



THE CITY OF EDMONTON

BYLAW 16847

ANNEXATION NEGOTIATING COMMITTEE BYLAW

Whereas:

Sections 1(f), 145 and 203 of the *Municipal Government Act*, RSA 2000 c M-26, permit Council to establish committees, boards and other bodies by bylaw, prescribe their conduct and procedural rules, and delegate powers, duties and functions to them;

Section 154(2) of the *Municipal Government Act*, deems the chief elected official a member of all Council committees unless Council provides otherwise;

On March 5, 2013, Council approved the initiation of an application to annex lands to the south of Edmonton, as described in Attachments 1 and 2 to the in-private Intermunicipal Update Report - Agenda Item 8.1;

Sections 1(p) and 117 of the *Municipal Government Act*, require municipalities involved in annexation to meet to discuss the proposals included in the annexation notice and negotiate on the proposals in good faith;

Section 117 of the *Municipal Government Act*, requires the municipalities involved in annexation to try to resolve matters on which there is no agreement through mediation;

Section 118 of the *Municipal Government Act*, requires the municipalities involved in annexation to prepare a report on the negotiations, sign it and remit it to the Municipal Government Board, where it becomes the initiating municipality's application for annexation;

Sections 196 to 198 of the *Municipal Government Act*, require Council committees to give notice of their meetings and permit the public to attend, unless the meeting is closed for reasons permitted by the *Freedom of Information and Protection of Privacy Act*, RSA 2000 c F-25;

Sections 1(1)(xii), 1(j), 1(p) and 95 of the *Freedom of Information and Protection of Privacy Act*, establish that Council committees are separate public bodies from the municipality that must appoint their own head and adopt a fee schedule;

Sections 16 to 29 of the *Freedom of Information and Protection of Privacy Act*, summarize the reasons for a public body to decline to disclose records or close a meeting to the public;

Edmonton City Council enacts:

PART I - PURPOSE, DEFINITIONS AND INTERPRETATION

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| PURPOSE | 1 | The purpose of this bylaw is to establish the City's Annexation Negotiating Committee. |
| DEFINITIONS | 2 | <p>In this bylaw, words are defined in the same manner as they are defined in the <i>Municipal Government Act</i>, except as expressly provided for in this section:</p> <ul style="list-style-type: none">(a) "Annexation" means the applications to extend the City of Edmonton's geographic boundaries to include the lands specified in the Notices of Annexation sent by the City to Leduc County, and jointly to Leduc County and the town of Beaumont, on March 5, 2013;(b) "Chair" means the chair of the Committee selected by its members;(c) "City" means the municipal corporation of the City of Edmonton;(d) "City Manager" means the chief administrative officer of the City or delegate;(e) "Committee" means the City's Annexation Negotiating Committee established by this bylaw;(f) "Council" means the City's elected governing body;(g) "Councillor" means the City's elected officials including the Mayor;(h) "FOIP Act" means the <i>Freedom of Information and Protection of Privacy Act</i>, RSA 2000 c F-25;(i) "FOIP Head" means the individual or group designated as the Committee's head as required by the FOIP Act;(j) "Mayor" means the City's chief elected official;(k) "Municipal Government Act" means the <i>Municipal Government Act</i>, RSA 2000 c M-26;(l) "Negotiating Report" means a report summarizing the result of negotiations undertaken by the municipalities affected by the Annexation, that must be filed with the Municipal Government Board in accordance with Municipal Government Act requirements; |

- (m) **“Procedures and Committees Bylaw”** means the City’s Procedures and Committees Bylaw, Bylaw 12300.

**RULES FOR
INTEPRETATION**

- 3 The marginal notes and headings in this bylaw are for reference purposes only.
- 4 In the event of a conflict between a provision in this bylaw and an enactment, the enactment governs.
- 5 Any reference to an enactment or bylaw includes all amendments or successor or replacement enactments or bylaws and regulations or orders created pursuant to the authority in the enactment or bylaw.

PART II - ESTABLISHMENT, MANDATE AND AUTHORITIES

ESTABLISHMENT

- 6 The Annexation Negotiating Committee is established as a committee of Council.

MANDATE

- 7 The Committee will, in accordance with statutory requirements and Council’s direction, represent Council’s position during the Annexation negotiations.

**TERMS OF
REFERENCE**

- 8 The Chair will, with the assistance of the City Manager, prepare reports to Council on the issues discussed during negotiations and on the status of negotiations.
- 9 Council must approve Negotiating Reports.
- 10 If there are any disputes in relation to the content of a Negotiating Report, the Chair of the Committee will report on the issue or issues to Council and seek direction as required.

PART III - MEMBERSHIP

- 11 The Committee will be comprised of four Councillors appointed by Council.
- 12 Quorum is a majority of the appointed members.
- 13 The Committee will select a Chair from its members.
- 14 If the Chair is absent or otherwise unable to perform the Chair’s duties, the Committee will appoint an alternate Chair.

PART IV - CITY MANAGER ROLE

- 15 The City Manager will provide support and resources to the Committee, including preparation of reports, recording minutes, providing research and background materials and other duties as required by the Committee.
- 16 The City Manager will act as the Committee's FOIP Head.

PART V - PROCEDURES

- 17 The Committee must publish notice of the date, time and location of scheduled negotiation meetings at least 24 hours prior to the meeting.
- 18 The Committee may conduct negotiations and present its reports to Council in private, in the manner permitted by the Municipal Government Act and the FOIP Act.
- 19 Unless the Committee determines otherwise, the procedural rules for Council committees stated in the Procedures and Committees Bylaw will not apply to negotiating meetings and the Committee may adopt such procedural rules as the parties to the negotiating meetings determine to be appropriate.
- 20 The Committee may participate in meetings at any location within the geographic boundaries of the parties affected by the Annexation.

PART VI - GENERAL

- 21 The Committee will expire 30 days after the date on which the Negotiating Reports are provided to the Municipal Government Board.

READ a first time this 28th day of May 2014;

READ a second time this 28th day of May 2014;

READ a third time this 28th day of May 2014;

SIGNED AND PASSED this 28th day of May 2014.

THE CITY OF EDMONTON



MAYOR

CITY CLERK