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THE OFFICIAL PUBLICATION OF THE SASKATCHEWAN URBAN MUNICIPALITIES ASSOCIATION



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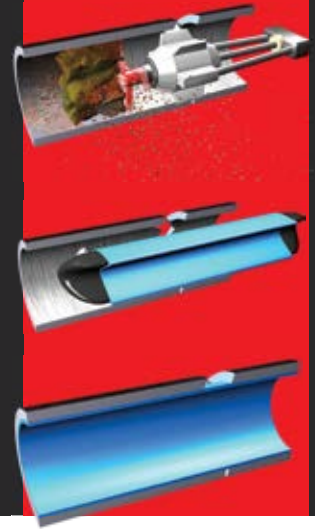
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INVESTING IN INFRASTRUCTURE

Councillor Gordon Barnhart, President — SUMA

"Municipalities have limited sources of funding but are responsible for nearly 60 per cent of Canada's public infrastructure. Canadian residents recognize that challenge."

The summer season means visits to the lake, road trips, and summer vacations. It also marks the time when municipal construction projects are happening in earnest across the province, projects that are designed to upgrade current infrastructure or add infrastructure to meet local demands.

Maintaining or meeting increasing demands for infrastructure isn't easy. Especially when municipalities have limited sources of funding but are responsible for nearly 60 per cent of Canada's public infrastructure. Canadian residents recognize that challenge. In a poll commissioned by the Federation of Canadian Municipalities (FCM) and conducted by Abacus Data, almost half of respondents said they don't think that municipalities have enough resources to maintain and build infrastructure.

The federal government has recognized the role of municipalities in maintaining and building infrastructure through the Federal Gas Tax Fund, and in the 2019-20 federal budget, provided

a one-time \$2.2 billion top up to the fund. As the level of government closest to the people, municipalities are best positioned to understand the needs and challenges facing their community. Canadians agree: 61 per cent of Canadians who took the FCM survey said they feel their municipal government best understood the challenges facing their communities, compared to other orders of government.

Infrastructure funding is also available through the Investing In Canada Infrastructure Program. The program is providing more than \$896 million in federal funding for all types of Saskatchewan infrastructure projects over the next 10 years, including landfill expansion and landfill decommissioning. I hope you took the opportunity to submit an expression of interest to the program before April 30. A full, more detailed application process is expected later this year. And don't forget the province is providing hometowns with additional funding through municipal revenue sharing.

The top priorities for Canadians, according to the FCM poll, are infrastructure, housing, and climate change.

That's why in this issue you'll find articles from starting infrastructure projects to how to extend the life cycle of solid waste infrastructure while going green.

Infrastructure will also be one of the topics of discussion at SUMA's first-ever municipal symposium. What will municipalities look like 20 to 30 years from now? That's the question of the municipal symposium, which will bring together subject experts, academics, and municipal leaders to discuss municipal economic development in the future, specifically exploring infrastructure, as well as governance and public safety. The symposium is designed to foster discussions examining the changes being experienced by municipalities and how local governments are responding, now and in the future. It promises to be an engaging event.

I hope you enjoy this edition of *Urban Voice*, and that you have a wonderful summer. See you in July at the municipal symposium! ■



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THE CONTINUED IMPORTANCE OF ASSET MANAGEMENT

Jean-Marc Nadeau, Chief Executive Officer — SUMA

Saskatchewan's provincial climate change strategy acknowledges that the province is expected to experience more extreme weather events. Preparing infrastructure to withstand these rapid changes in climate patterns adds an additional challenge to municipalities in Saskatchewan as they work to upgrade community infrastructure that has reached, or is nearing, the end of its lifecycle. And without infrastructure, municipalities wouldn't be able to provide the services residents rely on daily, from delivering safe drinking water and dealing with waste to keeping people and goods moving.

That's where asset management comes in. As a former city manager, I know municipal managers and administrators hear a lot about asset management, and the responsibility of asset management planning usually falls to municipal staff. But it's important for both staff and elected officials to understand the process and the plan.

"There is no one-size fits all asset management plan for municipalities, but there are resources available to help with the asset management planning process."

Municipal administrators and staff can use asset management outputs to help run the municipality more effectively, and elected officials can use the information to help decide which infrastructure projects should be implemented and which projects aren't in a community's long-term interest. The information is also great to have when explaining to residents why certain infrastructure decisions are being made.

There is no one-size fits all asset management plan for municipalities, but there are resources available to help with the asset management planning process. Asset Management Saskatchewan (AM-SK), a working collaborative dedicated to assisting municipal stakeholders in improving their knowledge and abilities in municipal infrastructure asset management, is offering a three-part series of free one-hour webinars in September and November. The webinars focus on key areas of asset management: levels of service development, risk management, and long-term financial plan. These webinars are designed for both elected officials and municipal employees. There are also three-day asset management training workshops happening in October in Saskatoon, Regina, and Prince Albert. Visit www.assetmanagementsk.ca for more information — and don't forget about the *Saskatchewan Municipal Asset Management Getting Started Guide*, developed in Saskatchewan for Saskatchewan's municipalities. ■



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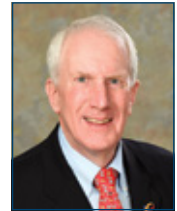
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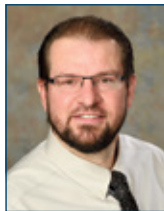
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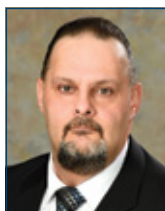
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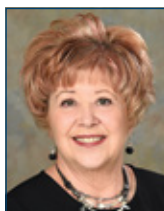
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INFRASTRUCTURE

PROMPT PAYMENT *IN* SASKATCHEWAN: Information You May Not Yet Be Aware Of

Troy Baril, Partner — Miller Thomson LLP
Chad Eggerman, Partner — Miller Thomson LLP
Jonathan Martin, Partner — Miller Thompson LLP

On May 2, 2019, Bill 152, the *Builders' Lien (Prompt Payment) Amendment Act* passed third reading in the Saskatchewan Legislative Assembly, passing the bill into law. While development of a regulatory framework still remains to be completed, the bill could be in force as early as January 2020. However, it is unlikely the bill will come into force before an adjudication authority is established.

Overview of Changes

Broadly speaking, Bill 152 proposes the following:

- a defined payment cycle;
- an adjudication system for resolving disputes;
- the right to suspend work; and
- the right to charge interest on overdue payments.

It is important that municipalities understand how Bill 152 affects them as the 'owner' of infrastructure projects, especially regarding payment deadlines and the new payment cycles.

Defined Payment Cycle and Proper Invoice

Under the prompt payment process, a general contractor must submit a 'Proper Invoice' to the municipality/owner on a monthly basis, unless the contract provides otherwise. 'Proper Invoice' and the process for 'Giving of Proper Invoices' are defined in the bill. Once submitted, the 'Proper Invoice' can only be changed with the prior consent of the municipality/owner.

Payment Deadlines

Bill 152 defines numerous deadlines under the prompt payment process. Such deadlines are something the municipality/owner should be intimately aware of so deadlines are not missed. For example, a municipality has 28 days to pay the 'Proper Invoice' received, pursuant to the legislation. After the municipality pays the general contractor, the general contractor must pay all its subcontractors/suppliers within seven days. They, in turn, must pay their own subcontractors/suppliers within seven days, and so on.

If the municipality disputes some or all of the 'Proper Invoice,' it has 14 days following receipt of the 'Proper Invoice' to give notice of any refusal to pay all or any portion of the 'Proper Invoice.' This is done through a 'Notice of Non-Payment.' A contractor who receives a 'Notice of Non-Payment' must advise its subcontractors/suppliers of such notice without delay.

Adjudication System

The most significant change arising with Bill 152 is the introduction of the adjudication system. A nominating authority will be designated and required to establish continuing education programs, a code of professional conduct, and a registry of approved adjudicators.

To be an adjudicator, an individual must meet all the requirements defined in the bill (which we won't get into here). Suffice it to say, a person holding a certificate of qualification as an adjudicator must

successfully complete the continuing education programs, comply with the code of ethics, pay the applicable fees, and comply with the act, the regulations, and the authority's directions or requirements.

Under the new legislation, parties can refer the following matters to adjudication:

- the valuation of services or materials provided under the contract;
- payment under the contract, including in respect of a change order, whether approved or not, or a proposed change order;
- disputes that are the subject of a 'Notice of Non-Payment';
- amounts retained following set-off by a trustee or a lien set-off;
- payment of a basic holdback;
- non-payment of the basic holdback; and
- any other matter that the parties to the adjudication agree to or that may be prescribed.

The adjudicator may then render interim decisions. Interestingly, a party to a contract or subcontract may refer a matter to adjudication, even if the matter is the subject of a court action or arbitration proceeding. However, adjudication cannot be commenced once a contract has been completed.

The legislation provides that adjudication will be very quick. Once an adjudicator is chosen by the parties (or the authority if the parties cannot agree), the party referring the dispute to adjudication will have just five days to submit copies of all relevant documents to the adjudicator.

Once documents are submitted, the adjudicator will have 30 days to make a written determination. If the parties agree, that date may be extended by 14 days at the adjudicator's request. A determination made by the adjudicator after the prescribed time will be of no force or effect.

Once the determination is made, the party who is found liable to make a payment must pay the amount no later than 10 days after the determination is made.

The adjudicator's determination and the ensuing payments are only interim. If one of the parties is not satisfied, it can start a court or ordinary arbitration proceeding. The circumstances in which a party can appeal an interim adjudicator's determination are limited to serious errors of procedure, such as the legal incapacity of one of the parties, the invalidity of the contract, or adjudication by a person who is not certified. Any disagreement with an adjudicator's determination on the merits will have to wait for a determination by a court or regular arbitration tribunal.

To address concerns that the adjudication system may be misused, if an adjudicator determines that a party to the adjudication has acted in a manner that is frivolous, vexatious, an abuse of process, or other than in good faith, the adjudicator may order such party be required to pay some or all of the other party's costs, any part of the fees that would otherwise be payable by the other party, or both. Therefore, ample consideration should be given prior to refusing to make a payment or proceeding to adjudication for a particular project.

Right to Suspend Work After Adjudication, Determination, and Non-Payment

After the adjudication process is complete, and a determination is made, if an amount deemed payable is not paid within 10 days, only then can a contractor suspend work. A contractor does not have a de facto right to simply send an invoice and suspend work for failure to pay. However, if a contractor follows the process correctly, and does suspend work in accordance with Bill 152, then the contractor is entitled to reasonable costs incurred, including interest, costs of suspending the work, and costs of resuming the work.

Interest on Late Payments

Interest begins to accrue on an amount that is not paid when due at the pre-judgment interest rate in effect pursuant to *The Pre-Judgment Interest Act*. If the contract or subcontract specifies a different interest rate for the purpose, that rate will apply. Interest accrues on amounts deemed payable by the adjudicator in a similar fashion.

Going Forward

Miller Thomson will continue to follow these important changes impacting construction projects in Saskatchewan.

Disclaimer: This article is provided as an information service and may include items reported from other sources. We do not warrant its accuracy. This information is not meant as legal opinion or advice. ■



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EXTENDED PRODUCER RESPONSIBILITY: A Saskatchewan Recycling Success Story

Recycle Saskatchewan

In Saskatchewan, the diversion from landfill and recycling of several hard-to-manage wastes is based on the extended producer responsibility (EPR) model. EPR requires the manufacturer or producer to provide a program for the proper disposal of the products it puts into the market at the end of their useful life.

Saskatchewan has a number of successful EPR programs to recycle agricultural plastics, electronics, household packaging and printed paper, paint, oil and antifreeze materials, and scrap tires. The Ministry of Environment also maintains a contract with SARCAN to operate the beverage container recycling program.

Current Regulated Products in Saskatchewan

Agricultural Packaging: Cleanfarms is best known for its recycling of empty commercial pesticide and fertilizer containers, which has been available since 1989. Starting in 2018, Cleanfarms began managing Saskatchewan's grain bag recycling program. Visit www.cleanfarms.ca.



Beverage Containers: Non-refillable, ready-to-serve beverage containers can be taken to any SARCAN Recycling depot for a deposit refund.

These containers include aluminum/tin cans, plastic bottles/jugs, glass bottles, cartons, and juice boxes. Visit www.sarcan.ca.

Electronics: Electronic Products Recycling Association (EPRA) ensures end-of-life electronics are responsibly recycled. Old electronics, such as home theatre systems, computers, or televisions, can be dropped off at any Recycle My Electronics locations (including SARCAN Recycling depots) or special community events throughout the province. Visit www.recyclemyelectronics.ca/sk.



Household Paper and Packaging:

Multi-Material Stewardship Western, Inc. (MMSW) partners with Saskatchewan municipalities to operate the printed paper and packaging stewardship program, commonly known as blue box programs. MMSW provides payment to local governments and regional waste authorities to use towards funding recycling programs. Visit www.mmsk.ca.



Paint: Product Care Association of Canada manages the province's paint recycling program. Unwanted household paint, stain, varnish, and empty paint cans can be dropped off at any SARCAN

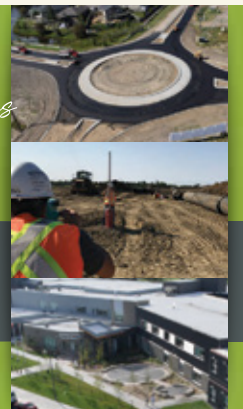


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RECYCLE SASKATCHEWAN

Recycle Saskatchewan is a coalition of these organizations who work with all levels of government to support extended producer responsibility and product stewardship in Saskatchewan.

Recycle Saskatchewan members undertake joint initiatives and provide input and guidance regarding waste diversion opportunities.

For more information visit www.recyclesaskatchewan.ca.

EPR SUCCESSES

EPR is a very effective environmental and waste management approach in Saskatchewan. A significant volume of products and materials that formerly would have been disposed of in landfills are now recovered and recycled through the seven province-wide programs.



Recycling depot in the province, as well as select paint retailers across Saskatchewan. Visit www.productcare.org/products/paint/saskatchewan.

Oil and Antifreeze Materials:

Saskatchewan Association for Resource Recovery Corporation (SARRC) manages the recycling of used oil, oil filters, antifreeze, and plastic containers for oil/antifreeze/diesel exhaust fluids (DEF). Visit www.usedoilrecyclingsk.com.

Scrap Tires:

Tire Stewardship of Saskatchewan delivers the province-wide tire recycling program. The program diverts millions of used tires from the waste stream, recycling them into useful items such as speed bumps, vehicle ramps, tree rings, mulch mats, and running tracks. Visit www.tssk.ca.

None of these programs are funded through government or supported by taxes.



Money collected through environment handling charges or fees (EHC/EHF) typically at point of purchase, whether visible to the consumer or not, is used to deliver the programs.

The EPR model continues to expand in our province. Some achievements over the past five years include:

2014: SARRC added antifreeze, antifreeze containers, and DEF containers.

2016: Saskatchewan's Multi-Material Recycling Program (MMRP) was launched. Materials include printed paper, newsprint, cardboard, plastic, metal, and glass packaging.

2017: Milk containers were added to the SARCAN program.

2018: Saskatchewan became the first Canadian province to use EPR to regulate agricultural plastics, with an initial focus on grain bags through the new Agricultural Plastics Recycling Program (APRP). The program is managed by Cleanfarms.

2018: The list of electronics accepted for recycling was expanded.

Challenges

EPR is a model that is working for Saskatchewan, but there are challenges. Recycling programs share a common challenge in making sure the public is aware and has access to their programs. To address this challenge, Recycle Saskatchewan members are open to working with municipalities to increase access, which, in turn, increases awareness.

Materials Diverted from Saskatchewan Landfills from 2013-17

(Source: Recycle Saskatchewan)

Agricultural Packaging:	More than 4 million kilograms of pesticides, livestock/equine medications, and containers.
Beverage Containers:	More than 2 billion containers.
Electronics:	More than 14,000 tonnes.
Household Packaging and Paper:	More than 77,000 tonnes (from program operation start in 2016).
Paint:	More than 1.6 million litres of household paint and over 512 tonnes of paint cans and pails.
Oil and Antifreeze Materials:	More than 93 million litres of used oil, over 870,000 litres of used antifreeze, and over 9,000 tonnes of oil filters and plastic containers for oil/antifreeze.
Tires:	Over 99,000 tonnes of scrap tires.

Another challenge for all residents of Saskatchewan is changing world market conditions, such as China's ban on importing plastic waste. Prior to 2018, a great deal of plastic materials collected in blue bins was shipped to China to be processed, recycled, and remanufactured into new products. China officially no longer allows the import of 24 types of solid waste, including scrap plastics. We now have to find new partners and build new supply chains to preserve the value of these materials. Recycle Saskatchewan's member programs are set up to ensure that collection occurs in various market conditions and most programs can change environmental handling charges/fees or return incentives to react to world conditions.

Recycling programs are also faced with changing products and consumer patterns such as new packaging for existing regulated products, new products coming to market, or a shift to mail order delivery for products. This is another area where members of Recycle Saskatchewan have the capability to respond to changes in regulation which expand the number of products that are accepted for recycling. Through Recycle Saskatchewan members and its associated global network, we monitor ongoing trends and have the ability to react to changes through industry consultation and are able to advise governments accordingly.

EPR: The Benefit and Opportunities for Municipalities

The goal is to make sure that products get recycled and stay out of landfills. In addition to the environmental benefits, there are also direct benefits for local governments. EPR helps local governments reduce landfill costs by diverting waste from landfills and potentially providing sustainable jobs.

Municipalities can partner (and many already do) with any or all of the Recycle Saskatchewan members to provide diversion options for their residents. In fact, we welcome the opportunity to hear from you about how we can support your diversion initiatives. As the province implements new programs or expands existing ones, we can help guide you on the implementation in your community.

By working together, we can continue to divert and re-use the valuable resources contained in many of the products covered under EPR programs. Connect with Recycle Saskatchewan by email at info@recyclesaskatchewan.ca or visit www.recyclesaskatchewan.ca for more information. ■



The goal is to make sure that products get recycled and stay out of landfills.

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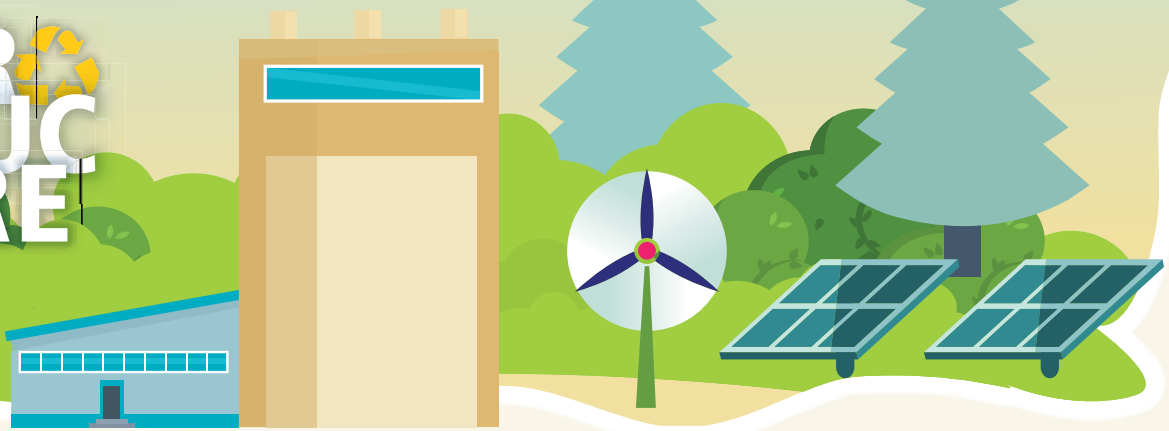
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LOCAL SOLUTIONS FOR A GREENER CANADA

Bill Karsten, President – Federation of Canadian Municipalities

From forest fires to ice storms to major flooding, our communities are where the economic and human costs of new weather extremes hit hardest. They're also where you'll find some of Canada's most innovative climate solutions. And with the potential to influence roughly half of Canada's greenhouse gas emissions, scaling up local solutions should be a national priority.

I was excited when SUMA asked us to write about green infrastructure for its summer magazine. FCM has been working for decades, along with provincial-territorial associations like SUMA, to drive local solutions to national challenges. Our advocacy in advance of the most recent federal budget bore fruit, leading to a significant investment in green infrastructure funding.

Budget 2019 gave a substantial boost to FCM's mission to empower municipalities with tools to implement green solutions. Through FCM's Green Municipal Fund, this budget expands our mission to support clean energy and cost-saving energy efficiency nationwide. That means support for greener community buildings that cost less to run — from affordable housing to local arenas. It could also mean support for local programs that help families retrofit their own homes to save on monthly energy bills.

As we have always said, municipalities are Canada's builders, and our green infrastructure solutions are building better lives for Canadians. FCM has been funding effective hometown solutions for years. Our successes, in partnership with provincial partners like SUMA, offer a window into what will be possible with new investments in Budget 2019.

Take the Town of Shellbrook, SK: the municipality will deploy energy-efficiency measures in the Affinity Credit Union Recreation Centre to achieve or exceed a 50 per cent reduction target in GHG emissions in the coming years. The centre is a hub of regional sport and activity for the town and surrounding villages, as well as First Nations communities. Funded by FCM's Municipalities for Climate Innovation program, upgrades will improve the functionality and comfort of the facility during the winter months, and a new insulated surface will extend the enjoyment of the arena in the summer.

Another example of local action is in the City of Prince George, BC. When the municipality built its RCMP headquarters, it wanted to minimize the building's environmental footprint, as well as its operating costs. The building constructed generates annual savings of up to \$135,000 in utility costs and 165 tonnes

of greenhouse gas reductions. With funding from FCM's Green Municipal Fund, the building uses solar heating for air and water, recycles and treats rainwater, and connects to the community's shared energy system, which is powered by sawdust from the local forestry industry.

Another innovative program, in Halifax Regional Municipality, NS, made it affordable for residents to switch to solar energy. The municipality provided loans to homeowners to install solar water-heating equipment. Homeowners repaid the loans through their property taxes, and the savings in energy and water costs made repayment easier. The Solar City pilot project, supported by FCM's Green Municipal Fund, was designed to be revenue-neutral for the municipality and cost neutral for homeowners. The project has inspired other municipalities to test similar models.

As local leaders, you know that small municipalities often struggle to provide transportation options for residents. FCM's Green Municipal Fund provided a grant to help the Quebec municipalities of Bromont, Nicolet, Plessisville, Témiscouata-sur-le-Lac, Rivière-du-Loup and Sainte-Julienne test a unique electric vehicle program for residents. Together, these communities added 10 electric vehicles to their municipal fleets and installed 13 charging stations. The municipalities use the vehicles during business hours — making them available to residents after-hours through a car-sharing program.

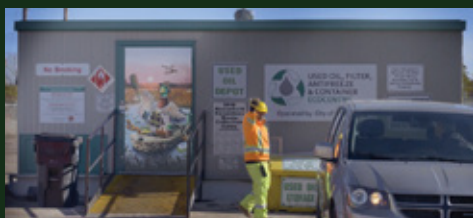
These are only a handful of examples of the innovative ways that communities are finding local climate solutions, creating jobs, and building crucial infrastructure in the process. When we empower the local, we help solve big national challenges at the same time.

Across the country, FCM's programs provide critical funding, training, and resources to help municipalities become more sustainable and adapt to new weather extremes. New funding in Budget 2019 will allow us to continue to do this, with opportunities for Saskatchewan municipalities to innovate and design local green infrastructure solutions.

Our changing climate is one of the biggest challenges of our time. Together, we can build a greener and more prosperous Canada — one resilient, lower-carbon community at a time. ■



BILL KARSTEN is a councillor from Halifax Regional Municipality, NS, and president of the Federation of Canadian Municipalities.



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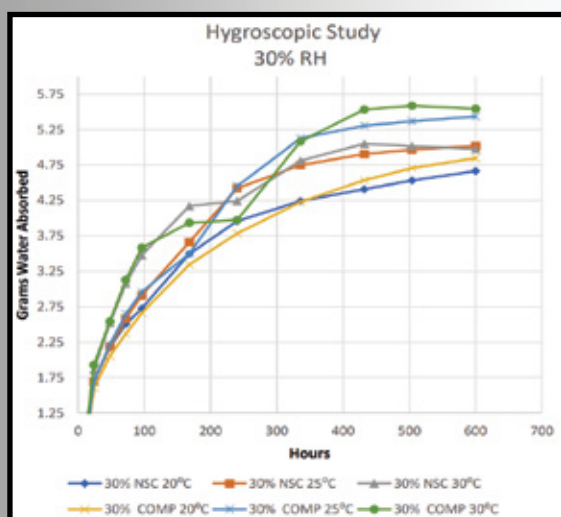
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Award-winning municipalities will be celebrated at the SARM midterm convention in November 2019, and the SUMA convention in February 2020.

Nominations for the 13th Annual Saskatchewan Municipal Awards close
Friday, September 6 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 are 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.

Thank you to our returning title sponsor:



Who can apply?

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

How can I apply?

- ✦ Nominations open **Wednesday, June 5, 2019.**
- ✦ Visit www.municipalawards.ca to get full details and a nomination form.
- ✦ Deadline for nominations is **Friday, September 6, 2019.**



The Saskatchewan Crime Watch Advisory Network is Available Province-Wide

Earlier this year — in partnership with the Ministry of Corrections and Policing, SUMA, the Saskatchewan Association of Rural Municipalities, and the Federation of Sovereign Indigenous Nations — we launched the Saskatchewan Crime Watch Advisory Network in the southern part of the province.

On April 18, we announced that the network had expanded to include the remainder of the province. At that time, approximately 5,400 people had joined the network. Of those 5,400, many had signed up to receive notifications from RCMP Detachments in Central and Northern Saskatchewan. Considering both this and feedback we had received directly from our Detachment Commanders, we decided to make the program available province-wide.

Expanding the network means that people from all across Saskatchewan are able to sign up to receive credible and timely crime prevention information directly from their local RCMP or any detachment areas they wish to receive notifications from.

With this information, citizens are in a better position to report tips and information to their local detachment.

This now wide-reaching network, coupled with our existing crime prevention programs and strategies, has created an environment where we are all able to contribute to community safety.

While the network has only been active for a short while, we are already starting to see its benefits.

On March 27, the Milestone Detachment received a report that an ATV was stolen from a local business. The Detachment issued an advisory about the theft via the network.

A short time after the advisory was sent out, a local resident contacted police to report they had seen an ATV that matched the description of the stolen one.

Because of the tip received, Milestone RCMP were able to investigate further.

"People from all across Saskatchewan are now able to sign up to receive credible and timely crime prevention information directly from their local RCMP or any detachment areas they wish to receive notifications from."

On March 30, an update was issued advising that the incident had been resolved: the call-in of this information led to the recovery of the ATV and charges against one suspect.

This is but one example of how the network is already proving to be a successful tool.

While the recovery of stolen property is important, the critical element in this example is how the police and the public worked together to solve a crime.

Whether you live in a rural area, a village, town, city, an Indigenous community, or elsewhere — you can benefit from being a member of the network.

We encourage everyone to sign up at www.saskcrimewatch.ca. It's free and only takes a few minutes. You are able to choose the manner in which you receive advisories: text message, phone call, email, or through the Everbridge app.

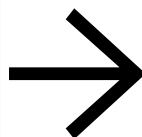
By joining the network, you are directly assisting the RCMP by being the eyes and ears in your community. It is imperative that if you witness a crime in progress or have been a victim of a crime, that you call police to report it. Not only does this assist with the crime at hand, the information assists us in our crime analysis and in establishing crime trends. It also assists us in making decisions as to how and where to deploy resources.

Just as we need engaged police officers, we also need engaged and involved citizens to contribute to community safety — this tool enables citizens to do that.

As the provincial police service, we are dedicated to the safety and security of the public and our officers. We are committed to providing the most effective and efficient policing possible to help keep our communities safe.

Once again, thank you to our partners and thank you to the people of this great province for your commitment to ensuring a safer Saskatchewan. ■

Saskatchewan Crime Watch Advisory Network



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SUMA



SARM



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Saskatchewan

Balancing the Private and the Public: Complying with LA FOIP and Municipal Acts

Steven Dribnenki, Legal Services Advisor — SUMA

On April 29, I was honoured to take part in the webinar *LA FOIP 101: What Municipalities Need to Know* with Ronald Kruzeniski, QC, Information and Privacy Commissioner, and Diane Aldridge, Director of Compliance of the Office of the Information and Privacy Commissioner (OIPC). Given the member interest in the webinar, available on the SUMA website, here is a companion piece to my presentation.

What Applies When?

The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP) is focused on privacy and information issues. Municipal legislation, such as *The Cities Act*, *The Municipalities Act*, and *The Northern Municipalities Act* (2010), also have sections on safekeeping and providing information in any recorded form or format. Although both acts usually reference and reinforce each other, sometimes sections appear to conflict. Section 111 of *The Municipalities Act* states administrators are to safekeep records and produce them when required. Under LA FOIP, however, ‘the head’ of a municipality — which is set by default to be the mayor — is to respond to freedom of information requests unless otherwise delegated. So, who is to do what?

Legal principles require reading different statutes harmoniously, but should a conflict arise, the legislation specifically dealing with an issue overrides general legislation. This principle can be seen at work in limitation periods: municipal legislation (for example, Section 344 of *The Municipalities Act*) sets a one-year limitation period of starting a lawsuit against a municipality instead of the general two-year limitation set out in *The Limitations Act*. As such, as LA FOIP is the specific legislation, if a municipality has not delegated the responsibility, the mayor will need to respond to freedom of information requests. Thankfully, Section 50 of LA FOIP allows the responsibility to be delegated.

Hopefully, future amendments to LA FOIP align with municipal legislation and name administrators, city clerks, or designates as being ‘the head.’ They are already in charge of documents, given the legislated safekeeping duty and freedom of information requests are technical processes. In any event, council members should always treat information with great care. For more information on council member duties, check out the OIPC website, which has a document entitled *What Councillors Should Know about LA FOIP*.

“Section 23.1 of LA FOIP requires municipalities to put a policy and procedures in place that ensure information is protected.”

What’s Public? What’s Private?

Municipal acts also deal with providing information — usually with the view of promoting open governance. Section 117 of *The Municipalities Act* requires important documents to be publicly available. These public documents generally include council minutes, bylaws and resolutions, council member oaths, financial statements, and contracts approved by council.

Not only are these documents required by law to be public, but having these documents easily accessible is fundamental to good governance. As an example, the federal and provincial governments offer a great deal of information, including financial statements (budgets) and debates (Hansard) on websites, which allows citizens to understand decisions, programs, taxation, and legislation.



While Section 117 does permit charging a fee, it does not give much direction. Section 5 of *The Local Authority Freedom of Information and Protection of Privacy Regulations* can give some guidance. Though it deals with freedom of information requests, which deals with information not as readily accessible as documents required to be public, it sets out some standard charges such as for photocopying. However, always keep in mind: your municipality is required by law to make these documents available.

As such, you should reflect how you can make this information readily available to the public with as little or no cost to individuals interested in accessing it. If you are not already, consider putting important documents like minutes, financial statements, and most requested bylaws on your municipality’s website — and get a municipal website if you do not already have one. These days, not having a website is like not having a road sign welcoming people to town.

Just as certain documents must be public, municipalities must hold public meetings. That said, Section 120 of *The Municipalities Act* does allow councils to close their meetings if an issue is raised

that LA FOIP permits to be private or concerns long-range or strategic planning. Part III of LA FOIP lists several items that may be discussed during closed meetings, including legal advice and third-party information. The OIPC website has a great resource entitled *IPC Guide to Exemptions* which explains these exemptions in detail.

They Can Access What?

The general default mode on both LA FOIP and municipal legislation is that information is public unless exempt or required to be protected. Under Section 5 of LA FOIP, every citizen has the right to access records in the possession and under control of a municipality. Only information subject to the exemptions listed in LA FOIP can be protected and personal information as defined in Section 23(1) of LA FOIP must be kept confidential.

Trying to separate what is public and private can be difficult when dealing with electronic devices and email accounts. The worst time to do it is while responding to a freedom of information request. If you are using a municipally-owned cell phone or other electronic device, be sure to keep your personal life off it. If that phone or device is owned by the municipality, the records on it could be disclosable upon request.

Another great reason to get a municipal website is to house municipal email accounts for elected officials and staff. Disclosable municipal business can be accessed by an information request, regardless of where it is located. If you conduct municipal business on your personal email account, you might find yourself having to very carefully comb through it.

The goals of the webinar and this article are to illustrate issues and encourage you to think about your municipality's practices. Section 23.1 of LA FOIP requires municipalities to put a policy and procedures in place that ensure information is protected. In creating that policy, keeping it up to date, and following it, you are not only ensuring that information is protected, you are protecting yourself. It's the best way to keep the balance between the private and the public. ■

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.



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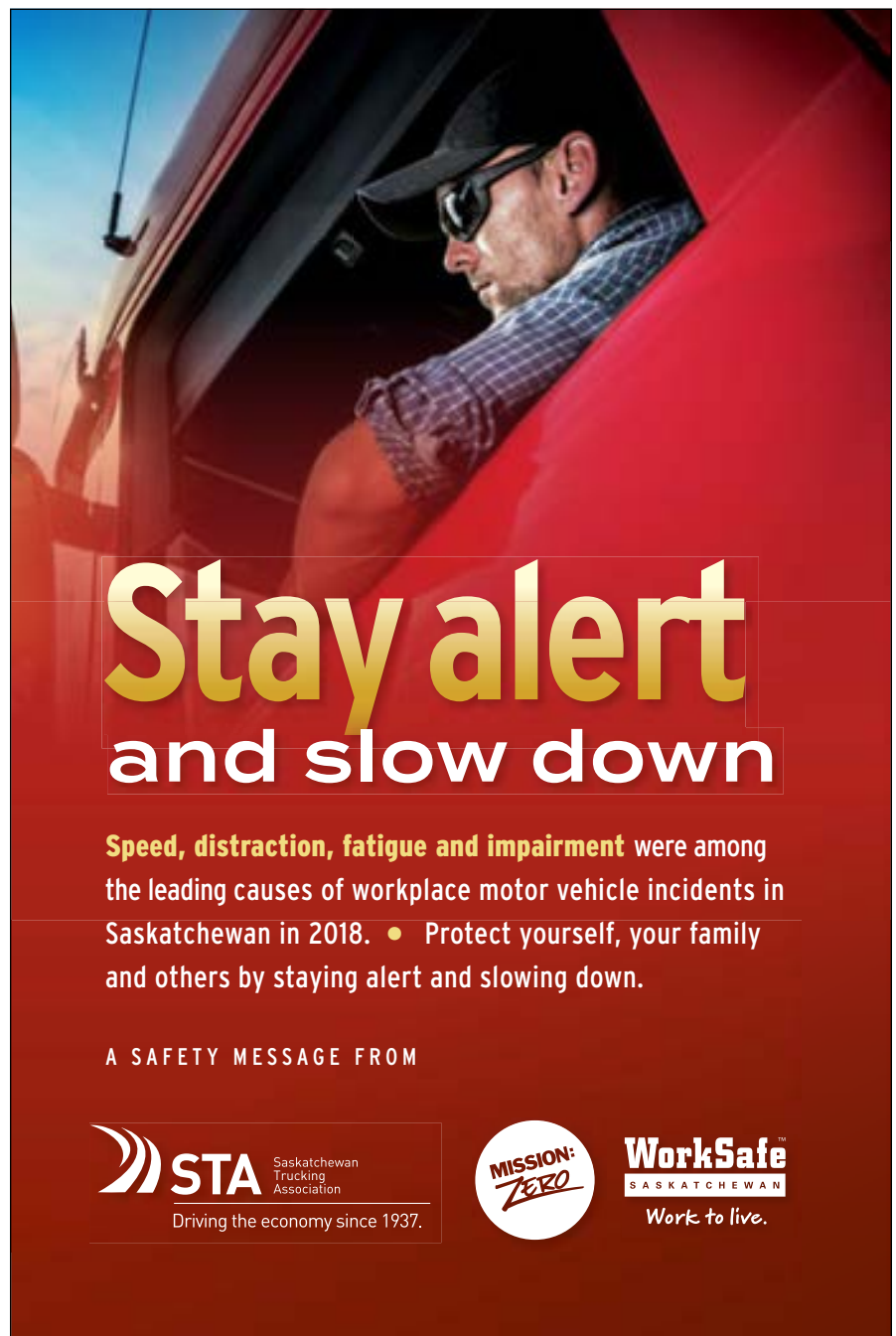
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SAMA also recently launched our MySAMA portal that will allow municipalities to submit maintenance information to SAMA online. For more information on registering for MySAMA, contact your local SAMA office.

For more information visit our website at www.sama.sk.ca.

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Make a Date with SUMA

There won't be a dull moment in your calendar as SUMA is keeping it packed with everything from webinars and regional meetings to the annual golf tournament. 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 of our website. Find the listing under the News and Events menu on 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 webinars on a wide-range of topics. Watch for more information in Urban Update and invites through your email.

31st Annual Golf Tournament

Hosted by the Town of Spiritwood

Thursday, July 4, and Friday, July 5, 2019

Ready to hit the greens and mingle with other SUMA members? The Town of Spiritwood is hosting the 2019 SUMA Golf Tournament at the Spiritwood Golf Club.

SUMA Municipal Symposium:

The Future of Municipal Development

Sunday, July 28 to Tuesday, July 30

SUMA is bringing together subject experts, academics, and municipal leaders to discuss municipal development in the future, specifically exploring governance, infrastructure, and public safety. This event is designed to foster discussions examining the changes being experienced by municipalities and how local governments are responding now and in the future.

Regional Meetings

Save the date for the 2019 regional meetings. You can expect updates on what's happening in your region and with SUMA, but watch the SUMA Event Listings in late July for agendas and registration details.

Region	Date	Location
Central	October 1	Wadena
Northeast	October 2	Melfort
Northwest	October 3	Duck Lake
West Central	October 4	Eston
Southwest	October 7	Shaunavon
Southeast	October 8	Whitewood
East Central	October 9	Yorkton

Convention 2020

Sunday, February 2, to Wednesday, February 5, 2020

We're already looking forward to SUMA's 115th Annual Convention! We hope you'll join us for Convention 2020 in Regina, from February 2 to 5 at the Queensbury Convention Centre. Information on hotel accommodations for Convention 2020 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! ■



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NACLAA

Fire Hydrants, Curb Stops, and Valves: Meeting Municipalities' Unique Needs

Water infrastructure is a big part of a municipality's bottom line, and SUMA has added more value to the SUMAdvantage program with the inclusion of two companies under the Public Works, Parks and Leisure Banner to help find the right waterworks partner. The offering is just another extension of the services SUMAdvantage provides its members.

Iconix Waterworks (formerly Corix Water Products) and EMCO Corporation offer value and top choice when looking for fire hydrants, curb stops, and valves. As with all companies under the SUMAdvantage banner, SUMA has already tendered on members' behalf, making paperwork simple and easy, and it has ensured each business is familiar with both the organization and members' unique needs.

"We're there for municipalities to meet their specialized needs. (Each is) its own ecosystem," says Alex Johnson, EMCO's manager of southern Saskatchewan. "Each municipality has different water tables, soil types, soil conditions... specialized solutions to those needs are really what we focus on."



"We're there for municipalities to meet their specialized needs. (Each is) its own ecosystem."

Alex Johnson, Manager of Southern Saskatchewan, EMCO Corporation

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Johnson says EMCO — a 105-year-old company with a focused product assortment — takes a “boots on the ground approach” to its business, and relies on the years of expertise municipality staff bring to strengthen the foundation of every project.

“A lot of municipalities have foremen that have a vast amount of experience and knowledge,” he says. “That’s something that we showcase in your solutions.”

SUMAdvantage Partner ICONIX Waterworks (formerly Corix Water Products) recently became a subsidiary of the Deschenes Group, one of Canada’s Best Managed Companies — a move that provincial sales manager Trent Langford says better reflects the company’s business and service offerings, with a long history of providing innovative water infrastructure solutions.

“When we receive a phone call from a municipality, we say, ‘What are you trying to do? What are you trying to accomplish?’”

Trent Langford, Provincial Sales Manager,
Iconix Water Products

Langford says with such a comprehensive list of products (including Badger Meter and Mueller Fire Hydrants) and services, ICONIX is ready to service the needs of a community at any time.

“When we receive a phone call from a municipality, we ask, ‘What are you trying to do? What are you trying to accomplish?’” he says. “And then we offer them the best options available.”

Langford and his colleagues call on municipalities on a regular basis to maintain contact with the front line, and to share information about new and innovative products and solutions on the market.

“We want people to look at the repairs that they’re doing from a dynamic point of view,” Langford says, adding ICONIX



also puts forth training to its clients. “We’re trying to educate municipalities and design engineers on new innovative ways to reduce their operating costs and achieve a longer service life for their municipal assets.”



With the addition of EMCO Corporation and Iconix Waterworks to the SUMAdvantage partner list, SUMA members have a ready-to-go relationship for their fire hydrant, curb stop, and valve requirements. ■

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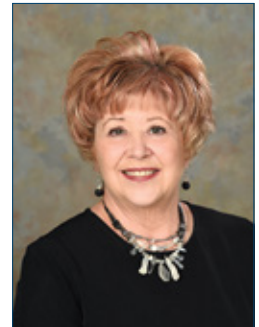
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Director – East Central RANDY GOULDEN

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.

The Yorkton Figure Skating Club, band boosters, Troyanda Ukrainian Dance Association, Saskatchewan Roughriders — Randy Goulden was a volunteer for them all. And after serving as chairperson for the City of Yorkton Recreation Board, and working with city council and staff, serving on city council was a natural progression.

Goulden was first elected to Yorkton city council in 1997, and in 2000, she was elected Director of SUMA's East Central Region.

"I had always followed the work of SUMA as president of the Saskatchewan Parks and Recreation Association, as we were partners and worked to build better lives," said Goulden.

Goulden was inspired on the board by her mentor, Mike Badham, who was President of SUMA at the time.

"He shared his experiences and always listened with an open ear and heart," said Goulden of the man she remembers as a friend, mentor, and leader who led by example.

Goulden has now represented the East Central Region for five terms, and was also the association's executive interim president from November 2016 to February 2017. The East Central Director is active on SUMA's Community and Economic Development Committee, she is the longstanding chair of SUMA's Public Safety and Health Committee, and

is a member of the Convention Planning Committee. She is also a member of the Saskatchewan Environmental Code Advisory Committee — the committee currently reviewing new chapters to introduce into the Environmental Code.

"On the Board — as a regional director — I have the tremendous joy of working with the many communities in east central Saskatchewan, learning from the mayors, councils, administrations, from all size of communities," said Goulden. "We all have challenges, but we have many success stories to share. Every day, I am amazed at the dedication and pride taken for the services we provide, and how not to take this for granted. We are fortunate to be



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elected to serve our residents, we need to take pride and celebrate our successes. Talk about them, share them, and learn from one another!”

One of the challenges is the growing costs and increasing infrastructure needs facing municipalities. Goulden recognized the importance of establishing asset management and long-term planning for Saskatchewan communities and the province.

As the province has grown over the last 19 years, Goulden has watched SUMA’s focus evolve to working with other partners to foster a sustainable and safe province for hometowns to thrive and provide communities with the resources they require to invest in the future.

“Communities are partners and an order of government that need to be at the table with other orders of government, federal, provincial, and First Nations, in order to continue to provide the services of our residents,” she said.

That’s Goulden’s wish for SUMA and the members SUMA represents: “That we are looked at as an equal partner by the federal and provincial government(s)...”

Her many years of work in her community, as well as her involvement with provincial and national organizations like SUMA and the national Federation of Canadian

Municipalities (FCM), have kept Goulden in close touch with the people of Yorkton and the issues that directly impact them.

Goulden was recently recognized for her dedication to her community of Yorkton and all of Saskatchewan with the Saskatchewan Spirit Award presented by the Saskatoon YWCA. The inaugural award “recognizes a woman who has inspired many, breaking new ground or old barriers, and contributed outside of Saskatoon to the life of [the] province, in her professional or volunteer leadership.”

At Convention 2019, Goulden was part of the six-member panel discussing women in politics. The group advocated that diversity of all kinds — not only gender, but age and cultural diversity as well — strengthens local governments. FCM, which Goulden is involved, is currently working on the initiative Toward Parity in Municipal Politics to get more women involved in local politics. In Canada, women occupy only 18 per cent of mayors’ positions and 28 per cent of councillors’ seats. Toward Parity in Municipal Politics aims to identify the barriers that keep women from participating in politics and explore how best to overcome those barriers to bring increased diversity to Canada’s municipal councils.

“Every day, I am amazed at the dedication and pride taken for the services we provide, and how not to take this for granted.”

Through FCM, Goulden has also aided municipalities abroad, serving in countries including Jordan, helping local governments engage citizens and modernize solid waste infrastructure.

Goulden relishes her municipal position, which has afforded her the opportunity to help her city grow and provide residents with new opportunities. She has also loved working with the municipal government and forming connections with SUMA’s members. The hardest part she said about being a regional director for SUMA is not having enough time to spend with the leaders of the communities in east central Saskatchewan.

Goulden continues to serve her community, not only as a regional director for SUMA and city councillor, but also through her work with Tourism Yorkton and the Yorkton Film Festival as its executive director. ■

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