

Agenda

REGULAR MEDICINE HAT CITY COUNCIL
City Hall – Council Chambers
Monday, May 06, 2024
3:45 PM – Closed Session
6:30 PM – Public Meeting

1. **CLOSED SESSION**

Subject to the [Freedom of Information and Protection of Privacy Act](#)

Items Discussed

- Integrity Commissioner Presentation (s.24 advice from officials, s.27 privileged information)
- Land Matter (s.16 third party business interests, s.24 advice from officials, s.25 disclosure harmful to economic and other interests of a public body)
- Water Utility Update (s.24 advice from officials)
- Legal Matter (s.24 advice from officials, s.27 privileged information)
- City Manager Performance Appraisal Process and Schedule (s.19 confidential evaluations)

2. **CALL TO ORDER**

3. **LAND ACKNOWLEDGEMENT**

The City of Medicine Hat acknowledges that we live and work on treaty territory. The City pays respect to all Indigenous Peoples and honours their past, present and future. We recognize and respect their cultural heritages and relationships to the land.

4. **MOMENT OF REFLECTION / PRAYER**

5. **ADOPTION OF PREVIOUS COUNCIL MEETING MINUTES**

5.1. Regular Council Meeting Minutes - April 22, 2024

6. **ADOPTION OF THE AGENDA**

7. **COUNCIL ANNOUNCEMENTS**

8. **CONSENT AGENDA**

Receive for Corporate Record

- 8.1. Public Services Committee Meeting Minutes - April 15, 2024
- 8.2. Development and Infrastructure Committee Meeting Minutes - April 18, 2024
- 8.3. Energy, Land & Environment Committee Meeting Minutes – April 18, 2024
- 8.4. Council Committee of the Whole Meeting Minutes - April 23, 2024



Medicine Hat

Receive for Information

- 8.5. Community Vibrancy Advisory Board Minutes - February 28, 2024
- 8.6. Public Services Outstanding Items - April 15, 2024
- 8.7. Development and Infrastructure Outstanding Items - April 18, 2024
- 8.8. Energy, Land & Environment Outstanding Items – April 18, 2024

9. PUBLIC HEARING(S)

- 9.1. Bylaw 4799 to Amend the Tax Incentive Bylaw
Sponsor: City Manager

- 9.1.1 Call to Order

- 9.1.2 Introduction by Administration

- Selena McLean-Moore, Director of Economic Development

- 9.1.3 Presentations / Submissions

- Advertised in the Medicine Hat News on Saturday, April 20, 2024 and Saturday, April 27, 2024

- 9.1.4 Close Public Hearing

- 9.1.5 Business Arising from the Hearing
Bylaw 4799 for Second and Third Readings

RECOMMENDATION THAT Council considers second and third reading of Bylaw 4799 to amend the Tax Incentive Bylaw.

10. UNFINISHED BUSINESS

- 10.1. Bylaw 4735 to Amend the Unsightly Property Bylaw
Sponsor: Development and Infrastructure
First Reading: April 22, 2024

RECOMMENDATION THAT Council considers second and third reading of Bylaw 4735 to amend the Unsightly Property Bylaw.

- 10.2. Revised Respectful Workplace Policy 8047, Rescind Original Respectful Workplace Policy 8023, Rescind Workplace Violence and Prevention Policy 8040
Sponsor: City Manager

Karla Kochan, Director of People Services, will provide an introduction.

RECOMMENDATION THAT Council

- rescinds Respectful Workplace Policy 8023;
 - rescinds Workplace Violence and Prevention Policy 8040; and
 - approves Respectful Workplace Policy 8047, as presented.

- 10.3. Information Request
Sponsor: Mayor Clark

11. NEW BUSINESS

- 11.1 800 Block of 2nd Street SE – Letter of Interest
Sponsor: Energy, Land and Environment

RECOMMENDATION THAT Council authorizes Administration:

- to enter into a Real Estate Purchase Contract for the sale of the property described as the 800 Block of 2nd Street SE with a certain developer for a purchase price of \$570,000 on terms and conditions satisfactory to the City Solicitor and City Manager, and
- if this transaction fails to close, to list the property on the open market at the identified fair market value.

12. COMMITTEE BUSINESS

- 12.1. 2024 Water Conservation Incentive Program
Sponsor: Development and Infrastructure

Jaret Dickie, Manager of Municipal Services Business Support and Gareth Chudleigh, Corporate Strategic Analyst, will provide a presentation.

RECOMMENDATION THAT Council approve Administration's amendment of the Hat Smart program to incorporate water conservation efforts beginning in 2024 and one-time funding of \$150K to support water conservation initiatives to reduce community water use in 2024.

13. NOTICE(S) OF MOTION

14. COUNCIL MEMBER REPORTS

15. ADJOURNMENT

NEXT CITY COUNCIL MEETING: May 21, 2024

**MINUTES OF THE REGULAR MEDICINE HAT
CITY COUNCIL MEETING
HELD ON MONDAY, APRIL 22, 2024 AT 6:30 PM
IN CITY HALL COUNCIL CHAMBERS**

PRESENT: Deputy Mayor A. McGrogan, Chair
Cllr. R. Dumanowski
Cllr. C. Hider
Cllr. D. Hirsch
Cllr. A. Knodel
Cllr. R. Robins
Cllr. S. Sharps
Cllr. A. Van Dyke

ALSO PRESENT: A. Mitchell, City Manager
B. Stauth, Managing Director of Public Services
D. Egert, Managing Director of Corporate Services
K. Redden, Managing Director of Development and Infrastructure
R. Pancoast, Managing Director of Energy, Land and Environment
B. Bullock, City Solicitor
L. Haney, Solicitor (*remote attendance*)
L. Randle, City Clerk
R. Korven, Legislative Services Specialist

NOT PRESENT: Cllr. R. Dumanowski

1. CLOSED SESSION

Councillor S. Sharps - Councillor A. Knodel moved that City Council close the meeting to the public at 3:45 p.m. to discuss items pursuant to the [Freedom of Information and Protection of Privacy Act](#) and that Council reconvene for the public meeting at 6:30 p.m. in Council Chambers.

Items Discussed

- Facility Naming Rights (s.16 economic interests of a third party, s.24 advice from officials) - *business arising added to the Open agenda*
- Request from Administration (s.24 advice from officials) - *received for information*

The closed session concluded at 5:32 p.m.

For: 8; Against: 0; Absent: 1
Voting Against: (None)

Carried

2. CALL TO ORDER

The Chair called the meeting to order at 6:30 p.m.

3. **LAND ACKNOWLEDGEMENT**

The Chair provided the land acknowledgement.

4. **MOMENT OF REFLECTION / PRAYER**

Observed.

5. **ADOPTION OF PREVIOUS COUNCIL MEETING MINUTES**

(5.1.) **Regular Council Meeting Minutes - April 8, 2024**

Councillor S. Sharps - Councillor A. Knodel moved that Council adopt the minutes of the minutes of the Regular Council Meeting of April 8, 2024.

Mayor Clark requested that the minutes be amended to reflect her objection to the original wording within item 11.2, Rotating Council Chair/Representative for Future Meetings, which had characterized the Mayor as being "unable" to perform certain duties but was subsequently amended to "not authorized" for the permanent record based on the objection.

Following discussion, the vote occurred to adopt the minutes, as amended.

For: 8; Against: 0; Absent: 1
Voting Against: (None)

Carried

6. **ADOPTION OF THE AGENDA**

Seeing no objection, two items were added to the agenda under New Business:

- 11.3 Naming Rights
- 11.4 Council Statement

Councillor S. Sharps - Councillor A. Knodel moved that Council adopt the agenda for the April 22, 2024 meeting, as amended.

For: 8; Against: 0; Absent: 1
Voting Against: (None)

Carried

7. **COUNCIL ANNOUNCEMENTS**

There were no announcements.

8. **CONSENT AGENDA**

Councillor Van Dyke requested specific discussion related to item 8.4, 2023 Supply Chain Annual Report, as noted below.

Councillor Hirsch specifically discussed item 8.5, Government Finance Officers Association Awards, as noted below.

Received for Corporate Record

- (8.1.) Corporate Services Committee Meeting Minutes - March 28, 2024
- (8.2.) Audit Committee Meeting Minutes - April 3, 2024
- (8.3.) Corporate Services Committee Meeting Minutes - April 11, 2024

Received for Information

(8.4.) **2023 Supply Chain Annual Report**

Councillor Van Dyke inquired as to whether consideration has been given to incorporating a social procurement program into supply chain policies and procedures, similar to the municipalities of Calgary, Edmonton, Wood Buffalo and Grande Prairie, clarifying that social procurement is when municipalities makes strategic purchases to contribute to social equity, economic resilience, social and economic reconciliation with indigenous people, and growing a green economy.

Council heard that the City does not currently have a specific social procurement program and that the current policies and procedures are designed to ensure consistency and fairness in procurement practices.

(8.5.) **2022 Government Finance Officers Association Awards**

Councillor Hirsch commended staff for the City once again been recognized as a recipient of the Government Finance Officers Association Triple Crown award for receiving three awards: the Canadian Award for Financial Reporting and the Award for Outstanding Achievement in Popular Annual Financial Reporting for the year ending 2022, and the Distinguished Budget Presentation Award for the two-year budget beginning January 1, 2023.

- (8.6.) 2023 Capital and Major Operating Expense Over Expended/Under Expended/Cancelled as at December 31, 2023
- (8.7.) Capital Projects and Major Operating Expense (MOE) Carry Forwards as at December 31, 2023
- (8.8.) Tri-annual Management Report for the Period Ending December 31, 2023
- (8.9.) Police Commission Meeting Minutes - February 21, 2024
- (8.10.) Municipal Planning Commission Meeting Minutes - April 3, 2024
- (8.11.) Development Permits Approved February 12 - March 24, 2024
- (8.12.) Corporate Services Committee Outstanding Items - March 28, 2024
- (8.13.) Audit Committee Outstanding Items- April 3, 2024
- (8.14.) Corporate Services Committee Outstanding Items - April 11, 2024

9. **DELEGATION(S)**

(9.1.) **Medicine Hat Police Service - 2024 Downtown Strategy**

Chief Murphy, Inspector Secondiak and Sergeant Bohrn of the Medicine Hat Police Service presented the 2024 Downtown Strategy, including a summary of the current downtown challenges as well as the actions underway to address concerns with safety such as advising businesses on crime prevention through

environmental design (CPTED). The presenters also advised Council that the downtown is safe place to be and introduced the PEACE team. The Pro-Active Engagement and Community Enhancement Team consists of representatives from Alberta Health Services, Police and Crisis Team, Medicine Hat Fire Services, Community Housing, City of Medicine Hat Parks and Recreation Department and the Miywasin Center who will work collectively to identify temporary encampments and provide services to individuals in need.

10. **UNFINISHED BUSINESS**

(10.1.) **Information Request**

Councillor R. Robins - Councillor A. Knodel moved that Council adjourn this item to a future meeting of Council to provide Council members adequate time to review the material supplied by Mayor Clark prior to the meeting.

For: 7; Against: 1; Absent: 1
Voting Against: Mayor L. Clark

Carried

(10.2.) **Bylaw 4735 to Amend the Unsightly Property Bylaw**
Second Reading Anticipated: May 6, 2024

Councillor S. Sharps - Councillor A. Van Dyke moved that Council give first reading to Bylaw 4735 to amend the Unsightly Property Bylaw.

For: 8; Against: 0; Absent: 1
Voting Against: (None)

Carried

11. **NEW BUSINESS**

(11.1.) **New Proposed Whistleblower Policy 8046**

Director of People Services, Karla Kochan, provided an introduction and discussed the change management plan.

Councillor S. Sharps - Councillor A. Knodel moved that Council rescinds Whistleblower Policy 8041 in its entirety and approves Whistleblower Policy 8046, as presented.

While the above motion was pending, the matter was referred to administration detailed below.

Council raised questions related to specifics of the reporting structure outlined in the draft policy and the roles of the responsible adjudicator and the responsible investigator. Discussion occurred regarding the importance of anonymous reporting including the need for a third-party reporting system and the potential for synergies with the prior Council request for an integrity commissioner related to the Code of Conduct Bylaw.

Following discussion, Mayor L. Clark - Councillor A. Knodel moved that Council refer Whistleblower Policy 8046 back to administration to be amended to reflect Council's will for an independent investigator and independent adjudicator, as well as consideration of including the City's Fraud Policy 8042, by the end of June 2024.

For: 6; Against: 2; Absent: 1

Voting Against: Cllr. C. Hider, Cllr. S. Sharps

Carried

(11.2.) Revised Respectful Workplace Policy 8047, Rescind Original Respectful Workplace Policy 8023, Rescind Workplace Violence and Prevention Policy 8040

Councillor C. Hider - Councillor A. Knodel moved that Council rescind Respectful Workplace Policy 8023 and Workplace Violence and Prevention Policy 8040 and approves the new Respectful Workplace Policy 8047 as presented.

While the above motion was pending, the matter was referred to the Administrative Committee as detailed below.

Director of People Services, Karla Kochan, provided an introduction, indicating that the proposed policy has been created in response to a directive from Alberta Occupational Health and Safety.

Discussion occurred related to:

- ensuring that third-party consultants and contractors abide by the policy;
- the investigative processes outlined in Table 1 and ensuring appropriateness (e.g. City Solicitor reports to City Manager, but as Table 1 is currently drafted, the City Solicitor would appoint the external investigator if the City Manager is the respondent);
- the role of Council as an appeal body and whether it should be an external investigator instead considering the duties that would be required;
- ensuring that Council is the approver for duties/roles assigned to Council within the document; and
- the accuracy of the headers within the document.

Following discussion, Councillor R. Robins - Councillor S. Sharps moved that Council refer the proposed Respectful Workplace Policy 8047 to the Administrative Committee for amendments and to return to Council on May 6, 2024.

For: 8; Against: 0; Absent: 1

Voting Against: (None)

Carried

(11.3.) Facility Naming Rights

Councillor R. Robins - Councillor D. Hirsch moved that the naming of the Curling Club Facility be approved as presented at the April 22, 2024 closed meeting of Council, subject to the City and the Curling Club agreeing to any additional amendments to the current lease agreement as deemed necessary by the City Manager in consultation with the City Solicitor.

For: 8; Against: 0; Absent: 1
Voting Against: (None)

Carried

(11.4.) Council Statement

Councillor R. Robins - Councillor S. Sharps moved that Council direct City administration to plan a video and statement for immediate distribution to the community. This video should involve all of Council to emphasize the importance of civility and respect as core values of the city. We deeply respect City staff and their mental health and physical safety and we, as elected officials, have not been able to ensure they have a safe workplace due to the abuse endured in social media and other forms of communication. These are not the values of the City of Medicine Hat and are negatively affecting the ability to recruit and retain talented people.

For: 8; Against: 0; Absent: 1
Voting Against: (None)

Carried

12. COMMITTEE BUSINESS

(12.1.) Bylaw 4813 to amend the Land Use Bylaw to Rezone 512, 517, 625 and 650 13th Street SE to Business Industrial District

Councillor S. Sharps - Councillor D. Hirsch moved that Council give first reading to Bylaw 4813, a bylaw of the City of Medicine Hat to amend the Land Use Bylaw to Rezone 512, 517, 625 and 650 13th Street SE to Business Industrial District.

For: 8; Against: 0; Absent: 1
Voting Against: (None)

Carried

(12.2.) Bylaw 4818 to amend the Land Use Bylaw to Rezone 640 Clay Avenue SE to Business Industrial District

Councillor S. Sharps - Councillor D. Hirsch moved that Council give first reading to Bylaw 4818, a bylaw of the City of Medicine Hat to amend the Land Use Bylaw to Rezone 640 Clay Avenue SE to Business Industrial District.

For: 8; Against: 0; Absent: 1
Voting Against: (None)

Carried

At 8:40 p.m., seeing no objections, Chair McGrogan declared a 10-minute recess.

(12.3.) 2024 Property Tax Bylaw

Councillor C. Hider - Councillor A. Knodel moved that Council approve the revised Education, Cypress View Foundation and Designated Industrial Property requisitions in the 2024 Municipal Services Operating Budget as presented.

For: 8; Against: 0; Absent: 1
Voting Against: (None)

Carried

Councillor C. Hider - Councillor A. Knodel moved that Council give first reading to Bylaw 4816, the 2024 Property Tax Bylaw.

For: 8; Against: 0; Absent: 1
Voting Against: (None)

Carried

Councillor C. Hider - Councillor A. Knodel moved that Council give second reading to Bylaw 4816.

For: 8; Against: 0; Absent: 1
Voting Against: (None)

Carried

Councillor C. Hider - Councillor A. Knodel moved that Council unanimously consent to have third reading of Bylaw 4816 at this meeting.

For: 8; Against: 0; Absent: 1
Voting Against: (None)

Carried

Councillor C. Hider - Councillor A. Knodel moved that Council give third and final reading to Bylaw 4816, the 2024 Property Tax Bylaw.

For: 8; Against: 0; Absent: 1
Voting Against: (None)

Carried

Councillor C. Hider - Councillor A. Knodel moved that Council give first reading to Bylaw 4817, the Student Dormitory Taxation Bylaw.

For: 8; Against: 0; Absent: 1
Voting Against: (None)

Carried

Councillor C. Hider - Councillor A. Knodel moved that Council give second reading to Bylaw 4817.

For: 8; Against: 0; Absent: 1
Voting Against: (None)

Carried

Councillor C. Hider - Councillor A. Knodel moved that Council unanimously consent to have third reading of Bylaw 4817 at this meeting.

For: 8; Against: 0; Absent: 1
Voting Against: (None)

Carried

Councillor C. Hider - Councillor A. Knodel moved that Council give third and final reading to Bylaw 4817, the Student Dormitory Taxation Bylaw.

For: 8; Against: 0; Absent: 1
Voting Against: (None)

Carried

(12.4.) 2024 Supplementary Property Tax Bylaw

Councillor C. Hider - Councillor A. Knodel moved that Council give first reading to Bylaw 4819, the 2024 Supplementary Property Tax Bylaw.

For: 8; Against: 0; Absent: 1
Voting Against: (None)

Carried

Councillor C. Hider - Councillor A. Knodel moved that Council give second reading to Bylaw 4819.

For: 8; Against: 0; Absent: 1
Voting Against: (None)

Carried

Councillor C. Hider - Councillor A. Knodel moved that Council unanimously consent to have third reading of Bylaw 4819 at this meeting.

For: 8; Against: 0; Absent: 1
Voting Against: (None)

Carried

Councillor C. Hider - Councillor A. Knodel moved that Council give third and final reading to Bylaw 4819, the 2024 Supplementary Property Tax Bylaw.

For: 8; Against: 0; Absent: 1
Voting Against: (None)

Carried

(12.5.) 2023 City of Medicine Hat Financial Statements

Councillor D. Hirsch - Councillor S. Sharps moved that Council approve the 2023 City of Medicine Hat Financial Statements.

For: 8; Against: 0; Absent: 1
Voting Against: (None)

Carried

(12.6.) Reappointment of Auditors for 2024

Councillor D. Hirsch - Councillor S. Sharps moved that Council approve the reappointment of MNP LLP for the City of Medicine Hat Annual Audit Engagement for the 2024 Financial Statements.

For: 8; Against: 0; Absent: 1

Voting Against: (None)

Carried

**(12.7.) Corporate Asset Management Policy
Sponsor: Corporate Services Committee**

Councillor C. Hider - Councillor A. Knodel moved that Council rescind Development and Infrastructure Water, Sewer, Storm and Transportation Aging Infrastructure Policy 0154 and approves Corporate Asset Management Policy 0181 as presented.

For: 8; Against: 0; Absent: 1

Voting Against: (None)

Carried

13. NOTICE(S) OF MOTION

There were no notices of motion.

14. COUNCIL MEMBER REPORTS

There were no reports.

15. ADJOURNMENT

The meeting adjourned at 9:29 p.m.

Adopted by City Council on May 6, 2024.

MAYOR LINNSIE CLARK
CHAIR

LARRY RANDLE
CITY CLERK

Public Services Committee

MEETING MINUTES

Monday, April 15, 2024

City Hall, Boardroom 2-1

3:45 P.M.

PRESENT: Councillor R. Robins, Chair
Councillor R. Dumanowski, Vice-Chair *(attended remotely)*

ALSO PRESENT: D. Egert, Acting City Manager
J. Will, Acting Managing Director of Public Services
A. Nelson, Acting Director of Community Development
C. Eakins, Fire Chief and Director of Fire & Emergency Services *(attended remotely)*
B. Bullock, City Solicitor *(attended remotely)*
C. Graham, Director of Communications, Engagement and Marketing
R. Sissons, Manager of Planning
S. Richter, Manager of Business and Innovation *(attended remotely)*
L. Perry, Executive Assistant

NOT PRESENT: Councillor C. Hider

1. COMMUNITY VIBRANCY ADVISORY BOARD (CVAB) – FEBRUARY 28, 2024 MEETING

Mr. Will introduced this item, noting that Sport Wall of Fame Recommendations and Community Vibrancy Grant Recommendations captured in the minutes have already been approved by City Council on April 8, 2024.

Committee received the CVAB February 28 agenda package and minutes document as reports for information.

INFORMATION

2. MANAGING DIRECTOR'S SERVICE AREA UPDATE – VERBAL

Mr. Will provided updates in relation to the following:

1. Big Marble Go Centre Upgrades – The ice area is now closed for biennial maintenance with the facility is expected to reopen in May, 2024.

Kinsmen Aquatic Park maintenance is expected to run from May 15 - September 15 and will be closed during that time. During the closure, all admissions and continuous passes will be discounted by 15% while annual memberships will be extended by a month, being honoured at Crestwood and outdoor pools. The YMCA is also assisting by accommodating swim clubs.

The gymnasium, fitness centre and fieldhouse will remain open during the Kinsmen Aquatic Park maintenance.

2. Earth Day - The City of Medicine Hat is partnering with community and school groups to host a Litter Blitz on Monday April 22, 2024. Clean up supplies are available for pick up at 88 Kipling Street, and a contest will take place for participants. Full details are available on the City's website.
3. Entertainment & Event Season Update – Various statistics related to attendance at Co-op Place and the Esplanade were discussed. It was noted that attendance during the

Tigers hockey season increased 26% over the previous year while over 23,000 tickets were sold for a diverse range of events and experiences at the Esplanade.

Committee extended appreciation for the information provided.

INFORMATION

3. COMMITTEE OUTSTANDING ITEMS

Staff continue to work on existing matters as outlined and will provide an update to Committee as appropriate.

INFORMATION

MOTION TO CLOSE THE MEETING TO THE PUBLIC

Councillor Dumanowski moved to close the meeting to the public to discuss the following pursuant to the *Freedom of Information and Protection of Privacy Act*:

Items Discussed

- Facilities for the Future: Next Steps [s. 26, advice from officials]; referred to Administration.

CARRIED

MOTION TO OPEN THE MEETING TO THE PUBLIC

Councillor Dumanowski moved to re-open the meeting to the public.

CARRIED

ADJOURNMENT

The meeting adjourned at 5:14 P.M.

Received by City Council on May 6, 2024.

COUNCILLOR RAMONA ROBINS, CHAIR

LARRY RANDLE, CITY CLERK

DEVELOPMENT AND INFRASTRUCTURE COMMITTEE MEETING MINUTES

Thursday, April 18, 2024

Boardroom 2-1, City Hall

1:15 P.M.

PRESENT: Councillor A. McGrogan, Acting Chair
Councillor A. Van Dyke

ALSO PRESENT: R. Pancoast, Acting City Manager
P. Bohan, Managing Director, Development & Infrastructure
J. Garland, Director Environmental Utilities
S. Nowakowski, Director Municipal Works
J. Popoff, City Planner Director, Planning and Development Services
D. Blacklock, Acting Manager, Airport (*remote attendance*)
T. Petryshyn, Specialist Corporate Communications
J. Dickie, Manager Municipal Services Business Support, Corporate Planning & Performance
G. Chudleigh, Corporate Strategic Analyst, Corporate Planning & Performance
K. Eden, Executive Assistant

NOT PRESENT: Councillor S. Sharps, Chair

1. 2024 WATER CONSERVATION INCENTIVE PROGRAM

Managing Director Bohan introduced Jaret Dickie, Manager Municipal Services Business Support and Gareth Chudleigh, Corporate Strategic Analyst. MD Bohan noted this initiative supports both a potential upcoming drought and the Environmental Framework by taking a proactive approach. Manager Dickie presented a plan to create a program that will incorporate and support water conservation through the HAT Smart program. Incentives will include xeriscape materials, smart irrigation systems, lower water usage appliances, rain barrel program and community wide events that promote the program and provide educational tools. A one-time funding increase of \$150,000 is being requested to support water conservation initiatives to reduce community water use in 2024 in preparation for predicted drought conditions. Committee supported the presentation be provided at the next Council meeting.

The Development and Infrastructure Committee recommends **THAT COUNCIL APPROVE:**

- 1. ADMINISTRATION'S AMENDMENT OF THE HAT SMART PROGRAM TO INCORPORATE WATER CONSERVATION EFFORTS BEGINNING IN 2024.**
- 2. ONE-TIME FUNDING (\$150K) TO SUPPORT WATER CONSERVATION INITIATIVES TO REDUCE COMMUNITY WATER USE IN 2024. THIS WILL PROVIDE A ONE-TIME INCREASE TO THE WATER UTILITY OPERATING BUDGET TO FUND THE HAT SMART PROGRAM, WHICH FOCUS ON WATER CONSERVATION. THIS SOLUTION WILL PROVIDE SHORT-TERM WATER CONSERVATION INCENTIVES FOR RESIDENTIAL CUSTOMERS. SUBSEQUENTLY, HAT SMART WATER-BASED PROGRAMMING WILL BE FUNDED THROUGH AN ENVIRONMENTAL CONSERVATION CHARGE THAT COUNCIL MAY CONSIDER AS PART OF FUTURE WATER UTILITY BYLAW AMENDMENTS.**

ADOPTION

2. **MANAGING DIRECTOR'S SERVICE AREA UPDATE – VERBAL**

Managing Director Bohan provided updates in relation to the following:

1. Altawana Drive Road Construction

A rough schedule for road construction has Altawana Drive closing on May 13, 2024, with the road opening scheduled for July 14, 2024. Due to the required road work the closure cannot wait until school is finished.

2. 3rd Street Downtown Project

The contractor anticipates construction to commence on April 22, 2024. Teams have been proactively communicating plans and working in collaboration with affected businesses to minimize the disruptions during construction.

3. Water Bottle Refill Stations

Water bottle refill stations will be installed the week of May 20th with modifications that account for water conservation given the risk of drought this summer. Usage has increased to more than 200,000 litres of water in 2023 compared to 180,000 litres of water in 2022.

4. Food Waste Piloting Project

The food waste piling project commenced as of April 8, 2024. Feedback has been relatively positive so far with a public survey available at medicinehat.ca/FoodWaste and an exclusive participant-only survey distributed via QR code in the accompanying materials when the food waste buckets were delivered.

5. Water Shortage

Director Garland provided an update on the City's involvement in water sharing agreements across the South Saskatchewan River Basin and reminded committee that Medicine Hat remains in Phase 1 of our local Water Shortage Management Plan. Local communications will ramp up after the provincial announcement on Friday. Learn more at medicinehat.ca/drought.

6. Transportation Master Plan

The Transportation Master Plan and related Active Transportation Strategy and Transportation Safety Strategy and mid-way complete. Staff are currently analyzing findings from the public engagement phase. The plan and strategies are on track for completion in the fall.

7. Planning Building and Development Services

- a) The Land Use Bylaw update is tracking towards adoption in Q4 of this year.
- b) Staff are preparing the 2023 Off-Site Annual report with completion in late spring.
- c) 2024 updates to The Municipal Servicing Standards Manual (MSSM) are currently being reviewed.
- d) Updated changes to the Alberta Building Code take effect on May 1, 2024.

Managing Director Bohan expressed appreciation for the support received.

Committee expressed appreciation both for the information provided and for staff efforts in all areas.

INFORMATION

3. COMMITTEE OUTSTANDING ITEMS (OIL)

Committee reviewed the current Outstanding Items List. No further items were added to the list. Staff continue to work on these matters and information will be provided in due course.

INFORMATION

MOTION TO CLOSE MEETING TO THE PUBLIC

Cllr. VanDyke moved to close the meeting to the public to discuss the following pursuant to the [*Freedom of Information and Protection of Privacy Act*](#):

- Managing Director's Service Area Update – Verbal [s.24(1) advice from officials] received for information.
- Water Utility Update [s.24(1) advice from officials, s.25 disclosure harmful to economic and other interests of a public body] received for information.
- Committee Outstanding Items [s.24(1) advice from officials] received for information.

CARRIED

MOTION TO OPEN MEETING TO THE PUBLIC

Councillor VanDyke moved to open the meeting to the public.

CARRIED

Adjournment

The meeting adjourned at 2:22 P.M.

Received by City Council on May 6, 2024.

**COUNCILLOR ANDY MCGROGAN,
ACTING CHAIR**

LARRY RANDLE, CITY CLERK

ENERGY, LAND AND ENVIRONMENT COMMITTEE MEETING MINUTES

Thursday, April 18, 2024

Boardroom 2-1, City Hall

4:00 P.M.

PRESENT: Councillor D. Hirsch, Chair
Councillor A. Van Dyke, Vice-Chair

ALSO PRESENT: R. Pancoast, Acting City Manager / Managing Director, Energy, Land and Environment
G. Mauch, Director, Utility Distribution Systems
K. Redden, Director, Environment, Land and Gas Production
B. Mostoway, Director, Electric Generation
T. Tuchscherer, Manager, Energy Marketing and Business Analysis
B. Bullock, City Solicitor (*remote attendance*)
C. Graham, Director, Communications Engagement and Marketing
J. Anderson, Executive Assistant

NOT PRESENT: Councillor S. Sharps

1. MANAGING DIRECTOR'S SERVICE AREA UPDATE – VERBAL

The Energy, Land and Environment leaders provided updates in relation to the following:

1. Energy Market – Managing Director Pancoast noted that 2024-2025 is a period of significant uncertainty for energy, but power in particular in the City of Medicine Hat (CMH) and noted the following uncertainties:
 1. Near term provincial power market softness is expected to reduce our export volume with even lower export revenues.
 2. Provincial power market redesign, starting with two near-term changes (supply cushion regulation and market power mitigation regulation) that are expected to add further weakness to the provincial wholesale pricing, but the Alberta Electric System Operator (AESO) is also kicking off an accelerated market redesign called Restructured Energy Market (REM); the City is participating in AESO and other engagements over the next several months to ensure clarity of direction, and alignment with our export interests.
 3. Energy Business Review is ongoing with recommendations from KPMG anticipated in Q4, with the possibility of altering the overall business philosophy of the impacted businesses and/or how the City generates and distributes revenues, replenishes, and allocates reserves and more.
 4. Anticipating improved clarity related to CER/net zero and/or pending federal election.
 5. Key milestones and related CMH decisions on early energy transition items including Clear Horizon and other related development opportunities.

Committee was informed that these uncertainties will be included in the budget considerations for 2025-2026.

2. Energy Business Review Update – Managing Director Pancoast noted the Energy Business Review kick-off is complete and the phase one current state has been drafted. The phase two strategic assessment is underway which will articulate key trends (environment, energy transition, economic, market, SWOT, etc.). The next phase is option analysis through the summer and then recommendations in the fall before going to Council in Q4.

Information related to this project is accessible through the following link:
www.medicinehat.ca/EnergyBusinessReview

3. Market Update – Manager Tuchscherer provided an update to the commodity market forecast. Power is expected to decrease from \$60.57/MWh in 2024 to \$56.37/MWh in 2025. Volatility in the power market is occurring when renewable generation is low. For example, on April 3rd we observed \$0.00/MWh prices and \$999.99/MWh prices on the same day. Gas is projected to rise from \$1.805/GJ in 2024 to \$3.22/GJ in 2025. The rise in the natural gas price curve is due to increased LNG capacity that will cause increased demand for natural gas.
4. Gas Distribution Annual Leak Survey Testing – Director Mauch noted that testing is underway, and this week staff started on the high pressure lines. A contractor will be starting the first week of May. 145 km of gas line and 6,700 services are on the list for the 2024 season. Staff will wear appropriate identification and updates on project location are on the CMH Facebook page which is consistent with prior years.
5. Gas Asset Renewal Project – Director Mauch noted that project commencement for 2024 is underway in Crescent Heights, 7th Street NW and McCutcheon Drive NW. 114 gas services and associated mains are being replaced. The work is in coordination with deep utility replacements in the area managed by Environmental Utilities.

Utility Distribution Systems will also be completing asset renewal in collaboration with Environmental Utilities and Municipal Works on 3rd Street SE; gas on 6th Ave between 3rd Street SE and 2nd Street SE, and electric duct bank replacement at intersection of 3rd Street SE and 5th Avenue SE. Anticipated construction commencement is late May.
6. Fire Wrapping of Electric Poles – Director Mauch noted that Electric Distribution is continuing its fire wrapping pilot as a climate resiliency and risk mitigation response to grass fires experienced two summers ago. To-date, 789 poles have been wrapped with fire retardant material to resist grass fires. An additional 168 poles are scheduled for this year.
7. East Ring Enhancement Project – Director Mauch noted this project is still in the public engagement phase with a mailout expected sometime in mid-May to June. It will refine the line assignments to one or two options and then public engagement will resume in June.
8. MHS-11 Substation – Director Mauch noted for the substation application, the second mailout is expected to occur in the first week of June. It will identify a preferred and an alternate site (total of nine sites were evaluated). Public engagement will follow with an Alberta Utilities Commission (AUC) application submitted in late August or September.
9. Electric Generation Spring Outages – Director Mostoway noted that spring outages to accommodate maintenance are underway. Two units are currently offline for maintenance during the lower consumption shoulder season.
10. Environmental Framework – Director Redden noted that the feedback from the March 25, 2024, Council Committee of the Whole session has been incorporated into the Environmental Framework. Final edits are being complete for presentation and recommended adoption of the Framework is targeted for the June 3, 2024, City Council meeting.
11. Real Estate Gap Analysis – Director Redden noted that a Real Estate Gap Analysis is commencing to better understand housing challenges and to inform the City's land strategy.
12. Land Sales – Director Redden noted that an uptick in residential lot sales from 2023 is occurring.

INFORMATION

2. COMMITTEE OUTSTANDING ITEMS

The Outstanding Items List currently has no items. No additional items were added to the list.

INFORMATION

MOTION TO CLOSE MEETING TO THE PUBLIC

Councillor Van Dyke moved to close the meeting to the public to discuss the following pursuant to the [Freedom of Information and Protection of Privacy Act](#):

Items Discussed

- Managing Director's Service Area Update – Verbal [s. 24, (1), advice from officials] received for information.
- Land Matters [s. 16, third party business interests, s. 24 advice from officials, s. 25 disclosure harmful to economic and other interests of a public body] received for discussion.
- Committee Outstanding Items List [s. 24, (1) advice from officials] received for information.

CARRIED

MOTION TO OPEN MEETING TO THE PUBLIC

Councillor Van Dyke moved to open the meeting to the public.

CARRIED

Adjournment

The meeting adjourned at 5:19 P.M.

Received by City Council on May 6, 2024.

COUNCILLOR DARREN HIRSCH, CHAIR

LARRY RANDLE, CITY CLERK

Council Committee of the Whole

MEETING MINUTES

Tuesday, April 23, 2024
City Hall, Council Chambers
3:45 PM

PRESENT: Deputy Mayor A. McGrogan, Chair
Mayor L. Clark (*remote attendance*)
Cllr. R. Dumanowski
Cllr. C. Hider
Cllr. A. Knodel
Cllr R. Robins (*initial remote attendance – arrived in person 4:05 p.m.*)
Cllr. S. Sharps
Cllr. A. Van Dyke

ALSO PRESENT: A. Mitchell, City Manager
K. Redden, Acting Managing Director, Energy, Land and Environment
D. Egert, Managing Director, Corporate Services
B. Stauth, Managing Director, Public Services
P. Bohan, Managing Director, Development & Infrastructure
B. Bullock, City Solicitor
L. Barta, Director, Finance
A. Hoimyr, Accounting Supervisor
T. Tuchscherer, Manager of Energy Marketing and Business Analysis
L. Randle, City Clerk
R. Korven, Legislative Services Specialist

NOT PRESENT: Cllr. D. Hirsch

1. 2025-2026 Budget Planning

Ann Mitchell, City Manager, provided introductory remarks. Dennis Egert, Chief Financial Officer and Aaron Hoimyr, Accounting Supervisor, provided a presentation, indicating that the theme of the 2025-2026 budget is to balance the needs of today with the requirements of tomorrow. Following a brief economic history of the City of Medicine Hat, the following budget commitments were expanded upon:

- Address community needs and ensure excellent service
- Balance affordability with the need to invest in City infrastructure and operations
- Ensure financial sustainability of our municipality
- Thoughtful use of reserves for future needs
- Alignment with Council Strategic Priorities

The presentation continued with Budgeting 101, after which the following question was posed to Committee:

How likely is Council to support a strategy to reduce the City's reliance on non-sustainable business and investment earnings over the long run?

Very likely	22%
Somewhat likely	44%
Neither likely nor unlikely	11%
Somewhat unlikely	22%
Very unlikely	0%

At 5:02 p.m., Committee recessed until 5:20 p.m.

The presentation continued with information related to an environmental scan and fiscal outlook, providing information about the challenges related to the post-pandemic environment, reduction in provincial transfers, increases in grants provided to the community, business unit earnings, and inflation/interest rates. The fiscal targets and risks related to meeting those targets were highlighted.

During discussion regarding key budget assumptions, the following questions were posted to Committee:

How likely is Council to support initiatives to reduce service levels to eliminate the budget gap?

Very likely	12%
Somewhat likely	62%
Neither likely nor unlikely	0%
Somewhat unlikely	25%
Very unlikely	0%

How likely is Council to support the use of Heritage Reserve Endowment Funds for the 2025-2026 budget period?

Very likely	62%
Somewhat likely	25%
Neither likely nor unlikely	12%
Somewhat unlikely	0%
Very unlikely	0%

How likely is Council to consider a tax increase higher than inflation to support balancing the budget by 2026?

Very likely	0%
Somewhat likely	28%
Neither likely nor unlikely	0%
Somewhat unlikely	57%
Very unlikely	14%

Staff answered questions of Committee throughout the presentation and concluded the presentation with a reminder of a theme to balance the needs of today with the requirements of tomorrow. Committee expressed appreciation for the information received.

INFORMATION

Adjournment

The meeting adjourned at 7:02 PM.

Received by City Council on May 6, 2024.

DEPUTY MAYOR ANDY MCGROGAN
CHAIR

LARRY RANDLE
CITY CLERK

Community Vibrancy Advisory Board (CVAB)
MEETING MINUTES
Wednesday, February 28, 2024
Esplanade Cutbanks Room

PRESENT

Dylan Giles, Chair
Deanna Haysom
Jill Reid
Katie Smith
Lisa Galecki
Mary Tulip
Morgan Blair
Sourav Saha

ALSO PRESENT

Cassi Hider, Council Representative
Aaron Nelson, Cultural Experiences & Events Manager
Michele Josey, Projects and Partnerships Lead, Parks and Recreation
Bonnie-Lou Yaroshko, Community Development

NOT PRESENT

Brooks Sadden, Vice-Chair

1. Call to Order, Welcome and Introductions

Dylan Giles called the meeting to order at 5:02 pm. The new member, Lisa Galecki, was welcomed, and introductions followed.

2. Adoption of the Agenda

The Agenda of the February 28, 2024, meeting was adopted as circulated.

Moved: Sourav Saha

Seconder: Mary Tulip

Carried

3. Adoption of the Minutes of the January 31, 2024, CVAB Meeting

The Minutes of the January 31, 2024, meeting were adopted as presented.

Moved: Katie Smith

Seconder: Jill Reid

Carried

4. Previous Committee Business

4.1. 2024 Community Vibrancy Grants Recommendations

The CVAB Community Vibrancy Review Committee members reviewed the Community Vibrancy grant applications prior to the meeting. All members discussed the applications at the meeting.

Motion: That the Community Vibrancy Advisory Board (CVAB) forward the following recommendations for the 2024 Community Vibrancy Grant funding to the Public Services Committee and City Council for approval.

Moved: Sourav Saha

Seconded: Jill Reid

Carried

Community Projects and Activities Grants

Family Fun and Flight	
A free one-day event providing military, commercial and civilian aircraft displays to the general public at the Medicine Hat Airport	\$10,000
South Eastern Alberta Archaeology Society (SEAAS)	
40th Anniversary Celebration of the Saamis Archaeological Site event with art, music, displays, tours, and hands on activities for all ages	\$6,000
Medicine Hat & District Chamber of Commerce	
Midnight Madness 2024 – an annual downtown pre-Black Friday late night shopping event to encourage local business support with free family-friendly activities	\$5,989
Keskikeymowin Planning Committee (Medicine Hat Public School Division)	
Spring celebration for grades 4 and 10 students from the Medicine Hat Public School division to provide awareness of the First Nations, Metis & Inuit peoples and their cultures	\$5,000
Medicine Hat Drug Coalition (Health Connections Association of South Eastern Alberta)	
International Overdose Awareness Day, a global event to raise awareness of drug overdose harms & deaths & reduce the stigma of drug-related deaths	\$4,000
REDI Enterprises Society	
Free outdoor family friendly movie night for persons of all abilities with snacks run by The Action Group (TAG), a REDI Enterprises disabilities advocacy group	\$3,211
Medicine Hat & District Chamber of Commerce	

Chili Cookoff – an annual event to encourage people to visit downtown and support Medicine Hat businesses and organizations	\$3,000
Medicine Hat Choral Society (Medicine Hat Concert Band Society)	
An inaugural gospel themed choral concert, for musicians' collaboration featuring a full choir with a rhythm section and soloists for community attendance	\$1,000
Move for Mental Health Fun Run/Walk Planning Committee (Medicine Hat Catholic Board of Education)	
Kick off for Mental Health Week, an annual event for discussion and education on mental health and local supports, providing a fun and engaging experience in a family-oriented atmosphere for people of all ages and abilities	\$1,000
SafeLink Alberta	
A free community BBQ for International Harm Reduction Day with information about their programs and services to create a safer and healthier community	\$800
Hat Horizons Radio Operators Club	
Training for radio operations and Ham radio licenses to help supply emergency communications during storms, floods, or any problems that may harm local communications	\$500
Total	\$40,500

4.2. Strategic Planning

A consultant will be sought to assist CVAB with writing a strategic plan in alignment with City Council's Strategic Plan 2023 – 2026 and the Community Vibrancy Advisory Board Bylaw No. 4661.

5. Information Items

5.1. Members Updates

Mary Tulip shared that progress is being made based on the Truth and Reconciliation Recommendations Committee work, and her experience of speaking at the February 22, 2024, Ancestors Reburial Project banquet.

5.2. Councillor Update

Councillor Hider reported on recent Council activities, including attending Ancestors Reburial events.

5.3. Staff Updates

Members were encouraged to visit the George Littlechild: Here I Am – Can You See Me? exhibit at the Esplanade Arts & Heritage Centre showing until April 6, 2024.

The Public Art Policy No. 0137 is being rewritten as the Public Art Committee and the Arts and Heritage Advisory Board were retired in December 2020. The new Policy will be brought to the CVAB members for their feedback.

A Briefing Note will be going to City Council about the Parks and Recreation department Outdoor Enjoyment Strategy that CVAB provided feedback on.

The Sports Wall of Fame recommendations are expected to go to Council in April.

6. Outstanding Items List

The outstanding items were moved to the next meeting.

6.1. Men's Mental Health Supports

6.2. Recognizing Contributions of Workers During the Pandemic

7. Next Meeting

Wednesday, March 27, 2024 @ 5:30 pm in the Esplanade Cutbanks Room.

8. Adjournment

The Chair adjourned the meeting at 7:44 pm.

Agenda

Community Vibrancy Advisory Board Meeting (CVAB)

Wednesday, February 28, 2024, **5:00 pm**
Esplanade Cutbanks Room

- 1. Call to Order, Welcome and Introductions**
- 2. Adoption of the Agenda**
- 3. Adoption of the Minutes of the January 31, 2024, CVAB Meeting**
- 4. Previous Committee Business**
 - 4.1. 2024 Community Vibrancy Grants Recommendations
 - 4.2. Strategic Planning
- 5. Information Items**
 - 5.1. Members Updates
 - 5.2. Councillor Update
 - 5.3. Staff Updates
- 6. Outstanding Items List**
 - 6.1. Men's Mental Health Supports
 - 6.2. Recognizing Contributions of Workers During the Pandemic
- 7. Next Meeting**

Wednesday, March 27, 2024 @ 5:30 pm
- 8. Adjournment**

Community Vibrancy Advisory Board (CVAB)
MEETING MINUTES
Wednesday, January 31, 2024
Esplanade Cutbanks Room

PRESENT

Dylan Giles, Chair
Brooks Sadden, Vice-Chair
Deanna Haysom
Jill Reid
Katie Smith
Mary Tulip
Morgan Blair
Sourav Saha

ALSO PRESENT

Ramona Robins, Council Representative
Leah Prestayko, Director, Community Development
Aaron Nelson, Manager Cultural Experiences & Events
Alyssa Ledene, Community Inclusion Coordinator
Michele Josey, Projects and Partnerships Lead, Parks and Recreation
Bonnie-Lou Yaroshko, Community Development

NOT PRESENT

Lisa Galecki

1. Call to Order, Welcome and Introductions

Katie Smith called the meeting to order at 5:30 pm. The new members were welcomed, and introductions followed.

2. Adoption of the Agenda

The Agenda of the January 31, 2024, meeting was adopted as circulated.

3. Elections

Leah Prestayko explained the duties of the Chair and the Vice-Chair along with the election process.

3.1. Chair

Dylan Giles was acclaimed Chair.

3.2. Vice-Chair

Brooks Sadden was acclaimed Vice-Chair.

4. Adoption of the Minutes of the November 29, 2023, CVAB Meeting

The Minutes of the November 29, 2023, meeting were adopted as presented.

5. Previous Committee Business

5.1. Updates

5.1.1. 2024/2025 Community Vibrancy Grants

Councillor Robins discussed City Council's approval of additional Community Vibrancy Grant funding for 2024 and the distribution of One-Year festival Grants. She advised that Council has directed Administration to revisit the community funding framework for festival and event funding distribution in the community with respect to Canada Day RFP process.

6. New Business

6.1. Sports Wall of Fame Recommendation

Michele Josey gave an overview of the Sports Wall of Fame program and history which began in 1983. She also gave the background on the application submitted for Sensai Zoraislav Krco for induction into the Sports Wall of Fame. The induction ceremony will be held at the Big Marble Go Centre on a date decided by consulting with the nominees and nominators.

Motion: That the Community Vibrancy Advisory Board (CVAB) recommends Sensai Zoraislav Krco be inducted into the Sports Wall of Fame for his contribution to the sport of karate, as a karate teacher, trainer, coach, examiner and competitor.

Moved: Brooks Sadden
Seconded: Sourav Saha

Carried

6.2. 2023 Community Vibrancy Advisory Board Report

6.2.1. 2023 Activity Summary

Councillor Robins invited CVAB members to attend Public Services Committee (PSC) meetings to present information on their work, activities and concerns as appropriate and relevant. The process to add a CVAB presentation to a PSC Agenda was shared. CVAB decided they would request to present at PSC on an ad hoc basis when the group feels they have something worthy of reporting.

6.3. 2024 CVAB Goals

CVAB members expressed a desire to create a 2024 strategic plan and goals that align with City Council's Strategic Plan. Information about working with a facilitator and having a process to assist with accomplishing this will be brought to the February CVAB meeting.

6.4. 2024 Community Vibrancy and Microgrant Update

CVAB members were invited to share the current grant opportunities with their networks as appropriate.

CVAB members decided to form a Community Vibrancy Grant Review Subcommittee to review and score the grants using the Submit.com grant portal and to present their recommendations at the February 28, 2024, CVAB meeting.

CVAB members who volunteered to be on the Community Vibrancy Grant Review Subcommittee included:

- Mary Tulip
- Sourav Saha
- Dylan Giles
- Jill Reid
- Katie Smith

Leah Prestayko will call the members who were not at the meeting to find out if they would like to be part of Grant Review Subcommittee.

Post Meeting Note: Deanna Haysom also volunteered to be on the Review Subcommittee.

7. Information Items

7.1. Members Updates

Jill Reid shared information about:

- the City of Medicine Hat's request for public input about the Arts, Heritage, and Entertainment Master Plan
- attending the Disconnect Documentary, and
- that Miywasin Friendship Centre has interesting upcoming events

7.2. Councillor Update

Councillor Robins reported on recent Council activities, and said that another Councillor from PSC will be attending the February CVAB meeting in her place.

7.3. Staff Updates

The news release about the City of Medicine Hat inviting the public to attend the 'Municipal Mingle', a public engagement event at the Esplanade Studio Theatre on February 13, 2024, will be emailed to the CVAB members.

8. Outstanding Items List

8.1. Men's Mental Health Supports

It was noted that the closing of the Canadian Mental Health Association Alberta Southeast Region office in Medicine Hat is impacting access to mental health supports.

8.2. Recognizing Contributions of Workers During the Pandemic

In response to one of the CVAB recommendations, a tree will be planted in the Memorial Arboretum in the summer.

8.3. 2023 Community Vibrancy Grants Follow Up

Having 2023 community vibrancy grant recipients report on their events at CVAB meetings was suggested.

9. Next Meeting

Wednesday, February 28, 2024 @ 5:30 pm in the Esplanade Cutbanks Room.

10. Adjournment

The meeting was adjourned at 7:43 pm.

PUBLIC SERVICES STANDING COMMITTEE

April 15, 2024

[illegible]

DEVELOPMENT & INFRASTRUCTURE COMMITTEE

OPEN - OUTSTANDING ITEMS LIST

April 18, 2024

[illegible]

ENERGY, LAND & ENVIRONMENT STANDING COMMITTEE

OUTSTANDING ITEMS LIST

April 18, 2024

[illegible]

DATE: 2024-04-08**MEETING: REGULAR COUNCIL****DEPARTMENT: ECONOMIC DEVELOPMENT****REPORT AUTHOR: SELENA MCLEAN MOORE –
DIRECTOR, ECONOMIC DEVELOPMENT****REPEAL POLICY 0170 AND APPROVE INCENTIVE POLICY 0179
AND AMEND THE TAX INCENTIVE BYLAW NO. 4667****EXECUTIVE SUMMARY:**

The Legal and Economic Development Departments have collaborated to update the current Incentive Policy 0170 and recommend the adoption of a new Incentive Policy 0179 and amending Bylaw No. 4799 to amend Bylaw No. 4667, the Tax Incentive Bylaw. Policy document will provide clarity that will support all City of Medicine Hat non-tax incentive programs. Bylaw 4667, as amended, will support the tax incentive programs.

STRATEGIC ALIGNMENT:

INNOVATION	ECONOMIC EVOLUTION	SERVICE ORIENTATION
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
PARTNERSHIPS & GOVERNANCE	COMMUNITY WELLNESS	RESILIENCY & SUSTAINABILITY
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

RECOMMENDATION:

- It is recommended that the Administrative Committee and Council Committee of the Whole that City Council approves the proposed Procedures of the new proposed Incentive Policy 0179.
- It is further recommended through the Administrative Committee and Council Committee of the Whole that City Council:
 - Repeals the original Incentive Policy 0170 and approves the new proposed Incentive Policy 0179.
 - Approves the City Centre Vibrancy Incentive Program and the Infill & Redevelopment Housing Incentive Program under Policy 0179.
 - Considers First Reading for Bylaw 4799, which is to amend Bylaw 4667.

PREVIOUS COUNCIL MOTIONS / DIRECTIONS:

The Incentive Policy 0170 was adopted by Council February 16, 2021 and the Tax Incentive Bylaw No. 4667 came into effect July 5, 2022.

BACKGROUND / ANALYSIS:

In 2021, the City of Medicine Hat proposed two incentive strategies that would support existing businesses, housing development efforts and investment attraction. The strategies used different levers to administer the incentive. The first was grant-based and the second was tax-based. At the time, both incentives were created under the same Incentive Policy 0170.

In 2022 a Tax Incentive Bylaw was passed by Council as it was determined that a Tax Incentive Bylaw would be required to execute a tax incentive. This meant that information about the tax incentive was included in both the Incentive Policy 0170 and the Tax Incentive Bylaw 4667.

Suggested changes from Incentive Policy 0170 to Incentive Policy 0179 include:

- Removing Appendices which previously included Incentive Program details.
- Report financial analysis results to audit committee by the end of the first quarter of the following calendar year (Procedures – 1.03 (e))
- Requesting that approvals of incentive applications are completed by Executive Leadership Team (Procedures 1.04 (a))

Incentive programs for 2024 include:

- Existing Program - City Centre Vibrancy Incentive (formerly Waterfront District Vibrancy Incentive).
 - Same process and requirements as 2023.
- New Program - Housing Infill & Redevelopment Incentive Program
 - Tier 1 Incentive:
 - Eligible residential development built forms include Multiple Unit Housing (i.e. Apartments, townhouses, stacked townhouses, etc.), Row Housing, Duplex Housing, and Triplex Housing.
 - Provides \$15,000 per dwelling unit, to a maximum of \$750,000 for new residential development on a single site, and subject to the remaining funds available in this Incentive Program at the time of application.
 - These would apply to the area as shown in the City Centre Incentives Area map
 - Tier 2 Incentive:
 - Provides \$7,500 per new Backyard Suite development on a single site, and subject to the remaining funds available in the Incentive Program at the time of application.
 - Backyard Suite means a dwelling accessory to and associated with a principal dwelling. It is detached from the principle dwelling.
 - These would apply to the following Neighbourhoods: Downtown, Riverside, Harlow, River Heights, Kensington, SE Hill, SW Hill, South Flats, and River Flats.

The following updates are proposed to be made to Tax Incentive Bylaw 4667:

- Authorize the CAO to establish guidelines, rules, and procedures regarding the application process for, and the administration and implementation of, Tax Incentives under Bylaw 4667.
- Remove references to Section 364.1 of the *Municipal Government Act* (“MGA”) from the Bylaw.
 - This provision deals with tax incentives for brownfield properties, which are based on a property’s status as brownfield.
 - Although the Bylaw provides a tax for brownfield properties (the “Brownfield Incentive”), the incentive is triggered by the development of the property, not by its status as brownfield.

- As a result, the structure of the Brownfield Tax Incentive under the Bylaw aligns well with Section 364.2 of the MGA, which deals with tax incentives for non-residential properties, and it is not necessary to rely on Section 364.1.
- Move the tax incentive processes previously held in the Policy 0170 under the Bylaw as procedures.

INTERNAL AND EXTERNAL ENGAGEMENT CONSIDERATIONS:

Input was gathered from various departments including Planning & Development, Land & Real Estate and Economic Development to help develop the Housing Infill & Redevelopment Incentive Program. Incentive Policy 0179 and the amendments to Bylaw No. 4667 by Bylaw No. 4799 will inform how we administer our incentive programs, which will provide clarity to both internal and external stakeholders.

POTENTIAL RISKS / IMPACTS:

Financial:

Funding Request:	No	
Budgeted Item:	Yes	
Funding Explanation:		
Budget Amendment Form?	No	

Health, Safety and Environmental: No HSE Impacts

Legal / Legislative / Policy:

The changes would remove Policy 0170 and introduce Policy 0179. All non-tax incentive programs would be addressed through Policy 0179. Tax incentives would be handled under Bylaw No. 4667, as amended.

To implement the proposed changes to Bylaw No. 4667, an amending bylaw is required. As Bylaw No. 4667 was advertised after first reading, the amending bylaw (No. 4799) will also have to be advertised after first reading.

To ensure there is no gap in the existing tax incentive processes under Policy 0170, Bylaw No. 4799, if passed by Council, would give the CAO authority to continue those processes under Bylaw No. 4667.

PUBLIC PARTICIPATION REQUIRED FOR IMPLEMENTATION:

INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ALTERNATIVE OPTIONS / PROS AND CONS:

If the recommended policy is not approved, the new Housing Infill & Redevelopment Incentive Program will not be available to developers for the 2024 building season which is designed to help address the need for more multi-family units in the community.

If Bylaw No. 4799 is not passed, the current processes for handling tax incentives, which are currently under Policy 0170, will be repealed when the new Policy 0179 is approved, with no replacement processes for handling tax incentives. This would result in a gap in process for handling tax incentives under Bylaw No. 4667.

IMPLEMENTATION PLAN:

- February 28, 2024 – present Incentive Policy 0179, amending Bylaw No. 4799, and supporting documents to the Administrative Committee.
- March 6, 2024 – if necessary, present Incentive Policy 0179, amending Bylaw No. 4799, and supporting documents with recommended changes to the Administrative Committee.
- March 25, 2024 – present draft of Incentive Policy 0179 and supporting documents to Council Committee of the Whole (“CCW”) for review and feedback.
- April 8, 2024 - following feedback of the March 25th CCW Meeting, the minutes of this session will be included in the April 8, 2024 Council Agenda for consideration of the Incentive Policy 0179 and consideration of first reading of Bylaw No. 4799.
- Advertise Bylaw No. 4799 in the Medicine Hat news for two consecutive weeks.
- May 6, 2024 – present Bylaw No. 4799 to Council for 2nd and 3rd readings.

If approved, Incentive Program will be updated on the Incentives page of the Medicine Hat Economic Development website for anticipated rollout starting May 7, 2024.

REVIEWED BY & DATE:	Matthew Klasen, Solicitor Robert Sissons, Manager of Planning	2024-03-11
APPROVED BY & DATE:	Ann Mitchell City Manager	2024-03-12
ATTACHMENTS:	1: Incentive Policy # 0179 2: 2024 Incentive Programs (including City Centre Map) 3: Bylaw No. 4799 to amend Bylaw No. 4667 4. Redline of Bylaw No. 4667	

Policy

Title: INCENTIVE POLICY		Number: 0179
Reference: Administrative Committee – February 28, 2024	Adopted by City Council:	
	City Clerk	City Manager
Supersedes:		
Prepared by: CITY OF MEDICINE HAT ECONOMIC DEVELOPMENT		

STATEMENT

THE CITY OF MEDICINE HAT (THE “CITY”) WANTS TO ENCOURAGE DEVELOPMENT AND REDEVELOPMENT THROUGH INCENTIVES THAT ARE FAIR, TRANSPARENT, RESULT IN A REASONABLE RATE OF RETURN ON THE CITY’S INVESTMENT, HAVE BUILT IN MEASURABILITY AND ACCOUNTABILITY AND COMPLY WITH APPLICABLE LAW. THEREFORE, THIS INCENTIVE POLICY IS HEREBY ESTABLISHED.

DEFINITIONS

1. **"Applicant"** means a Person that owns real property in Medicine Hat, which includes a Person that has entered into a fully executed and in full force and effect real estate purchase contract as “Purchaser” in respect of real property in Medicine Hat, and that has applied for an Incentive under an Incentive Program in respect of that property.
2. **"Attestation of Impartiality"** means a written confirmation that the person signing the attestation does not have a Conflict of Interest.
3. **"City Centre"** means those numbered and coloured areas shown on the map attached as Exhibit A.
4. **"Conflict of Interest"** occurs when a Person (or such Person’s Manager, interdependent partner, spouse or heirs, or an enterprise industry or business in which such Person is employed or participates in the ownership, management, operation or control) has an interest, such as money, property, investment, status, knowledge, relationships, or reputation that raises a question of whether the Person's actions, judgment or decision-making can be unbiased;
5. **"Economic Development"** means the City’s Economic Development department, as renamed or reconstituted from time to time;
6. **"Incentive Award"** means a financial or in-kind contribution provided by the City directly or indirectly that confers a benefit upon a Person eligible to receive such benefit in accordance with this Policy, the Procedures and the applicable Incentive Program under which the benefit is awarded, and which has as its purpose that of encouraging property development or redevelopment within the City that otherwise would not have occurred, and which supports the strategic goals of the Municipal Development Plan, and includes the following:

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- a) a direct transfer of funds (e.g. Incentives)
- 7. **“Incentive Program”** means one or more programs pursuant to which one or more Incentive Awards may be provided to one or more Persons eligible under such program to receive Incentive Awards, in accordance with this Policy and the Procedures;
- 8. **“Incentive Staff”** means an employee or officer of the City, or such other Person designated by the City, involved in the development, analysis, approval, monitoring, evaluation, administration or delivery of an Incentive, and for greater certainty does not include a member of Council or the whole of Council;
- 9. **“Incentives”** includes an Incentive Program and an Incentive Award;
- 10. **“Manager”** means, with respect to Incentive Staff, the Person to whom the Incentive Staff reports and the Person to whom that Person reports, and for greater certainty does not include a member of Council or the whole of Council. For example, if Avery, an Incentive Staff, reports to Blake who reports to Cameron, then Blake and Cameron are each a “Manager” with respect to Avery;
- 11. **“Person”** includes any individual, corporation, firm, body corporate, partnership, limited partnership, governmental authority, trust, or other entity capable of entering into legally binding contracts;
- 12. **“Procedures”** means the procedures approved by Administrative Committee, in accordance with this Policy; and
- 13. **“Unresolved litigation”** includes any unresolved dispute between the City and any other party or related party adverse in interest to the City, including third party and crossclaims, where a legal proceeding has been commenced for relief, including an injunction, a mandatory order, a declaration, or the recovery of money.

PRINCIPLES

- 1. All Incentives must:
 - a) comply with this Policy, the Procedures and all applicable law, including legislation, such as the *Municipal Government Act* (Alberta) and the Off-Site Levy Regulation (Alberta), trade agreements including the New West Partnership Trade Agreement, and common law;
 - b) advance the purposes of the associated Incentive Program;
 - c) be developed, analyzed, approved, monitored, evaluated, administered and delivered in a manner that is fair and equitable, transparent, and permits meaningful measurability and the highest level of accountability with respect to the Incentives and all Persons in any way involved with the Incentives; and
 - d) be for the general benefit of the municipality.
- 2. All Incentive Awards must clearly identify:
 - a) the approved project;

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- b) the Person receiving the Incentive Award;
 - c) the amount of the Incentive Award and the eligible expenditures to which the Incentive Award may be applied;
 - d) the date(s) by which certain milestone(s) must be achieved for the approved project, as applicable, and the final date by which the approved project must be completed; and
 - e) any conditions the Person receiving the Incentive Award must meet and the consequences for breaching such conditions.
3. All Incentive Programs must:
- a) be recommended by Administrative Committee and approved by Council;
 - b) clearly identify:
 - i) the criteria to be met for a Person to qualify for an Incentive Award under the Incentive Program and for determining the amount of the Incentive Award;
 - ii) any conditions that a Person receiving an Incentive Award pursuant to such Incentive Program must meet and the consequences for breaching such conditions.

ROLE OF COUNCIL

1. Council must:
- a) receive, review and, at its sole discretion, adopt this Policy and any recommended amendments thereto; and
 - b) receive, review and, at its sole discretion, approve any Incentive Program recommendations made by the Administrative Committee.

ROLE OF ADMINISTRATIVE COMMITTEE

1. Administrative Committee:
- a) is authorized to establish and amend the Procedures;
 - b) is authorized to establish and amend the process for submission and consideration of applications for an Incentive Program;
 - c) is authorized to establish and amend the process for monitoring and evaluating each Incentive Program and Incentive Awards made under an Incentive Program;
 - d) must ensure all Incentive Staff and all Applicants provide a written Attestation of Impartiality to their Manager and Administrative Committee, prior to having any involvement with an Incentive Award;
 - e) must make recommendations to Council regarding amendments to this Policy;
 - f) must implement such control measures in relation to Incentives as are necessary to guard against actual or perceived Conflicts of Interest and potential Conflicts of Interest, protect the interests and reputation of the City, and maintain transparency, fairness, equity and accountability in relation to all City processes, including where a Person discloses, or Administrative Committee otherwise becomes aware of, an actual or potential Conflict of Interest or a situation that may result in an actual or perceived Conflict of Interest (collectively the “**Control Measures**”);
 - g) must ensure that this Policy and the Procedures are duly enforced;

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- h) must carry out their duties pursuant to this Policy, the Procedures and any Incentive Programs; and
- i) may delegate any of its responsibilities pursuant to this Policy or the Procedures to one or more Persons qualified to carry out such responsibilities.

If Administrative Committee does not possess the requisite ability, knowledge or skill to carry out a responsibility assigned to it pursuant to this Policy or the Procedures, the Administrative Committee must refer the matter to one or more Persons with such requisite ability, knowledge and skill to carry out the responsibility, provided that the Person or Persons to whom such matter is referred shall have the express duty at all times faithfully to uphold and observe the Control Measures in respect of such matter.

ROLE OF INCENTIVE STAFF

1. Each Incentive Staff member:
 - a) and such Person's Manager, must provide a written Attestation of Impartiality to their Manager in respect of each Incentive Award, before having any involvement therewith, including the application and recommendation thereof (the "**Attestation Requirement**");
 - b) such Person's Manager must identify and disclose any actual or potential Conflicts of Interest and situations that may result in an actual or perceived Conflict of Interest to the Administrative Committee, as soon as the Person is aware that an actual or potential Conflict of Interest or situation that may result in an actual or perceived Conflict of Interest exists (the "**Conflict Reporting Requirement**"); and
 - c) must carry out their duties pursuant to this Policy, the Procedures and any Incentive Programs.

If the Incentive Staff does not possess the requisite ability, knowledge or skill to carry out a responsibility pursuant to this Policy or the Procedures, then the Incentive Staff, acting in coordination with their Manager, must refer the matter to one or more Persons with such requisite ability, knowledge and skill to carry out the responsibility, provided that the Person or Persons to whom such matter is referred shall have the express duty at all times faithfully to uphold and observe the Attestation Requirement and the Conflict Reporting Requirement in respect of such matter.

DUTY TO COMPLY

1. Nothing in this Policy, the Procedures, an Incentive Program, or an Incentive Award shall relieve a Person from the duty to comply with all applicable law and all other applicable City bylaws, policies, procedures and codes.
2. Where a provision of this Policy conflicts with a provision of the Procedures, then the more restrictive of the two provisions shall prevail to the extent of the conflict.
3. Where a provision of this Policy or a provision of the Procedures overlaps with the provisions of applicable law or any other City bylaws, policies, procedures or codes, then the more restrictive of the two provisions shall prevail to the extent of the overlap.

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PROCEDURES

1. RESPONSIBILITIES

1.1 Administrative Committee:

- (a) must evaluate the business case in relation to an Incentive Program, and, if Administrative Committee is of the opinion that the subject Incentive Program is appropriate and complies with this Policy and the Procedures, may recommend the Incentive Program to Council for approval;
- (b) is authorized to negotiate any agreements necessary for the analysis or delivery of an Incentive Program, provided that such agreements are subject to City Solicitor, City Manager and, if required, Council approval;
- (c) must ensure that the Procedures and Incentives, and the development, evaluation, approval, administration, monitoring, and results of Incentives, are reviewed by the Economic Development Department on an annual basis and that a report regarding this annual review is filed with Audit Committee.

1.1 City Manager:

- (a) shall ensure that all staff involved in the evaluation or approval of an Incentive Award provide written Attestations of Impartiality;
- (b) shall review and forward Incentive Award recommendations received from Incentive Staff to Executive Leadership Team for decision.

1.2 Economic Development Department:

- (a) shall manage all aspects of public relations and handle all applications for Incentive Programs;
- (b) perform due diligence for all applications for Incentives;
- (c) shall forward recommended Incentive Awards to the City Manager for review;
- (d) shall monitor the progress of any project for which a Person has received an Incentive Award and perform all due diligence required to ensure funds advanced under the Incentive Award are being spent in accordance with the Incentive Award;
- (e) Incentive Staff shall prepare the annual report contemplated under Section 1.1(c) of these Procedures and provide the report to the Audit Committee by the end of the first quarter of the calendar year immediately following the calendar year that is the subject of the report.

1.3 Executive Leadership Team

- (a) is authorized to approve or deny Incentive Awards recommendations received from the City Manager.

1.4 Employees:

- (a) shall disclose any actual or potential Conflict of Interest or a situation that may result in an actual or perceived Conflict of Interest to their Director or City Manager.

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- 1.5 Each Incentive Staff member:
- (a) must carry out their duties pursuant to this Policy, the Procedures and any Incentive Programs.

2. PROCEDURES

- 2.1 Application Process:
- (a) All application form templates will be prepared by the City and be available through the City's website.
 - (b) Applicants will complete digital application forms that will be timestamped upon submission.
 - (c) Economic Development will perform the evaluation process.
- 2.2 Approval Process:
- (a) Before any Incentives are approved, due diligence will be performed to ensure the validity of the project, and to determine if the project fits within Incentive Program.
 - (b) Project due diligence will include verifying that the Attestation Requirements and Conflict Reporting Requirements of the Policy and Procedure have been satisfied, interviews with applicants/developers, and collecting other necessary and relevant documentation as required to evaluate an application.
 - (c) Once all project due diligence has been performed by Incentive Staff, the application will either be approved or denied by Executive Leadership Team.
- 2.3 Administration Process:
- (a) Incentive Awards under all Incentive Programs will be made on a first-come, first-served basis and will be subject to available funding remaining under the particular Incentive Program at the time of application.
 - (b) In the case of one-time Incentives, funds will be dispersed once the project has been approved and all required conditions, including but not limited to permits and milestones, have been achieved (eg: building and related permits as well as achieving the required stage of construction).
 - (c) Results of the Incentives will be reported no less than annually to the Audit Committee in accordance with Section 1.1(c) of the Procedures and will include a summary of which projects received funding under each Incentive Program and the amount of each Incentive Award made.

3. Incentive Program Details

Program details for the Incentive Programs will be maintained by Economic Development in a readily accessible location.

2024 Medicine Hat Economic Development Incentive Programs

City Centre Vibrancy Incentive

This Incentive Program recognizes that a vibrant City Centre:

- enhances the local economy,
- contributes to quality of life,
- creates and retains jobs,
- makes better use of existing lands and infrastructure, and
- protects and increases property values.

Accordingly, the City is committed to investing in its core and supporting City Centre development projects.

The City may, in its sole discretion, financially assist property owners with undertaking commercial property improvements that add to the vibrancy, sustainability, or livability of the City Centre.

Description of Incentive

This Incentive Program provides up to a fifty percent (50%) matching Incentive, to a maximum of twenty-five thousand dollars (\$25,000) per property, and subject to the remaining funds available under this Incentive Program at the time of application, for commercial property improvements that are expected to add to the vibrancy, sustainability, or livability of the City Centre, as determined by the City.

Eligibility for this Incentive Program

In order to be eligible for this Incentive Program, an Applicant must meet all of the following requirements:

- The project must include any of the following eligible improvements: : (1) quality façade improvements; (2) permanent interior and exterior space improvements; (3) patios; (4) accessibility improvements; (5) utility, infrastructure, and/or construction upgrades to adequately provide servicing (water, sanitary, gas, electric, storm) for the proposed project and/or bring the site into compliance with the Safety Codes Act (Alberta) and other applicable legislation; (6) adding square footage to an existing building on the site.
- The subject property must be a commercial property within the boundaries of the City Centre properties are ineligible.
- The subject property must meet all applicable building safety codes, development requirements, and comply with zoning requirements upon completion of construction.
- The Applicant must not be in arrears in municipal taxes or utilities.
- The proposed project must result in improvements that add to the vibrancy, sustainability, and/or livability of the City Centre, as determined by the City.
- Applicants must not be involved in unresolved litigation with the City. Applicants that are involved in unresolved litigation with the City are not eligible for this Incentive Program and will not be approved for an Incentive Award under this Incentive Program.

Application Requirements

In order to apply for an Incentive under this Incentive Program, an Applicant is required to provide:

- a completed online application form;
- the municipal address and legal description of the subject property and a reasonably detailed description of the proposed project;
- a recent and accurate land title certificate in respect of the subject property showing that the

Applicant is the registered owner thereof or, alternatively, a fully executed, and in full force and effect, real estate purchase contract in respect of the subject property which the Applicant has entered into as “Purchaser”;

- a government-issued photo ID of the Applicant or, where the Applicant is a corporation, a government-issued photo ID of the Person applying on behalf of the corporation;
- if the Applicant is a corporation, a corporate search result in respect of the Applicant from the applicable corporate registry no older than three (3) months that demonstrates the corporation is active and in good standing; and
- any additional documents or information that may be required by the City in order for the City to assess the application and proposed project.

Applicants who have been approved for an Incentive Award under this Incentive Program will be reimbursed up to the amount of the approved Incentive after providing proof of payment, satisfactory to Economic Development, for eligible expenses the Applicant incurred in connection with the approved project and satisfying all conditions of the Incentive Award.

All approved projects must be completed in a timely manner. The Incentive Award will state date the project needs to be completed by and other applicable conditions.

Cancellation of Application

If an Applicant has not submitted all required documents, or the application has not been approved for any reason, within six (6) months following the date of the submission of the Incentive application, the City may cancel the Applicant’s application at the City’s sole discretion.

Cancellation of Incentive Program

The City may in its sole discretion cancel or alter this Incentive Program at any time.

Housing Infill & Redevelopment Incentive Program

Goals

- 1.1. **Trigger new development** – the program will assist a prospective development project to become viable. New development construction will increase the assessment base where there are existing municipal investments in both infrastructure (water, sewer, etc.) and services (e.g. recreation, fire, transit, etc.).
- 1.2. **Increases the diversity of the housing market** – Promote the diversification of the housing market by creating supports for higher density apartments and missing middle housing options (e.g. townhouses, multiplexes, and small-scale apartments) that are typically not being constructed in greenfield areas.
- 1.3. **Level the playing field for infill and redevelopment** – Development within an established area is typically more expensive per unit of housing as there are additional costs that need to be factored in, including: acquisition of a property that may have existing poor-quality housing, demolition, environmental remediation, upgrading of servicing, modifying grades, constrained construction area, etc. Suburban development lots are typically contain only limited constraints.
- 1.4. **Boost the ‘Value per Hectare’ of our urban areas** – New construction should assist in maximizing the financial return on land while helping to meet the needs of the neighbourhood.
- 1.5. **Recoup the incentive with new tax base** – The value of the incentive provided should be recovered by the uplift in tax revenue created by the new assessment base. The "payback" period should be reasonable in order to not burden existing taxpayers.
- 1.6. **Builds on existing infrastructure** – Seeks to optimize areas which would require only minor modifications or extensions to existing infrastructure.
- 1.7. **Promotes small and medium developers** – The program will support and assist small and medium- scale developers who are struggling with increased construction costs due to rising inflation, labour costs, material costs, supply constraints, and skills shortages.

Description of Incentive

This Incentive Program provides an Incentive for development of new housing within the defined areas.

- 1.8. Tier 1 Incentives provides an Incentive of \$15,000 per dwelling unit, to a maximum of \$750,000 for new residential development on a single site, and subject to the remaining funds available in this Incentive Program at the time of application.
- 1.9. Tier 2 Incentives provides a single Incentive of \$7,500 for a Backyard Suite development on a single site, and subject to the remaining funds available in the Incentive Program at the time of application.
- 1.10. Example: 20 unit townhouse development, estimated construction value of \$5.0MM (20 units x \$250k/unit). At 2023 mill rate this would equate to \$39,377 in yearly taxes. Potential grant of \$0.3MM on project (\$15.0k/unit x 20 units) would result in a ‘payback period’ of 7.6 yrs.
- 1.11. Example: 75 unit apartment building development, estimated construction value of \$11.25MM (75 units x \$150k/unit). At 2023 mill rate this would equate to \$88,599 in yearly taxes.

Potential grant of \$0.75MM on project (\$15.0k/unit x 75 units is \$1.125MM but capped at \$750k) would result in a 'payback period' of 8.5 yrs.

Eligibility for this Incentive Program

Applicants, proposed projects, and properties must meet all of the following requirements, as determined by the City, in order to be eligible for this Incentive Program.

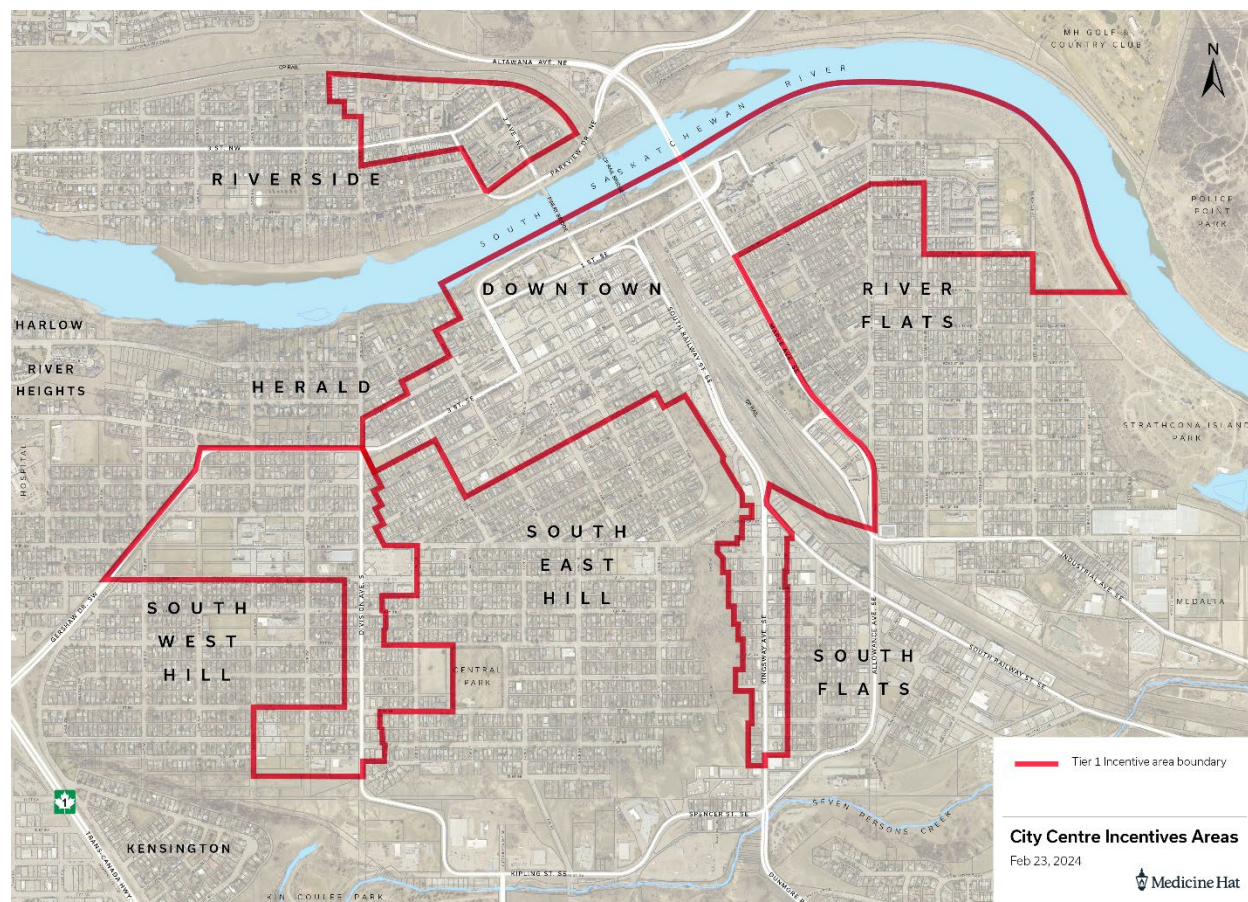
- 1.12. **Eligible Development Forms** - Eligible residential development built forms include various forms of Multiple Unit Housing (i.e. Apartments, townhouses, stacked townhouses, fourplexes, etc.), Row Housing, Duplex Housing, Triplex Housing, and Semi-Detached Housing. Detached Houses and Basement Suites are not eligible for the Incentive Program. All development proposals are subject to conformance with the City of Medicine Hat Land Use Bylaw.
- 1.13. **New construction of housing units** – re-purposing of existing non-residential or residential space does not create a substantial net increase of the tax base. Only new construction projects will be considered as eligible development for this Incentive Program. Demolition of existing buildings and redevelopment of a site qualifies for this program. E.g. three existing houses are demolished and a new apartment is built. At the sole discretion of the City Manager, redevelopment or repurposing of existing non-residential buildings may be considered for an Incentive Program Application on a case-by-case basis if there are remaining unallocated funds within the Incentive Program on September 1st, 2024.
- 1.14. **Maximum Incentive per project** – A maximum Incentive per project site of \$750,000 will be applied for Tier 1 development projects. The City at its sole discretion will determine what constitutes a project site. On a site that can accommodate multiple large-scale projects, at the sole discretion of the City they may be considered as separate sites.
- 1.15. **Incentive Program Application process** – All Incentive Program Applications received will be reviewed by a panel composed of staff from Planning & Development Services, Land & Real Estate, and Medicine Hat Economic Development to determine successful Applicants. The initial Incentive Program Application intake period will be between April 15, 2024 and May 15, 2024. An Incentive will be held for successful Applicants for a period of three (3) months from the Incentive Program Application date approval to secure a Development Permit. A second intake period will start June 1, 2024 and will be reviewed on a first come first reviewed basis subject to the remaining funds available in this Incentive Program at the time of Incentive Program Application. An Incentive will be held for successful Applicants for a period of three (3) months from the Incentive Program Application date approval to secure a Development Permit. This process applies to both Tier 1 and Tier 2 Incentives.
- 1.16. **Securing a Development Permit** - Applicants must secure a Development Permit, or, at the sole discretion of the City, make substantial progress on securing a Development Permit to continue to be eligible for the Incentive Program and have Incentives held for their project. Projects that receive a Development Permit between the period of December 1, 2023 – December 1, 2024 will be eligible to apply for this Incentive Program.
- 1.17. **Incentive Award** – The Incentive Program will provide the Incentive to the applicant upon receiving Building Occupancy for the project from a Safety Code Officer. At the sole discretion of the City, a portion of the Incentive, not exceeding 25% of the total Incentive, may be awarded to the Applicant upon successful completion of the building foundations as determined by a Safety Code Officer approval.

- 1.18. **Development Compliance** – All approved development projects must meet all Development Permit requirements, Safety Code approvals, and must not be in arrears in municipal taxes or utilities to be eligible for an Incentive.

Program Incentive Boundary

- 1.19. The Tier 1 Incentives would apply to the area within the red boundaries as shown in the City Centre Incentives Area map attached as Appendix A.
- 1.20. The Tier 2 Incentive would apply to the following neighbourhoods: Downtown, Riverside, Harlow, Herald, River Heights, Kensington, SE Hill, SW Hill, South Flats, and River Flats. The boundaries of the neighbourhoods listed are determined by the City.
- 1.21. At the sole discretion of the City Manager, project sites that are outside of the City Centre map boundary but are in close proximity to the boundary as identified by the City, may be considered on a case-by-case basis for an Incentive.
- 1.22. At the sole discretion of the City Manager, other infill or redevelopment project sites may be considered for an Incentive Program Application on a case-by-case basis if there are remaining unallocated funds within the Incentive Program on September 1st, 2024.

Appendix A – City Centre Incentives Area map



BYLAW NO. 4799

A BYLAW OF THE CITY OF MEDICINE HAT to amend Bylaw No. 4667.

WHEREAS Council considers it necessary and desirable to amend Bylaw No. 4667.

NOW THEREFORE THE MUNICIPAL CORPORATION OF THE CITY OF MEDICINE HAT, IN COUNCIL ASSEMBLED, ENACTS AS FOLLOWS:

1. Bylaw No. 4667 is hereby amended as follows:

a. delete the first recital and replace it with the following:

"A BYLAW OF THE CITY OF MEDICINE HAT to provide for partial exemptions from taxation under Part 10, Division 2 of the MGA, pursuant to section 364.2 of the MGA."

b. delete the fourth recital and replace it with the following:

"WHEREAS Council deems it appropriate to provide for partial exemptions from taxation, under Part 10, Division 2 of the MGA, pursuant to Section 364.2 of the MGA, for the purpose of encouraging development or redevelopment of non-residential properties and brownfields for the general benefit of the municipality;"

c. delete the definition of **"Brownfield"** in of subsection 2.3.e. and replace it with the following:

"e. **"Brownfield"** means a property, other than a designated industrial property as defined in the MGA, that is or has been a commercial or industrial property and in the opinion of the CAO:

- (i) is, or possibly is, contaminated;
- (ii) is vacant, derelict or under-utilized; and
- (iii) is suitable for development or redevelopment for the general benefit of the municipality."

d. delete Section 12.1 and replace it with the following:

"12.1 The CAO may establish, from time to time, guidelines, rules, and procedures regarding the application process for, and the administration and implementation of, the Tax Incentives under this Bylaw."

2. This Bylaw shall come into force at the beginning of the day that it is passed.

READ A FIRST TIME in open Council on _____

READ A SECOND TIME in open Council on _____

READ A THIRD TIME in open Council on _____

SIGNED AND PASSED on _____

MAYOR – LINNSIE CLARK

CITY CLERK – LARRY RANDLE

BYLAW NO. 4667

~~A BYLAW OF THE CITY OF MEDICINE HAT to provide for partial exemptions from taxation under Part 10, Division 2 of the MGA, pursuant to sections 364.1 and 364.2 of the MGA.~~ **A BYLAW OF THE CITY OF MEDICINE HAT to provide for partial exemptions from taxation under Part 10, Division 2 of the MGA, pursuant to section 364.2 of the MGA.**

WHEREAS municipal purposes include providing services, facilities or other things that, in the opinion of Council, are necessary or desirable for all or a part of the municipality, fostering the well-being of the environment and development and maintaining safe and viable communities;

WHEREAS Council considers it desirable to encourage the development or revitalization of non-residential properties and brownfields for the general benefit of the City and promote investment in the municipality; and

~~**WHEREAS** Council deems it appropriate to provide for partial exemptions from taxation, under Part 10, Division 2 of the MGA, pursuant to sections 364.1 and 364.2, for the purpose of encouraging development or redevelopment of non-residential properties and brownfields for the general benefit of the municipality;~~ **WHEREAS** Council deems it appropriate to provide for partial exemptions from taxation, under Part 10, Division 2 of the MGA, pursuant to Section 364.2 of the MGA, for the purpose of encouraging development or redevelopment of non-residential properties and brownfields for the general benefit of the municipality;

NOW THEREFORE THE MUNICIPAL CORPORATION OF THE CITY OF MEDICINE HAT, IN COUNCIL ASSEMBLED, ENACTS AS FOLLOWS:

1. Bylaw Title

1.1. This Bylaw may be cited as the "Tax Incentive Bylaw".

2. Interpretation

2.1. The purpose of the Brownfield Incentive is to encourage the development or redevelopment of Brownfields for the general benefit of the municipality.

2.2. The purpose of the Non-Residential Incentive is to encourage large-scale commercial or industrial development that will result in increased Tax revenue for the City, and create Skilled Jobs.

2.3. In this Bylaw,

- a. **"Applicant"** means a person who applies for an Incentive pursuant to Section 4.1;
- b. **"Application"** means an Application for a Tax Incentive made pursuant to Section 4.1;
- c. **"Approved Construction Schedule"** has the meaning given to it in Subsection 3.1.b(ii);
- d. **"Approved Development"** has the meaning given to it in Subsection 3.1.b(i);
- e. ~~**"Brownfield"** has the meaning given to "brownfield property" in Subsection 364.1(1) of the MGA, with this Bylaw being the "bylaw" referenced in Subsections 364.1(1)(a) and (b) that is located within the City;~~ **"Brownfield" means a property, other than a designated industrial property as defined in the MGA, that is or has been a commercial or industrial property and in the opinion of the CAO:**

(i) is, or possibly is, contaminated;

(ii) is vacant, derelict or under-utilized; and

(iii) is suitable for development or redevelopment for the general benefit of the municipality."

e-f. "Brownfield Incentive" means a partial exemption from Taxation provided in respect of an Approved Development of a Brownfield, in the extent and Taxation years determined in accordance with Schedule "A";

f-g. "CAO" means the City's Chief Administrative Officer, operating under the title of "City Manager", and includes any person to whom the CAO has delegated any power, duty or responsibility assigned to the CAO under this Bylaw, and includes any person appointed as acting City Manager or interim City Manager;

g-h. "Capital Cost" means the total capital costs actually incurred by the Owner to construct an Approved Development, including any third party labour, engineering, materials or other costs associated with the construction of the Approved Development. Capital Costs shall not include the cost of the Property or any improvements, machinery or equipment that existed on the Property before construction, the Owner's labour, administrative or other overhead expenses, or any other non-capital costs such as legal, regulatory or permitting fees;

h-i. "Change in Municipal Taxes" means the difference between the Tax levied with respect to a Property in the Taxation year prior to commencement of the Approved Development and the Tax levied with respect to the Property in an Incentive Year;

i-j. "City" means the municipal corporation of the City of Medicine Hat, and where the context so requires, means the land included in the boundaries of the City;

j-k. "Criteria" means the criteria set out in Article 3;

l. "Conditions" means the conditions set out in Article 7;

m. "Development" means one or more of the following:

- i) a "development", as defined in Subsection 616(b)(i) of the MGA, of a Brownfield for the purpose of remediating contamination or possible contamination; or
- ii) a "development" as defined in one or more of Subsections 616(b)(ii), (iii) or (iv) of the MGA;

n. "Development Authority" has the meaning given to it at Section 4.4 of the Land Use Bylaw;

o. "Development Permit" has the meaning given to it at Section 4.4 of the Land Use Bylaw;

p. "Incentive Years" means the Taxation year or years for which a Property may qualify for a Tax Incentive as set out in Schedule "A" or "B" as applicable;

q. "Land Use Bylaw" means the City's Land Use Bylaw, Bylaw No. 4168;

r. "MGA" means the *Municipal Government Act*, RSA 2000, Chapter M-26;

s. "Non-Residential Property" means a property located in the City, in the assessment class specified in Subsection 297(1)(b) of the MGA, but does not include a Brownfield;

t. "Non-Residential Incentive" means a partial exemption from Taxation provided in respect of an Approved Development of a Non-Residential Property, in the extent and Taxation years determined in accordance with Schedule "B";

- u. **"Owner"** means the Person who is registered under the *Land Titles Act*, RSA 2000, c L-4, as the owner of the fee simple estate in the Property, or the occupant of the Property acting pursuant to written authorization from the owner of the fee simple estate of the Property;
- v. **"Person"** includes a body corporate, society, company, firm, partnership as defined in the *Partnership Act*, RSA 2000, c. P-3 and other legal entities;
- w. **"Property"** means a Non-Residential Property or a Brownfield;
- x. **"Skilled Job"** means a permanent, full-time position located within the City that requires a university degree, post secondary diploma or certificate, or a commonly recognized form of trade credential, or such combination of part-time positions as are determined by the CAO, in their discretion, to be equivalent to one such permanent full-time position located within the City. Whether or not a position, or combination of positions, qualifies as a Skilled Job shall be determined by the CAO, in their discretion;
- y. **"Taxation" or "Tax"** means taxation under Part 10, Division 2 of the MGA, but does not include any provincial education taxes or requisitions; and
- z. **"Tax Incentive"** means a Brownfield Incentive or a Non-Residential Incentive, as the context requires.

2.4. Nothing in this Bylaw relieves a Person from complying with any applicable legislation, regulation, code, other bylaw, permit, order, directive, approval or license.

2.5. Where this Bylaw refers to any applicable legislation, regulation, code, other bylaw, permit, order, directive, approval or license, it includes such applicable legislation, regulation, code, other bylaw, permit, order, directive, approval or license as amended or replaced from time to time. Where this Bylaw refers to an agency, it includes reference to any agency that may be substituted therefor.

2.6. The words "includes" and "including", where used in this Bylaw, are not intended to be exhaustive and in all cases mean "includes without limitation" and "including without limitation", respectively.

2.7. The words "will", "shall", and "must", where used in this Bylaw, are to be read and interpreted as mandatory, and the word "may", where used in this Bylaw, is to be read and interpreted as permissive.

2.8. All references to the CAO's discretion in this Bylaw shall mean the CAO's sole and unfettered discretion. The exercise of the CAO's discretion shall not be subject to appeal or review unless expressly provided for herein.

2.9. Every provision of this Bylaw is independent of all other provisions, and if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.

2.10. In the event of any conflict or inconsistency between this Bylaw and any City policy or procedure, this Bylaw governs to the extent of the conflict or inconsistency.

3. Criteria

3.1. To be eligible for a Tax Incentive:

- a. the Property applied for must be the subject of a Development Permit authorizing a Development on the Property, that is in force and effect at the time of the Application, and remains in force and effect until the Development Permit holder has completed construction of the Approved Development in accordance with the Development Permit;
 - b. in the opinion of the CAO, at the CAO's discretion:
 - (i) the Development authorized by the Development Permit must be consistent with all applicable statutory and non-statutory plans of the City, and must support the purpose and intent of City Council's Strategic Plan and the City's Municipal Development Plan (the "**Approved Development**");
 - (ii) the development schedule for the Approved Development, from the issuance of the Development Permit through completion of the Approved Development in accordance with the Development Permit and (if applicable) occupation and/or operation, must be reasonable (the "**Approved Construction Schedule**");
 - (iii) the Tax Incentive must be consistent with the purposes of a municipality set out in Section 3 of the MGA; and
 - (iv) the Approved Development must be of a permanent nature.
 - c. the Applicant must submit an Application to the CAO that meets all the requirements of this Bylaw;
 - d. all requirements of this Bylaw must be satisfied;
 - e. upon request of the CAO, the Applicant must provide, to the satisfaction of the CAO, at the CAO's discretion, any documentation, information, access or consents, as the CAO may deem necessary or appropriate, to verify any information contained in the Application or to confirm ongoing compliance with the Criteria and Conditions; and
 - f. any other criteria deemed necessary by the CAO, in the CAO's discretion, to satisfy the purposes and intent of this Bylaw.
- 3.2. In addition to meeting the criteria in Section 3.1, to be eligible for a:
- a. Brownfield Incentive:
 - (i) the Property that is the subject of an Application must be a Brownfield;
 - (ii) the Approved Development must, at the time of Application, be reasonably projected to cause the assessed value of the Property, as set out in the notice of assessment, to increase by at least \$25,000.00 between the Taxation year immediately prior to the commencement of construction and the Tax year immediately after completion of the Approved Development; and
 - (iii) the Approved Development must, at the time of Application, have an estimated capital cost of \$1,000,000.00 or greater.
 - b. Non-Residential Incentive:

- (i) the Property that is the subject of an Application must be a Non-Residential Property;
- (ii) the Approved Development must, at the time of Application, be reasonably projected to cause the assessed value of the Property, as set out in the notice of assessment, to increase by at least \$50,000.00 between the Taxation year immediately prior to the commencement of construction and the Tax year immediately after completion of the Approved Development;
- (iii) the Approved Development must, at the time of Application, have an estimated Capital Cost of \$10,000,000.00 or greater; and
- (iv) the Approved Development must at the time of Application be reasonably projected to create and maintain ten (10) or more full-time Skilled Jobs.

Whether a Property meets the criteria of subsections (a) and (b) shall be determined by the CAO in their discretion.

4. Applications

4.1. An Owner of a Property that is the subject of a Development Permit that is in force and effect, authorizing an Approved Development, may apply to the CAO for a Tax Incentive in relation to that Property. An Application made under this Section must:

- a. be in writing, in a form satisfactory to the CAO, fully completed and duly executed by the Applicant;
- b. be accompanied by the applicable application fee, if any, pursuant to Section 11; and
- c. contain the following information:
 - (i) the Applicant's name, address and telephone number;
 - (ii) if the Applicant is a corporation, confirmation of corporate registration;
 - (iii) the name, address and telephone number of the Person acting as the Applicant's agent, if any;
 - (iv) a copy of the Land Title Certificate for the Property obtained from the Land Titles Office within the previous forty-five (45) days;
 - (v) the Tax Incentive the Applicant is applying for;
 - (vi) adequate evidence that the Criteria are met, as determined by the CAO, in the CAO's discretion, including the projected Capital Cost of the Approved Development and number and nature of Skilled Jobs projected to be created by the Approved Development; and any further information required by the CAO, in the CAO's discretion, to evaluate the Application.

5. Determination of CAO

5.1. If, after reviewing an Application, the CAO determines, in the CAO's discretion, that all the Criteria are met for the Tax Incentive applied for, the CAO may approve a Tax

Incentive in respect of the Property as the CAO deems appropriate in their discretion, in accordance with Schedule "A" or "B", as applicable.

- 5.2. If the CAO approves a Tax Incentive pursuant to Section 5.1, the CAO must issue a certificate which sets out the approved Tax Incentive.
- 5.3. The CAO, in exercising the CAO's discretion in Section 5.1, may consider any factors the CAO considers reasonable, but must consider:
- a. any outstanding Tax arrears associated with the Property, or any overdue accounts the Applicant may have with the City;
 - b. any development or safety codes compliance issues associated with the Property or any other property owned by the Applicant;
 - c. any outstanding litigation involving the Applicant;
 - d. whether the Applicant, or an entity related to the Applicant, is subject to, or at risk of being subject to, bankruptcy or receivership;
 - e. whether any properties owned by the Applicant, or an entity related to the Owner, are, or are at risk of being, the subject of foreclosure proceedings;
 - f. if the Applicant has received any form of grant or financial assistance from the City or another level of government, any dispute or issue with respect to the Applicant's compliance with the terms and conditions of such grant or financial assistance; and
 - g. whether the Applicant is likely to be able to satisfy the Conditions.
- 5.4. The extent and Taxation years of a Tax Incentive will be determined by the CAO in their discretion in accordance with Schedules "A" or "B", as applicable.
- 5.5. The Applicant bears the onus of proving, to the satisfaction of the CAO, in the CAO's discretion:
- a. that the Criteria, and all other requirements of this Bylaw, have been satisfied; and
 - b. ongoing compliance with the Criteria, Approved Construction Schedule, and Conditions.
- 5.6. The CAO may, at any time, require the Applicant to provide any documentation, information, access, or consents, as the CAO may deem necessary in the CAO's discretion, to verify any information contained in the Application, score the Approved Development in accordance with the applicable Schedule, or to confirm ongoing compliance with the Criteria and Conditions.
- 5.7. The CAO may, at the CAO's discretion, reject any Application that does not include all documentation, information, access, and consents required by this Bylaw, the application form, or the CAO.
- 5.8. If the CAO refuses to approve a Tax Incentive for a Property, the CAO must send the Applicant a written notice of the refusal, stating the reasons for the refusal and the date by which a request for review by Council must be made, which date must be within sixty (60) days of the date noted on the written notice of refusal.

6. Tax Incentive Certificate and Agreement

6.1. A certificate issued pursuant to Section 5.2 must set out:

- a. the Tax Incentive being approved and the extent of the Tax Incentive;
- b. the Incentive Years to which the Tax Incentive may apply, provided, however, that in no event shall the term of a Tax Incentive exceed five (5) Incentive Years;
- c. the Conditions;
- d. the Criteria; and
- e. any additional information deemed necessary or appropriate by the CAO, in the CAO's discretion.

6.2 The term of a Tax Incentive shall commence in the Tax year following the year in which the Development Permit for the Approved Development was issued, unless otherwise stated in a Tax Incentive Certificate issued pursuant to Section 5.2 of the Bylaw or otherwise expressly authorized in writing by the CAO, at the CAO's discretion.

7. Conditions

7.1. In addition to any Conditions the CAO deems reasonable, at the CAO's discretion, and the Conditions set out in Section 7.2 and without limitation to any other provision of this Bylaw, the following Conditions shall be imposed in respect of every Tax Incentive approved pursuant to Section 5.2:

- a. the Applicant must enter into and comply with a written agreement with the City with respect to the Tax Incentive and applicable Criteria and Conditions on terms and conditions satisfactory to the City, which may include any terms and conditions deemed reasonable by the City, including an acknowledgement of the City's contribution to the Approved Development, and/or a charge on the Property or other property owned by the Applicant;
- b. the Applicant must, at all times, comply with the applicable Criteria, the Approved Construction Schedule, and the Conditions;
- c. the Applicant must, at all times, comply with all applicable legislation, regulations, and bylaws, and obtain and comply with all necessary permits, licenses and approvals with respect to a Property, including but not limited to development and building permits;
- d. the Applicant must provide the following information to the City annually, no later than November 30th in each Incentive Year:
 - (i) a progress report with respect to the Approved Construction Schedule and budget;
 - (ii) any proposed amendments to the Approved Construction Schedule and budget, which may be approved or refused by the CAO, in its discretion;
 - (iii) an update with respect to the number and nature of Skilled Jobs projected to be employed, or actually employed, by the Approved Development, annually; and
 - (iv) any other information requested or required by the CAO, in the CAO's discretion.

- e. without limitation to any other provision of this Bylaw, the City may from time to time conduct such inspections and, upon request of the CAO, the Applicant must provide any documentation, information, access, or consents, as the CAO may deem necessary or appropriate, to verify any information contained in the Application or to confirm ongoing compliance with the Criteria and Conditions to the satisfaction of the CAO, in the CAO's discretion;
 - f. the Development Permit authorizing the Approved Development on the Property must remain in force and effect until the Development Permit holder has completed construction of the Approved Development in accordance with the Development Permit;
 - g. the Applicant must not have any overdue accounts with the City;
 - h. there must not be a material adverse change with respect to any one or more of the Criteria set out in Section 3.2 of this Bylaw; and
 - i. without limitation to Section 7.2, if a Tax Incentive is cancelled, the CAO may require the Applicant to repay the City the amount of any Tax Incentive received by the Applicant prior to the date of cancellation.
- 7.2. The Tax Incentive is deemed cancelled, effectively immediately, and the Applicant will be liable to repay the City the amount of any Tax Incentive received by the Applicant prior to the date of cancellation, if:
- a. the Applicant goes bankrupt or enters into receivership;
 - b. foreclosure proceedings are commenced with respect to the Property;
 - c. the Application, or any supporting information or documentation provided by the Applicant in connection therewith, was fraudulent or contained inaccurate information or misrepresentations; or
 - d. the Applicant fails to provide the CAO with any documentation, information, access, or consents, required to be provided pursuant to this Bylaw or the agreement referenced entered into pursuant to Section 7.1.a, to the satisfaction of the CAO, at the CAO's discretion.
- 7.3 A change in ownership of the Property will not affect a Tax Incentive unless the Property or the new Owner falls within one or more of the grounds for cancellation under this Bylaw. To maintain eligibility for the Tax Incentive:
- a. the Property, and new Owner, must be in compliance with the requirements of this Bylaw and any applicable Criteria and Conditions with respect to the Tax Incentive; and
 - b. in the event of a written agreement between the Applicant and City with respect to the Tax Incentive, the new Owner must enter into and comply with an agreement with the City to assume the Applicant's obligations, on terms and conditions satisfactory to the City.

8. Cancellation or Reduction of Tax Incentive

8.1. If, at any time after a certificate has been issued pursuant to Section 5.2:

- a. the CAO determines, in the CAO's discretion, that a Condition has been breached, the CAO must cancel the Tax Incentive for the Incentive Years to which that Condition applies; or
- b. the CAO determines, in the CAO's discretion, that the Property did not meet or has ceased to meet any of the Criteria, the CAO must cancel the Tax Incentive for the Incentive Years in which the Criteria were not met.

8.2. The CAO must send the Applicant a written notice of any cancellation pursuant to Section 7.2 or 8.1 herein, stating the reasons for the cancellation and the date by which a written request for review by Council must be received by the CAO, which date must be within sixty (60) days of the date noted on the written notice of refusal.

8.3. Without limitation to the generality of Section 8.1 herein, if, at any time after a certificate has been issued pursuant to Section 5.2, and the CAO in their discretion determines that;

- (i) the Approved Development did not cause the assessed value of the Property, as set out in the notice of assessment, to increase by an amount equal to or greater than the amount set out in Subsection 3.2.a(ii) or b(ii) herein between the Taxation year immediately prior to the commencement of construction of the Approved Development and the Tax year immediately after completion of the Approved Development;
- (ii) the actual Capital Cost of the Approved Development was less than the amount set out in Subsection 3.2.a(iii) or b(iii)) herein, or
- (iii) the Approved Development does not employ the number of full-time employees (or equivalent thereof) in Skilled Jobs set out in Subsection 3.2b(iv) herein within the City

the CAO may cancel the Tax Incentive for the Incentive Years in which the Criteria were not met, and the process set out in Section 8.2 shall apply.

8.4. If, at any time after a certificate has been issued pursuant to Section 5.2, the CAO in their sole discretion determines that;

- (i) the Approved Development did not cause the assessed value of the Property, as set out in the notice of assessment, to increase by an amount equal to or greater than the amount projected at the time of Application;
- (ii) the actual Capital Cost of the Approved Development was less than the amount estimated at the time of Application; or
- (iii) the Approved Development does not employ the number of employees in full-time Skilled Jobs (or equivalent thereof) projected at the time of Application

the CAO may, in their discretion, re-score the Application in accordance with Schedule "A" or "B" as applicable and adjust the Incentive Years to which the Tax Incentive applies

and/or amount of the Tax Incentive. Any decision made by the CAO pursuant to this Section 8.4 is final and is not subject to review by Council pursuant to this Bylaw.

9. Review by Council

9.1. An Applicant may request a review by Council of the following decisions:

- a. the refusal of an Application for a Tax Incentive; or
- b. the cancellation of a Tax Incentive for one or more Incentive Years.

9.2. A written request for a review by Council pursuant to Section 9.1 must be received by the CAO within sixty (60) days of the date noted on the written notice to the Applicant of the decision.

9.3. Council will conduct reviews at a regularly scheduled or special council meeting, as determined by Council. Council is not required to hear from the Applicant, or any person representing them, at the meeting.

9.4. Council may confirm, reverse or vary the CAO's decision with respect to an Application for a Tax Incentive or the cancellation of a Tax Incentive provided, however, that any decision made by Council with respect to the issuance of a Tax Incentive shall be limited to the extent and Taxation years determined in accordance with Schedule "A" or "B" of this Bylaw, as applicable.

9.5. Council's decision is final, and not subject to further appeal.

9.6. The decisions set out in Section 9.1 are the sole grounds for a review by Council pursuant to this Bylaw. Any other decision or exercise of discretion by the CAO in connection with a Tax Incentive, including the extent of a Tax Incentive or the Incentive Years to which a Tax Incentive applies or the re-scoring of an Application pursuant to Section 8.4 of this Bylaw, is final and is not subject to review by Council pursuant to this Bylaw.

10. Tax Incentive Prohibited

10.1. Notwithstanding anything else in this Bylaw:

- a. a Tax Incentive will not be provided for any Tax year, including the Incentive Years, that is earlier than the Tax year in which a certificate is issued pursuant to Section 5.2;
- b. if any Property is not eligible for, or prohibited from, receiving a Tax Incentive under any federal or provincial law or regulation or any requirement of any lawful permit, approval, order or license, such Tax Incentive will not be provided in respect of that Property, or, if already provided, will cease to be provided in respect of that Property;
- c. if a Tax Incentive was approved and received in respect of a Property pursuant to Bylaw No. 4585, that Property shall not be eligible for any Tax Incentive pursuant to this Bylaw.

11. Fees

11.1. Council may from time to time, by resolution, establish and charge fees in relation to the administration of Applications.

12. Delegation

- 12.1. The role of Council in Subsection 364.1(1)(b) of the MGA is delegated to the CAO. The CAO may establish, from time to time, guidelines, rules, and procedures regarding the application process for, and the administration and implementation of, the Tax Incentives under this Bylaw.

13. Bylaw No. 4585

- 13.1. Brownfield Tax Incentive Bylaw No. 4585 is repealed.

14. Coming into Force

- 14.1. This Bylaw will come into force at the beginning of the day that it is passed.

READ A FIRST TIME in open Council on June 6, 2022.

READ A SECOND TIME in open Council on July 4, 2022.

READ A THIRD TIME in open Council on July 4, 2022.

SIGNED AND PASSED on July 5, 2022.

MAYOR: Linnsie Clark

ACTING CITY CLERK: Jessica Robinson

Schedule "A" - Brownfield Properties

1. **Scoring of Application:** An Application for a Tax Incentive for a Brownfield Property will be scored by the CAO on a fifty (50) point scale based on the criteria set out in Subsections 3.2(a)(ii) and (iii) of this Bylaw.
2. **Incentive Years:** Tax Incentives for eligible Brownfield Properties may be granted for a period of three (3) to five (5) Incentive Years.
3. **Extent of Tax Incentive:** The amount of the Tax Incentives for a Brownfield Property in each Incentive Year shall be in the discretion of the CAO, based on the Change in Municipal Taxes, based on the following parameters:

Incentive Year	Amount of Tax Incentive (% of Change in Municipal Taxes)
1	50-100%
2	25-100%
3	25-100%
4 (if applicable)	25-75% (if applicable)
5 (if applicable)	25-50% (if applicable)

Schedule "B" - Non-Residential Properties

1. **Scoring of Application:** An Application for a Tax Incentive for a Non-Residential Property will be scored by the CAO on a fifty (50) point scale based on the criteria set out in Subsections 3.2(b)(ii), (iii) and (iv) of this Bylaw.
2. **Incentive Years:** Tax Incentives for eligible Non-Residential Properties may be granted for a period of three (3) to five (5) Incentive Years.
3. **Extent of Tax Incentive:** The amount of the Tax Incentive for a Non-Residential Property in each Incentive Year shall be in the discretion of the CAO, based on the Change in Municipal Taxes, based on the following parameters:

Incentive Year	Amount of Tax Incentive (% of Change in Municipal Taxes)
1	50-100%
2	25-100%
3	25-100%
4 (if applicable)	25-75% (if applicable)
5 (if applicable)	25-50% (if applicable)

BYLAW NO. 4799

A BYLAW OF THE CITY OF MEDICINE HAT to amend Bylaw No. 4667.

WHEREAS Council considers it necessary and desirable to amend Bylaw No. 4667.

NOW THEREFORE THE MUNICIPAL CORPORATION OF THE CITY OF MEDICINE HAT, IN COUNCIL ASSEMBLED, ENACTS AS FOLLOWS:

1. Bylaw No. 4667 is hereby amended as follows:

a. delete the first recital and replace it with the following:

“A BYLAW OF THE CITY OF MEDICINE HAT to provide for partial exemptions from taxation under Part 10, Division 2 of the MGA, pursuant to section 364.2 of the MGA.”

b. delete the fourth recital and replace it with the following:

“WHEREAS Council deems it appropriate to provide for partial exemptions from taxation, under Part 10, Division 2 of the MGA, pursuant to Section 364.2 of the MGA, for the purpose of encouraging development or redevelopment of non-residential properties and brownfields for the general benefit of the municipality;”

c. delete the definition of **“Brownfield”** in of subsection 2.3.e. and replace it with the following:

“e. **“Brownfield”** means a property, other than a designated industrial property as defined in the MGA, that is or has been a commercial or industrial property and in the opinion of the CAO:

- (i) is, or possibly is, contaminated;
- (ii) is vacant, derelict or under-utilized; and
- (iii) is suitable for development or redevelopment for the general benefit of the municipality.”

d. delete Section 12.1 and replace it with the following:

“12.1 The CAO may establish, from time to time, guidelines, rules, and procedures regarding the application process for, and the administration and implementation of, the Tax Incentives under this Bylaw.”

2. This Bylaw shall come into force at the beginning of the day that it is passed.

READ A FIRST TIME in open Council on April 8, 2024.

READ A SECOND TIME in open Council on _____

READ A THIRD TIME in open Council on _____

SIGNED AND PASSED on _____

MAYOR – Linnsie Clark

CITY CLERK – Larry Randle

BYLAW NO. 4735

A BYLAW OF THE CITY OF MEDICINE HAT to amend Bylaw No. 3117, the Unsightly Property Bylaw.

WHEREAS Council considers it advisable to amend Bylaw No. 3117, the Unsightly Property Bylaw.

NOW THEREFORE THE MUNICIPAL CORPORATION OF THE CITY OF MEDICINE HAT, IN COUNCIL ASSEMBLED, ENACTS AS FOLLOWS:

1. Bylaw No. 3117, the Unsightly Property Bylaw, is hereby amended as follows:
 - (a) The second sentence of the preamble is deleted and replaced with:

“WHEREAS the ***Municipal Government Act***, S.A. 2000, c.M-26 authorizes municipalities to deal with nuisances, including unsightly property, and the protection of people and property.”.
 - (b) In subsection 2. (1), “1994” is replaced with “2000” and “c.M-26.1” is replaced with “c.M-26”.
 - (c) Subsection 2. (3) is repealed and replaced with the following:

“2. (3) **“Bylaw Enforcement Officer”** means any police officer, peace officer or other person appointed or employed by the City having the authority to enforce bylaws.”.
 - (d) The following subsection is inserted following subsection 2. (4):

“2. (4.01) **“City Manager”** means the chief administrative officer of the City, operating under the title of “City Manager”;
 - (e) The following subsection is inserted following subsection 2. (5):

“2. (5.01) **“Dilapidated Vehicle”** means any vehicle that is:

 - (a) incapable of being safely operated;
 - (b) partially or fully wrecked or dismantled; or
 - (c) substantially damaged.”.
 - (f) The following subsection is inserted following subsection 2. (8):

“2. (8.01) **“Occupier”** means:

- (a) a person who is in lawful physical possession of land or a Structure on the land; or
 - (b) a person who has responsibility for, and control over, the condition of land or a Structure on the land, the activities conducted on that property, and the persons allowed to enter that property,

and for the purposes of this Bylaw, there may be more than one occupier of the same land or Structure on the land.”.
- (g) Subsection 2. (9) is repealed and replaced with the following:

“2. (9) **“Order”** means a written order in accordance with section 545 or subsection 546(1)(c) of the **Act** issued pursuant to subsection 6(a) or (b) of this Bylaw.”.
- (h) The following subsection is inserted following subsection 2. (11):

“2. (11.01) **“Reasonable State of Repair”** means the condition of being:

 - (i) free from significant damage;
 - (ii) free from significant rot or other significant deterioration;
 - (iii) free from the presence or accumulation of hazardous materials (unless stored in accordance with applicable laws), noxious fumes, or sewage; and
 - (iv) safe for its intended use.”.
- (i) Subsection 3(2)(c) is amended to delete “wrecked or dismantled vehicles” and replace it with “one or more Dilapidated Vehicles”.
- (j) Subsection 3(2)(e)(iii) is amended to delete “peeling” and replace it with “peeling”.
- (k) Subsection 3(2)(e)(vi)(d) is repealed and replaced with:

“3(2)(e)(vi)d. coated with an opaque protective finish that matches or complements the existing exterior finish of the Structure in a manner that is not detrimental to the surrounding area.”.
- (l) The following subsection is inserted following subsection 3. (3):

“3. (4) No Owner or Occupier of a Property shall cause or permit the Property to become an Unsightly Property.”
- (m) The following provisions regarding Maintenance Standards for Property are added as Section 4:

“MAINTENANCE STANDARDS FOR PROPERTY

4. (1) An Owner or Occupier of Property shall ensure that all Structures on the Property are maintained so that:
 - (a) the foundations;
 - (b) exterior walls;
 - (c) roof and eavestroughs;
 - (d) windows, including frames, shutters, and awnings;
 - (e) exterior doors, including frames, jambs, and awnings;
 - (f) exterior landings;
 - (g) balconies, porches, decks, patios;
 - (h) steps, walkways, and sidewalks; and
 - (i) fences,are kept in a Reasonable State of Repair.
- (2) No person shall cause or permit a vacant Structure to become damaged or to deteriorate into a state of disrepair such that the Structure is an imminent danger to public safety.
- (3) If a Structure normally intended for human habitation or use is unoccupied then the Owner or Occupier may cover any door or window opening in the Structure with a solid piece of wood (or other similar suitable material) that is:
 - (a) installed from the exterior and fitted within the frame of the opening in a watertight manner;
 - (b) of a thickness sufficient to prevent unauthorized entry into the Structure;
 - (c) secured in a manner sufficient to prevent unauthorized entry into the Structure; and
 - (d) coated with an opaque protective finish that matches or complements the existing exterior finish of the Structure in a manner that is not detrimental to the surrounding area.
- (4) An Owner or Occupier of a Property shall complete any work, renovation, or action within twenty-four (24) months following the first issuance of the permit to perform the work, renovation, or action unless the Person who grants the permit allows for a shorter or longer period to complete such work, renovation, or action.

- (5) (a) If a Structure normally intended for human habitation or use has been declared unfit for human habitation or use by any health or building authority, then the Owner or Occupier of the Property on which the Structure is located shall:
 - (i) remedy the deficiencies in order for the declaration to be removed; or
 - (ii) remove or demolish the Structure;
 - (b) Any work or action required by the Property Owner or Occupier pursuant to subsection (a) shall be completed:
 - (i) within the time specified by the health or building authority; or
 - (ii) if no time is specified by the health or building authority, within twelve (12) months following the date of the declaration.”.
- (n) Section 5 is repealed and replaced with the following:

“5. If a Bylaw Enforcement Officer forms the opinion that Property is Unsightly Property, or fails to comply with maintenance standards set out in section 4 of this Bylaw, the Bylaw Enforcement Officer may issue a written Direction to the Owner or Occupier of the Property. The Direction may require the Owner or Occupier of the Property to improve the appearance of the Property or to comply with any requirements set out in section 4 of this Bylaw in the manner specified and may state a time within which the person must comply with the Direction.”.
- (o) Section 6 is hereby repealed and replaced with the following:

“6. (a) If in the opinion of a Designated Officer, Property is detrimental to the surrounding area because of its unsightly condition, the Designated Officer may issue a written Order in accordance with subsection 546(1)(c) of the **Act**.

(b) A Designated Officer may issue a written Order under section 545 of the **Act** requiring the Owner or Occupier of the Property to comply with any requirements set out in Section 4 of this Bylaw.”.
- (p) Section 7 is amended by replacing “order” with “Order”.
- (q) Subsection 7. (a) is amended by replacing “550” with “549”.
- (r) Section 9 is amended by deleting “Second Floor” from the address and replacing it with “Third Floor”.
- (s) The following subsection is inserted following subsection 12. (b):

"12. (b.1) Property meets the Maintenance Standards set out in section 4 of this Bylaw,".

(t) Subsection 12. (d) is repealed and replaced with the following:

"12. (d) there has been compliance with an Order."

(u) The following section is inserted following Section 12:

"MINIMUM SECURITY REQUIREMENTS

12.1 The City Manager may establish the minimum requirements for the purposes of subsections 3(2)(e)(vi)b., 3(2)(e)(vi)c., 4(3)(b), and 4(3)(c) of this Bylaw. If established by the City Manager, the City Manager shall cause such requirements to be posted on the City's website."

(v) Section 13 is repealed and replaced with the following:

"13. A person who fails to comply with:

(a) Section 4(4);

(b) Section 4(5);

(c) A Direction issued in accordance with section 5;

(d) an Order issued in accordance with subsection 6(a); or

(e) an Order issued in accordance with subsection 6(b);

within the time specified therein is guilty if an offense."

(w) The following offence provision is added as Section 13.01:

"13.01. A person who fails to comply with:

(a) Section 4(1);

(b) Section 4(2);

(c) Section 4(3); or

(d) Section 13.2,

is guilty of an offence."

(x) The following provision is added as Section 13.2:

“13.2 A person shall not obstruct or hinder any other person in the exercise or performance of the other person's powers or duties pursuant to this Bylaw.”.

(y) Section 14 is amended as follows:

- insert “,13.01, or 13.2” immediately after “section 13” in the second line of the first paragraph; and
- in subsection (a)(i), delete “\$250.00 nor more than \$400.00” and replace it with “\$300.00 nor more than \$500.00”.

2. This Bylaw comes into force on the date it is passed.

READ A FIRST TIME in open Council on April 8, 2024.

READ A SECOND TIME in open Council on _____.

READ A THIRD TIME in open Council on _____.

SIGNED AND PASSED on _____.

MAYOR: Linnsie Clark

CITY CLERK: Larry Randle

DATE: 2024-04-08**MEETING: REGULAR COUNCIL****DEPARTMENT: CITY SOLICITOR****REPORT AUTHOR: MATTHEW KLASSEN, SOLICITOR****BYLAW NO. 4735 TO AMEND UNSIGHTLY PROPERTY BYLAW NO. 3117****EXECUTIVE SUMMARY:**

A bylaw to amend Unsightly Property Bylaw No. 3117.

STRATEGIC ALIGNMENT:**INNOVATION****ECONOMIC EVOLUTION****SERVICE ORIENTATION****PARTNERSHIPS & GOVERNANCE****COMMUNITY WELLNESS****RESILIENCY & SUSTAINABILITY****RECOMMENDATION:**

It is recommended through the Administrative Committee and the Development & Infrastructure Committee that City Council pass Amending Bylaw No. 4735 to amend Unsightly Property Bylaw No. 3117.

PREVIOUS COUNCIL MOTIONS / DIRECTIONS:

At the October 3, 2023 Open City Council meeting, Council directed administration to conduct a review of Bylaw No. 3117, pertaining to vacant and derelict properties and to report back to Council with options to enhance the effectiveness of the Bylaw and identify any gaps or shortcomings that may hinder its enforcement.

BACKGROUND / ANALYSIS:

The current Unsightly Property Bylaw was passed on March 3, 1998, and was amended on May 17, 2011. To address the request made by Council, a jurisdictional scan was conducted comparing Medicine Hat's bylaw to the bylaws of Calgary, Edmonton, Red Deer, Airdrie, Lethbridge, and Strathcona County. The results affirmed that Medicine Hat's bylaw is sound and provided insight into how it could be further strengthened to meet the current needs and expectations of the community.

The proposed amendments to the Unsightly Property Bylaw include:

1. Adding a definition of "Reasonable State of Repair" and imposing a positive obligation to maintain a property in a Reasonable State of Repair. (s.2.11.01, s.4(1), and s.4(2))
2. Adding a definition of "City Manager". (s.2.(4.01))

3. Adding a definition of “Dilapidated Vehicle”. (s. 2.5.01 and s.3)
4. Adding a definition of “Occupier”. (s.2.(8.01))
5. Expanding upon the coating requirements for exterior doors, windows or other openings covered with wood. (s.3(2)(e)(vi)d.)
6. Adding a new section prescribing minimum security standards. (s.12.1)
7. Adding a comprehensive new section prescribing property maintenance standards. (s.4)
8. Creating new offences relating to property maintenance and obstruction. [s. 13.(b), 13.(c), 13.(d), and 13.(e), s. 13.01, and s. 13.2]
9. Increasing the fines for first time offences. (s. 14)

INTERNAL AND EXTERNAL ENGAGEMENT CONSIDERATIONS:

The review of the current Unsightly Property Bylaw was a result of Council’s direction. No external engagement occurred during this bylaw review.

POTENTIAL RISKS / IMPACTS:

Financial:

Funding Request:	No	
Budgeted Item:	No	
Funding Explanation:	N/A	
Budget Amendment Form?	No	

There is no cost implication for amending the current Unsightly Property Bylaw.

Health, Safety and Environmental:

There are minimal health, safety and environmental impacts associated with passing an amendment to the Unsightly Property Bylaw.

Legal / Legislative / Policy:

New provisions in the amended Unsightly Property Bylaw prescribe clear property maintenance standards, create additional offences, and increase fines for first time offences, which will facilitate enhanced enforcement of unsightly properties by the City.

PUBLIC PARTICIPATION REQUIRED FOR IMPLEMENTATION:

Public participation is not required; however, the public has expressed an interest in the management of unsightly properties.

INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ALTERNATIVE OPTIONS / PROS AND CONS:

Option 1: Do nothing. This option is not recommended as Council directed a review be done to enhance the effectiveness of the current bylaw. Through the jurisdictional scan, it was determined the current bylaw could be further strengthened.

IMPLEMENTATION PLAN:

If approved by Council, administration will make the amended Unsightly Property Bylaw accessible to the public on the City's website. Medicine Hat Police Service has reviewed the amending bylaw and supports the proposed changes.

REVIEWED BY & DATE:	Ben Bullock City Solicitor	2024-03-08
REVIEWED BY & DATE:	Pat Bohan Managing Director, Development & Infrastructure	2024-03-08
APPROVED BY & DATE:	Ann Mitchell City Manager	2024-03-08
ATTACHMENTS:	Redline of Unsightly Property Bylaw No. 3117	

BYLAW NO. 3117

CONSOLIDATION OF A BYLAW OF THE CITY OF MEDICINE HAT to promote the maintenance of Property and to address Unsightly Property within the City of Medicine Hat.

WHEREAS the *Municipal Government Act*, S.A. ~~2000~~1994, c.M-26-1 authorizes municipalities to deal with nuisances, including Unsightly ~~P~~roperty, and the protection of people and property.

NOW THEREFORE THE MUNICIPAL CORPORATION OF THE CITY OF MEDICINE HAT, IN COUNCIL ASSEMBLED, ENACTS AS FOLLOWS:

NAME OF BYLAW

1. This Bylaw may be cited as the “Unsightly Property Bylaw”.

DEFINITIONS

2. For the purposes of this Bylaw, the following words mean:
 - (1) **“Act”** means the *Municipal Government Act*, S.A. ~~2000~~1994, c.M-26-1, as amended.
 - (2) **“Board”** means the City’s Subdivision and Development Appeal Board.
 - (3) ~~“Bylaw Enforcement Officer” means a person appointed as a Bylaw Enforcement Officer pursuant to City of Medicine Hat Bylaw No. 2463, and also includes any peace officer, police officer or special constable employed by the City’s Police Service.~~ “Bylaw Enforcement Officer” means any police officer, peace officer or other person appointed or employed by the City having the authority to enforce bylaws.”
 - (4) **“City”** means the Municipal Corporation of the City of Medicine Hat.
 - (4.01) “City Manager” means the chief administrative officer of the City, operating under the title of “City Manager”.
 - (5) **“Council”** means the Municipal Council of the City.
 - (5.01) “Dilapidated Vehicle” means any vehicle that is:
 - (a) incapable of being safely operated;
 - (b) partially or fully wrecked or dismantled; or
 - (c) substantially damaged.
 - (6) **“Designated Officer”** means a designated officer in accordance with the *Act*.

Amended by:
Bylaw 4031
May 17, 2011

(7) **“Direction”** means a written direction in accordance with section 5 of this Bylaw.

(8) **“Non-Residential Property”** means all Property that is not Residential Property

(8.01) **“Occupier”** means:

(a) a person who is in lawful physical possession of land or a Structure on the land; or

(b) a person who has responsibility for, and control over, the condition of land or a Structure on the land, the activities conducted on the land or within a Structure on the land, and the persons allowed to enter the land or a Structure on the land.

and for the purposes of this Bylaw, there may be more than one occupier of the same land or Structure on the land.

(9) ~~**“Order”** means a written order in accordance with subsection 546(1)(c) of the **Act**.~~ **“Order”** means a written order in accordance with section 545 or subsection 546(1)(c) of the **Act** issued pursuant to subsection 6(a) or (b) of this Bylaw.

(10) **“Owner”** means:

(a) in respect of land, the person who is registered under the **Land Titles Act** as the owner of the fee simple estate in the land, and

- (b) in respect of Property other than land, the person in lawful possession of it.

Amended by:
Bylaw 4031
May 17, 2011

(11) **“Property”** means:

- (i) a parcel of land,
- (ii) a Structure, or
- (iii) a parcel of land and any Structures located thereon.

(11.01) “Reasonable State of Repair” means the condition of being:

- (i) free from significant damage;
- (ii) free from significant rot;
- (iii) free from the presence or accumulation of hazardous materials (unless stored in accordance with applicable laws), noxious fumes, or sewage; and
- (iv) safe for its intended use.

Amended by:
Bylaw 4031
May 17, 2011

(11.1) **“Residential Property”** means any Property that is solely used for residential purposes, and includes a residential dwelling that contains a home occupation business and a residential dwelling that is under construction.

(12) **“Structure”** means a building or other thing erected or placed in, on, over or under land, whether or not it is so affixed to the land as to become transferred without special mention by a transfer or sale of the land.

(13) **“Unsightly Property”** means Property described in section 3 of this Bylaw.

UNSIGHTLY PROPERTY

3. (1) Unsightly Property is Property that, in the opinion of a Bylaw Enforcement Officer, is detrimental to the surrounding area because of its unsightly condition.

(2) Some factors which may be considered by a Bylaw Enforcement Officer in determining whether Property is Unsightly Property include the following:

- (a) the presence of uncut grass or weeds,
- (b) the presence of trees, shrubs or other vegetation in such a manner that they interfere with the use of or obstruct visibility of street signage, sidewalks, roadway clearance, municipal works or public utilities,

- (c) the presence of ~~wrecked or dismantled vehicles~~ one or more Dilapidated Vehicles, including vehicles that are inoperable and unregistered,
- (d) the storage or accumulation of garbage, litter, refuse (including but not limited to building materials, tires, boxes, scrap material), equipment, dilapidated furniture or appliances, machinery, machinery parts or other similar materials or items,
- (e) specific or general lack of repair or maintenance including but not limited to:
 - (i) significant deterioration of Structures or portions of Structures;
 - (ii) broken or missing windows, siding, shingles, shutters, eaves or other building materials;
 - (iii) significant fading, chipping or ~~pe~~eling of painted areas of Structures;
 - (iv) exterior doors or windows in a Structure that do not operate as they were intended to or do not fit tightly within their frames when closed;
 - (v) exterior doors, windows or openings in a Structure that are not properly constructed or maintained so as to completely exclude rain;
 - (vi) exterior doors, windows or other openings in a Structure that are covered with wood where the wood is not:
 - a. installed from the exterior and fitted within the frame of the opening in a watertight manner;
 - b. of a thickness sufficient to prevent unauthorized entry to the Structure;
 - c. secured in a manner sufficient to prevent unauthorized entry to the Structure; or
 - d. coated with an opaque protective finish that matches or complements the existing exterior finish of the Structure in a manner that is not detrimental to the surrounding areas ~~is similar in colour to the colour of the Structure~~;
- (f) the location, zoning, use and visibility of Property.

(3) Subsection (2) is not intended to be an exhaustive list of factors which may be considered in determining whether Property is unsightly Property.

(4) No Owner or Occupier of a Property shall cause or permit the Property to become an Unsightly Property.

Amended by:
Bylaw 4031
May 17, 2011

MAINTENANCE STANDARDS FOR PROPERTY

4. (1) An Owner or Occupier of Property shall ensure that all Structures on the Property are maintained so that:
- (a) the foundations;
 - (b) exterior walls;
 - (c) roof and eavestroughs;
 - (d) windows, including frames, shutters, and awnings;
 - (e) exterior doors, including frames, jambs, and awnings;
 - (f) exterior landings;
 - (g) balconies, porches, decks, patios;
 - (h) steps, walkways, and sidewalks; and
 - (i) fences,
- of the Structures are kept in a Reasonable State of Repair.
- (2) No person shall cause or permit a vacant Structure to become damaged or to deteriorate into a state of disrepair such that the Structure is an imminent danger to public safety.
- (3) If a Structure normally intended for human habitation or use is vacant then the Owner or Occupier of the Structure shall secure the Structure from unauthorized entry and any door or window opening in the Structure may be covered with a solid piece of wood (or other similar suitable material) that is:
- (a) installed from the exterior and fitted within the frame of the opening in a watertight manner;
 - (b) of a thickness sufficient to prevent unauthorized entry into the Structure;
 - (c) secured in a manner sufficient to prevent unauthorized entry into the Structure; and
 - (d) coated with an opaque protective finish that matches or complements the existing exterior finish of the Structure in a manner that is not detrimental to the surrounding area.
- (4) An Owner or Occupier of a Property shall complete any work, renovation, or action within twenty-four (24) months following the first issuance of the permit to perform the work, renovation, or action unless the Person who grants the permit allows for a shorter or longer period to complete such work, renovation, or action.

- (5) (a) If a Structure normally intended for human habitation or use has been declared unfit for human habitation or use by any health or building authority, then the Owner or Occupier of the Property on which the Structure is located shall:
- (i) remedy the deficiencies in order for the declaration to be removed; or
 - (ii) remove or demolish the Structure;
- (b) Any work or action required by the Property Owner or Occupier pursuant to subsection (a) shall be completed:
- (i) within the time specified by the health or building authority; or
 - (ii) if no time is specified by the health or building authority, within twelve (12) months following the date of the declaration.

DIRECTION

5. If a Bylaw Enforcement Officer forms the opinion that Property is Unsightly Property, the Bylaw Enforcement Officer may issue a written Direction to the Owner or occupier of the Property. The Direction may require the Owner or occupier of the Unsightly Property to improve the appearance of the Property in the manner specified and may state a time within which the person must comply with the Direction. If a Bylaw Enforcement Officer forms the opinion that Property is Unsightly Property, or fails to comply with maintenance standards set out in section 4 of this Bylaw, the Bylaw Enforcement Officer may issue a written Direction to the Owner or Occupier of the Property. The Direction may require the Owner or Occupier of the Property to improve the appearance of the Property or to comply with any requirements set out in section 4 of this Bylaw in the manner specified and may state a time within which the person must comply with the Direction.

ORDERS

6. (a) If in the opinion of a Designated Officer, Property is detrimental to the surrounding area because of its unsightly condition, the Designated Officer may issue a written Order in accordance with subsection 546(1)(c) of the **Act**.
- (b) A Designated Officer may issue a written Order under section 545 of the **Act** requiring the Owner or Occupier of the Property to comply with any requirements set out in section 4 of this Bylaw.

CITY MAY REMEDY UNSIGHTLY CONDITION OF PROPERTY

7. If an ~~e~~Order has been issued, the City may take whatever actions or measures are necessary to:

- (a) deal with the unsightly condition of Property in accordance with section ~~549~~⁵⁵⁰ of the **Act**, and
- (b) collect any unpaid costs or expenses incurred by the City in accordance with the **Act**.

The costs and expenses of the actions or measures taken by the City are charged in addition to any penalty imposed under this Bylaw.

REVIEW OF ORDERS

- 8. Council hereby delegates its power to review Orders under section 547 of the **Act** to the Board.
- 9. A person who receives an Order may request the Board to review the Order by written notice delivered to the following address:

The City Clerk
Office of the City Clerk
~~Second~~^{Third} Floor, City Hall
580 First Street S.E.
Medicine Hat, AB T1A 8E6

within 7 days of the date the Order is received.

Amended by:
Bylaw 4031
May 17, 2011

DECISION OF BOARD

- 10. After reviewing the Order, the Board may confirm, vary, substitute or cancel the Order in accordance with subsection 547(2) of the **Act**.

APPEAL TO COURT

- 11. A person affected by the decision of the Board under section 10 may appeal to the Court of Queen's Bench in accordance with section 548 of the **Act**.

INSPECTION

- 12. A Designated Officer may inspect Property in accordance with section 542 of the **Act** for the purposes of determining whether:
 - (a) Property is Unsightly Property under this Bylaw,
 - (b) Property, because of its unsightly condition is detrimental to the surrounding area in accordance with section 546 of the **Act**,
 - (b.1) Property meets the Maintenance Standards set out in section 4 of this Bylaw,
 - (c) there has been compliance with a Direction issued under section 5 of this Bylaw, or

- (d) there has been compliance with an Order ~~issued in accordance with subsection 546(1)(c) of the Act.~~

MINIMUM SECURITY REQUIREMENTS

12.1 The City Manager may establish the minimum requirements for the purposes of subsections 3(2)(e)(vi)b., 3(2)(e)(vi)c., 4(3)(b), and 4(3)(c) of this Bylaw. If established by the City Manager, the City Manager shall cause such requirements to be posted on the City's website.

OFFENCE

13. A person who fails to comply with:

- (a) ~~a Direction issued in accordance with section 5;~~ Section 4(4);
- ~~(b) an Order issued in accordance with subsection 546(1)(c) of the Act;~~
- (b) Section 4(5);
- (c) a Direction issued in accordance with section 5;
- (d) an Order issued in accordance with subsection 6(a); or
- (e) an Order issued in accordance with subsection 6(b);

within the time specified therein is guilty of an offence.

13.01 A person who fails to comply with:

- (a) Section 4(1);
- (b) Section 4(2);
- (be) Section 4(23);
- (cd) Section 4(34); or
- (d) Section 13.2,

is guilty of an offence.

Amended By: 13.1 Each day, or part of a day, that an offence under this Bylaw continues constitutes a separate offence.
Bylaw 4031
May 17, 2011

13.2 A person shall not obstruct or hinder any other person in the exercise or performance of the other person's powers or duties pursuant to this Bylaw.

PENALTY

Amended By: 14. If a Bylaw Enforcement Officer believes on reasonable and probable grounds that
 Bylaw 4031 an offence has been committed under section 13, 13.01, or 13.2 of this Bylaw, a
 May 17, 2011 summons under the ***Provincial Offences Procedures Act***, RSA 2000, Chapter P-

34 may be issued by means of a violation ticket in respect of an alleged and contravention and the penalty payable upon conviction in a court of competent jurisdiction shall be:

- (a) In the case of a Residential Property:
 - (i) not less than \$~~2530~~0.00 nor more than \$5400.00 for a first offence by that person; and
 - (ii) not less than \$500.00 nor more than \$10,000.00 for any subsequent offence by that person; or
- (b) In the case of a Non-Residential Property:
 - (i) not less than \$500.00 nor more than \$1,000.00 for a first offence by that person; and
 - (ii) not less than \$2,000.00 nor more than \$10,000.00 for any subsequent offence by that person.

ENFORCEMENT OF THIS BYLAW

15. The City is not required to enforce this Bylaw. In deciding whether to enforce this Bylaw, the City may take into account any practical concerns, including available municipal budget and personnel resources.

REPEAL

16. The Minimum Maintenance Standards Bylaw, Bylaw No. 1864, is repealed.

COMING INTO FORCE

17. This Bylaw comes into force at the beginning of the day that it is passed.

READ A FIRST TIME in open Council on February 17, 1998.

READ A SECOND TIME in open Council on March 2, 1998.

READ A THIRD TIME in open Council on March 2, 1998.

SIGNED AND PASSED on March 3, 1998.

DATE: 2024-05-06**MEETING: REGULAR COUNCIL****DEPARTMENT: CITY MANAGER****REPORT AUTHOR: ANN MITCHELL, CITY
MANAGER****REVISED RESPECTFUL WORKPLACE POLICY #8047****RESCIND ORIGINAL RESPECTFUL WORKPLACE POLICY #8023****RESCIND WORKPLACE VIOLENCE AND PREVENTION POLICY #8040****EXECUTIVE SUMMARY:**

As a result of an Occupational Health and Safety Order for section 390.7 of the OHS Code, which was an order to review the Workplace Violence Prevention #8040, this was also an opportunity to review the Respectful Workplace Policy #8023 and combine these two Policies with a consolidated new Respectful Workplace Policy #8047.

The original Respectful Workplace Policy has not been reviewed since 2018.

STRATEGIC ALIGNMENT:

INNOVATION	ECONOMIC EVOLUTION	SERVICE ORIENTATION
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PARTNERSHIPS & GOVERNANCE	COMMUNITY WELLNESS	RESILIENCY & SUSTAINABILITY
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

RECOMMENDATION:

- It is recommended through the Administrative Committee that City Council approve rescinding the current Workplace Violence and Prevention Policy #8040 in its entirety.
- It is recommended through the Administrative Committee that City Council approve rescinding the current Respectful Workplace Policy #8023 in its entirety.
- It is further recommended that the Administrative Committee approve the proposed Procedures to the new comprehensive Respectful Workplace Policy #8047 and that City Council approves the new proposed Policy.

PREVIOUS COUNCIL MOTIONS / DIRECTIONS:

The Respectful Workplace Policy #8023 was adopted by Council on October 20, 2014.

The Workplace Violence Prevention Policy #8040 was adopted by Council on August 5, 2014. It was brought forward to Administrative Committee on June 7, 2023.

BACKGROUND / ANALYSIS:

With combining the two Policies, the new proposed Respectful Workplace Policy is a more comprehensive Policy. City employees will now have one Policy to reference for clarity. There was overlap in terms of harassment between both Policies. With the updated Respectful Workplace Policy, it is a clearer reporting process with an updated process for filing complaints, an appeal process and where the incident form can be found. Language in the Policy is much clearer in terms of definitions of harassment, clearer process for filing a complaint and appeal.

Occupational Health and Safety is aware of the combining of the Policies and have no issue as the Code does not specify Workplace Violence and Prevention Policies must be separate.

INTERNAL AND EXTERNAL ENGAGEMENT CONSIDERATIONS:

The proposed updated Policy will reflect the City's accountability to its employees and commitment to empowering the reporting of misconduct without fear of reprisal or retaliation. It will also align with the provincial standards we are required to meet through Occupational Health and Safety Workplace Violence Prevention.

POTENTIAL RISKS / IMPACTS:

Financial:

Funding Request:	No	
Budgeted Item:	Yes	
Funding Explanation:	N/A	
Budget Amendment Form?	No	

Health, Safety and Environmental:

The proposed updated Policy will ensure and reiterate the City's commitment to providing a safe and transparent and accountable workplace, while strengthening the working environment for the employees of the City. It will also align with the provincial standards we are required to meet through Occupational Health and Safety Workplace Violence Prevention.

Legal / Legislative / Policy:

Ensuring the integrity of the City's operations is paramount and this updated Policy will safeguard procedural fairness and natural justice. The City will be fair and objective when taking action in addressing any improprieties at the City. It will also align with the provincial standards we are required to meet through Occupational Health and Safety Workplace Prevention.

PUBLIC PARTICIPATION REQUIRED FOR IMPLEMENTATION:

INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
<input checked="" type="checkbox"/>				

ALTERNATIVE OPTIONS / PROS AND CONS:

If the recommended revised Policy is not approved, this would not reflect the current state of the organization and in addition, employees would not have better clarification of the procedures.

IMPLEMENTATION PLAN:

If the proposed updates to the Respectful Workplace Policy & Procedures #8047 are approved, People Services will:

- Commence a change management plan to ensure all employees are trained and familiar with the updated Policy.
- Work with Occupational Health and Safety to meet our obligations with the work order.

APPROVED BY & DATE:	Ann Mitchell City Manager	2024-04-30
ATTACHMENTS:	1. Updated Policy & Procedures for Respectful Workplace Policy #8047 2. Current Workplace Violence Prevention Policy #8040 3. Current Respectful Workplace Policy #8023	

Title: RESPECTFUL WORKPLACE POLICY			Number: 8047
Reference: Administrative Committee March 20, 2024 Administrative Committee May 1, 2024	Adopted by City Council:		Supersedes:
	City Clerk	City Manager	
Administered by: PEOPLE SERVICES DEPARTMENT			

STATEMENT

THE CITY OF MEDICINE HAT ("CITY") IS COMMITTED TO CREATING AND SUSTAINING A WORKPLACE THAT SUPPORTS AN ENVIRONMENT WHERE EVERY PERSON IS TREATED WITH DIGNITY AND RESPECT AND AN ENVIRONMENT THAT ENSURES EQUAL OPPORTUNITY, IS FREE OF DISCRIMINATION, HARASSMENT OR VIOLENCE, AND IS INCLUSIVE, PRODUCTIVE, POSITIVE, SAFE AND RESPECTFUL TO ALL EMPLOYEES, VOLUNTEERS AND THE PUBLIC.

THIS POLICY IS CRITICAL TO THE VISION OF A DIVERSE WORKPLACE WHERE PEOPLE ARE ATTENTIVE AND INFORMED TO THE RIGHTS AND NEEDS OF EVERYONE AND ARE PARTICIPATING IN A CULTURE OF CARE AND RESPECT. WHEN HARM DOES HAPPEN, THE CITY WILL ENSURE THAT THERE IS CAPACITY THROUGHOUT THE WORKPLACE TO SUPPORT AND ASSIST WITH REPAIR AND REBUILDING OF RELATIONSHIPS AND TO TRANSFORM ROOT CAUSES.

PRINCIPLES

1. The City values behaviours where people support each other, build healthy relationships, achieve excellent results and fulfill their potential. These behaviours set the foundation, so every employee can thrive and grow.
2. The City believes that individual dignity, mutual respect, self-esteem, and a sense of personal wellbeing provide a healthy and respectful foundation for a productive work environment.
3. Every employee has the right to be treated in a fair, reasonable and respectful manner. For this to be a normal part of our environment, the City will establish a common understanding of expectations and behaviours that will foster a respectful and inclusive workplace.

Policy No. 8047 – Respectful Workplace		POLICY
Approved by:		Page 2 of 19

4. The City will take the necessary steps to eliminate workplace violence and harassment, or, if elimination is not reasonably practicable, control the hazards of workplace violence and harassment. All employees are to support this policy and refrain from engaging in any form of disrespectful behaviour or workplace violence.
5. The City supports the principle of equal access to employment, promotions, training, and career development for all employees based on job-related knowledge, skill, and ability.
6. Employees are empowered to resolve issues and to deal with Disrespectful Workplace Behaviours in a direct, healthy, and expeditious manner honouring conflict resolution principles while preserving individual dignity and respect.
7. All City employees have a responsibility to foster a respectful workplace in a spirit of cooperation involving management, staff, unions, community groups, customers, anyone who acts on behalf of the City, and the general public. Behaviours that harass, discriminate, are disrespectful or violent will not be tolerated.

ROLE OF COUNCIL

1. To receive, review and adopt this policy and any recommended amendments thereto.
2. To appoint a Lead Investigator and act as the appeal and decision body for Complaints where the City Manager is the Complainant or the Respondent.

Policy No. 8047 – Respectful Workplace		PROCEDURES
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1. DEFINITIONS

- 1.01 Appeals – Where the Complainant or Respondent disagrees with the decision resulting from an investigation they can advise the Director of People Services who will direct the appeal to the Appeal and Decision Body set out in Section 3.06 who was involved in making the decision for disposition of the Complaint.
- 1.02 Complaint – an allegation by an employee or prospective employee that a violation of this policy has taken place.
- 1.03 Complainant – A person(s) who alleges that an offense or violation of this policy or *Alberta Human Rights Act* has taken place.
- 1.04 Discrimination – Discrimination includes, but is not limited to, differential treatment or any action or policy having an adverse impact on an individual or group of individuals based on Protected Grounds.
- 1.05 Disrespectful Workplace Behaviour – Conduct, comments, actions, or gestures that are unwelcome to an individual, and serve no valid work-related purpose. It may be a single incident that is serious and has significant impact or a repeated behavior that in isolation seems minor but has a significant impact on the work environment. This includes, but is not limited to:
- Humiliating, intimidating, insulting, demeaning, annoying, embarrassing, bullying or otherwise offensive behaviour;
 - Refusing to cooperate with others and deliberately avoiding or excluding others from relevant work activities;
 - Written or verbal comments, behaviour or jokes that are degrading, offensive, demeaning, embarrassing, or insulting;
 - Spreading malicious rumours;
 - Vandalism and other damage to people or property;
 - Abuse of authority such as intimidation, threats, blackmail, or coercion;
 - Retaliation through words or actions against a Complainant for making a Complaint under this Policy or the *Alberta Human Rights Act*;
 - Discrimination;
 - Harassment; and
 - Workplace Violence.

If the Disrespectful Workplace Behaviour is related to any of the Protected Grounds, it may also be prohibited under the *Alberta Human Rights Act*.

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1.06 Harassment

- (a) Is any single incident or repeated incidents of objectionable or unwelcome conduct, comment, bullying or action by a person that the person knows or ought reasonably to know will or would cause offence, humiliation, degradation, or embarrassment to an employee, or adversely affects the employee's health and safety.
- (b) Harassment includes, but is not limited to, unwelcome behaviour, physical contact, comments, jokes, gestures, posters, articles, or treatment in general that offends, demeans, or causes personal humiliation and/or embarrassment, or which causes a hostile, intimidating, or abusive work environment regardless of intent.
- (c) Harassment most often involves a pattern of behavior, however in some circumstances, a single incident could be severe enough to constitute harassment.
- (d) Harassment can be a form of discrimination when it relates to a Protected Ground.
- (e) Harassment does not include consensual relationships, mutually welcome social invitations or interactions, or reasonable action taken by the City or any director/manager/supervisor relating to the management and direction of workers.
- (f) The following are some examples of Workplace Harassment, but are not limited to:
 - Threats, leering, intimidation, insults;
 - Negative or derogatory comments, actions, or gestures;
 - Condescending comments that undermine someone else's reputation, work, or confidence;
 - Abuse of power such as improper use of seniority to intimidate, demean or undermine;
 - Yelling or shouting;
 - Taunting or jokes that will negatively isolate or target a person or group;
 - An individual or group of individuals treating an employee in an intimidating manner;
 - Malicious gossiping or the spreading of false information or rumours that result in embarrassment or humiliation, or impact an employee's performance or reputation;
 - Inappropriate and unwelcome inquiries about an individual's personal life;

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- Intentional sabotage or interference with an individual's ability to complete their work;
 - Intentionally withholding relevant information, failing to include an employee in relevant communication or failing to provide an employee with the direction that is necessary to perform their essential job duties;
 - Making derogatory insults, comments, jokes, or inappropriate comments/questions based on a Protected Ground.
- (g) The following examples of legitimate workplace actions are not harassment when they are carried out in good faith:
- Assignment and direction of work;
 - Supervisor requests for updates or status reports;
 - Direct supervision, that can include meetings/discussions regarding performance expectations; or
 - Decisions regarding the approval or non-approval of days off, vacation, or flexible work arrangements.

Harassment is also addressed in the Workplace Violence and Harassment Prevention Plan available on Insite. Please refer to that Plan for more information.

- 1.07 Inclusive – Recognizing the value of diversity among employees, workgroups, customers, and the public with different backgrounds including but not limited to cultures, strengths, opinions, and experiences, and ensuring that no one is left out based on any of these characteristics nor any Protected Grounds.
- 1.08 Lead Investigator – The individual set out in Section 3.06, or their delegate, responsible for investigating a Complaint under this policy.
- 1.09 Protected Grounds – The *Alberta Human Rights Act* prohibits discrimination based on the protected grounds of race, religious beliefs, colour, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, gender, gender identity, gender expression and sexual orientation.
- 1.10 Respondent – A person(s) whom a Complaint has been filed against.
- 1.11 Sexual Harassment
- (a) Sexual harassment is unwelcome or unwanted behaviour that is sexual in nature. Sexual harassment may sometimes, but not always, be an attempt by one person to exert power over another person. The harassment may have a negative effect for the person experiencing the harassment, regardless of what the harasser intended.

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- (b) Sexual harassment can include such things as suggestive remarks, jokes or invitations, comments about physical appearance, sharing suggestive sexual images, leering, or whistling, unwanted physical contact, outright demands for sexual favours, or physical abuse.
- (c) Workplace sexual harassment can include a wide range of behaviors. Examples of workplace sexual harassment can include, but are not limited to:
 - Sexual advances, demands or conditions made by a superior or someone who could influence, or is reasonably believed to have the power to influence, another person's employment condition or opportunities;
 - Displaying, virtually sending, or posting sexually explicit or offensive material;
 - Inappropriate staring, leering, whistling;
 - Expressions of sexual interest after being informed that such interest is unwelcome;
 - Inappropriate or unwanted physical contact;
 - Objectionable or unwelcome comments about a person's gender identity, gender expression or sexual orientation;
 - Gestures, comments, and jokes of a sexual nature that cause embarrassment or discomfort;
 - Inappropriate comments or inquiries regarding a person's sex life;
 - Threats of reprisal or actual reprisal against someone who has refused a sexual invitation;
 - Actions of a sexual nature that are not directed at a particular person but create a hostile or offensive environment;
 - Unwelcome remarks about a person's appearance or physical attributes;
 - Derogatory threats, terms, taunts, or other language that is sexual or gender-based; and
 - Sexual assault or indecent exposure.

1.12 Workplace Violence

- (a) Workplace Violence, whether it is at a work site or workplace, or is otherwise work-related, means the threatened, attempted, or actual conduct of a person that causes, or is likely to cause physical injury, psychological injury and includes domestic and/or sexual violence.

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(b) Examples of Workplace Violence can include, but not be limited to:

- Threatening behaviour such as shaking fists, destroying property, throwing objects;
- Verbal or written threats that express an intent to inflict harm;
- Physical attacks;
- Threats, including coercion; and
- Angry, violent outbursts.

(c) Domestic violence consists of a pattern of behavior used by one person to gain power and control over another with whom that person has or has had a personal relationship. Acts of domestic violence such as physical violence, emotional or psychological intimidation, verbal abuse or stalking which happen in or otherwise affect the workplace or any work site can be addressed under this Policy.

(d) Workplace Violence may occur when employees are working alone or outside of regular hours and is not limited to the work site. Workplace Violence can occur at off-site business-related functions including:

- Attending conferences, training, workshops and/or trade shows; or
- Any other instance that is related to employment with the City.

1.13 Hazard Assessment, Elimination and Control

(a) "Hazard" references a situation or condition that may be dangerous to the safety and/or health of workers. If an existing or potential hazard to employee's is identified, the employer must take measures to eliminate the hazard. If the elimination of the hazard is not practical, the employer must control the hazard through controls set out by administration or personal protective equipment.

2. RESPONSIBILITIES

All City employees have a collective responsibility to demonstrate values and consistently model behaviours that promote, support and sustain a respectful workplace through our words and actions.

2.01 City Council

Receive, review, amend and adopt any recommended changes to the Respectful Workplace Policy.

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2.02 Administrative Committee

- (a) Make recommendations to City Council regarding changes to the Respectful Workplace Policy.
- (b) Approves the Procedures to this Policy and any amendments to the Procedures, subject to City Council approval where such changes impact the responsibilities of Council set out in the Policy.

2.03 City Manager/Managing Directors

- (a) Be a role model for respectful behavior.
- (b) Ensure awareness of and compliance with the Respectful Workplace Policy within their divisions.
- (c) Ensure proper action is taken, in co-operation with the Director of People Services, to prevent and rectify any violations of the Respectful Workplace Policy.
- (d) Take immediate action to deal with Disrespectful Workplace Behaviour.
- (e) As far as reasonably possible, ensure no person to whom this policy applies suffers retaliatory action as a result of making a Complaint or for providing information in an investigation in accordance with this policy.
- (f) Refer all Complaints to the Director of People Services or the City Solicitor in accordance with Section 3.06.
- (g) Participate as required when a decision about a Complaint is appealed.

2.04 Directors/Managers/Supervisors

- (a) Be a role model for respectful behavior.
- (b) Ensure awareness of and compliance with the Respectful Workplace Policy within their departments.
- (c) Ensure proper action is taken, in co-operation with the Director of People Services, to prevent and rectify any violations of the Respectful Workplace Policy within their departments.
- (d) As far as reasonably possible, ensure no person to whom this policy applies suffers retaliatory action as a result of making a Complaint or for providing information in an investigation in accordance with this policy.
- (e) Refer all Complaints to the Director of People Services or the City Solicitor
- (f) Cooperate as required with the Lead Investigator or their delegate during an investigation.

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- (g) Where the results of the investigation support the allegations of the Complaint the Director/Manager/Supervisor of the Respondent shall:
 - i. work with the Director of People Services to develop a recommendation for disposition of the Complaint and determine a course of action,
 - ii. communicate the outcome of the investigation to the Respondent including any resulting course of action to be taken, and
- (h) Provide support and coaching as required to ensure the Respondent's Immediate Supervisor can support the decision for disposition of the Complaint in a satisfactory manner.
- (i) Ensure employees are aware of the support options available to them if they are subject to Disrespectful Workplace Behaviours, including the Employee Assistance Program (**EAP**).
- (j) Ensure a hazard assessment (if applicable) is conducted that identifies existing or potential hazards relating to Workplace Violence. The determination of a hazard assessment will be conducted by the Director of People Services, in conjunction with Occupational Health and Safety.
- (k) Develop and document adequate controls, if applicable, for each hazard identified to ensure cases of Workplace Violence can be reduced or eliminated.
- (l) Ensure all employees are aware of all existing potential hazards and controls related to Workplace Violence.

2.05 Immediate Supervisor

- (a) Be a role model for respectful behavior.
- (b) Ensure employees are provided the opportunity to attend training related to the Respectful Workplace Policy.
- (c) Take appropriate action to protect employees and others in the workplace and put a stop, as far as reasonably possible, to any Disrespectful Workplace Behaviour they are aware of.
- (d) Refer all Complaints and immediately report all instances of Workplace Violence to the Director of People Services.
- (e) Provide support and/or coaching as required to ensure employees comply with the disposition of a Complaint in a satisfactory manner.
- (f) Ensure employees are aware of the support options available to them if they are subject to Disrespectful Workplace Behaviours, including the EAP and aid employees subjected to Workplace Violence.

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2.06 Director of People Services

- (a) Ensure that they, or a suitable delegate, receives, coordinates, reviews and investigates Complaints regarding violation of the principles of this policy.
- (b) In cooperation with applicable Director/Manager/Supervisor of the parties to the Complaint, formulate an agreed upon course of action for the disposition of the Complaint in a timely manner.
- (c) At the conclusion of an investigation, summarize and review the findings with the applicable Director/Manager/Supervisor as necessary.
- (d) Ensure that the Complainant is advised of the findings of the investigation.
- (e) Ensure that any course of action determined for the Respondent is carried out.
- (f) If a decision is under appeal, provide the relevant investigation report to the person responsible to resolve the Appeal.
- (g) Provide information to the City Manager concerning the types of Complaints reported and the outcome of investigations as they occur while maintaining confidentiality to the extent possible.
- (h) Advise and make recommendations to Managing Directors, Directors, Managers, and Supervisors in dealing with potential violations of the Respectful Workplace Policy.
- (i) Make recommendations to the Administrative Committee regarding amendments to this policy.

2.07 People Services Department

- (a) Administer this policy and ensure review of the policy every two years or when a serious incident of Workplace Violence or Harassment occurs.
- (b) Provide training and support to all employees ensuring the effective implementation of this policy.
- (c) Collect relative data and information of all reported incidents for analysis.
- (d) Communicate the intent and guidelines of the Respectful Workplace Policy to all employees.
- (e) Respond to and make recommendations to the Director of People Services regarding policies and procedures contravening the Respectful Workplace Policy.
- (f) Maintain confidentiality of any report of Workplace Violence or Harassment, or Complaint and subsequent investigation to the extent possible, including not disclosing the circumstances related to the report/Complaint, the name(s) of the reporting employee, Complainant, the Respondent, and any witnesses, except:

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- i. where necessary to investigate the Complaint or to take corrective action, or to inform the parties involved in the Complaint of the results of the investigation and any corrective action to be taken to address the Complaint;
- ii. where necessary to inform employees of a specific or general threat of violence or potential violence; or
- iii. as required by law.

Where information must be disclosed in order to inform employees of a specific or general threat of violence, the People Services Department will only disclose the minimum amount of personal information necessary to inform employees of the threat.

- (g) As far as reasonably possible, ensure no persons suffer retaliatory action as a result of making a Complaint or for providing information in an investigation in accordance with this policy.
- (h) Ensure employees are aware of the support options available to them, including the EAP, if they are subject to Disrespectful Workplace Behaviours.
- (i) Post the Respectful Workplace Policy in all City of Medicine workplace and work site locations.
- (j) Provide information and training to all City employees on the policy, procedures, hazard assessment, elimination, and control processes (if and where applicable).
- (k) Ensure serious injuries and accidents are reported to the appropriate regulator in the jurisdiction where the serious incident or accident occurred.
- (l) Participate in the investigation of reported Workplace Violence related incidents and make recommendations for corrective measures.

2.08 Employees

- (a) Promote behaviours that will uphold a respectful workplace and follow processes established in this policy regardless of whether directly impacted by or witness to Disrespectful Workplace Behaviours between others.
- (b) Understand and comply with the policy and procedures, and complete any training required by this policy.
- (c) Participate in the hazard assessment, elimination and control processes, where applicable to Workplace Violence and Harassment.
- (d) Utilize the informal resolution process wherever possible and ensure that Respectful Workplace Behaviour is modelled regardless of whether they are the Complainant or the Respondent.

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- (e) In accordance with the Whistleblower Policy, report any incidents of retaliatory action as a result of making a Complaint or involvement in the investigation.
- (f) Take immediate and appropriate action to report any incident of Workplace Violence to their immediate supervisor and the Director of People Services.
- (g) Participate in the investigation of Workplace Violence and/or any Complaints, as required.
- (h) Seek medical attention as required following an incident of Workplace Violence.
- (i) Utilize the support options that are available when impacted by Workplace Violence, Harassment, Discrimination or Disrespectful Workplace Behaviours.

3. PROCEDURES

- 3.01 This policy applies to all City employees, contractors, volunteers, and anyone else who acts on behalf of the City, and at all City facilities, locations visited by employees on City-related business and locations of work-based social gatherings.
- 3.02 All City employees, contractors, volunteers, and anyone else who acts on behalf of the City, are to always promote and model respectful workplace behaviour. The City will not tolerate Disrespectful Workplace Behaviour.
- 3.03 Training is a critical component of any City policy. Training on this policy will be mandatory for all employees in any work location.
- 3.04 Reporting of Workplace Violence
 - (a) Incidents of immediate crisis or danger involving weapons, physical injury, signs of threatening of physical injury must be reported immediately to the City of Medicine Hat Police by calling 911.
 - (b) Incidents of Workplace Violence must be reported to the Director of People Services and the Director/Manager/Supervisor immediately.
 - (c) Details of any incident relative to Workplace Violence or harassment must be documented on the City of Medicine Hat incident form that can found on Insite. This form must immediately be sent to the Director of People Services.
 - (d) Any and all incidents of, or informal or formal reports of Workplace Violence and Harassment will be investigated.

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Upon notification of an incident, the relevant Director/Manager/Supervisor, and where applicable the Director of People Services, in consultation with People Services staff, will review the details surrounding the situation and determine an appropriate resolution.

- (e) A copy of the written investigation will be provided to an Occupational Health and Safety Officer, upon request.
- (f) Workplace Violence reported under this Section 3.04 of the policy may also be the subject of a Complaint. If an incident of Workplace Violence is the subject of a Complaint, the process for reporting and investigating a Complaint will be followed, as set out in Section 3.06 below, in addition to the incident being reported in accordance with this Section.

3.05 Informal Procedure/ Direct Resolution of Disrespectful Workplace Behaviours – The City's goal is to have employees directly communicate when they perceive a party is engaging in Disrespectful Workplace Behaviours in order to resolve any conflict. If circumstances make this difficult or there is an inability to resolve the issues between the parties, they can proceed to access a greater level of assistance in this process. The steps of the Informal Procedure are as follows:

- (a) Advise the alleged offender that their behaviour is unacceptable and unwelcome. This approach is best used at the time of the offense or as soon as possible afterwards. This can be done verbally, or in writing and may include expressing the negative effects of the Disrespectful Workplace Behaviour.
- (b) This could lead to clarifying misunderstandings, apologizing, and establishing an agreed upon action plan to improve working relationships.
- (c) If the Disrespectful Workplace Behaviour does not stop, or if the Complainant feels uncomfortable addressing the issue with the other party, the Complainant can speak with their supervisor or union representative. People Services, at the direction of the Director of People Services, will be available to provide guidance and/or direction as required.
- (d) If the Complainant does not feel the matter can be resolved by speaking with their supervisor and union representative, they should proceed with the formal complaint process set out below.
- (e) The employee should keep a written record of the incident(s) of Disrespectful Workplace Behaviour as well as the action they have taken to stop the inappropriate behaviour. The notes should include as much information as possible, such as dates, times, places, nature of behaviour and names of possible witnesses.

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3.06 Formal Resolution

(a) Filing a Complaint

- i. To make a Complaint, the Complainant should submit a signed, written Complaint outlining the allegations of Disrespectful Workplace Behaviour, using the Respectful Workplace Complaint Form, describing specific incidents, the dates, times, and any witnesses, to the Director of People Services, unless otherwise set out in Table 1 below. If the City Manager is the Complainant, they shall submit the written Complaint to City Council. If the Director of People Services, or any employee of the People Services Department is the Complainant or the Respondent to a Complaint, the Complaint shall be submitted to the City Solicitor for external investigation.

- Complaints must be filed within six months from the date of the most recent incident of Disrespectful Workplace Behaviour cited in the Complaint. Once a Complaint is received, it will be kept strictly confidential, to the extent reasonably possible,

including not disclosing the circumstances related to the Complaint, the name(s) of the Complainant, the Respondent, and any witnesses, except:

- where necessary to investigate the Complaint or to take corrective action, or to inform the parties involved in the Complaint of the results of the investigation and any corrective action to be taken to address the Complaint;
- where necessary to inform employees of a specific or general threat of violence or potential violence; or
- as required by law.

Where information must be disclosed in order to inform employees of a specific or general threat of violence, the City will only disclose the minimum amount of personal information necessary to inform employees of the threat.

- ii. Table 1 describes the investigation and appeal responsibilities for each type of Respondent:

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Table 1

	<u>Complainant/Respondent</u>	Lead Investigator	Appeal & Decision Body
<u>1.</u>	City Manager (<u>Complainant or Respondent</u>)	External Investigator as appointed by City Council <u>Solicitor</u>	City Council
<u>2.</u>	City Solicitor (<u>Respondent</u>)	City Manager <u>External Investigator as appointed by City Manager, except where the City Manager is the Complainant (see Row 1)</u>	External Investigator as appointed by City Solicitor <u>City Manager, except where the City Manager is the Complainant (see Row 1)</u>
<u>3.</u>	City Solicitor (<u>Complainant</u>)	<u>External Investigator as appointed by City Manager, except where the City Manager is the Respondent (see Row 1)</u>	<u>City Manager, except where the City Manager is the Respondent (see Row 1)</u>
<u>4.</u>	Managing Director (<u>Respondent</u>)	External Investigator as appointed by City Solicitor, <u>except where the City Manager or the City Solicitor is the Complainant (see Rows 1 & 3)</u>	External Investigator as appointed by City Solicitor, <u>except where the City Manager or the City Solicitor is the Complainant (see Rows 1 & 3)</u>
<u>5.</u>	Managing Director (<u>Complainant</u>)	<u>Determined based on the Respondent</u>	<u>City Manager, except where the City Manager, the Director of People Services, or another Managing Director is the Respondent (see Rows 1, 4, & 6)</u>
<u>6.</u>	Director, People Services (<u>Respondent</u>)	External Investigator as appointed by City Solicitor, <u>except where the City Manager or the City Solicitor is the Complainant (see Rows 1 & 3)</u>	External Investigator as appointed by City Solicitor, <u>except where the City Manager or the City Solicitor is the Complainant (see Rows 1 & 3)</u>

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<u>7.</u>	<u>Director, People Services (Complainant)</u>	<u>External Investigator as appointed by City Solicitor, except where the City Manager or the City Solicitor is the Respondent (see Rows 1 & 2)</u>	<u>External Investigator as appointed by City Solicitor, except where the City Manager or the City Solicitor is the Complainant (see Rows 1 & 3)</u>
<u>8.</u>	<u>People Services Staff (Respondent)</u>	<u>External Investigator as appointed by City Solicitor, except where the City Manager or the City Solicitor is the Complainant (see Rows 1 & 3)</u>	<u>City Manager, except where the City Manager is the Complainant (see Row 1)</u>
<u>9.</u>	<u>People Services Staff (Complainant)</u>	<u>External Investigator as appointed by City Solicitor, except where the City Manager or the City Solicitor is the Respondent (see Rows 1 & 2)</u>	<u>External Investigator as appointed by City Solicitor, except where the City Manager or the City Solicitor is the Respondent (see Rows 1 & 2)</u>
<u>10.</u>	<u>All Other Staff (Respondent)</u>	<u>Director of People Services or an External Investigator appointed by the Director of People Services, except where the Complainant is the City Manager, City Solicitor, Director of People Services, or a member of People Services Staff (see Rows 1, 3, 7, & 9)</u>	<u>Managing Director of Respective the Respondent's Division, except where the Complainant is the City Manager, City Solicitor, Director of People Services, a member of People Services staff, or a Managing Director (see Rows 1, 3, 5, 7, & 9)</u>
<u>11.</u>	<u>All Other Staff (Complainant)</u>	<u>Determined based on the Respondent</u>	<u>Determined based on the Respondent</u>

(b) Investigation

- i. All Complaints will be investigated. The Complainant has the right to request the formal investigation be ceased if an acceptable resolution has been achieved between the Complainant and Respondent.

This policy is subject to any specific provision of *The Municipal Government Act* or other relevant legislation or union agreement.

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However, the City has the authority to pursue an investigation and resolution process with or without the Complainant's consent if there is sufficient cause for an investigation.

- ii. The Lead Investigator or their delegate will respond in writing to the Complainant advising that the Complaint has been received, and whether it falls within the scope of this policy.
- iii. Within 10 days, the Lead Investigator or their delegate will conduct a preliminary review of the facts and will determine the method of investigation or action required to resolve the issue. The formality and scope of the investigation will be determined by the specific circumstances of each Complaint.
- iv. If the ~~decision is made~~ Lead Investigator decides not to proceed further with an investigation, the Lead Investigator will inform the Complainant, in writing, of the decision as well as their right to appeal the decision.
- v. If the Complaint appears to have sufficient grounds to warrant further investigation, the Lead Investigator will:
 - inform the Complainant, in writing, and advise the steps to be taken to investigate and resolve the Complaint; and
 - inform the Respondent, in writing that a Complaint has been received, provide them with a summary of the particulars of the Complaint, and advise the steps to be taken to investigate and resolve the Complaint.

(c) Further Investigation

- i. Within 15 days, the Lead Investigator or their delegate will conduct interviews with the Complainant, Respondent, and witnesses of the alleged incident(s) of Disrespectful Workplace Behaviour(s). Upon request, participants will be given the opportunity to review and confirm the information they provide.
- ii. The Respondent shall be afforded reasonable opportunity to respond to the Complaint.
- iii. All Complaints and investigations into Complaints shall be treated in confidence to the extent possible.

(d) Outcome of the Complaint

- i. If the results of the investigation support the allegations of the Complaint, any appropriate corrective actions shall be determined through the investigation and will be documented and implemented by People Services as soon as reasonably practicable.
- ii. If an allegation is substantiated the Respondent may be subject to disciplinary action in accordance with the Progressive Discipline Policy #8029.

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- iii. People Services will inform the Complainant the Respondent of the results of the investigation and of any corrective action that has been taken or that will be taken.
- iv. The Director of People Services will ensure that the final decision as well as the process for appealing the decision is communicated to the appropriate parties in a timely manner.

(e) Appeals

- i. The Complainant or the Respondent may appeal the final decision and will notify the Director of People Services of their wish to appeal.
- ii. Appeals must be in writing and be received by the Director of People Services within 30 days of the Complainant's or Respondent's (as the case may be) receipt of the decision.
- iii. Appeals will be investigated as described in Table 1. Decisions resulting from the Appeal are the final decision of the City.
- iv. Appeals will be heard and a decision made within 20 days of the appeal filed.

(f) False, Vexatious and Malicious Complaints

- i. Complaints that are made in bad faith or are vexatious or malicious in nature may lead to the discipline of the Complainant. Complainants who in good faith file a Complaint based on mistaken facts or assumptions are not subject to discipline.

(g) Retaliation

- i. The City will not condone retaliation against any Complainant exercising their rights in good faith under the Respectful Workplace Policy or applicable legislation, including but not limited to the *Alberta Human Rights Act*. Retaliatory actions are grounds for discipline, up to and including termination.

(h) Reporting of Results

- i. The findings of all Complaints and recommendations for preventing similar incidences will be summarized in a report to the Administrative Committee on an annual basis.

3.07 Alberta Human Rights Commission (“Commission”)

- (a) The Commission was established under the *Alberta Human Rights Act* to foster equality and reduce discrimination.
- (b) This independent Commission resolves and settles complaints of discrimination based on any of the Protected Grounds.



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- (c) All individuals, whether employed by the City or not, have the right to make a complaint at any time to the Commission in accordance with the provisions of the *Alberta Human Rights Act*. (Note: there are time limitations for filing a complaint under the *Alberta Human Rights Act*).
- (d) The Respectful Workplace Policy is not intended to discourage a worker from exercising rights pursuant to any other law, including the *Alberta Human Rights Act*.

4. ADDITIONAL RESOURCES

Alberta Human Rights Act
Occupational Health and Safety Act
 Whistleblower Policy (8041)

Policy

Title: WORKPLACE VIOLENCE PREVENTION		Number: 8040
Reference: Administrative Committee - June 25, 2014 Administrative Committee - October 31, 2018 Administrative Committee - June 7, 2023	Adopted by City Council: August 5, 2014	
	City Clerk 	City Manager 
Supersedes:		
Prepared by: HUMAN RESOURCES		

STATEMENT

THE CITY OF MEDICINE HAT IS COMMITTED TO MAINTAINING A WORKPLACE FREE OF VIOLENCE.
 ANY ACT OF VIOLENCE COMMITTED BY, OR AGAINST, WORKERS, CONTRACTORS, VOLUNTEERS, VISITORS, OR THE GENERAL PUBLIC IS UNACCEPTABLE AND WILL NOT BE TOLERATED.
 ACTS OF VIOLENCE ARE CONSIDERED A SERIOUS OFFENCE FOR WHICH AN INVESTIGATION WILL BE CONDUCTED AND NECESSARY CORRECTIVE ACTIONS IMPOSED.

PRINCIPLES

1. This policy applies to all employees of the City of Medicine Hat, including but not limited to regular, temporary, and contract employees, volunteers, members of the general public, visitors to City facilities, or individuals conducting business with the City of Medicine Hat.
2. The City will take the necessary steps to ensure a workplace free from violence. All employees are expected to support this policy and refrain from engaging in any form of Workplace Violence.
3. Any employee that has been subjected to an act of Workplace Violence should be encouraged to access the support and assistance they may require.
4. Training will be provided to all employees on this Policy and Procedures.
5. No action will be taken against an individual for making a complaint, unless the complaint is made maliciously or without reasonable and probable grounds.

ROLE OF COUNCIL

1. To receive, review and adopt this policy and any recommended amendments thereto.

Policy No. 8040 – Workplace Violence Prevention Policy		PROCEDURE
Approved by:	Administrative Committee - June 7, 2023	Page 2 of 6

1. DEFINITIONS

- 1.01 Workplace Violence - Violence, whether at a work site, or work related, means the threatened, attempted, or actual conduct of a person that causes, or is likely to cause physical injury.
- (a) Examples of workplace violence include, but are not limited to:
- (1) Threatening behavior such as shaking fists, destroying property, throwing objects;
 - (2) Verbal or written threats that express an intent to inflict harm, and;
 - (3) Physical attacks.
- (b) Workplace Violence is not limited to the work site. Workplace Violence can occur at off-site business related functions including:
- (1) Working alone;
 - (2) Working outside of regular work hours;
 - (3) Attending conferences and trade shows;
 - (4) Any other instance that is related to employment with the City.
- 1.02 Complainant – A person(s) who alleges an offense of workplace violence has taken place and/or a violation of this policy, Canada Labour Code Part II, or other legislation.
- 1.03 Director, Human Resources – The Director of the City of Medicine Hat's Human Resources Department and includes any delegate of the Director or any person appointed to act in place of the Director.
- 1.04 Respondent - An individual against whom an allegation that could constitute a violation of this policy have been made.
- 1.05 Incident Reporting - Incidents of Workplace Violence must be documented on a City incident report.
- 1.06 Hazard Assessment, Elimination and Control - "Hazard" means a situation, condition or thing that may be dangerous to the safety or health of workers. If an existing or potential hazard to workers is identified, the employer must take measures to eliminate the hazard. If elimination of the hazard is not reasonably practicable, the employer must control the hazard through the use of engineering controls, administrative controls, a combination of both, or personal protective equipment.

2. RESPONSIBILITIES

- 2.01 City Manager and Managing Directors
- (a) Support and uphold the principles of this policy and procedures.
- 2.02 Directors/Managers/Supervisors
- (a) Understand and adhere to this policy and procedures.

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- (b) Ensure a Hazard Assessment is conducted that identifies existing or potential hazards relating to Workplace Violence taking into account the work performed.
- (c) Develop and document adequate controls for each hazard identified to ensure situations of Workplace Violence can be reduced or eliminated.
- (d) Ensure all employees are aware of all existing or potential hazards and controls.
- (e) Contact Corporate Safety Advisors and the Director, Human Resources immediately upon notification of any act of Workplace Violence.
- (f) Offer assistance to the employee(s) subjected to Workplace Violence.
- (g) Perform an annual review of the Hazard Assessment, Elimination and Control process.

2.03 Human Resources Department (HR)

- (a) Administer this policy and ensure ongoing review.
- (b) Provide support to departments to ensure effective implementation of the Workplace Violence Prevention Policy and Procedures.
- (c) Ensure serious injuries and accidents are reported to the respective regulator in the jurisdiction where the serious injury or accident occurred.
- (d) Participate in the investigation of reported Workplace Violence related incidents and make recommendations for corrective measures.
- (e) Review, analyze and track all reported incidents of Workplace Violence.

2.04 Employee Responsibilities

- (a) Understand and comply with this policy and procedures. Federally regulated employees are governed by the Canada Labour Code Part II.
- (b) Participate in the Hazard Assessment, Elimination and Control Process.
- (c) Take immediate and appropriate action to report any incident of Workplace Violence to their immediate supervisor and/or department manager, and the Director, Human Resources.
- (d) Report any situation of potential Workplace Violence immediately.
- (e) Cooperate with all stakeholders to resolve matters arising under this policy.
- (f) Participate in the investigation of Workplace Violence, as required.
- (g) Seek appropriate support from available resources as required when confronted with Workplace Violence or threats of Workplace Violence.
- (h) Seek appropriate medical attention if required.
- (i) Attend Workplace Violence awareness training.

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2.05 Mandatory “Violence in the Workplace Prevention Procedure” Components

- (a) Post the Workplace Violence Prevention Policy Statement and Principles page in all locations.
- (b) All employees must be instructed on how to recognize workplace hazards, the appropriate response, and how to obtain assistance.
- (c) Provide information and training to all City employees on the policy, procedures, departmental Hazard Assessment, Elimination and Control Processes.
- (d) Understand the established processes for reporting and investigating occurrences of Workplace Violence.

3. PROCEDURES

3.01 Training-

- (a) Training is a critical component of any Workplace Violence prevention strategy. Training is mandatory for employees, supervisors, and staff members at any work location where an incident of Workplace Violence may occur.
- (b) Departments in specialized high risk occupations such as Police, By-Law Enforcement, Parking Control, shall be required to implement available specialized training programs for employees.

3.02 Reporting Emergencies

- (a) Incidents of immediate danger involving weapons, physical injury or obvious signs of abusive threats must be reported immediately to the Police by calling 911. Critical information must be provided including the nature of the incident; whether the perpetrator(s) are still present; whether weapons are involved; etc.
- (b) Incidents of Workplace Violence must be reported immediately to the department manager and/or supervisor, plus. the Director, Human Resources.
- (c) Details of the incident must be documented on the Incident Report and include the date, time, location, who was involved, nature of the Workplace Violence, names of witnesses, and other pertinent information.
- (d) HSE will determine if the incident is reportable to the respective regulator.
- (e) The manager, supervisor, and where applicable the Director, Human Resources, in consultation with HSE, will review the details surrounding the situation and determine the appropriate corrective action to resolve the issue.
- (f) Additional internal or external resources or agencies may be required to provide assistance.

3.03 Reporting Non-Emergencies

- (a) Employees shall report threatening statements or behaviour that gives one reasonable grounds to believe that there is a potential for Workplace Violence immediately to their department manager and/or supervisor.

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- (b) Upon notification of such allegations, the department manager and/or supervisor shall contact HSE and the Director, Human Resources for advice and direction.
- (c) Details of the incident shall be documented on the Incident Report by the employee(s) involved.

3.04 Formal Complaint

- (a) Formal complaints must be documented on the City's Incident Report.

3.05 Investigation

- (a) All incidents of Workplace Violence must be investigated.
- (b) Upon notification of an incident, the department manager/supervisor and HSE will conduct a preliminary review of the facts to determine if there are reasonable and probable grounds to warrant an in-depth investigation.
- (c) The department manager and/or supervisor, in consultation with HSE shall initiate a detailed, formal investigation.
- (d) If an allegation of Workplace Violence is substantiated the offender may be subject to disciplinary action in accordance with the Progressive Discipline Policy #8029 (Addendum 2).
- (e) Appropriate corrective actions shall be determined through the investigation.
- (f) Corrective actions must be documented and implemented as soon as reasonably practicable.
- (g) A copy of the written investigation report shall be provided to an Occupational Health and Safety Officer, upon request.

3.06 Right to Assistance

- (a) Human Resources will ensure that appropriate resources are available to any employee(s) who has been subjected to an injury and/or adverse symptom resulting from an incident of Workplace Violence.

3.07 No Recriminations

- (a) It is the responsibility of all persons involved in the processing of a complaint to ensure that the Complainant is neither penalized nor subjected to any prejudicial treatment because of making the complaint (refer to Whistleblower Policy #8041).
- (b) The Workplace Violence Prevention Policy is not intended to discourage a worker from exercising rights pursuant to any other law.

3.08 False Accusations

- (a) A person, who submits a complaint in good faith, even where the complaint cannot be proven, has not violated the policy.
- (b) If an investigation results in a finding that the Complainant falsely accused the Respondent of workplace violence knowingly or in a malicious manner, the complainant may be subject to disciplinary action in accordance with the Progressive Discipline Policy #8029.

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3.09 Confidentiality

- (a) All workplace violence incident details will remain confidential including the names of the Complainant, the Respondent, and any witnesses, except:
 - i. where necessary to investigate the incident or to take corrective action, or to inform the parties involved in the incident of the results of the investigation and any corrective action to be taken to address the incident,
 - ii. where necessary to inform workers of a specific or general threat of violence or potential violence, at which point only the necessary information will be disclosed, or
 - iii. as required by law.

3.10 Evaluation

- (a) The Workplace Violence Prevention Policy will be reviewed every three years from the date of approval.
- (b) Ongoing evaluation of this policy and procedures will be performed to monitor the effectiveness of the established procedures.



3.11 Record Keeping

- (a) The Incident Report, Investigation and corresponding documents, must be maintained in a secure location for a minimum of two years from the date of the incident.
- (b) Investigation reports must be available for review by an Occupational Health and Safety Officer upon request.

4. ADDITIONAL RESOURCES

Progressive Discipline Policy #8029
 Alberta Occupational Health and Safety, Act, Regulation and Code
 Whistleblower Protection Policy #8041
 Respectful Workplace Policy #8023
 Canada Labour Code Part II

Policy

Title: RESPECTFUL WORKPLACE		Number: 8023
Reference: Administrative Committee - October 16, 2014 Administrative Committee November 15, 2018	Adopted by City Council: October 20, 2014	
	City Clerk 	Chief Administrative Officer 
Supersedes:		8034 Equal Opportunity Policy
Prepared by: HUMAN RESOURCES		

STATEMENT

THE CITY OF MEDICINE HAT ("CITY") IS COMMITTED TO CREATING AND SUSTAINING A WORKPLACE THAT ENSURES EQUAL OPPORTUNITY, IS FREE OF DISCRIMINATION OR HARASSMENT, AND IS INCLUSIVE, PRODUCTIVE, POSITIVE, SAFE AND RESPECTFUL TO ALL EMPLOYEES, VOLUNTEERS AND THE PUBLIC.

PRINCIPLES

1. The City values behaviours where people support each other, build healthy relationships, achieve excellent results and fulfill their potential. These behaviours set the foundation so every employee is able to thrive and grow.
2. The City believes that individual dignity, mutual respect, self-esteem and a sense of personal wellbeing provide a healthy and respectful foundation for a productive work environment.
3. Every employee has the right to be treated in a fair, reasonable and respectful manner. For this to be a normal part of our environment, the City will establish a common understanding of expectations and behaviours that will foster a respectful and inclusive workplace.
4. The City supports the principle of equal access to employment, promotions, training and career development for all employees based on job-related knowledge, skill and ability.
5. Employees are empowered to resolve issues and to deal with Disrespectful Workplace Behaviours in a direct, healthy and expeditious manner honouring conflict resolution principles while preserving individual dignity and respect.
6. All City employees have a responsibility to foster a respectful workplace in a spirit of cooperation involving management, staff, unions, community groups, customers, anyone who acts on behalf of the City, and the general public. Behaviours that harass, discriminate, are disrespectful or violent will not be tolerated.

ROLE OF COUNCIL

1. To receive, review and adopt this policy and any recommended amendments thereto.

Policy No. 8023 – Respectful Workplace Policy		PROCEDURE
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1. DEFINITIONS

- 1.01 Appeals - Where the Complainant or Respondent to the Complaint disagrees with the decision resulting from an investigation he/she can advise the General Manager of Human Resources who will direct the appeal to the person who is one level above the General Manager or Designated Department Head who was involved in making the decision for disposition of the Complaint.
- 1.02 Complaint -
- (a) An internal Complaint is an allegation by an employee or prospective employee made to a representative of the City that a violation of this policy has taken place.
 - (b) An external Complaint is an allegation by a City employee or member of the public filed with the Alberta Human Rights Commission alleging the City, (or a person acting on behalf of the City), has engaged in Discrimination, including Sexual Harassment, in contravention of the *Alberta Human Rights Act*.
- 1.03 Complainant - A person(s) who alleges that an offense or violation of this policy or *Alberta Human Rights Act* has taken place.
- 1.04 Designated Department Head (DDH) - A person who has the responsibility to direct the management and operations of a City department but does not carry the title of General Manager (e.g., City Clerk, City Solicitor, Manager of Land and Properties).
- 1.05 Discrimination - Discrimination includes, but is not limited to, differential treatment or any action or policy having an adverse impact on an individual or group of individuals based on Protected Grounds.
- 1.06 Disrespectful Workplace Behaviour - Conduct, comments, actions or gestures that are unwelcome to an individual, and serve no valid work related purpose. It may be a single incident that is serious and has significant impact or a repeated behavior that in isolation seems minor but has a significant impact on the work environment. This includes, but is not limited to:
- Bullying or intimidation;
 - Refusing to cooperate with others and deliberately avoiding or excluding others from relevant work activities;
 - Written or verbal comments, behaviour or jokes that are degrading, offensive, demeaning, embarrassing or insulting;
 - Spreading malicious rumours;
 - Breaching personal disclosure;
 - Vandalism and other damage to people or property ;
 - Abuse of authority such as intimidation, threats, blackmail or coercion;
 - Discrimination; and,
 - Harassment

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1.07 Harassment

- (a) Is a form of Discrimination and includes any behaviour or practice, including Sexual Harassment, which is deemed inappropriate by its adverse effect on an individual's employment, job performance and/or personal dignity and will not be tolerated within the City workplace.
- (b) Harassment includes, but is not limited to, unwelcome behaviour, physical contact, comments, jokes, gestures, posters, articles or treatment in general that offends, demeans, or causes personal humiliation and/or embarrassment regardless of the intent of the action.
- (c) If the Disrespectful Workplace Behaviour is based on any of the Protected Grounds it is also prohibited under the *Alberta Human Rights Act*.
- (d) Harassment does not include consensual relationships, mutually welcome social invitations or interactions, or constructive feedback about work performance.

1.08 Inclusive - Recognizing the value of diversity among employees, workgroups, customers, and the public with different backgrounds including but not limited to cultures strengths, opinions and experiences, and ensuring that no one is left out on the basis of any of these nor the Protected Grounds.

1.09 Protected Grounds - The *Alberta Human Rights Act* prohibits discrimination based on the protected grounds of race, colour, ancestry, place of origin, religious beliefs, gender, age, physical disability, mental disability, marital status, family status, source of income and sexual orientation.

1.10 Respondent - A person(s) whom a Complaint has been filed against.

1.11 Sexual Harassment

- (a) Unwanted sexual advances, unwanted requests for sexual favours, and other unwanted verbal or physical conduct of a sexual nature.
- (b) Sexual harassment can include such things as pinching, patting, rubbing or leering, "dirty" jokes, pictures or pornographic materials, comments, suggestions, innuendoes, requests or demands of a sexual nature.

2. RESPONSIBILITIES

All City employees have a collective responsibility to demonstrate values and consistently model behaviours that promote, support and sustain a respectful workplace through our words and actions at all times

2.01 City Council

- (a) Receive, review, amend and adopt any recommended changes to the Respectful Workplace Policy.

2.02 Administrative Committee

- (a) Make recommendations to City Council regarding changes to the Respectful Workplace Policy.

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2.03 Chief Administrative Officer (CAO)/ Commissioners

- (a) Be a role model for respectful behavior.
- (b) Ensure awareness of and compliance with the Respectful Workplace Policy within their divisions.
- (c) Ensure proper action is taken, in co-operation with the General Manager of Human Resources, to prevent and rectify any violations of the Respectful Workplace Policy.
- (d) Take prompt action to deal with Disrespectful Workplace Behaviour.
- (e) As far as reasonably possible, ensure no person to whom this policy applies suffers retaliatory action as a result of making a Complaint or for providing information in an investigation in accordance with this policy.
- (f) Refer all internal or external Complaints that violate this policy to the General Manager of Human Resources.
- (g) Participate as required when a decision about a Complaint is appealed.

2.04 General Managers/ Designated Department Heads

- (a) Be a role model for respectful behavior.
- (b) Ensure awareness of and compliance with the Respectful Workplace Policy within their departments.
- (c) Ensure proper action is taken, in co-operation with the General Manager of Human Resources, to prevent and rectify any violations of the Respectful Workplace Policy within their departments.
- (d) As far as reasonably possible, ensure no person to whom this policy applies suffers retaliatory action as a result of making a Complaint or for providing information in an investigation in accordance with this policy.
- (e) Refer all internal or external Complaints that violate this policy to the General Manager of Human Resources.
- (f) Cooperate as required with the General Manager of Human Resources or his/her delegate during an investigation.
- (g) Where the results of the investigation support the allegations of the Complaint the General Manager/DDH of the Respondent shall:
 - i. work with the General Manager of Human Resources to develop a recommendation for disposition of the Complaint and determine a course of action,
 - ii. communicate the outcome of the investigation to the Respondent including any resulting course of action to be taken, and

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iii. provide support and coaching as required to ensure the Respondent's Immediate Supervisor can support the decision for disposition of the Complaint in a satisfactory manner.

(h) Ensure employees are aware of the support options available to them if they are subject to Disrespectful Workplace Behaviours, including the Occupational Health Nurses (OHN) and Employee Assistance Program (EAP).

2.05 Immediate Supervisor

- (a) Be a role model for respectful behavior.
- (b) Ensure employees are provided the opportunity to attend an educational session related to the Respectful Workplace Policy.
- (c) Take appropriate action to protect employees and others in the workplace and put a stop, as far as reasonably possible, to any Disrespectful Workplace Behaviour they are aware of.
- (d) Refer all internal or external Complaints to the General Manager of Human Resources.
- (e) Provide support and/or coaching as required to ensure employees comply with the disposition of a Complaint in a satisfactory manner.
- (f) Ensure employees are aware of the support options available to them if they are subject to Disrespectful Workplace Behaviours, including the OHN and EAP.

2.06 General Manager of Human Resources

- (a) Ensure that he/she, or a suitable delegate, receives, coordinates, reviews and investigates both internal and external Complaints regarding violation of the principles of this policy.
- (b) In cooperation with applicable General Manager(s)/DDH of the parties to the Complaint, formulate an agreed upon course of action for the disposition of the Complaint in a timely manner.
- (c) At the conclusion of an investigation, summarize and review the findings with the applicable General Manager(s)/DDH(s) as necessary.
- (d) Ensure that the Complainant is advised of the findings of the investigation
- (e) Ensure that any course of action determined for the Respondent is carried out.
- (f) In the event that a decision is under appeal, provide investigation reports of all internal or external Complaints to the person responsible to resolve the Appeal.

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- (g) Provide information to the CAO concerning the types of Complaints reported and the outcome of investigations as they occur without violating the Complainants' rights of confidentiality, to the extent possible, including not disclosing the circumstances related to the Complaint, the name(s) of the Complainant, the Respondent, and any witnesses, except:
 - i. where necessary to investigate the Complaint or to take corrective action, or to inform the parties involved in the Complaint of the results of the investigation and any corrective action to be taken to address the Complaint, or
 - ii. as required by law.
- (h) Advise and make recommendations to Commissioners, General Managers, DDHs and Supervisors in dealing with potential violations of the Respectful Workplace Policy.
- (i) Make recommendations to the Administrative Committee regarding amendments to this policy.

2.07 Human Resources Department

- (a) Communicate the intent and guidelines of the Respectful Workplace Policy to all employees.
- (b) Respond to and make recommendations to the General Manager of Human Resources regarding policies and procedures contravening the Respectful Workplace Policy.
- (c) Maintain confidentiality of the Complaint and subsequent investigation to the extent possible, including not disclosing the circumstances related to the Complaint, the name(s) of the Complainant, the Respondent, and any witnesses, except:
 - i. where necessary to investigate the Complaint or to take corrective action, or to inform the parties involved in the Complaint of the results of the investigation and any corrective action to be taken to address the Complaint, or
 - ii. as required by law.
- (d) As far as reasonably possible, ensure no persons suffer retaliatory action as a result of making a Complaint or for providing information in an investigation in accordance with this policy.
- (e) Ensure employees are aware of the support options available to them, including an OHN and EAP, if they are subject to Disrespectful Workplace Behaviours.

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2.08 Employees

- (a) Promote behaviours that will uphold a respectful workplace and follow processes established in this policy regardless of whether directly impacted by or witness to Disrespectful Workplace Behaviours between others.
- (b) Utilize the informal resolution process wherever possible and ensure that Respectful Workplace Behaviour is modelled regardless of whether they are the Complainant or the Respondent.
- (c) In accordance with the Whistleblower Policy, report any incidents of retaliatory action as a result of making a Complaint or involvement in the investigation.
- (d) Utilize the support options that are available when impacted by Harassment, Discrimination or Disrespectful Workplace Behaviours, including the OHN and EAP.

3. PROCEDURES

- 3.01 This policy applies to all City employees, contractors, volunteers and anyone else who acts on behalf of the City, and at all City facilities, locations visited by employees on City related business and locations of work-based social gatherings.
- 3.02 All City employees, contractors, volunteers and anyone else who acts on behalf of the City, are to promote and model respectful workplace behaviour at all times. The City will not tolerate Disrespectful Workplace Behaviour.
- 3.03 Informal Procedure/ Direct Resolution – The City’s goal is to have employees directly communicate when they perceive a party is engaging in Disrespectful Workplace Behaviours in order to resolve any conflict. If circumstances make this difficult or there is an inability to resolve the issues between the parties, they can proceed to access a greater level of assistance in this process. The steps of the Informal Procedure are as follows:
 - (a) Advise the alleged offender that their behaviour is unacceptable and unwelcome. This approach is best used at the time of the offense or as soon as possible afterwards. This can be done verbally, or in writing and may include expressing the negative effects of the Disrespectful Workplace Behaviour.
 - (b) This could lead to clarifying misunderstandings, apologizing, and establishing an agreed upon action plan to improve working relationships.
 - (c) If the Disrespectful Workplace Behaviour does not stop, or if the Complainant feels at risk by addressing the issue with the other party, the Complainant can speak with their supervisor or union representative. Human Resources will be available to provide guidance and/or direction as required.
 - (d) If the Complainant does not feel the matter can be resolved by speaking with their supervisor and union representative, they should proceed with the formal complaint process through Human Resources.

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- (e) The employee should keep a written record of the incident(s) of Disrespectful Workplace Behaviour as well as the action they have taken to stop the inappropriate behaviour. The notes should include dates, times, places, nature of behaviour and names of possible witnesses.

3.04 Formal Resolution

(a) Filing a Complaint

- i. The Complainant submits a signed, written Complaint outlining the allegations of Disrespectful Workplace Behaviour, describing specific incidents, the dates, times and any witnesses, to the General Manager of Human Resources.
- ii. Complaints must be filed within six months from the date of the most recent incident of Disrespectful Workplace Behaviour cited in the Complaint. Once a Complaint is received, it will be kept strictly confidential, to the extent reasonably possible, including not disclosing the circumstances related to the Complaint, the name(s) of the Complainant, the Respondent, and any witnesses, except:
 - where necessary to investigate the Complaint or to take corrective action, or to inform the parties involved in the Complaint of the results of the investigation and any corrective action to be taken to address the Complaint, or
 - as required by law.
- iii. Table 1 describes the investigation and appeal responsibilities for each type of Respondent:

Table 1

Respondent	Lead Investigator	Decision of Investigation	Appeal & Decision Body
CAO	City Solicitor	Administrative & Legislative Review Committee	City Council
City Solicitor	CAO	Administrative & Legislative Review Committee	City Council
Commissioner	General Manager, Human Resources	CAO	CAO with City Solicitor Support
General Manager, Human Resources	Commissioner, Corporate Services	Commissioner of Corporate Services	CAO
Human Resources Staff	Commissioner, Corporate Services	Corporate Services Commissioner	CAO
All Other Staff	General Manager, Human Resources	General Manager of Department, or Designated Department Head	Commissioner of Respective Division

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- iv. All Complaints will be investigated. The Complainant has the right to request the formal investigation be ceased if an acceptable resolution has been achieved between the Complainant and Respondent. However, the City has the authority to pursue an investigation and resolution process with or without the Complainant's consent if there is sufficient cause for an investigation.
- v. The General Manager of Human Resources or delegate will respond in writing to the Complainant advising that the Complaint has been received, and whether it falls within the scope of this policy.
- vi. If the General Manager of Human Resources decides not to proceed further with an investigation, the Complainant will be informed, in writing, of the decision as well as their right to appeal the decision.
- vii. If the Complaint appears to have sufficient grounds to warrant further investigation, the General Manager of Human Resources or delegate will inform the Complainant, in writing, and advise the steps to be taken to investigate and resolve the Complaint.
- viii. If the Complaint appears to have sufficient grounds to warrant further investigation, the General Manager of Human Resources or delegate will inform the Respondent, in writing, that a Complaint has been received and provide them with a summary of the particulars of the Complaint, and advise the steps to be taken to investigate and resolve the Complaint.

(b) Further Investigation

- i. The General Manager of Human Resources, or delegate, will conduct interviews with the Complainant, Respondent and witnesses of the alleged incident(s) of Disrespectful Workplace Behaviour(s). Upon request participants will be given the opportunity to review and confirm the information they provide.
- ii. The Respondent shall be afforded reasonable opportunity to respond to the Complaint.
- iii. All Complaints and investigations into Complaints shall be treated in confidence to the extent possible.

(c) Outcome of the Complaint

- i. Upon conclusion of the investigation, if the results of the investigation support the allegations of the Complaint, the General Manager of Human Resources will recommend a course of action for the disposition of the Complaint to the General Manager/DDH of the Respondent who shall then communicate a final decision and course of action to the Respondent. Remedies may include, but are not limited to:
 - Mediation;
 - Coaching, Education or Training;

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- Progressive Discipline;
 - Termination; and/or,
 - Other remedies that may flow from the investigation report.
- ii. If the result of the investigation does not support the allegations of the Complaint, a letter will be provided to the Respondent indicating that the allegations have not been substantiated by the investigation. The Respondent may request this letter to be placed on their personnel file.
 - iii. The General Manager of Human Resources will ensure the final decision as well as the process for appealing the decision is communicated to the appropriate parties in a timely manner.

(d) Appeals

- i. The Complainant or the Respondent may appeal the final decision and will notify the General Manager of Human Resources of their wish to appeal.
- ii. Appeals must be in writing and be received by the General Manager of Human Resources within 30 days of the Complainant's or Respondent's (as the case may be) receipt of the decision.
- iii. Appeals will be investigated as described in Table 1. Decisions resulting from the Appeal are the final decision of the City.
- iv. Employees also have the right to discuss their situation and options with other external sources, such as Alberta Human Rights Commission.

(e) False Vexatious and Malicious Complaints

- i. Complaints that are made in bad faith and are vexatious or malicious in nature may lead to the discipline of the Complainant. Complainants who file a Complaint based on mistaken facts or assumptions are not subject to discipline.

(f) Reporting of Results

- i. The findings of all complaints and recommendations for preventing similar incidences will be summarized in a report to Administrative Committee on an annual basis.

3.05 Alberta Human Rights Commission

- (a) The Commission was established under the *Alberta Human Rights Act* to foster equality and reduce discrimination.
- (b) This independent Commission resolves and settles complaints of discrimination based on any of the Protected Grounds.
- (c) All individuals, whether or not employed by the City, have the right to make a complaint at any time to the Alberta Human Rights Commission in accordance

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with the provisions of the Alberta Human Rights Act. (Note: there are time limitations for filing a complaint under the *Alberta Human Rights Act*).

- (d) The Respectful Workplace Policy is not intended to discourage a worker from exercising rights pursuant to any other law, including the *Alberta Human Rights Act*.

4. ADDITIONAL RESOURCES

Alberta Human Rights Act
 Workplace Violence Prevention Policy (8040)
 Whistleblower Policy (8041)

From: [Linnsie Clark](#)
To: [Larry Randle](#); [COUNCIL](#)
Cc: [Ann Mitchell](#)
Subject: Written Inquiry for inclusion on the March 4, 2024 City of Medicine Hat Open Regular Council Meeting Agenda
Date: February 20, 2024 3:06:59 PM
Attachments: [image001.png](#)

Re: Written Inquiry for inclusion on the March 4, 2024 City of Medicine Hat Open Regular Council Meeting Agenda

Pursuant to Section 6.4(a) of the *Procedure Bylaw*, Bylaw No. 4725, I am providing this Written Inquiry for the following information, to be included on the March 4, 2024 Open Regular Meeting Agenda.

1. For each of the years 2020, 2021, 2022, and 2023:
 - a. the number of City employees paid or reimbursed for living expenses;
 - b. for each employee (by job title or position) paid or reimbursed for living expenses:
 - i. the duration for which they were paid or reimbursed for living expenses;
 - ii. the itemized living expenses for which they were paid or reimbursed;
 - iii. the amounts they were paid or reimbursed for living expenses on an itemized basis;
 - iv. the employee's position type (i.e., permanent part time, permanent full time, temporary, etc.).
 - c. the total amount of living expenses paid out or reimbursed.
1. For each of the years 2020, 2021, 2022 and 2023:
 - a. the basic terms of all severance agreements, including the precise sums, the date of the severance agreements, and the job title or position of the individual severed.

For your reference, please see County of Vermilion River #24 (Re), [Order F2007-025 \(oipc.ab.ca\)](#).
3. A detailed accounting of all funds reallocated by the City Manager in 2023, pursuant to Section 20 of the Administrative Organization Bylaw, Bylaw No. 4662, or otherwise.
4. Staff turnover statistics for each of the years 2020, 2021, 2022, 2023, by month.
5. The City Manager's 2023 itemized expenses and P-Card statements.
6. Each Managing Director's 2023 itemized expenses and P-Card statements.

Thanks!

Linnsie Clark BSc, JD
Mayor

City of Medicine Hat
Phone: 403-529-8181
Fax: 403-529-8182

FROM: Mayor Linnsie Clark

TO: Medicine Hat City Council

DATE: April 30, 2024

RE: BACKGROUND REGARDING WRITTEN INQUIRY DATED FEBRUARY 20, 2024

1. On February 20, 2024, I sent a Written Inquiry (the “**Written Inquiry**”) to the City Clerk, Council, and the City Manager via email requesting that certain financial information (the “**Information**”) be provided to Council at the March 4, 2024 Open Regular Council Meeting Agenda, pursuant to section 6.4 of the City’s [Procedure Bylaw](#), which says:

6.4 Any Member can add an item:

(a) to any Regular Meeting agenda by providing a Notice of Motion or Written Inquiry;

or

(b) to any Closed Meeting agenda by providing a Written Inquiry, to the City Clerk, in writing, no later than one (1) week prior to the date of the Meeting.
2. My intention in making the Written Inquiry was **not** to ask for Council’s permission to receive the Information. Rather, I made the Written Inquiry so the Information would be provided for discussion during an Open Council Meeting.
3. As Mayor, I am entitled to the Information pursuant to my legislated duties and obligations as a member of Council pursuant to the *Municipal Government Act*, [RSA 2000, c M-26](#) (the “**MGA**”). In my view, I would also be entitled to all, or at least most, of the Information as a member of the public pursuant to the *Freedom of Information and Protection of Privacy Act*, [RSA 2000, c F-25](#) (“**FIPPA**”).
4. The purposes of the Written inquiry, include evaluation of our existing policies and programs, potentially amending or developing new policies and programs and financial oversight. These purposes are consistent with my duties to:
 - a. obtain information about the operation or administration of the municipality;
 - b. participate in developing and evaluating the policies and programs of the municipality;
 - c. participate in ensuring that the chief administrative officer is fulfilling their responsibilities; and
 - d. consider the welfare and interests of the municipality.
5. Since the City would be required to disclose all, or at least most, of the Information to any member of the public who requested it under FIPPA, I added the Written Inquiry to a Regular (open) Meeting pursuant to Section 6.4(a) of the Procedure Bylaw.
6. On April 8, 2024 during Council’s regular open meeting I was asked by Council to provide additional background information in relation to the Written Inquiry. I provided a document in this regard to Council prior to the April 22, 2024 Council regular open meeting. However, since it was provided so close to the start of the meeting the Written Inquiry was postponed to May 6, 2024. This is an augmented version of that document.

THE WRITTEN INQUIRY

7. The Written Inquiry was as follows:

Mayor Linnsie Clark to Council, City Manager Ann Mitchell and City Clerk Larry Randle (February 20, 2024 3:07 PM)

Re: Written Inquiry for inclusion on the March 4, 2024 City of Medicine Hat Open Regular Council Meeting Agenda

Pursuant to Section 6.4(a) of the Procedure Bylaw, Bylaw No. 4725, I am providing this Written Inquiry for the following information, to be included on the March 4, 2024 Open Regular Meeting Agenda.

1. For each of the years 2020, 2021, 2022, and 2023:
 - a. the number of City employees paid or reimbursed for living expenses;
 - b. for each employee (by job title or position) paid or reimbursed for living expenses:
 - i. the duration for which they were paid or reimbursed for living expenses;
 - ii. the itemized living expenses for which they were paid or reimbursed;
 - iii. the amounts they were paid or reimbursed for living expenses on an itemized basis;
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 - c. the total amount of living expenses paid out or reimbursed.
2. For each of the years 2020, 2021, 2022 and 2023:
 - a. the basic terms of all severance agreements, including the precise sums, the date of the severance agreements, and the job title or position of the individual severed.
For your reference, please see County of Vermilion River #24 (Re), Order F2007-025 (oipc.ab.ca).
3. A detailed accounting of all funds reallocated by the City Manager in 2023, pursuant to Section 20 of the Administrative Organization Bylaw, Bylaw No. 4662, or otherwise.
4. Staff turnover statistics for each of the years 2020, 2021, 2022, 2023, by month.
5. The City Manager's 2023 itemized expenses and P-Card statements.
6. Each Managing Director's 2023 itemized expenses and P-Card statements.

Thanks!

8. The Information has not been provided.
9. My understanding from emails I received from the chief administrative officer (also known as, the "City Manager" in Medicine Hat) and members of Council in response to the Written Inquiry is that there is opposition to disclosing the Information (see correspondence attached as Exhibits "A", "B" and "C", subject to Council agreeing to disclose it), for reasons including that:
 - a. making the Information public could cause personal and organizational reputational damage;
 - b. making the Information public has negative connotations for the organization regarding public perception;
 - c. since making the Information public could have negative connotations for the organization regarding public perception, Sections 8.5, 8.6, 9, 9.2, 9.3 of the City's [Code of Conduct Bylaw](#) are applicable;
 - d. gathering and providing the Information is a waste of staff time;

- e. the information is confidential;
- f. our auditors have not identified any indiscretion in relation to the Information;
- g. because some of the Information was under the purview of the chief administrative officer and is managed by bylaws, policies and procedures, it is purely administrative in nature and outside of Council's scope; and
- h. this type of request is disrespectful and unprofessional.

MGA

10. Pursuant to the MGA:

- a. Council's responsibilities, include:
 - i. developing and evaluating the policies and programs of the City (MGA, [Section 201\(1\)\(a\)](#)); and
 - ii. ensuring that the chief administrative officer appropriately performs the duties and functions and exercises the powers assigned to them (MGA, [Section 205\(5\)](#)).
- b. Each individual member of Council also has legislated duties and obligations, including:
 - i. obtaining information about the operation or administration of the municipality from the chief administrative officer (MGA, [Section 153\(d\)](#));
 - ii. participating generally in developing and evaluating the policies and programs of the City (MGA, [Section 153\(d\)](#)); and
 - iii. considering the welfare and interests of the City as a whole and to bring to council's attention anything that would promote the welfare or interests of the municipality (MGA, [Section 153\(a\)](#)).
- c. The chief administrative officer's responsibilities include:
 - i. ensuring that the policies and programs of the municipality are implemented (MGA, [Section 207\(b\)](#));
 - ii. advising and informing Council on the operation and affairs of the City (MGA, [Section 207\(c\)](#));
 - iii. providing information they give to one member of Council about the operation or administration of the municipality, to all other members of Council as soon as is practicable (MGA, [Section 153.1](#)); and
 - iv. being the administrative head of the municipality (MGA, [Section 207\(a\)](#)). [Section 208](#) of the MGA outlines the chief administrative officer's major administrative duties as:
 - 1. ensuring that the council is advised in writing of its legislative responsibilities under the MGA,
 - 2. ensuring that minutes of each council meeting (i) are recorded in English, (ii) include the names of the councillors present at the meeting, (iii) are given to council for adoption at a subsequent council meeting, (iv) are recorded in the manner and to

the extent required under [Section 216.4\(6\)](#) of the MGA when a public hearing is held;

3. ensuring that all bylaws, minutes of council meetings and other records and documents of the municipality are kept safe; and
4. ensuring that the Minister is sent a list of all the councillors and any other information the Minister requires within 5 days after the term of the councillors begins.

FIPPA

11. FIPPA is the main piece of legislation that governs the right of access to records in the custody or under the control of an Alberta public body. The meaning and application of legislation, like FIPPA, are interpreted by courts, tribunals and other adjudicative bodies, including [Office of the Information and Privacy Commissioner of Alberta](#) (“OIPC”). The interpretation in the written decisions of these bodies then form part of the law.

12. Some of the principles behind public access rights to records in the custody or under the control of public bodies are as follows:

- a. “Access laws operate on the premise that politically relevant information should be distributed as widely as reasonably possible.”

Dagg v. Canada (Minister of Finance), [1997 CanLII 358 \(SCC\)](#), [1997] 2 S.C.R. 403 (S.C.C.) at para 62.

- b. “The overarching purpose of access to information legislation...is to facilitate democracy. It does so in two related ways. It helps to ensure first, that citizens have the information required to participate meaningfully in the democratic process, and secondly, that politicians and bureaucrats remain accountable to the citizenry. As Professor Donald C. Rowat explains in his classic article, “How Much Administrative Secrecy?” (1965), 31 Can. J. of Econ. and Pol. Sci. 479, at p. 480:

Parliament and the public cannot hope to call the Government to account without an adequate knowledge of what is going on; nor can they hope to participate in the decision-making process and contribute their talents to the formation of policy and legislation if that process is hidden from view.”

Dagg v. Canada (Minister of Finance), [1997 CanLII 358 \(SCC\)](#), [1997] 2 S.C.R. 403 (S.C.C.) at para 61.

13. Public bodies cannot contract out of their obligations under FIPPA or require individuals to agree to waive or release their rights under FIPPA. “[FIPPA] applies notwithstanding any agreement to the contrary, and any waiver or release given of the rights, benefits and protections provided under FIPPA is against public policy and void.”

St. Albert School Division (Re), [Order F2024-11](#).

14. Pursuant to an access request, if a record in the custody and control of a public body contains information excepted from disclosure under Division 2 of FIPPA, the applicant still has a right of access to the remainder of the record, if the information can reasonably be severed.

15. [Section 17](#)(1) of FIPPA prohibits a public body from disclosing personal information *if the disclosure would be an unreasonable invasion of a third party's personal privacy*. Section 17(4) lists certain types of personal information where disclosure is *presumed* to be an unreasonable invasion of a third party's personal privacy, including employment history (Section 17(4)(d)). In either case, the head of a public body must consider the circumstances outlined in Section 17(5) in determining whether a disclosure of personal information constitutes *an unreasonable invasion of a third party's personal privacy*, including whether "the disclosure is desirable for the purpose of subjecting the activities of the Government of Alberta or a public body to public scrutiny".
16. A public body **cannot** rely on Section 17(1) or Section 17(4) of FIPPA to refuse to disclose information needed by members of Council to fulfill their duties and obligations as a member of Council.
- a. [Section 40](#)(1)(e) and (f) of FIPPA permit a public body to disclose "personal information" in order to comply with or when authorized or required by any enactment of Alberta or Canada, such as the MGA. As such, Section 40 of FIPPA permits the City to disclose "personal information" to a member of Council pursuant to their obligations under Section 153(d) of the MGA. So, where a member of Council requests information needed to fulfill their duties and obligations as a member of Council, that right of access is not limited by the exceptions to disclosure under FIPPA.
17. Section 17(2) of FIPPA deems the disclosure of certain types of personal information *is not an unreasonable invasion of a third party's personal privacy*. The types of personal information included in Section 17(2) of FIPPA, include:
- information about a third party's classification, salary range, discretionary benefits or employment responsibilities as an officer, employee or member of a public body (FIPPA, [Section 17](#)(2)(e)), or
 - information that reveals financial and other details of a contract to supply goods or services to a public body (FIPPA, [Section 17](#)(2)(f)), or
 - information about a discretionary benefit relating to a commercial or professional activity, that has been granted to the third party by a public body...and the disclosure is limited to the name of the third party and the nature of the discretionary benefit (FIPPA, [Section 17](#)(2)(g)), or
 - information that reveals details of a discretionary benefit of a financial nature granted to the third party by a public body (FIPPA, [Section 17](#)(2)(h)).

FIPPA, [Section 17](#)(2)(e) – (h)

18. A public body **cannot** rely on Section 17(1) or Section 17(4) of FIPPA to refuse to disclose the types of personal information listed in Section 17(2) and therefore an analysis under Section 17(5) is not necessary.
- a. For example, in *Alberta Executive Council Office*, Order F2006-008 (Re), [2007 CanLII 81638](#) (AB OIPC), the OIPC considered a public request for certain information in a senior public body

official's employment contract. The public body argued that the information was "employment history", pursuant to FIPPA Section 17(4), and therefore presumed to be an unreasonable invasion of the third-party's personal privacy. The Applicant argued that the information was information under Section 17(2)(e) and therefore deemed not to be an unreasonable invasion of the third party's personal privacy. The OIPC found as follows:

[para 8] Section 17(1) requires the head of a Public Body to refuse to disclose a third party's personal information if the disclosure would be an unreasonable invasion of the third party's personal privacy. However, this provision cannot be read in isolation. Section 17(2) establishes situations in which disclosure is not an unreasonable invasion of privacy, while section 17(3) and (4) describe the situations in which disclosure of personal information is presumed to be an unreasonable invasion of privacy. Section 17(5) is a non-exhaustive list of criteria for the head of a public body to weigh when determining whether disclosure of personal information is an unreasonable invasion of privacy.

[para 12] In order F2004-026, the Commissioner adopted the following interpretation of the phrase "employment history," as set out in Order F2003-005:

In my view the term 'employment history' describes a complete or partial chronology of a person's working life such as might appear in a resume or personnel file. Particular incidents that occur in a workplace may become the subject of entries in a personnel file, and such entries may properly be viewed as part of 'employment history'. However, the mere fact there is a written reference to or account of a workplace event does not make such a document part of the 'employment history' of those involved. Many workplace incidents of which there is some written record will not be important enough to merit an entry in a personnel file.

[para 13] Personal information relating to employment history under section 17(4) is subject to a presumption that disclosure is an unreasonable invasion of privacy. The presumption may be rebutted, or the privacy interest may be outweighed by other factors in section 17(5). In contrast, section 17(2)(e) does not refer to employment history, but to specific information regarding classification, responsibilities and remuneration of employees of public bodies. Disclosure of information falling under 17(2)(e) is not an unreasonable invasion of privacy. Once 17(2)(e) is found to apply, no further weighing is required. The information must be disclosed. Sections 17(2)(e) and 17(4) apply to different information and there is no conflict between them. Under the Public Body's interpretation, section 17(2)(e) would be meaningless, as all employment related information would be subject to the presumption under 17(4).

[para 33] In Order 2001-020, the former Commissioner said that one of the purposes of what is now section 17(2)(e) is to permit the disclosure of information about the employment benefits and responsibilities of public employees, allowing a degree of transparency in relation to the compensation and benefits provided to public employees. Therefore, the first consideration in determining whether personal financial or employment information should be disclosed is whether section 17(2)(e) applies. If it applies, disclosure of the Third Party's personal information is not an unreasonable invasion of the Third Party's personal privacy.

[para 34] The Commissioner also considered the meaning of "discretionary benefits" for the purposes of section 17(2)(e) in Order 2001-020. He said:

I turn now to the use of the phrase "discretionary benefit" in the context of section [17](2)(e) of the Act. One of the purposes of section [17](2)(e) is to allow the release of information about the employment benefits and responsibilities of public employees, allowing a degree of transparency in relation to the compensation and benefits provided to public employees. The general reference to "benefits" rather than to specific identified benefits in section [17](2)(e) indicates

that the legislative intention was to capture a range of discretionary benefits that flow from the employment relationship.

[para 35] In order 2005-016, the Commissioner said:

In deciding what constitutes “discretionary benefits”, previous Orders of this Office have defined “benefit” to mean, among other things, a favourable or helpful factor or circumstance, or an advantage: see Orders 98-014, 2001-020 and F2003-002. “Discretionary” means that a decision-maker must have a choice as to whether, or how, to grant the benefit: see Orders 98-018, 2001-020 and F2003-002.

19. As indicated in Order F2006-008, the OIPC has interpreted “discretionary benefits” broadly.

- a. In City of Calgary, [Order 2001-020](#), the OIPC considered a request for a review of information proposed to be released by the City of Calgary related to discretionary buyouts for City Managers. When considering whether a severance package was a *discretionary benefit* under Section 16(2)(e) (which is now 17(2)(e)), the OIPC said the following:

[para 18] In Order 98-014, I said that a “benefit” means, among other things, a favorable or helpful factor or circumstance, or an advantage. The Dictionary of Canadian Law (2nd Edition) defines benefit as: “3. Compensation or an indemnity paid in money, financial assistance or services.” Both definitions suggest that a “benefit” can run the gamut from the purely discretionary (that, is, gratuitous) to being required by law.

[para. 19.] In Orders 98-014 and 98-018, I considered the general meaning of the word “discretionary.” I found that, in the simplest terms, “discretionary” means that a decision-maker has a choice as to whether, or how, to exercise a power.

[para. 20.] I turn now to the use of the phrase “discretionary benefit” in the context of section 16(2)(e) of the Act. One of the purposes of section 16(2)(e) is to allow the release of information about the employment benefits and responsibilities of public employees, allowing a degree of transparency in relation to the compensation and benefits provided to public employees. The general reference to “benefits” rather than to specific identified benefits in section 16(2)(e) indicates that the legislative intention was to capture a range of discretionary benefits that flow from the employment relationship. I think that the Legislature contemplated that precise sums and details of this particular benefit could be disclosed under 16(2)(e) for the following reasons.

[para. 21.] A severance package is an employment-related “benefit” for the purposes of section 16(2)(e) of the Act. Severance is a beneficial payment or an advantage that flows from the employment relationship to the employee, whether or not it is actually paid before the relationship formally ends, and whether or not it is required by law.

[para. 22.] A severance package is also a “discretionary” benefit because the City exercised its discretion to negotiate mutually acceptable compensation with each third party. This creates the necessary element of a degree of discretion. Therefore, I am satisfied that the severance package of each of the third parties, formalized in the records, is a discretionary benefit for the purposes of section 16(2)(e).

Are unique job titles “employment responsibilities” under section 16(2)(e)?

[para. 23.] The third parties argued that disclosure of their job title or position would indirectly reveal their identity. This would be an unreasonable invasion of their personal privacy under the Act. The City disagreed.

[para. 24.] I find that job titles or positions, in general, come within the reference to “employment responsibilities” in section 16(2)(e). Indirect disclosure of third party identity through release of a unique

job title is contemplated under the 16(2)(e) reference to “employment responsibilities.” Disclosure of a unique job title in a severance agreement is not an unreasonable invasion of third party personal privacy under section 16(2)(e). Many senior positions in government are unique. The accountability dimension of 16(2)(e) would be seriously undercut if higher-paid employees in unique positions escaped the scrutiny accorded to lower-paid employees who are not in unique positions.

Conclusion under section 16(2)(e)

[para. 25.] Section 16(2)(e) says that disclosure of each third party’s discretionary benefits and employment responsibilities is not an unreasonable invasion of that third party’s personal privacy. Therefore, having reviewed the records, I uphold the City’s decision to disclose the basic terms of the severance agreements, including severance amounts, and the job titles or positions under section 16(2)(e). I do not need to consider the alternate claim under section 16(2)(h) for this same information.

- b. The Adjudicator in Order 2001-020 ordered the City of Calgary’s to release the information, finding that Section 17(2)(e) (formerly Section 16(2)(3)) of FIPPA:

applies to the job titles or positions, and the basic terms of the severance agreement, including precise sums, in the records. Disclosure of that information would not be an unreasonable invasion of the third parties’ personal privacy.” former Commissioner said that the general reference to “benefits”, rather than to specific identified benefits in what is now section 17(2)(e), indicates that the legislative intention was to capture a range of discretionary benefits that flow from the employment relationship. Furthermore, the precise sums and details of the particular discretionary benefit in that case (a severance package) could be disclosed under what is now section 17(2)(e). The fact that the public body exercised its discretion to negotiate mutually acceptable compensation with the third party in that case created the necessary element of a degree of discretion. See also *Alberta Health Services (Re)*, 2015 CanLII 57438 (AB OIPC); and *County of Vermilion River #24 (Re)*, Order F2007-025.

20. Generally, information about what an employee of a public body does in the course of fulfilling their employment responsibilities is **not** considered *personal information*, as defined by FIPPA, and Section 17 does not apply.

- a. For example, in *Alberta Health Services*, [Order-F2015-010](#) the OIPC considered a Third Party objection to AHS releasing records relating to the expense claims filed by a former CEO of the Calgary Health Region (in this case the “Third Party”). As stated in the case summary:

The Adjudicator found that the expense claims were for the most part not the Third Party’s personal information but rather recorded an aspect of the Third Party’s fulfillment of his job responsibilities. As such, there was no basis for withholding them under section 17, which applies only to personal information.

- b. The OIPC in Order-F2015-010 reasoned as follows:

[para 25] I begin my analysis for this case by noting that section 17(1) is an exception to disclosure that can be applied to personal information only, and not to general information. To the extent the information at issue is not the Third Party’s (or anyone else’s) personal information, section 17 does not apply.

Is the information personal?

[para 26] In accordance with many earlier decisions of this office, information about what an individual does in the course of fulfilling their employment responsibilities is not their personal information, unless it has a personal dimension. A person’s name is their personal information by virtue of the definition in

section 1(n) of the Act, but the description of their employment-related activities is not. (See, for example, Order F2008-028 at para 55, Order F2006-030 at para 12.)

[para 27] The Third Party states on the closing page of his rebuttal submission:

My expenses always related to me carrying out my responsibilities as outlined by my Employment Agreement and as directed by the Board of the Calgary Health Region. My travel and expenses were approved in advance and were receipted and approved again after the expenses were incurred. My expenses were not only approved by the Chairs of the Calgary Health Region, they were signed off by the Chief Financial Officer and they were the subject to audit by the Office of the Auditor General at any time if concerns were raised. At no time have my expenses as contained in the record been questioned by the Public Body, the successor organization to the Calgary Health Region.

[para 28] This statement supports the view that the expense information contained in the records at issue is a record of, or a record of an aspect of, the Third Party's fulfillment of his employment responsibilities, acting in a representative and not a personal capacity and simply conducting the business of government, and hence is not his personal information. If this is the proper characterization of the information, section 17 does not apply to the parts of the records that record these activities. (Likewise, section 17(5)(g) and (h) on which the Third Party relies, which apply only to the balancing of factors relative to personal information under section 17, do not apply in considering whether this information should be disclosed.)

...

[para 31] Depending whether the information in the documents that record this aspect of the Third Party's discharge of his employment responsibilities is or is not his personal information, it is either necessary, or not, to weigh the relevant factors under section 17 to decide if it should be disclosed. If it is best characterized as not his personal information, there is no weighing to be done.

[para 32] I believe the better characterization in this case is that the expense claim information is not the Third Party's personal information. The Public Body shows that there is broad public and media interest in such information generally. However, despite this and the second-hand allegation just quoted, which has not been substantiated and is lacking in detail, there has been nothing put before me to show that the Third Party's practices in this regard were inappropriate such as would make the information personal to him.

[para 33] This is not to say that no such suggestion will be made when the records are scrutinized by others – it is only to say there is no tangible information before me one way or the other.

[para 34] The result of this point of view is that section 17 cannot operate as an exception to the disclosure of the information about expense claims in the records.

AUDITED FINANCIAL STATEMENTS

21. The City's auditor does not review or test each City expenditure against the City's policies, procedures and bylaws or automatically express their opinion on the effectiveness of the City's internal controls.
22. However, regardless of whether they do or do not, an audit does not relieve Councillors of their financial governance responsibilities.
23. To the contrary, while the City's auditor provides an opinion on whether the financial statements fairly present the financial position of the City for a given period in accordance with Canadian public sector accounting, an audit in no way relieves Councillors' of their governance responsibilities.

24. Additionally, the City's [Audited Financial Statements](#) specifically state that:

Management is responsible for the preparation and fair presentation of the financial statements in accordance with Canadian public sector accounting standards, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the City's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the City or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the City's financial reporting process.

....

[The Auditor's] objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, **they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.**

...

[The Auditor obtains] an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, **but not for the purpose of expressing an opinion on the effectiveness of the City's internal control.**

[Emphasis added.]

DUTIES AND OBLIGATIONS

25. As Mayor and a member of Council, I have a duty to obtain information about the operation or administration of the City that I need to fulfill my duties and obligations as a member of Council. Separately, the City has an obligation to disclose information pursuant to a request for disclosure from a member of the public, unless that information is exempted by FIPPA.
26. It would be antithetical to the MGA to suggest that members of Council are not entitled to information if it is about something within the purview of the chief administrative officer. While the chief administrative officer's role is administration and implementation of the policies and programs developed by Council, the MGA specifically requires each Councillor to obtain information about the operation or administration of the City.
27. It would be antithetical to the MGA and FIPPA to suggest that members of Council are not entitled to information that any member of the public could request, receive and publish, by making an access request pursuant to FIPPA.
28. The purposes of the Written inquiry, include evaluation of our existing policies and programs, potentially amending or developing new policies and programs and financial oversight. These purposes are consistent with my duties to:
- obtain information about the operation or administration of the municipality;
 - participate in developing and evaluating the policies and programs of the municipality;
 - participate in ensuring that the chief administrative officer is fulfilling their responsibilities; and

- d. consider the welfare and interests of the municipality.
29. These purposes are also consistent with the principles of good governance, including financial governance and the importance of openness and transparency in effective government. The importance of these principles is reflected in the MGA, FIPPA, and the City's Code of Conduct.
30. As Mayor, I am required to sign the City Manager's PCard Statements and severance agreements. So, while I do not necessarily agree with all of them, I have seen (at least most) of these items since I began my tenure.
31. I have not seen the Managing Director's PCard Statements. I have also not seen the Information regarding living expenses, fund reallocated by the City Manager, or staff turnover.
32. While I am not requesting a policy change at this time, which is why a notice of motion is not necessary, examples of policy changes that could result from a thorough review of the Information, including for example:
- a. Clarification or augmentation of the Personal and Travel Expenses Policy. For example, Council could consider:
 - i. clarification of the circumstances in which it is appropriate for the City to provide meals or refreshments for meetings between employees and any limits or reporting requirements applicable to such amounts (e.g., annual);
 - ii. clarification of who is permitted to expense meals or refreshments for meetings or events among employees, so that it is either equitable amongst employees or clear which employees are permitted to do so;
 - iii. a requirement that the most senior person attending a meeting or event that includes meals, refreshments, hosting or other expenses, must be the person to expense those items;
 - iv. a requirement that members of Council expense their own meals, refreshments, hosting or other expenses, rather than having those items expensed by the chief administrative officer or other members of executive, or a limitation on how much the chief administrative officer or other member of executive can spend on purchasing meals, refreshments, hosting or other items for a member of Council;
 - v. clarifying how it should be reported publicly if the chief administrative officer or other member of executive does expense an item that is for the sole benefit of one or more specific members of Council, for example a meal.
 - b. Clarification of what circumstances it is appropriate to provide living expenses, such as travel to work in Medicine Hat or accommodations while in Medicine Hat, to employees who chose to work remotely, and any limits or reporting requirements applicable to such amounts;
 - c. Ensuring that all City employees are being treated equitably. For example, if Council determines that it is appropriate to expense the costs of celebrating an employee (e.g., birthday, retirement, anniversary), it should be applied and available equally to all employees. That is, Council could amend the policy to ensure that all employees are celebrated equally, rather than just certain employees.

33. To the extent that FIPPA prohibits the public disclosure of any part of the Information, Administration could provide all the information to Council in a closed meeting in accordance with [Section 197\(2\)](#) of the MGA, and provide the information redacted in accordance with FIPPA to Council and the public in an open meeting.

DATE: 2024-05-06**MEETING: REGULAR COUNCIL****DEPARTMENT: ENVIRONMENT, LAND &
GAS PRODUCTION****REPORT AUTHOR: RANDI BUCHNER,
MANAGER OF LAND AND REAL ESTATE****800 BLOCK OF 2ND STREET SE – LETTER OF INTEREST****EXECUTIVE SUMMARY:**

Administration has received a Letter of Interest (LOI) for the unlisted 800 Block of 2nd Street SE and seeks Council authorization to negotiate a Real Estate Purchase Contract with a certain developer for the sale of this land at a fair market value of \$570,000.00.

STRATEGIC ALIGNMENT:**INNOVATION****ECONOMIC EVOLUTION****SERVICE ORIENTATION****PARTNERSHIPS &
GOVERNANCE****COMMUNITY WELLNESS****RESILIENCY &
SUSTAINABILITY****RECOMMENDATION:**

It is recommended through the Administrative Committee and the Energy, Land & Environment Committee that Council authorizes Administration to enter into a Real Estate Purchase Contract for the sale of the property described as the 800 Block of 2nd Street SE (the “**Property**”) with a certain developer (the “Potential Developer”) for a purchase price of \$570,000 on terms and conditions satisfactory to the City Solicitor and City Manager. Should this Real Estate Purchase Contract fail to close, it is recommended that Council approves listing the property on the open market at the identified fair market value.

PREVIOUS COUNCIL MOTIONS / DIRECTIONS:

Council approved a budget amendment on October 17, 2022, to purchase the last remaining house located on the Property for \$168,000.00. This property was purchased with the intent to consolidate it with the adjacent City-owned properties and provide a larger parcel to support future redevelopment.

BACKGROUND / ANALYSIS:

The City owns the entire 800 block of 2nd Street SE (as shown in Attachment #1). The Property is located across from the Medicine Hat Remand Center and Police Station and was previously held for the municipal purpose of providing off-street parking. Administration has now secured another location for MHPS parking, and the Property is considered surplus municipal land that is well-suited for redevelopment and may be sold.

Administration has actively been preparing the site to bring to the open market for fair market value. This includes consolidating the 9 separate titles into one titled Property that measures 55,250 square feet (0.51 ha or 1.27 acres). The site has been rezoned to medium density residential. The medium density residential zoning and size of the site can accommodate a minimum density of 38 units and a maximum density of 77 units for an apartment. The proposed zoning and land use reflect the highest and best use of the Property.

An unsolicited Letter of Interest (LOI) was received from a Real Estate Brokerage on behalf of the Potential Developer. The Potential Developer is interested in an affordable purpose-built rental development, with 40 to 60 units, and would include accessible units on the first floor.

A Technical Coordinating Committee (TCC) circulation has been completed for the Property and the comments have been addressed by Administration. Redevelopment of the Property for medium density residential aligns with the Municipal Development Plan and the River Flats Area Redevelopment Plan. Any proposed development will need to align with the River Flats Overlay within the Land Use Bylaw.

The Potential Developer will be responsible for the following items before redevelopment:

- A pre-application meeting with the Development Authority (Planning & Development Services) to ensure the suitability of the Potential Developer's proposal for the Property.
- To provide any information required by the Development Authority to complete a development and building permit, including any necessary plans, drawings, and reports or additional requirements to support the proposal.

The fair market value was determined through a third-party appraisal and takes into consideration that the Property is not currently serviced for medium density residential. The Proposed Developer would be responsible for servicing the site at their own cost.

This Property provides the opportunity for the Potential Developer to complete a redevelopment project on lands that have been historically underutilized within a prominent location in the City Center Core. Redevelopment of underutilized lands aligns with Council's Strategic Priorities of maximizing infill and revitalization, promoting further reinvestment into an existing area, and expanding and diversifying the tax base through incremental redevelopment.

INTERNAL AND EXTERNAL ENGAGEMENT CONSIDERATIONS:

The Property was previously used by Medicine Hat Police Services for parking; MHPS parking needs have since been accommodated elsewhere.

POTENTIAL RISKS / IMPACTS:

Financial:

Funding Request:	No	If yes, amount: N/A
Budgeted Item:	No	Funding Source: N/A
Funding Explanation:	N/A	
Budget Amendment Form?	No	

The City purchased the last house located on the Property for \$168,000.00 and spent \$15,000.00 on abatement and demolition. Land & Real Estate has assumed the administrative cost of the consolidation of the individual titled parcels and rezoning the Property to support future redevelopment.

Consolidation of the underutilized land to support redevelopment to the highest and best use is expected to have a positive increase to the tax assessment value and productivity of the land by 3 to 10 times depending on the built form. An estimated assessed value of the Property would increase from \$1.6M as a vacant parking lot (currently exempt from property taxes as City owned) to a range of \$4M for a multi-family development at 40 units and \$7M at 60 units. This would result in annual municipal tax revenue in the range of approximately \$36,000 to \$58,000.

Health, Safety and Environmental:

Phase I and Phase II Environmental Site Assessments have been completed for the Property and are satisfactory to the City. An abandoned gas well is located on the site and is currently being subdivided into its own separate titled parcel. The abandoned gas well parcel is not part of the potential sale to the Potential Developer and the City intends to retain ownership of it.

Legal / Legislative / Policy:

Real Estate that has not been offered for sale must align with the City of Medicine Hat Acquisition and Sales Policy (Policy 0151) and the *Municipal Government Act*. As per the Policy, if Real Estate is not formally listed on the open market, an interested party may approach the Land & Real Estate Department with a Letter of Interest. If it is determined the property may be sold, this recommendation is brought forward to Council for decision. As the recommended purchase price reflects the fair market value of the Property, the potential sale is not required to be advertised.

PUBLIC PARTICIPATION REQUIRED FOR IMPLEMENTATION:

A public hearing is held for the rezoning of a property. Seeking Council authorization to sell a property for fair market value does not typically include public participation.

INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ALTERNATIVE OPTIONS / PROS AND CONS:

The following options were also considered:

- Option 1: Continue to bring the Property to the open market for fair market value. While this approach may allow the City to solicit multiple offers, the LOI aligns with the fair market value of the Property. Considering the current market conditions and comparison of historical sales of medium-density residential land, conditions do not support a competitive market currently. Not considering the LOI may result in the Property remaining on the market for an extended time and the City incurring continued carrying costs.
- Option 2: Hold the Property within the City's land inventory and not sell. This is not recommended as the land is no longer required for municipal purposes and provides an opportunity for intensification, additional housing units, and will be a valuable addition to the tax base.

IMPLEMENTATION PLAN:

Subject to Council's approval to sell the Property, Administration will contact the Potential Developer to initiate negotiation of the potential sale. If Administration is not able to reach an agreement with the Potential Developer, the Property will be placed on the open market for \$570,000.00.

REVIEWED BY & DATE:	Matthew Klasen Solicitor	2024-04-04
REVIEWED BY & DATE:	Kevin Redden Director of Environment, Land, and Gas Production	2024-04-04
APPROVED BY & DATE:	Rochelle Pancoast Managing Director of Energy, Land and Environment Division	2024-04-05
ATTACHMENTS:	1: Aerial Photo of Property	



DATE: 2024-05-06**MEETING: REGULAR COUNCIL****DEPARTMENT: CORPORATE PLANNING &
PERFORMANCE AND DEVELOPMENT &
INFRASTRUCTURE****REPORT AUTHOR: GARETH CHUDLEIGH,
CORPORATE STRATEGIC ANALYST****2024 WATER CONSERVATION INCENTIVE PROGRAM****EXECUTIVE SUMMARY:**

The City is situated in an arid portion of the Province that is forecast to experience drought conditions in 2024, and these conditions are anticipated to last multiple years. Drought conditions stress availability of water resources in the city and neighbouring communities as well as for other water users such as irrigation districts and industry. In response to the 2024 drought conditions throughout Alberta, the province has initiated unprecedented collaboration talks and workshops between water license holders for a collective response to the water shortages. The City of Medicine Hat will be participating in the provincial collaborative water conservation and sharing efforts in 2024 through the activation of the City's Water Shortage Management Plan which outlines significant adjustments to City Operations as well as water saving measures that the community and residents can implement. In addition to the activation of the Water Shortage Management plan, the City can further demonstrate the importance of the response to the 2024 drought conditions and our stance on water conservation with the amendment of the Hat Smart program to incorporate water conservation initiatives and incentives in 2024.

STRATEGIC ALIGNMENT:**INNOVATION****ECONOMIC EVOLUTION****SERVICE ORIENTATION****PARTNERSHIPS & GOVERNANCE****COMMUNITY WELLNESS****RESILIENCY & SUSTAINABILITY****RECOMMENDATION:**

It is recommended through the Administrative Committee and the Development & Infrastructure Committee that City Council approve:

1. Administration's amendment of the Hat Smart program to incorporate water conservation efforts beginning in 2024.
2. One-time funding (\$150K) to support water conservation initiatives to reduce community water use in 2024. This will provide a one-time increase to the water utility operating budget to fund the HAT Smart program, which focuses on water conservation. This solution will provide short-term water conservation incentives for residential customers. Subsequently, Hat Smart water-based programming will be funded through an environmental conservation charge that Council may consider as part of future Water Utility Bylaw amendments.

PREVIOUS COUNCIL MOTIONS / DIRECTIONS:

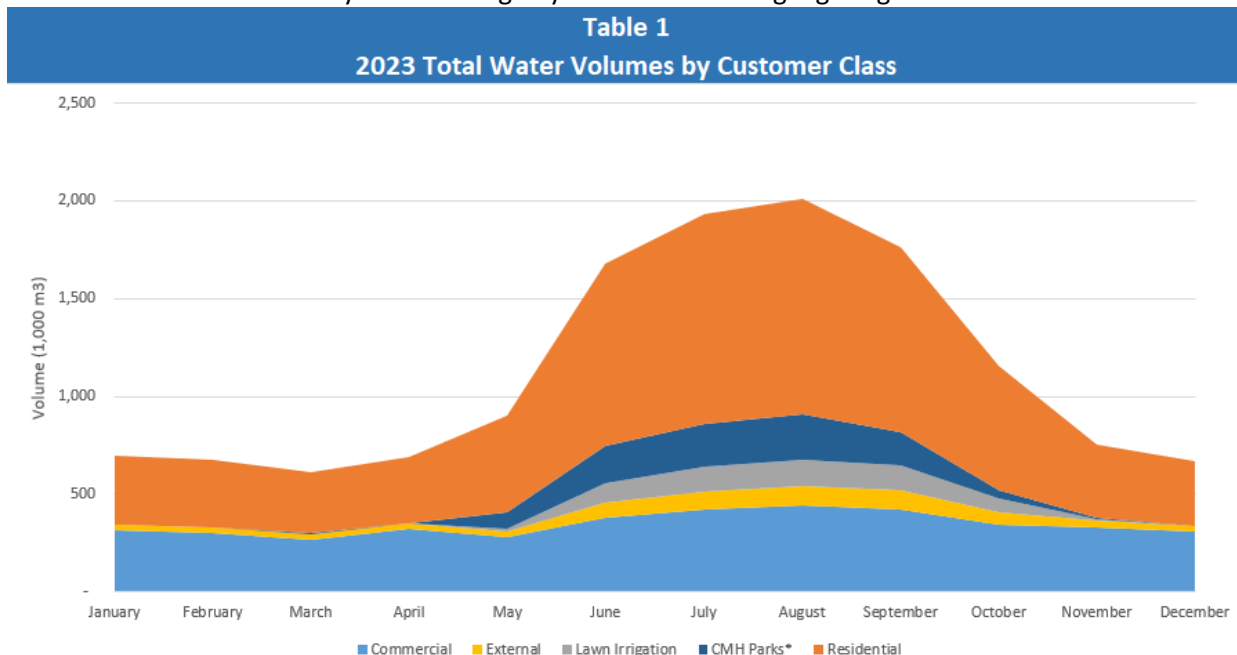
A proposed Environmental Conservation Charge for the water utility was put forward to the Administrative Committee in September 2016 and did not receive approval to proceed.

BACKGROUND / ANALYSIS:

In addition to the impacts of climate change, significant increases in population and irrigation needs upstream of the City of Medicine Hat along the South Saskatchewan River are resulting in regional and Provincial water management measures being implemented in 2024 and future years. City Council regulates the City's utilities to ensure customers receive safe and reliable service with rates established following regulated rate-making principles for water utility services to customers within and outside of the City boundaries.

Water utility customers are grouped into the following rate classes: Residential, Irrigation, External and Commercial. Residential and irrigation constitute approximately 65% of total potable water consumption in the City. The 2023 annual water consumption profile can be found in Table 1.

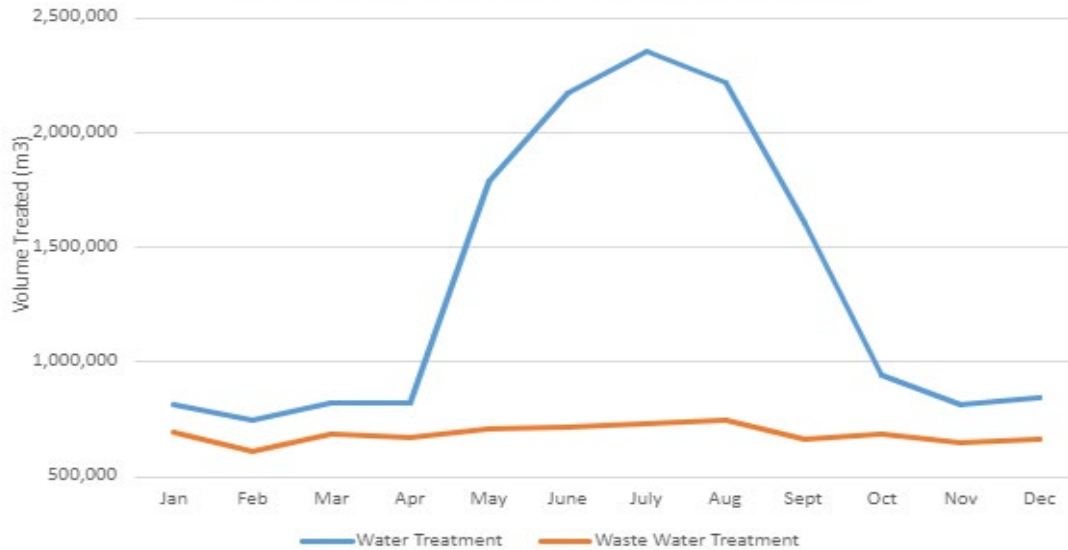
Table 1 below shows the City's water usage by customer class highlighting the increased summer volumes.



Southern Alberta communities and large volume water license holders, including the City of Medicine Hat, have been asked to respond to local and upstream water shortages with the activation of Municipal Water Shortage or Drought Management plans. The City and other Municipalities, in addition to irrigation districts and industry, are collaborating with Alberta Environment and Protected Areas (AEPA) to establish collaborative water sharing agreements to ensure the protection of domestic (municipal) and ensure water sharing for food production and industrial water supply. The collaboration includes an aim of reducing water consumption by each municipality by a minimum of 10%.

Table 2 shows how the demand for water is significantly higher in May through September. This demand requires additional capacity to meet water demands. The sewer volumes are consistent throughout the year, which means the higher seasonal water consumption does not impact the sewer system.

**Table 2: Water & Waste Water Treatment
Water & Waste Water Treatment Volumes (2023)**



INTERNAL AND EXTERNAL ENGAGEMENT CONSIDERATIONS:

Environmental Utilities, Billing, Customer Service, Energy, Land & Environment, Legal, and Communications, Engagement & Marketing will all need to be involved as part of the development, implementation and planning as it will affect their departments and the Public will need to be informed.

POTENTIAL RISKS / IMPACTS:

Financial:

Funding Request:	Yes	If yes, amount: \$150,000
Budgeted Item:	Yes	Funding Source: Working Capital
Funding Explanation:	Funding for 2024 water conservation initiatives will be funded from water utility working capital	
Budget Amendment Form?	Yes	

A sustainable funding source for water conservation initiatives will be brought forward in the Water Utility Bylaw as part of the 2025-2026 budget process.

Health, Safety and Environmental:

This proposed water conservation initiative aligns with the Environmental Framework that was presented to Council on March 25, 2024, at the Council Committee of the Whole session. A goal within the Environmental Framework Action plan is to "Achieve a community-wide reduction in potable water consumption, leading with City internal operations."

Legal / Legislative / Policy:

This initiative aligns with the Environmental Framework to support water conservation efforts and overall potable water consumption reduction within the community.

PUBLIC PARTICIPATION REQUIRED FOR IMPLEMENTATION:

The communications team will work to inform the public about this new offering when the program details are finalized. We will leverage the brand recognition of the HAT Smart program and provide information through social media as well as the HAT Smart website.

INFORM <input checked="" type="checkbox"/>	CONSULT <input type="checkbox"/>	INVOLVE <input checked="" type="checkbox"/>	COLLABORATE <input type="checkbox"/>	EMPOWER <input checked="" type="checkbox"/>
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ALTERNATIVE OPTIONS / PROS AND CONS:

1. Status Quo. This option is not recommended; these incentives support the Environmental Framework and demonstrate stewardship in water conservation efforts for the community in participation with other communities and water users across Alberta.

IMPLEMENTATION PLAN:

Following the development of the incentives into the Hat Smart Program, Corporate Planning & Performance will work with the Communications, Engagement & Marketing team to provide information to the public regarding the water conservation initiatives. Incentives will be processed using the same methods as the current HAT Smart program or incorporated directly into the existing program.

REVIEWED BY & DATE:	Dennis Egert, Managing Director, Corporate Services	2024-04-12
REVIEWED BY & DATE:	Adria Coombs, Manager Environmental Strategy & Compliance	2024-04-12
REVIEWED BY & DATE:	Rochelle Pancoast Managing Director, Energy Land & Environment	2024-04-12
REVIEWED BY & DATE:	Patrick Bohan Managing Director, Development & Infrastructure	2024-04-12
APPROVED BY & DATE:	Ann Mitchell, City Manager	2024-04-12
ATTACHMENTS:	1. Budget Amendment Form 2. Water Conservation Incentive Program Details	

ENVIRONMENTAL UTILITIES
OPERATING BUDGET AMENDMENT

Amendment Description: Water Utility Rate Design - Water Conservation Initiatives


For use by Finance only
Reviewed By:
Review Date:

	2024 Operating Budget Amendment	Annual Impact
Expenses:		
Administration		
Operations & Maintenance	150,000	
Other		
Total Expenses	150,000	-
Personnel Impact:		
PEP		
FTE		
Revenue:		
Total Revenue	-	-
Net Income (Loss)	(\$150,000)	\$0



Lola Barta

05/04/24

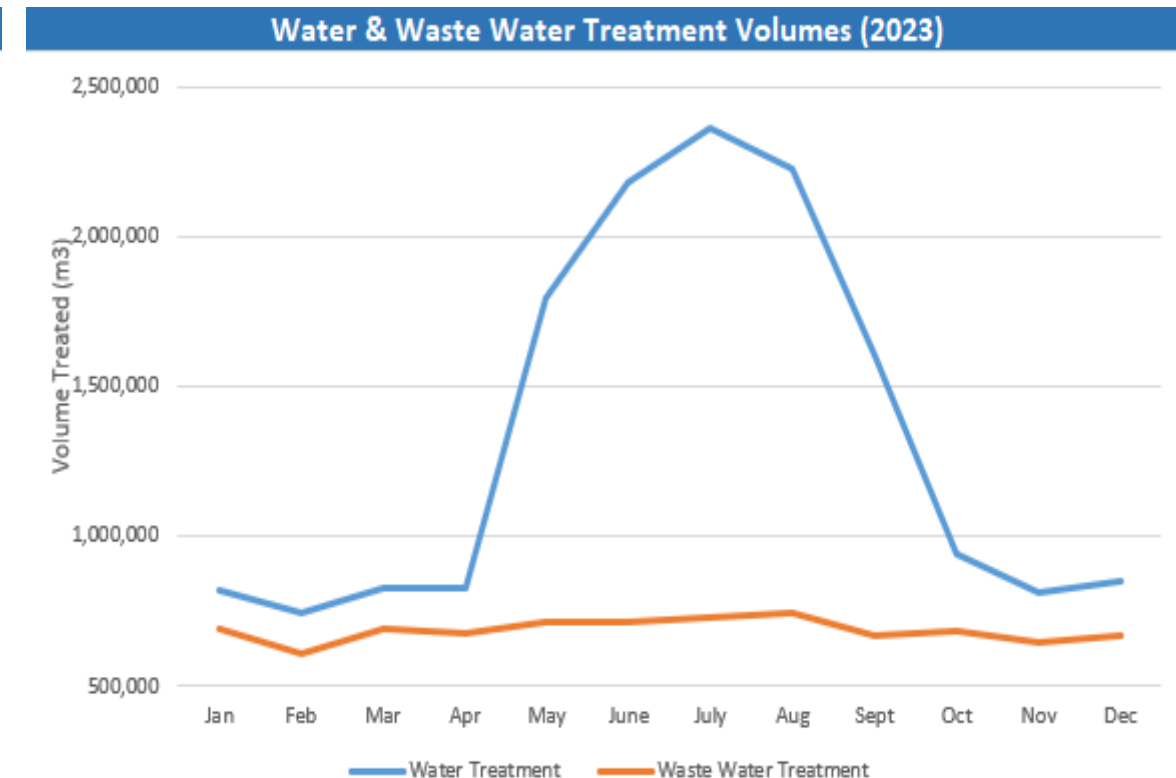
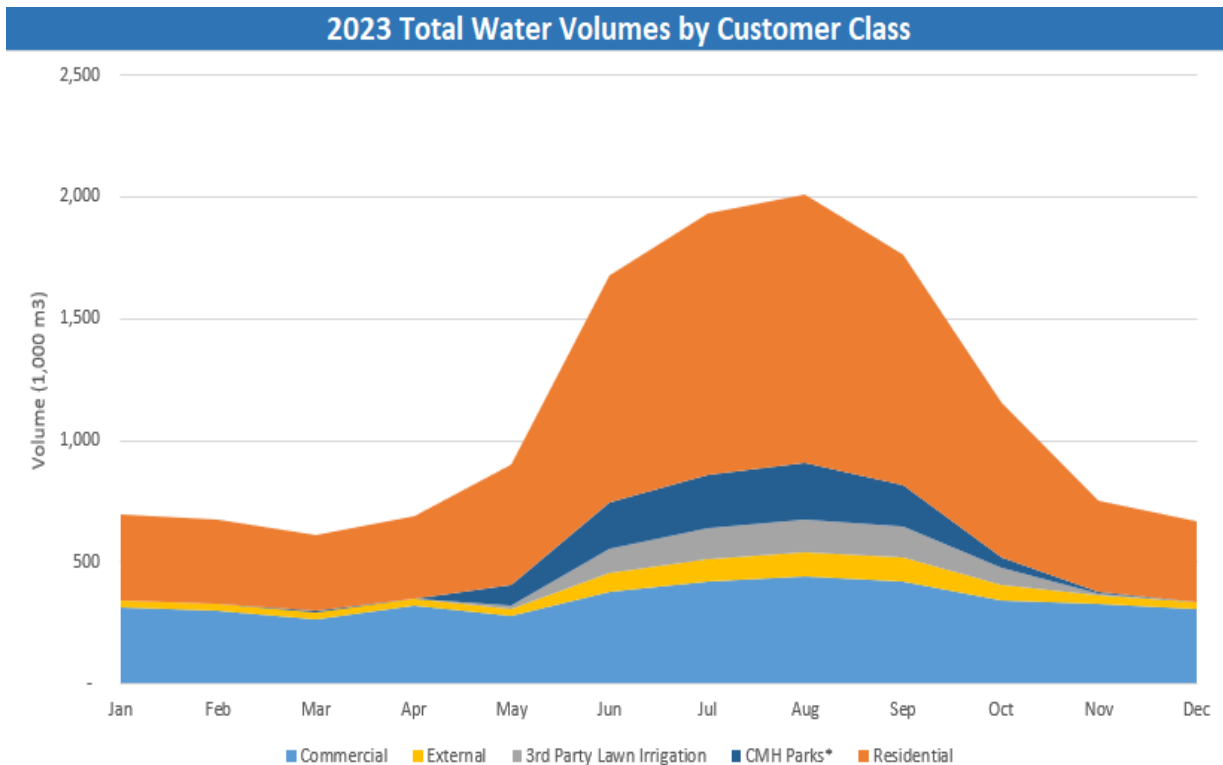
An aerial photograph of a city, likely Denver, showing a river (the Platte River) in the foreground with a large steel truss bridge crossing it. The city is densely packed with buildings, including a prominent modern glass-walled building. The trees are in autumn, with many yellow and orange leaves. The sky is clear and blue.

2024 Water Conservation Incentive Program

Providing customers with incentives to encourage water conservation

Water Conservation Incentive Program

City of Medicine Hat - Annual Water Consumption Profile



Water Conservation Incentive Program

High-level Proposed Program Details

Incentives

Xeriscape material

- Landscape fabric
- Bark Mulch
- Drought resistant plants

Smart irrigation systems

- Control modules
- Low flow sprinkler heads
- Rain sensors

Low water usage appliances

- Washing machines
- Dish washers
- Low flow toilets

Community-Wide Events

Rain Barrel Program

Water Conservation Incentive Program

Environmental Conservation Charge (Water)

2025-2026 Budget

- Environmental Conservation Charge applied to residential customers only
- Apply similar methodology as natural gas and electricity (threshold)
- Funds collected would be directed toward water conservation efforts for residential customers

Water Conservation Incentive Program

Next Steps

- Support from Development & Infrastructure Committee
- Support from City Council
- Approve 2024 Operating Budget Amendment to fund program (\$150K)

Water Conservation Incentive Program

