

# Spring 2018 Submitted Resolutions

- 1) Call to Order
- 2) Acceptance of Order Paper
- 3) Resolution Session

- 1-18S Request for Implementation of the 2018 Assessment Year Modifier for Well and Pipeline Assessments** (*MD of Willow Creek*)
- 2-18S Combatting Rural Crime** (*Lacombe County*)
- 3-18S Increase Crown Prosecutor Staffing Levels for Rural Municipalities** (*County of St. Paul*)
- 4-18S Support for Continuation of Grant Funding for Agricultural Initiatives Program** (*Lac Ste. Anne County*)
- 5-18S Provincial Government Consultation and Communication Protocol with Municipalities** (*County of Grande Prairie*)
- 6-18S Wind Energy Regulations Required at Provincial Level** (*County of Paintearth*)
- 7-18S Standards for Buildings Contaminated by Fentanyl and Carfentanil** (*Sturgeon County*)
- 8-18S Amendments Required for Provincial Recycling Regulations** (*Strathcona County*)
- 9-18S Exemption of Seniors Housing from Requirement to Pay Carbon Levy** (*Beaver County*)
- 10-18S Tenure Extension Requirements for Unconventional Development** (*MD of Greenview*)
- 11-18S Recycling of Solar Panels** (*MD of Foothills*)
- 12-18S Victim Services Units Funding** (*Northern Sunrise County*)

- 4) Vote on Emergent Resolutions (if needed)
- 5) Closing of Resolution Session

Resolution 1-18S

## **Request for Implementation of the 2018 Assessment Year Modifier for Well and Pipeline Assessments**

MD of Willow Creek

*Simple Majority Required  
Endorsed by District 1 (Foothills-Little Bow)*

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WHEREAS Section 292(2) (a) of the *Municipal Government Act* states: "Each assessment must reflect the valuation standard set out in the regulations for linear property"; and

WHEREAS the Minister of Municipal Affairs had decided not to implement the adjustment to the assessment year modifier (AYM) reflecting increases for well assessments and for pipeline assessment in 2018 stating no reason other than that the Government of Alberta intends to conduct a rate review sometime in the future; and

WHEREAS this unprecedented action will result in lost revenue for many rural municipalities, create an unfair and inequitable shift in taxation to other assessment classes and result in significant increases to mill rates, for no apparent reason;

**THEREFORE, BE IT RESOLVED that the Alberta Association of Municipal Districts and Counties lobby the Government of Alberta to immediately implement the 2018 assessment year modifier to well and pipeline assessments as identified in the draft calculation.**

### **Member Background**

It has been brought to the attention of the Council of the Municipal District of Willow Creek No. 26 that the Minister of Municipal Affairs is not going to implement the adjustment to the AYM, which reflects increases for well and pipeline assessment as recommended by the Linear Property Assessment Unit within the Assessment Services Branch of Alberta Municipal Affairs.

The increase in the AYM is based on the recommendations of provincially hired consultants who applied changes based on the 'ad volarem' system which is founded on the philosophy that the more value there is in a specific property, the more the property owner is able to pay.

Property assessments are adjusted yearly to reflect increases or decreases in market value, or as in the case of industrial and linear properties, changes in estimated cost to construct or build a specific property. It has been a long standing principle that in times of economic downturn, when the cost of construction and materials drop, the assessment reflects the trend by applying a reduced AYM. In times of economic recovery, which was reflected in the adjustment determined by the consultants, the AYM increase is applied.

The principle of our fair and equitable assessment system is being destroyed. The Minister's decision to not implement the AYM showing the increase in value will result in shifting the tax burden to residential and commercial ratepayers. There is a case to be made that this action will unfairly undermine the integrity of the provincial assessment system.

### **AAMDC Background**

The AAMDC has no active resolutions directly related to this issue.

## **Combatting Rural Crime**

Lacombe County

*Simple Majority Required  
Endorsed by District 2 (Central)*

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WHEREAS there has been a proliferation of crime in rural Alberta over the past several years; and

WHEREAS citizens of rural Alberta are extremely concerned for their personal safety due to escalating levels and severity of property crime; and

WHEREAS the Royal Canadian Mounted Police (RCMP) and other police services lack the required resources to respond to and investigate reported rural crimes; and

WHEREAS Alberta's overburdened court system results in charges laid against perpetrators of rural crime being dismissed; and

WHEREAS residents and businesses of rural Alberta are becoming increasingly frustrated with the shortcomings of our criminal justice system;

**THEREFORE, BE IT RESOLVED that the Alberta Association of Municipal Districts and Counties (AAMDC) request that the Government of Canada and the Government of Alberta develop and implement strategies and initiatives to prevent and combat rural crime, and punish those convicted of committing rural crime in a manner that will maximize deterrence;**

**FURTHER BE IT RESOLVED that the AAMDC request the Government of Canada to continue with its review of the criminal justice system and sentencing reforms in a way that gets repeat offenders off the street for longer periods of time.**

### **Member Background**

Rural crime is on the rise in Alberta. This statement is supported by the crime statistics that are kept by every major police agency in the province.

The reasons for this increase are suspected to be a downturn in our economy and the increased use of illegal drugs. The reality is that every rural resident has either had a crime committed against them or their property or can refer to a neighbour that has experienced it. What used to be a rare occurrence is now commonplace in rural areas.

While vulnerable individuals are being targeted by criminals- who have identified flaws both in the criminal justice system and in the capacity of police departments to respond to- they are unable to defend themselves without the risk of facing heavier penalties for protecting their home and families. Law-abiding residents have their hands tied.

Lacombe/Wetaskiwin Member of Parliament, Blaine Calkins recently hosted a series of town hall meetings with residents to discuss rural crime. All of these meetings were fully attended and participants voiced deep concern about both the frequency and increasing severity of rural crime. The full proceedings of these meetings will be presented to Parliament in the future, but the sheer number of attendees and the common themes in the views expressed all pointed to a serious problem with rural crime.

Residents are taking steps that are offered to them. This is evidenced by the resurgence of Rural Crime Watch organizations and Citizens on Patrol groups in most communities as a possible way for residents to deal with this problem. In addition, many rural municipalities have implemented programs like Crime Prevention Through Environmental Design (CPTED) to assist their residents.

These actions by citizens are not likely to have much of an effect unless the criminal justice system in Canada takes this problem seriously and deals with offenders in a much more serious and meaningful way. Conversations with police agencies indicate that repeat offenders are committing much of this crime and they are increasingly becoming more concerned with the ability of the system to keep these offenders incarcerated.

Rural Albertans need the other levels of government to stop letting increasingly dangerous and violent offenders off with a "slap on the wrist". Harsher penalties are needed, especially for criminals who have been proven, repeat offenders, while also giving them the tools they need to reform and rehabilitate from addictions that leads them to this lifestyle. In addition, the Government of Canada needs to give property owners the ability to protect their home, their families, and their assets in a suitable manner, without the risk of receiving a prison sentence for assault (while the criminal gets away with little or no punishment at all).

Regardless of the reasons for this increase in rural crime, the fact remains that many rural residents do not feel safe in their homes as a result. This is an unacceptable situation in Canada, and we call for both the governments of Alberta and Canada to address this problem. In 2017, the Government of Canada announced that it was undertaking a broad examination of Canada's criminal justice system to ensure that it is just, compassionate and fair, while promoting a safe, peaceful and prosperous Canadian society.

Together with our MPs, MLAs, AAMDC, police officers, and fellow municipalities we can make our voices heard and take every opportunity to lead to a true change of the judicial system that protects the victims while penalizing (and reforming) the criminals.

### **AAMDC Background**

The AAMDC has no active resolutions directly related to this issue.

## **Increase Crown Prosecutor Staffing Levels for Rural Municipalities**

County of St. Paul

*Simple Majority Required  
Endorsed by District 5 (Edmonton East)*

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WHEREAS Albertans are concerned with the escalating levels of rural crime as evidenced by many media reports over the past few years; and

WHEREAS the Supreme Court of Canada's 2016 decision in R v Jordan puts hard timelines in place to resolve cases: eighteen (18) months for provincial court matters and thirty (30) months for Superior Court (in Alberta, the Court of Queen's Bench) to uphold an accused person's Charter right to trial without unreasonable delays; and

WHEREAS hundreds of court cases across Alberta have been stayed over the past two years because of a lack of resources in the provincial prosecution service; and

WHEREAS thousands of court cases across Alberta could be at risk of being dismissed for violating new time guidelines set out in the Jordan decision; and

WHEREAS Alberta's chief justice has ruled police officers do not have the authority to act on behalf of the Crown at bail hearings; and

WHEREAS the current prosecutor staffing levels are not sufficient to manage the demands of the numbers of cases on the current docket; and

WHEREAS Crown prosecutors in rural municipalities are overworked and understaffed and require additional support to effectively carry out their duties;

**THEREFORE, BE IT RESOLVED that the Alberta Association of Municipal Districts and Counties (AAMDC) encourage the Government of Alberta to increase Crown prosecutor staffing levels as well as relevant administrative staff for rural communities and collaborate with rural communities to ensure that court cases are being sufficiently prosecuted in a timely manner.**

### **Member Background**

Alberta Justice lawyers, employed as Crown prosecutors, are responsible for prosecutions under some federal statutes, such as the *Criminal Code*, and under provincial statutes.

In a typical case, the prosecutor's responsibilities include determining appropriate charges, discussions with defence counsel, preparing witnesses for court, examination and cross-examination of witnesses and presenting arguments respecting conviction and sentence.

More than 100 cases have been stayed in Alberta since December 2016 because of a lack of resources in the provincial prosecution service, according to the Alberta Crown Attorneys' Association. Moreover, there has been tremendous anecdotal evidence in rural communities that crown prosecutors are unable to carry out their duties due to a dearth of resources.

While the Government of Alberta has announced the hiring of 50 new crown prosecutors and 30 support staff to help mitigate against the current backlogs in the court system, it is imperative that rural communities are endowed with the resources necessary to address rural crime; increased staffing levels in the major cities will not be sufficient to address the challenges presented by rural crime in Alberta.

### **AAMDC Background**

The AAMDC has no active resolutions directly related to this issue.

Resolution 4-18S

**Support for Continuation of Grant Funding for Agricultural Initiatives Program**

Lac Ste. Anne County

*Simple Majority Required  
Endorsed by District 3 (Pembina River)*

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WHEREAS Alberta agricultural societies operate various facilities including rural community arenas/hockey rinks, curling rinks, ball diamonds, community halls, agricultural facilities, etc.; and

WHEREAS Alberta agricultural societies plan and deliver various community special events and activities; and

WHEREAS Alberta agricultural societies utilize provincial grant funding to finance facility operations, enhancements and community events; and

WHEREAS the Government of Alberta has notified a local agricultural society that the Agricultural Initiatives Program grant has been discontinued;

**THEREFORE, BE IT RESOLVED that the Alberta Association of Municipal Districts and Counties (AAMDC) advocate to the Government of Alberta to re-instate or replace the Agriculture Initiatives Program funding for local agricultural societies.**

**Member Background**

Little is known or has been communicated about the Agricultural Initiatives Program that has recently been discontinued. A local agricultural society has received written notice that the funding was cancelled, and further, no replacement grant program announced.

The ability for agricultural societies to provide much-needed community infrastructure has been hampered by the decision of the Government of Alberta, with no communication or engagement with the agricultural societies, or the rural municipalities that have these societies within their boundaries.

Letter from Alberta Agriculture and Forestry is attached.

**AAMDC Background**

The AAMDC has no active resolutions directly related to this issue.

## **Provincial Government Consultation and Communication Protocol with Municipalities**

County of Grande Prairie

*Simple Majority Required  
Endorsed by District 4 (Northern)*

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WHEREAS municipalities have a responsibility for the provision of good government, the provision of services, facilities, or other things that in the opinion of council, are necessary or desirable for the municipality and to develop and maintain safe and viable communities as per the *Municipal Government Act* RSA 2000 c. M-26; and

WHEREAS the municipal/provincial relationship is vital to ensure that such good government and services can effectively be provided; and

WHEREAS the challenges of effective consultation and communication between municipal and provincial government are evident and are impeding municipal government from effectively fulfilling its' duties and calls into question the province's commitment to working with municipal elected officials to their fullest capabilities; and

WHEREAS a municipality is a creature of the province with a limited amount of natural person powers given to it by the *Municipal Government Act*; and

WHEREAS the province is required by that same legislation to provide municipalities with clear and concise direction, which would require direct interaction;

**THEREFORE, BE IT RESOLVED that the Alberta Association of Municipal Districts and Counties appeal to the Government of Alberta to establish and maintain a uniform consultation and communication protocol with municipal elected officials which is applicable to all provincial bodies;**

**FURTHER BE IT RESOLVED that through this consultation and communication protocol, the Government of Alberta recognizes and acknowledges the legislated significance of municipal elected officials, and that the Government of Alberta engage municipalities openly and transparently to provide input and feedback on the consultation and communication protocol from inception through to implementation.**

### **Member Background**

Alberta municipal elected officials are concerned and challenged with the absence of direct communication and difficulty utilizing or having access to limited channels to arrange meetings with provincial elected officials. Examples of this are vast and province wide. For example, the County of Grande Prairie had requested a meeting with Minister Miranda, Minister of Culture and Tourism on August 22, 2017. Various emails have gone back and forth with the Minister's office but as of January 31, 2018 no meeting has yet been scheduled or explanation for delay provided.

In addition, due to the difficulties encountered to schedule appointments or converse with provincial elected officials, municipalities are not sufficiently consulted on various issues that directly affect the residents of Alberta under the direct care of locally elected officials.

Municipalities expected to participate in the implementation of provincial programs and/or initiatives are hampered with a lack of information or inconsistent information. Municipal elected officials cannot therefore make an educated and informed response. An example of this is the Intermunicipal Collaborative Framework legislation. Various questions surround the transportation component, which still have not been addressed, and municipalities have received conflicting direction from provincial staff on how to proceed and how transportation is defined. Specifically, does "transportation" mean just public transit or all transportation infrastructure and maintenance?

Municipalities are invited to comment on various topics at the same time as the public when it appears a plan is already in place or being developed. This process is not a consultation process but rather an exercise in informing the public and municipalities.



Provincial elected officials visiting municipalities or regions are not consistently informing municipalities of the visit. When the municipality learns about the visit after the provincial elected official has arrived, local elected officials lose the opportunity to share information and develop relationships with the provincial elected official. In late 2017, Alberta Health Minister Hoffman visited the Grande Prairie area and the County of Grande Prairie did not learn of the visit until after it had concluded and the Minister had left the region.

### **AAMDC Background**

The AAMDC has no active resolutions directly related to this issue.

## Wind Energy Regulations Required at Provincial Level

County of Paintearth

*Simple Majority Required  
Endorsed by District 2 (Central)*

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WHEREAS the recent increase in wind energy developments throughout Alberta has illuminated the need for a provincially standardized set of regulations for the land development concerns faced by rural municipalities and rural land owners; and

WHEREAS rural municipalities are and will continue to be the most impacted jurisdictions where these developments will occur; and

WHEREAS the lack of standard regulations has made landowners skeptical and distrusting of wind energy developers due to future requirements for remediation and reclamation of wind energy developments; and

WHEREAS rural municipalities are faced with a lack of consistency in regulations over the assessment, taxation, and legal ramifications of various wind energy development issues both current and future; and

WHEREAS the Alberta Energy Regulator (AER) has proven to be an effective approval and oversight regulatory agency for Alberta's oil and gas (energy) industry for decades and is supported by existing and competent staff, policies and recognition by both landowners and industry, with processes and responsibilities negating the need to create additional bureaucracy;

**THEREFORE, BE IT RESOLVED the Alberta Association of Municipal Districts and Counties (AAMDC) request the Government of Alberta to undertake the creation of a Renewable Energy Division within the AER to approve, regulate, and enforce the responsible development, reclamation, and assessment of renewable energy projects in the Province of Alberta;**

**FURTHER BE IT RESOLVED that renewable energy projects formally proceeding into the review and approval stage of the above-noted Renewable Energy Division are to be corporately approved and construction ready projects, not speculative or conditional in any way;**

**FURTHER BE IT RESOLVED that the AAMDC request the Government of Alberta to set up and enforce the collection of monetary funds towards the implementation of an Orphan Turbine Fund to oversee potential future reclamation of abandoned turbine sites.**

### Member Background

- 1) This Renewable Energy Division should be tasked with the following:
  - a) Receipt and review of proposed renewable energy projects taking into account any or additional requirements in the same manner of existing AER applications and regulations.
  - b) Approval and oversight/enforcement of regulations for renewables projects being developed.
  - c) Development of a proper assessment and taxation system for the leases and improvements.
  - d) Completion of amendments and updates as required to any other provincial legislation needing amendment such as the *Municipal Government Act* (MGA), etc.

The oil and gas industry in Alberta has evolved over decades to where many in the industry revere the AER as both an effective approving agency and watchdog to ensure Alberta maintains the highest level of environmental sustainability of oil and gas industry projects in the modern industrialized world. The placement of energy converting turbines delivering electricity to a substation could be looked upon as no different than oil producing pump-jacks pipelining oil to a battery or tank farm.

The current lack of regulations of large scale renewable wind energy collection systems in Alberta has led to a dysfunctional system where landowners, municipalities, and project developers are constantly faced with uncertainty in getting projects off the planning table and onto the ground for construction. Compounded by a lack of congruency between municipal jurisdictions where there could exist 30 different sets of land use regulations among 30 rural municipalities, it lends additional confusion to applications for joint border projects. Further complicating the matter are the hierarchical levels of authority as outlined in the MGA s. 619 whereby a provincial agency such as the Alberta Utilities Commission (AUC) may over rule an MD or county bylaw, or impose bylaws upon jurisdictions that

resist or decline such projects, and unfairly place the responsibility to oppose or challenge such projects at the local municipal or land owner level.

Also, landowners in Alberta have had generally positive relationships with the oil and gas industry personnel, including trained and certified land agents. There is an evident level of distrust and miscommunication with renewables agents crossing all over the province purporting surface wind lease rights for speculative projects. Conflicts are frequent between neighbours, developers and the rural municipalities. Expanding the AER existing standards for surface leases and processes for completion to renewable energy projects would be seamless and cost effective. However, land rights issues are a different matter as renewables are purely a surface rights project, to which land owners control.

2) Having the Renewable Energy Division hear “construction ready” proposals:

Currently the AUC is bogged down with many “speculative” proposals for wind and solar energy projects, not yet having received provincial funding approvals under the current government’s program for subsidy funding. This has meant HEAVY administrative review work done both at the AUC and at the municipal permitting levels for projects that may never see the light of day. One recent AUC hearing in Red Deer from November 21-23, 2017 for a project in the County of Paintearth may reach over \$100,000 in expenses bore by the taxpayers for a project with no provincial funding approval which may not even be constructed. As per the utility industry and provincial “need” there is a large difference between private oil and gas industry and projects approved moving forward. This needs to be taken into account for efficiency and accountability of expensing public funds only towards relevant reviews.

The AER would be able to work co-operatively with the AUC to the extent of seeing applications after they have cleared prior regulatory and funding approvals.

3) Renewable Energy Division tasks and areas of responsibility:

Having the AER assume responsibility for renewable energy project reviews approvals would also be relatively streamlined and lend more credibility to the process by all parties involved, namely municipalities, landowners, and project proponents. The existing approval process in the AER for oil and gas projects would lend itself well to the renewables industry in providing common and well-known construction and operating guidelines, as well as governing interactions with landowners and rural municipalities. All the same requirements that the AER have in place for oil and gas approvals shall apply such as:

- i) Landowner consultations, approvals and compensation factors
- ii) Notification of projects to affected neighbouring landowners and municipalities where projects are to be located
- iii) Development of any required amendments to the *Surface Rights Act*, as differentiating renewable energy developers’ rights to access lands from mineral rights developers’ rights to access lands
- iv) Retain the requirements for the Alberta Electric System Operator (AESO) and AUC approvals as to the evaluation of worthiness and provincial need of proposed projects
- v) Develop a standardized set of land use regulations that include:
  - setback distances from roads, residences, property lines, water bodies and other environmentally sensitive areas
  - land types to be used for projects on both private and Crown lands
  - currently existing environmental requirements for the AUC approval
  - concurrence with/approval from municipality on road use impacts
- vi) Requirement of an extensive public process allowing for input from developers, land owners, and municipalities, may be in conjunction with or part of an expanded AUC process
- vii) Municipalities may retain the right to opt out of allowing surface wind collection projects within their boundaries where:
  - new transmission facilities are required by the project which may significantly impact current land use and values
  - natural landscapes and farming practises are deemed incompatible
  - wind projects would pose significant interference with existing industries, agricultural operations, or residential densities and developments in the rural areas
- viii) Developers to have and maintain minimum standards and practises of emergency response plans in place for the life of the projects the same as currently licensed AER facilities

- ix) Other items and requirements of the AER process for oil and gas that are applicable and desirable to the renewables industry not identified above

Currently turbine lease and access road preparations are not covered by provincial environmental standards, leaving the responsibility to the municipalities and landowners to enforce proper soil stripping conservation practises. Having competent staff already in place for oil and gas applications and qualified contractors which regularly meet or exceed provincial standards will reduce conflict in many areas at an efficient cost to the taxpayers at both the local and provincial levels.

The regulations and processes already established by the AER in matters related to assessment, taxation, and reclamation are similarly desired by many parties in the renewables arena. Currently landowners, and to an extent municipalities, are exposed to costs in the event of default that is not relevant to much of the oil and gas industry. The legal relationship between land owners and lessees leave the landowners exposed under the current lack of regulations.

Reclamation would be a non-issue with the creation of an Orphan Turbine Fund in the same manner that the oil and gas industry operates under with participation in the Orphan Well Association, and would go a long way to easing landowners' fears that 20 years in future they could be tasked with unreclaimed concrete pedestals sticking out of their fields. Reclamation should follow a similar standard of AER site reclamation with requirements to one metre below surface. This would require a monetary contribution per turbine to be set aside into the fund upon construction to be used in the event of project failure or developer insolvency that allows for the AER or municipality to access and remediate abandoned sites.

Also, the existence of quasi-judicial agencies and tribunals such as the Surface Rights Board also lend assistance to the notion that this renewables industry would be best served within the purview of the AER. However, there needs to be clarification to the rights of both parties, as currently landowners can outright reject turbines as opposed to the mineral exploration developers' projects. Having an established body oversee disputes with clear ground rules in advance is highly desirable.

Having a set of provincial regulations that appear to be commonly well accepted within the oil and gas industry for years would lend credibility to the AER organization in having the same level of commonly accepted renewables regulations and go a long way in reducing conflict with neighbours, municipalities and rural communities.

### **AAMDC Background**

The AAMDC has no active resolution directly related to this issue.

## **Standards for Buildings Contaminated by Fentanyl and Carfentanil**

Sturgeon County

*Simple Majority Required  
Endorsed by District 3 (Pembina River)*

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WHEREAS fentanyl is a powerful synthetic opioid pain medication; and

WHEREAS carfentanil is a highly potent analogue of fentanyl; and

WHEREAS fentanyl and its analogues pose significant hazard, potentially fatal, to persons who come into contact with minuscule amounts via inhalation, ingestion or skin contact; and

WHEREAS there is rapid rise in illegal production and consumption of fentanyl and carfentanil; and

WHEREAS the products are often produced in buildings not designed for this activity, which increases risks of contamination and building damage; and

WHEREAS buildings that house fentanyl labs pose complex challenges for cleaning and remediation; and

WHEREAS municipalites are being asked to inspect and certify that fentanyl contaminated dwellings are safe for habitation; and

WHEREAS no standard is established to define or guide this certification;

**THEREFORE, BE IT RESOLVED that the Alberta Association of Municipal Districts and Counties request the Government of Alberta to establish defined standards and consistent regulated approaches for inspecting buildings contaminated by fentanyl or carfentanil.**

### **Member Background**

Sturgeon County remains committed to working with the Government of Alberta to maintain safe communities. The presence and exposure of drug labs has created some public safety concerns regarding several issues, including their presence in communities with children, remediation, and the danger of third-party exposure. Currently there is no clear jurisdiction, protocol or standards to determine that a remediated building is safe for employees, residents or human habitation. Since no standards exist, remediation efforts have been put on hold. As more drug labs are exposed, we believe this experience is or will likely become common amongst other counties and municipal districts across Alberta.

Therefore, the intent of this resolution is to advocate for the development of standards and consistent regulated approaches to ensure that properties contaminated by fentanyl, carfentanil, or other toxic substances are remediated and meet the requirements to be declared safe for entry and habitation.

### **AAMDC Background**

The AAMDC has no active resolutions directly related to this issue.

## **Amendments Required for Provincial Recycling Regulations**

Strathcona County

*Simple Majority Required  
Individual Resolution*

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WHEREAS in 2013, Alberta Environment and Parks completed an extensive consultation on the development of a new recycling regulation that would include the necessary regulatory amendments to existing programs to ensure long term sustainability; and

WHEREAS the result of the consultation was a proposed *Designated Materials Recycling Regulation* for decision makers' review that included several changes to Alberta's existing regulatory framework for recycling materials; and

WHEREAS the proposed changes were intended to:

- streamline Alberta's regulatory framework, while reducing solid waste;
- provide options to shift end-of-life management responsibilities from taxpayers to producers and consumers;
- consolidate Alberta's existing recycling regulations under one regulation – the *Designated Materials Recycling Regulation*;
- remove specified maximum environmental fees from regulation while still ensuring consumer protection from excessive fees;
- expand the electronics program to include small appliances, audio/visual equipment, telecommunications equipment and power tools; and
- expand the used oil materials recycling program to include automotive anti-freeze/coolant containers and diesel exhaust fluid containers;

**THEREFORE, BE IT RESOLVED that the Alberta Association of Municipal Districts and Counties (AAMDC) advocate to the Government of Alberta to make the changes outlined under the 2013 proposed *Designated Materials Recycling Regulation*.**

### **Member Background**

Alberta has a number of successful recycling stewardship programs, including the following:

- Beverage Container Recycling Program (1972)
- Hazardous Waste Legislation (1985)
- Tire Recycling Program (1994)
- Used Oil Materials Recycling program (1997)
- Electronics Recycling Program (2004)
- Paint and Paint Containers Recycling Program (2007)

Despite the success of these programs, Alberta has the highest per capita waste disposal rate of any province in Canada. In the past, the Government of Alberta had set a goal to reduce the provincial per capita waste disposal rate to 500 kg per person per year by 2010. This goal has not been achieved, nor has the Government of Alberta set new targets or programs to assist municipalities in achieving higher diversion rates from landfills. In 2014, the per capita disposal rate for Alberta was 981 kg per person (Stats Canada), with a provincial diversion rate of only 16%.

In 2013, the City of Red Deer put forward a resolution for regulatory changes. In 2014, the government response indicated that the Province was considering several changes and would engage municipalities when the Province determined its next steps. As of today, the Government of Alberta has yet to take any of the needed steps to resolve this issue.

This issue affects all municipalities in Alberta that provide collection points for materials covered under the province's programs.

With the exception of the beverage container recycling program, municipalities across Alberta are the collection point for these programs, and thus are the connection between the Province's regulations and Alberta residents.

Through the recycling fees that are collected at point of purchase for all of these materials, these programs were originally intended to fully fund collection, transportation and recycling. These fees are set in regulation, making it difficult for the stewardship organizations to adjust their programs based on economic fluctuations. As a result, municipalities are left to subsidize these programs in their local communities.

Some economic, environmental and social impacts include:

- municipalities subsidizing the paint program by about 40-60%;
- challenges for municipalities to secure reliable collection services for the tire program;
- areas of the province where oil collection has been discontinued leaving Albertans without an option for environmentally safe disposal; and
- the continued expectation from Albertans that their municipality will provide diversion services in their community despite difficult circumstances.

Expansion of the existing provincial recycling programs would also assist with waste diversion. For example, many municipalities are already recycling, at their own cost, additional electronic items (i.e. microwaves, power tools, entertainment equipment, etc.) and antifreeze containers that are not part of the province's current lists.

Provincial programs are being strained financially, adding extra stress on municipalities. It is the right time for the Province to make these regulatory amendments, which would represent an important first step in enhancing Alberta's waste reduction record.

### **AAMDC Background**

The AAMDC has no active resolutions directly related to this issue.

## **Exemption of Seniors Housing from Requirement to Pay Carbon Levy**

Beaver County

*Simple Majority Required  
Individual Resolution*

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WHEREAS the Government of Alberta (under the *Climate Leadership Implementation Act*, Bill 20/2016 [Chapter C-16.9]) has introduced a provincial carbon levy as of January 1, 2017 to reduce the carbon footprint and greenhouse gas emissions in Alberta; and

WHEREAS the Alberta Association of Municipal Districts and Counties (AAMDC) and its members support initiatives to reduce the carbon footprint and greenhouse gas emissions and want to be part of the solution; and

WHEREAS regulated housing providers that provide publicly supported housing, independent living, supportive living, designated supportive living and rent regulated accommodation are charged the carbon levy; and

WHEREAS housing management bodies (HMBs) provide housing services to thousands of Albertans and most AAMDC members are also members of an HMB (e.g. seniors' housing foundations); and

WHEREAS the carbon levy rebate goes to low and middle income individuals and families in regulated housing who do not pay the utility bills and have no ability to utilize the rebate to reduce the carbon footprint in a congregate setting, which is the intent of the levy; and

WHEREAS the Government of Alberta has introduced provincial carbon incentives to businesses and communities to physically reduce their energy consumption through energy efficiency initiatives; and

WHEREAS the provincial carbon incentives to businesses and communities do not begin to address the requirements needed to reduce the carbon footprint of the aging infrastructure in this housing segment; and

WHEREAS the regulated housing providers have no resources to change or enhance the current infrastructure, or to change the behavior of their residents, to make the necessary reductions that will sufficiently reduce greenhouse gas emissions; and

WHEREAS the carbon levy will increase operating and capital expenses for HMBs, impacting the quality of accommodation and accommodation services for Albertans residing in their buildings;

**THEREFORE, BE IT RESOLVED that the Alberta Association of Municipal Districts and Counties (AAMDC) urge the Government of Alberta to exempt housing management bodies from the provincial carbon levy;**

**FURTHER BE IT RESOLVED that the AAMDC advocate to Alberta Seniors and Housing for additional capital funds to be accessed by housing management bodies to install more efficient infrastructure and reduce greenhouse gas emissions in regulated housing facilities.**

### **Member Background**

Housing management bodies (HMB's) provide housing services to thousands of Albertans and most AAMDC members are also members of an HMB (e.g. seniors' housing foundations).

HMBs will face increased direct costs in utilities and fuel as well as indirect increases for food, equipment and supplies, and contracted services as a result of the levy. However, the ability of HMB's to recapture any portion of these increased costs is restricted by current government directive.

The self-contained apartment portfolio, which many HMBs manage on behalf of the Government of Alberta, has rigid regulations in place to accommodate the low income seniors who reside in these suites. The rent is fixed at 30% of the income on line 150 of the resident's Notice of Assessment. While electricity costs may be charged over and above the rental fee to a maximum of \$50 per month, no further fees for other utility costs are allowable.

The Government of Alberta also requires HMBs to recapture at least 80% of the building's electricity costs. Anticipated increases in electricity distribution fees may push some HMBs below the mandated recoverable



amount of 80%. Further, increases in natural gas will need to be absorbed without any means of recovery, as these costs are included in the rental fee.

Residents of these self-contained units, however, will be receiving carbon levy rebates as determined by their taxable income, which falls well below the \$47,500 income threshold for the carbon levy rebate. They are essentially receiving a rebate for costs they are not incurring. While we understand that the Government of Alberta is protecting vulnerable citizens through this legislated energy transition, our concern is that some of those funds are being directed to individuals who are not bearing the additional costs, rather than to the HMBs who are going to see the increases.

### **AAMDC Background**

#### 1:17S: Carbon Levy Exemption of Natural Gas and Propane for All Food Production Uses

THEREFORE, BE IT RESOLVED that the Alberta Association of Municipal Districts and Counties appeal to the Government of Alberta to provide carbon levy exemption certificates for the use of natural gas and propane for all food production uses.

DEVELOPMENTS: Though it is positive that the Government of Alberta has indicated in its response that multiple ministries and the Alberta Climate Change Office are exploring alternative solutions to address concerns regarding the carbon levy that have been identified by the AAMDC, there is no indication that exemption certificates will be issued as requested in this resolution. The AAMDC's Climate Change Advisory Committee recognized the benefit that Alberta's agricultural lands serves as a carbon sink, and supports the need for continued advocacy for an exemption from the carbon levy on natural gas and propane used for food production. Due to the lack of commitment by the Government of Alberta in moving this forward, this resolution has been assigned a status of **Intent Not Met**. The AAMDC will continue to work with the government and monitor any resulting developments related to this issue.

#### 2-16F: Exemption of Municipalities from Carbon Levy

THEREFORE, BE IT RESOLVED that the Alberta Association of Municipal Districts and Counties request the Government of Alberta to exempt all municipalities in Alberta from the carbon levy.

DEVELOPMENTS: The Government of Alberta response indicates that municipalities will not be provided an exemption from the carbon levy. Although the AAMDC appreciates the Government of Alberta's willingness to collaborate with municipalities to ensure that programs provided through Energy Efficiency Alberta and other bodies provide benefits to municipalities, there is still a concern that imposing the levy on municipalities will force an increase in municipal taxes and fees to maintain levels of service. The AAMDC's Climate Change Advisory Committee supported the need for a municipal exemption from the carbon levy, and as such, this resolution is assigned a status of **Intent Not Met**.

#### 6-16F: Carbon Levy Exemption on Natural Gas and Propane Used for Agricultural Operations

THEREFORE, BE IT RESOLVED that the Alberta Association of Municipal Districts and Counties request that the Government of Alberta amend the *Climate Leadership Implementation Act* to exempt farming operations from the carbon levy on natural gas and propane.

DEVELOPMENTS: The Government of Alberta response indicates that natural gas and propane used for agricultural purposes will not be exempted from carbon levy payments. The AAMDC appreciates the exemptions applied to marked gasoline and diesel for agricultural use, as well as other current and future tools implemented by the Government of Alberta to assist agriculture producers in balancing energy efficiency with operational viability. However, as the response does not indicate a willingness to meet the intent of the resolution, this resolution is assigned a status of **Intent Not Met**. The AAMDC's Climate Change Advisory Committee explored the impacts of the carbon levy on the agriculture industry and identified the need for continued advocacy for an exemption from the carbon levy on natural gas and propane used for food production. Advocacy on this issue will continue.

## Tenure Extension Requirements for Unconventional Development

MD of Greenview

*Simple Majority Required  
Endorsed by District 4 (Northern)*

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WHEREAS the *Mines and Minerals Act* and associated regulations are the authority for administration and regulatory procedure regarding tenure and tenure extension; and

WHEREAS the draft *Water Conservation Policy for Upstream Oil and Gas* is an update of the *Water Conservation and Allocation Policy for Oilfield Injection* (2006) and places a greater emphasis on the use of alternative water sources such as industrial or municipal wastewater and impaired quality ground water, and is extended to oil sands mining, conventional enhanced recovery, and hydraulic fracturing water use; and

WHEREAS the Alberta Energy Regulator initiated a multi-stakeholder panel in the Area-Based Regulation Pilot Project in the M.D of Greenview, which examined the draft *Water Conservation Policy for Upstream Oil and Gas* and presented 23 consensus recommendations for improving the use of alternate sources of water and supporting the implementation of the policy; and

WHEREAS the draft *Caribou Range Plan* requires industry to engage in integrated land management to reduce the environmental impacts and fragmentation of landscape through regional access plans, multi-use corridors, and phased restoration to in the protection of caribou and restoration of caribou habitat; and

WHEREAS the federal *Species at Risk Act* will require similar actions to protect and restore other threatened and endangered species across the province; and

WHEREAS the current tenure process encourages the fracturing of the landscape and reduces orderly development of energy resources as industry is focused on planning activities around maintaining tenure; and

WHEREAS industry and municipalities support actions to reduce ecological footprint and environmental impacts, and seek to protect endangered species in Alberta through compliance with provincial and federal legislation and regulation, while maintaining and enhancing economic prosperity;

**THEREFORE, BE IT RESOLVED that the Alberta Association of Municipal Districts and Counties AAMDC requests the Government of Alberta review and examine tenure extension requirements for unconventional resource development, removing the need for industry to plan activities around securing tenure, and thereby allowing more orderly development and reduced impact on the environment.**

### Member Background

#### Tenure

Tenure systems enable companies to explore for, and develop Alberta's resources, such as petroleum and natural gas. Alberta's Crown petroleum and natural gas rights are issued in the form of licenses or leases through a competitive bid system. The tenure ends when an agreement holder can no longer prove it is capable of producing resources in paying quantities, is lost through rental or royalty payment default, or by voluntary surrender.

When tenure holders wish to extend their tenure, they are required to engage in a process called "holding the land." With conventional resources, wells are required to demonstrate reasonable reserves in the area where an extension is sought. This process was developed to prevent companies from holding and not developing their leases.

When applied to unconventional resource development, such as hydraulic fracturing or horizontal drilling, the target for tenure extension is a well-defined geological formation, such as the Duvernay or Montney. Companies are required to drill wells away from current development in order to hold the lease to land where it is already known that the resource exists creating isolated patches of development. Therefore, the current tenure extension process does not allow for orderly development creating non-optimal disturbance on the landscape and adds significant costs to operators. The additional drilling, roads,

pipelines and infrastructure required to extend tenure increases industry's overall footprint and further fragments the landscape.

### Issue

The discussion about tenure extension emerged as a supplementary issue in the Area-Based Regulation (ARB) Pilot Project in the M.D of Greenview. The ARB approach was initiated by the Alberta Energy Regulator to make geographically-specific rules and practices that consider the unique environment, energy resources, and communities of targeted areas in collaboration with the people that live, work and recreate in those locations. The pilot project involved a multi-stakeholder panel which developed recommendations specific to water use by the energy sector within the M.D of Greenview. The panel involved representatives from municipalities, environmental organizations, industry, and Indigenous and Metis groups. The panel presented 23 recommendations aimed at improving the use of alternative sources of water and supporting implementation of the draft *Water Conservation Policy for Upstream Oil and Gas*.

During the panel, there was discussion of the current energy tenure system. The current effects of the requirements for extending tenure holdings was seen by panel members to hamper the ability to implement the draft *Water Conservation Policy for Upstream Oil and Gas*. This issue was outside the panel's scope as defined in their terms of reference, but the panel felt that altering tenure extension requirements would help achieve environmental and economic outcomes across the province.

The Government of Alberta is in the process of receiving feedback on the draft *Caribou Range Plan*, which will be followed by a number of plans under the federal *Species at Risk Act* for the protection of threatened or endangered species across the province. These plans have a number of significant potential impacts on municipalities and industry throughout Alberta. In its current form, the range plan would require industry to engage in integrated land management, including best practices to reduce their ecological footprint through regional access plans, multi-use corridors, and phased restoration. Alterations to tenure extension will allow industry to comply with changes to regulations and reduce their environmental footprint, reduce costs to operators, and maintain industry prosperity.

### Recommendation

Changes to tenure extension requirements would reduce the need for industry to plan activities around maintaining tenure. Particularly, but not limited to, unconventional development, these changes would allow for more orderly development, reducing environmental impacts and fragmenting of the landscape. These changes are required as soon as possible as there are a number of tenure expirations occurring in 2019 and 2020.

There are a number of benefits to changing tenure extension requirements. There is potential for acceleration of provincial revenue streams as production from wells would be in focused development areas, rather than if wells were drilled to secure tenure away from the existing development. More orderly development would allow for improved water management, especially reduced impacts on aquatic ecosystems through improved water recycle and reuse planning. It also allows for reduced land fragmentation through focused development. Changes to tenure extension would also encourage operators to increase the use of alternative water resources in unconventional resources development.

### **AAMDC Background**

The AAMDC has no active resolutions directly related to this issue.

## Recycling of Solar Panels

MD of Foothills

*Simple Majority Required  
Endorsed by District 1 (Foothills-Little Bow)*

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WHEREAS the Government of Alberta has deemed it to be in the best interests of its citizens to create recycling programs for items such as tires, plastic containers, electronics, etc. and

WHEREAS solar panels are now reaching a point where replacement is required; and

WHEREAS the materials and elements used in the construction of solar panels can be hazardous or could be recycled but at a significant cost;

**THEREFORE, BE IT RESOLVED that the Alberta Association of Municipal Districts and Counties request that the Government of Alberta expand existing recycling programs to include solar panels (photovoltaic modules).**

### **Member Background**

It appears that the State of Washington is taking the lead regarding the issue and has passed the *Solar Incentives Job Bill* (ESSB 5939) of which Section 12 states the following:

*The legislature finds that a convenient, safe, and environmentally sound system for the recycling of photovoltaic modules, minimization of hazardous waste, and recovery of commercially valuable materials must be established. The legislature further finds that the responsibility for this system must be shared among all stakeholders, with manufacturers financing the take back and recycling system.*

The industry in Alberta is nowhere near as mature as the one in Washington, but it would be prudent to create a program early on and not when significant costs would have to be borne by the taxpayer.

### **AAMDC Background**

7-15F: Agriculture Plastics Recycling

THEREFORE, BE IT RESOLVED the Alberta Association of Municipal Districts and Counties request that Alberta Environment and Parks develop a recycling program to provide for the collection and recycling of agricultural plastics in Alberta.

DEVELOPMENTS: The AAMDC believes that a coordinated, province-wide approach to end of life management for agriculture plastics is the most effective means of limiting the amount of agriculture plastics that end up in landfills. Currently, some rural municipalities have provided recycling options for this material, but due to its large size and limited recycling options, these programs are beyond the capacity of most municipalities.

The AAMDC has been collaborating with other municipal associations, AAMDC members, and with the Recycling Council of Alberta to explore options used in other provinces and will continue to identify opportunities for advocacy alignment. In recent months, the AAMDC has made progress with Alberta Environment and Parks and Alberta Agriculture and Forestry in emphasizing the need for an agriculture plastics program and anticipates that discussions will continue moving in a positive direction. Until a coordinated recycling program is developed, this resolution is assigned a status of **Intent Not Met**. The AAMDC will continue to work with other stakeholders and advocate for the formation of a program to enable the recycling of agriculture plastics.

## **Victim Services Units Funding**

Northern Sunrise County

*Simple Majority Required  
Endorsed by District 4 (Northern)*

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WHEREAS the Report of the Auditor General of Alberta, dated February 2016, provides information regarding the lack of a plan to appropriately and productively use the growing accumulated surplus of the Victims of Crime Fund to best meet the needs of Albertans as intended by the *Victims of Crime Act* and;

WHEREAS provincial victim services units are established to provide support programs for individuals who have suffered as a result of violent crimes; and

WHEREAS victim services units must request additional funding from the rural municipalities in their borders to subsidize the amount received from the Government of Alberta; and

WHEREAS volunteers, while widely used and appreciated, are not able to provide the level and scope of service that victims need at all times of the day or night;

**THEREFORE, BE IT RESOLVED that the Alberta Association of Municipal Districts and Counties lobby the Government of Alberta to use the monies from the Victims of Crime Fund to adequately fund provincial victim services units so they can provide the staffing levels required to assist victims of crime.**

### **Member Background**

Victims services units annually request funding from municipalities to subsidize the inadequate funding they have received from the Government of Alberta. The funding received does not adequately supply the services that are needed in Northern Sunrise County, as well as other rural municipalities. Municipal funding is provided out of necessity, as the municipalities do not want to see the services lost to the region.

See following excerpts from the Report of the Auditor General of Alberta / February 2016

Justice and Solicitor General – Victims of Crime Fund – Systems to Manage Sustainability and Assess Results

#### **SUMMARY**

Victims of crime come from all walks of life and socio-economic groups. Crime victims are not only from vulnerable populations, they live in every neighbourhood and can be any age, gender or ethnicity. The Victims of Crime Fund (VOCF) provides funding for financial benefits paid to eligible victims of violent crime for physical and/or emotional injuries suffered. It also provides grant funding primarily to police based Victim Services Units (VSUs) and specialized community-based assistance programs, to deliver programs that benefit victims during their involvement with the criminal justice process, as legislated under the *Victims of Crime Act*.

#### **OVERALL CONCLUSION**

The department and VOCF program have adequate systems and processes to manage the day-to-day administration of the fund. However, the department is not completing the necessary strategic planning, analysis and reporting to establish desired results, and the resources necessary to achieve those results.

There is also no plan how to appropriately and productively use the fund's growing accumulated surplus to best meet the needs of Albertans as intended by the Act. The government's and department's current budget process treats the fund like any other generally funded program even though it is self-financing and has its own independent funding source. Business and budgeting practices are potentially restricting operating decisions intended to better serve victims of crime.

#### **WHAT WE FOUND**

The department has not completed the necessary analysis and forecasting of the financial resources required to achieve the desired results set out in the *Victims of Crime Act*. The department cannot presently answer the question: Are the resources currently available adequate

and being used appropriately to deliver the desired result of accessible, appropriate and timely services to victims in accordance with the legislation?

The fund is growing at a rate faster than payments to victims are being made. The government's and department 's current budget process, which is applied to the fund, is not designed to assess or consider its unique funding source, the changing needs of victims or increased fine surcharge revenue inflows. Because of this disconnect, and with revenue trending higher, the fund's accumulated surplus continues to grow and these excess funds are sitting unused, without the department having a clear plan for intended future use. Underlying this is the lack of an achievable, budgeted and approved plan to guide the priorities and direction of the fund.

VOCF program management has drafted planning documents to set the priorities and guide the direction of the fund. The documents outline how the program can become more accessible, appropriate and timely, and be more responsive to victims' needs. Additional funding would be required to fully implement these objectives. However, the program does not have the ability to access the surplus funds to maintain and expand services to victims without approval from the department.

### **WHAT NEEDS TO BE DONE**

The department needs to develop a plan that:

- clearly identifies what the actual current needs of the victim of crime population are and are

forecasted to be

- identifies gaps in service
- shows how much funding will be required to meet these needs and what the impact on Albertans will

be if it is not made available

- can be monitored and measured for success, with the results publicly reported

The department also needs to determine an appropriate and productive use of the VOCF's accumulated surplus, which is supported by a proper financial analysis, as a necessary starting point to facilitate discussion with the Department of Treasury Board and Finance to show the impact current budgetary and business policies have on potential uses of the fund's surplus and victims of crime.

### **WHY THIS IS IMPORTANT TO ALBERTANS**

The *Victims of Crime Act* creates the VOCF to provide financial benefits and fund support programs for individuals who have suffered as a result of violent crime. Victims of domestic violence, families of homicide victims, children who have been sexually abused and the elderly who have been physically harmed, are among the Albertans who receive benefits from the fund and support as their cases proceed through the judicial process. If the fund is not managed appropriately, there is a risk that victims of crime will not receive the assistance and financial benefits to which they are entitled under the law. Also, programs for victims of crime that are run by police-based VSUs and community organizations may not receive sufficient grant funding to deliver on the intent set out in the *Victims of Crime Act*.

### **FINDINGS AND RECOMMENDATIONS**

Having a current strategy for the fund is important because demographics, population trends and demands on the fund can change, and they have changed over the 13 years since the crime consultation report was issued. For example, the fund provides grant funding to a number of police-based VSUs that are located across the province. When the original report was produced in 2002, there were only a few VSUs operating within several police jurisdictions, but as of 2014-2015 the number of VSUs receiving funding grew to 76.

#### **Recommendation 6: Determine Best Use of Victims of Crime Fund Accumulated Surplus**

We recommend that the Department of Justice and Solicitor General, supported by sufficient analysis, determine an appropriate use of the Victims of Crime Fund accumulated surplus.

Criteria: the standards for our audit

Funding should be available to provide financial benefits and services to eligible victims of crime. There should be processes to:

- ensure that sufficient funding is available to meet anticipated long-term obligations (Crimes Compensation Board and Severe Injury liability)
- assess the level of net assets that should be maintained for sustaining the fund
- determine if a reserve fund should be retained and, if so, of what magnitude

## **USE OF FUND**

### **SECTION 10**

The minister may, in accordance with this Act and the regulations, make payments from the fund

(a) for grants relating to programs that benefit victims of crime;

(a.01) without limiting the generality of clause (a), for grants relating to programs that provide counselling to children who are victims of sexual exploitation or other criminal offences causing physical or mental harm;

(a.1) for programs that benefit victims of crime;

(b) for costs incurred by the Committee and the Review Board in carrying out their duties under

this Act;

(c) for remuneration and expenses payable to the members of the Committee and the Review

Board;

(d) for financial benefits payable pursuant to sections 13, 15 and 19(2);

(d.1) for death benefits payable pursuant to section 13.01;

(e) to pay the costs of administering this Act.

RSA 2000 cV-3 s10;2001 c15 s5;2006 c23 s81;

2011 c15 s9; 2013 cC-12.5 s22

## **AAMDC Background**

The AAMDC has no active resolutions directly related to this issue.