



BYLAW NO.03.20

*BEING A BYLAW OF YELLOWHEAD COUNTY,
IN THE PROVINCE OF ALBERTA,
FOR THE PURPOSE OF ADOPTING AN INTERMUNICIPAL COLLABORATION
FRAMEWORK BETWEEN THE BRAZEAU COUNTYSON AND YELLOWHEAD COUNTY*

WHEREAS, the Municipal Government Act, RSA 2000, Chapter M-26 authorizes Council to work collaboratively with neighbouring municipalities to ensure the efficient provision of municipal services for all residents; AND

WHEREAS, Brazeau County and Yellowhead County have worked collaboratively on the preparation of an intermunicipal collaboration framework between both municipalities; AND

WHEREAS, the Council of Yellowhead County deems it desirable and appropriate to adopt the Brazeau County and Yellowhead County Intermunicipal Collaboration Framework.

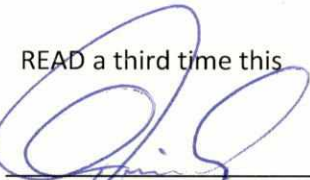
NOW THEREFORE, the Council for Yellowhead County, duly assembled, hereby enacts as follows:

- 1) That "Intermunicipal Collaboration Framework Between Brazeau County and Yellowhead County", attached and forming part of Bylaw 03.20, is hereby adopted.
- 2) That Bylaw 03.20 shall come into force and effect upon third reading by Council and shall remain in force until repealed or amended.
- 3) That Bylaw 18.19 is hereby rescinded.

READ a first time this 14 Day of January A.D., 2020.

READ a second time this 14 Day of January A.D., 2020.

READ a third time this 14 Day of January A.D., 2020.



Mayor, Jim Eglinski



Chief Administrative Officer, Jack Ramme

Intermunicipal Collaboration Framework
between
Yellowhead County
and
Brazeau County

Yellowhead County Bylaw:03.20

Brazeau County Bylaw: 1038-19

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WHEREAS, Yellowhead County and the Brazeau County share a common border; and

WHEREAS, Yellowhead County and the Brazeau County share common interests and are desirous of working together to provide services to their ratepayers; and

WHEREAS, the *Municipal Government Act* stipulates that municipalities that have a common boundary must create a framework with each other that identifies the services provided by each municipality and the funding arrangements for these services.

NOW THEREFORE, by mutual covenant of the parties hereto it is agreed as follows:

1. Definitions

1. In this Agreement

- a. "Committee" means Intermunicipal Collaboration Committee as defined in Section 3 of this Agreement.
- b. "In Scope Services" means services that both parties may consider for joint cost sharing or management and are identified in Section 3 of this Agreement.
- c. "Service Agreement" means a legally binding agreement such as a Contract, Agreement or Memorandum of Understanding that is signed by both parties.
- d. "Capital Costs" means new facilities, expansions to existing facilities and intensification of use of existing facilities.
- e. "Out of Scope" means services that both parties have agreed will not form part of this Agreement and are defined in Section 3 of this Agreement.
- f. "Party" means Brazeau County and Yellowhead County.
- g. "Year" means the calendar year beginning on January 1st and ending on December 31st.

2. Term and Review

1. In accordance with the *Municipal Government Act*, this is a permanent Agreement and shall come into force on the passing of bylaws by both Counties.

2. This Agreement may be amended by mutual consent of both parties unless specified otherwise in this Agreement. Amended copies of this Agreement shall come into force on the passing of bylaws by both Counties.
3. Amended versions to this Agreement shall supersede and replace all previous versions of this Agreement.
4. It is agreed that Yellowhead County and Brazeau County shall meet at least once every four years, or upon request by either party, commencing no earlier than ninety (90) calendar days and no later than one-hundred and eighty (180) calendar days after a municipal election to review the terms and conditions of the agreement.

3. Intermunicipal Cooperation

1. Yellowhead County and Brazeau County agree to create a recommending body known as the Intermunicipal Collaboration Committee (hereinafter referred to as the Committee).
2. The Committee will meet on an as required basis and will develop recommendations to the Councils on all matters of strategic direction and cooperation affecting County residents, except matters where other current operating structures and mechanisms are operating successfully. "In scope services" to be considered in this agreement for potential future joint-cost sharing or management include:
 - a. Agriculture matters;
 - b. Emergency and emergency aid;
 - c. Fire service mutual aid agreements;
 - d. Intermunicipal and regional transportation issues including Transportation and Utility Corridors, truck and natural resource haul routes;
 - e. Long-term growth plans including the municipal development plans, applicable area structure plans and other strategic studies;
 - f. Joint economic development initiatives related to agri-related businesses renewable resources, and tourism;

- g. Opportunities to coordinate water, wastewater and lagoons rates and usage;
 - h. Opportunities to coordinate engineering design standards;
 - i. Policing and bylaw enforcement matters;
 - j. Rural broadband delivery in both Counties;
 - k. The referral and circulation of major land use, subdivision and development proposals in either municipality which may impact the other municipality.
3. Where the Committee desires a joint cost sharing or management agreement on any of the items identified as in scope services, a service agreement shall be required to be developed on that specific item.
4. Out of scope topics to this agreement overland drainage, animal control, and municipal administration. The Committee shall consist of four members, being two Councillors from each County.
5. The Chief Administrative Officers will be advisory staff to the Committee and responsible to develop agendas and recommendations on all matters. Chief Administrative Officers will be responsible for forwarding all recommendations from the Committee to their respective Councils.
6. Parties will give thirty (30) calendar days of a notice for a meeting. Meeting requests will be directed to the Chief Administrative Officer for the respective municipality.

4. Municipal Services

4.A Understanding of Services provided by each municipality to residents

1. Yellowhead County and Brazeau County have agreed that the best and most efficient way to provide services to residents is to continue providing services through the various arrangements that each County currently has with their respective neighbours.
2. Yellowhead County and Brazeau County have agreed that each County will provide the following services for their residents independently:

a. Yellowhead County

- i. Agricultural Services
- ii. Animal Control
- iii. Assessment Services
- iv. Bylaw Enforcement
- v. Campgrounds
- vi. Cemeteries
- vii. Communications
- viii. Community Peace Officers
- ix. Cultural Services
- x. Emergency Services
- xi. Information Technology
- xii. Municipal Administration
- xiii. Planning and Development Services
- xiv. Policing Services
- xv. Purchasing and Procurement
- xvi. Recreation
- xvii. Rural Road Maintenance
- xviii. Transportation
- xix. Water/Waste Water
- xx. Solid Waste

b. Brazeau County

- i. Agricultural Services
- ii. Animal Control
- iii. Assessment Services
- iv. Bylaw Enforcement
- v. Cemeteries
- vi. Economic Development and Tourism
- vii. Emergency Response Services
- viii. Emergency preparedness education
- ix. Emergency Management
- x. Information Technology
- xi. Municipal Administration

- xii. Policing Services
- xiii. Public Communications
- xiv. Recreation
- xv. Rural road maintenance
- xvi. Transportation management and maintenance
- xvii. Water and Wastewater
- xviii. Solid Waste

4.B Existing service agreements between both municipalities

1. The Counties have worked collaboratively in the past with the following agreements in place to serve residents of both counties:
 - a. Mutual Aid Agreement
 - Yellowhead County and Brazeau County have an agreement in place for peacetime disaster mutual aid provision (see Appendix Two).

5. Collaboration Process

1. In the event that either County initiates the development of a new project and/or service that may require a new cost-sharing agreement, the initiating County's Chief Administrative Officer will notify the other County's Chief Administrative Officer.
2. Once either municipality has received written notice of a new project, an Intermunicipal Committee meeting must be held within 30 calendar days of the date the written notice was received, unless both Chief Administrative Officers agree otherwise.
3. The Intermunicipal Committee will be the forum used to address and develop future mutual aid agreements and/or cost sharing agreements. In the event that the Intermunicipal Committee is unable to reach an agreement, the dispute shall be dealt with through the procedure outlined within Section 7 of this document.
4. Future projects or initiatives to explore by the Committee are included in Appendix One of this Agreement. This list may be updated from time to time as agreed to by the Intermunicipal Committee.

5. Collaboration between Yellowhead County and Brazeau County to capitalize on legacy and past practices information sharing.

6. Indemnity

1. Yellowhead County shall indemnify and hold Brazeau County, its employees and agents from any and all claims, actions and costs whatsoever that may arise directly or indirectly out of any act or omission of Yellowhead County, its employees or agents in the performance of this Agreement.
2. Brazeau County shall indemnify and hold harmless Yellowhead County, its employees and agents from any and all claims, actions and costs whatsoever that may arise directly or indirectly out of any act or omission of Brazeau County, its employees or agents in the performance of this Agreement.

7. Dispute Resolution

1. Brazeau County and Yellowhead County commit to resolving any disputes in a non-adversarial, informal and cost-efficient manner.
2. Both Counties shall make all reasonable efforts to resolve all disputes by negotiation and agree to provide, without prejudice, open and timely disclosure of relevant facts, information and documents to facilitate negotiations
3. Any dispute arising out of the implementation of this Agreement will firstly be addressed by the administrations of both Brazeau County and Yellowhead County. Where a dispute cannot be resolved to the satisfaction of both parties after thirty (30) calendar days, the dispute will be referred to the Chief Administrative Officers of both Counties.
4. Where a dispute cannot be resolved to the satisfaction of both Chief Administrative Officers after thirty (30) calendar days, the dispute will be referred to the Intermunicipal Collaboration Committee.
5. Where a dispute cannot be resolved to the satisfaction of the Intermunicipal Collaboration Committee after thirty (30) calendar days, the dispute will be referred to the Mayor and Council of both Counties.

6. Where a dispute cannot be resolved to the satisfaction of the Mayor and Council of both Counties, Yellowhead County and Brazeau County will seek the assistance of a mediator acceptable to both parties. The costs of mediation shall be shared equally between the Counties.
7. In the event that a dispute cannot be resolved through steps outlined above, the dispute may be referred to a single arbitrator mutually acceptable to both parties. Failing mutual agreement, either party may apply to a Judge of the Court of Queen's Bench of Alberta to appoint an arbitrator whose decision shall be final and binding upon both parties.
8. The costs of arbitration shall be shared equally between the Counties.

7.A Intermunicipal Development Plan Not Required

1. It is recognized that, pursuant to Appendix Three attached to this agreement, the two municipalities have been exempted from the provisions of Sections 631(1) and 708.3(1) of the Municipal Government Act, Chapter M-26, RSA 2000 as amended. Section 631(1) requires municipalities that share common boundaries to adopt an Intermunicipal Development Plan (hereinafter referred to as "IDP") to include those areas of land lying within the boundaries of the municipalities as they consider necessary; Section 708.3(1) stipulates that an Intermunicipal Collaboration Framework is not complete unless the Councils of the municipalities involved have also adopted an IDP. The Minister recognized the limited number of privately owned parcels along the length of the boundary between Brazeau County and Yellowhead County. In addition, the Minister took into consideration the zoning of the parcels and potential impacts that may occur on those lands in the future, and has therefore exempted Brazeau County and Yellowhead County from the requirement to adopt an Intermunicipal Development Plan.

8. Correspondence

1. Written notice under this Agreement shall be addressed as follows:

a. In the case of Yellowhead County to:

Yellowhead County
c/o Chief Administrative Officer
2716 1st Avenue
Edson, AB T7E 1N9

b. In the case of the Brazeau County to:

Brazeau County
c/o Chief Administrative Officer
Box 77, 7401 Twp. Rd 494
Drayton Valley, AB T7A 1R1

9. Authorizations

Signed and dated on:

Jack Ramme, CAO, Yellowhead County

Jocelyn Whaley, CAO, Brazeau County

Date

Date

Appendix One: Potential areas for future joint projects and initiatives

1. Alignment of tower coverage for communications and IT services
2. Hemp Cooperative
3. Organics Facility
4. Emergency Social Services Mutual Aid
5. Bylaw Enforcement (Mutual Aid / Services Agreement)
6. Regional Economic Development

Appendix Two: Existing Agreements

1. Mutual Aid Agreement – Fire Services

**Appendix Three: Ministerial Order exemption from Intermunicipal
Development Plan**



ALBERTA
MUNICIPAL AFFAIRS

*Office of the Minister
MLA, Leduc-Beaumont*

AR95927

FEB 11 2019

RECEIVED FEB 19 2019

His Worship Gerald Soroka
Mayor
Yellowhead County
2716 - 1 Avenue
Edson AB T7E 1N9

Dear Mayor Soroka:

Thank you for the letter of November 16, 2018 from Jack Ramme, Chief Administrative Officer, regarding an Intermunicipal Development Plan (IDP) exemption.

I am pleased to attach Ministerial Order No. MSL:012/19 granting a special exemption for Yellowhead County and Brazeau County based on the rationale provided.

Please note this exemption is specific to your municipality and should not be considered a change in policy or precedent setting. This Ministerial Order is valid at signing.

For further information regarding IDPs, please contact Michael Kahn, Planning Advisor, toll-free at 310-0000, then 780-644-1575, or by email at Michael.Kahn@gov.ab.ca.

Thank you again for writing.

Sincerely,

Hon. Shaye Anderson
Minister of Municipal Affairs

Attachment: Ministerial Order No. MSL:012/19

cc: Reeve Bart Guyon, Brazeau County
Jack Ramme, Chief Administrative Officer, Yellowhead County
Jocelyn Whaley, Chief Administrative Officer, Brazeau County
Michael Kahn, Planning Advisor, Municipal Affairs



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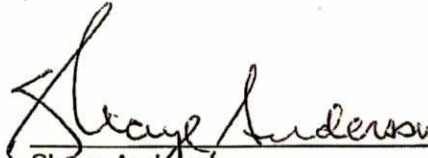
*Office of the Minister
MLA, Leduc-Beaumont*

MINISTERIAL ORDER NO. MSL:012/19

I, Shaye Anderson, Minister of Municipal Affairs, pursuant to Section 631(1.1) of the *Municipal Government Act (MGA)*, make the following order:

1. Yellowhead County and Brazeau County are exempt from completing an Intermunicipal Development Plan (IDP), as required under Section 631(1) of the *MGA*, for the lands lying along the common boundaries of Yellowhead County and Brazeau County.
2. The exemption takes effect when this Order is signed.

Dated at Edmonton, Alberta, this 11th day of February, 2019.



Shaye Anderson
Minister of Municipal Affairs