

VOLUME 23 NUMBER 2 | SUMMER 2018

# URBAN*Voice*

THE OFFICIAL PUBLICATION OF THE SASKATCHEWAN URBAN MUNICIPALITIES ASSOCIATION



## *Infrastructure*

PM#40065075

Board Profiles – Councillor Don Cody & Councillor Richard Beck

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# URBAN Voice

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## FEATURES

### INFRASTRUCTURE:

Discover and Report:

The Duty to Report Contamination Discovered by a Municipality ..... 12

AIMM to Fight the Spread of Invasive Mussels in Saskatchewan ..... 14

Editorial: Municipalities Building Canada's Future ..... 16

Moving Toward a Provincial Seniors Strategy ..... 18

### NEW TOOL:

MUNICIPAL GUIDE TO CANNABIS LEGALIZATION ..... 22

DON'T LET AMENDMENTS CATCH YOU BY SURPRISE ..... 25



12



22

## DEPARTMENTS

President's Voice ..... 6

Board of Directors ..... 8

CEO's Voice ..... 10

Legal Services Voice ..... 20

Make a Date with SUMA ..... 26

Board Profile: Don Cody ..... 27

Board Profile: Richard Beck ..... 29

SUMAdvantage Voice ..... 32

Reach our Advertisers ..... 36





## INFRASTRUCTURE – SO MUCH MORE THAN ROADS

Councillor Gordon Barnhart, President

When many hear the word infrastructure, they think roads. But as a municipal official, the word equates to so much more: roads, bridges, landfills, water, wastewater, and recreational buildings, just to name a few.

Municipalities are responsible for nearly 60 per cent of Canada's public infrastructure. Without infrastructure, it would be impossible to deliver the services residents rely on everyday. Our infrastructure delivers safe drinking water, deals with waste, keeps both people and goods moving, and creates spaces for sport and recreation.

But the ownership comes with great responsibility. We face demands for more infrastructure stemming from population growth, climate change, and environmental legislation that creates new needs and makes upgrades to older systems necessary. There's also the challenge of funding million-dollar lagoon upgrades or road rehabilitation.

*Asset management can aid in stretching those dollars and making the most out of municipal infrastructure.*

Municipalities have some tools at their disposal to help meet the pressures. Asset management can aid in stretching those dollars and making the most out of municipal infrastructure. It makes it easier to plan and implement infrastructure projects with a broad, long-term approach. With an asset management plan, decisions about maintaining, upgrading, and building infrastructure are based on a full analysis of relevant factors, such as capital and ongoing costs, and environmental, social, and community impacts.

According to the 2016 Canadian Infrastructure Report Card, only 62 per cent of large municipalities, 56 per cent of medium sized municipalities, and 35 per cent of small municipalities have a formal asset management plan in place.

SUMA continues to talk to Saskatchewan hometowns about asset management. Just this spring, Asset Management Saskatchewan, in partnership with SUMA and the Saskatchewan Association of Rural Municipalities, offered in-person workshops across the province on the topic. *Keeping Pace with Changing Asset Management Requirements* addressed issues around the asset management requirements for Gas Tax Funding. And we helped prepare the Asset Management Getting Started Guide, and have included articles on asset management in past issues of *Urban Voice*.

There are also funding mechanisms such as the Gas Tax Fund available to help. And Ottawa continues to sign infrastructure investment agreements for the Investing in Canada plan. As part of the plan, the government is signing new bilateral agreements that will see more than \$33 billion in federal investment for infrastructure projects related to public transit, green infrastructure, rural and northern communities, and community, culture, and recreational infrastructure. More than half of Canada's provinces and territories have signed new agreements with the federal government. Saskatchewan has not. Without the agreement, our hometowns are missing a tool vital to addressing infrastructure demands.

In this issue of *Urban Voice*, you'll learn about new infrastructure challenges, but also tools that can improve municipal infrastructure and the quality of life for our residents. To learn more about asset management, join us August 12-14 in Regina for SUMA Summer School. It promises to be a valuable learning experience for both mayors and councillors.

If I don't see you at SUMA Summer School, have a safe and enjoyable summer! See you in the fall at regional meetings. ■

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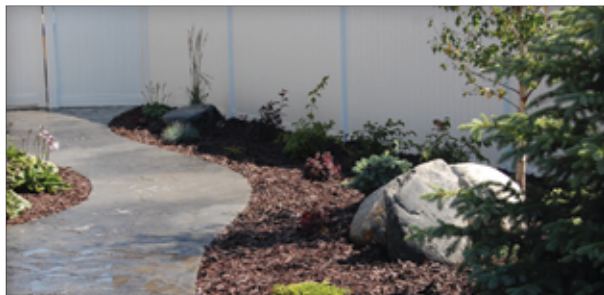
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## FINDING SUCCESS WITH CAPITAL PLANNING

Jean-Marc Nadeau, Chief Executive Officer — SUMA

In Canada, municipalities maintain approximately 60 per cent of all public infrastructure – roads, buildings, underground utilities, etc. The total value of core municipal infrastructure assets in the country, according to the 2016 Canadian Infrastructure Report Card, is estimated at \$1.1 trillion. Yet the same municipalities that are responsible for the majority of the nation's public infrastructure receive only 10 cents from every tax dollar collected. With limited funding, how can municipalities manage to maintain these vital structures?

Successful municipalities have implemented long-term capital renewal plans. Generally, plans are five years in length, but many municipalities have stretched the planning cycle to 10 years. Canada's military is successfully planning as far as 20 and 30 years out. The further we can plan ahead, the more efficient and cost effective our capital projects will be. Some will say "the environment is too unpredictable that far out; what good are those plans if the environment constantly changes?" Others will simply state "new council; new priorities." It is true that emerging priorities are challenging for councils and administrators alike, but it is critical to stretch our dollars as far as possible. This can be achieved by planning beyond the four-year electoral term.

To be successful, capital plans, like any other strategic plan, must consider the environment. And the political landscape is all but one of the environmental factors. Planners will generally consider other factors such as technology, life cycle, and annual maintenance costs of the asset. It is also essential for capital plans to be integrated into the municipal budgeting process. In fact, capital plans should be the first document reviewed at the start of the budgeting process. The intent of this review is to extract the capital projects planned for the year, but it also provides councils and administrators an opportunity to review the plan, adjust it based on emerging realities, and then add an extra year of capital projects 10 years down the road. Evaluating and adjusting the plan yearly ensures it will remain current and fluid enough to meet emerging priorities. There are many ways to address changing priorities, such as robust prioritizing exercises. These exercises, which shouldn't be done in isolation, are great opportunities for council and administration to work together. Which is another benefit of capital planning.

By creating, maintaining, and utilizing a capital renewal plan, our hometowns have the chance to stretch their infrastructure dollars. ■



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# Infrastructure



Discover and Report: The Duty to Report Contamination Discovered by a Municipality.....	12
AIMM to Fight the Spread of Invasive Mussels in Saskatchewan .....	14
EDITORIAL	
Municipalities Building Canada's Future .....	16
Moving Toward a Provincial Seniors Strategy.....	18





# Discover and Report: The Duty to Report Contamination Discovered by a Municipality

Ahmed Malik and Abbie Treslan — Miller Thomson LLP

Saskatchewan environmental legislation tells us how municipalities should respond to discovering or dealing with contaminated sites on various municipal and infrastructure projects.

## WHAT IS THE PURPOSE OF THE LEGISLATION?

*The Environmental Management and Protection Act, 2010* (EMPA 2010) came into force in Saskatchewan on June 1, 2015 in conjunction with the Saskatchewan Environmental Code. EMPA 2010 and the environmental code aim to implement a new results-based regulatory model of environmental legislation which is based on many aspects of Ontario's regulatory framework but also borrows from best practices in British Columbia and other jurisdictions.

The purpose of the code is to ensure timely reporting of environmental discharges for the safety of the public and protection of the environment. EMPA 2010 steps in with the help of the Saskatchewan Ministry of Environment to ensure that whoever is responsible for the discharge contains it, cleans up the site, and notifies any impacted third parties.

## DUTY TO REPORT FOR MUNICIPALITIES

Anyone who comes across an adverse effect is to immediately report it to the Saskatchewan Ministry of Environment

and take all reasonable emergency measures consistent with public safety.

Section 9(2) and (3) of EMPA 2010 and Chapter B.1.1. Section 1-3 of the environmental code place an immediate duty to report on every person who discharges or discovers a substance that may cause or is causing an adverse effect on the environment, while conducting work.

Under the provincial code, the discovery of a substance must be reported if:

- the substance may cause or is causing an adverse effect (e.g. significant vegetative stress of an unknown cause);
- the substance discovered is in a quantity or concentration that could pose a serious risk to the environment or public health or safety (e.g. when conducting a site assessment, drilling reveals free phase petroleum hydrocarbons that are in contact with a building foundation – which would trigger immediate reporting); or
- the substance meets the criteria set out in Table 2 of the Discharge and Discovery Reporting Standard for the applicable media with respect to that substance.

The duty to report also extends to municipalities and those who act on behalf of a municipality, including municipal employees and contractors. Therefore, if a municipal employee discovers contamination on the site of

a municipal infrastructure project, they must report it immediately.

There are circumstances where a municipality would be excepted from such a duty. For instance, EMPA 2010 states that “a municipality with respect to land shown on its tax arrears list prepared pursuant to *The Tax Enforcement Act*” would not be responsible to report. If in this instance the tax arrears list was prepared “after the date on which the municipality is entitled to take possession of the land or becomes the owner of the land,” and the municipality makes an existing adverse effect worse or creates a new one, the municipality would then be held responsible.

## POTENTIAL LIABILITY OF NOT REPORTING

The result of not reporting a discharge may include:

- a fine of up to \$1 million per day for each day the offense continues;
- a fine (in addition to the fine above) in an amount equal to a court's estimate of any monetary benefits which may have accrued to the offender;
- imprisonment of up to three years;
- a combination of a fine and imprisonment; or
- a fine or imprisonment for directors, officers, or agents of the offending corporation (if a corporation).



In addition to or instead of any penalty imposed pursuant to EMPA 2010, a court may order the convicted person to take a number of actions, including removal of the substance in a manner and within a period specified by the order, or to repair, mitigate, or minimize any damage to the environment that resulted from the commission of the offence.

### TIPS FOR A MUNICIPALITY TO AVOID LIABILITY

#### 1. Conduct a thorough environmental investigation of project sites.

The municipality should carry out its own due diligence before the start of a project to identify any environmental issues. On infrastructure projects, the municipality should ensure that its employees, agents, contractors, and consultants, including engineers, understand their obligations and duties under EMPA 2010 and the environmental code. The municipality should also review all construction and development contracts with their legal counsel to identify risks, allocate environmental liability, and include appropriate indemnity or limitation of liability provisions.

#### 2. Determine if someone else has already reported the discharge.

After discovery of a contamination, the municipality should determine: whether the contamination has already been reported; who may be responsible for it; and whether corrective measures are currently in place.

While municipal employees and municipalities have a duty to report any contaminated site they discover, if they have a well-founded reason to believe that the discharge has been reported by another person, the duty is no longer with them and they will not be held responsible. This other person, for example, could be a present or past owner, developer, contractor, or occupier of the land.

#### 3. Contractually transfer environmental liability

An option available to a municipality to avoid liability is to transfer the environmental liability through an agreed upon contract. The transferee may be a potential purchaser, developer, or other party willing to accept such liability. Section 12(2)(h) of EMPA 2010 allows parties to contractually transfer liability for the discharge or presence of a substance, or the obligation to mitigate, remedy, or

reclaim the adverse effects caused or contributed by the discharge or presence of the substance.

It is important to note that action can now be taken against the new responsible party, whereas before action could only be taken against the person who caused the adverse effect.

#### 4. Corrective action

The municipality should work with the Ministry of Environment and any other

parties (including developers, owners, and those who caused the contamination) to allocate liability and risk; and if necessary, devise a corrective action plan. ■

*This article provides a very brief summary of the impact of environmental legislation in Saskatchewan. Municipalities and employees are encouraged to speak to their legal advisors for more information about the impacts and potential liabilities in specific situations.*

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# AIMM to Fight the Spread of Invasive Mussels in Saskatchewan

## Mussels Pose Threat to Water-Related Infrastructure

Saskatchewan Ministry of Environment

Monitoring is an important tool in the fight against aquatic invasive species (AIS), including the spread of zebra and quagga mussels into Saskatchewan.

Invasive mussels pose a serious threat to lakes and waterways, and have been discovered in Manitoba, Ontario, Quebec, and 34 states, including Minnesota, Montana, and North Dakota. These species can be impossible to eliminate if they become established in a waterbody, and have the potential to severely impact water-related infrastructure, aquatic habitats, fisheries, and valuable recreational resources.

The Government of Saskatchewan concluded its 2017 monitoring program and confirmed no findings of invasive mussels in the 90 waterbodies sampled throughout the province.

This was accomplished with help from other ministries, corporations, non-government organizations (NGOs), and public participation.

Monitoring is done by one of three ways in the province.



*Invasive mussels cover the leg of a dock. Aquatic invasive species, like quagga and zebra mussels, can severely impact water-related infrastructure, aquatic habitats, fisheries, and valuable recreational resources. The main monitoring tool to prevent the spread of invasive mussels is the Saskatchewan Adult Invasive Mussel Monitoring (AIMM) Program. Photos contributed by the Ministry of Environment.*



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The ministry's Fish, Wildlife and Lands Branch, along with SaskPower, monitor for the larvae (veligers) of invasive mussels twice during the open water season when temperatures reach 12 C. More than 60 waters were sampled in 2017.

Another method is using environmental DNA to test for the presence of zebra mussels. This process, developed in partnership with the ministry, is a University of Saskatchewan-led surveillance program that sampled 33 waterbodies in 2017.

In addition, ferries on the North and South Saskatchewan Rivers are checked for invasive mussels.

The main monitoring tool is the Saskatchewan Adult Invasive Mussel Monitoring (AIMM) Program, which relies heavily on partner and stakeholder participation.

"Monitoring for adult invasive mussels, including zebra and quagga mussels, is extremely important for early detection in the province," explained **Ron Hlasny**, an aquatic research specialist with the Ministry of Environment. "We all need to do our part to stop the spread of these invasive mussels. AIMM is an easy to use, cost-effective monitoring program that is a valuable tool in the fight against these invasive species."

By establishing new partnerships with municipalities, community organizations, business groups, NGOs, and even local residents, the province can greatly expand this early detection program.

"Knowing that there are no invasive mussels within a waterbody is just as important as notifying the TIP program if adult invasive mussels were found in a waterbody," Hlasny stated. "This provides us with better information of where and how to respond should a positive finding occur."

Currently, the Ministry of Agriculture, Ministry of Parks, Culture and Sport, SaskWater, and a number of watershed groups and other volunteers participate in the AIMM Program.

This program includes three types of monitoring. The first is to look for invasive mussels attached to human-built structures such as docks, buoys, water intake pipes, or anchors.

The second type of monitoring is a shoreline survey, which would examine driftwood, rocks, and other natural shoreline features for invasive mussels.

The final method is the use of AIS substrate samplers. These simple-to-make devices are placed in the water in June and checked monthly to see if invasive mussels are present.

A new reporting form has been developed to provide an easy-to-use tool that the public, NGOs, and other agencies can use to record their monitoring efforts in Saskatchewan waterbodies.

To learn how to participate in the AIMM Program, visit [biodiversity.sk.ca/invasives.htm](http://biodiversity.sk.ca/invasives.htm) or contact the Ministry of Environment at 1-800-567-4224 or via email at [centre.inquiry@gov.sk.ca](mailto:centre.inquiry@gov.sk.ca).



*Zebra mussels from a sailboat decontaminated at Elbow Harbour.*

In 2017, conservation officers completed 1,212 watercraft inspections and provided invasive species information to 872 watercraft owners who entered Saskatchewan from the United States. Of those 2,084 watercraft, 307 received a detailed inspection and 119 required decontamination. The ministry also purchased four decontamination trailers to bring its complement to six decontamination units for the province.

Information on aquatic invasive species can also be found in the Saskatchewan Anglers' Guide. ■

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## EDITORIAL

# Municipalities Building Canada's Future

Jenny Gerbasi, Past-President — Federation of Canadian Municipalities

This spring and summer, as Ottawa continues to sign infrastructure investment agreements with provinces and territories, we know we're looking at a historic opportunity to transform our communities. The bilateral agreements give municipalities real tools to turn this opportunity into real outcomes — from better roads and transit to community spaces and green infrastructure.

But just as importantly, what I see etched throughout the discussions is a refreshing recognition of municipalities' essential role at the heart of nation building.

The Investing in Canada plan has the potential to transform our country by spurring sustainable growth and a better quality of life. But that means working with cities and communities to get the design and delivery right. Canadians want their governments to squeeze every drop of value from every new infrastructure dollar, and that's where local governments excel.

### MUNICIPALITIES MAKE THE MOST OF THE TOOLS AVAILABLE

Municipalities are responsible for 60 per cent of Canada's public infrastructure as well as an increasing number of services. As the governments closest to daily life, residents hold us responsible for delivering outcomes, from quality roads

to clean water. And because we control just 10 cents of each tax dollar, cost-effectiveness has become our mantra.

Local governments also have unique expertise. We understand local needs and how to meet them in ways that foster more livable, competitive communities. Designing transportation infrastructure to support growth, for instance, is also an exercise in long-term planning for effective land use and neighbourhood development.

That local capacity to deliver national impact is why municipalities find themselves at the heart of a historically ambitious nation-building plan. Municipalities are Canada's builders.

From early days, the Federation of Canadian Municipalities (FCM) was deeply engaged in shaping the Investing in Canada plan, but we've always understood that the practical tools available to municipalities would

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*"Seeing other orders of governments cover nearly three-quarters of local costs is a meaningful acknowledgement that Canada's future depends on moving local projects forward."*

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And the local solutions we deliver have national impact. For instance, a well-planned transit expansion eases traffic congestion, shortens local commutes, and strengthens communities. But it also boosts national productivity and reduces national greenhouse gas emissions. That's real, long-term value — on top of the direct jobs and growth these infrastructure projects generate. In short, when municipalities across Canada have the right tools, our local progress supports our country's bottom lines.

depend on federal negotiations with each province and territory. The agreements that are emerging reflect key FCM recommendations aimed at empowering municipalities to drive economic and quality-of-life outcomes nationwide. How?

First, governments are now recognizing that local solutions are key to tackling national challenges.

Better roads and transit boost national productivity. Modern, accessible recreation infrastructure attracts and supports the new talent our economy needs to grow. Scaling up local green infrastructure



helps achieve national climate goals. The municipalities that influence half of Canada's greenhouse gas emissions are already driving some of Canada's most innovative solutions — from green fleets to low-emission waste management.

Recognizing this, Canada's new infrastructure agreements build in commitments to support a 'fair balance' of municipal and provincial projects. That's ground-breaking. The transit expansion plan goes even further: most of this \$20 billion investment will be allocated directly to municipalities with transit systems, based on a predictable funding formula.

Second, governments are addressing local fiscal barriers to building tomorrow's Canada.

The value that municipalities bring to the nation-building table is not money but expertise — from needs assessment through design and delivery. They have never had the fiscal flexibility to move projects forward on the transformational scale Canadians deserve.

This is why FCM has advocated a new cost-sharing formula: 40 per cent federal, 40 per cent provincial, 20 per cent municipal. Ottawa has now accepted that benchmark, while provinces so far are committing to 33 per cent. Seeing other orders of governments cover nearly three-quarters of local costs is a meaningful acknowledgement that Canada's future depends on moving local projects forward.

Third, governments are recognizing that nation building includes communities of all sizes. For two years, FCM has offered extensive advice on fine-tuning infrastructure programs to drive the best outcomes. And we see that advice being adopted, for instance, as new respect for the financial and administrative realities faced by rural, northern, and remote communities. The federal government has boosted its cost-share to 50 per cent for projects in rural Canada — and to 60 per cent where populations fall under 5,000. Bilateral agreements are further committing to streamline project administration to empower rural and northern communities to deliver better roads, broadband, wastewater treatment, and more.

### WORK AHEAD IS CRUCIAL

FCM has been an unrelenting advocate for local governments and the residents we serve. And while

Canada's new infrastructure agreements are encouraging, much work remains to be done to drive to the outcomes Canadians deserve — making the next steps crucial.

For instance, governments will be challenged to bring life to the ground breaking 'fair balance' commitment to local projects. What mechanisms will ensure project selection honours that commitment? On the many outstanding issues, local governments should continue to be engaged — not as

outsiders looking in, but as the heart of the nation-building process.

Then we'll be ready to do what we do best: design and deliver projects to transform our communities and our country for generations to come.

*Jenny Gerbasi is Deputy Mayor of Winnipeg and Past-President of the Federation of Canadian Municipalities, the national voice of municipal government, with nearly 2,000 members representing 90 per cent of Canadians.* ■



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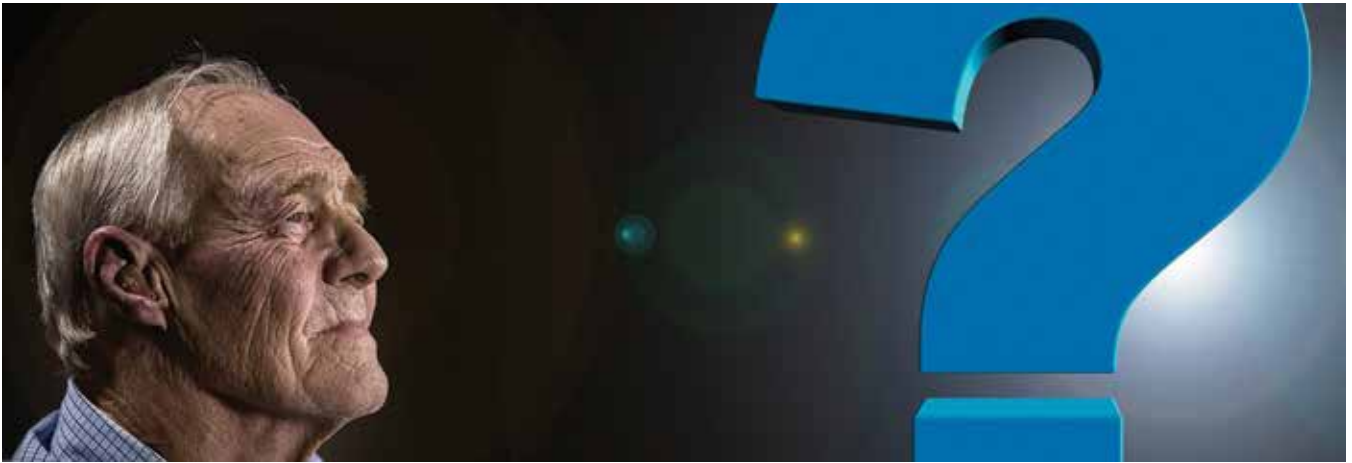


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# Moving Toward a Provincial Seniors Strategy

Holly Schick, Executive Director — Saskatchewan Seniors Mechanism

In 2016, the number of people in Saskatchewan age 65 or older was 177,000 or 15.5 per cent of the population. By 2036, it is estimated that 21-25 per cent of the Canadian population will be age 65 or older. Many people worry that the increasing percentage of older adults will put greater stress on community resources.

However, older adults are also a resource. Older adults contribute a tremendous amount of volunteer time to our communities, and bring a wealth of experience and wisdom. They are also living longer, more active lives, with a greater awareness of the need to maintain a healthy lifestyle. Whether you see the increasing population of seniors from the perspective of increasing needs or increasing benefits, the real issue for our province and our communities is to plan for the shift in population age.

This shift is the motivation for the Saskatchewan Seniors Mechanism's (SSM) Seniors Strategy Project. The project's purpose is to "engage older adults and others to develop the framework for a province-wide strategy to provide quality life for Saskatchewan's aging population." It's important to recognize that a seniors strategy must consider issues related to infrastructure and services as well as quality of life and community involvement. The Seniors Strategy Project will focus on six areas of community life:

- housing;
- health care;
- transportation;
- services;
- finances;
- meaningful participation in the community.

For the most part, governments, community leaders, community organizations, and individuals understand what the problems are when addressing the needs of an aging population and there are many ideas about what is needed. What appears to be lacking is a plan for how to get there – a seniors strategy. SSM wants to divert the discussion focus from what the problems are, to how to create the future we want and need.

The strategy will provide a picture of what our communities would look like meeting the needs of our aging population. This includes:

- local community leaders who are sensitive to the needs of all citizens, regardless of age, sex, health, or wealth

- medical services readily available at little or no cost and in a timely manner, including a national pharmacare plan and primary health care
- a variety of home care services that are accessible and affordable to serve those who want to remain in their own home for as long as possible (medical assistance, personal care, home maintenance, yard work, house cleaning, laundry, meal preparation/delivery, etc.)
- infrastructure that supports the participation of all ages and abilities
- services that are available and accessible
- means of transportation that are affordable and easily accessible in a timely manner – to get to appointments, to stay connected to family and friends, and to participate in community activities
- government financial support available to assist with housing costs for those who need transition to a personal care, assisted living, or long-term care home, and do not have the financial resources to afford it
- basic income sources for older adults (OAS, GIS and CPP) that are adjusted and indexed so those on a fixed income can meet the ever-increasing cost of living; possibly a system of guaranteed income
- community planning and programming geared to reducing the social isolation of older adults and encouraging intergenerational participation

The question we will be asking people to reflect on is "How do we get to this ideal situation?" What needs to happen to get us there? What actions need to be taken? Who is best placed to contribute to the transition? What are the enabling factors?

These are questions we will be asking focus groups in forums and through surveys. This is an opportunity to discuss how to provide the best possible quality of life for older adults and others in our province. The information gathered will be collated and shared with governments and other interested organizations.

If you are interested in hosting a forum or for further information, please contact Holly Schick, Executive Director of Saskatchewan Seniors Mechanism. ■



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# What's My Job Anyway?

## Council Members Doing Municipal Work

Steven Dribnenki, Policy and Legal Advisor – SUMA

Election candidates sometimes promise to “clean up the town.” While usually understood to mean they are going to take on an issue or make changes, in some cases it’s quite literal – they take on municipal jobs. But where does ‘working’ for the town cross the line?

### COUNCIL MEMBERS ARE NOT EMPLOYEES

Some council members may refer to their office as their “job.” However, in legislation, they cannot be employees of the municipality where they sit on council – see section 112 of *The Municipalities Act*.

In *Goulet v Buena Vista (Village)*, 2012 SKQB 503, the court held that the mayor, being elected, was not an employee of the village. While the mayor received a T4 slip from the village, she held a role in the municipality by being elected to office, not because of an employment contract.

The court also noted that elected municipal officials are office holders with specific duties. These duties are set out in sections 92 and 93 of *The Municipalities Act*: representing the public and the well-being of their community; reviewing municipal policies, services, and programs; and ensuring administrative procedures are in place to implement decisions. Above all else, as stated in section 79, council is entrusted to govern its municipality.



### COUNCIL MEMBERS CAN BE INDEPENDENT CONTRACTORS

So, in “cleaning up the town,” you cannot be employed by the town and be on council. But council members may be contracted by their municipality to provide services. Contracts for services may be verbal or written, but for clarity, transparency, and reliability, it is best to get things in writing so everyone knows their duties and rights.

Proper procedures must also be followed to uphold accountability and transparency. Section 184 of *The Municipalities Act* requires any project to follow the municipal purchasing bylaw and any relevant provincial, federal, and international trade agreements. As per section 5 of the act, a municipality needs to pass a resolution approving the work being done and the person doing it. And all contracts are publicly accessible documents (see section 117). Also, all agreements between a council member and the municipality need to be recorded in the council member’s public disclosure document (section 142).

When providing a contracted service, council members should not assume they are automatically covered by their municipality’s insurance. Sections 355 and 356 of *The Municipalities Act* offer protection to council members, but only when they are carrying out legislative duties. This protection does not extend to a “mere contractor with the municipality”.

### CONTRACTING COUNCIL MEMBERS MEANS MANAGING CONFLICTS

When pursuing or holding contracts with the municipality, council members must make sure to follow conflicts of interest rules: declare any conflict arising just before the matter is discussed at a meeting, disclose a short summary of the conflict, and leave the meeting room. Council members must not discuss the matter with council or staff before or after the meeting, and should review minutes to make sure the declaration is recorded accurately.

In *Peasley v Westerhaug*, 1998 CanLII 13783 (SKQB), the court dismissed a conflict of interest application against a councillor. The councillor was involved in a company contracted to provide transit services for the city where he served on council. He declared his interest and left meetings when his matter came up until the city terminated the contract.

Other risks can arise when council begins to consider a new project that an elected official may want to pursue. Section 141.1 of *The Municipalities Act* prohibits council members from participating in a decision they know (or should know) could further their personal interest. The mandatory code of ethics bylaw also prohibits council members from taking advantage of non-public information obtained during their official duties.

If a new project is on the horizon, and you have the expertise to either provide the service or help council understand what



is needed, decide if you want to bid on the project before discussions start. If you do want to bid, remove yourself from considerations prior to project discussions. If you decide to take a pass on the project, lend your expertise to offer insight on development and delivery.

### COUNCIL MEMBERS VOLUNTEERING: THAT'S COMPLEX

So, in summary, council members are not employees, and council members can be independent contractors, but they must follow procedures and avoid risks. Simple right? Well, things can get much more complex with volunteering.

If all of council gets involved in a "clean up day," does a council meeting break out? In *Hughes v Eston (Town)*, 2008 SKQB 26, an applicant unsuccessfully challenged a decision made by council a day after she saw the entire council walking in town together. While the council was at a properly called special meeting to review nuisance properties, it's important to understand the perception of residents.

Volunteering on administrative tasks, such as speaking with residents about orders to comply, helping on paperwork, or working on public works, carry a special risk. Discussing orders may lead to changes made without council input. While reviewing paperwork, you may improperly access information contravening *The Local Authority Freedom of Information and Protection of Privacy Act*. And if you help in public works, you may not be covered by insurance, you could be breaching a contract, or you could be doing work not approved by council.

The main thing to remember when "cleaning up" your town is that you were elected to lead your municipality, not to be the municipal street sweeper. The job you were elected to do is

taking part in council meetings and making important decisions. Taking on a contract or volunteering can be rewarding, but it also carries risks. It is important to understand the risks before paying the costs, so both council and community can benefit.

*SUMA Legal Services helps keep members up to date on issues in municipal law, but is not advice pursuant to a solicitor-client relationship. For legal advice about your specific situation, contact your or your community's lawyer.* ■



Timely delivery of maintenance was a major priority for the Agency in 2018 and will continue to be our priority moving forward, followed closely by delivering on our commitment to radically increase overall property inspections.

Property reinspections are currently beginning or already underway in a number of urban municipalities across the province.

In June, SAMA also implemented a new automated process for distribution of change of ownership data to municipalities. Please check your email for more information on the new change of ownership distribution process.

For more information visit our website at [www.sama.sk.ca](http://www.sama.sk.ca).

Contact SAMA by phone at: 1-800-667-7262,  
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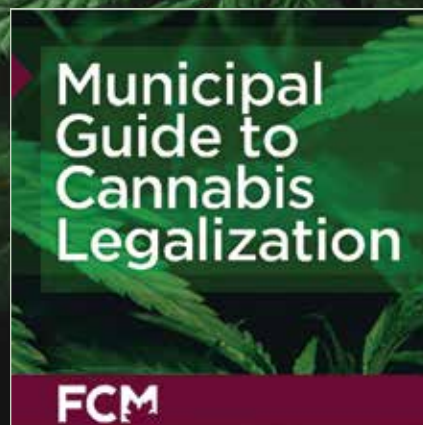
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**Jenny Gerbasi**, *Past-President*  
Federation of Canadian Municipalities

# New tool: Municipal Guide to Cannabis Legalization



**L**ocal governments are the first ones to hear from citizens when something is bothering them. Noise complaints, illegal parking, noxious odours — as the order of government closest to people's lives, we hear about it all. And with cannabis to become legal on October 17, keeping Canadians safe and well-served is on the minds of municipal governments across the country.

That's why the Federation of Municipalities, in partnership with provincial and territorial associations like SUMA, produced the Municipal Guide to Cannabis Legalization. The guide helps describe the tremendous scope of work ahead for local governments and offers some direction on how to implement that work.

SUMA and FCM are working to ensure all communities have the financial resources — as well as the tools and knowledge — to ensure cannabis legalization is implemented safely and sustainably.

## **LOCAL GOVERNMENT ON THE FRONTLINES**

Keeping people safe and well-served in a world of legalized cannabis will be a big job. There are bylaws to amend, processes to adapt, and capacity to build, in areas ranging from land use management to business licensing and regulating public consumption.

Take zoning and land use management, which the general public might not recognize applies to cannabis legalization. People are concerned about whether cannabis cultivation and retail facilities will pose dangers or cause odours and nuisances near their homes and communities. Tools like zoning regulations will help mitigate these potential conflicts.

Another example is retail facilities. These will influence the social and economic character of neighbourhoods, and residents have concerns about proximity to parks and schools.

Municipalities can work with provinces and territories to influence where cannabis is sold.

Another issue that falls under land use is a tricky one: home cultivation. The federal government has already had difficulty limiting the number of cannabis plants grown in people's homes for medical purposes. When residents are allowed to grow non-medical cannabis at home, local governments will have to decide when and how often to regulate and enforce related bylaws. The guide offers policy and bylaw options for local communities to consider.

## **PROTECTING PUBLIC HEALTH**

One municipal tool that can help protect public health and safety is business regulation. For example, local governments can use business licensing to protect youth and restrict their access to cannabis, to deter illicit activities, and to mitigate public nuisances. The challenge will be for municipalities to strike an effective balance between empowering legal cannabis businesses to operate and addressing legitimate community concerns.

When it comes to protecting people from inhaling second-hand cannabis smoke, Saskatchewan has already signalled that it will ban cannabis consumption in most public places. Existing bylaws regulating tobacco and alcohol consumption could offer a starting point for developing a strategy that reflects local priorities.

## **ENFORCEMENT CONCERNS**

When we talk to our municipal members, the issue of enforcement is one that they keep coming back to. While the RCMP and local police forces are responsible for enforcing federal law on controlled substances, municipalities must develop bylaws to address community impacts. Bylaw services will need to work with local police to deal with issues arising from cannabis consumption and production — everything from odours to smoking near schools to nuisance complaints.

In designing new bylaws and tools, municipalities must carefully weigh how practical they will be to enforce, and how well they can align with the work of police services.

As municipalities forge ahead, SUMA and FCM continue to advocate at the provincial and federal levels for deeper engagement with municipalities. Local governments also need new financial tools — and we're making progress on accessing a fair share of cannabis excise tax revenues. While local policing is largely outside the scope of this guide, its costs are inside the scope of many municipal budgets. Those costs, along with the new administrative costs you will face, need to be sustainable.

This work and the Municipal Guide to Cannabis Legalization are designed to help you do what you do best: protect and strengthen your communities as durably as possible. ■



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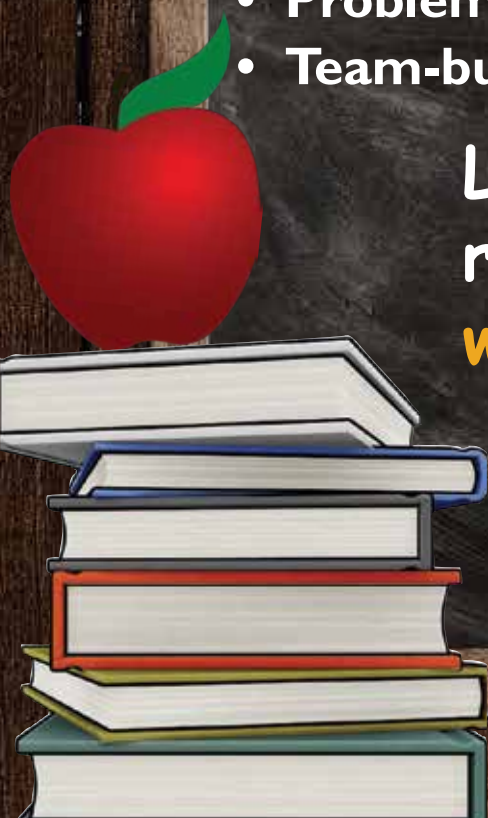
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*Award-winning municipalities will be celebrated at the SARM midterm convention in November 2018, and the SUMA convention in February 2019.*

Nominations for the 12<sup>th</sup> Annual Saskatchewan Municipal Awards close  
**Friday, September 7 at 4:00 p.m.**

## **Why should we apply?**

- ✦ Provincial exposure
- ✦ Recognition from peers
- ✦ Share best practices
- ✦ Market your community with a promotional video provided to award winners
- ✦ Celebrate your accomplishment by displaying the awards plaque in your office

## **What types of projects receive awards?**

- ✦ Awards presented to the top three initiatives showing innovation and betterment for the municipality in any area, including environment, heritage, leadership, recreation, and more!
- ✦ An additional award profiles a regional co-operation project, given to a group of municipalities working together.

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## **Who can apply?**

- ✦ Urban and rural municipalities
- ✦ Municipal council, administration and/or staff

## **How can I apply?**

- ✦ Nominations open **Wednesday, June 6, 2018.**
- ✦ Visit [www.municipalawards.ca](http://www.municipalawards.ca) to get full details and a nomination form.
- ✦ Deadline for nominations is **Friday, September 7, 2018.**



# Don't Let Amendments Catch You by Surprise

Diane Aldridge, Director of Compliance – Office of the Saskatchewan Information and Privacy Commissioner

Whether you represent an urban or northern municipality, you share the same obligations in understanding and applying laws that are applicable to the work that you do. My office understands how challenging that can be, not only because of the sheer volume of laws and regulations to comply with, but also because legislative amendments can pop up seemingly out of nowhere with little to no warning. It can be especially difficult if you have little to no regular administrative support. This article will hopefully assist in bringing you up-to-speed on the most recent amendments to one of these laws, *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP).

On January 1, 2018, not only did we see amendments to LA FOIP but also to the LA FOIP Regulations. Some of the new amendments to LA FOIP include:

- Applications may be made to the Commissioner's office to disregard an applicant's application or request;
- Obligations of local authorities to provide breach notification to affected individuals if it is believed the incident creates a "real risk of significant harm";

- The Duty to Protect is now explicit for local authorities;
- The Duty to Assist those requesting information is now provided for in the legislation;
- Police services are now a local authority for purposes of the legislation;
- There is now an obligation of local authorities to enter into written agreements with information management service providers (IMSP);
- The manner of access to records includes giving access in electronic form;
- The offence provisions have been updated and expanded;
- Local authorities must take reasonable steps to post manuals, policies, guidelines, and procedures to its websites; and
- Categories of records are to be established that can be provided to the public without an application.

Some highlights of the regulation amendments are:

- A fee estimate does not have to be issued if costs are under \$100;

- The application fee may be waived if the request involves the applicant's personal information;
- If records are provided to an applicant via a portable storage device (PSD), the cost of the electronic copies is the price of the PSD;
- Consent requirements are expanded; and
- Clarification is provided on what elements must be included in written agreements with IMSPs.

The amendments to the acts and the regulations are the most significant amendments to this legislation since its introduction in 1993. For copies, visit publications centre or you can find both on our website under the Legislation tab.

Available on our website, [www.oipc.sk.ca](http://www.oipc.sk.ca) are other resource tailored for municipalities.

In addition, the Office of the Saskatchewan Information and Privacy Commissioner has created resources for Councillors as well. One in particular is *What Councillors should know about LA FOIP*.

Finally, there is no grace period so it is important to make any internal procedural changes as necessary ASAP. ■



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- Closure & Post-Closure Planning
- New Construction & Landfill Containment



# Make a Date with SUMA

SUMA is keeping your 2018 calendar packed — we even have summer school in session! Don't miss out on these educational and networking opportunities tailor-made for SUMA members.

Details on all these events (and more) are available on the Event Listing on our website. Find the listing under the News and Events menu on [www.suma.org](http://www.suma.org) to get the latest information.

## SUMA Webinars

Take part in an education session without leaving the comfort of your office. SUMA is excited to be offering members webinars on a wide-range of topics. Watch for more information in Urban Update and invites through your email.

## 30th Annual Golf Tournament hosted by the Town of Hudson Bay

Ready to hit the greens and mingle with other SUMA members? The Town of Hudson Bay is hosting the 2018 SUMA Golf Tournament at Hudson Bay Golf Club.

### Mark Your Calendar

Thursday, July 12 – Friday, July 13, 2018

## SUMA Summer School

Mayor's Summer School was a hit in 2017, and this year we are excited to make it an educational experience for both mayors and councillors. This two-and-a-half-day workshop will include entertaining team-building activities, exciting guest speakers, and problem solving with your peers.

### Mark your Calendar

Sunday, August 12 – Tuesday, August 14.

## Regional Meetings

Save the date for the 2018 Regional Meetings. You can expect updates on what's happening in your region and with SUMA. Watch the SUMA Event Listings in late July for agendas and registration details.

### Mark Your Calendar

Southwest	September 26	Assiniboia
Southeast	September 27	Kipling
East Central	September 28	Yorkton
Central	October 1	Dakota Dunes
Northeast	October 2	Melfort
West Central	October 3	Cut Knife
Northwest	October 4	Maidstone

## Convention 2019

We're already gearing up for SUMA's 114<sup>th</sup> Annual Convention! We hope you'll join us for Convention 2019 in Saskatoon, February 3-6 at TCU Place.

Information on hotel accommodations for Convention 2019 is available on the Convention and Tradeshow page of our website. Rooms are going quickly — a couple of the downtown hotels are already sold out — so book soon!

### Mark Your Calendar

Sunday, February 3 – Wednesday, February 6, 2019 ■



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# Director – City of Prince Albert

## DON CODY

Sarah MacMillan, Communications Advisor – SUMA



*The SUMA Board of Director profiles are a chance for SUMA members to learn more about individual Board members. Read on to find out about their work – in their careers and on the SUMA Board – and watch the next Urban Voice for another installment.*

“As long as a person is advocating for their community, they are doing their part,” says SUMA Director and City of Prince Albert councillor **Don Cody**. It could be considered a motto for Cody, who has been advocating for his community and his province for more than 40 years, first as an MLA and now as a municipal official.

Cody got his start in politics in 1971 when he was elected to the Saskatchewan Legislature. He served as an NDP MLA for the Watrous constituency until 1975 and then as an MLA for Kinistino from 1978 to 1982.

During his time in provincial politics, Cody held numerous cabinet positions. He served as the Minister of Co-operation and Co-operative Development and Minister of Telephones. Cody was also minister responsible for the Saskatchewan Housing Corporation, SaskTel, Queen’s Printer, Saskatchewan Transportation Company, and Saskatchewan Forest Products Corporation.

After leaving provincial politics, Cody moved to Prince Albert and opened Buns Master Bakery.

In 1994, politics once again called to him, but this time at the municipal level. Cody was elected mayor of Prince Albert and held the position until 2003. Nine years later he was elected to represent Prince Albert’s Ward 4.

Cody joined the SUMA Board of Directors the same year he was elected mayor, and he maintained the role throughout his municipal terms. “For a good portion of that, I was on the Federation of Canadian Municipalities’ Board as well,” explained Cody. The former Prince Albert mayor returned to the SUMA Board after claiming the Ward 4 council seat.

Cody believes that when an individual is involved in politics, they should reach out to see what they can do in their community and beyond. Being a SUMA director affords the councillor that opportunity. With SUMA, he has the chance to help shape provincial policy. “And that helps your own community,” recognized Cody.

When Cody thinks of SUMA accomplishments, he thinks of revenue sharing and grants-in-lieu. He is also proud of SUMA’s municipal procurement program.

With 15 combined years as a SUMA director, Cody said he has seen the organization go through subtle changes, but the

goal remains the same as when the organization was created in 1906. “The association has always strived to advocate for Saskatchewan municipalities,” Cody said, “but certainly, you get more sophisticated in what you do.”

Cody has seen monumental changes in Prince Albert since his first council term in 1994. The former mayor and current Ward 4 councillor can list numerous projects that are a source of pride, including the Cornerstone Shopping District. “We’re very, very proud of the Cornerstone project,” said Cody, recognizing that the land where Cornerstone sits was once a stockyard. He notes the project has brought in an abundance of businesses.

On March 8, the University of Saskatchewan also announced plans to create a new campus in the heart of Prince Albert. “It improves the centre of your town,” Cody said, acknowledging that maintaining a vibrant downtown core can sometimes be a struggle for municipalities.

The community’s golf course, more than 100 years old, is also a highlight. The councillor explained that being on council and involved in politics is serious business, and sometimes there must be a lighter side. That’s where golf comes in.

Cody is an advocate for the annual SUMA Golf Tournament, which brings SUMA members from across the province together for two days of golf and leisure. “It’s always a good time,” he said.

This July 12-13, the Town of Hudson Bay will host the 30<sup>th</sup> Annual SUMA Golf Tournament.

While Cody recognizes that politics is serious business, it is not something he shies away from. He said he is comfortable in both his council position, and his role as SUMA Director for the City of Prince Albert.

Cody credits his ease at the city council table to his experience in provincial politics. And while he notes that being on the SUMA Board for the first time was a learning curve, the role is something he enjoys. He said, the hardest part about being on the Board is all the homework, but even that isn’t a tremendously onerous job.

“There’s really no drawback to being on the SUMA Board,” Cody said, adding the position allows him to know what is happening in the province, and the ability to put ideas forward to make improvements. ■

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# Director – Northwest Region RICHARD BECK

Sarah MacMillan, Communications Advisor – SUMA



*The SUMA Board of Director profiles are a chance for SUMA members to learn more about individual Board members. Read on to find out about their work – in their careers and on the SUMA board – and watch the next Urban Voice for another installment.*

When **Richard Beck** moved from British Columbia to Warman, he fell in love with his new community. “It was just a lovely little town at that point,” said Beck.

At the time, that lovely little town was planning to build the Warman Sports and Cultural Village, with the assistance of federal and provincial funding. But the funding was pulled for the new venue, and the project, along with the community’s hard work, was in jeopardy.

“I hate to see things wasted,” noted Beck. He was motivated to see the building finished or sold. And he was motivated to run for town council. Beck was first elected to Town of Warman council in 2009, and he has continued to serve his community, being re-elected in 2012 and 2016.

He can honestly say a lot has changed in his community since 2009. The lovely little town he fell in love with flourished to become a city in 2012, and with the new title came new branding and a new slogan.

“And just from a governance perspective, Warman has changed immensely,” said Beck.

Warman was identified as the fastest growing municipality in Canada in 2016.

“That certainly makes us always look at the capital needs that we have,” noted Beck, recognizing the importance of planning for the future. He said the city’s strategic planning has evolved, and they have committed themselves to asset management.

For the councillor, one of the greatest things about Warman is that the community assets are new. And because of asset management and newer infrastructure, the city is not facing the same infrastructure challenges as other communities.

“I’m very proud of the community I represent,” reflected Beck. “To me, Warman is the best city in all of Saskatchewan.”

After contributing to his community for seven years as councillor, Beck extended his service to Saskatchewan’s hometowns, being elected to the SUMA Board as Northwest Regional Director in November 2016. Beck was inspired to run for the board by his predecessor, **Ben Buhler**. The Warman councillor recognized that he had great respect for Buehler and had many great conversations with the former director. And Beck wanted to have those same great conversations as regional director. Joining the board also allowed Beck to network outside his community and influence public policy.

Though relatively new to the SUMA Board, Beck can already say the SUMA Board is a great experience. He says during his first year

as director, he worked to observe the culture of the Board and association, learning as he went. This year, he is doing a lot more looking, listening, and research. “I build knowledge and experience with each meeting (and) task,” acknowledged Beck. He works to understand as much as possible on each issue, asks questions when necessary, and applies a 360-degree view of policy application.

One of the biggest challenges in expanding his commitment from city councillor to regional director is in the different conversations he is now having. Beck acknowledged that he is no longer just looking at how something impacts his community, but how it impacts everyone in his region.

Over the last nine years, dedicating his time to his community, Beck said one of the lessons he has learned is the importance of leadership, and how it can sometimes be easy to forget the important leadership role that a mayor and council, or board of directors, has. Beck recognized that leadership sets the tone, comparing it to directing a ship. Without leadership, the ship is travelling without direction.

“The leadership role is absolutely important,” he noted, adding that being a leader is a balance of skill, understanding, personality, time, and commitment.

Beck also lives by the philosophy that every opportunity delivers one of two results: another tool in the toolbox or a life lesson. And one should be earnestly committed, not just doing the status quo, but going the extra mile. ■





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- once you've set up your SUMAdvantage account, a Purolator representative will contact you within 24-48 hours to confirm you will receive the new SUMA rates; then
- visit the Registration Page at [www.purolator.com](http://www.purolator.com) to create your login credentials by selecting the "Register your existing Purolator Business Account number" option.

Confused? Visit Purolator's Quick Start Guide to simplify the process. The guide can be found on the SUMAdvantage page of the SUMA website.

Your municipality also gets access to an on-line orientation and training session.

Once orders have been placed through e-Ship Online, member municipalities will be billed directly by Purolator.

**Alexis Muirhead**, customer implementation specialist at Purolator, says, "Geographically, Saskatchewan covers a massive area – fortunately for SUMA municipalities, Purolator boasts the largest courier network in Canada, so distance is not an issue. If we don't go there, nobody else does!"

She adds, "We truly appreciate your business, and we hope Purolator becomes your municipality's courier of choice. Those who have already taken advantage of the program seem to be very happy with their decision. **But remember, even if your municipality already has a Purolator account, you must still sign up for the SUMAdvantage program to realize its outstanding benefits!**" ■





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Following is a list of our SUMAdvantage programs by category. To learn more about a program, visit the SUMA website.

If you need additional information, please contact SUMA's Marketing Coordinator, **Lisa Rawlings**, at 306-525-4466 or email [lrawlings@suma.org](mailto:lrawlings@suma.org).

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Office Products	Supreme Basics	800-667-3690	<a href="http://www.supremebasics.com">www.supremebasics.com</a>
Office Products	Staples Business Advantage	877-272-2121	<a href="http://www.eway.ca">www.eway.ca</a>
Shipping Labels	SUMA	306-525-3727	<a href="http://www.suma.org">www.suma.org</a>

#### PUBLIC WORKS, PARKS, AND LEISURE

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Fuel Supply	PFA Canada	800-807-3750	<a href="http://www.pfacanada.ca">www.pfacanada.ca</a>
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Wastewater Treatment Chemicals	Chem International	306-949-8314	<a href="http://www.cheminternational.com">www.cheminternational.com</a>
Water Treatment Chemicals	EnviroWay	306-244-7727	<a href="http://www.enviroway.ca">www.enviroway.ca</a>

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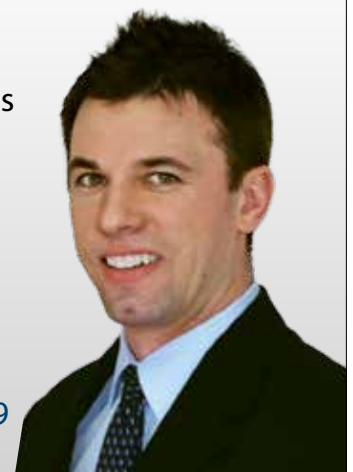
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