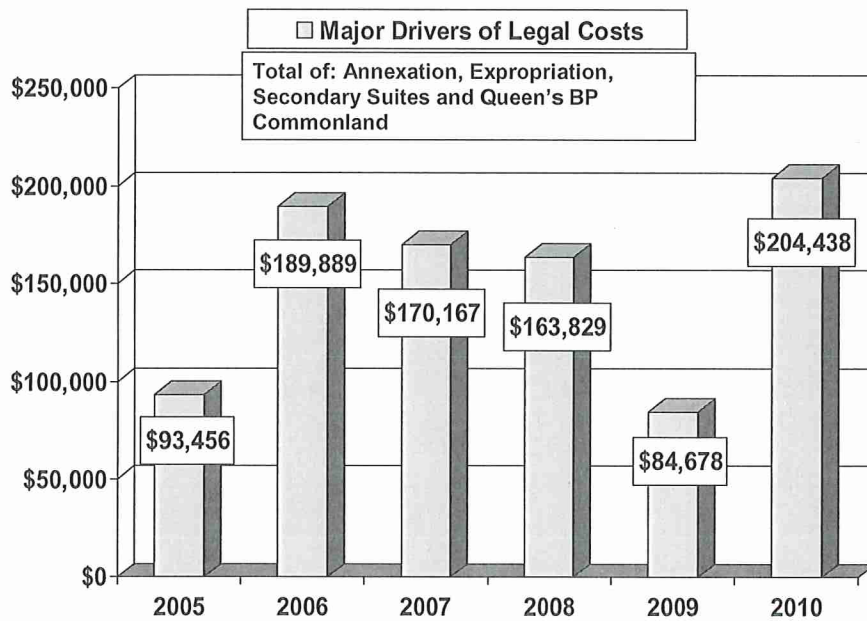
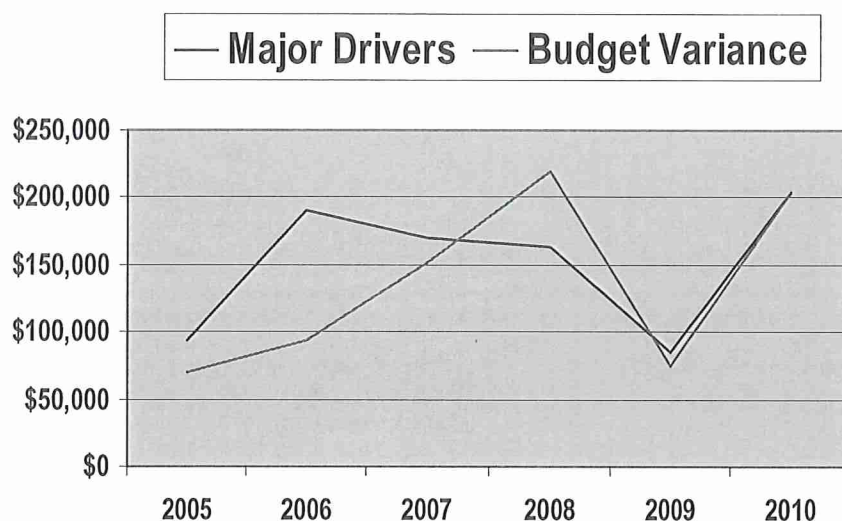


Table F



Discussion

Upon review of the consultants report, it is clear that there are 4 distinct service delivery options available to provide legal services to The City of Red Deer. The four options can have different combinations that may need to be assessed for organizational effectiveness. The four options that the consultant considered were:

- 1) Option 1: Enter into a New Contract with the Current Service Provider
- 2) Option 2: Enter into a contract with a New External Service Provider
- 3) Option 3: Obtain Legal Services from Multiple Legal Service Providers
- 4) Option 4: Establish an Internal Legal Services Business Unit

In reviewing these options the consultant recommended the following factors in assessing the merits of each of the options:

- 1) Alignment with the City's Strategic Direction
- 2) Level of Service
- 3) Timeliness of Service
- 4) Quality of Service
- 5) Cost of Service
- 6) Community Support

After completing an analysis of the options and having a meeting with the Corporate Leadership Team to validate findings, the consultant is recommending that The City establish an internal Legal Services business unit.

Rather than reiterate what the consultant highlights as pros and cons of the service delivery models, it is important to build in the organizational and operational considerations of the proposed models. Organizationally, both the City Manager and Council have declared that due to the public transparency

requirements of contracting. entering into another long term contract with the current service provider without going through an open competitive process is not an option. Although legal services are exempted from compliance with NAFTA, WTA etc, from a public transparency perspective this is not an option that can be considered. The direction has been that if external legal services are to continue as the service delivery model of choice, a request for proposal process will be utilized to evaluate those interested in delivering services to the City and the current service provider can determine if they wish to submit a response to the competitive process for legal services.

It is also recognized that not all services will be able to be internally provided. From a value for money perspective, it is clear that some specialized services will always need to be externally delivered and it will continue to make sense for this to happen. In essence this means that we will always have some form of a hybrid service delivery model. The question to examine is whether it makes sense for the majority of legal services to be internally or externally provided. In utilizing the evaluation results of the consultant it is clear that the recommendation is to bring in legal services to the City with hiring 2 lawyers and 2 support staff.

Our estimate of costs to bring legal in house are:

- 1) Salaries: \$400,000
 - 2) Benefit Costs: \$100,000
 - 3) Incremental Lease Costs: 750 sq. ft at \$23/sq ft per annum = \$17,250 (assuming no internal currently owned/lease space is available)
 - 4) Office, computer, memberships, Training: \$ 45,000
- Total Estimated Costs: \$562,250**

The benefits of this approach include increased accountability from a performance accountability process however may result in an 'over prescription' of legal services as we will have to continue to use specialized legal providers for specialized legal needs. Over hiring may result in increased expenditures.

If the option to move with in house legal is transitioned in, rather than moving to a sole in house model a transition step may be to hire one solicitor and one support staff. The costs for this model include:

- 1) Salaries \$200,000
 - 2) Benefit Costs: \$50,000
 - 3) Incremental Lease Costs: 375 sq. ft at \$23/sq ft per annum: \$8625 (assuming no internal currently owned/lease space is available)
 - 4) Office, computer, memberships, Training: \$ 22,500
 - 5) Contracted legal support \$281,125
- Total Estimated Costs: \$562,250**

The benefits of this approach include the opportunity to build the model we need and allow time for the enhanced corporate policies and procedures to be established and evaluated resulting in operational efficiencies being further enhanced.

At this point in time cost savings are not anticipated from the adoption of either model. It is anticipated that in the transition year, more administrative time will be required to either bring legal services internally or to manage a hybrid model to determine which legal files should be handled internally or externally.

It should be noted that as part of the corporate business planning process for 2012, Legislative and Governance Services has recommended cost savings for legal expenses by no longer requiring the

attendance of the City Solicitor at Council meetings. These savings are anticipated to be offset by increased legal costs for the support to the Secondary Suites Bylaw.

Recommendation

In reviewing the legal services report completed by the consultant, and with the additional consideration of administration, we would recommend the following approach for the delivery of legal services:

1) That The City of Red Deer create an internal legal services business unit comprising one lawyer and one support staff with said staff reporting to the Legislative and Governance Services Department.

Based on Council's decision , Administratively the following actions will then be taken:

- 1) Notice be provided to Chapman Riebeek to advise that their contract will expire with The City on December 31, 2012 and will not be renewed;
- 2) The City launch an RFP for the delivery of legal services; and
- 3) The City provides an analysis of the impact of the changes to legal services in 2014 to determine if further changes to the service delivery model are required.



Elaine Vincent
Legislative & Governance Services Manager

Craig Curtis
City Manager

/attachment

Christine Kenzie

From: Frieda McDougall
Sent: November 22, 2011 12:45 PM
To: Christine Kenzie
Cc: Elaine Vincent
Subject: FW: Legal Services Review Final Report - For November 28, 2011 Council Meeting
Attachments: Legal Services Review Final Report 22 11 11.pdf

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

From: Gordon Harris [<mailto:harris@wmc.ca>]
Sent: November 22, 2011 12:44 PM
To: Frieda McDougall
Subject: RE: Legal Services Review Final Report - For November 28, 2011 Council Meeting

Good catch. Someone has much better eyes than me. Attached is the revised document with the watermark removed. The revised document has today's date.

We aren't planning to use a PowerPoint presentation because we only have 10 minutes. We will touch briefly on the project background, our methodology, and findings and will spend the majority of the time on the results of the comparable municipalities review and our recommendations.

Gordon Harris, MBA,CMC
Director
Western Management Consultants
T: 780-401-2804
F: 780-429-0256
C: 780-934-4903
harris@wmc.ca
www.wmc.ca

From: Frieda McDougall [<mailto:Frieda.McDougall@reddeer.ca>]
Sent: Tuesday, November 22, 2011 12:27 PM
To: Gordon Harris
Subject: FW: Legal Services Review Final Report - For November 28, 2011 Council Meeting
Importance: High

Hi Gordon – see below, one page needs correction. Thanks.

2011/11/22

To: Frieda McDougall
Cc: procinsky@wmc.ca
Subject: Legal Services Review Final Report

Hello Frieda,

Attached is the Final Report with the words "Draft" and "Confidential" removed as per your request. See you on the 28th.

Gordon

Gordon Harris, MBA,CMC
Director
Western Management Consultants
T: 780-401-2804
F: 780-429-0256
C: 780-934-4903
harris@wmc.ca
www.wmc.ca

Disclaimer - November 21, 2011

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Christine Kenzie

BACK UP INFORMATION
NOT SUBMITTED TO COUNCIL

From: Elaine Vincent
Sent: November 01, 2011 4:48 PM
To: Bev Greter; Christine Kenzie
Subject: Legal review Report for November 28 2011 Council Meeting

Follow Up Flag: Follow up
Flag Status: Red

Attachments: 1163665 - organizational review legal services report to council - 2.DOC



1163665 -
organizational review..

Here is a draft of the legal review report....

Bev for CLT agenda on Thursday...

Christine for Council on Jan 28th... (I will likely have to make some changes after CLT)

Christine Kenzie

From: Frieda McDougall
Sent: November 21, 2011 10:16 AM
To: Christine Kenzie
Subject: FW: Legal Services Review Final Report
Attachments: Legal Services Review Final Report 21 11 11.pdf

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

From: Gordon Harris [<mailto:harris@wmc.ca>]
Sent: November 21, 2011 9:13 AM
To: Frieda McDougall
Cc: procinsky@wmc.ca
Subject: Legal Services Review Final Report

Hello Frieda,

Attached is the Final Report with the words "Draft" and "Confidential" removed as per your request. See you on the 28th.

Gordon

Gordon Harris, MBA,CMC
Director
Western Management Consultants
T: 780-401-2804
F: 780-429-0256
C: 780-934-4903
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www.wmc.ca

Disclaimer - November 21, 2011

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2011/11/21



November 10, 2011

Directional Signage for the Kerry Wood Nature Centre - Request to Table.

Engineering Services

Report Summary & Recommendation:

This report is to request Council to table consideration of the policy review on signage report. Engineering Services Department is currently reviewing this item and recommends that Council table consideration of the policy review on signage report to the Monday, June 11, 2012 Council meeting.

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 10, 2011 re: Directional Signage for the Kerry Wood Nature Centre - Request to Table hereby agrees to table the report to the Monday, June 11, 2012 Council meeting.



Report Details

Background:

The following resolution was passed during the regular Council meeting held on Monday, May 30, 2011:

“Resolved that Council of The City of Red Deer having considered the report from the Culture Superintendent dated May 17, 2011 re: Directional Signs for the Kerry Wood Nature Centre agrees to:

- 1) approve the Kerry Wood Nature Center signage request and,
- 2) directs a policy review on signage to be completed and brought back to Council by November 30, 2011.”

Discussion:

Engineering Services Department is currently reviewing this item and is requesting that this item be tabled to the Monday, June 11, 2012 Council meeting.

FILE

DATE: November 30, 2011
TO: Frank Colosimo, Engineering Services Manager
FROM: Elaine Vincent, Legislative & Governance Services Manager
SUBJECT: Directional Signage for the Kerry Wood Nature Centre – Request to Table

Reference Report:

Engineering Services Manager, dated November 10, 2011.

Resolution:

The following resolution was passed during the Regular Council meeting held on Monday, November 28, 2011:

Resolved that Council of The City of Red Deer having considered the report from the Engineering Services department dated November 10, 2011 re: Directional Signage for the Kerry Wood Nature Centre - Request to Table hereby agrees to table consideration of the policy review on signage report to the Monday, June 11, 2012 Council meeting.

Report back to Council: Yes

Comments/Further Action:

Administration will bring the policy review on signage report back to the Monday, June 11, 2012 Council Meeting for Council's consideration.



Elaine Vincent
Legislative & Governance Services Manager

c Director of Development Services
Corporate Meeting Coordinator

Christine Kenzie

From: Linda Rehn
Sent: November 03, 2011 11:51 AM
To: Christine Kenzie
Subject: RE: Reports to come back to Council

BACKUP INFORMATION
NOT SUBMITTED TO COUNCIL

Good Morning – yes we do – for the November 28th meeting.

From: Christine Kenzie
Sent: November 03, 2011 11:20 AM
To: Linda Rehn
Subject: Reports to come back to Council

<< File: May 20 2011 Council Decision Letter Re Directional Signage.pdf >>

Found this Council Decision letter regarding directional signage for the Kerry Wood Nature Centre --- directing Administration to review the signage policy and provide a report for Council's consideration by November 30, 2011.

Do you have this on your radar??

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



November 22, 2011

Red Deer Gymnastic - Review of Interest Rate on Loan Loan Bylaw Amendment 3390/A-2011

Legislative & Governance Services

Report Summary & Recommendation:

Loan Bylaw Amendment 3390/A-2011 is being brought back for Council's consideration of second and third readings.

City Manager Comments:

Proposed Resolution

That Council consider second and third readings of the bylaw.



Report Details

Background:

At the Monday, October 17, 2011 Council Meeting, Loan Bylaw Amendment 3390/A-2011 was given first reading.

Loan Bylaw Amendment 3390/A-2011 provides for a reduction in the interest rate from 6% to 3.75% on the balance of the loan from The City to the Red Deer Gymnastics Association.

Discussion:

Public Consultation Process:

Advertisements were placed in the Red Deer Advocate on October 28 and November 4, 2011. No petitions were received during the 15 days after the last date of advertising.

It is recommended that Council consider second and third readings of the bylaw.



Report Originally Submitted
to the Monday, October 17,
2011 Council Agenda

September 28, 2011

Red Deer Gymnastic - Review of Interest Rate on Loan

Recreation Parks and Culture

Report Summary & Recommendation:

That Council considers first reading of Loan Bylaw Amendment 3390A-2011

City Manager Comments:

I support the recommendation of Administration that Council give First Reading to Loan Bylaw Amendment 3390/A-2011. Following advertising, Loan Bylaw Amendment 3390/A-2011 would come back to Council for second and third readings on Monday, November 28, 2011.

Craig Curtis
City Manager

Proposed Resolution

That Council gives First Reading to Loan Bylaw Amendment 3390/A-2011.



Report Details

Background:

As a partner in the original project development of the Collicutt Centre, the Red Deer Gymnastics Association (RDGA) proposed to have a new facility incorporated into a portion of the Collicutt Centre project. In 2001, to support their centre's development, the RDGA entered into an agreement to pay The City a one-time contribution towards the capital costs of construction of the Collicutt Centre. The contribution was \$1,000,000.00 and was based on a loan repayment agreement with The City.

As per the agreement, The City is required to "...review interest rates and make adjustments accordingly to fix a rate which reflects the amount The City would have to pay if it borrowed the money from its lenders during the period from 2012 – 2018". The City is required to complete this review prior to January 1, 2012.

Discussion:

The City has reviewed current borrowing rates and has determined a fixed interest rate of 3.75% for the remainder of the capital loan repayment term, which will be completed in April, 2018.

This amended agreement requires an amendment to the loan bylaw to recognize the change in interest rate and the adjusted payment schedule.

Section 606 of the MGA requires that the bylaw be advertised for 2 consecutive weeks before second and third readings.

The amended loan agreement will be signed by both parties prior to second and third readings coming back to Council.

This report was completed in collaboration with Financial Services.

BYLAW NO. 3390/A-2011

Being a bylaw to amend Bylaw No. 3390/2007 to authorize The City to re-set the interest rate to 3.75% on the balance of the loan from the City to the Red Deer Gymnastics Association, as provided for in the agreement between the two parties.

Background

The City of Red Deer loaned the sum of \$1,000,000 to the Red Deer Gymnastics Association subject to the terms of an agreement whereby the Association agreed to repay the loan to the City with interest. As of January 1, 2012 the sum of \$258,394.14 remains outstanding under the loan and the parties are required under the agreement to review the interest rate.

In light of the current lower interest rate environment the parties have agreed to set the interest rate on the balance of the loan at 3.75% for the balance of the term of the loan.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

- 1 Bylaw No. 3390/2007 is amended by adding new section 1.1 as follows:
 - “1.1 Notwithstanding the provisions of sections 1 (c) and (e) above, effective January 1, 2012, the interest rate shall be set at 3.75% per annum and the terms of repayment shall be as follows:
 - (a) Quarterly payments of \$11, 245.00 on January 15th, April 15th, July 15th and October 15th in each year commencing in January 2012, and continuing until the loan is repaid.”
- 2 In all other respects, Bylaw No. 3390/2007 is hereby ratified and confirmed.

READ A FIRST TIME IN OPEN COUNCIL this	17 th	day of	October	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 CLERK this		day of		2011.

MAYOR

CITY CLERK

Council Decision – November 28, 2011

DATE: November 30, 2011
TO: Dean Krejci, Financial Services Manager
FROM: Elaine Vincent, Legislative & Governance Services Manager
SUBJECT: Red Deer Gymnastic Review of Interest Rate on Loan Bylaw
Amendment 3390/A-2011

Reference Report:

Legislative & Governance Services Manager dated November 22, 2011.

Bylaw Reading:

At the Monday, November 28, 2011 Council Meeting, Loan Bylaw Amendment 3390/A-2011 received second and third readings. A copy of the bylaw is attached.

Report back to Council: No

Comments/Further Action:

Administration will proceed with the revision to the interest rate for the Red Deer Gymnastics Association. As well, this office will proceed with distribution of consolidated Loan Bylaw 3390/2007.



Elaine Vincent
Legislative & Governance Services Manager
/attach

c: Director of Corporate Services
Corporate Meeting Coordinator

LOAN BYLAW AMENDMENT 3390/A-2011
RED DEER GYMNASTICS – REVIEW OF INTEREST RATE ON LOAN

DESCRIPTION: Reducing the interest rate from 6% to 3.75% on the balance of the loan from The City to the Red deer Gymnastics Association.

FIRST READING: October 17, 2011

FIRST PUBLICATION: October 28, 2011

SECOND PUBLICATION: November 4, 2011

PUBLIC HEARING & SECOND READING: November 28, 2011

THIRD READING: NOV 28, 2011

LETTERS REQUIRED TO PROPERTY OWNERS: YES ☐ ☒ NO

DEPOSIT: YES ☐ \$ _____ NO ☒

COST OF ADVERTISING RESPONSIBILITY OF: City of Red Deer

ACTUAL COST OF ADVERTISING:

\$ _____ X 2

TOTAL: \$ _____

MAP PREPARATION:

\$ _____

TOTAL COST:

\$ _____

LESS DEPOSIT RECEIVED:

\$ _____

AMOUNT OWING/ (REFUND):

\$ _____

INVOICE NO.:

BATCH NO.:

(Advertising Revenue to 180.5901)

Borrowing Bylaw Amendment 3390/A-2011
The Red Deer Gymnastics Association

Red Deer City Council proposes to pass Bylaw Amendment 3390/A-2011 to reduce the interest rate from 6% to 3.75% on the balance of the loan from the City to the Red Deer Gymnastics Association, as provided for in the agreement between the two parties.

The proposed bylaw may be inspected at Legislative & Governance Services, 2nd Floor City Hall during regular office hours.

The electors may submit a petition calling for a vote of the electors to determine whether the proposed bylaw should be passed. The petition must meet the formal requirements of sections 221-226 of the Municipal Government Act and be filed with the Legislative & Governance Services Manager within 15 days after the last date the proposed bylaw is advertised. The last date of advertisement for this bylaw is **November 4, 2011**. Any petition will be public information. If you have any questions regarding the petition process or the use of the petition please contact the Legislative & Governance Services Manager at 403-342-8132.

Publication Dates: Friday, October 28, 2011 and Friday, November 4, 2011



November 22, 2011

Revision to Distribution Tariff Effective January 1, 2012

Electric Utility Bylaw Amendment 3273/B-2011

Legislative & Governance Services Department

Report Summary & Recommendation:

Electric Utility Bylaw 3273/B-2011 is being brought back for Council's consideration of second and third readings.

City Manager Comments:

Proposed Resolution

That Council consider second and third readings of Electric Utility Bylaw Amendment 3273/B-2011.



Report Details

Background:

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

Electric Utility Bylaw Amendment 3273/B-2011 provides for amendments to "Appendix A" - Distribution Tariff with the changes to come into effect on January 1, 2012.

Discussion:

A copy of the report that was submitted to Council at the November 14, 2011 Council Meeting is attached.

Electric Utility Bylaw Amendment 3273/B-2011 is being brought back for Council's consideration of second and third readings.



Report Originally Submitted to
the November 14, 2011 Council
Meeting

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

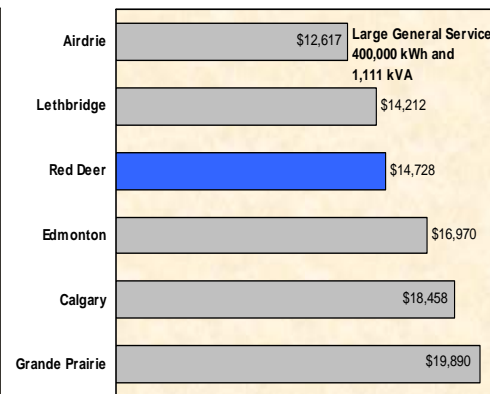
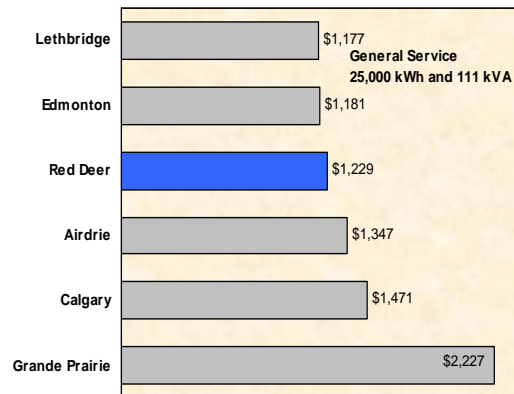
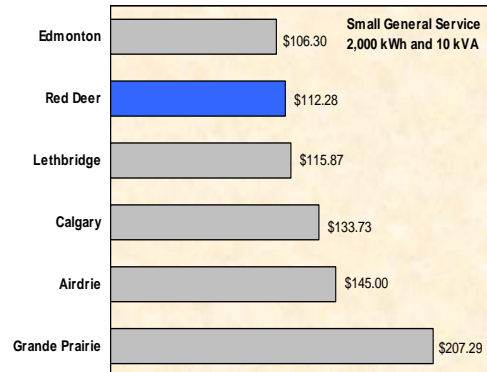
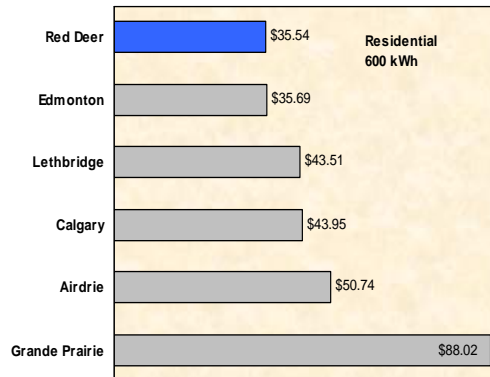
Rate Class	DT Charge		Local Access Fee		Balancing Pool		Total Change	
	\$	%	\$	%	\$	%	\$	%
E61 Residential	\$1.40	3.9%	\$1.21	3.4%	(\$2.17)	(6.1%)	\$0.44	1.2%
E63 Small GS	(\$1.74)	(1.5%)	\$2.89	2.6%	(\$7.24)	(6.4%)	(\$6.09)	(5.4%)
E64 General Service	(\$59.90)	(4.9%)	\$22.64	1.8%	(\$90.50)	(7.4%)	(\$127.76)	(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
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	0.1410 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 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

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

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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.

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

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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;
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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.

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.

FILE



Council Decision – November 28, 2011

DATE: November 30, 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 28, 2011 Red Deer City Council meeting, Council gave second and third reading to Electric Utility Bylaw Amendment 3273/B-2011 effective, January 1, 2012. A copy of the bylaw is attached.

Report back to Council: No

Comments/Further Action:

Our office will proceed with distribution of the consolidated Electric Utility Bylaw 3273/2000 and post the new bylaw on The City's website.

A handwritten signature in blue ink that reads 'Elaine Vincent'.

Elaine Vincent
Legislative & Governance Services Manager
/attach

c: Director of Development Services
Corporate Meeting Coordinator



November 15, 2011

Secondary Suite Licensing Bylaw

Inspections and Licensing

Report Summary & Recommendation:

The secondary suite permitting process within the Land Use Bylaw has been ongoing now since December 14, 2009. Prior to the bylaw being approved by Council, the process had allowed for community input with open houses, web surveys, brochures and local paper advertisement for bylaw amendments. Over 450 secondary suites have been considered by the Development Authority and for each application the landowners within 60 metres of each site have been notified of the secondary suite use. To ensure that we keep a continuing open line of communication with the public and secondary suite owners, we would recommend that City Council support **Option 2** which would allow Administration time to notify secondary suite owners of the proposed bylaw and allow time for other members of the public to contact us.

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 Inspections & Licensing department dated November 15, 2011, Secondary Suite Licensing Bylaw, hereby agrees to lift from the table consideration of the above report.



Report Details

Background:

On June 27, 2011, Inspections & Licensing submitted a report to Council related to what a Secondary Suite License Bylaw could achieve. At this meeting City Council approved the following resolution:

“Resolved that Council of the City of Red Deer having considered the report from the Inspections & Licensing Co-Managers dated June 7, 2011 re: Licensing of Secondary Suites hereby supports a Secondary Suite Licensing process in order to track and monitor active secondary suites and authorizes Administration to develop Secondary Suite Bylaw to be brought back for Council’s consideration prior to October 31, 2011”

At the Council meeting of October 17, 2011, this item was tabled until the Monday November 28, 2011 Council meeting.

Discussion:

Administration along with Legal Counsel has developed the Bylaw, which is attached with this report. Some key points of the proposed Secondary Suite Licensing Bylaw are:

- No person shall operate any secondary suite without a license
- A new licensee will be required on the sale of the property
- Licenses will be \$165.00 annually, similar to home occupation business licenses
- Detailed information that will be required when the application is made
- Conditions may be issued with the License
- Licenses are renewal 12 months from the date the license is issued
- Licenses can be refused or revoked allowing the owner to appeal to the City of Red Deer Appeal and Review Board.
- Additional fees for costs incurred by the City may be charged to the owner
- The bylaw will become effective March 1, allowing compliance with the bylaw no later than June 1, 2012

The proposed attached bylaw has been reviewed and supported by both the Secondary Suite Ad Hoc Committee at their meeting of November 8, and the Municipal Planning Commission at their meeting of November 9, 2011.

The proposed \$165 license fee will provide approximately \$80,000 additional revenue, which will be brought forward to Council during the 2012 Operating Budget process in the form of a Funding Adjustment Recommendation (FAR).



Administration offers two options for Councils consideration:

Option 1

Approve the bylaw and give 3 readings of the bylaw on November 28.

Option 2

Approve the bylaw and give 1st reading on November 28, 2011 and table the 2nd and 3rd reading for one month to allow the community to make comments on the proposed bylaw.



SECONDARY SUITE REGULATION AD HOC REVIEW COMMITTEE

Date: November 8, 2011

To: City Council

From: Ron Polutnik, Vice-Chair, Secondary Suite Regulation Ad Hoc Review Committee

Subject: Secondary Suites Licensing Bylaw– Council Resolution – December 14, 2010

At the November 8, 2011 Secondary Suite Regulation Ad Hoc Review Committee meeting, the Committee discussed a draft Bylaw to provide for the licensing, regulating and governing of secondary suites in the City of Red Deer. Following the discussion, the motion as set out below was introduced and passed:

“Resolved that the Secondary Suite Regulation Ad Hoc Review Committee having reviewed and discussed the Secondary Suite Licensing Bylaw hereby refers the Bylaw as amended to Council.”

The above is submitted for Council’s consideration.

Respectfully submitted,

“Ron Polutnik”

Ron Polutnik
Vice-Chair, Secondary Suite Regulation Ad Hoc Review Committee

/li

- c. J. Boon, Inspections & Licensing Manager
T. Lindhout, Senior Planner



MUNICIPAL PLANNING COMMISSION

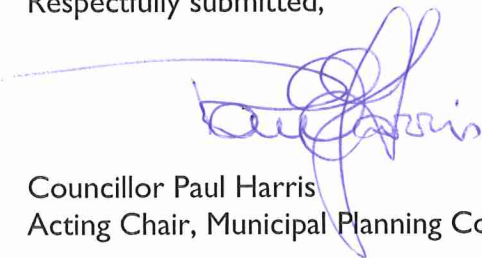
DATE: November 9, 2011
TO: City Council
FROM: Municipal Planning Commission
RE: Secondary Suites Licensing Bylaw

At the November 9, 2011 Municipal Planning Commission meeting, the Municipal Planning Commission discussed a draft Bylaw to provide for the licensing, regulating and governing of secondary suites in the City of Red Deer. Following the discussion, the motion as set out below was introduced and passed:

“Resolved that the Municipal Planning Commission having reviewed and discussed the Secondary Suites Licensing Bylaw hereby accepts the Secondary Suites Licensing Bylaw and forwards the Secondary Suites Licensing Bylaw to Council for consideration.”

The above is submitted for Council’s consideration.

Respectfully submitted,



Councillor Paul Harris
Acting Chair, Municipal Planning Commission

/li

c: Joyce Boon, Inspections & Licensing Manager

BYLAW NO. 3475/2011

WHEREAS Section 7 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, (the “MGA”) as amended, authorizes Council of a municipality to pass bylaws for municipal purposes respecting:

- (a) the safety, health and welfare of people and the protection of people and property;
- (b) nuisances, including unsightly property;
- (c) businesses, business activities and persons engaged in business;

AND WHEREAS Section 8 of the MGA states that in a bylaw passed under Section 7 Council may deal with any development, activity or business in different ways, and may also provide for a system of licenses, permits and approvals;

AND WHEREAS Section 542 of the MGA provides that a Designated Officer of the municipality may enter private property on reasonable notice for the purpose of carrying out an inspection to determine whether or not a bylaw of the municipality is being complied with;

AND WHEREAS The City’s Land Use Bylaw authorizes the development of Secondary Suites in certain circumstances;

AND WHEREAS the Council of The City of Red Deer deems it desirable to license, regulate and govern Secondary Suites for the purposes of health and safety, nuisance control and the protection of property;

NOW THEREFORE COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

Short Title

1. This bylaw may be cited as the “Secondary Suite Licensing Bylaw”.

Purpose

2. The purpose of this bylaw is to provide for the licensing, regulating and governing of Secondary Suites in The City of Red Deer.

Definitions

3. The definitions of terms used in The City’s Land Use Bylaw apply to the interpretation of this bylaw. In addition, the following words shall have the following meanings:

Additional Fee means a fee, in addition to the License Fee, imposed by The City on a License Holder at any time during the Term of the License for costs incurred by the City attributable to the use of the Secondary Suite;

Applicant means a Person applying for a new License or renewing a License under this bylaw;

Appeal Board means the Red Deer Appeal and Review Board appointed under The City's Committees Bylaw to hear appeals under this bylaw;

License means the certificate issued by the Inspections and Licensing Manager under this bylaw;

License Holder means an Owner who has applied for and received a valid License under this bylaw;

Occupant means a Person, other than an Owner, who resides in a Secondary Suite;

Occupancy Permit means the certificate duly issued by The City approving the occupancy of the Secondary Suite for which the License application has been made;

Owner includes all Persons shown by the records at Land Titles to be the Owner of the subject property and also includes a Property Manager;

Property Manager means a Person who:

- (a) manages or controls the Property; or
- (b) has control over the condition of a Secondary Suite or the activities carried on within the Secondary Suite;

Person includes an individual, a corporation and its directors and officers, or partnership, and their heirs, executors, assignees and administrators;

Property means the parcel of land on which a Secondary Suite is located.

Use

4. Unless the context requires otherwise, the verb "use" shall include "intend to use", "design to use", and "cause or permit to be used."

Inspections and Licensing Manager Authority

5. The powers and authority to issue, renew, refuse to issue, revoke or suspend a License or to impose terms and conditions on a License are hereby delegated to the Manager of Inspections and Licensing or his or her delegate.

6. Subject to the provisions of this bylaw, where the Applicant or License Holder meets all of the requirements of this bylaw, the Inspections and Licensing Manager may grant a License, or renewal, as the case may be, with or without conditions.

Requirement to be Licensed

7. An Owner shall not operate, maintain, rent, or offer for rent a Secondary Suite without first obtaining a License for the Secondary Suite under this bylaw.
8. Where a License has been issued under this bylaw for a Secondary Suite, no Person shall use, operate, maintain, rent, offer for rent or permit to be used, maintained, rented or offered for rent that Secondary Suite except in conformity with the terms and conditions of the License and the provisions of this bylaw.

Application for License

9. An Owner wishing to obtain a License for a Secondary Suite may apply to the Inspections and Licensing Manager by submitting an application in the form established by The City from time to time which shall include the following information:
 - (a) the name and address of the registered owner(s) as shown on the records in the Land Titles Office, and the telephone number of the registered owner(s);
 - (b) if the registered owner is a corporation, the name, address and telephone number of all officers, directors and shareholders;
 - (c) if the registered owner is a partnership, the name, address and telephone number of all individual members of the partnership;
 - (d) the name, address and telephone number of the Property Manager, if applicable;
 - (e) if the address of the Owner is not located within the city of Red Deer, the name of the Owner's agent who does reside in the city of Red Deer, and all contact information for the agent;
 - (f) the location of the Secondary Suite including municipal address and legal description;
 - (g) the number of bedrooms in the Secondary Suite; and
 - (h) the number of parking stalls available for use by the Occupants.

10. An application for a License or for the renewal of a License shall be submitted with the following:
 - (a) the Occupancy Permit number assigned to the Secondary Suite by The City, or if an Occupancy Permit has not been issued, the Occupancy Permit Application Number assigned to the Secondary Suite by The City; and
 - (b) the License Fee and any applicable Additional Fee.
11. Notwithstanding the foregoing, where the application is for a renewal only of a License, the information required in Section 8 and 9 need only be provided where it has changed from the prior year's application.
12. No Person shall knowingly give false information when applying for a License under this bylaw.

License Fee

13. The fee for a License or a renewal under this bylaw shall be \$165.00.
14. Where the License Fee is paid by cheque and the City agrees to accept such form of payment, and the Applicant's financial institution refuses to clear that cheque, any License issued hereunder will be revoked.
15. A portion of a License Fee paid as part of an application under this bylaw may be refunded, at the discretion of the Inspections and Licensing Manager, if the application is refused.

License Requirements

16. No License shall be issued or renewed unless:
 - (a) the use of the Property is permitted in accordance with The City's Land Use Bylaw;
 - (b) the building on the Property complies with all applicable provincial and federal legislation and any codes or regulations thereunder;
 - (c) the building and the Property are in compliance with The City's Community Standards Bylaw.

Term of License

17. A License issued under this bylaw shall expire twelve months after the date on which it is issued.

Display and Format of License

18. Where a License is issued under this bylaw, the License shall be displayed in a prominent location inside the entrance to the Secondary Suite together with a list of any terms or conditions imposed on the License.
19. A License issued under this bylaw shall state the following:
 - (a) the name, address and telephone number of the registered owner or the Property Manager, or both;
 - (b) In the event that neither the registered owner nor a Property Manager resides or is located within the city of Red Deer, the name and contact information for the Owner's agent;
 - (c) the License number;
 - (d) the date of issue;
 - (e) the date of expiry; and
 - (f) the name of the License Holder.

License on Terms and Conditions

20. Where events have occurred in connection with the operation or use of a Secondary Suite that have created a nuisance or put at risk the safety, health, welfare or property of the Occupants or neighbours, the Inspections and Licensing Manager may impose terms and conditions on a License that are intended to deal with that risk, including conditions respecting the following matters:
 - (a) the procedures required to be in place to address the cleanliness or upkeep of the Property;
 - (b) nuisance abatement measures which must be in place to ensure that the Secondary Suite does not create a nuisance;
 - (c) limiting the term of the License to a period of less than one year, to determine the effectiveness of such measures or procedures; or
 - (d) such additional conditions consistent with the foregoing requirements, as are, in the opinion of the Inspections and Licensing Manager, reasonably necessary to protect the safety, health, welfare, and property of any person.
21. Notwithstanding any other provisions of this bylaw, the Inspections and Licensing Manager may impose Additional Fees on a License Holder, by way of a Notice of

Additional Fee, at any time during the term of the License, for costs incurred by The City attributable to the use or operation of the Secondary Suite.

22. The Notice of Additional Fee shall be sent to the License Holder by registered mail and shall provide the License Holder with sixty (60) days to pay the outstanding amount from the date of such Notice.

Owner's Agent

23. Where the address of the registered owner of the Property is not located within the city of Red Deer, and the Owner has not retained a Property Manager located in Red Deer, the Owner shall appoint a Person who resides within the city to serve as the Owner's agent. Such person shall for the purposes of this bylaw, be deemed to have full authority to act on behalf of the Owner in respect of the operation of the Secondary Suite, including authorizing request for entry.
24. If, at any time after the issuance of a License, the Owner or the Owner's agent, as the case may be, ceases to reside in the city of Red Deer, the Owner shall, within 7 days of such cessation, provide The City with written notice appointing another Person who is a resident of the city as their agent. Such notice shall include all contact information for the agent.

Inspections

25. Upon receipt of an application for a License or License renewal, a Designated Officer may enter upon the Property to be licensed to make an inspection to ensure that all provisions of this bylaw have been satisfied.
26. In accordance with section 542 of the MGA, the Designated Officer must provide reasonable notice to the registered owner or occupant of the premises prior to the inspection, and must produce, on request, identification showing that he or she is authorized to make the entry.
27. No Person shall obstruct or interfere with a Designated Officer who is carrying out a lawful inspection under this bylaw.

Refusal, Revocation or Suspension of License

28. No Person is entitled to the continuance of a License and, upon issuance, renewal, revocation or suspension, the License shall remain the property of The City.
29. An Applicant or License Holder whose application meets all the requirements of this bylaw is entitled to a License or renewal except where the Inspections and Licensing Manager has reasonable grounds to believe that:
 - (a) the Applicant has submitted false information in support of a License or License renewal;

- (b) the Owner will not meet the requirements of this bylaw or any terms or conditions imposed on a License issued under this bylaw;
 - (c) the issuance of the License or renewal would be contrary to the public interest;
 - (d) refusal, revocation or suspension is necessary for the protection of the health or safety of any Person.
30. The Inspections and Licensing Manager may suspend or revoke a License for non-compliance either with this bylaw or with a condition of the License, until the requirements of this bylaw or the condition of the License have been met, or until the Inspections and Licensing Manager is reasonably satisfied that appropriate measures have been taken to prevent a recurrence of the non-compliance.
31. A suspension or revocation of a License shall not take effect until:
- (a) the Inspections and Licensing Manager has given 7 days written notice of the proposed suspension or revocation to the License Holder by registered mail sent to the address indicated in the application and the License Holder has not filed an appeal; or
 - (b) on the date of the decision of the Appeal Board, unless the Appeal Board indicates otherwise.

Appeal

32. An Applicant or License Holder may appeal:
- (a) a condition of its License;
 - (b) the proposed suspension or revocation of its License; or
 - (c) a refusal to issue or renew a License
- by filing with the City Clerk, within 7 days of the date it receives notice of the condition, the proposed suspension or revocation or the refusal, a written appeal setting forth with reasonable particularity the matters complained of and the grounds upon which such appeal is being made.
33. The City Clerk shall convene a meeting of the Appeal Board to hear the appeal and on such appeal:
- (a) unless the time is extended by a resolution of City Council, an appeal shall be heard and a decision rendered within 30 days of the date of the filing of an appeal;

- (b) the Appeal Board shall hear from the Applicant or the License Holder, their legal counsel, the Inspections and Licensing Manager, and any other party who the Appeal Board agrees to hear from;
- (c) the Appeal Committee may confirm, revoke or deny:
 - (i) a condition of the License (provided that condition is being appealed);
 - (ii) the period of the suspension or revocation of the License; or
 - (iii) the failure to issue or renew a License.

Offences

- 34. It is an offence to fail to comply with this bylaw or to breach any term or condition of a License granted hereunder.
- 35. A Person who is found guilty of an offence under this bylaw is liable on summary conviction to a fine of not more than \$1,000.00.
- 36. Where a Person has been convicted of an offence under this bylaw, and continues to operate a Secondary Suite without complying with this bylaw, that person is guilty of a continuing offence, and shall be liable to a penalty of \$100.00 for each day that the offence continues.

General

- 37. A License issued pursuant to this bylaw may not be transferred.
- 38. A copy of a record of The City, certified by the Inspections and Licensing Manager as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it.
- 39. In any prosecution for an offence, where a question arises as to whether a Person had a valid and subsisting License, the burden is on that Person to establish that the License was valid and subsisting.

Severability

40. The invalidity of any provision of this bylaw shall not affect the validity of the remainder.

Transitional

40. This bylaw shall take effect March 1, 2012. All Secondary Suites must be in compliance with the terms and provisions of this bylaw by no later than June 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 CLERK this	day of	2011.

MAYOR

CITY CLERK

Council Decision – November 28, 2011

DATE: November 30, 2011
TO: Joyce Boon, Inspections & Licensing Manager
FROM: Elaine Vincent, Legislative & Governance Services Manager
SUBJECT: Secondary Suite Licensing Bylaw 3475/2011

Reference Report:

Inspections & Licensing Manager dated November 15, 2011.

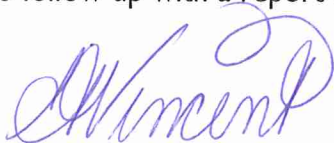
Bylaw Reading:

At the Monday, November 28, 2011 Red Deer City Council Meeting, Council gave first reading to the Secondary Suite Licensing Bylaw 3475/2011. A copy of the bylaw is attached.

Report back to Council: Yes

Comments/Further Action:

At the January 9, 2012 Regular Council Meeting, Council will consider giving second and third reading of the above bylaw. Prior to consideration of second and third reading, Administration is to follow up with a report on licensing fees and a recommendation for a reduced license fee.



Elaine Vincent
Legislative & Governance Services Manager
/attach

c: Director of Planning Services
Corporate Meeting Coordinator

Christine Kenzie

From: Joyce Boon
Sent: October 05, 2011 4:48 PM
To: Christine Kenzie
Cc: Tara Lodewyk; Tony Lindhout; Paul Meyette
Subject: RE: Report for Council: Licensing of Secondary Suites - Reminder

Hi

Just heard from Michelle at Chapman Riebeek it appears that they are behind in the Secondary Suite Bylaw so we will probably have to put it off from October 31 st meeting, until November 28 as it has to go to adhoc.

Joyce Boon
Inspections & Licensing Manager
403.342.8192
joyce.boon@reddeer.ca

From: Christine Kenzie
Sent: October 05, 2011 3:29 PM
To: Joyce Boon
Cc: Tara Lodewyk; Tony Lindhout
Subject: FW: Report for Council: Licensing of Secondary Suites

Anything coming on this item for the October 17th 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

TO NOV 28TH
COUNCIL MEETING.

From: Joyce Boon
Sent: September 23, 2011 9:14 AM
To: Christine Kenzie; Tara Lodewyk; Tony Lindhout
Subject: RE: Report for Council: Licensing of Secondary Suites - Reminder

Hi Christine,

We are working on the bylaw and I will let you know within two weeks if we require more time.

Joyce Boon
Inspections & Licensing Manager
403.342.8192
joyce.boon@reddeer.ca

From: Christine Kenzie
Sent: September 22, 2011 9:52 AM
To: Joyce Boon; Tara Lodewyk; Tony Lindhout
Subject: Report for Council: Licensing of Secondary Suites - Reminder

<< File: June 27 2011 Council Decision Letter Re Secondary Suite Bylaw.pdf >>

I have attached the Council Decision letter from the June 27th Council Meeting --- regarding developing a Secondary Suite Bylaw to be brought back for Council's consideration prior to October 31, 2011.

As a reminder, wondering if you are working to bring this to Council for the October 17th Council Meeting ---- or will need to re-table to a future date?

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

Christine Kenzie

From: Tony Lindhout
Sent: October 05, 2011 3:47 PM
To: Christine Kenzie; Joyce Boon
Cc: Tara Lodewyk
Subject: RE: Report for Council: Licensing of Secondary Suites - Reminder

Nothing from me as I&L are the lead on this matter as it relates to licensing.

Tony Lindhout, RPP, MCIP

Senior Planner
Planning Department
City of Red Deer

Phone 403.406.8705 / Fax 403.342.8200
Email: tony.lindhout@reddeer.ca

From: Christine Kenzie
Sent: October 05, 2011 3:29 PM
To: Joyce Boon
Cc: Tara Lodewyk; Tony Lindhout
Subject: FW: Report for Council: Licensing of Secondary Suites - Reminder

Anything coming on this item for the October 17th Council Agenda??? Will need something by end of day today.

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: Joyce Boon
Sent: September 23, 2011 9:14 AM
To: Christine Kenzie; Tara Lodewyk; Tony Lindhout
Subject: RE: Report for Council: Licensing of Secondary Suites - Reminder

Hi Christine,

We are working on the bylaw and I will let you know within two weeks if we require more time.

Joyce Boon
Inspections & Licensing Manager
403.342.8192

joyce.boon@reddeer.ca

From: Christine Kenzie
Sent: September 22, 2011 9:52 AM
To: Joyce Boon; Tara Lodewyk; Tony Lindhout
Subject: Report for Council: Licensing of Secondary Suites - Reminder

<< File: June 27 2011 Council Decision Letter Re Secondary Suite Bylaw.pdf >>

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As a reminder, wondering if you are working to bring this to Council for the October 17th Council Meeting ---- or will need to re-table to a future date?

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

Christine Kenzie

To: Mayor and Councillors

Cc: Corporate Leadership Team

Subject: FW: Secondary suite bylaw - Question Re Tenant as an Agent of Owner of Secondary Suite

A question was raised regarding clarification in the Secondary Suite Licensing Bylaw, as to whether a tenant can be the agent of the owner.

See below for response from the Solicitor on this issue.

BACKUP INFORMATION
NO BACKUP INFORMATION
NOT SUBMITTED TO COUNCIL

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: Michelle Baer [mailto:MBaer@chapmanriebeek.com]

Sent: Tuesday, November 22, 2011 1:17 PM

To: Elaine Vincent

Subject: RE: Secondary suite bylaw

You are correct: there is nothing in the Bylaw that prohibits a Tenant from being the agent of the owner.

Michelle

From: Elaine Vincent [mailto:Elaine.Vincent@reddeer.ca]

Sent: Tuesday, November 22, 2011 12:52 PM

To: Michelle Baer

Subject: Secondary suite bylaw

Quick question...

Can the tenant be the agent of the owner in the secondary suite bylaw?

I don't see anything that prohibits it but want to confirm my understanding...

Thanks,

E

This e-mail is intended for the original recipient(s) only. If you have received it in error, please advise the sender and delete this message.

[This message has been scanned for security content threats and viruses.]

[The City of Red Deer I.T. Services asks that you please consider the environment before printing this e-mail.]

2011/11/28

DATE: October 18, 2011
TO: Joyce Boon, Inspections & Licensing Manager
FROM: Elaine Vincent, Legislative & Governance Services Manager
SUBJECT: Licensing of Secondary Suites

Reference Report:

Legislative & Governance Services Manager dated October 11, 2011.

Resolution:

The following resolution was passed during the regular Council meeting held on Monday, October 17, 2011:

Resolved that Council of The City of Red Deer having considered the report from the Legislative & Governance Services Department, dated October 11, 2011, re: Licensing of Secondary Suites, hereby agrees to table consideration of a Secondary Suite Licensing Bylaw to the Monday, November 28, 2011 Council Meeting.

Report back to Council: Yes

Comments/Further Action:

This report is tabled to the November 28, 2011 Council Meeting for their consideration.

Elaine Vincent
Legislative & Governance Services Manager

c Director of Planning Services
Corporate Meeting Coordinator

Christine Kenzie

To: Joyce Boon; Tara Lodewyk; Tony Lindhout
Subject: Report for Council: Licensing of Secondary Suites - Reminder
Attachments: June 27 2011 Council Decision Letter Re Secondary Suite Bylaw.pdf



June 27 2011
Council Decision ...

BACK UP INFORMATION
NOT SUBMITTED TO COUNCIL

I have attached the Council Decision letter from the June 27th Council Meeting --- regarding developing a Secondary Suite Bylaw to be brought back for Council's consideration prior to October 31, 2011.

As a reminder, wondering if you are working to bring this to Council for the October 17th Council Meeting ---- or will need to re-table to a future date?

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

Christine Kenzie

From: Joyce Boon
Sent: September 23, 2011 9:14 AM
To: Christine Kenzie; Tara Lodewyk; Tony Lindhout
Subject: RE: Report for Council: Licensing of Secondary Suites - Reminder

Follow Up Flag: Follow up with Christine and Tony
Due By: October 06, 2011 11:30 AM
Flag Status: Flagged

BACK UP INFORMATION
NOT SUBMITTED TO COUNCIL

Hi Christine,

We are working on the bylaw and I will let you know within two weeks if we require more time.

Joyce Boon
Inspections & Licensing Manager
403.342.8192
joyce.boon@reddeer.ca

From: Christine Kenzie
Sent: September 22, 2011 9:52 AM
To: Joyce Boon; Tara Lodewyk; Tony Lindhout
Subject: Report for Council: Licensing of Secondary Suites - Reminder

<< File: June 27 2011 Council Decision Letter Re Secondary Suite Bylaw.pdf >>

I have attached the Council Decision letter from the June 27th Council Meeting --- regarding developing a Secondary Suite Bylaw to be brought back for Council's consideration prior to October 31, 2011.

As a reminder, wondering if you are working to bring this to Council for the October 17th Council Meeting ---- or will need to re-table to a future date?

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

Christine Kenzie

To: Erin Stuart
Cc: Joyce Boon
Subject: Question re Secondary Suite Licensing Bylaw Report

BACK UP INFORMATION
NOT SUBMITTED TO COUNCIL

After reviewing your report re the Secondary Suite Licensing Bylaw with the City Solicitors and Deputy City Clerk yesterday, a question was raised as to why you are asking for time for public opinion - since this was reviewed by the Secondary Suites Ad Hoc Committee. If there were changes proposed by the public -- would you then have to change the bylaw???

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

Joyce will speak to
this in her presentation
to Council

From Erin

→ did public consultation prior
with Secondary Suites coming into
effect

→ want to contact account
Secondary Suite owner to tell them
this is coming

- will do not expect any changes
to bylaw → will not be an option.
bylaw coming into effect.



November 16, 2011

Council request for information September 6, 2011
Information on Place of Worship site in
Lancaster/Vanier East Neighbourhood Area Structure
Plan (NASP)

Planning Department

Report Summary & Recommendation:

The following report has been prepared in response to a resolution requesting that Planning staff review residential land use options on the Place of Worship site in *Lancaster/Vanier East NASP*. The site is currently proposed for R2 Residential if the Place of Worship Site is not purchased.

Planning staff recommend that Council rezone the Place of Worship Site to R2.V10 to include the Place of Worship site in the Vertical Overlay District as described in the *Land Use Bylaw*. This option would limit the height of any proposed buildings on the site to ten meters or two storeys therefore addressing public comments regarding privacy and allowing density targets to be achieved.

City Manager Comments:

I support the recommendation of Administration to go with Option 2 and give first reading to Land Use Bylaw Amendment 3357/T-2011. A Public Hearing would be held on Monday, January 9, 2012 at 6:00 p.m. during Council's Regular Meeting.

Craig Curtis
City Manager

Proposed Resolution

That Council consider first reading of Land Use Bylaw Amendment 3357/T-2011.



Report Details

Background:

Council passed the following resolutions on September 6, 2011. The first resolution resolved the concerns with the social care site in the Lancaster/Vanier East NASP. Planning staff have prepared the following report in response to the second resolution regarding the Place of Worship site.

“Resolved that Council of The City of Red Deer having considered the report from the Planner, dated August 17, 2011, re: Council Request for Information – May 16, 2011, information on Place of Worship and Social Care Site Shadow Plan in Lancaster/Vanier East Neighbourhood Area Structure Plan (NASP) hereby agrees to leave the social care sites as identified in the Lancaster/Vanier East NASP. If the sites are not developed for their intended uses they would revert to the alternative residential uses as identified in the NASP.”

“Resolved that Council of The City of Red Deer having considered the report from the Planner, dated August 17, 2011, re: Council Request for Information – May 16, 2011, Information on Place of Worship and Social Care Site Shadow Plan in Lancaster/Vanier East Neighbourhood Area Structure Plan (NASP) hereby agrees directs administration to explore options for residential development in the Place of Worship Site(s).”

Two options for residential development on the Place of Worship site are outlined for Council's consideration including Planning staffs preferred option.

Discussion:

The City of Red Deer *Neighbourhood Planning Guidelines and Standards* currently specify that a site of approximately 1 acre (.405 ha) in size be identified in each new neighbourhood for the use as a Place of Worship. The site is to be held by the developer and advertised for a period of 6 months. If the site is not acquired for a Place of Worship the site reverts to the alternate use as identified in the NASP. In December 2007 Parkland Community Planning Services initiated a survey of existing Place of Worships to determine whether existing City policies appropriately addressed the requirements for new Place of Worship sites. Respondents indicated that the short length of time sites were advertised, site size, and land costs were prohibiting factors to land acquisition within new neighbourhoods. Planning is currently looking at options to address these concerns as we review how we do neighbourhood design in Red Deer.

The approved *Lancaster/Vanier East NASP* identifies one 2.2 acre Place of Worship site which is over twice as large as a single quarter section site requirement. Council approved the rezoning of phases 1 and 2 of the neighbourhood with the exception of this Place of Worship site due to community concerns.



In response Planning staff prepared a report that explored land use options for the Place of Worship and Social Care Site(s) and the alternative use of space as inferred previously in a 'shadow plan'. Council did not request changes to the Social Care Site in the resolution. Council asked that administration further explore options for residential development on the Place of Worship site (resolution above).

Currently as described in the NASP, if the Place of Worship Site is not developed as a Place of Worship it is proposed to remain an R2 Residential (Medium Density) District site. R2 Residential (Medium Density) District permits a range of building form as identified in Appendix A.

Public comments collected through the NASP process identified two main issues:

1. Shadow plan and the perception that the area identified in the *Lancaster/Vanier East NASP* as the south Social Care Site would be greenspace/ball diamond, as identified in the original Vanier NASP.
2. Public perception of loss of privacy if the Place of Worship Site is developed as a Place of Worship or higher density residential. The issue of increased vehicles parking on the street was identified as a concern.

Analysis:

Analysis:

The area identified as a Place of Worship Site did not include any shadow planning in the original Vanier NASP. This was related to the social care site which Council addressed on September 6.

The *City of Red Deer Land Use Bylaw* outlines parking standards and requires developments shall accommodate sufficient parking within the site.

The following two options address privacy concerns and are available to Council:

Options	Pros	Cons
I: Additional NASP Text Amend the <i>Lancaster/Vanier East NASP</i> to include text to limit the height of any building constructed on the Place of Worship Site to a maximum of ten metres or two storeys. The Municipal Planning Commission would be the approving authority for any apartment style structure. This option would include a NASP amendment.	Privacy concerns addressed. Original proposed density of the <i>Lancaster/Vanier East NASP</i> should be maintained.	This option does not affect the land use district in the Land Use Bylaw creating a risk that the text could be missed by those not familiar with the NASP. NASP is opened up for review.



<p>2: Vertical Height Overlay R2.V10</p> <p>Include the Place of Worship Site in the Vertical Height Overlay District as described in the <i>City of Red Deer Land Use Bylaw</i>. This is similar to creating a site exception. This option would limit the height of any proposed building(s) on the site to ten metres which is two storeys. The general purpose of this sub-district is to establish the maximum permitted height on any site in any use district.</p> <p>The Lancaster/Vanier East Place of Worship Site would be rezoned to R2.V10 in the <i>Land Use Bylaw</i>, which would limit the height of a building to 10m (2 storeys).</p>	<p>Privacy concerns addressed.</p> <p>Original proposed density of the <i>Lancaster/Vanier East NASP</i> should be maintained.</p>	<p>No additional text in the NASP.</p>
---	--	--

Note: Planning Administration considered the use of a Direct Control District for the site as a third option. The *Land Use Bylaw* states the general purpose of a direct control district is “to provide for innovative developments, which in the opinion of Council, require specific regulations unavailable in other land use districts”. Administration determined a direct control district was not appropriate.

Planning Administration is **recommending Option 2** for the following reasons:

- 1) The height limit at two storeys (10 metres) addresses the neighbourhood concerns for privacy. The parking regulations in addition to other site regulations in the *Land Use Bylaw* would need to be met as a part of the development permit process.
- 2) Planning staff views the site as appropriate for medium density development given its proximity to neighbourhood entry points, collector roadways and green space. The site is complimentary to surrounding land uses.
- 3) It does not limit the developer to any particular building form under two storeys; therefore maintaining the targeted density of the neighbourhood.

If Council proceeds with Option 2 Bylaw 3357/T-2011 is attached for first reading.

Consultation

The Developer for the *Lancaster/Vanier East NASP* is supportive of Option 2, to limit the vertical height of any building(s) to two storeys.

Those individuals who issued relevant letters to the Planning Department in response to the *Lancaster/Vanier East NASP* have been provided with a copy of this report including the date that Council will be considering this issue.

BYLAW NO. 3357/T-2011

BEING a Bylaw to amend Bylaw No. 3357/2006, the Land Use Bylaw of the City of Red Deer as described herein.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

Bylaw no. 3357/2006 is hereby amended as follows:

- 1. The land shown cross-hatched in the sketch attached as Schedule A to this bylaw is superseded from County Ag (Agricultural) District to R2.V10 Residential (Medium Density) District with a vertical height restriction of ten (10) metres.
- 2. The “Land Use District Map R10” contained in “Schedule A” of the Land Use Bylaw is hereby amended in accordance with the Land Use District Map 14 - 2011 attached hereto and forming part of the bylaw.

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.

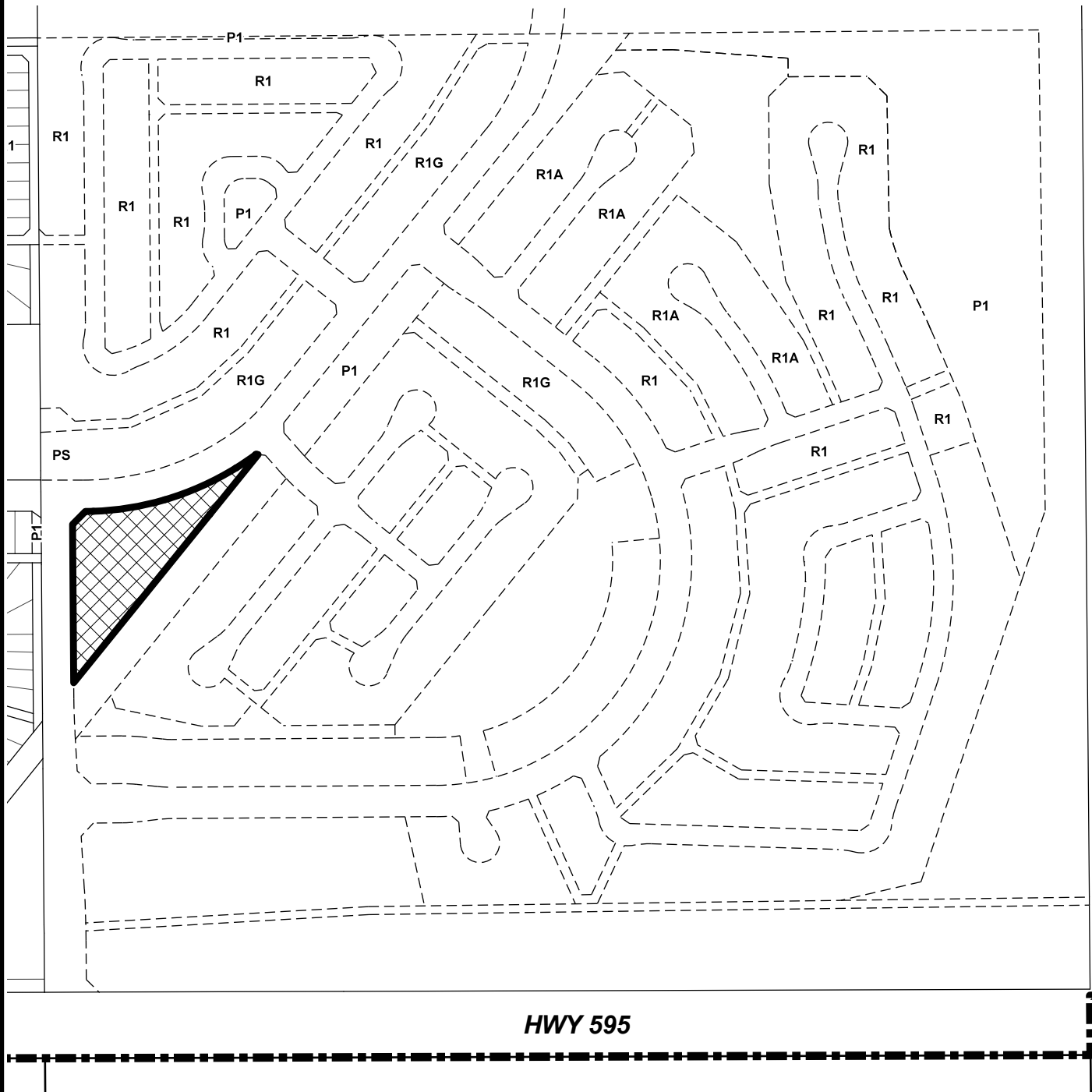
AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2011.

MAYOR

CITY CLERK



Proposed Amendment to Land Use Bylaw 3357/2006



Supercede District to:



County AG to R2.V10

Affected District:

AG - Agriculture District (Red Deer County)
R2 - Residential (Medium Density) District

Proposed Amendment

Map: **14 / 2011**

Bylaw: **3357 / T-2011**

Date: **Oct 28, 2011**



PLANNING DEPARTMENT

Report Originally Submitted to
the September 6, 2011
Council Meeting

DATE: August 17, 2011

TO: Craig Curtis, City Manager

FROM: Quincy Brown, Planner

RE: Council request for information May 16, 2011
Information on place of worship and social care site shadow plan in
Lancaster/Vanier East Neighbourhood Area Structure Plan (NASP)

Summary:

Planning staff prepared the following report in response to the resolution passed May 16, 2011 by Council:

“Resolved that Council of The City of Red Deer hereby agree that a report be prepared for Council’s consideration outlining options respecting the dedication of place of worship and social care sites and the alternative use of space as inferred previously as a ‘shadow’ plan to respond to expectations of property owners.”

Four options are outlined for Council’s consideration including Planning Administrations preferred option recommendation.

Background:

The Lancaster/Vanier East NASP and corresponding Land Use Bylaw amendment to rezone phase 1 and 2 of the neighbourhood have been approved by Council. The place of worship site was removed from the rezoning request. The place of worship site still has the County Agricultural Zoning. Figure 1 identifies the location of the place of worship site and the two (2) social care sites as identified in the Lancaster/Vanier East NASP.

The place of worship site was not rezoned due to an issue raised by both City Council and members of the public relating to the original Vanier Woods NASP and the shadow plan of a ball-diamond to be constructed in the new Lancaster/Vanier East Neighbourhood. The location of the ball diamond was planned to be adjacent to the existing soccer field found in the Vanier Woods Neighbourhood. Figure 2 includes the original Vanier Woods NASP land-use concept map which has been overlaid on the Lancaster/Vanier East NASP land-use concept. The figure identifies the shadow planned ball field. The landowners who provided comment indicating concern have been notified of this supplementary report and the date when Council will consider the issue.

Currently both the social care site and the place of worship site in Vanier East are being advertised as available for purchase in accordance with the NASP. Alternative uses in accordance with direction provided by City Council and the approved Lancaster/Vanier East NASP would be permitted to be considered after December 30, 2011 (place of worship site) and June 30, 2012 (social care site).

Discussion:

During development of the original Vanier Woods NASP in 2005/06, The City’s standards for central park sites leaned towards providing a centralized neighbourhood park site. These sites have historically included multiple sports fields. During this same time period, priority was shifting from large neighbourhood park sites to focus on linear parks and the preservation of natural areas within new neighbourhoods. With the limited amount of municipal reserve dedication provided through the NASP process, accomplishing all of these objectives was not a possibility in Vanier Woods (2006). Through the planning and review process, the decision was made to preserve the tree stand in the north east section and provide a linear park trail system in the neighbourhood,

thus foregoing the development of a central park site that would allow for a second sports field. For this reason, even though the land to the east of Vanier Woods was not within Red Deer at the time, a decision was made to show the potential for expansion of the existing Vanier Woods central park site and possible future ball diamond.

During the Lancaster/Vanier East NASP process, five years later, an Ecological Profile was completed. The Ecological Profile outlines natural areas to be considered for preservation. Land encumbrances were also identified (ie., pipeline right of ways and road allowance for the future 20th Avenue). It became clear that the open space design would be a challenge because of a growing emphasis on preservation of natural features and development of linear park systems. A decision was made to eliminate the ball diamond after discussing the current needs for such facilities with the City's Recreation Section and the Public School Board. These decisions will allow for the preservation of a number of key natural features and the development of both a linear park/trail system and smaller park areas throughout the neighbourhood. These areas will contain key recreation amenities while providing important pedestrian and transportation linkages.

Analysis:

Planning Administration recognizes that showing the proposed ball diamond in a shadow plan in the original Vanier NASP was not good planning practice as citizens may have relied on this information in making a purchase of their property.

The following options are available to Council:

Option 1: Purchase the place of worship site and social care site(s) at fair market value and develop them as park/open space. These sites are not ideal for active park uses but could serve a passive recreational purpose such as community gardens. This option is not recommended due to financial implications of the land purchase.

Option 2: Leave the place of worship and social care sites as identified in the Lancaster/Vanier East NASP. If the sites were not developed for their intended uses they would revert to the alternative residential uses as identified in the NASP:

- Place of Worship – R2 Residential (Medium Density) District would remain an R2 Residential (Medium Density) District site (see appendix A for permitted land uses).
- Social Care Site(s) – PS (Public Services) District could be rezoned to R1G Residential (Small Lot) District (see appendix A for permitted land uses).

This is the recommended option. Planning Administration is of the view that the land-use designations are appropriate and should not be amended. The decision to eliminate the ball diamond has allowed the preservation of a number of key natural features and the development of a linear park system through the new neighbourhood.

Planning administration feel that regardless of whether the sites are developed for public uses (social care site, place of worship site) or the alternative residential use, the developments will be complimentary to the existing Vanier Neighbourhood and the new Lancaster/Vanier East neighbourhood. The site requirements as outlined in the Land Use Bylaw will apply. This includes consideration of on-site parking. Please refer to Appendix A for more detailed site analysis of the place of worship and social care sites.

Option 3: Identify a different alternative zone for the place of worship site that does not permit multiple storey buildings. This option is not recommended. This option would require a NASP amendment and additional planning work to determine a land use that is complimentary to the surrounding neighbourhood. If the site was 'downzoned' the density of the neighbourhood would be reduced.

Option 4: Direct administration to explore alternative locations for the place of worship and social care sites within the Lancaster/Vanier East Neighbourhood. This would increase the separation between the proposed land uses and the existing Vanier Neighbourhood. This option would include a NASP amendment. This option is

not recommended. Planning Administration's view is that the sites designated as place of worship and social care are appropriate within the context of the neighbourhood.

Recommendation

That Council proceeds with **Option 2** to leave the place of worship and social care sites as identified in the Lancaster/Vanier East NASP. If the sites are not developed for their intended uses they would revert to the alternative residential uses as identified in the NASP:

- Place of Worship - would remain an R2 Residential (Medium Density) District.
- Social Care Site(s) – PS (Public Services) District would revert to R1G Residential (Small Lot) District.

Quincy Brown
Planner

Tara Lodewyk
Planning Manager

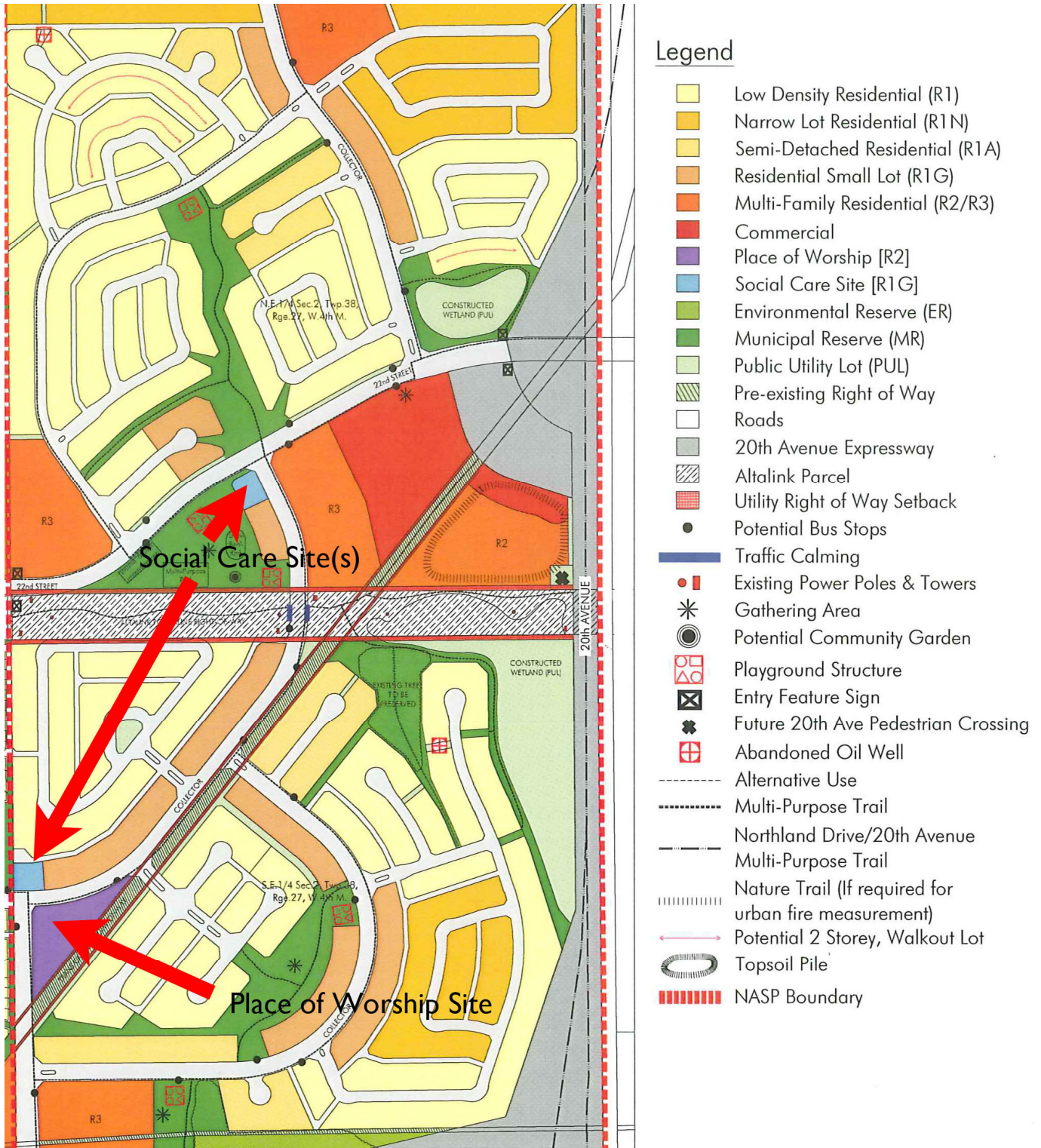


Figure 1: Site Locations

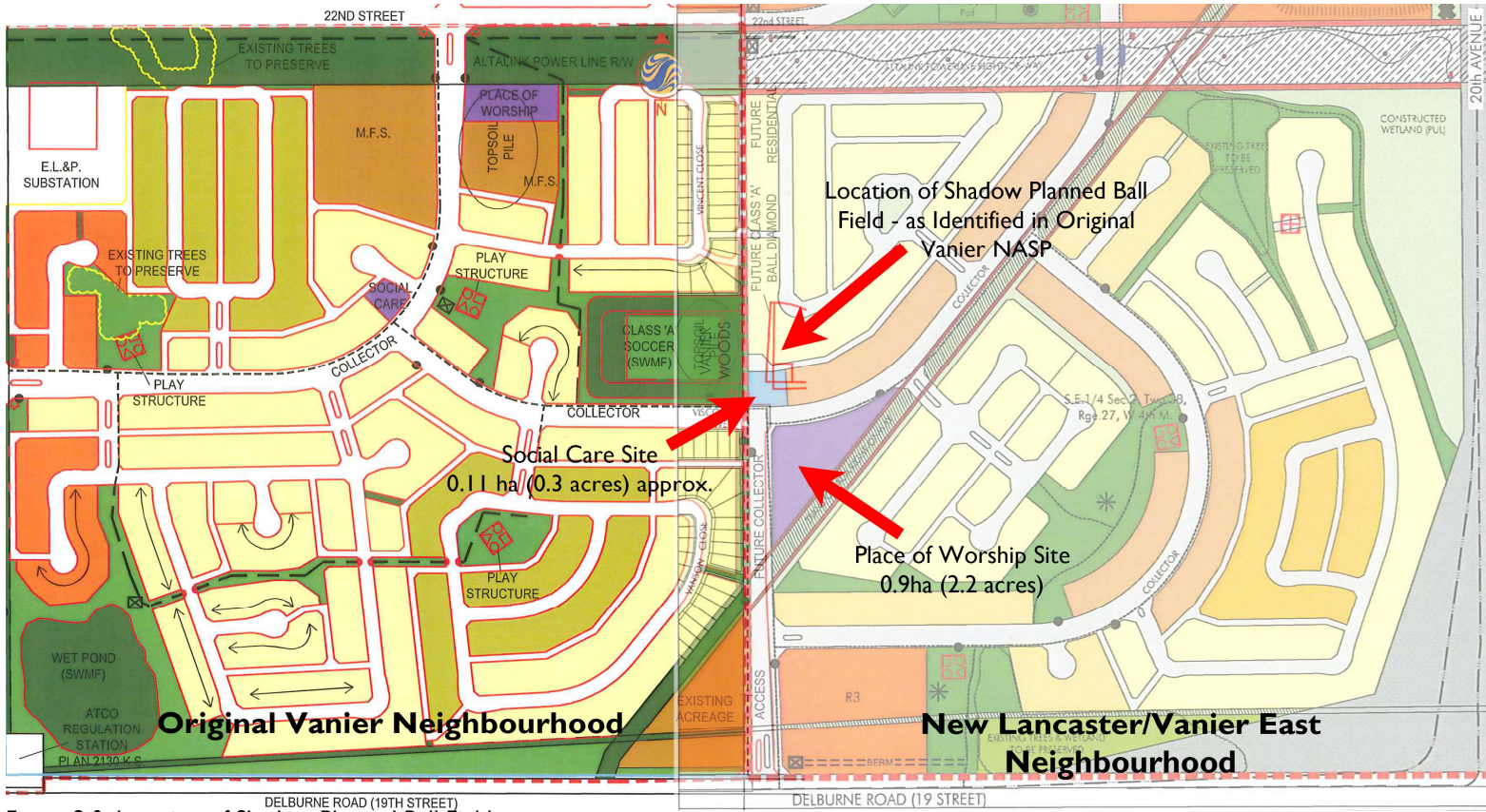


Figure 2.0: Location of Shadow Planned Ball Field

Appendix A**Site Analysis:**

The following site analysis provides an overview of the site constraints, permitted uses and general implications if the sites develop as proposed. The site analysis considers: 1) The proposed Place of Worship site, 2) The social care site located in the south quarter section of the Lancaster/Vanier East NASP.

Place of Worship Site:

Location and Neighbourhood Context	<ul style="list-style-type: none"> • Place of worship site is adjacent to two collector roadways. Site is located at the primary access into the neighbourhood. • The proposed site has strong vehicular and pedestrian links. Proposed location would result in minimal vehicular traffic impacting the surrounding neighbourhood. Parking would be addressed on-site through the development permit process. • Site is in close proximity to the existing Trans Canada Pipeline. Development of the site would be required to meet setback requirements. • The proposed site has limited existing neighbours. Closest residential property in the existing Vanier Neighbourhood is approximately 30m (98 ft) away (edge of property). • If the site were developed as a public use (place of worship) there is opportunity for positive synergies between the neighbours and site uses/facilities.
Site and Zoning Requirements	<ul style="list-style-type: none"> • Size: 0.9 ha (2.2 acres) • Proposed site zoning is R2 Residential (Medium Density) District • Permitted uses would include: <ul style="list-style-type: none"> • Detached Dwelling • Assisted Living Facility • Day Care Facility • Temporary Care Facility • Place of Worship or Assembly • Multi-attached dwelling(s) • Multiple Family Building • Municipal Services (police, emergency services) • Public or quasi-public buildings. • Semi-detached dwelling units • Maximum building height is 2 stories (10m) for all structures except apartments which allow up to a 3 story maximum. <p>** Developer originally proposed this site as a R3 Residential (Multiple Family) District site but down-zoned the site to R2 Residential (Medium Density) District as a result of public comment.</p>
Implications	<ul style="list-style-type: none"> • Community opposition from existing Vanier residents. Please see attached letters from the public. • Site configuration (potentially challenging for development). • On site parking requirements – If developed as a place of worship site, parking requirement would include: 1 stall per 6 persons, based on maximum occupancy of the primary congregation/sanctuary area. Parking lot area could result in a substantial portion of the lot depending on facility size.

Social Care Site: Please note that two social care sites are proposed in the Lancaster/Vanier East plan – one for each quarter section of development. The following site analysis applies to the social care site in the south quarter section only given its proximity to existing residents.

Location and Neighbourhood Context	<ul style="list-style-type: none"> • Social care site is located in the south quarter section of development and is adjacent to two collector roadways (located at the intersection). • Site located at the primary entry into the neighbourhood – minimal traffic impacts on the surrounding neighbourhood. • Site is immediately adjacent to a greenspace. • Strong pedestrian linkages with the surrounding neighbourhood. • The proposed site has limited existing neighbours. Closest residential property to the existing Vanier Neighbourhood is approximately 25m (82 ft) away (edge of property).
Site and Zoning Requirements	<ul style="list-style-type: none"> • Site currently zoned PS (Public Service) District. Site is proposed to revert to R1G Residential (Narrow Lot) District if not purchased for public services use (rezoning would be required). Permitted uses in the PS District include: <ul style="list-style-type: none"> • Assisted living facility • Day care facility • Institutional service facility • Offices for community oriented groups • Private clubs or organizations • Temporary care facility • Garden plots • Maximum building height in the PS District is: subject to the commissions' approval.
Implications	<ul style="list-style-type: none"> • Community opposition from existing Vanier residents. Please see attached letters from the public.

COMMENTS FROM CITIZENS

REGARDING

VANIER EAST/NORTH

NEIGHBOURHOOD AREA STRUCTURE PLAN

Haley Mountstephen

From: [REDACTED]
Sent: March 08, 2011 4:18 PM
To: Haley Mountstephen
Subject: Vanier Woods

Hi Haley,

I attended the Vanier Woods open house at St. Francis in Lancaster last week. The comments I have on the new Vanier East development that I would like to have brought up city council are as follows:

1. The initial plan had a ball diamond directly adjacent to Viscount Dr. I purchased a home across the street with this in mind and according to the updated plan the ball diamond will not be located here.
2. The plan has a place of worship right off of Viscount Dr and the lot is relatively small. My concern is due to the lack of adequate parking to support the traffic I will have cars parked directly in front of my home.
3. Also if there is not a church that acquires this land, will there be high density housing condos put in here. It would take away from the privacy in the neighborhood for all those with lots backing up onto this land.

Thank you,

Nick Haycock

[This message has been scanned for security content threats and viruses.]

[The City of Red Deer I.T. Services asks that you please consider the environment before printing this e-mail.]



Comment Form

Proposed Vanier East/North Neighbourhood Area Structure Plan
And associated East Hill MASP and MDP Amendments
March 3, 2011

Name: Walter Reynolds

Mailing Address: _____

E-mail Address: _____

Phone: _____

① On original phase plan for existing Vanier Woods site adjacent to Soccer Field it shows possible Class A baseball field. Our property borders the soccer field & would also have cornered to the baseball field. We had bought this property lot thinking we would have a large green space to our property! Can this be amended??

② Also my opinion on having the back alley run up to the middle of the soccer field might cause danger to kids playing on the field.

Please return your written comments by 4:30 p.m. Tuesday March 8th, 2011. Comment sheets can be submitted in person to The City of Red Deer Planning Department located in City Hall 4914-48th Avenue, by mail to Box 5008, Red Deer, AB T4N 3T4, by fax to (403) 342-8200 or e-mail to haley.horvath@reddeer.ca.

The City is collecting your information to help make decisions on proposed programs, services, and/or plans in/for the city of Red Deer. The personal information on this form is collected under the authority of the *Municipal Government Act*, Section 3 and is protected under the provisions of the *Freedom of Information and Protection of Privacy (FOIP) Act*. An individual choosing to provide a comment to a member of Council, to a member of a committee and/or to City of Red Deer administration must understand that comments, including personal information could be publicly disclosed. The City will seek to balance the dual objectives of open government and protection of privacy. When disclosing public comments, The City will endeavor to disclose only the author's name, unless there is a legislative, privacy or public interest reason to disclose more or less information. If you have any questions about the collection, use and protection of this information, please contact the Manager of the Planning Department, 3rd floor, City Hall, 4914 - 48 Ave, Red Deer, AB 403-406-8700.

Farm Air Properties Inc.

May 2, 2011

Via Email

Elaine Vincent
Legislative & Governance Services Manager
City of Red Deer
4914 - 48 Avenue
Red Deer, AB T4N 3T4

Dear Ms. Vincent,

Re: NASP

Thank you for your letter of April 26, 2011 (attached) advising of the Public Hearing on Monday, May 16, 2011. We own the 80 acres west of 20th Avenue and the proposed 22nd Street, and are in support of the NASP.

Yours truly,

FARM AIR PROPERTIES INC.



Robert A. Manning
President

Encl.

T 403-346-3875

FROM THE DESK OF
RENE RONDEAU

T 403-357-4336

May 10, 2011
City of Red Deer - Council

Red Deer City Council,

I am writing this letter, to express concerns and suggestions about the plans to develop the new phase of Vanier Woods. I have been living in Red Deer since 1995, and have no plans on moving away from the City anytime soon. One reason, because the City of Red Deer is a great and beautiful place to live. While the City has grown into a major centre over the past number of years, City Planners and Developers have done a great job keeping the area's natural state, the beauty and the importance of Recreation in our Communities. The City's neighbourhoods have great trails, amazing outdoor and indoor sporting facilities, beautiful parks and has easy access to amenities.

Our family built our home in Vanier Woods, and we, we back onto the east side of Red Deer. When I purchased the home, I was not naive to think the City would not build behind us. In fact, we knew that was going to happen and we're expecting development to happen sooner than later. Please understand, I have no problem with the development happening. It's what is being planned that concerns our family and many others living in our community.

Our concerns lie in the planning of Vanier Woods East Neighbourhood Area Structure Plan. We want the City Council of Red Deer to definitely question and re-examine the plan in front of all of us. Having lived in 8 neighbourhoods during my time in Red Deer, I have never been really concerned, until now.

After examining the plans, attending the open house, discussing with our neighbours and giving it much thought, I would like you to share some of our concerns.

First of all, Red Deer is known for its bounty of Multi-use Recreational and Sporting Fields, but apparently not in Vanier Woods. ~~This area is flocking with young families, and yet there is only one tiny Soccer Pitch (Water Retention Area) in the entire current neighbourhood and future plan.~~

I understand they plan to have one in the new Lancaster, but that neighbourhood already has one at the School. Vanier Woods residents need to have a place to go

FROM THE DESK OF
RENE RONDEAU

to, for the abundance of teams to use, and for families to enjoy. The City needs to examine the needs of the community and force developers to have guidelines when it comes to Recreation, Sport and Green Space required per development. Right now, there is a shortage of multi-use fields, centres and facilities in our City. As we grow, our City needs to look to future communities like Vanier as leading examples, not as just another Expansion Plan East. We need the City to look at all Neighbourhood Area Structure Plans and examine what priorities lie in future developments, is it cramming more homes into tight corners or making great places for families to call home and enjoy time outside in our neighbourhood parks and fields.

Another concern is the plan to have a place of worship in new Communities like Vanier Woods East. We have no problem in having them as our neighbours within reason, but planning for the sake of never having them build here is ridiculous. After speaking to developers at the Open House, we were told straight out that the plan is to have that as a place of worship, but chances are it won't happen. Developers reasoning the price is typically too expensive for the smaller churches, and the land is too small for the ones that can afford the space. So then targets are zoned for multi-living (duplex/townhouse).

Currently, we already have one of those lots "sitting empty" on Vanier Drive. It was to be a place of worship, now a developers owns it and it has not been touched and is becoming an eyesore. The City needs to re-examine this and make the proposed corner lot into an attractive Sport/Recreation area, easy access for motorists off the Dalburne Road and through the Community of Vanier Woods. We are tired of seeing unused lots of land wasting away, while kids play baseball or football on the streets. So please, redevelop the plans so they work for those who live in the area.

Other concerns brought on by neighbours include, the need for the City to investigate thoroughly on future plans to build around the Trans Canada Pipeline. We understand that there will be a trail system on top of the existing Pipeline, we just hope that there are plans to build accordingly around it.

We all understand the need to develop and build on areas to make our City prosper. We are not naive in thinking that the city will stop building outward, but if you build then let us enjoy what you create for years to come. Let it be your Legacy.

Sincerely yours,

Rene Rondeau

Attention: Red Deer City Councillors

The rezoning of the Phase 1 and 2 of the Lancaster/ Vanier Woods East neighbourhood is concerning to me as a homeowner in Vanier Woods. This proposed new neighbourhood is geared towards developing higher density housing through reducing lot sizes, resembling trends in Calgary and Edmonton. This move towards higher density housing in suburban areas will effectively deteriorate the positive, small town feeling that the community of Red Deer currently maintains. In my opinion, that small town feeling is what makes Red Deer such a great place to live.

Further, the current trend towards smaller lot sizes seems to be counterproductive when The City of Red Deer is also promoting projects such as the downtown revitalization. In my opinion, these higher density residential projects should be focused within the city core if The City wants to revitalize downtown. There appears to be little value in making lots smaller in suburban communities, given that we are also trying to attract more people to live in our downtown core.

When purchasing my home in Vanier Woods () in 2009, I purchased the home on the basis of Melcor's original outline for the area, dated 2006. This apparent "shadow" plan proposed ball diamonds and a soccer field adjacent to our street. Instead, the updated plan now outlines a church, a social gathering site, and narrower residential lots (R1G). These shadow plans should not be included with the original plan, based on the fact that a level of reliance may be placed on this information by prospective residents of the community. In my opinion, a shadow plan is in place to attract residents, giving them an idea of what the community will look like in the future. In this case, I would question as to whether the ball diamond was ever intended to be built in this area.

Additionally, these new R1G lots appear to be fairly small and would not leave much yard space given the size of the home; during a recent media release City Councillors cited this as a concern. The motion in favour passed based on some councillors stating that there could be potential housing shortages. The small lots will effectively give the new neighbourhood a clustered look, common to areas with high density residential zoning.

I also cannot comprehend why putting larger homes on reduced lots seems necessary at this time. Given the overall supply of homes in Red Deer and the existence of many new neighbourhoods that have room for growth such as Sunnybrook South, Clearview, and Timberlands, the need to put larger homes on reduced lots seems completely unnecessary at this time. It should also be noted that there are approximately 700 listings for used residential properties on MLS, signifying a large supply of inventory in the Red Deer market. As a resident this is a concern, as new developments will add to an already large property inventory and may deteriorate homeowner property values. It could potentially leave neighbourhoods appearing half empty for many more years than necessary. I can personally attest to the difficulties of dealing with construction when moving into a new residential development, and given the excess supply of homes this project could take many more years than necessary to be complete.

Your time to review my concerns is greatly appreciated!

Sincerely,
Nicholas Haycock

FILE

DATE: November 30, 2011

TO: Tara Lodewyk, Planning Services Manager

FROM: Elaine Vincent, Legislative & Governance Services Manager

SUBJECT: Council Request for Information September 6, 2011
Information on Place of Worship Site in Lancaster/Vanier East
Neighbourhood Area Structure Plan
Land Use Bylaw Amendment 3357/T-2011

Reference Report:

Planning Services Manager dated November 16, 2011.

Bylaw Reading:

At the Monday, November 28, 2011 Red Deer City Council Meeting, Council gave first reading to Land Use Bylaw Amendment 3357/T-2011. A copy of the bylaw is attached.

Report back to Council: Yes

Comments/Further Action:

This office will proceed with advertising for the Public Hearing to be held on Monday, January 9, 2012 at 6:00 p.m. during Council's regular meeting.



Elaine Vincent
Legislative & Governance Services Manager
/attach

c: Director of Planning Services
Corporate Meeting Coordinator

Christine Kenzie

From: Frieda McDougall
Sent: November 22, 2011 10:58 AM
To: Michelle Baer
Cc: Christine Kenzie
Subject: RE: Follow up to Agenda Review today
Thanks Michelle.

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

From: Michelle Baer [<mailto:MBaer@chapmanriebeek.com>]
Sent: November 22, 2011 9:09 AM
To: Frieda McDougall
Subject: RE: Follow up to Agenda Review today

Tony requested comments by Friday, so I'll get them to him by at least then.
Michelle

From: Frieda McDougall [<mailto:Frieda.McDougall@reddeer.ca>]
Sent: Tuesday, November 22, 2011 8:27 AM
To: Michelle Baer
Subject: FW: Follow up to Agenda Review today

Hi Michelle. Were you going to follow up with Inspections & Licensing re your recommendations below?
Thanks.

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: November 17, 2011 4:28 PM
To: 'Michelle Baer'; Christine Lemire
Cc: Don Simpson; Elaine Vincent

Subject: RE: Follow up to Agenda Review today

Thanks Michelle. We'll get back to you re the utility bylaw amendment but just so you know – the CAEP issue is being pulled.

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

From: Michelle Baer [mailto:MBaer@chapmanriebeek.com]
Sent: November 17, 2011 4:18 PM
To: Christine Lemire; Frieda McDougall
Cc: Don Simpson; Elaine Vincent
Subject: Follow up to Agenda Review today

Hi Frieda and Christine:

Re Item 3.4

We think a consequential amendment in the LUB is in order. It would be along the lines of “ No person shall operate a secondary suite without being the holder of a valid and subsisting license “. This is not a legal prerequisite to passing the Licensing bylaw, it just alerts people to the additional requirements, and so shouldn't hold up consideration of the Licensing Bylaw. I will discuss with Tony L. this week so that it can be added to his housekeeping amendments coming in December.

I may make a couple minor wording changes to the Sec.Suite Licensing Bylaw – yes, I know I drafted it, but one always sees changes where improvements can be made. Would you prefer I submit those prior to you printing the agenda packages or incorporate them for second reading? If the former, when do you need them by?

Re Item 3.5

There are no additional changes required to the LUB to reflect the Vertical Overlay District. The necessary link is set out at s. 1.4(2). Quincy's amendment and report are good to go.

Re Item 4.3

Don is looking for a CAEP agreement and will get back to you.

Re Item 5.1

You will us know what's going to happen with the Utility Bylaw amendments?

Michelle Baer
Chapman Riebeek LLP
Barristers & Solicitors
300, 4808 Ross Street
Red Deer, AB T4N 1X5
Telephone: (403) 346-6603
Fax: (403) 340-1280

Christine Kenzie

From: Quincy Brown
Sent: October 24, 2011 10:31 AM
To: Christine Kenzie
Subject: RE: LUB Amendment 3357/T-2011, Map 14/2011 - Lancaster/Vanier East Place of Worship Site - Limit building height.

Hi Christine, no developer is involved - all costs will be to us. We are preparing a bylaw for the Lancaster/Vanier East Place of Worship Site to limit building height. Council has directed administration to explore options on this site. There was a Council Resolution passed a couple of months ago - Planning has been back to Council a couple of times on the same issue (we are hoping that by preparing the bylaw etc. they might be supportive). The Bylaw will be one of several options.

Give me a call if you have any questions.

Quincy Brown, BSc, MCP
Community Planner
The City of Red Deer
Email Quincy.Brown@reddeer.ca
Phone 403.406.8707

 **Think green: keep it on the screen!**

From: Christine Kenzie
Sent: October 24, 2011 10:14 AM
To: Quincy Brown
Subject: RE: LUB Amendment #

You can use LUB #3357/T-2011 and Map #14/2011. Need to know what the amendment is for --- and if there is a developer involved -- will need contact information for the developer.

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: Quincy Brown
Sent: October 24, 2011 9:20 AM
To: Christine Kenzie
Subject: LUB Amendment #

Hi Christine, I am in need of a LUB amendment #, and Map #.

Thanks,

Quincy Brown, BSc, MCP
Community Planner
The City of Red Deer
Email Quincy.Brown@reddeer.ca
Phone 403.406.8707

Christine Kenzie

To: Quincy Brown
Subject: RE: LUB Amendment #

You can use LUB #3357/T-2011 and Map #14/2011. Need to know what the amendment is for --- and if there is a developer involved -- will need contact information for the developer.

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

*- need to put into
LUB Tracking Sheet*

From: Quincy Brown
Sent: October 24, 2011 9:20 AM
To: Christine Kenzie
Subject: LUB Amendment #

Hi Christine, I am in need of a LUB amendment #, and Map #.

Thanks,

Quincy Brown, BSc, MCP
Community Planner
The City of Red Deer
Email Quincy.Brown@reddeer.ca
Phone 403.406.8707



Think green: keep it on the screen!



November 14, 2011

Proposed Increase in Parking Penalties and Early Payment Reduction

Inspections and Licensing

Report Summary & Recommendation:

Administration recommends Option 2. It is recommended that:

1. Council amends the Traffic Bylaw, to increase all parking tag violations by \$25.00.
2. Council amends the General Penalty Bylaw's early payment reduction from \$20.00 to \$35.00.
3. The proposed changes to take effect January 1, 2012.

Rationale for Recommendation:

- Option 2 is a sustainable option in that revenue targets can be met even if the percentage of early payments were to increase to 60%.
- Option 2 introduces a \$35.00 incentive for early payment. This will significantly reward parking violators who pay their fees early.
- Option 2 may in the long term reduce legal costs by increasing the number of parking violators who pay their ticket, thereby reducing the number of offenders who are prosecuted.
- Option 2 allows administration to use the existing parking tickets that were ordered earlier in the year as a cost savings.

City Manager Comments:

I support the recommendation of Administration to proceed with Option 2 and give first reading of Traffic Bylaw Amendment 3186/D-2011 and General Penalties Bylaw Amendment 3036/C-2011. These Bylaws will come back for consideration of second and third reading at the December 12, 2011 Council Meeting.

Craig Curtis
City Manager

Proposed Resolution

That Council considers first reading of Traffic Bylaw Amendment 3186/D-2011 and General Penalties Bylaw Amendment 3036/C-2011.



Report Details

Background:

As part of the City of Red Deer 2011 budget process, a Service Plan Funding Requirement (SPFR) for a \$200,000 increase in parking revenue in 2011 was approved to cover increased operating costs in the parking utility.

The bylaw to increase parking penalties was delayed while administration awaited the outcome of the Provincial discussion related to charging electronic license search fees to municipalities. In May, the Province decided to proceed with a \$15.00 charge to municipalities for each license plate search. A bylaw which incorporated the \$15.00 surcharge, as well as the \$200,000 increase in parking revenue (identified in the 2011 budget), was brought to Council on June 13, 2011. Council approved the Traffic Bylaw amendment, which increased the parking penalties by \$25.00. Also approved was an increase to the early payment reduction from \$20.00 to \$35.00 in the General Penalty Bylaw.

The Provincial Government announced to The City on August 26, 2011 that they would not be proceeding with the implementation of the \$15.00 electronic search fee. As a result, on August 31, 2011, City Council repealed the entire parking fee increase by repealing the Traffic Bylaw Amendment 3186/A-2011 and General Penalty Bylaw Amendment 3036/A-2011 that were approved on June 13, 2011.

Inspections & Licensing Department administration had committed to Council that they would be coming back with a report and bylaw amendment, which reflected the original approval for an additional \$200,000 in revenue for the parking utility.

The department has now reviewed the parking revenues and has found that since the parkade was constructed, there has been a significant decrease in parking tickets. While this is great news for our customers, it has impacted the department's ability to achieve the revenue requirements through parking ticket revenue. It appears that the parking fees need to rise significantly higher than originally expected in order to achieve the revenue requirements approved through the budget.

Discussion:

Options for Consideration

The following options are submitted with consideration given to:

- providing a fair parking ticket penalty for all.
- meeting budget expectations by keeping the parking business unit self-supporting and a fair distribution of expenditures.



- what other municipalities charge for similar parking infractions.

These options have been reviewed by the Finance Department.

Option 1:

- a) Increase the parking penalties by \$15.00 in the Traffic Bylaw No. 3186/97 (ex. - \$45.00 for meter violations); and,
- b) Leave the early payment reduction at \$20.00.

Benefits:

- The increase in penalties is comparable to other municipalities.
- Revenues should be sustainable.

Risks:

- Statistics have shown that a \$20.00 early payment incentive does not appear to motivate the violator to pay the ticket early, resulting in a possible increase to administrative times.
- Public displeasure since penalties are increased and the early payment of tickets has not changed.
(ex.- a \$45.00 ticket will result in a required payment of \$25.00; it is currently an early payment of \$10)

Option 2:

- a) Increase parking penalties by \$25.00 in the Traffic Bylaw No. 3186/97 (ex. - \$55.00 for meter violations); and,
- b) Amend Section 5, Subsection (1) of the General Penalty Bylaw No. 3036/91 to change the early payment reduction from \$20.00 to \$35.00.

Benefits:

- With an increase in the parking penalties and a larger incentive for early payment, the parking violator may see a benefit to taking advantage of the early payment, whereby there could be an opportunity for reduced administrative and legal costs.
- The increase in penalties is comparable to other municipalities.
- Early payment of tickets will result in a required payment of \$20.00, which was approved during budget review, in order to ensure the parking operation remained self-supporting.
- The parking violation tags that had been previously ordered in July 2010 could be utilized for a cost savings.



Risks:

- Public displeasure since penalties are increased and, if the early payment incentive is missed, the ticket is \$55.00.
- Based on 2010 data, 34.5% of tickets issued were paid within 10 days. The increase in initial ticket value along with the \$35.00 early payment reduction may result in more tickets being paid within 10 days. There is a low probability that this could result in not achieving revenue expectations.

Summary of Options (Example)

Meter parking Violation			
	Penalty	Early payment reduction	Penalty if paid within 10 days
Current	\$30.00	\$20.00	\$10.00
Option 1	\$45.00	\$20.00	\$25.00
Option 2	\$55.00	\$35.00	\$20.00

Note: Both budget options included with the Council agenda.

Comparison of Traffic Bylaw Penalties

A comparison of fees is included in Appendix "A".

Appendix “A”

Administration has completed a comparison of parking penalties with other municipalities, reflected in the following table. The table reflects the penalty range for parking violations as well as the amount of the reduction for early payment. The total column reflects the penalty amount for an expired meter violation minus the early reduction, with the amount shown in **bold** indicating what would be paid within the early reduction period. It should be noted that The City of Red Deer has one of the lowest penalties for an expired meter. With the early payment reduction, the fine amounts to \$10.00. Lethbridge is the only municipality with a lower fine, equaling \$6.00 with the early payment reduction.

Municipality	Penalty Range	Reduction	Total
Lethbridge	\$25 - \$50 (\$25)	7 days - \$19 reduction	\$6 - \$31 (\$6)
Medicine Hat	(\$50)	7 days – \$25 reduction	(\$25)
Leduc	\$20 - \$60 (\$40)	15 days - \$10	\$10 - \$50 (\$30)
Calgary	\$75 - \$265 (\$75)	>10 days - \$35 - \$60 reduction 10 to 30 days - \$25 - \$65 reduction (\$25 - \$10)	\$40 - \$160 (\$40 - \$50)
Edmonton	\$35 - \$150 (\$50)	None	(\$50)
Red Deer	\$30 - \$150 (\$30)	\$20	\$10 - \$140 (\$10)

(\$X) = expired meters. Numbers without brackets shows the range of penalties within each municipality.

Current Copy of Schedule L -
Option 1 - Strike-Through

Bylaw No. 3186/97

SCHEDULE “L”¹**INDEX TO OFFENCES AND SPECIFIED PENALTIES**

Page 1 of 7

Section	Title of Offence	Penalty
PART 2 RIGHTS AND DUTIES OF PEDESTRIANS		
14	Crossing street where sign prohibits	30.00
15	Obstructing a highway	30.00
16	Pedestrians not involved in Special Event	50.00
17	Unauthorized public meetings	35.00
19	Hitchhiking	30.00
PART 3 SIDEWALKS-BICYCLE PATHS		
20	Operate a motor vehicle upon a sidewalk, trail, path	50.00
21	Bicycles on sidewalk where prohibited	35.00
22	Skateboards on sidewalk where prohibited	35.00
22.1	¹ Operating bicycle, skateboard, roller blades in Transit Terminal or parkade	35.00
PART 4 PARKING		
23	Stopping where prohibited	50.00 65.00
24(a)	Park in construction area	50.00 65.00
24(b)	Park in bus stop	50.00 65.00
24(c)	Park to obstruct Fire-Emergency door	60.00 75.00
24(d)	Park in entrance, fire hall or hospital	60.00 75.00
24(e)	Park in area for special class of vehicles	35.00 50.00
24(f)	Parking in area signed “NO PARKING”	50.00 65.00
24(g)	Parking in a fire lane	60.00 75.00

¹ 3186/A-2010

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SCHEDULE "L"¹**INDEX TO OFFENCES AND SPECIFIED PENALTIES**

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Section	Title of Offence	Penalty
24.1	Park in loading or unloading zone longer than permitted	50.00 65.00
24.1 (a) ²	Park in a Commercial loading zone without a commercial License plate or commercial signage	50.00 65.00
24.1 (b) ²	Park in a Commercial loading zone without loading or Unloading	50.00 65.00
24.1 (c) ²	Park in a Commercial loading zone for more than 30 minutes	50.00 65.00
24.2 (a) ²	Park in a Public loading zone without loading or Unloading	50.00 65.00
24.2 (b) ²	Park in a Public loading zone for more than 10 minutes	50.00 65.00
24.3 ³	Park to obstruct sidewalk	50.00 65.00
25(1)	Driving a vehicle contrary to the Road Repair Sign	35.00 50.00
25(3)	Interfering with Road Repair Sign	35.00 50.00
25(4)	No Parking - street cleaning, snow removal	60.00 75.00
26(1)	Parking in an alley	50.00 65.00
27(1)	Parking longer than designated time	30.00 45.00
27(2)	Parking longer than designated time (second offence)	35.00 50.00
28(1)	Parking unattached holiday trailer on highway	50.00 65.00
29(1)	Parking in taxi stand	35.00 50.00
29(2)	Leave taxi cab unattended	35.00 50.00
29(3)	Park taxi in taxi stand when not for hire	35.00 50.00
30	Park taxi other than place allowed	35.00 50.00
32.1	Stopping or Parking:	50.00 65.00
	(a) on a sidewalk or boulevard	

² 3186/B-2006, ¹ 3185/A-2006, ³ 3186/A-2008

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SCHEDULE "L"¹**INDEX TO OFFENCES AND SPECIFIED PENALTIES**

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Section	Title of Offence	Penalty
	(b) on a crosswalk	
	(c) within an intersection	
	(d) at an intersection nearer than 5 metres to a curb	
	(e) within 5 metres from a stop sign	
	(g) within 1.5 metres of access to any garage, private road or vehicle access over sidewalk	
	(h) within 5 metres of a crosswalk	
	(i) stopping or parking so as to obstruct traffic	
	(j) where prohibited by a traffic control device	
	(k) beside a parked vehicle	
32.1	Stopping or Parking	60.00 75.00
	(f) within 5 metres from any fire hydrant	
32.2	Parallel Parking	50.00 65.00
32.3	Angle Parking	50.00 65.00
32.4	Vehicle on a Jack	50.00 65.00
32.5 (1)	Park in excess of 72 hours	400.00 115.00
32.5 (2)	Park without consent	400.00 115.00
32.5 (3)	Permitting a vehicle, holiday trailer or recreation vehicle to be used for sleeping accommodation	250.00 265.00

¹ 3186/A-2006

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SCHEDULE "L"¹**INDEX TO OFFENCES AND SPECIFIED PENALTIES**

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Section	Title of Offence	Penalty
32.5 (4)	Park where not permitted	400.00 115.00
32.6	Park so as to obstruct traffic	400.00 115.00
34(1)	Parking in disabled space	450.00 165.00
34(2)	DELETED	

PART 5 PARKING ON PRIVATE PROPERTY

35(1)	Park on private property	50.00 65.00
35(2)	Park on parking lot on private land - public access	50.00 65.00
36	Park in a leased stall	50.00 65.00

PART 6 CITY PARKING

37	Park or operate vehicle - City owned land	50.00 65.00
37.2(a) ²	Display goods for sale	50.00
37.2(b) ²	Offer goods for sale on highway or boulevard	50.00
37.2(c) ²	Sell goods on highway or boulevard	50.00
37.2(d) ²	Park a vehicle that is being displayed for sale or that is displaying advertising directing persons to a commercial premises	50.00 65.00
38	Park in City employee stall	50.00 65.00
39(2)	Park contrary to signs - City parking lot	50.00 65.00

² 3186/B-2006, ¹ 3186/A-2006

Bylaw No. 3186/97

SCHEDULE "L"¹**INDEX TO OFFENCES AND SPECIFIED PENALTIES**

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Section	Title of Offence	Penalty
39(3)	³ Parking in City lot or parkade	35.00 50.00
39(4)	⁴ Parking prohibited in City lot or parkade in excess of 36 hours	60.00 75.00

PART 7 PARKING METERS

40	Meter violations	30.00 45.00
4	Meter violation - second offence	35.00 50.00
43.2 ²	Park licensed courier/delivery vehicle over time limit	30.00 45.00
44	Unauthorized meter exemption sticker	60.00 75.00
45(a)	Not parking within lines - metered space	30.00 45.00
45(b)	Improper angle park - metered space	30.00 45.00
45(c)	Improper parallel park - metered space	30.00 45.00
48	Park at hooded meter	60.00 75.00
49	Taxi cab in metered space	35.00 50.00

PART 7A TRANSIT TERMINAL

51.1(1)	⁵ DELETED	
51.1(2)	⁶ Enter Transit Terminal or parkade after hours	35.00
51.1(3)	Run or walk in area for passage of motor vehicles	35.00
51.1(4)	⁷ DELETED	
51.1(5)	⁸ DELETED	
51.1(6)	Bring animals into Transit Terminal	35.00

² 3186/B-2006, ¹ 3186/A-2006, ³ 3186/A-2010, ⁴ 3186/A-2010, ⁵ 3186/A-2010, ⁶ 3186/A-2010, ⁷ 3186/A-2010, ⁸ 3186/A-2010

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SCHEDULE "L"¹**INDEX TO OFFENCES AND SPECIFIED PENALTIES**

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Section	Title of Offence	Penalty
PART 8 SPECIAL CLASSES OF VEHICLES		
52	Angle park vehicle exceeding 6 metres	60.00 75.00
53(1)	Park vehicle over 6 metres - residential district	450.00 165.00
53.2	Park Unattached Trailer	60.00 75.00
54	Residing in holiday trailer or recreation vehicle	100.00
55(a)	Overdimension permits	100.00
55(b)	Overweight permits	100.00
58(a)	Failure to obtain permit	100.00
58(b)	Violation of permit conditions	100.00
59	Weight limits on bridge	100.00
60(a)	Refusing to stop for Peace Officer	100.00
60(b)	Refusal to permit weighing of vehicle	100.00
61	Vehicle with metal lugs without permit	100.00
62 ¹	Heavy vehicle operation off truck routes	100.00
63 ²	Heavy Vehicle parking off truck routes	400.00 115.00
73(1)	Overtake transit bus on right side	60.00
73.1	Operate a vehicle in area restricted to City transit buses only	150.00
165.00		
PART 9 RULES FOR PARADES AND PROCESSIONS		
74(1)	Hold a Special Event without a permit	60.00
74(3)	Be a member of an unauthorized Special Event	35.00

¹ 3186/A-2010, ² 3186/A-2010,

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SCHEDULE “L”¹**INDEX TO OFFENCES AND SPECIFIED PENALTIES**

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Section	Title of Offence	Penalty
PART 10 MISCELLANEOUS		
78	Heavy vehicle operation across sidewalks	100.00
79(1)	Vehicular access on sidewalk or boulevard	60.00
80(1)	² Failure to obey transit or parkade regulations	30.00
81(1)	Placing obstructions and snow on roadway	35.00
82(1)	Failure to clean sidewalks	35.00
83	Distraction by light or object	100.00
84	Washing vehicles - drainage to highway	100.00
85	Unloading across sidewalk	35.00
86	Placing goods on highway	35.00
87	Sledding behind moving vehicles	35.00
88	Allowing livestock to obstruct traffic	35.00
89	Livestock on City property	35.00
90	Damaging a roadway	100.00
91	Encroachment or obstruction on highway	35.00
92	Storing material on City property without permit	100.00
93	Placing salt on sidewalk	30.00
94	Draining radiator on roadway	500.00
95	Failing to trim overhanging shrubs	35.00
96	Unauthorized damage to boulevard trees	35.00
101	Dumping dangerous goods on highway	500.00

¹ 3186/A-2006, ² 3186/A-2010

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15	Obstructing a highway	30.00
16	Pedestrians not involved in Special Event	50.00
17	Unauthorized public meetings	35.00
19	Hitchhiking	30.00
PART 3 SIDEWALKS-BICYCLE PATHS		
20	Operate a motor vehicle upon a sidewalk, trail, path	50.00
21	Bicycles on sidewalk where prohibited	35.00
22	Skateboards on sidewalk where prohibited	35.00
22.1	¹ Operating bicycle, skateboard, roller blades in Transit Terminal or parkade	35.00
PART 4 PARKING		
23	Stopping where prohibited	50.00 75.00
24(a)	Park in construction area	50.00 75.00
24(b)	Park in bus stop	50.00 75.00
24(c)	Park to obstruct Fire-Emergency door	60.00 85.00
24(d)	Park in entrance, fire hall or hospital	60.00 85.00
24(e)	Park in area for special class of vehicles	35.00 60.00
24(f)	Parking in area signed “NO PARKING”	50.00 75.00
24(g)	Parking in a fire lane	60.00 85.00

¹ 3186/A-2010

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24.2 (b) ²	Park in a Public loading zone for more than 10 minutes	50.00 75.00
24.3 ³	Park to obstruct sidewalk	50.00 75.00
25(1)	Driving a vehicle contrary to the Road Repair Sign	35.00 60.00
25(3)	Interfering with Road Repair Sign	35.00 60.00
25(4)	No Parking - street cleaning, snow removal	60.00 85.00
26(1)	Parking in an alley	50.00 75.00
27(1)	Parking longer than designated time	30.00 55.00
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28(1)	Parking unattached holiday trailer on highway	50.00 75.00
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² 3186/B-2006, ¹ 3185/A-2006, ³ 3186/A-2008

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² 3186/B-2006, ¹ 3186/A-2006, ³ 3186/A-2010, ⁴ 3186/A-2010, ⁵ 3186/A-2010, ⁶ 3186/A-2010, ⁷ 3186/A-2010, ⁸ 3186/A-2010

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¹ 3186/A-2010, ² 3186/A-2010,

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SCHEDULE “L”¹**INDEX TO OFFENCES AND SPECIFIED PENALTIES**

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84	Washing vehicles - drainage to highway	100.00
85	Unloading across sidewalk	35.00
86	Placing goods on highway	35.00
87	Sledding behind moving vehicles	35.00
88	Allowing livestock to obstruct traffic	35.00
89	Livestock on City property	35.00
90	Damaging a roadway	100.00
91	Encroachment or obstruction on highway	35.00
92	Storing material on City property without permit	100.00
93	Placing salt on sidewalk	30.00
94	Draining radiator on roadway	500.00
95	Failing to trim overhanging shrubs	35.00
96	Unauthorized damage to boulevard trees	35.00
101	Dumping dangerous goods on highway	500.00

¹ 3186/A-2006, ² 3186/A-2010

Option 1**BYLAW NO. 3186/D-2011**

Being a Bylaw to amend Bylaw No. 3186/97 The Traffic Bylaw of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

Bylaw No. 3186/97 is hereby amended as follows:

1. Schedule "L" is deleted in its entirety and replaced with the attached revised Schedule "L".
2. This Bylaw takes effect on March 1, 2012.
3. In all other respects, Bylaw No. 3186/97 is hereby ratified and confirmed.

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 CLERK this	day of	2011.

MAYOR

CITY CLERK

Bylaw No. 3186/D-2011

SCHEDULE “L”¹**INDEX TO OFFENCES AND SPECIFIED PENALTIES**

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PART 3 SIDEWALKS-BICYCLE PATHS		
20	Operate a motor vehicle upon a sidewalk, trail, path	65.00
21	Bicycles on sidewalk where prohibited	35.00
22	Skateboards on sidewalk where prohibited	35.00
22.1	¹ Operating bicycle, skateboard, roller blades in Transit Terminal or parkade	35.00
PART 4 PARKING		
23	Stopping where prohibited	65.00
24(a)	Park in construction area	65.00
24(b)	Park in bus stop	65.00
24(c)	Park to obstruct Fire-Emergency door	75.00
24(d)	Park in entrance, fire hall or hospital	75.00
24(e)	Park in area for special class of vehicles	50.00
24(f)	Parking in area signed “NO PARKING”	65.00
24(g)	Parking in a fire lane	75.00

¹ 3186/A-2010

Bylaw No. 3186/D-2011

SCHEDULE "L"¹**INDEX TO OFFENCES AND SPECIFIED PENALTIES**

Page 2 of 7

Section	Title of Offence	Penalty
24.1	Park in loading or unloading zone longer than permitted	65.00
24.1 (a) ²	Park in a Commercial loading zone without a commercial License plate or commercial signage	65.00
24.1 (b) ²	Park in a Commercial loading zone without loading or Unloading	65.00
24.1 (c) ²	Park in a Commercial loading zone for more than 30 minutes	65.00
24.2 (a) ²	Park in a Public loading zone without loading or Unloading	65.00
24.2 (b) ²	Park in a Public loading zone for more than 10 minutes	65.00
24.3 ³	Park to obstruct sidewalk	65.00
25(1)	Driving a vehicle contrary to the Road Repair Sign	50.00
25(3)	Interfering with Road Repair Sign	50.00
25(4)	No Parking - street cleaning, snow removal	75.00
26(1)	Parking in an alley	65.00
27(1)	Parking longer than designated time	45.00
27(2)	Parking longer than designated time (second offence)	50.00
28(1)	Parking unattached holiday trailer on highway	65.00
29(1)	Parking in taxi stand	50.00
29(2)	Leave taxi cab unattended	50.00
29(3)	Park taxi in taxi stand when not for hire	50.00
30	Park taxi other than place allowed	50.00
32.1	Stopping or Parking:	65.00
	(a) on a sidewalk or boulevard	

² 3186/B-2006, ¹ 3185/A-2006, ³ 3186/A-2008

Bylaw No. 3186/D-2011

SCHEDULE “L”¹**INDEX TO OFFENCES AND SPECIFIED PENALTIES**

Page 3 of 7

Section	Title of Offence	Penalty
	(b) on a crosswalk	
	(c) within an intersection	
	(d) at an intersection nearer than 5 metres to a curb	
	(e) within 5 metres from a stop sign	
	(g) within 1.5 metres of access to any garage, private road or vehicle access over sidewalk	
	(h) within 5 metres of a crosswalk	
	(i) stopping or parking so as to obstruct traffic	
	(j) where prohibited by a traffic control device	
	(k) beside a parked vehicle	
32.1	Stopping or Parking	75.00
	(f) within 5 metres from any fire hydrant	
32.2	Parallel Parking	65.00
32.3	Angle Parking	65.00
32.4	Vehicle on a Jack	65.00
32.5 (1)	Park in excess of 72 hours	115.00
32.5 (2)	Park without consent	115.00
32.5 (3)	Permitting a vehicle, holiday trailer or recreation vehicle to be used for sleeping accommodation	265.00

¹ 3186/A-2006

Bylaw No. 3186/D-2011

SCHEDULE “L”¹**INDEX TO OFFENCES AND SPECIFIED PENALTIES**

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Section	Title of Offence	Penalty
32.5 (4)	Park where not permitted	115.00
32.6	Park so as to obstruct traffic	115.00
34(1)	Parking in disabled space	165.00
34(2)	DELETED	

PART 5 PARKING ON PRIVATE PROPERTY

35(1)	Park on private property	65.00
35(2)	Park on parking lot on private land - public access	65.00
36	Park in a leased stall	65.00

PART 6 CITY PARKING

37	Park or operate vehicle - City owned land	65.00
37.2(a) ²	Display goods for sale	65.00
37.2(b) ²	Offer goods for sale on highway or boulevard	65.00
37.2(c) ²	Sell goods on highway or boulevard	65.00
37.2(d) ²	Park a vehicle that is being displayed for sale or that is displaying advertising directing persons to a commercial premises	65.00
38	Park in City employee stall	65.00
39(2)	Park contrary to signs - City parking lot	65.00

² 3186/B-2006, ¹ 3186/A-2006

Bylaw No. 3186/D-2011

SCHEDULE "L"¹**INDEX TO OFFENCES AND SPECIFIED PENALTIES**

Page 5 of 7

Section	Title of Offence	Penalty
39(3)	³ Parking in City lot or parkade	50.00
39(4)	⁴ Parking prohibited in City lot or parkade in excess of 36 hours	75.00

PART 7 PARKING METERS

40	Meter violations	45.00
4	Meter violation - second offence	50.00
43.2 ²	Park licensed courier/delivery vehicle over time limit	45.00
44	Unauthorized meter exemption sticker	75.00
45(a)	Not parking within lines - metered space	45.00
45(b)	Improper angle park - metered space	45.00
45(c)	Improper parallel park - metered space	45.00
48	Park at hooded meter	75.00
49	Taxi cab in metered space	50.00

PART 7A TRANSIT TERMINAL

51.1(1)	⁵ DELETED	
51.1(2)	⁶ Enter Transit Terminal or parkade after hours	35.00
51.1(3)	Run or walk in area for passage of motor vehicles	35.00
51.1(4)	⁷ DELETED	
51.1(5)	⁸ DELETED	
51.1(6)	Bring animals into Transit Terminal	35.00

² 3186/B-2006, ¹ 3186/A-2006, ³ 3186/A-2010, ⁴ 3186/A-2010, ⁵ 3186/A-2010, ⁶ 3186/A-2010, ⁷ 3186/A-2010, ⁸ 3186/A-2010

Bylaw No. 3186/D-2011

SCHEDULE "L"¹**INDEX TO OFFENCES AND SPECIFIED PENALTIES**

Page 6 of 7

<i>Section</i>	<i>Title of Offence</i>	<i>Penalty</i>
PART 8 SPECIAL CLASSES OF VEHICLES		
52	Angle park vehicle exceeding 6 metres	75.00
53(1)	Park vehicle over 6 metres - residential district	165.00
53.2	Park Unattached Trailer	75.00
54	Residing in holiday trailer or recreation vehicle	115.00
55(a)	Overdimension permits	115.00
55(b)	Overweight permits	115.00
58(a)	Failure to obtain permit	115.00
58(b)	Violation of permit conditions	115.00
59	Weight limits on bridge	115.00
60(a)	Refusing to stop for Peace Officer	115.00
60(b)	Refusal to permit weighing of vehicle	115.00
61	Vehicle with metal lugs without permit	115.00
62 ¹	Heavy vehicle operation off truck routes	115.00
63 ²	Heavy Vehicle parking off truck routes	115.00
73(1)	Overtake transit bus on right side	75.00
73.1	Operate a vehicle in area restricted to City transit buses only	165.00
PART 9 RULES FOR PARADES AND PROCESSIONS		
74(1)	Hold a Special Event without a permit	60.00
74(3)	Be a member of an unauthorized Special Event	35.00

¹ 3186/A-2010, ² 3186/A-2010,

<i>Section</i>	<i>Title of Offence</i>	<i>Penalty</i>
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Bylaw No. 3186/D-2011

SCHEDULE "L"¹**INDEX TO OFFENCES AND SPECIFIED PENALTIES**

Page 7 of 7

PART 10 MISCELLANEOUS

78	Heavy vehicle operation across sidewalks	115.00
79(1)	Vehicular access on sidewalk or boulevard	75.00
80(1)	² Failure to obey transit or parkade regulations	45.00
81(1)	Placing obstructions and snow on roadway	50.00
82(1)	Failure to clean sidewalks	35.00
83	Distraction by light or object	100.00
84	Washing vehicles - drainage to highway	115.00
85	Unloading across sidewalk	50.00
86	Placing goods on highway	50.00
87	Sledding behind moving vehicles	50.00
88	Allowing livestock to obstruct traffic	50.00
89	Livestock on City property	35.00
90	Damaging a roadway	115.00
91	Encroachment or obstruction on highway	50.00
92	Storing material on City property without permit	100.00
93	Placing salt on sidewalk	30.00
94	Draining radiator on roadway	515.00
95	Failing to trim overhanging shrubs	35.00
96	Unauthorized damage to boulevard trees	35.00
101	Dumping dangerous goods on highway	515.00

¹ 3186/A-2006, ² 3186/A-2010

Option 2**BYLAW NO. 3186/D-2011**

Being a Bylaw to amend Bylaw No. 3186/97 The Traffic Bylaw of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

Bylaw No. 3186/97 is hereby amended as follows:

1. Schedule "L" is deleted in its entirety and replaced with the attached revised Schedule "L".
2. This Bylaw takes effect on January 1, 2012.
3. In all other respects, Bylaw No. 3186/97 is hereby ratified and confirmed.

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 CLERK this	day of	2011.

MAYOR

CITY CLERK

Bylaw No. 3186/D-2011

SCHEDULE “L”¹**INDEX TO OFFENCES AND SPECIFIED PENALTIES**

Page 1 of 7

<i>Section</i>	<i>Title of Offence</i>	<i>Penalty</i>
PART 2 RIGHTS AND DUTIES OF PEDESTRIANS		
14	Crossing street where sign prohibits	30.00
15	Obstructing a highway	30.00
16	Pedestrians not involved in Special Event	50.00
17	Unauthorized public meetings	35.00
19	Hitchhiking	30.00
PART 3 SIDEWALKS-BICYCLE PATHS		
20	Operate a motor vehicle upon a sidewalk, trail, path	50.00
21	Bicycles on sidewalk where prohibited	35.00
22	Skateboards on sidewalk where prohibited	35.00
22.1	¹ Operating bicycle, skateboard, roller blades in Transit Terminal or parkade	35.00
PART 4 PARKING		
23	Stopping where prohibited	75.00
24(a)	Park in construction area	75.00
24(b)	Park in bus stop	75.00
24(c)	Park to obstruct Fire-Emergency door	85.00
24(d)	Park in entrance, fire hall or hospital	85.00
24(e)	Park in area for special class of vehicles	60.00
24(f)	Parking in area signed “NO PARKING”	75.00
24(g)	Parking in a fire lane	85.00

¹ 3186/A-2010

Bylaw No. 3186/D-2011

SCHEDULE "L"¹**INDEX TO OFFENCES AND SPECIFIED PENALTIES**

Page 2 of 7

Section	Title of Offence	Penalty
24.1	Park in loading or unloading zone longer than permitted	75.00
24.1 (a) ²	Park in a Commercial loading zone without a commercial License plate or commercial signage	75.00
24.1 (b) ²	Park in a Commercial loading zone without loading or Unloading	75.00
24.1 (c) ²	Park in a Commercial loading zone for more than 30 minutes	75.00
24.2 (a) ²	Park in a Pubic loading zone without loading or Unloading	75.00
24.2 (b) ²	Park in a Public loading zone for more than 10 minutes	75.00
24.3 ³	Park to obstruct sidewalk	75.00
25(1)	Driving a vehicle contrary to the Road Repair Sign	60.00
25(3)	Interfering with Road Repair Sign	60.00
25(4)	No Parking - street cleaning, snow removal	85.00
26(1)	Parking in an alley	75.00
27(1)	Parking longer than designated time	55.00
27(2)	Parking longer than designated time (second offence)	60.00
28(1)	Parking unattached holiday trailer on highway	75.00
29(1)	Parking in taxi stand	60.00
29(2)	Leave taxi cab unattended	60.00
29(3)	Park taxi in taxi stand when not for hire	60.00
30	Park taxi other than place allowed	60.00
32.1	Stopping or Parking:	75.00
	(a) on a sidewalk or boulevard	

² 3186/B-2006, ¹ 3185/A-2006, ³ 3186/A-2008

Bylaw No. 3186/D-2011

SCHEDULE “L”¹**INDEX TO OFFENCES AND SPECIFIED PENALTIES**

Page 3 of 7

Section	Title of Offence	Penalty
	(b) on a crosswalk	
	(c) within an intersection	
	(d) at an intersection nearer than 5 metres to a curb	
	(e) within 5 metres from a stop sign	
	(g) within 1.5 metres of access to any garage, private road or vehicle access over sidewalk	
	(h) within 5 metres of a crosswalk	
	(i) stopping or parking so as to obstruct traffic	
	(j) where prohibited by a traffic control device	
	(k) beside a parked vehicle	
32.1	Stopping or Parking	85.00
	(f) within 5 metres from any fire hydrant	
32.2	Parallel Parking	75.00
32.3	Angle Parking	75.00
32.4	Vehicle on a Jack	75.00
32.5 (1)	Park in excess of 72 hours	125.00
32.5 (2)	Park without consent	125.00
32.5 (3)	Permitting a vehicle, holiday trailer or recreation vehicle to be used for sleeping accommodation	275.00

¹ 3186/A-2006

Bylaw No. 3186/D-2011

SCHEDULE "L"¹**INDEX TO OFFENCES AND SPECIFIED PENALTIES**

Page 4 of 7

Section	Title of Offence	Penalty
32.5 (4)	Park where not permitted	125.00
32.6	Park so as to obstruct traffic	125.00
34(1)	Parking in disabled space	175.00
34(2)	DELETED	

PART 5 PARKING ON PRIVATE PROPERTY

35(1)	Park on private property	75.00
35(2)	Park on parking lot on private land - public access	75.00
36	Park in a leased stall	75.00

PART 6 CITY PARKING

37	Park or operate vehicle - City owned land	75.00
37.2(a) ²	Display goods for sale	50.00
37.2(b) ²	Offer goods for sale on highway or boulevard	50.00
37.2(c) ²	Sell goods on highway or boulevard	50.00
37.2(d) ²	Park a vehicle that is being displayed for sale or that is displaying advertising directing persons to a commercial premises	75.00
38	Park in City employee stall	75.00
39(2)	Park contrary to signs - City parking lot	75.00

² 3186/B-2006, ¹ 3186/A-2006

Bylaw No. 3186/D-2011

SCHEDULE "L"¹**INDEX TO OFFENCES AND SPECIFIED PENALTIES**

Page 5 of 7

Section	Title of Offence	Penalty
39(3)	³ Parking in City lot or parkade	60.00
39(4)	⁴ Parking prohibited in City lot or parkade in excess of 36 hours	85.00

PART 7 PARKING METERS

40	Meter violations	55.00
4	Meter violation - second offence	60.00
43.2 ²	Park licensed courier/delivery vehicle over time limit	55.00
44	Unauthorized meter exemption sticker	85.00
45(a)	Not parking within lines - metered space	55.00
45(b)	Improper angle park - metered space	55.00
45(c)	Improper parallel park - metered space	55.00
48	Park at hooded meter	85.00
49	Taxi cab in metered space	60.00

PART 7A TRANSIT TERMINAL

51.1(1)	⁵ DELETED	
51.1(2)	⁶ Enter Transit Terminal or parkade after hours	35.00
51.1(3)	Run or walk in area for passage of motor vehicles	35.00
51.1(4)	⁷ DELETED	
51.1(5)	⁸ DELETED	
51.1(6)	Bring animals into Transit Terminal	35.00

² 3186/B-2006, ¹ 3186/A-2006, ³ 3186/A-2010, ⁴ 3186/A-2010, ⁵ 3186/A-2010, ⁶ 3186/A-2010, ⁷ 3186/A-2010, ⁸ 3186/A-2010

Bylaw No. 3186/D-2011

SCHEDULE "L"¹**INDEX TO OFFENCES AND SPECIFIED PENALTIES**

Page 6 of 7

Section	Title of Offence	Penalty
PART 8 SPECIAL CLASSES OF VEHICLES		
52	Angle park vehicle exceeding 6 metres	85.00
53(1)	Park vehicle over 6 metres - residential district	175.00
53.2	Park Unattached Trailer	85.00
54	Residing in holiday trailer or recreation vehicle	100.00
55(a)	Overdimension permits	100.00
55(b)	Overweight permits	100.00
58(a)	Failure to obtain permit	100.00
58(b)	Violation of permit conditions	100.00
59	Weight limits on bridge	100.00
60(a)	Refusing to stop for Peace Officer	100.00
60(b)	Refusal to permit weighing of vehicle	100.00
61	Vehicle with metal lugs without permit	100.00
62 ¹	Heavy vehicle operation off truck routes	100.00
63 ²	Heavy Vehicle parking off truck routes	125.00
73(1)	Overtake transit bus on right side	60.00
73.1	Operate a vehicle in area restricted to City transit buses only	175.00
PART 9 RULES FOR PARADES AND PROCESSIONS		
74(1)	Hold a Special Event without a permit	60.00
74(3)	Be a member of an unauthorized Special Event	35.00

¹ 3186/A-2010, ² 3186/A-2010,

Bylaw No. 3186/D-2011

SCHEDULE “L”¹**INDEX TO OFFENCES AND SPECIFIED PENALTIES**

Page 7 of 7

Section	Title of Offence	Penalty
PART 10 MISCELLANEOUS		
78	Heavy vehicle operation across sidewalks	100.00
79(1)	Vehicular access on sidewalk or boulevard	60.00
80(1)	² Failure to obey transit or parkade regulations	30.00
81(1)	Placing obstructions and snow on roadway	35.00
82(1)	Failure to clean sidewalks	35.00
83	Distraction by light or object	100.00
84	Washing vehicles - drainage to highway	100.00
85	Unloading across sidewalk	35.00
86	Placing goods on highway	35.00
87	Sledding behind moving vehicles	35.00
88	Allowing livestock to obstruct traffic	35.00
89	Livestock on City property	35.00
90	Damaging a roadway	100.00
91	Encroachment or obstruction on highway	35.00
92	Storing material on City property without permit	100.00
93	Placing salt on sidewalk	30.00
94	Draining radiator on roadway	500.00
95	Failing to trim overhanging shrubs	35.00
96	Unauthorized damage to boulevard trees	35.00
101	Dumping dangerous goods on highway	500.00

¹ 3186/A-2006, ² 3186/A-2010

BYLAW NO. 3036/C-2011

Being a Bylaw to amend Bylaw No. 3036/91 The General Penalty Bylaw of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

Bylaw No. 3036/97 is hereby amended as follows:

1. Section 5 (1) is amended as follows:

“(1) The penalty amount, if paid to the City of Red Deer within 10 days of the date of which service of the tag, may be reduced by the sum of \$35.00, which reduced amount shall be accepted in satisfaction of the tag.”
2. This Bylaw takes effect on January 1, 2012.
3. In all other respects, Bylaw No. 3036/91 is hereby ratified and confirmed.

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 CLERK this	day of	2011.

MAYOR

CITY CLERK

FILE

Council Decision – November 28, 2011

DATE: November 30, 2011
TO: Joyce Boon, Inspections & Licensing Manager
FROM: Elaine Vincent, Legislative & Governance Services Manager
SUBJECT: Proposed Increase in Parking Penalties and Early Payment Reduction
Traffic Bylaw Amendment 3186/D-2011 and General Penalties Bylaw
Amendment 3036/C-2011

Reference Report:

Inspections & Licensing Manager dated November 14, 2011.

Resolution:

The following resolution was passed during the Regular Council meeting held on Monday, November 28, 2011:

Resolved that Council of The City of Red Deer, having considered the report from the Inspections & Licensing department dated November 14, 2011, Re: Proposed Increase in Parking Penalties and Early Payment Reduction hereby supports Option 2 which provides for an increase in parking penalties by \$25.00 in the Traffic Bylaw and amends section 5 in the General Penalty Bylaw to change the early payment reduction from \$20.00 to \$35.00.

Bylaw Reading:

Further, at the Monday, November 28, 2011 Council Meeting, Council gave first reading to Traffic Bylaw Amendment 3186/D-2011 and General Penalties Bylaw Amendment 3036/C-2011. Copies of the bylaws are attached.

Report back to Council: Yes

Comments/Further Action:

Traffic Bylaw Amendment 3186/D-2011 and General Penalties Bylaw Amendment 3036/C-2011 will come back to the December 12, 2011 Red Deer City Council meeting for consideration of second and third reading.



Elaine Vincent
Legislative & Governance Services Manager
/attach

c: Director of Planning Services
Corporate Meeting Coordinator

Nov. 29, 2011

BACKUP INFORMATION
NOT SUBMITTED TO COUNCIL

Christine Kenzie

To: Joyce Boon
Subject: Proposed Increase in Parking Penalties and Early Payment Reduction Report for November 28th Council Meeting

I left you a voice mail message. Out of agenda review this morning. A change is requested to be made on the "Appendix A" for clarification. Under the "TOTAL" column the figure that is in BOLD -- should be noted wat that figure refers to ---- is confusing.

Call me if you have any questions. Would need the change made by Wednesday AM this week.

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



November 18, 2011

Council Roles and Remuneration

LEGISLATIVE & GOVERNANCE SERVICES and
OFFICE OF THE CITY MANAGER

Report Summary & Recommendation:

Council has asked for a review of the following issues:

- 1) The Method of Payment of Council
- 2) The Remuneration of a Full Time Council
- 3) Ward System
- 4) Number of Council Members elected to Council and
- 5) The Accommodation needs of Council

Administration has reviewed each of the issues and has recommended options to help resolve these issues.

City Manager Comments:

I support the recommendations of Administration.

Craig Curtis
City Manager

Proposed Resolutions

1. The method of Payment to Council, Option B

- a) That Council adopt a system of total salary compensation based on \$55,362 per annum which represents the combined salary/benefits and per diem amounts.

2. The Remuneration of a Full Time Council, Option B

- a) That Council establish an appropriate compensation strategy for both roles of Mayor and Council.

3. Ward System, Options A or C

- a) That Council maintain the 'status quo' of Councillors elected at large



or,

- c) That Council confirm their previous direction for the completion of a report to consider wards as an option for the 2013 election and the report to come to council in mid 2012 for decision

4. Number of council members elected to Council, Option A or C

- a) That Council direct that the number of Councillors be maintained at the current level of 8,

or

- c) That Council direct that the determination of the number of Councillors be considered with a report on wards to determine the options and impacts of the multiple scenario's of wards and number of Councillors.

5. Accommodation

Short Term, Option B

- b) Council give up present space but maintain a meeting room dedicated to Council

and

Post Election, Option B

- b) Council direct administration to develop a plan for an office of elected officials to be ready post election



Report Details

Background:

Prior to the 2010 election, Council gave consideration to a move to full time versus part time Council. At that time it was agreed that a formal change would be considered during the 2010 – 2013 term although it was recognized that the role is already considered full time by a majority of Council. Since that time Council has asked for a review of the following issues:

- 1) The Method of Payment of Council
- 2) The Remuneration of a Full Time Council
- 3) Ward System
- 4) Number of Council Members elected to Council and
- 5) The Accommodation needs of Council

Discussion:

1) The method of Payment to Council

The current rate of pay for Councillors salary is approximately \$27,559 plus benefits per year. This amount is the stated salary for a Councillor however it does not reflect per diems. With per diems and benefits included it is approximately \$55,362 per year (\$27,559 salary + \$6,063 benefits + \$21,739 per diems). Per diems are paid to Council for attendance at various types of meetings including committees, conferences and workshops.

Options

- a) That Council maintain the status quo of a combined compensation policy based on base salary and benefits plus per diem reimbursement according to policy.
- b) That Council adopt a system of total salary compensation based on \$55,362 per annum which represents the combined salary/benefits and per diem amounts.

Advantages

- 1) Accountability: Council is compensated for the actual meetings they attend
- 2) Increased transparency: the per diems are posted on the City of Red Deer website and highlight the involvement of the Councillor.
- 3) Equality in Compensation: Payment is based on level of attendance. Those Councillors who don't attend should not be in receipt of the same level of compensation.
- 4) Increased pay for increased work: Responsibilities of deputy mayor role are compensated through increased per diem payments.

Disadvantages

- 1) Administrative Burden: Complex and time consuming to administer
- 2) Public Perception: the public believes that this is discretionary spending of council and a higher per diem amount is equated with the spending habits of the Councillor.



- 3) Lack of Clarity: As per diems are a function of committee appointments those Councillors appointed to high volume committees appear to be spending more money than Councillors with fewer appointments.
- 4) Equality in compensation: Current compensation strategy can create inequities in pay year over year dependent on committee appointments and deputy mayor responsibilities.

Recommendation

Administration recommends Option B.

2) The Remuneration of a Full Time Council

Red Deer is Alberta's fourth largest municipality. The three largest municipalities have moved towards a full time Council. The salary related to the full time Councillor and Mayor role are as follows:

	Edmonton	Calgary	Sherwood Park	Red Deer
Mayors Salary	\$150,748	\$181,947	\$110,438	\$84,159
Councillors Salary *	\$83,488	\$96,940	\$61,432	\$49,298

* including per diems. This does not reflect benefit amounts as municipalities could not provide this information.

There has been discussion that Red Deer's Mayor and Council Salary structure does not facilitate the full time involvement of Council.

Options

- a) That Council maintain the status quo of the current salary levels for both Mayor and Council.
- b) That Council establish an appropriate compensation strategy for both roles of Mayor and Council.

Advantages and Disadvantages include:

- 1) Public perception: perceived conflict in role of being both policy maker and policy recipient
- 2) Financial sustainability: current economic climate may not be the appropriate time for review
- 3) Recruitment and retention for role of Council: Current and future members may be discouraged from becoming members of Council based on compensation levels for work completed

Recommendation

Administration recommends Option B

3) Ward System

A ward system is generally related to the size of the municipality although there are exceptions to this generality. In a review of the 2010 election, the returning officer had committed to a review of a ward system in 2012 in preparation for the upcoming election



with a report to be presented to Council by mid 2012. Since that point in time, it has been suggested that the issue of wards be dealt with in conjunction with the salary of Councillors while others have suggested that Red Deer is too small for a ward system and the review of a ward system should not proceed.

Options:

- a) That Council maintain the 'status quo' of Councillors elected at large
- b) That Council direct the administration to prepare a plan for the division of the city into a number of wards of relatively equal size in preparation for the election
- c) That Council confirm their previous direction for the completion of a report to consider wards as an option for the 2013 election and the report to come to council in mid 2012 for decision

As the advantages and disadvantages of a ward system have not yet been fully explored, only the advantages and disadvantages of the decision making process can be considered at this point in time.

Advantages and Disadvantages include:

- 1) Timely decision making: If Council is able to consider the option of a ward and make a majority decision now, it will allow for staff to spend time on other priorities
- 2) Informed Decision making: The question of wards has been an issue of discussion within the community and making a decision without all of the facts may not be in the best interest of the public

Recommendation

Administration recommends option A or C.

4) Number of council members elected to Council

Under the Municipal Government Act, Council has the opportunity to vary the size of the Council. Discussions regarding the cost of governance have arisen especially in consideration of sustainability and future growth impacts. In discussions regarding the remuneration of Council, Council has discussed the option of reducing the number of Councillors to reduce the impact to the budget for proper remuneration.

Options:

- a) That Council direct that the number of Councillors be maintained at the current level of 8.
- b) That Council direct that the number of Councillors be reduced to 6.
- c) That Council direct that the determination of the number of Councillors be considered with a report on wards to determine the options and impacts of the multiple scenario's of wards and number of Councillors.

As the advantages and disadvantages of the number of councilors and a ward system have not yet been fully explored, only the advantages and disadvantages of the decision making process can be considered at this point in time.

**Advantages and Disadvantages include:**

- 1) Timely decision making: If council is able to consider the option of number of Councillors and make a majority decision now, it will allow for staff to spend time on other priorities.
- 2) Informed Decision making: The question of number of Councillors could be considered in the context of wards and making a decision without all of the facts may not be in the best interest of the public.

Recommendation

Administration recommends option A or C.

5) Accommodation

Administratively we are undertaking a review of space needs over the next year as a result of the postponement of the civic centre expansion. This space review will consider all leased space as well as current municipal space. At present, Council has been provided with a working area that has shared workspaces. The limited use of this area suggests this current configuration is not meeting Council member's needs. This space could currently be released for organizational use and a plan developed for the appropriate accommodation of elected officials following the 2013 election.

Short term Options:

- a) Council maintain current space setup
- b) Council give up present space but maintain a meeting room dedicated to Council

Options effective 2013 election

- a) Council maintain short term space as per decision above
- b) Council direct administration to develop a plan for an office of elected officials to be ready post election

Recommendation

Administration recommends short term option B and post election option B.

DATE: November 30, 2011

TO: Frieda McDougall, Deputy City Clerk
Greg LeBlanc, Compensation Supervisor

FROM: Elaine Vincent, Legislative & Governance Services Manager

SUBJECT: Council Roles and Remuneration

Reference Reports:

Legislative & Services Manager, dated November 22, 2011.

Resolutions:

The following resolutions were passed during the Regular Council meeting held on Monday, November 28, 2011:

- 1. The method of Payment to Council, Option B**
 - a) That Council adopt a system of total salary compensation based on \$55,362 per annum which represents the combined salary/benefits and per diem amounts.
- 2. The Remuneration of Council, Option B**
 - a) That Council establish an appropriate compensation strategy for both roles of Mayor and Council and that this item be considered by the Governance & Policy Committee to establish the policy criteria for compensation for implementation following the 2013 election.
- 3. Ward System, Options A or C**
 - c) That Council confirm their previous direction for the completion of a report to consider wards as an option for the 2013 election and the report to come to Council in mid 2012 for decision.
- 4. Number of council members elected to Council, Option C**
 - c) That Council direct that the determination of the number of Councillors be considered with a report on wards to determine the options and impacts of the multiple scenario's of wards and number of Councillors.

5. Accommodation

Short Term, Option B

- b) Council give up present space but maintain a meeting room dedicated to Council.

Report back to Council: Yes

Comments/Further Action:

Administration is to proceed with the necessary follow up.



Elaine Vincent
Legislative & Governance Services Manager

- c: Corporate Services Director
Human Resources Manager
Financial Services Manager
Committees Coordinator
Corporate Meeting Coordinator



November 22, 2011

Council Policy – Trade Accounts Receivable Write Offs

FINANCIAL SERVICES

Report Summary & Recommendation:

Financial Services and Revenue & Assessment Services are requesting Council approve the attached Policy that addresses Trade Accounts Receivable Write Offs.

City Manager Comments:

I strongly support the recommendation of Administration which clarifies an issue that has been a policy void.

Craig Curtis
City Manager

Proposed Resolution

Resolved that Council of The City of Red Deer having considered the report from the Financial Services Department dated November 22, 2011, re Council Policy - Trade Accounts Receivable Write Offs, hereby approves Council Policy 5353-C - Trade Accounts Receivable Write Offs as presented at the November 28, 2011 Council Meeting.



Report Details

Background:

Administration has identified what appears to be a lack of clear policy in the area of Trade Accounts Receivable Write Offs.

In 1998, the Organizational Bylaw was amended to include specific authority for the City Manager to write off Accounts Receivable, up to the annual budgeted amount for this item. Subsequent revisions to the Organizational Bylaw did not address this area in any manner, leaving Administration with limited direction.

In 2009, outstanding licensing fees receivable for the River Bend Golf and Recreation Society were written off in the amount of \$397,000. This increased the complexity of the issue, as these 'contracted revenues' have never been well-defined.

Administration consulted with Legal Counsel in 2010, and they also recommended that this issue be clarified through a more specific Policy.

A draft Policy was submitted to the Audit Committee on October 20, 2011. The following resolution was made:

"Resolved that the Audit Committee having discussed the Trade Accounts Receivable Write Offs Policy hereby forward the Trade Accounts Receivable Write Offs Policy as amended to the Policy and Governance Committee for recommended approval"

Discussion:

The proposed Council Policy is intended to provide specific authority and define the limitations that Administration will comply with in the area of Trade Accounts Receivable Write Offs.

Analysis:

The proposed Policy has three Statements:

1. The City Manager is delegated the authority to authorize Trade Accounts Receivable Write Offs up to the total annual budgeted amount.
2. Amounts to be written off that exceed the annual budget will be referred to Council for authorization.
3. Individual accounts in excess of \$20,000 will be reported to Council.

The Policy is designed around the following principles:



Achieve objectives: Revenue & Assessment Services analyzes Accounts Receivable every year to arrive at a reasonable budget for Allowance for Doubtful Accounts. Collections activity throughout the year is intended to support this analysis.

Increase Transparency: Council is informed if Write Offs will exceed the budget on an aggregate basis. Administration will also disclose high balance accounts to be written off to highlight any unique or unusual circumstances.

This Policy also seeks to define the term “Trade Accounts Receivable” more clearly for Council. This policy would then be applied to all non-tax revenue streams, including those where contracts define the nature and amount of revenues. This would include licensing fees, sales agreements and leases.

This policy does not apply to loans due to The City as the Municipal Government Act provides specific restrictions in this area.



THE CITY OF

Red Deer

COUNCIL POLICY
5353 - C

Trade Accounts Receivable Write Offs

Purpose:

This Policy sets out the executive limitations for the City Manager in the area of Trade Accounts Receivable Write Offs.

Policy Statement(s):

1. The City Manager is delegated the authority to authorize Trade Accounts Receivable Write Offs up to the total annual budgeted amount for Receivable Write Offs.
2. Amounts to be written off that exceed the annual budget will be referred to Council for authorization.
3. Individual accounts in excess of \$20,000 will be reported to Council.

Scope/Application:

This policy applies to all City Divisions and Departments

This Policy applies to revenues derived from contracts where the anticipated revenues are realized outside of the taxation process.

This Policy does not apply to loans due to the City.

Policy Monitoring and Evaluation:

The City Manager directs the Corporate Services Director to monitor and review the Trade Accounts Receivable Write Off Policy on an annual basis, the review timeframe is not to exceed five years.

Authority/Responsibility to Implement:

The authority to establish and monitor compliance to this policy is the responsibility of the City Manager.

References/Links:

1. Municipal Government Act
2. 5321 C – Operating Budget Policy



THE CITY OF

Red Deer**COUNCIL POLICY****5353 - C****Trade Accounts Receivable Write Offs****Inquiries/Contact Person:**

Revenue & Assessment Services Manager
Corporate Controller, Revenue & Collections

Document History:

Council Resolution Date:
Council Resolution Revision Date:

Definitions:

Trade Accounts Receivable: Receivables of a short-term nature due in less than one year from the date of invoice. Accounts are authorized by administration.

Loans: Receivables of a long-term nature due in more than one year. Only Council can authorize a loan as outlined by the MGA.

Revenues derived from contracts: revenues such as licensing fees derived from contracts or agreements that are outside of the approved taxation process.

FILE**Council Decision - March 23, 1998 Meeting**

DATE: March 24, 1998
TO: Finance & Audit Committee
FROM: City Clerk
RE: Delegation of Duty - Accounts Receivable Write-Offs

Reference Report: Finance & Audit Committee, dated March 9, 1998

Bylaw Readings:

Organizational Bylaw Amendment 3130/A-98 was given three readings, a copy of which is attached hereto.

Report Back to Council Required: No

Comments/Further Action:

With the passing of Organizational Bylaw Amendment 3130/A-98, the City Manager has been given the authority to approve accounts receivable write-offs up to and including the amount as set out in each annual budget. Any amount exceeding the budget must be submitted to Council for approval.

This office will now be updating the consolidated copy of Organizational Bylaw No. 3130/95 and distributing same in due course.



Kelly Kloss
City Clerk

/s/clr

g City Manager
Director of Corporate Services

Item No. 4

DATE: March 9, 1998
TO: City Council
FROM: Finance & Audit Committee

RE: DELEGATION OF DUTY - ACCOUNTS RECEIVABLE WRITE-OFFS

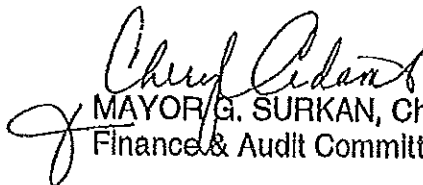
The Finance & Audit Committee met to consider the 1997 Accounts Receivable Write-offs, and to forward a recommendation to Council. At the meeting, members were informed that Council has the authority to delegate the duty of approving uncollectable accounts to a designated officer. The following motion was passed by the Committee in this respect.

"That the Finance & Audit Committee recommend to Council of the City of Red Deer, amendment to The Organizational Bylaw No. 3130/95, to give authority to the Chief Administrative Officer (City Manager) to approve accounts receivable write-offs up to and including the amount as set out in each annual budget, and further that any amount exceeding the budget be submitted to Council for approval."

It was the view of members that Council and the Finance & Audit Committee continue to be advised of write-offs on an annual basis. An amendment to the Organizational Bylaw will be required should Council support the recommendation of the Finance & Audit Committee.

RECOMMENDATION:

That Council of the City of Red Deer give authority to the Chief Administrative Officer (City Manager) to approve accounts receivable write-offs up to and including the amount as set out in each annual budget, and further that any amount exceeding the budget be submitted to Council for approval. It is further recommended that three readings be given to Amending Bylaw 3130/A-98, the Organizational Bylaw.


MAYOR G. SURKAN, Chairperson
Finance & Audit Committee

CGA\

DATE: November 30, 2011
TO: Dean Krejci, Financial Services Manager
FROM: Elaine Vincent, Legislative & Governance Services Manager
SUBJECT: Council Policy – Trade Accounts Receivable Write Offs

Reference Reports:

Financial Services Manager, dated November 22, 2011.

Resolutions:

The following resolution was passed during the Regular Council meeting held on Monday, November 28, 2011:

Resolved that Council of The City of Red Deer having considered the report from the Financial Services Department dated November 22, 2011, re: Council Policy – Trade Accounts Receivable Write Offs, hereby approves Council Policy - 5353-C Trade Accounts Receivable Write Offs as presented at the November 28, 2011 Council Meeting.

Report back to Council: No

Comments/Further Action:

Administration is to proceed with incorporating the above policy.



Elaine Vincent
Legislative & Governance Services Manager

c: Director of Corporate Services
Policy & Research Coordinator

Christine Kenzie

From: Elaine Vincent
Sent: November 18, 2011 4:56 PM
To: Michelle Andrew; John Knoch
Cc: Lisa Francis; Dean Krejci; Christine Kenzie
Subject: RE: Trade Write Offs policy report

Council has agreed this can go right to the Council table... You can write the report to Council in the normal manner and we will have on the agenda.

The rationale for not waiting for GPC is:

- 1) the full agenda for GPC meetings
- 2) this has already been reviewed by the Audit Committee which is advisory to Council
- 3) a decision is required imminently.

We are holding a spot on the November 28th agenda for this... If you can have report to us Monday that would be excellent.

Thanks,

E

From: Michelle Andrew
Sent: November 18, 2011 10:31 AM
To: John Knoch; Elaine Vincent
Cc: Lisa Francis; Dean Krejci; Christine Kenzie
Subject: RE: Trade Write Offs policy report

Hi John,
Per our discussion and the Audit Committee minutes of October 20, this item is destined for the Policy & Governance Committee.
Elaine, I'm not sure of the process to get on the agenda?

Thanks!

Michelle
403.309.8584

From: John Knoch
Sent: November 17, 2011 4:51 PM
To: Michelle Andrew
Cc: Lisa Francis; Dean Krejci
Subject: Trade Write Offs policy report

Michelle,
Could you prepare a brief report on the Trade Write Offs policy for Council by 21 November 2011? The report along with the policy will be in the Council package for the Meeting November 28, 2011. Please include the motion from the Audit and Finance Committee meeting. Also, you are welcomed to speak to this item at the Council meeting 28 November 2011.

John

2011/11/21



November 22, 2011

Ratification of Red Deer Downtown Business Association Board of Director Appointments

Legislative & Governance Services

Report Summary & Recommendation:

The Red Deer Downtown Business Association requests Council's ratification of new members of the Red Deer Downtown Business Association Board of Directors.

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 Legislative & Governance Services Department, dated November 22, 2011 hereby ratifies the appointment of the following members of the Red Deer Downtown Business Association Board of Directors for a term January 1, 2012 to December 31, 2014:

Tom Lewis, Red Deer College, Donald School of Business
Marilyn Mah, Wei's Western Wear
Brett Salomons, Ralph Salomons Commercial Inc.



Report Details

Background:

Section 6 (1) 4 of the Downtown Business Revitalization Zone Bylaw 2827/83 states that the Board of Directors of the Red Deer Downtown Business Association may consist of up to eleven (11) members, who shall be appointed by resolution of Council.

The Red Deer Downtown Business Association has requested Council's ratification of new members of the Board of Directors of the Red Deer Downtown Business Association as follows for a term January 1, 2012 to December 31, 2014:

Tom Lewis, Red Deer College, School of Business

Marilyn Mah, Wei's Western Wear

Brett Salomons, Ralph Salomons Commercial Inc.

Discussion:

A letter from the Red Deer Downtown Business Association is attached indicating the new members for appointment by Red Deer City Council.



November 18, 2011

Elaine Vincent
Legislative and Governance Services
The City of Red Deer
Box 5008
Red Deer, AB T4N 3T4

Dear Ms. Vincent:

At the Annual Meeting held on Thursday, November 17th, the Downtown Business Association introduced the 2012 Board of Directors, including those elected by ballot.

The Downtown Business Association respectfully submits the following new members for appointment by City Council for the term January 1, 2012 to December 31, 2014.

Tom Lewis – RDC, Donald School of Business

Marilyn Mah – Wei's Western Wear

Brett Salomons – Ralph Salomons Commercial Inc.

The Executive will be appointed by the Board of Directors at the first meeting in January. We will provide you with an updated contact list of the Board of Directors and Executive at that time.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Barclay'.

Graham Barclay
Executive Director

Red Deer Downtown Business Association

111A, 4818 50 (Gaetz) Avenue Red Deer, AB T4N 4A3

Phone 403.340.8696 Fax 403.340.8699

Email info@downtownreddeer.com Web www.downtownreddeer.com

LEGISLATIVE & GOVERNANCE SERVICES
November 30, 2011

Mr. Graham Barclay
Executive Director
Downtown Business Association
111, 4850 50 Street
Red Deer, AB T4N 4A3

Dear Mr. Barclay,

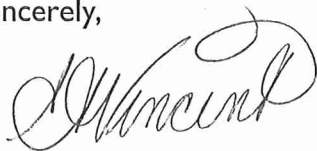
The following resolution was passed at the Monday, November 28, 2011 Regular Council meeting:

Resolved that Council of The City of Red Deer, having considered the report from Legislative & Governance Services Department, dated November 22, 2011 hereby ratifies the appointment of the following members of the Red Deer Downtown Business Association Board of Directors for a term January 1, 2012 to December 31, 2014:

Tom Lewis, Red Deer College, Donald School of Business
Marilyn Mah, Wei's Western Wear
Brett Salomons, Ralph Salomons Commercial Inc.

If you have any questions regarding these appointments, please do not hesitate to contact our office at 403.342.8132.

Sincerely,



Elaine Vincent
Legislative & Governance Services Manager

BYLAW NO. 3390/2007

The Red Deer Gymnastics Association agreed to make payments over a period of time to The City of Red Deer for the reimbursement of the construction costs incurred by the City for construction of a gymnastics facility within the Collicutt Centre. This constitutes a form of loan from The City of Red Deer. Council deemed such a loan to be for a purpose that will benefit the municipality.

Section 265 of the Municipal Government Act authorizes a municipality to lend money to a non-profit organization provided that the loan is authorized by bylaw.

NOW THEREFORE COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

1. Council hereby authorizes a loan to The Red Deer Gymnastics Association to be used for the construction of a gymnastics facility within the Collicutt Centre on the following terms:
 - a. Purpose of loan: Construction of a gymnastics facility in the Collicutt Centre
 - b. Principal amount: \$1,000,000
 - c. Interest rate: 6% per annum
 - d. Term of loan: 11 years
 - e. Repayment:
 - i) \$250,000 upon agreement signing (paid)
 - ii) \$200,000 upon facility opening (paid)
 - iii) To be paid quarterly on January 15th, April 15th, July 15th and October 15th in the amount of \$18,432.18 per quarter starting January, 2001 through October, 2010 until loan is repaid
- 11.1 Notwithstanding the provisions of sections 1 (c) and (e) above, effective January 1, 2012, the interest rate shall be set at 3.75% per annum and the terms of repayment shall be as follows:
 - (a) Quarterly payments of \$11,245.00 on January 15th, April 15th, July 15th and October 15th in each year commencing in January 2012, and continuing until the loan is repaid."
2. The source of the funds to be loaned was an additional expenditure to the 1999 Recreation Parks and Culture Capital Budget.
3. City administration is authorized to enter into a loan agreement with The Red Deer Gymnastics Association on the terms set out in this bylaw and in a form satisfactory to the City Solicitor.

READ A FIRST TIME IN OPEN COUNCIL this 23rd day of April 2007

READ A SECOND TIME IN OPEN COUNCIL this 22nd day of May 2007

READ A THIRD TIME IN OPEN COUNCIL this 22nd day of May 2007

AND SIGNED BY THE MAYOR AND CITY CLERK this 22nd day of May 2007

"Morris Flewwelling"

"Kelly Kloss"

MAYOR

CITY CLERK

FILE

Council Decision – November 28, 2011

DATE: November 30, 2011
TO: Frieda McDougall, Deputy City Clerk
FROM: Elaine Vincent, Legislative & Governance Services Manager
SUBJECT: Ratification of Red Deer Downtown Association
Board of Director Appointments

Reference Reports:

Legislative & Governance Services Manager, dated November 22, 2011.

Resolutions:

The following resolution was passed during the Regular Council meeting held on Monday, November 28, 2011:

Resolved that Council of The City of Red Deer, having considered the report from Legislative & Governance Services Department, dated November 22, 2011 hereby ratifies the appointment of the following members of the Red Deer Downtown Business Association Board of Directors for a term January 1, 2012 to December 31, 2014:

Tom Lewis, Red Deer College, Donald School of Business
Marilyn Mah, Wei's Western Wear
Brett Salomons, Ralph Salomons Commercial Inc.

Report back to Council: No

Comments/Further Action:

The above is for your information only.



Elaine Vincent
Legislative & Governance Services Manager

Christine Kenzie

From: Janice [janice@downtownreddeer.com]
Sent: November 18, 2011 9:00 AM
To: Christine Kenzie
Subject: New Members of the Board
Attachments: New Members letter to LGS.doc

Christine here is the letter. Sorry for the delay but I had to wait until after the Annual Meeting.

Janice

Janice Shimek
Promotions Director
111A, 4818 50 Avenue
Red Deer, AB T4N 4A3
Telephone: 403-340-8696
Email: janice@downtownreddeer.com

[This message has been scanned for security content threats and viruses.]

[The City of Red Deer I.T. Services asks that you please consider the environment before printing this e-mail.]