

TOWN OF BANFF
ORDER OF BUSINESS
Regular Council Meeting
Town of Banff Council Chambers
Monday, March 11, 2013 at 2:00 p.m.

1.0 CALL TO ORDER

2.0 APPROVAL OF AGENDA

2.1 Regular Meeting Agenda

2.2 For Information: 2013 Council Priorities and Workplan

3.0 DELEGATIONS

4.0 ADOPTION OF PREVIOUS COUNCIL MINUTES

4.1 Minutes of the February 25, 2013 Regular Meeting of Council

5.0 UNFINISHED BUSINESS

5.1 Request for Decision – Bylaw 314 – Land Use Bylaw ; Phase 2(b) – Formula Business

6.0 COMMITTEE REPORTS

6.1 Minutes of the December 19, 2012 Meeting of the Bow Valley Waste Management Commission

6.2 Minutes of the January 24, 2013 Meeting of the Development Appeal Board

7.0 INQUIRIES

8.0 STAFF REPORTS/BYLAWS

8.1 Briefing: Changes to Local Authorities Election Act

9.0 CORRESPONDENCE

10.0 NEW BUSINESS

11.0 INQUIRIES

12.0 ADJOURNMENT

March 11, 2013

2013 Council Priorities

1. **A Sustainable Transportation System** – focus on implementing the recommendations of the transportation plan.
2. **Effective Land Use to Ensure a Sustainable and Prosperous Banff** – focus on results of commercial floor space mapping, reviewing transferability and allotment policies, as well as on public service lands and on design/guidelines and administrative functions.
3. **Toward Economic Prosperity** – *Supporting the Competitive Initiative* – continued community consultation, as well as work with partners, to solidify the Town's role in the delivery of an economic prosperity plan.
4. **Toward Financial Sustainability** – *Seeking Resort Community Status and Financial Tools* – to build on relationships and to ensure others recognize the unique needs of Banff in the delivery of excellent service to more than three million annual visitors.
5. **Urban Forest Management** – *Renewing our Most Valuable Resource* – developing and implementing long-term maintenance and funding plans.

Council Workplan

Note: blue highlight indicates a 2013 Council Priority.

1st Quarter 2013

		Original Due Date	New Due Date	Council Meeting	Finance Meeting	Status
Waste Bylaw Amendment	Operations	2012	Q1-2013	✓		
Improve Cemetery Administrative Processes	Grounds	2012	Q1-2013	✓		
Community Standards Bylaw Amendment re: outdoor music	Bylaw Services	2012	Q1-2013	✓		
On-line Payments	Corporate Services	2012	Q1-2013	✓		
Residential Bin Communication Improvements	Operations Communications	2012	Q1-2013	✓		
Resource Recovery Yard Sunday Operations	Operations	2012	Q1-2013	✓		
Draft Land Use Bylaw Phase 2-B ²	Planning	2012	March 11	✓		Second Reading
Recreation Master Plan – Community Consultation	Community Services	2012	Q1-2013	✓		
Social Assessment	Community Services	Complete		✓		Draft Accepted by Council
Out of Town Service Agreements	Corporate Services	2012	Q1-2013	✓		
Mill Rate Split Analysis ⁴	Corporate Services	Q1-2013		✓		
Closing Doors in Winter	Env. Coordinator	2012	Q1-2013	✓		
Employee Satisfaction Survey	Human Resources	2012	Q1-2013	✓		
Traffic Master Plan 1 st Draft ¹	Engineering	2012	March 25	✓		Final Draft

2013 Council Priorities & Workplan

Agenda #2.2

Employee Housing and Rental Rate Structure Review	Corporate Services Human Resources	2012	Q1-2013	✓		
Meet with Regional Transit Commission to review 2013-2014 business plans	Corporate Services	Q1-2013		✓		
Economic Prosperity Strategy Focus Group Review ³	Corporate Services	2012	Q1-2013	✓		
Land Use Bylaw- Transference, Non-Conforming sites, Commercial Service lands ²	Planning	2012	March 25	✓		
Compensation – External Market Indicators ⁴	Human Resources	Q1 2013		✓		
2013 Property Assessment Overview	Corporate Services	Complete				Presented to Council
Fenlands Cost Recovery Model ⁴	Corporate Services	Feb 25	March 25		✓	
Service Review & Budget Integration ⁴	Corporate Services	Mar 25			✓	
Snow and Ice Management Policy	Operations	Complete				Policy Approved
Council Compensation Review – Committee Appointments	Human Resources	Q1 2013	March 25	✓		Committee Terms of Reference Approved

2nd Quarter 2013

		Original Due Date	New Due Date	Council Meeting	Finance Committee	Status
Land Use Bylaw-Public Service Lands ²	Planning	2012 and beyond	Q1 2013	✓		
Cave Avenue Reconstruction Design Selection	Engineering	April 11		✓		Open House – March 14
Taxi Bylaw (Efficiencies) Amendments	Enviro Coordinator Bylaw	Q2 2013		✓		
First Quarter Forecast	Corporate Services	May 27			✓	
Town Owned Lands Cost Recovery Model ⁴	Corporate Services	May 27			✓	
Utility Rate Review	Corporate Services	June 24			✓	
Traffic Master Plan Final ¹	Engineering	2012	April 8	✓		
Recreation Master Plan – 1 st Draft	Planning Community Services	2012	Q2-2013	✓		
Sewer Bylaw	Operations	2012	Q2-2013	✓		

3rd Quarter 2013

		Original Due Date	New Due Date	Council Meeting	Finance Committee	Status
2014 Financial Plan ⁴	Corporate Services	Jul 29			✓	
Urban Forest renewal options ⁵	Operations	Q3-2013		✓		

2013 Council Priorities & Workplan

Agenda #2.2

Wastewater/Utilities contact proposal	Operations	Q3-2013		✓		
Facilities Life Cycle plan	Operations Engineering Corporate Services	Q3-2013		✓		
Green Fleet Policy	Operations	Q3-2013		✓		
Yellow curb/sidewalks	Operations	Q3-2013		✓		
Second Quarter Forecast	Corporate Services	Aug 19			✓	
Recreation Master Plan – Final Document	Planning Community Services	2012	Q3-2013	✓		
Community Housing Strategy	Banff Housing Corporation	Q3-2013				
Outdoor Merchandise Display Policy	Planning	2012	Sept/Oct			Pilot project Jun/Sep Draft policy Sep/Oct
Rickshaw/Pedi-cab Appropriateness	Planning	Q3-2013				

4th Quarter 2013

		Original Due Date	New Due Date	Council Meeting	Finance Committee	Status
Third Quarter Forecast	Corporate Services	Nov 25			✓	
Economic Prosperity Plan ³	Corporate Services	Q4-2013		✓		
Pre-Audit Planning	Corporate Services	Nov 25			✓	
Performance Benchmarks ⁴	Corporate Services	Q4-2013			✓	
Memorial benches, trees, and graves	Operations	Q4-2013		✓		
Downtown Fire Pits ³	Planning	Q4 budget		✓		
Toboggan Run ³	Streets	Q4 budget		✓		
High School rink lighting options ³	Engineering	Q4 budget		✓		
Seasonal and Short Term Staff Accommodation	Human Resources	Q4 budget		✓		

MINUTES OF THE REGULAR MEETING OF COUNCIL
of the Town of Banff in the Province of Alberta
Town Hall Council Chamber
Monday, February 25, 2013 at 2:00 pm

COUNCIL MEMBERS PRESENT

Karen Sorensen	Mayor
Leslie Taylor	Councillor
Stavros Karlos	Councillor
Brian Standish	Councillor and Deputy Mayor
Grant Canning	Councillor and Acting Mayor

COUNCIL MEMBERS ABSENT

Chip Olver	Councillor
Paul Baxter	Councillor

ADMINISTRATION PRESENT

Robert Earl	Town Manager
Adrian Field	Manager of Engineering
Claire Wilkinson	Planner
Keith Batstone	Planner
Chris Hughes	Senior Accountant
Bradley Hobbs	Utilities Lead Hand
Tara Johnston-Lee	Municipal Clerk (Recording Secretary)

1.0 CALL TO ORDER

The Mayor called the February 25, 2013 regular meeting of council to order at 2:00 p.m.

2.0 APPROVAL OF AGENDA

2.1. Meeting Agenda

COU13-34 Moved by Mayor Sorensen to delete agenda item 5.1- Bylaw 314 – Banff Land Use Bylaw Amendment – Land Use Bylaw Review Phase 2(b); Formula Business from the February 25, 2013 agenda; and to direct administration to add it to the agenda for the March 11, 2013 regular meeting of council.

CARRIED

COU13-35 Moved by Councillor Karlos to approve the agenda of the February 25, 2013 regular meeting of council as amended.

CARRIED

2.2. 2013 Council Priorities and Workplan

Accepted as information.

3.0 DELEGATIONS

There were no delegations.

4.0 ADOPTION OF PREVIOUS COUNCIL MINUTES

4.1 Minutes of the February 11, 2013 Regular Meeting of Council

COU13-36 Moved by Councillor Standish to approve the minutes of the February 11, 2013 regular meeting of council as presented.

CARRIED

5.0 UNFINISHED BUSINESS

5.1 Bylaw 314 – Banff Land Use Bylaw Amendment – Land Use Bylaw Review Phase 2(b); Formula Business

This item was deleted from the agenda.

6.0 COMMITTEE REPORTS

6.1 Minutes of the February 5, 2013 Meeting of the Banff Heritage Tourism Corporation

Accepted as information.

6.2 Minutes of the January 11, 2013 Meeting of the Banff Housing Corporation Directors

Accepted as information.

6.3 Minutes of the January 25, 2013 Meeting of the Banff Housing Corporation Directors

Accepted as information.

7.0 INQUIRIES

The Mayor asked if there were any inquiries. There were none.

8.0 STAFF REPORTS/BYLAWS

8.1 Outdoor Merchandise Display Policy

Administration spoke to the written report included in the agenda package and provided council with a handout of selected guidelines from municipal case studies for their information. The handout was added to the agenda package for this meeting.

COU13-37 Moved by Mayor Sorensen that council direct administration to: proceed with a pilot outdoor merchandising initiative for the summer of 2013; and, return with a draft outdoor merchandise policy in October of 2013.

COU13-38 Moved by Councillor Karlos to amend motion COU13-37 by adding the following sentence at the end of the motion: “The policy would not allow for encroachment onto public property.”

**Defeated
Karlos and Taylor in favour**

COU13-39 Moved by Councillor Standish to amend motion COU13-37 by deleting the words in ~~strikeout~~ and inserting the words in underline: “Moved by Mayor Sorensen that council direct administration to: proceed with a pilot outdoor merchandising initiative ~~for the summer of 2013~~ to start June 1 and end Labour Day 2013; and, return with a draft outdoor merchandise policy ~~in October of 2013~~ before the 2013 municipal election.”

**CARRIED
Sorensen and Karlos opposed**

COU13-40 Moved by Councillor Taylor to amend motion COU13-37 as amended by deleting the words in strikeout and inserting the words in underline: “Moved by Mayor Sorensen that council direct administration to: proceed with a pilot outdoor merchandising initiative to start June 1 and end Labour Day 2013; ~~and~~, return with a draft outdoor merchandise policy before the 2013 municipal election-; and, administer the outdoor display program whereby Bear/Wolf/Caribou/Buffalo Streets and Banff Avenue have different parameters in recognition of pedestrian traffic volumes and sidewalk capacity.”

CARRIED

COU13-41 Moved by Councillor Taylor to amend motion COU13-37 as amended by deleting the words in strikeout and inserting the words in underline: “Moved by Mayor Sorensen that council direct administration to: proceed with a pilot outdoor merchandising initiative to start June 1 and end Labour Day 2013; return with a draft outdoor merchandise policy before the 2013 municipal election; ~~and~~, administer the outdoor display program whereby Bear/Wolf/Caribou/Buffalo Streets and Banff Avenue have different parameters in recognition of pedestrian traffic volumes and sidewalk capacity; ensure all application forms and informational pieces make it clear that it is a pilot project, and that the regulations remain in place; and, quote the regulations on each piece of communications.

CARRIED

The vote followed on motion COU13-37 as amended: Moved by Mayor Sorensen that council direct administration to: proceed with a pilot outdoor merchandising initiative to start June 1 and end Labour Day 2013; return with a draft outdoor merchandise policy before the 2013 municipal election; administer the outdoor display program whereby Bear/Wolf/Caribou/Buffalo Streets and Banff Avenue have different parameters in recognition of pedestrian traffic volumes and sidewalk capacity; ensure all application forms and informational pieces make it clear that it is a pilot project, and that the regulations remain in place; and, quote the regulations on each piece of communications.

CARRIED

8.2. 2013 Temporary Business License Bylaw 319

COU13-42 Moved by Councillor Karlos that council give first reading to 2013 Temporary Business License Bylaw 319.

CARRIED

COU13-43 Moved by Councillor Standish that council give second reading to 2013 Temporary Business License Bylaw 319.

CARRIED

Taylor and Canning opposed

COU13-44 Moved by Councillor Karlos that council go to third reading of 2013 Temporary Business License Bylaw 319.

CARRIED

COU13-45 Moved by Councillor Standish that council give third reading to 2013 Temporary Business License Bylaw 319.

CARRIED
Taylor and Canning opposed

8.3 Warming Shelter Funding

COU13-46 Moved by Councillor Taylor that council direct administration to amend the capital budget by bringing forward funding for two warming shelters from the budget year 2014 into year 2013 to enable construction of the shelters to take place for the 2013-2014 season.

CARRIED

8.4 Cave Avenue Design Selection Process

The report included in the agenda package was accepted as information.

8.5 Proposed Rickshaw Tour Service

COU13-47 Moved by Mayor Sorensen to direct administration to bring back a report, after the completion of the Transportation Master Plan, so that council may consider whether or not rickshaws and pedi-cabs are appropriate modes of transportation in Banff.

CARRIED

8.6 2013 Property Assessment Overview

Frank Watson, Town of Banff contracted assessor, provided an overview of 2013 property assessment trends. Mr. Watson's presentation slides were added to the agenda package for this meeting.

9.0 CORRESPONDENCE

9.1 430 Banff Avenue Sewer Blockage

The correspondence included in the agenda package was accepted as information.

10.0 NEW BUSINESS

There was no new business.

11.0 INQUIRIES

The Mayor asked if there were any inquiries. There were none.

12.0 ADJOURNMENT

COU13-48 Moved by Councillor Taylor to adjourn the February 25, 2013 regular meeting of council at 3:45 p.m.

CARRIED

Karen Sorensen
Mayor

Tara Johnston-Lee
Municipal Clerk

REQUEST FOR DECISION

Subject: Land Use Bylaw Review; Phase 2(b)



Presented to: Council

Date: March 11, 2013

Submitted by: Darren Enns, Senior Planner

Agenda #: 5.1

RECOMMENDATION

That Council give second reading to Bylaw 314.

BACKGROUND

Reason for Report

Council has identified the review and update of the *Land Use Bylaw* as a strategic priority, and a comprehensive review of the *Land Use Bylaw* is required to ensure it is functioning in concert with higher level policy, including the *Banff Community Plan* and the *Banff National Park Management Plan*.

Phase 2 of the Land Use Bylaw review addresses issues related to commercial land use districts. As part of Phase 2, administration launched a comprehensive public consultation process which began in June, 2010. Feedback from the public consultation process was presented to Council at the June 27th, 2011 meeting of Council. A specific outcome of the June Council meeting was the establishment of the Land Use Bylaw Working Group, which provided Council with a report on specific topic areas at the November 28th, 2011 Council meeting, including extensive commentary on formula business regulation.

On September 10, 2012 Council granted first reading to Bylaw 314:

COU12-251 Moved by Councillor Canning to give first reading to Bylaw 314 – Banff Land Use Bylaw Review Phase 2(b); Formula Business and to direct administration to schedule a public hearing in January 2013.

The Public Hearing for Bylaw 314 was held on January 31st, 2013 in Council Chambers. Minutes for the Public Hearing were approved at the February 11th, 2013 meeting of Council and are attached to this report.

Summary of Issue

The discussion around formula based businesses is clearly an issue that elicits passionate debate in our community, on both sides. It is challenging to summarize the 7-plus years of discussion on this single topic in a Council report. Rather, administration has attempted with this report to build on established public policy and the public feedback this particular issue has generated in our community.

During this 7 year time period, residents of Banff began providing input and debating the presence of formula businesses in our town through the Banff Community Plan process. They were subsequently asked to do the same through a Land Use Bylaw review which has solicited significant input on this issue over a period of more than 2 years. At part of this public engagement process, a Land Use Bylaw Working Group was struck. This Working Group could not find consensus on this particular issue, and the process has now returned to Council.

Acting on the direction of Council (Motion COU11-312), administration has returned with regulatory language which has attempted to encompass the governing principles of the *Banff Community Plan*, the input of the Land Use Bylaw Working Group, and the input received through previous public outreach efforts.

Regulatory Proposal

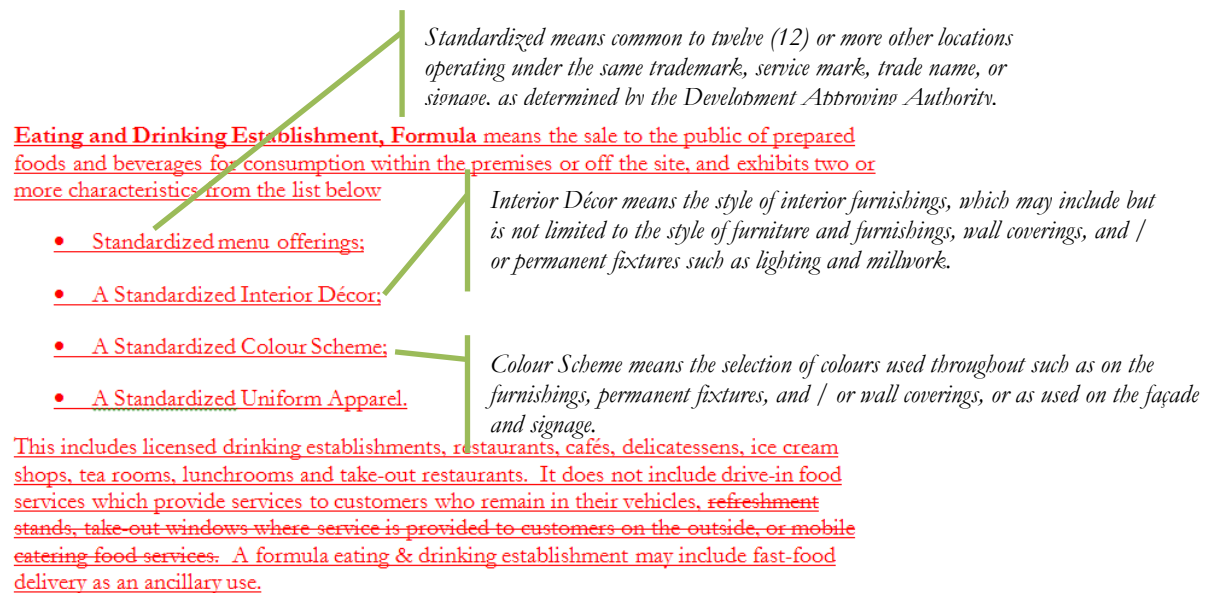
A quota system for any particular land use suggests that the use in question is acceptable in your community, however only in a defined amount. This approach is not new for Banff, and it is the same assumption that underlies our community's Bed and Breakfast regulations as well as our taxi licensing system. The regulatory approach administration is suggesting is largely based on our experience administering the Bed and Breakfast quota system over the past 12 years.

The proposed regulatory approach to most quota based systems involves three steps;

1. Define what it is you are regulating (*Section 2 and Section 10 of the Land Use Bylaw*)
2. Determine which land use districts this use is appropriate in (*Section 12*); and,
3. Define what the appropriate amount of this use is (*Schedule H*).

Definition Amendments

Amendments to Section 2 focus on the definitions for Formula Retail (or General Retail, Formula) and Formula Restaurants (or Eating and Drinking, Formula). These two “parent” land use definitions trigger a number of other “child” definitions. To use the formula restaurant example:



Inherent in the definitions is what number of locations makes a restaurant formulaic. Administration has proposed a minimum threshold of 12 locations without any geographic discrimination. Amending this definition by increasing the location limit (e.g. “20” instead of “12”) or location (e.g. “12 locations outside of Canada...”) would have obvious downstream impacts on the proposed regulatory approach.

Council has directed administration to limit our regulatory approach to retail and restaurants. Excluded from these two categories are a number of land uses which may have a formulaic aspect including service stations, hotels, banks, etc... These land uses are not considered retail or restaurant and are not being considered for regulation.

Appropriate Land Use Districts

Administration believes that the focus on the formula business discussion to date has related primarily to the core visitor areas of Banff, and in particular to the downtown (CD land use district) and accommodation districts (CA, CB and CT land use districts). If this is indeed the case, then it follows that these land use districts should arguably be the focus of any quota system

Administration has relied primarily on the feedback of the Inexperience surveys, which indicated that most of our visitors were satisfied with the existing mix. This piece of feedback would seem to indicate that both the existing volume of formula business, especially within the visitor-focused land use districts, are largely satisfying our visitors.

In other peripheral land use districts such as the CS (or “Compound”) land use district, formula business regulation may be less relevant especially if the underlying strategy is to address visitor perceptions. For this reason, formula retail and restaurants in the CS district are permitted a wide berth under the proposed legislation.

Appropriate Amount

Establishing quotas at the land use district level has been the existing approach for Bed and Breakfasts in Banff, and this approach suggests that there are characteristics particular to each land use district that need to be reflected through specific legislative approaches. This of course is already in practice through limitations on land uses within each district, as well as related limitations (“quotas” if you like) on the amount of particular uses. An example would be existing limits on accessory uses such as restaurants in the CA land use district, where they may not exceed 5% of the hotel’s gross floor area (Section 12.1.8(b)).

The question of where to set the quota is a challenging one. A quota set below current levels creates instantaneous pressure on existing situations, including the creation of legal, non-conforming incidences. A quota set too high has the effect of not achieving the desired regulatory outcomes; a zoning “paper tiger”.

Administration explored a number of options for setting the quota numbers, including;

1. *Inexperience Levels*; This approach would have back-cast the quotas to reflect the mix which existed during the 2008 / 2009 period. Business License records indicate that since the

Indexperience surveys, the number of formula retail establishments has decreased by 3, while the number of formula restaurants has increased by 5 (see table):

Ricky's All Day Grill (+1)	CD Plus (-1)
Bell (+1)	Athlete's World (-1)
Patagonia (+1)	Louis Vuitton (-1)
North Face (+1)	La Cache (-1)
Tim Hortons (+1)	TABI (-1)
Boston Pizza (+1)	Premier Spa Boutique (-1)
BeaverTails (+1)	R'N'R (-1)
David's Tea (+1)	Ardene (+1)
Hatley (+1)	

2. *Current Levels*; This approach would take a snapshot of the existing situation, and effectively solidify the existing mix. The advantage of this approach over using Indexperience Levels is that it avoids creating legally non-conforming situations, which would occur if Indexperience Levels were used with respect to formula restaurants.
3. *Upward Cushion*; It could be argued that even setting a quota at existing levels would have a punitive effect, as some property owners may be actively courting formula businesses which are not yet established as a land use. By creating a "cushion" (e.g. setting the quota level higher than existing conditions), it may allow for some initial flexibility, and permit some time to adjust to the new regulations.

Since setting the quota levels is largely a political exercise, administration has used May, 2012 as a baseline to the conversation. The charts below may assist in clarifying what options are available with respect to a quota system:

Restaurants

Land Use District	Indexperience Levels	Current	Current + 20%	Current + 40%
CA	2	3	4	4
CB	0	0	0	0
CD	16	19	23	27
CR	0	0	0	0
CS	0	0	5*	5*
CT	0	0	0	0

Retail

Land Use District	Indexperience Levels	Current	Current + 20%	Current + 40%
CA	0	0	0	0
CB	1	1	1	1
CD	35	32	38	45
CR	0	0	0	0
CS	0	0	5*	5*
CT	0	0	0	0

Response Options

Council may give second reading to amending Bylaw 314 as presented, propose amendments, or choose not to pass second reading.

IMPLICATIONS OF DECISION

Budget

Council approved \$14,000.00 in 2009 and \$21,000.00 in 2010 for the purposes of conducting the Land Use Bylaw review and update. The remaining budget for the project is approximately \$15,000.

Banff Community Plan

The Banff Community Plan has served as the basis for all proposed amendments to the Land Use Bylaw. In particular, the Local Economy section (see attached) has served as the key reference for administration during the policy drafting process.

Council Strategic Priorities

The Land Use Bylaw review has been identified as a Council Priority.

Legislation/Policy

Any proposed amendments to the Land Use Bylaw require assent of the Federal Minister of the Environment.

ATTACHMENTS

- A - Bylaw 314
- B - January 31st, 2013 Public Hearing Minutes
- C - Banff Community Plan; Local Economy

Circulation date: February 14th, 2013

Submitted By: Darren Enns, Senior Planner

Reviewed By: Robert Earl, Town Manager

BYLAW 314

BEING A BYLAW OF THE TOWN OF BANFF, IN THE PROVINCE OF ALBERTA, TO AMEND THE TOWN OF BANFF LAND USE BYLAW WITH RESPECT TO ACCOMMODATING CHANGES TO COMMERCIAL AND RESIDENTIAL LAND USE DISTRICTS

WHEREAS Council, may in a Land Use Bylaw, pursuant to the Municipal Government Act, RSA 2000, Chapter M-26 (the “Act”) and the Town of Banff Federal Provincial Incorporation Agreement, divide all or part of the area of the Town into land use districts, define each district, regulate the land, buildings and structures within each district, and the uses of land, buildings, and structures within each district; and;

WHEREAS the *Banff Community Plan* directs that we monitor and respond to the mix of chain and independent retailers and restaurants to preserve community character and ensure an appropriate balance is maintained; and;

WHEREAS the *Banff Community Plan* directs that we ensure commercial development reflects and respects the Town’s role as a visitor centre as well as the values of the national park; and;

NOW THEREFORE the Council of the Town of Banff, in the Province of Alberta, duly assembled, enacts as follows:

CITATION

1. This bylaw may be cited as the “Banff Land Use Bylaw Amendment – Land Use Bylaw Review Phase 2(b); Formula Business.”

An amending bylaw to accommodate revisions to Commercial Land Use Districts in the Town of Banff.

PROVISIONS

2. The Town of Banff Land Use Bylaw is hereby amended as follows:

Section 2.3.0 is amended by adding or amending (in bold):

Array of Merchandise means in-stock, displayed merchandise.

Colour Scheme means the selection of colours used throughout such as on the furnishings, permanent fixtures, and / or wall coverings, or as used on the façade and signage.

Eating and Drinking Establishment, Formula means the sale to the public of prepared foods and beverages for consumption within the premises or off the site, and exhibits two or more characteristics from the list below

- Standardized menu offerings;
- A Standardized Interior Décor;

- A Standardized Colour Scheme;
- A Standardized Uniform Apparel.

This includes licensed drinking establishments, restaurants, cafés, delicatessens, ice cream shops, tea rooms, lunchrooms and take-out restaurants. It does not include drive-in food services which provide services to customers who remain in their vehicles, refreshment stands, take-out windows where service is provided to customers on the outside, or mobile catering food services. A formula eating & drinking establishment may include fast-food delivery as an ancillary use.

Hotel means a lodge, inn, motel or other establishment other than a bed & breakfast home or bed & breakfast inn, which contains commercial accommodation units. Hotels may include the following accessory uses: eating and drinking establishments, **formula eating and drinking establishment**, meeting rooms, indoor and outdoor recreation services, convenience retail stores, general retail stores, **formula general retail stores**, personal service shops, and accessory housing on the same site.

Interior Décor means the style of interior furnishings, which may include but is not limited to the style of furniture and furnishings, wall coverings, and / or permanent fixtures such as lighting and millwork.

Retail Store, Formula General means the retail sale of groceries, beverages, baked goods, household goods, clothing, jewelry, furniture and appliances, hardware, printed matter, confectionery, gifts and souvenirs, tobacco, pharmaceutical and personal care items, automotive parts and accessories, office equipment, stationery and similar goods from within an enclosed building, and exhibits two or more characteristics from the list below:

- A Standardized Array Of Merchandise;
- A Standardized Interior Décor;
- A Standardized Colour Scheme;
- A Standardized Uniform Apparel.

Minor public services, such as postal services are permitted within Formula General Retail Stores.

Standardized means common to twelve (12) or more other locations operating under the same trademark, service mark, trade name, or signage, as determined by the Development Approving Authority.

Uniform Apparel means Standardized items of clothing worn by employees of an establishment including but not limited to aprons, pants, shirts, smocks or dresses, hat, and pins as well as colours of clothing.

Section 10.0.0 is amended by adding:

10.6.0 Formula Business

10.6.1 The number of Formula General Retail Stores or Formula Eating and Drinking Establishments permitted within each district shall not contribute to exceeding the total combined maximum number allowed per district as per Schedule “H” to this Bylaw.

10.6.2 A Determination of Use application may be submitted by an applicant to assess compliance with the definition of Formula General Retail Store or Formula Eating and Drinking Establishment.

Section 12.1.4 is amended by adding (in bold):

12.1.4 Discretionary Uses:

- Apartment housing
- Convention facilities
- Day cares
- Eating and drinking establishments
- **Eating and drinking establishments, Formula**
- Service stations
- Vehicle rental services

Section 12.1.8 is amended by adding (in bold):

d. The number of Formula General Retail Stores or Formula Eating and Drinking Establishments permitted within this district shall not contribute to exceeding the maximum number allowed as per Schedule “H” to this Bylaw.

Section 12.2.4 is amended by adding (in bold):

12.2.4 Discretionary Uses:

- Apartment housing
- Convention facilities
- Indoor and outdoor recreation services
- **General Retail, Formula**
- Non-accessory parking
- Transportation services
- Vehicle rental services

Section 12.2.8 is amended by adding (in bold):

b. The number of Formula General Retail Stores or Formula Eating and Drinking Establishments permitted within this district shall not contribute to exceeding the maximum number allowed as per Schedule “H” to this Bylaw.

Section 12.3.3 is amended by adding (in bold):

- 12.3.3 Permitted Uses:
- Eating and drinking establishments
 - **Eating and drinking establishments, formula**
 - General retail stores
 - **General retail stores, formula**
 - Professional, financial, health and office services
 - Government services
 - Public parks
 - Internet Cafe

Section 12.3.8 is amended by adding (in bold):

d. The number of Formula General Retail Stores or Formula Eating and Drinking Establishments permitted within this district shall not contribute to exceeding the maximum number allowed as per Schedule “H” to this Bylaw.

Schedule H is amended by adding (in bold):

SCHEDULE “H” – BANFF LAND USE BYLAW

**Formula Business
Allocation Table**

District	Maximum Number of Formula Eating and Drinking Establishments per District	Maximum Number of Formula General Retail Establishments per District
CA	3	0
CB	0	1
CD	19	32
CR	0	0
CS	5	5
CT	0	0

ENACTMENT/TRANSITION

3. If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.

4. This bylaw comes into force after the date of final passing, upon approval and execution by the Superintendent, Banff National Park, for the Minister of the Environment.

Read a first time this 10^h day of September, 2012.

Pursuant to the Municipal Government Act (Alberta), a Public Hearing was held this 31st day of January, 2013.

Read a second time this xxth day of xxxx, 2012.

Read a third time this xxth day of xxxx, 2012.

Approved on behalf of the Town of Banff this _____ day of _____, 2012.

Karen Sorensen
Mayor

Robert Earl
Town Manager

Approved by the Minister of the Environment, by his delegate, this _____ day of _____, 2012.

Minister of the Environment/Delegate

**MINUTES OF THE PUBLIC HEARING
of the Town of Banff in the Province of Alberta
Town Hall Council Chamber
Thursday, January 31, 2013 at 2:00 pm**

COUNCIL MEMBERS PRESENT

Karen Sorensen	Mayor
Leslie Taylor	Councillor
Stavros Karlos	Councillor
Paul Baxter	Councillor
Brian Standish	Councillor and Deputy Mayor
Grant Canning	Councillor and Acting Mayor

COUNCIL MEMBERS ABSENT

Chip Olver	Councillor
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ADMINISTRATION PRESENT

Robert Earl	Town Manager
Randall McKay	Manager of Planning and Development
Darren Enns	Senior Planner
Tara Johnston-Lee	Municipal Clerk (Recording Secretary)

1.0 CALL TO ORDER

The Mayor opened the January 31, 2013 public hearing for Bylaw 314 - Banff Land Use Bylaw Amendment – Land Use Bylaw Review Phase 2(b); Formula Business at 2:00 p.m.

1.1 Explanation of the Public Hearing Process

The Mayor outlined the public hearing process.

COU13-26 Moved by Mayor Sorensen that each speaker at the public hearing be allowed up to fifteen minutes to address council.

CARRIED

Mayor Sorensen disclosed that after first reading of this bylaw and prior to this hearing, she solicited direct feedback on how people felt about the issue of formula business. The Mayor also disclosed that she met with Darren Reeder, Executive Director of the Banff Lake Louise Hotel Motel Association to review and discuss specifically the report that was submitted as a written submission for this hearing. The Mayor clarified that she has received opinions on the issue, but no new evidence that has not been included as part of the public hearing.

Councillors Karlos, Taylor, Baxter, Standish and Canning all disclosed that they had received opinions on the issue of formula business and met with Darren Reeder from the Banff Lake Louise Hotel Motel Association to discuss specifically the report that was submitted as a written submission for this hearing.

1.2 Confirmation of Advertising and Notice of Hearing

The Municipal Clerk confirmed that advertising and notice of the public hearing was given pursuant to the Municipal Government Act.

2.0 STAFF REPORT

2.1. Bylaw 314: Banff Land Use Bylaw Amendment – Land Use Bylaw Review Phase 2(b); Formula Business

The proposed bylaw was accepted as information.

2.2. Review of Phase 2(b)

Darren Enns, Senior Planner, provided an introduction and background information regarding Bylaw 314 - an approach to regulate formula business.

3.0 PUBLIC SUBMISSIONS – VERBAL

The Mayor called for speakers regarding the proposed bylaw.

3.1 Susanne Gillies-Smith

Ms. Gillies-Smith, a Banff resident, spoke in support of the proposed bylaw. Ms. Gillies-Smith provided the following comments:

- Banff needs a strong community to support visitor experience.
- The reason people travel is to experience something new that they cannot experience at home.
- Continuing to offer visitors what they can find at home, does not follow the Community Plan's mandate of promoting a unique mountain community.
- Banff is not a free market because it is located in a national park and something needs to be done to protect the integrity of its' small businesses.
- Small businesses:
 - are able to diversify and keep up with the needs of the visitor;
 - serve as social network sites;
 - give more back to the local economy;
 - buy and hire locally;
 - do not have to adhere to format and can offer the consumer more unique choice in goods and services;
 - consume less and ask less of the town's resources; and
 - recycle more money back into the community.
- Not all chain stores are bad, but there needs to be a balance between chain stores and small businesses in Banff.
- A quota system would serve to help protect the commercial mix that currently exists and the mix that people say they are happy with.

3.2 Howard Kozloff

Mr. Kozloff, spoke on behalf of a group of local residents in favour of the proposed bylaw. Mr. Kozloff provided the following comments:

- Quotas can help preserve what is unique about Banff.
- Economic prosperity should be focused on making Banff a unique experience and making Banff no other place than Banff. Banff should celebrate the natural setting to create a unique one-of-a-kind experience that drives value.

- Visitors to a resort community expect a certain experience based upon a specific image whether real or perceived. People want unique experiences, not conventional resorts.
- Economic development in Banff relies on visitors. If tourism is the greatest economic generator why turn Banff into a generic destination.
- Distinctive experiences maximize value and command premiums.
- Keeping Banff unique is its greatest competitive advantage.
- Allowing unregulated chain stores in Banff can set in motion a series of events that the community cannot afford.
- Chain stores:
 - Pay higher rents which benefit landlords not communities;
 - Create fewer jobs at lower wages;
 - Don't spend as much money with local suppliers and service providers;
 - Erode character, which erodes experience, which can erode visitor numbers.
- Preservation of national parks is honourable and preserves the image of the place but also severely constrains the supply of land which leads to higher prices and magnifies the importance of making informed long term decisions.
- Even in trying economic times and with limited municipal budgets there is still a need to focus on economic development, long term viability and quality of life.
- Workers who are also residents are drawn to resort communities for the same reason as visitors, but often need to learn to survive on limited means in an expensive environment.
- If the public sector leads the way with clear direction and commitment to the community, as well a sound urban design principals, and legislative framework a true place can be created that provides a good quality of life for residents and attracts others with a shared sense of identity.
- Character, quality and continuity of vision and experience provide far more economic benefits to the community, which in the long term benefits the private landlords as well.
- Council should consider a workshop through the Conservation Leadership Network at the Conservation Fund.

3.3 Paul Kalra

Mr. Kalra, a Banff formula business owner, spoke neither for nor against the proposed bylaw, but would like council to consider who the Banff consumer is. Mr. Kalra provided the following comments:

- The consumer in Banff has changed over the last ten years.
- Albertans are the main visitors to Banff and Albertan's are time starved people.
- Banff does not need to change, but needs to provide more value and service for the consumer.

3.4 Terry Jensen

Mr. Jensen, a Banff formula business owner, spoke neither for nor against the proposed bylaw. Mr. Jensen also raised the subject that the consumer in Banff has changed. Mr. Jensen expressed concern that six years ago his sales in Banff on weekends were twice that of Canmore and now the sales in Canmore are twice that of Banff.

3.5 Peter J. Poole

Mr. Poole, a Banff resident and representing Arctos and Bird Management Ltd., spoke to a written submission which is attached to these minutes. Mr. Poole provided the following comments:

- The incentives and pressures that lead commercial landlords to prefer chain stores over independent stores are being reinforced by the following:
 - bankers ask landlords to prefer national covenants;
 - it is easier for realtors and lawyers to work with national chains than with independent owners;
 - providing dining operations in a hotel is necessary, but provides the lowest profit margin. It is easier for hoteliers to have someone else oversee dining operations, which leads to chain restaurants.
- Banff's brand – a blend of art, nature and adventure - is its deepest asset. Landlords have a responsibility in the national park to uphold Banff's brand not to undermine it.
- The public sector setting common goals and rules allows for the shared responsibility of the private and public sectors to work together to protect Banff's brand.
- Quotas are only one tool to regulate Banff's mix of chain and independent businesses - incentive based regulation should be considered as well.

3.6 Justin Burwash

Mr. Burwash, representing Banff Caribou Properties, spoke against the proposed bylaw. Mr. Burwash provided the following comments:

- There would not be formula based businesses in Banff if the consumer was not choosing them.
- Any restrictions on the type of business allowed will decrease competition, service and value for visitors. This will inevitably lead to the reduction in the number of visitors and the amount of money they will spend while they are visiting.
- Banff has great community character backed up by the number of awards it has received.
- Banff's character is not defined by the occupants of building, but by the buildings and environment themselves. Buildings are created under the guidelines and parameters of the Land Use Bylaw.
- The fact that a business is formula or independent based does not necessarily predetermine whether it harms or enhances Banff's character. An independent business may harm Banff's character if it is less professional in appearance, has poorer trained staff and offers a lower value equation for visitors and residents.
- Implementing a quota system restricting formula based businesses is likely to harm Banff's character rather than help it.

3.7 Eric Harvie

Mr. Harvie, a Banff resident, spoke to a written submission against the proposed bylaw, which is attached to these minutes. Mr. Harvie provided the following comments:

- Laws and regulations should be created for a specific purpose and to-date the purpose of Bylaw 314 has not been identified.
- The definition of "standardized" in Bylaw 314, includes the parameter of being determined by the development approving authority which makes the bylaw uncertain by nature and would be problematic procedurally when opening or selling a business.

A recess occurred from 3:25 to 3:35 p.m.

3.8 Darren Reeder and Jamie Vann Struth – Banff Lake Louise Hotel Motel Association

Mr. Reeder and Mr. Vann Struth, representing BLLHMA spoke to a written submission against the proposed bylaw, which is attached to these minutes.

Mr. Reeder provided the following comments:

- Banff is a unique community in that it is wholly dependent on the visitor and that the visitor coming to Banff has changed.
- In a single service industry community, the long-term prospects for business are challenged more than in other communities because there is no inter-play between industries.
- There is not any proof that Bylaw 314 is needed at this time.
- Passing Bylaw 314 would not leave any opportunities to consider shifts in the market and limits choice for investment in the future.
- Council should undertake and develop a full-length economic prosperity plan before passing any regulations restricting formula business.

Mr. Vann Struth provided a presentation and the following comments:

- Economic prosperity enlarges the choices and opportunities in people's lives.
- Banff is unique in that more residents are reliant on the tourism sector than any other market and that it is more reliant on a regional market that spends less per visit.
- There is alignment of interests in Banff between the residents, commercial sector and public sector. Everyone in some way is reliant on tourism sector.
- The restrictions in the proposed bylaw would lead to a smaller pool of tenants and in turn lower commercial lease rates.
- Lower commercial lease rates lead to lower landlord profits, which lead to lower property assessment values, which lead to lower commercial tax revenue, which lead to higher residential tax increases.
- Compared to other communities who have adopted formula business quotas, Banff has a lower average income, a younger population, more jobs in the tourism sector and is further away from alternative shopping. The proposed regulation will directly affect the residents of Banff more than in other communities not solely reliant on the tourism sector.
- Competition drives businesses to be better and the regulations in the bylaw will lead to reduced competition for better products, services, and prices for consumers.
- Preferences are revealed by what people do not what they say - if formula businesses are succeeding, they are filling a consumer need.
- If the primary function of Banff is to serve as a center for visitors, the focus should be on what visitors want. Residents are here to support the primary function of the community.
- The mix of formula and independent business should be based on what customers decide.
- If council wants to promote economic prosperity, there should be a focus on innovation and higher paying jobs. Therefore, there is a need to be able to consider a full range of business models regardless of the place of origin of that business.

3.9 Bev Blue

Ms. Blue, representing Matrix Real Estate Services and the owners of Cascade Plaza, spoke to a written submission against the proposed bylaw, which is attached to these minutes. Ms. Blue provided the following comments:

- The owners of Cascade Plaza want to be part of the community and want to ensure the long-term economic sustainability in Banff.
- The formula for retail success is providing in-demand products, appropriately priced, and delivered in well merchandised stores with excellent customer service. This is best achieved when there is competition from best sources possible. Regulating formula business would narrow the opportunity for competition.
- The mix of businesses will right itself based on sales results and consumers will vote with their dollars as to which stores they want to stay and which they want to go.
- It is important to provide diversity for both the residents and the tourists as both are important to maintaining the economic sustainability of Banff.
- If goods and services are not available in Banff, consumers will go to other places to shop and make additional purchases, which result in more lost dollars to the community.
- Formula based businesses often provide better employment opportunities with better wages and benefit opportunities, which in turn boost the economy.
- If Bylaw 314 were to pass there would be no motivation for the owners of Cascade Plaza to proceed with a proposed capital reinvestment project. The limiting of retail opportunities would mean a diminished pool of tenants and a lower return on investment.

3.10 Doug Hamel

Mr. Hamel, a Banff resident, spoke neither for nor against the proposed bylaw, but would like council to consider what it is the tourist wants as a balance between chain and independent stores. Mr. Hamel provided the following comments:

- Visitors are happy with the balance of chain and independent stores as it currently exists.
- There has been no economic recovery since 2008.
- There is value in uniqueness.

3.11 Brett Oland

Mr. Oland, representing the Peter and Catherine Whyte Foundation, spoke to a written submission, against the proposed bylaw, which is attached to these minutes. Mr. Oland provided the following comments:

- Bylaw 314 is eliminating competition, reducing the landlord's choice and opposes free market economics.
- Businesses are fighting to get roots in Banff.
- Suggesting that local independent businesses cannot compete with formula businesses is selling them short.

3.12 Tommy Soukas

Mr. Soukas, a Banff resident and independent business owner, spoke against the proposed bylaw. Mr. Soukas provided the following comments:

- Franchises come and go - the free market dictates what Banff needs.
- Independent businesses are able to compete with franchises. He has not seen any local businesses closed because a franchise opened in Banff.

3.13 Christie Saunders

Ms. Saunders, a commercial banker in Banff but representing herself, spoke against the proposed bylaw. Ms. Saunders provided the following comments:

- The attitude of business owners and their ability to adapt to change are pillars for business success.
- Bylaw 314 will restrict the ability of the town to be able to adapt to changes in the market.
- The market will decide what is right for market and it is not for government to decide.

3.14 Cynthia Anderson

Ms. Anderson, a Banff resident, spoke neither for nor against the proposed bylaw, but would like council to consider creating an even playing field for all types of businesses to be successful. Ms. Anderson provided the following comments:

- Formula businesses with more money and resources will eventually take out small businesses.
- It is a privilege to do business in the national park and the community needs to protect the opportunity to do business in the park for all types of businesses.
- All businesses need to work together to create an experience for tourists.
- Restricting formula business is not necessarily going to help the businesses community.

3.15 Gerald Walsh

Mr. Walsh, a Banff formula business owner, spoke neither for nor against the proposed bylaw but would like council to consider how formula businesses can be a part of and support the community. Mr. Walsh provided the following comments:

- His chain store contributes to the local economy and community through the support of many local charities and the food bank.
- His chain store brought vibrancy to the area in which he is located.
- His chain store provides jobs that pay well over minimum wage.
- His chain store is a locally owned, family run business.

3.16 Jamie Kliensteuber

Mr. Kliensteuber, a Cochrane resident, spoke neither for nor against the proposed bylaw. Mr. Kliensteuber provided the following comments:

- Some chain stores add value to a community and some threaten boutique retailers.
- Communities need to value entrepreneurs and give them a chance to succeed.
- Council needs to identify which businesses it is trying to protect.

3.17 Phil Garber

Mr. Garber, a Banff independent business owner, spoke to a written submission against the proposed bylaw, include with these minutes. Mr. Garber provided the following comments:

- There is natural fluctuation in the market and retailers come and go.
- Formula businesses do not always succeed.
- There does not seem to be a current threat that formula businesses are taking over the market.
- Some business sectors are better served by formula based businesses.
- Formula businesses are not a necessary evil, but are a normal part of a commercial mix.
- Bylaw 314 is rigid and does not take market fluctuation into consideration.
- If there is recovery, the bylaw does not allow any formula based businesses to take part in that recovery.
- The bylaw will hurt landlords who will have to limit offers from prospective tenants.
- The free market is self-regulating.
- Bylaw 314 is devised to combat a problem that does not clearly exist.
- Bylaw 314 limits local residents who may want to engage in formula businesses themselves.

3.18 Joanna Karlos

Ms. Karlos, a Banff resident, independent business owner and commercial landlord, spoke against the proposed bylaw. Ms. Karlos provided the following comment:

- Businesses should concentrate on what they do best and do their best.

3.19 Lee Novak

Ms. Novak, a Banff independent business owner, spoke to a written submission against the proposed bylaw, included with these minutes. Ms. Novak provided the following comments:

- Value needs to be given to the managers of chain store businesses as they are members of the community.
- Business owners need to be confident in their own businesses. If visitors don't want chain stores they won't shop in them.

The Mayor called again for speakers.

The Mayor asked if there was anyone wishing to speak again.

The following speakers spoke for a second time:

Paul Kalra

Mr. Kalra believes it is important that council consider how Banff can fill any gaps in the economy that have resulted from a drop in visitors.

Susanne Gillies-Smith

Ms. Gillies-Smith reiterated that she feels a balance of businesses is important. She believes that council should figure out what makes Banff unique and use that as guide for everyone to follow.

Cynthia Anderson

Ms. Anderson believes that small business owners are worried about formula businesses because the formula businesses have the financial backing that small business do not have and can survive during trying economic times. She reiterated that a mix of retail is important to the character of Banff and that the people who do business in Banff should understand what it means to do business in a national park.

Howard Kozloff

Mr. Kozloff commented that shopping malls essentially use a quota system and this is possible because malls most often have a single owner. He suggested that council consider themselves as the single owners of downtown Banff when considering which direction to go.

4.0 PUBLIC SUBMISSIONS - WRITTEN

The Mayor asked that all written submissions be brought forward. Written submissions not included in the agenda package were distributed to council.

The Municipal Clerk noted that the following written submissions were received:

- 4.1 Brett Oland – Peter and Catharine Whyte Foundation
- 4.2 Vann Struth Consulting Group Inc.- Banff Lake Louise Hotel Motel Association
- 4.3 Mark A. Bowes
- 4.4 Cam Baty – Rocky Mountain Soap Company
- 4.5 Vyetta Sunderland – Matrix Real Estate Services Ltd.
- 4.6 John Padgett and Phil Garber – Henry’s Electric Service
- 4.7 Jonathon Welsh – Discover Banff Tours Ltd.
- 4.8 Dennis Shuler
- 4.9 Lee Novak – Boulder Menswear
- 4.10 Eric Harvie
- 4.11 Gordon Lozeman – Banff Caribou Properties
- 4.12 Ossi Treutler Sr. and Ossi Treutler Jr.
- 4.13 Don Kendal, Glacier Holdings
- 4.14 Carol and Peter Tracey
- 4.15 Peter Monod
- 4.16 Small Business Association of Banff
- 4.17 Charlene Quantz-Wold
- 4.18 Peter. J. Poole – Arctos and Bird Management

The written submissions were received as information and are attached to the minutes of this meeting.

5.0 COUNCIL QUESTION PERIOD

Council asked administration and members of the gallery questions for clarity.

6.0 ADJOURNMENT

The Mayor called for a third and final time for speakers and asked that all written submission be brought forward.

Hearing no speakers, Mayor Sorensen declared the public hearing closed.

Council directed administration to add Bylaw 314 to the agenda for the February 25, 2013 regular meeting of council for council's further consideration.

COU13-27 Moved by Councillor Karlos that the Public Hearing for Bylaw 314: Banff Land Use Bylaw Amendment – Land Use Bylaw Review Phase 2(b); Formula Business be adjourned at 5:48 p.m.

Karen Sorensen
Mayor

Tara Johnston-Lee
Municipal Clerk

*****Please note that the attachments to these minutes can be found on Banff.ca.

Local economy: our economic goals

We want a community that is self-sufficient, provides quality jobs, a comfortable standard of living and a stable investment environment. Tourism is the major economic driver in Banff. To flourish, we must set goals that create unforgettable visitor experiences, and provide the infrastructure to support this.

Visitor experience goals

- Create memorable national park experiences.
- Showcase Banff as a leader in environmental practices and hospitality

Visitor experience objectives

- Encourage year-round tourism and related economic activities directed and supported by Banff's Vision, Banff Lake Louise Tourism, Parks Canada and the Banff Heritage Tourism Strategy.
- Identify a shared visitor experience vision for Banff.
- Respond to the feedback, perceptions and recommendations of our visitors.
- Facilitate and manage special event programming that supports the Banff Vision.
- Promote Banff's unique mountain community.
- Provide programs and support to heighten the quality of service in Banff.

Indicators:

- Number of events that are appropriate to and support national park visitor objectives
- Number of visitors who say a visit to Banff exceeded their expectations
- Number of visitors who say they will recommend a visit to Banff to others
- Number of visitors who learned something about Banff, its heritage and surrounding environment

Infrastructure funding goal

- Provide infrastructure that meets the future needs of residents and visitors.

Infrastructure funding objectives

- Increase other government's knowledge about the Town's growing infrastructure deficit.
- Introduce initiatives to reduce the demands for infrastructure expansion.
- Use life-cycle assessments when introducing new community infrastructure.
- Appropriately fund the infrastructure replacement reserves.

Indicators:

- Infrastructure spending on new construction
- Infrastructure spending on redevelopment
- Capital reserve balance
- Infrastructure deficit

Commercial development goals

- Banff will remain competitive with other worldwide visitor destinations.
- Provide an appropriate mix of commercial services that meet the long-term needs of visitors and residents.
- Ensure commercial development reflects and respects the Town's role as a visitor centre as well as the values of the national park.
- Commercial development will occur within the legislated commercial growth cap.

Commercial development objectives

- Establish commercial land use policies and development regulations to ensure Banff will continue to prosper.
- Work with partners to undertake a long range economic development strategy for the town of Banff.
- Maintain a growth management strategy for commercial development that provides for a maximum annual growth rate of 1.5 per cent.
- Seek opportunities to enhance the overall retail offering to ensure a balance of essential services for both visitors and residents.
- Encourage capital reinvestment in existing commercial space.
- Monitor and respond to the mix of chain and independent retailers and restaurants to preserve community character and ensure an appropriate balance is maintained.
- Work toward economic diversification through commercial land use that is appropriate in a national park.
- Work with partners to undertake a joint commercial strategy for the Bow Valley that supplies amenities required by residents and visitors.
- Work with partners to undertake a comprehensive retail strategy to better respond to current market orientation and future demands.

Indicators:

- Number of visitors
- Average length of stay
- Hotel occupancy rates
- Spending by overnight visitors
- Number of residents who say there are an appropriate range of services available in the Banff townsite and Bow Valley
- Number of visitors who say there are an appropriate range of services available in the Banff townsite
- Employment by industry
- The proportion of independent to chain retailers
- Number of business licenses
- Building permit values
- The square footage of commercial redevelopment
- The square footage of new commercial construction

Town revenue goals

- Diversify Town of Banff revenue streams, so the municipality is not solely reliant on property taxes.

Town revenue objectives

- Invest in Banff's facilities/infrastructure to support its position as a world-class destination, and in turn, increase municipal revenue.
- Identify and pursue alternate revenue options for the Town.
- Use the 2005 Banff Economic Impact Study as a means to educate provincial and federal government about the Town's economic impact.
- Ensure that appropriate expenditures toward new public infrastructure are allocated to the user of the facilities or services.
- Promote opportunities to diversify the tourism product, providing more balance and stability within the local economy.

Indicators:

- Capital reserve transfers as a percentage of annual municipal tax levy
- Infrastructure deficit level
- Percentage of available debt capacity
- Ratio between capital grant revenue and annual municipal capital transfers



APPROVED BOARD MEETING MINUTES

Time/Date: 1:00 pm 19th December 2012
Location: Town of Canmore Council Chambers

In Attendance:	Chairperson Director Director Director Director Alternate Director	Hans Helder Dene Cooper Brian Standish Chip Olver Paul Ryan Vi Sandford
BVWMC:	Chief Administrator Recording Secretary Towards Zero Waste	Darcy Edison Andrew Calder Peter Duck
Other:	Sara Cohen	Bookkeeper
Administration:	Town of Canmore Town of Banff Town of Banff MD of Bighorn	Andreas Comeau Paul Godfrey Ken Crerar Bill Luka
Regrets:	Dave Whitfield	Alberta Environment

1. Call to Order

Chair called meeting to order at 1:00 pm.

2. Additions to Agenda

Under 9. In Camera a) Management letter from financial auditors Enns and Company – Darcy Edison

MOTION BVW1212-001

Director Vi Sandford moved to approve the 19th December 2012 Agenda as amended.

CARRIED UNANIMOUSLY

3. Adoption of Minutes

MOTION BVW1212-002

Director Dene Cooper moved that the Commission approve the 20th November 2012 ERTS Board meeting minutes as presented

CARRIED UNANIMOUSLY

MOTION BVW1212-003

Director Brian Standish moved that the Commission approve the 28th November 2012 Board meeting minutes as presented

CARRIED UNANIMOUSLY

4. Chair's Comments

Chair Hans Helder reflected on the past year at the Commission, highlighting the resolution of insurance claim, implementation of new litter control program and progress with planning a new East Regional Transfer Station as important milestones. Thanks were given to previous Chair Dene Cooper, CAO Darcy Edison and administration.

5. Business Arising from the Minutes

a) Motion Vote Recording

July 2012 minutes are to be resubmitted to Board for approval at next Board meeting.

Discussion took place around policy/procedure for recoding of votes in favour/against motions.

MOTION BVW1212-004

Director Chip Olver moved to direct administration to provide background on vote recording

CARRIED UNANIMOUSLY

6. New Business

a) East Regional Transfer Station Steering Committee Update – Hans Helder

Administration and the Town of Canmore have been working to plan the RFP for Project Manager, which has now been issued, and will be closed in the first week of January 2013. Andy Esarte of the Town of Canmore gave a presentation detailing different strategies for managing design, build and operate projects. A design build process is recommended as most suitable for the ERTS project.

b) November Financials – Sara Cohen

One month from year end and revenue is slightly over budget. CAO was questioned why Recycled Asphalt Product sales were significantly lower than budgeted. CAO confirmed that demand was erratic, and confirmed that no RAP sales were lost by reserving material exclusively for any single contractor. Board make the point that higher tipping fees for rock waste mask reduced revenue in several other budget lines. CAO stated that he wants to diversify revenues further.

Salaries and wages will come in very close to budget after bonus payments are posted in December. Account receivables are around \$155 000, with most of the over 90 day account from the remaining clean up of insurance claim.

Tipping fees remain around 2006 levels. CAO states that business has remained steady into December and thinks it will continue into 2013.

MOTION BVW1212-005

Director Dene Cooper moved to accept the financial update as information

CARRIED UNANIMOUSLY

c) East Regional Transfer Station Lease Update – Andreas Comeau

Having met with Alberta Environment, the Town of Canmore have now received correspondence back with conditional agreement to the lease boundary, and expect the process to now be expedited formally. With the RFP for Project Manager in place to close January, the Town of Canmore are confident that the project is on time for a spring start to building.

d) Waste Characterisation Study – Peter Duck

Peter Duck presented his staff report for information, stating that the level of Commission involvement in any study is still to be decided. Discussion took place over the cost and how this cost would be shared. Paul Ryan pointed out that SAEWA will be completing waste characterisation studies over their whole footprint so it may make sense to wait. Member administrations agree that a local study would give them valuable information specifically related to the Bow Valley's unique MSW stream, useful to evaluate the effectiveness of recycling programs implemented to date, and inform strategy for future programs. Member administrations agree that while members could arrange and fund a waste characterisation independent of the Commission, this is exactly the kind of project where the Commission should be involved.

MOTION BVW1212-006

Director Chip Olver moved that the Commission approve administration to proceed with obtaining an updated Municipal Solid Waste characterisation study, with member municipalities involved on a cost shared funding formula involving Alberta Innovates

CARRIED UNANIMOUSLY

MOTION BVW1212-007

Director Paul Ryan moved that administration research funding options for the waste characterisation study and report back to Board at the next Board meeting

CARRIED UNANIMOUSLY

e) SAEWA Update – Paul Ryan

SAEWA's 2013 budget and newsletter has been circulated to Directors. Next step for SAEWA is to visit individual member communities to explain the process from here. Chair commented that it was encouraging to see the project progress on a formal, structured basis.

f) Member Municipality Updates

MD of Bighorn – amendments to bylaws are underway which will permit energy from waste to be sited at Francis Cooke Landfill.

Town of Banff – commented on the excellent ridership on the ROAM transit Canmore Banff service so far.

Town of Canmore – 2013 budget including ERTS costs now approved.

Director Paul Ryan noted that the CAO evaluation is scheduled for the first few weeks of 2013.

7. Questions of Administration

None

8. Correspondence

None

9. In Camera

Administration leave meeting

MOTION BVW1212-008

Director Paul Ryan moved to go in camera

CARRIED UNANIMOUSLY

MOTION BVW1212-009

Director Chip Olver moved to come out of camera

CARRIED UNANIMOUSLY

MOTION BVW1212-010

Director Dene Cooper moved that the CAO and Director Paul Ryan undertake development of terms of reference for an audit committee and report back at the next Board meeting

CARRIED UNANIMOUSLY

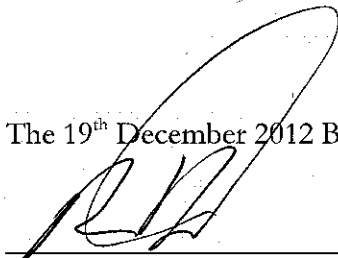
MOTION BVW1212-011

Director Chip Olver moved to adjourn the meeting

CARRIED UNANIMOUSLY

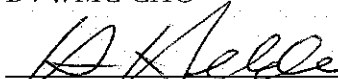
Meeting is adjourned at 3:20 pm.

The 19th December 2012 Board Meeting minutes have been adopted as presented on:



BVWMC CAO

21st JANUARY 2013
Date



BVWMC Chairperson

Jan 21, 2013
Date

MINUTES OF THE DEVELOPMENT APPEAL BOARD
of the Town of Banff in the Province of Alberta
Town Hall Jim Bennett Room
Thursday, January 24, 2013 at 9:00 am

BOARD MEMBERS PRESENT

Stavros Karlos	Council Representative
Mark Merchant	Minister of the Environment Representative
Dak Kerr	Public Representative (Vice Chair)
Leslie Taylor	Council Representative
Lara Seward-Guenette	Minister of the Environment Representative

BOARD MEMBERS ABSENT

Ted Christensen	Public Representative
Barbara McNeil	Public Representative (Chair)

ADMINISTRATION PRESENT

Randall McKay	Secretary to the Development Board
Keith Batstone	Planner
Kerry MacInnis	Administrative Assistant (Recording Secretary)

1.0 CALL TO ORDER

The Vice Chair to the Development Appeal Board called the regular meeting of the January 24, 2013 Development Appeal Board to order at 9:02 a.m

2.0 APPROVAL OF AGENDA

DAB13-1 Moved by Taylor to approve the January 24, 2013 Development Appeal Board agenda as presented. **CARRIED**

3.0 ADOPTION OF PREVIOUS MEETING MINUTES

DAB13-2 Moved by Merchant to approve the minutes of the December 20, 2012 meeting of the Development Appeal Board as presented. **CARRIED**

4.0 APPEALS4.1. Appeal #09-12

The Secretary addressed the board regarding appeal #09-12 and requested a postponement to hear this appeal until February 28, 2013 as the appellant is unavailable to attend.

DAB13-3 Moved by Karlos to postpone the Development Appeal Board hearing of Appeal #09-12 until February 28, 2013. **CARRIED**

5.0 CORRESPONDENCE

No correspondence was received.

6.0 NEW BUSINESS

No new business was considered.

7.0 INQUIRIES

There were no inquiries.

8.0 ADJOURNMENT

The next regularly scheduled meeting of the Development Appeal Board will be held on Thursday, February 7, 2012 at 9:00 a.m.

DAB13-4 Moved by Taylor to adjourn the meeting at 9:12 a.m.

CARRIED

Dak Kerr
Vice Chair

Kerry MacInnis
Recording Secretary

BRIEFING

Subject: Changes to the Local Authorities Election Act



Presented to: Council

Date: March 11, 2013

Submitted by: Tara Johnston-Lee, Municipal Clerk

Agenda #: 8.1

This report is submitted for Council's information.

BACKGROUND

Reason for Report

The 2013 municipal election in Alberta takes place on October 21, 2013. The purpose of this report is to provide council with a summary of recent substantive changes the Local Authorities Election Act (LAEA).

Summary of Issue

Municipal Affairs led a review of the Local Authorities Election Act (LAEA) which resulted in a number of amendments to the LAEA that were included in Bill 7 - the Election Accountability Amendment Act. Bill 7 is a combination of amendments to both the Election Act (provincial) and the Local Authorities Election Act (municipal). This Bill was proclaimed on December 10, 2012.

The most significant changes to legislation are as follows:

General Term of Office

The term of office for local authorities (municipal councillors and school board trustees) will change to four years. Candidates running in the October 2013 election are running for a four year term.

Proof of Elector Eligibility

Voter identification will be required for local authority elections where a list of electors is not prepared. This identification requirement sets a uniform standard of one piece of picture identification or one piece of identification authorized by the Chief Electoral Officer under the Election Act that establishes the electors name and current address. Municipalities may also pass a bylaw no later than six months prior to nomination day which provides the opportunity to supplement the number and types of identification required to allow a person to vote.

Ineligibility

Municipal candidates will not be eligible for nomination if they have not met the campaign reporting requirements from a previous election campaign. This will apply to all campaign periods beginning on or after January 1, 2014. This will not apply to campaign reporting for the 2013 general election.

Nominations

Returning officers will be required to refuse a candidate's nomination form if it has not been signed by the required number of eligible electors. This change came into force on December 10, 2012.

Registration of Candidates

Potential municipal candidates will be required to register with the municipality before they accept any campaign contributions prior to nomination day. Potential candidates will be able to register at any time, and the form of the registration process will be at the discretion of the each local authority. This change will not apply for the 2013 general election.

Campaign Disclosure Statements

Municipal candidates will be required to donate all surplus municipal campaign funds including amounts of \$500 or less, to a charity or the municipality if they do not run in the next general election. Compliance with this requirement is due within 6 months after the date of the next general election.

Campaign Disclosure Statements

Municipal candidates will be required to clear campaign deficits if they are not running in the next general election. Compliance with this requirement is due within 6 months after the date of the next general election.

Bill 7 also contains a number of technical amendments to the LAEA that clarify intent and ensure consistency with the Election Act and the Election Finances and Contributions Disclosure Act.

A summary of those changes include:

- An official agent is no longer required to take an oath.
- A person who is an employee of a municipality or school district who wishes to be nominated as a candidate for an election to be held for that respective municipality or school board is entitled to take a leave of absence without pay.
- An objection may only be made at the time the person makes a statement.
- The official agent information must be included on the nomination form and requires the candidate to notify the returning officer if a new agent is appointed.
- The designated place or places at the voting station must allow the candidate, official agent or scrutineer to observe a person making a statement.
- A recount can be made for one or more voting stations.
- A candidate is allowed to open a campaign account at a financial institution in their own name.
- The meaning of a registered charity has been updated.

IMPLICATIONS

Preparation for the 2013 election is underway. Administration will return with a report and recommendations for various decisions Council can make with regard to the municipal election.

Administration is also in the process of compiling an information handbook for any prospective municipal candidate's assistance regarding the general election procedures and important election legislation.

ATTACHMENTS

Appendix A – Summary of Changes to the *Local Authorities Election Act*

Appendix B – Authorized Elector Identification under the *Election Act*

Submitted By:

Tara Johnston-Lee, Municipal Clerk

Reviewed By:

Kelly Gibson, Manager of Corporate Services

Reviewed By:

Robert Earl, Town Manager

Appendix 'A' - Summary of Changes to the Local Authorities Election Act

CURRENT PROVISION	AMENDED PROVISION	Comments
<p>General term of office 10(1) The members of an elected authority elected at a general election hold office for a term of 3 years and a general election shall be held every 3rd year commencing with the year 1983.</p>	<p>General term of office 10(1) Commencing with the year 2013, (a) the members of an elected authority elected at a general election hold office for a term of 4 years, and (b) a general election shall be held every 4th year.</p>	<p>SUBSTANTIVE CHANGE This will change terms from 3 years to 4 years. Candidates running in the October 2013 election are running for a four year term.</p>
<p>Ineligibility 22(1) A person is not eligible to be nominated as a candidate in any election under this Act if on nomination day (a) the person is the auditor of the local jurisdiction for which the election is to be held; (b) the person is an employee of the local jurisdiction for which the election is to be held unless the person is on a leave of absence granted under this section;</p>	<p>Ineligibility 22(1) A person is not eligible to be nominated as a candidate in any election under this Act if on nomination day (a) the person is the auditor of the local jurisdiction for which the election is to be held; (b) the person is an employee of the local jurisdiction for which the election is to be held unless the person is on a leave of absence granted takes a leave of absence under this section;</p>	<p>MINOR CHANGE Employee leaves of absence must be granted so this eliminates the requirement of having council grant the leave.</p>
<p>22(1.1) A person is not eligible to be nominated as a candidate for election as a trustee of a school board if on nomination day the person is employed by (a) a school district (b) a charter school, or (c) a private school, in Alberta unless the person is on a leave of absence granted under this section.</p>	<p>22(1.1) A person is not eligible to be nominated as a candidate for election as a trustee of a school board if on nomination day the person is employed by (d) a school district (e) a charter school, or (f) a private school, in Alberta unless the person is on a leave of absence granted takes a leave of absence under this section.</p>	<p>Same as above.</p>

Appendix 'A' - Summary of Changes to the Local Authorities Election Act

<p>NEW</p>	<p>22(1.2) A person is not eligible to be nominated as a candidate for election as a councillor if:</p> <ul style="list-style-type: none"> (a) the secretary transmitted a report to council under section 147.8(1) in respect of the person. (b) The Court did not dispense with, or extend the time for, compliance with sections 147.4 by an order under section 147.8(3), and (c) subject to subsection (1)(d.1), nomination day for the election occurs within <ul style="list-style-type: none"> i. the 8-year period following the day on which the secretary transmitted the report to council, or ii. where the disclosure statement required by section 147.4 has been filed with the municipality, the 3-year period following the day of filing, whichever period expires first. <p>(1.3) Subsection (1.2) applies where a report has been transmitted under section 147.8(1) respecting a campaign period beginning on or after January 1, 2014.</p>	<p>SUBSTANTIVE CHANGE</p> <p>This change will apply to all campaign periods beginning on or after January 1, 2014. The change will not apply to campaign reporting for the 2013 general election.</p> <p>This is a new ground for ineligibility. Any candidate who failed to file a disclosure statement under section 147.4 under Part 5.1, in the previous election is ineligible to be nominated.</p>
<p>22 (5) An employee of a municipality who wishes to be nominated as a candidate in an election to be held for that municipality may apply to the council for a leave of absence without pay on or after July 1 in the year of a general election or on or after the day the council passes a resolution to hold a by-election but before the employee's last working day prior to nomination day.</p>	<p>22 5) An employee of a municipality who wishes to be nominated as a candidate in an election to be held for that municipality may apply to the council for a leave of absence without pay notify his or her employer on or after July 1 in the year of a general election or on or after the day the council passes a resolution to hold a by-election but before the employee's last working day prior to nomination day that the employee is taking a</p>	<p>MINOR CHANGE</p>

Appendix 'A' - Summary of Changes to the Local Authorities Election Act

<p>(5.1) An employee referred to in subsection (1.1) who wishes to be nominated as a candidate for election as a trustee of a school board may apply to his or her employer for a leave of absence without pay on or after July 1 in the year of an election but before the employee's last working day prior to nomination day.</p> <p>(6) Notwithstanding any bylaw, resolution or agreement of a municipality, the council shall grant every application it receives under this section.</p> <p>(6.1) A school district or division, a charter school or a private school shall grant every application it receives under subsection (5.1).</p> <p>(7) An employee who has been granted a leave of absence is subject to the same conditions that apply to taking a leave of absence without pay for any other purpose.</p> <p>(8) If an employee who has been granted a leave of absence is not elected, the employee may return to work, in the position the employee had before the leave commenced, on the 5th day after election day or, if the 5th day is not a working day, on the first working day after the 5th day.</p> <p>(9) If an employee who has been granted a leave of absence is declared elected, the employee is deemed to have resigned that position as an employee the day the employee takes the official oath of office as an elected official.</p> <p>(10) If an employee who has been granted a leave of absence is declared elected but, after a recount under Part 4, is declared not to be elected, the employee may return to work on the first working day after the declaration is made, and</p>	<p>leave of absence without pay under this section.</p> <p>(5.1) An employee referred to in subsection (1.1) who wishes to be nominated as a candidate for election as a trustee of a school board may apply to his or her employer for a leave of absence without pay notify his or her employer on or after July 1 in the year of an election but before the employee's last working day prior to nomination day that the employee is taking a leave of absence without pay under this section.</p> <p>(6) Notwithstanding any bylaw, resolution or agreement if a local jurisdiction, every employee who notifies, his or her employer under subsection (5) or (5.1) is entitled to a leave of absence without pay.</p> <p>(6.1) Repealed</p> <p>(7) An employee who has been granted a leave of absence takes a leave of absence under this section is subject to the same conditions that apply to taking a leave of absence without pay for any other purpose.</p> <p>(8) If an employee who has been granted a leave of absence takes a leave of absence under this section is not elected, the employee may return to work, in the position the employee had before the leave commenced, on the 5th day after election day or, if the 5th day is not a working day, on the first working day after the 5th day.</p> <p>(9) If an employee who has been granted</p>	
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Appendix 'A' - Summary of Changes to the Local Authorities Election Act

<p>subsections (7) and (8) apply.</p> <p>(11) Subject to subsection (12), an employee who has been granted a leave of absence and is declared elected continues to be deemed to have resigned that position as an employee if the employee subsequently forfeits the elected office or if the employee's election is adjudged invalid.</p>	<p>a leave of absence takes a leave of absence under this section is declared elected, the employee is deemed to have resigned that position as an employee the day the employee takes the official oath of office as an elected official.</p> <p>(10) If an employee who has been granted a leave of absence takes a leave of absence under this section is declared elected but, after a recount under Part 4, is declared not to be elected, the employee may return to work on the first working day after the declaration is made, and subsections (7) and (8) apply.</p> <p>(11) Subject to subsection (12), an employee who has been granted a leave of absence takes a leave of absence under this section and is declared elected continues to be deemed to have resigned that position as an employee if the employee subsequently forfeits the elected office or if the employee's election is adjudged invalid.</p>	
<p>NEW</p>	<p>Nominations</p> <p>28(1) The returning officer shall receive nominations at the local jurisdiction office between 10 a.m. and 12 noon on nomination day.</p> <p>...</p> <p>(3.01) If a nomination is not signed by at least the minimum number of electors required to sign the nomination, the returning officer shall not accept it for filing.</p>	<p>SUBSTANTIVE CHANGE</p> <p>This gives the Returning Officer the power to decline nomination papers if they do contain enough signatures to support the nomination.</p>

Appendix 'A' - Summary of Changes to the Local Authorities Election Act

NEW		
<p>Proof of elector eligibility</p> <p>53(1) Every person who attends at a voting station for the purpose of voting must be permitted to vote</p> <p>(a) if the person's name appears on the list of electors, if any, or</p> <p>(b) if the person makes a statement in the presence of an officer at the voting station, in the prescribed form, that the person is eligible to vote as an elector.</p> <p>(2) Despite subsection (1), if a bylaw has been passed by the elected authority under subsection (3), a person who attends at a voting station for the purpose of voting must be permitted to vote if the requirements of subsection (1) are met and the person produces for inspection the number and types of identification required by the bylaw.</p> <p>(3) An elected authority may, by a bylaw passed no later than 6 months prior to nomination day of a year in which an election is to be held, provide for the number and types of identification that are required to be produced by a person to verify the person's identity and age for the purpose of determining whether the person is eligible to vote.</p> <p>(4) An elected authority may, by a bylaw passed no later than 6 months prior to nomination day of a year in which an election is to be held, provide for the number and types of identification that are required to be produced by a person who wishes to vote by a special</p>	<p>Proof of elector eligibility</p> <p>53(1) Every person who attends at a voting station for the purpose of voting must be permitted to vote</p> <p>(a) if the person's name appears on the list of electors, if any, or</p> <p>(b) if the person makes a statement in the presence of an officer at the voting station, in the prescribed form, that the person is eligible to vote as an elector and produces for inspection the following proof of his or her identity and current residence:</p> <p>i. one piece of identification issued by a Canadian government whether federal, provincial, local, or an agency of that government, that contains a photograph of the elector and current address, or</p> <p>ii. one piece of identification authorized by the Chief Electoral Officer under the <i>Election Act</i> for the purposes of section 95(1)(a)(ii) of that Act that establishes the elector's name and current address.</p> <p>(2) Notwithstanding subsection (1), if there is a list of electors, a person may instead prove his or her identity and current residence by making a statement in the presence of an officer at the voting station, in the prescribed form, if he or she is accompanied by another person whose name appears on the same list of electors for the same voting station at which that other person is entitled to vote and that other person.</p>	<p>SUBSTANTIVE CHANGE</p> <ul style="list-style-type: none"> Removes the municipalities' power to pass an identification bylaw Prescribes photo identification or a single piece of identification from the provincial Chief Electoral Officer's prescribed list Changes criteria from AGE and IDENTITY to CURRENT ADDRESS and IDENTITY <p>This is may be disenfranchising to older people, or people who have just moved. Eligible voters may be prohibited from voting because they do not have the prescribed identification.</p> <p>Large change for people who are accustomed to the Town's identification requirements.</p> <p>A voters list could eliminate some of the problems, but they are costly to prepare and update.</p> <p>Communication strategy needs to be considered.</p>

Appendix 'A' - Summary of Changes to the Local Authorities Election Act

<p>ballot to verify the person's identity and age for the purpose of determining whether the person is eligible to vote.</p> <p>(5) When an elected authority intends to pass a bylaw under subsection (3) or (4) it must</p> <ul style="list-style-type: none"> a. advertise the proposed bylaw in accordance with section 53.1, and b. include in the notice of election day under section 35 the proposed number and types of identification to be required. <p>(6) A person who attends a voting station for the purpose of voting may not vote</p> <ul style="list-style-type: none"> (a) if the requirements of subsection (1) are not met, and (b) if the elected authority has passed a bylaw under subsection (3) and the requirements of subsection are not met. <p>RSA 2000 cL-21 s53;2006 c22 s27</p> <p>Advertising a section 53 bylaw</p> <p>53.1(1) Notice of a bylaw to be passed under section 53 must</p> <ul style="list-style-type: none"> a. be published at least once a week for 2 consecutive weeks in at least one newspaper or other publication circulating in the area to which the proposed bylaw relates, or 	<ul style="list-style-type: none"> (a) Produces for inspection a piece of identification referred to in subsection (1)(b), and (b) Vouches for him or her by making a statement in the presence of an officer at the voting station in the prescribed form. <p>(3) Notwithstanding any bylaw of an elected authority, for the purposes of subsection (1)(b) or 2(a), an officer at a voting station may only accept identification referred to in subsection (1)(b).</p> <p>(4) A scrutineer may not vouch for a person under subsection (2).</p> <p>(5) A person who attends a voting station for the purpose of voting may not vote unless the requirements of subsection (1) or (2) are met.</p>	
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Appendix 'A' - Summary of Changes to the Local Authorities Election Act

<p>b. be mailed or delivered to every residence in the area to which the proposed bylaw relates.</p> <p>(2) A notice under subsection (1) must be advertised before second reading of the proposed bylaw.</p> <p>(3) A notice under subsection (1) must contain</p> <p>(a) a statement of the general purpose of the proposed bylaw and the proposed requirements for the number and types of identification that must be produced to verify elector identity and age,</p> <p>(b) the address where a copy of the proposed bylaw may be inspected, and</p> <p>(c) an outline of the procedure to be followed by anyone wishing to file a petition in respect of the proposed bylaw, as provided for in the <i>Municipal Government Act</i></p> <p>(4) A certificate of a designated officer as defined in the <i>Municipal Government Act</i> certifying that something has been advertised in accordance with this section is proof, in the absence of evidence to the contrary, of the matters set out in the certificate.</p> <p>(5) The certificate is admissible in evidence without proof of the appointment or signature of the person who signed the certificate.</p>		
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Appendix 'A' - Summary of Changes to the Local Authorities Election Act

	<p>Person objected to</p> <p>54(1) If a candidate or the candidate's official agent or scrutineer objects to a person who makes a statement, a deputy shall note in the voting register the reason for the objection and the name of the candidate or official agent or scrutineer making the objection and shall initial the objection.</p> <p>(1.1) A candidate, official agent or scrutineer may only make an objection under subsection (1) at the time the person makes the statement under section 53(1)(b) or (2), 77 or 78.</p> <p>(2) If a returning officer on reasonable and probable grounds believes that a person is not eligible to be an elector, the returning officer must note in the voting register the reason for the belief and initial it.</p>	<p>SUBSTANTIVE CHANGE</p> <p>See also section 69</p> <p>Requires scrutineers, agents and candidates to all be seated very close to the place where individuals are completing their statements of elector eligibility and make objections before the statement is completed.</p> <p>This could be disruptive in the voting station. Voting station physical configuration to needs to be considered.</p>
<p>Official agent</p> <p>68.1(1) Each person nominated as a candidate may, when filing nomination papers, appoint an elector to be the person's official agent.</p> <p>(2) A person who has, within the previous 10 years, been convicted of an offence under this Act, the <i>Election Act</i> or the <i>Canada Elections Act</i> (Canada) is not eligible to be appointed as an official agent.</p> <p>(3) No candidate shall act as an official agent for any other candidate.</p> <p>(4) The duties of an official agent are those assigned to the official agent by the candidate.</p>	<p>Official agent</p> <p>68.1(1) Each person nominated as a candidate may, on the nomination form, appoint an elector to be the candidate's official agent.</p> <p>(1.1) If it becomes necessary to appoint a new official agent, the candidate shall immediately notify the returning officer in writing of the contact information of the new official agent.</p>	<p>SUBSTANTIVE CHANGE</p> <p>Allows candidates to change their official agent after nomination papers are filed.</p>

Appendix 'A' - Summary of Changes to the Local Authorities Election Act

<p>Candidate's scrutineer 69(1) If, at any time during voting hours, a person who is at least 18 years old presents to the presiding deputy a written notice, in a form acceptable to the returning officer, (a) signed by a candidate, and (b) stating that the person presenting the notice is to represent that candidate as the candidate's scrutineer at the voting station, the person presenting the notice shall be recognized by the presiding deputy as the scrutineer of the candidate. </p> <p>(5) The presiding deputy may designate the place or places at a voting station where a candidate, an official agent or a scrutineer of a candidate may observe the election procedure.</p>	<p>Candidate's scrutineer 69(1) If, at any time during voting hours, a person who is at least 18 years old presents to the presiding deputy a written notice, in a form acceptable to the returning officer, (a) signed by a candidate, and (b) stating that the person presenting the notice is to represent that candidate as the candidate's scrutineer at the voting station, the person presenting the notice shall be recognized by the presiding deputy as the scrutineer of the candidate. </p> <p>(5) The presiding deputy may designate the place or places at a voting station where a candidate, an official agent or a scrutineer of a candidate may observe the election procedure and in designating the places, the presiding deputy shall ensure that the candidate, official agent or scrutineer can observe any person making a statement under section 53(1)(b) or (2), 77 or 78.</p>	<p>See comments on section 54</p>
<p>Recount 98(1) The returning officer may make a recount if</p>	<p>Recount 98(1) The returning officer may make a recount of the votes cast at one or more polling stations if</p>	<p>SUBSTANTIVE CHANGE Gives the returning officer the power to order a recount of votes on a voting station basis.</p>
<p>NEW</p>	<p>Registration of candidates 147.21(1) No candidate may accept campaign contributions, including the funds of the candidate, unless the candidate is registered under this Act with the municipality in which the candidate intends to run.</p>	<p>SUBSTANTIVE CHANGE This is a new requirement that will require the Town to maintain a registry of individuals who have declared that they "intend" to run for office in the next election – along with their banking</p>

Appendix 'A' - Summary of Changes to the Local Authorities Election Act

	<p>(2) the municipality shall maintain a register of candidates in relation to each election and shall register in it any candidate who is eligible to be nominated at the time of registration and who files with the municipality an application for registration setting out</p> <ul style="list-style-type: none">(a) the full name and address of the candidate,(b) the address of the place or places where records of the candidate are maintained and of the place to which communications may be addressed,(c) the names and addresses of the financial institutions to be used by or on behalf of the candidates as depositories for campaign contributions made to that candidate, and(d) the names and the signing authorities for each depository referred to in clause (c). <p>(3) When there is any change in the information required to be provided under subsection (2), the registered candidate shall notify the municipality in writing within 48 hours after the change, and on receipt of the notice the municipality shall update the register of candidates accordingly.</p> <p>(4) Notice under subsection (3) may be sent by fax or electronic mail.</p> <p>(5) A candidate who contravenes subsection (1) or (3) is guilty of an offence and liable to a fine of not more than \$1000.</p>	<p>and other information.</p> <p>Privacy issues to consider.</p>
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Appendix 'A' - Summary of Changes to the Local Authorities Election Act

	<p>(6) This section does not apply to a candidate if the candidate's entire election campaign is funded exclusively out of the candidate's own funds up to a maximum of \$10 000.</p> <p>(7) This section applies to a campaign period beginning on or after January 1, 2014.</p>	
<p>Campaign disclosure statements 147.4(1) If a candidate's election campaign is funded exclusively from campaign contributions from any person, corporation, trade union or employee organization or is funded from a combination of money paid by the candidate out of the candidate's own funds and campaign contributions from any person, corporation, trade union or employee organization, then, on or before March 1 immediately following a general election or, in the case of a by-election, within 120 days after the by-election, a candidate shall file with the municipality a disclosure statement in the prescribed form, which must include</p> <p>(a) the total amount of all campaign contributions received during the campaign period that did not exceed \$100 in the aggregate from any single contributor,</p> <p>(b) the total amount contributed, together with the contributor's name and address, for each contributor whose contributions during the campaign period exceeded \$100 in the aggregate,</p>	<p>Campaign disclosure statements 147.4(1) If a candidate's election campaign is funded exclusively from campaign contributions from any person, corporation, trade union or employee organization or is funded from a combination of money paid by the candidate out of the candidate's own funds and campaign contributions from any person, corporation, trade union or employee organization, then, on or before March 1 immediately following a general election or, in the case of a by-election, within 120 days after the by-election, a candidate shall file with the municipality a disclosure statement in the prescribed form, which must include</p> <p>(a) the total amount of all campaign contributions received during the campaign period that did not exceed \$100 in the aggregate from any single contributor,</p> <p>(b) the total amount contributed, together with the contributor's name and address, for each contributor whose contributions during the campaign period exceeded \$100 in the aggregate,</p>	<p>SUBSTANTIVE CHANGE</p> <p>Candidates must declare surpluses that are worth less than \$500 – and even nominal amounts.</p> <p>The Town is required to maintain trust accounts for all of these amounts.</p>

Appendix 'A' - Summary of Changes to the Local Authorities Election Act

<p>(c) the total amount of money paid by the candidate out of the candidate's own funds,</p> <p>(d) the total amount of any campaign surplus exceeding \$500, including any surplus from previous campaigns, and</p> <p>(e) a financial statement setting out the total amount of revenue and expenses.</p>	<p>(c) the total amount of money paid by the candidate out of the candidate's own funds,</p> <p>(d) the total amount of any campaign surplus exceeding \$500, including any surplus from previous campaigns, and</p> <p>a financial statement setting out the total amount of revenue and expenses.</p>	
<p>NEW</p>	<p>147.4 (.1) If a candidate does not file nomination papers before the next general election, the candidate shall, within 6 months after the date of the next general election,</p> <p>(a) if there is a surplus, donate the amount of money disclosed under subsection (1)(d) to a registered charity within the meaning of subsection 248(1) of the <i>Income Tax Act</i> (Canada) or to the municipality where the candidate was declared elected in a previous general election, or</p> <p>(b) if there is a deficit eliminate the deficit.</p> <p>(1.2) A candidate who has a deficit referred to in subsection (1.1)(b) shall, within 30 days after the expiration of the 6-month period referred to in subsection (1.1), file an amended disclosure statement showing any campaign contributions accepted and any other funds received to eliminate the deficit</p>	<p>SUBSTANTIVE CHANGE</p> <p>Adds section of the Taxation statute relevant to determination of what is a charity.</p>

Appendix 'A' - Summary of Changes to the Local Authorities Election Act

<p>Campaign surplus</p> <p>147.5(1) On or before March 1 immediately following a general election or, in the case of a by-election, within 120 days after the by-election, if a candidate's disclosure statement shows a surplus exceeding \$500, the candidate shall pay the excess amount to the municipality.</p> <p>(2) The municipality shall hold any money received under subsection (1) in trust for the candidate at a financial institution.</p> <p>(3) If the candidate in respect of whom the money is held under subsection (2) files nomination papers to be a candidate in the next general election or in a by-election called before that time, the municipality shall pay the money and interest calculated at the rate prescribed by the Lieutenant Governor in Council to the candidate for use in that election.</p> <p>(4) If the candidate in respect of whom money is held in trust under subsection (2) does not file nomination papers before the next general election, the candidate shall, within 6 months of the date of the election, direct the municipality to donate the money and interest on that money calculated at the rate prescribed by the Lieutenant Governor in Council to a registered charitable organization as defined in the <i>Income Tax Act</i> (Canada).</p> <p>(5) If the municipality does not receive a direction under subsection (4), the money and interest on that money calculated at the rate</p>	<p>Campaign surplus</p> <p>147.5(1) On or before March 1 immediately following a general election or, in the case of a by-election, within 120 days after the by-election, if a candidate's disclosure statement shows a surplus exceeding \$500, the candidate shall pay the excess amount to the municipality.</p> <p>(2) The municipality shall hold any money received under subsection (1) in trust for the candidate at a financial institution.</p> <p>(3) If the candidate in respect of whom the money is held under subsection (2) files nomination papers to be a candidate in the next general election or in a by-election called before that time, the municipality shall pay the money and interest calculated at the rate prescribed by the Lieutenant Governor in Council to the candidate for use in that election.</p> <p>(4) If the candidate in respect of whom money is held in trust under subsection (2) does not file nomination papers before the next general election, the candidate shall, within 6 months of the date of the election, direct the municipality to donate the money and interest on that money calculated at the rate prescribed by the Lieutenant Governor in Council to a registered charitable organization as defined in registered charity within the meaning of subsection 248(1) of the <i>Income Tax Act</i> (Canada).</p>	<p>SUBSTANTIVE CHANGE</p> <p>Candidates must pay full value of reported campaign surpluses to the Town – even nominal amounts – and the Town must maintain accounts for candidates' funds and pay prescribe interest on them – regardless of actual interest earned.</p>

Appendix 'A' - Summary of Changes to the Local Authorities Election Act

<p>prescribed by the Lieutenant Governor in Council become the property of the municipality.</p>	<p>(5) If the municipality does not receive a direction under subsection (4), the money and interest on that money calculated at the rate prescribed by the Lieutenant Governor in Council become the property of the municipality.</p>	
<p>Candidate declaration re campaign funds 147.6(1) Within 3 months following the coming into force of the <i>Local Authorities Election (Finance and Contribution Disclosure) Amendment Act, 2009</i>, a candidate shall</p> <p>(a) file with the municipality a declaration in the prescribed form outlining the total amount of campaign contributions held by the candidate, which shall include any surplus money from previous campaigns, and</p> <p>(b) if this amount exceeds \$500, pay the amount in excess of \$500 to the municipality.</p> <p>(2) Section 147.5(2) to (5) apply to money held by a municipality under this section.</p>	<p>Candidate declaration re campaign funds 147.6 Repealed</p>	<p>MINOR CHANGE This provision is not required.</p>
<p>Application 147.92(1) Sections 147.5, 147.6, 147.7(2) and (3) and 147.91(b) apply to campaign funds on or after December 1, 2011.</p> <p>(2) Subsection (1) is deemed to have come into force on February 3, 2010.</p>	<p>Application 147.92(1) Sections 147.5, 147.7(2) and (3) and 147.91(b) apply to campaign funds on or after December 1, 2015.</p> <p>(2) Subsection (1) is deemed to have come into force on February 3, 2010.</p>	<p>SUBSTANTIVE CHANGE Requirements to pay surplus to the Town, maintain accounts and pay interest – as well as offence provisions for failure to remit surplus.</p>



Authorized Elector Identification

An elector whose name is not on the List of Electors may vote after producing government issued identification containing the elector’s photograph, current address and name. This includes an Operator’s (Driver’s) Licence or an Alberta Identification Card.

An elector whose name is not on the List of Electors, and who is unable to produce government issued identification, must produce two pieces of identification from the following list prior to voting. Both pieces of identification must establish the elector’s name. One piece must establish the elector’s current address.

Examples of Identification with Elector’s Name

<p>Alberta Assured Income for the Severely Handicapped (AISH) card</p> <p>Alberta Forestry Identification card</p> <p>Alberta Health Care Insurance Plan (AHCIP) card</p> <p>Alberta Health Services Identification Band (patient wrist identification band)</p> <p>Alberta Natural Resources (conservation) ID card</p> <p>Alberta Service Dog Team ID card</p> <p>Alberta Wildlife (WIN) ID card</p> <p>Baptismal Certificate</p> <p>Birth Certificate</p> <p>Canadian Air Transportation Security Agency (CATSA) ID card</p> <p>Canadian Blood Services card</p> <p>Canadian Border Services Agency Canadian Passenger Accelerated Service System (CANPASS) card</p> <p>Canadian Border Services Agency Free and Secure Trade (FAST) card</p> <p>Canadian Border Services Agency Nexus card</p> <p>Canadian Forces Civilian ID card</p> <p>Canadian Forces Health card</p> <p>Canadian Forces Identity card</p> <p>Canadian Passport</p> <p>Citizenship card</p>	<p>Canadian National Institute for the Blind (CNIB) ID card</p> <p>Confirmation Certificate</p> <p>Credit/Debit card</p> <p>Employee/Staff card</p> <p>Firearm Possession and Acquisition Licence or Possession Only Licence</p> <p>Fishing, Trapping or Hunting Licence</p> <p>Hospital/Medical card</p> <p>Library card</p> <p>Marriage Certificate</p> <p>Membership card: E.g. Service club, community organization, fitness/health club, political party or retail outlet</p> <p>Old Age Security card</p> <p>Outdoors or Wildlife card/licence</p> <p>Pleasure Craft Operator (PCOC) card - Government of Canada</p> <p>Public Transportation card</p> <p>Secure Certificate of Indian Status (SCIS) card</p> <p>Social Insurance Number card</p> <p>Student ID card</p> <p>Veteran’s Affairs Canada Health card</p>
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Examples of Identification with Elector’s Name and Address

<p>Attestation of Residence issued by the responsible authority of First Nations band or reserve</p> <p>Bank/credit card statement or personal cheque</p> <p>Correspondence issued by a school, college or university</p> <p>Government cheque or cheque stub</p> <p>Income/property tax assessment notice</p> <p>Insurance policy or coverage card</p> <p>Letter from a public curator, public guardian or public trustee</p> <p>One of the following, issued by the responsible authority of a shelter or soup kitchen: E.g. Attestation of residence, letter of stay, admission form or statement of benefits.</p>	<p>Pension Plan statement of benefits, contributions or participation</p> <p>Prescription bottle insert</p> <p>Residential lease or mortgage statement</p> <p>Statement of government benefits: E.g. Employment insurance, old-age security, social assistance, disability support, or child tax benefit.</p> <p>Utility bill: E.g. Telephone, public utilities commission, television, hydro, gas or water.</p> <p>Vehicle ownership or Insurance certificate</p>
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