

# The Express

Local Government Administration Association

## president's message

leagh randle

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I know a number LGAA's members are recovering from this fall's election and now is a great time to remind everyone that the LGAA executive and membership is just an email away. If your council is moving your municipality in a new direction and you have questions regarding processes, sample bylaws or if you need advice from industry professionals, please forward the request to Stacy Byer, Communications Coordinator at communications@lgaa.ab.ca for distribution.

#### 2008 LGAA Conference & Tradeshow

The conference brochure is now available online at [www.lgaa.ab.ca](http://www.lgaa.ab.ca). This year's program looks very interesting and we hope that the membership will again support the association for another record attendance. This year we anticipate having at least two Ministers attend and participate.

#### LGAA Zone Meetings

I have managed to participate in two Zone meetings in October, which were very well attended. The common issues continue to be on sustainability and capital financing. We have been fortunate that Municipal affairs and Housing as well as Transportation and Infrastructure continue to attend our Zone

meetings and present the information that we need on funding as we go forward with our new Councils.

At the last Zone 6 meeting, Alberta Infrastructure and Transportation provided a municipal grants presentation for attending delegates. The presentation is also available online at [www.lgaa.ab.ca](http://www.lgaa.ab.ca).

#### Promotion of LGAA and Joint Projects

The board proudly continues to work with AUMA, AAMD&C and other associations on joint projects and marketing of municipal government. At the 2007 AUMA Conference & Tradeshow, we unveiled some of the initiatives that have taken place as a result of our collaboration with other stakeholder groups. The session was well received and we were encouraged by the membership to enhance our voice in the municipal arena by representing municipal administration staff from across the province.

In closing - I wish everyone a safe and happy holiday season.

### gentle reminder....

Your LGAA membership is due! If you haven't done so already, please fill out and fax back a completed membership confirmation/application form that was recently mailed to you. The form is also available online at:

[http://www.lgaa.ab.ca/documents/Member\\_Application\\_Form.pdf](http://www.lgaa.ab.ca/documents/Member_Application_Form.pdf)

Also, we encourage you to get your conference registration in as soon as possible.

<http://www.lgaa.ab.ca/events/conferencebrochure2008webversion.pdf>

Call 1-800-662-7197 to book your hotel room!

# provincial and municipal scene

## Minister's Awards Recognize Excellence in Municipal Government

The Minister's Awards for Municipal Excellence are presented at the annual fall conventions of the Alberta Association of Municipal Districts and Counties and at the Alberta Urban Municipalities Association. A panel of elected officials and municipal administrators reviewed nominations that were submitted via the Municipal Excellence Network, a partnership between Alberta's municipalities, municipal associations and Municipal Affairs and Housing. The Municipal Excellence Network is available online at [www.menet.ab.ca](http://www.menet.ab.ca)

"Municipalities are on the leading edge of co-operation, and it is important we recognize the great work in providing outstanding service to Albertans," said Municipal Affairs and Housing Minister Ray Danyluk. "I congratulate all award recipients and thank all those who submitted nominations for sharing their successes and creative ideas."

Recognizing municipal ingenuity is part of Premier Ed Stelmach's plan to secure Alberta's future by building communities, greening our growth and creating opportunity.

### 2007 Minister's Awards for Municipal Excellence

Outstanding Achievement - Winner: Towns of Banff and Canmore - Community Busing Program

The Towns of Banff and Canmore in partnership with the Canadian Rockies Public Schools created a transportation system between the two communities for low-income residents. The system takes advantage of the excess capacity of the school buses travelling between the two communities.

Innovation - Winner: City of Calgary - Warm Mix Asphalt Technology

Warm Mix Asphalt Technology (WMA) enables asphaltic concrete to be produced and placed at lower temperatures, thereby reducing CO2 emissions and fossil fuel consumption.

Honourable Mention: Town of Sexsmith, County of Grande Prairie and City of Grande Prairie - Formation and Operation of Aquatera Utility Corporation - A regional municipal for-profit corporation formed to provide regional utility services and optimize value to customers, the environment and shareholders. This is the first corporation of its kind in Alberta where the regional utilities are owned by a county, town and city.

Partnership - Winners: Parkland County, Town of Stony Plain and City of Spruce Grove - Tri-Municipal Drug Unit

These municipalities have partnered with local RCMP to create a Drug Unit, a new co-operative initiative designed to combat the problem of illicit drugs within the tri-municipal region west of Edmonton.

Honourable Mention: City of Calgary in partnership with Calgary Region Home Builders Association - 'Building Expectations' which represents a holistic approach to construction quality improvement and addresses an array of significant issues associated with the planning and development of buildings.

Smaller Municipalities - Winner: Town of Athabasca - Municipal Heritage Management Plan to protect and manage Athabasca's historic places.

Honourable Mention: Town of Black Diamond - Slaying the Dragon is an annual conference to bring more public awareness, education, resources and information on drugs to the community as a whole.



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# provincial and municipal scene

## Impact of the Heated Economy and Unprecedented Growth in Alberta

darwin dumie

In order to readily gauge the impact of our current boom I believe it necessary to take a quick look at our past.

My Aunt Janet passed away a few years ago with 94 years of wisdom. In some of my visits with her over the years I would lament about a challenge or problem and she would quickly remind me of her Scottish Grama Jesse's Proven Problem Profiler. Grama Jesse would loudly alert all within earshot in the thickest accent only another Scot could comprehend "Come quick, gather around – Janet has a problem! Everyone throw your biggest problem in the middle. You each can then take a new problem, but I'm sure you'll each take your own back."

That goes back about 4 generations in Alberta's History and isn't too far out of step with the start of the Province in 1905 and the trip west by the Mounties to settle the territory in 1873. There's been a lot of challenges over that period of time for individuals and our Alberta. From the coal boom of the teens and twenties, the dust bowl and depression of the thirties, the war years, the spectacular boom of the 50's in both economy and population. The boom and bust of the 70s and 80's to the economic reforms of the 90s on now to the huge boom of economic prosperity unrivaled in Alberta's past. Both the good and the bad Albertans seem to take on by applying a bit of humour and a lot of perspective.

These last few years since Alberta's second turn of the century in 2000, have seen floods, forest fires, and the dreaded Mad Cow, try to trample the economy – but our southern neighbours unquenchable thirst for energy has allowed us to mow down most of our problems with dollars. To put things in perspective however we're still faced with a few problems– how big should the Heritage Savings Trust fund be, should we really have to pay education tax on our property, is there benefit to lowering taxes when you're already the lowest rate in the country, and what about all this water running off to other provinces in our rivers, shouldn't we keep more of it?

Of great interest to watch is the current scrap over the billions of dollars doled out by the province to municipal governments – both rural and urban. The rurals want to diversify while the going is good, the urbans are growing their footprint bigger and bigger, the urbans population is far out growing the rurals, yet the rurals want to remind everyone where the oil, gas, cows, wheat and water come from.

I wonder where we'd be as a Province with Grama Jesses Proven Problem Profiler. Let's say we threw our troubles in with our other 9 Canadian Provinces. How about them plus the 50 states, How about adding in the 60 or so commonwealth countries of the world ranging from Kenya to the Aussies?

I'd guess we'll take back our own troubles – but maybe only on a Province wide basis.

There are some real folks having real challenges in these times. Some are homeless, some are getting tossed from their homes due to lofty rent increases. Others yet are living pay cheque to pay cheque to keep feeding the mortgage on the homes that are increasing in value at 20 -50 % a year and more. Beef and grain prices aren't quite back to levels that made farms sustainable and a lot of the rural folks hold down full time jobs in addition to farming in order to make ends meet.

The severely handicapped and many seniors struggle daily and have to choose between food, shelter or medicine to pay the monthly bills.

As a province we've asked the world to send us workers to make up the shortfall in the labour force, those folks are now showing up with there families, much like

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## Impact of the Heated Economy and Unprecedented Growth in Alberta Cont'd

they did after each of the world wars and each time our economy was booming in the past. The names are different now – instead of Simenson, Pierce, Huculak, Hofer, Schulz, Soboleski and Van Doesburg its now Yang, Shahid, Ng, Zagar, Fayed and Klotz. And while they all have accents, few are as thick as Gramma Jesse's Scottish brogue. They are educated and hopeful, enthusiastic and on guard, and are becoming Albertans – applying humour to fend off a slur, and putting in perspective where they came from as to where they are now.

In the Public Works field there are some challenges too. How to integrate the new staff, their customs and culture, How do you forecast capital and operations budgets, Where to find staff qualified to Alberta's high Standards for Water, Wastewater, Land Fills, Technology, Trades, Engineering and the like. How to educate municipal Councils on budgeting for contingencies and inflation. How to move fast enough to provide infrastructure in cadence with the developers and the resulting population boom.

The common thread to the challenges faced in Public Works as a result of the unprecedented growth in my mind is people and communication.

The first steps towards solving the challenges will be through people and communication. First we have to attract people, and then we have to communicate our collective knowledge and individual expertise so they can help us do what we can't seem to find the time to keep up with. This is somewhat new and scary for the boomers – we've been in charge of the sand box so long we all haven't really learned how to play nice with others. Some are also sounding like our parents – we've always done it this way – we tried that back in the '80's and so on.

In a recent conversation with a large pipe manufacturer they can't attract people to operate the warehousing facility since the Operations staff can't afford the housing. They go out on a limb and get the wages up – only to see the employee get a bigger offer down the street. The warehouse has always been in the City where the boomers live, so it isn't likely or in the cards right now to move it to a rural area where the housing is cheaper but the transportation network is great.

Recently a General contractor advised that the price of reinforced concrete is very high due to the fact that the few rod busters in the industry, seem to be able to call there own tune when it comes time to pay the piper. In areas outside Calgary or Edmonton the problems are even higher as the contractors claim the tradesmen like to be in the big City and home with the kids at night. Maybe other construction methods need be employed that do not tax the trades as heavily and can be built elsewhere and hauled in. Maybe from Saskatchewan and Manitoba.

Engineering firms are finding an ever widening gulf between the experienced hands who have been around since the 70 and 80 and those who just in the past few years entered the workforce. A poor economy in the late 80 and early 90s sent a lot of mind power into other fields instead of engineering and now we have to catch up. Importing some talent will help but we still must mentor and train them on the job in the same manner we were.

Retention of employees through creating a great place to work is not as easy as it sounds. But it will go a long ways to making that first experience at work in Alberta a great one. Continuing education is a must for our workforce, staff demand it as does the changes in workplace technology we are applying to become more efficient.

By and large the problems we have of escalating prices, shortages of workers and a fast paced atmosphere are not exactly the worst problems to have. Most would agree that Alberta in its present state is not for the faint of heart and the work life balance might be out of kilter a bit. If we look back at our past however we can be pretty certain that there is a way through our problems and that if given the chance – most of us would welcome our problems compared to the neighbours.

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Darwin Durnie is the President of the Alberta Public Works Association and is the Commissioner of Certification for the American Public Works Association. He works as a Senior Associate and is the Managing Leader of Environmental Infrastructure for Stantec Consulting Ltd in Red Deer, Alberta. He has worked in the Alberta Industry since 1981 on the Consulting Engineering and Municipal Government side. He has managed large scale Capital Projects in the 30 -65 million range, managed emergency responses to floods and other emergencies and was the Site Manager for the blue zone in the 2002 G8 Summit in Kananaskis for the government of Canada. He can be reached via email at [dkdurnie@telus.net](mailto:dkdurnie@telus.net)

## Province to create a 10-year plan to end homelessness

The province is undertaking an ambitious 10-year plan to co-ordinate initiatives that address homelessness in Alberta through the development of an Alberta Secretariat for Action on Homelessness. The initiative will be led by the Honourable Yvonne Fritz, Associate Minister of Affordable Housing and Urban Development.

"We recognize the many diverse challenges ahead in addressing the issues around homelessness," said Premier Ed Stelmach. "I have every confidence that through the leadership of Associate Minister Fritz, the Secretariat for Action on Homelessness will be very successful in completing its work. This is an ambitious goal, but one that I believe we must pursue to help those most in need."

The new Alberta Secretariat for Action on Homelessness will have a mandate to develop a provincial strategy to end homelessness. The Secretariat will work closely with municipalities throughout the province to co-ordinate and support them in the development of their regional homeless strategies, utilizing the best practices of programs that have worked.

"I look forward to working closely with Alberta's communities, service groups and agencies in addressing this critical issue," said Fritz. "Homelessness in our province requires a renewed determination to tackle this important issue based on concrete solutions."

The Secretariat will include representation from throughout the province and is expected to be in place by April 2008. Over the next several months, a governance and accountability structure, terms of reference including membership, and budget will be developed.


In response to the Alberta Affordable Housing Task Force report, the province committed more than \$285 million in new funding this year to address immediate housing pressures. The Alberta government's affordable housing strategy will lead to the development of more than 11,000 units over the next five years.

Addressing affordable housing and homelessness is part of Premier Ed Stelmach's plan to secure Alberta's future by building communities, greening our growth and creating opportunity.

Further details regarding the new Alberta Secretariat for Action on Homelessness will be available in the weeks ahead on the Municipal Affairs and Housing website at [www.municipalaffairs.gov.ab.ca](http://www.municipalaffairs.gov.ab.ca).

### MEMBER QUESTIONS AND JOB POSTINGS ARE SENT EVERY FRIDAY

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# Freedom of Information and Protection of Privacy Act and Municipal Councils

provided by Brownlee LLP

With the fall elections completed, municipalities should explain and remind their members of council of the implications of the Freedom of Information and Protection of Privacy Act, RSA 2000, c. F-25 (FOIPP Act), on their roles as officers of the local public body. These implications affect not only how administration may disseminate information to council members, but also how council members should conduct themselves.

## Custody and Control

The starting point for any request for information under the FOIPP Act is that an applicant has a right to access all or any part of a record in the custody or control of the public body. A public body can only refuse to disclose a record if the FOIPP Act contains a specific exception that may be applicable. That decision to disclose or refuse to disclose a record is left to the "head of the public body" and may be appealed to the Office of the Information and Privacy Commissioner.

Records that are in the custody or control of a local public body generally include any information obtain, produced and used by the local public body, its officers and employees. As such, this includes any record dealing with the business of the municipality, even information that may be stored and filed at a councilor's outside office or home. It should be noted that even handwritten notes of a councilor taken during a council meeting, committee meeting or public meeting may be subject to disclosure. Only personal and constituency records of a council member are excluded from the FOIPP Act, which is intended to include private correspondence not related to their council role, election campaign information and matters related to the private business or employment of a council member.

## Access to Information

Information provided to council by administration should generally be on as necessary basis. As officers of the local public body, they are under the same obligations and restrictions as administration in regards to access, use and disclosure of municipal records. As such, council members must be conscious of what information that they are provided is confidential or in camera. Such information must remain confidential or in camera as members of council have both

statutory and common law obligations do so and to not use such information for their personal advantage. It is only the head of the public body that has the authority to release certain information, such as personal information.

In addition, council members do not have the special privilege of having open access to all municipal records. Access to information for matters outside an individual's role as councilor is no greater than any other member of the public. Council members should aware that they are only privy to information provided to it by administration to perform their duties as officers.

## In Camera Meetings

Under the Municipal Government Act, all meetings of council or committees are to be held in public unless specifically stated otherwise. One exception to this rule is if a matter may fall under an exception to disclosure under the FOIPP Act. This may include information that is, for example, of a solicitor-client privilege such as legal advice, employment matters as they relate to personal information, complaints of bylaw breaches, personal information and draft bylaws, resolutions or other policies. When such information becomes before council, it is advised that council follow proper procedure and go into an in camera session for discussion.

The FOIPP Act also impacts what information may be provided to council members in agenda packages and how that information is to be handled by individual council members. Information provided in agenda packages that are to be confidential or discussed in camera should be clearly labeled or even kept separately to ensure such records are handled appropriately and inadvertently released or disclosed to the public.

## Concluding Comments

In summary, the FOIPP Act has major implications on the work and conduct of both administration and council. Given the above, it is important that council members are aware of how the Act impacts their roles as officers of the municipality and that municipalities periodically review their record handling processes to ensure proper protections and protocol are in place for dealing with information in its custody of or under its control.

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Lorne Randa is an associate with Brownlee LLP, with a practice in general municipal law, privacy/FOIPP law, municipal corporate law and bylaw preparation.

For further information regarding the impact of the FOIPP Act on municipalities or with assistance on any privacy policy or information request, please do not hesitate to use Brownlee LLP Municipal Helpline service (1-800-661-9069 (Edmonton) or 1-877-232-8303 (Calgary)) or to directly contact a member of our Municipal Team for advice.

**Landmark initiative gives municipalities 10 years of stable funding  
Province provides flexibility for municipalities to target spending in future years**

After consultation with municipalities, Premier Ed Stelmach is announcing the funding formula for the Municipal Sustainability Initiative (MSI). This historic 10-year funding arrangement will provide municipalities with more flexibility on how to spend their MSI funds in subsequent years and fulfills the Premier's commitment to all Alberta municipalities to address growth pressures.

"This is historic," said Stelmach. "Never before have Alberta's municipalities been able to bank on such a substantial package of sustainable funding."

"This arrangement gives municipalities flexibility to target MSI funding towards their specific high-priority projects while ensuring accountability to taxpayers," said Ray Danyluk, Minister of Municipal Affairs and Housing. "The 10-year funding will help municipalities achieve a predictable and sustainable revenue source for the future."

The funding formula is a hybrid of population, education property tax requisitions, and kilometres of road. It also includes base funding for all municipalities.

This initiative ensures the continued need for municipal accountability and recognizes that if provincial revenues fall, the MSI may have to be adjusted.

The MSI program fulfills the Premier's commitment to provide municipalities with new funding of \$400 million for this year, \$500 million in 2008-09, \$600 million in 2009-10 and ramping up to \$1.4 billion annually in 2010-11. The total funding over the 10-year period is estimated to be \$11.3 billion.

This initiative is one of the actions under Premier Stelmach's plan to manage growth pressures. Other priorities for the government are to govern with integrity and transparency, improve Albertans' quality of life, build a stronger Alberta, and provide safe and secure communities.



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