



# JOINT TERMS OF REFERENCE

## Terms of Reference

TOR #X-XXX

### Purpose

- 1 The purpose of this *Terms of Reference* is to guide the preparation of an Intermunicipal Collaboration Framework (ICF) and an Intermunicipal Development Plan (IDP) between Rocky View County and the Village of Beiseker, in accordance with the requirements of the *Municipal Government Act*.

### Background and Context

- 2 The updated *Municipal Government Act* (MGA) includes a number of new policies that mandate regional and intermunicipal planning and service delivery coordination. The MGA now articulates that the purpose of a municipality includes “work[ing] collaboratively with neighbouring municipalities to plan, deliver and fund intermunicipal services.” To implement this purpose, there are new policy levers for intermunicipal collaboration that include the Calgary Metropolitan Regional Board, Intermunicipal Collaboration Frameworks, and Intermunicipal Development Plans.
- 3 Calgary Metropolitan Regional Board (CMRB) will direct servicing and planning decisions in the Calgary region for municipalities with a population greater than 5,000 residents.
  - (1) The County is a member of the CMRB along with the City of Airdrie, The City of Calgary, the City of Chestermere, the Town of Cochrane, the M.D. of Foothills, the Town of High River, the Town of Okotoks, the Town of Strathmore, and a portion of Wheatland County.
- 4 An Intermunicipal Collaboration Framework (ICF) is a bylaw that identifies how municipal services are delivered between two neighbouring municipalities.
  - (1) Village of Beiseker is required to develop and ICF with Rocky View County.
  - (2) Rocky View County is required to develop an ICF with the Municipal District of Bighorn, Mountain View County, the Kananaskis Improvement District, Kneehill County, the Town of Crossfield, the Town of Irricana, the Village of Beiseker, and Wheatland County.
  - (3) The County is not required to create an ICF with municipalities that are members of the CMRB.
- 5 An Intermunicipal Development Plan (IDP) is a statutory plan that directs how planning will take place on the borders of two municipalities.
  - (1) Village of Beiseker is required to develop and IDP with Rocky View County.
  - (2) Rocky View County is required to develop an IDP with the Municipal District of Bighorn, Mountain View County, the Kananaskis Improvement District, Kneehill County, the Town of Irricana, the Village of Beiseker, and Wheatland County.
  - (3) The County is not required to create an IDP with adjacent municipalities that are members of the CMRB.



## JOINT TERMS OF REFERENCE

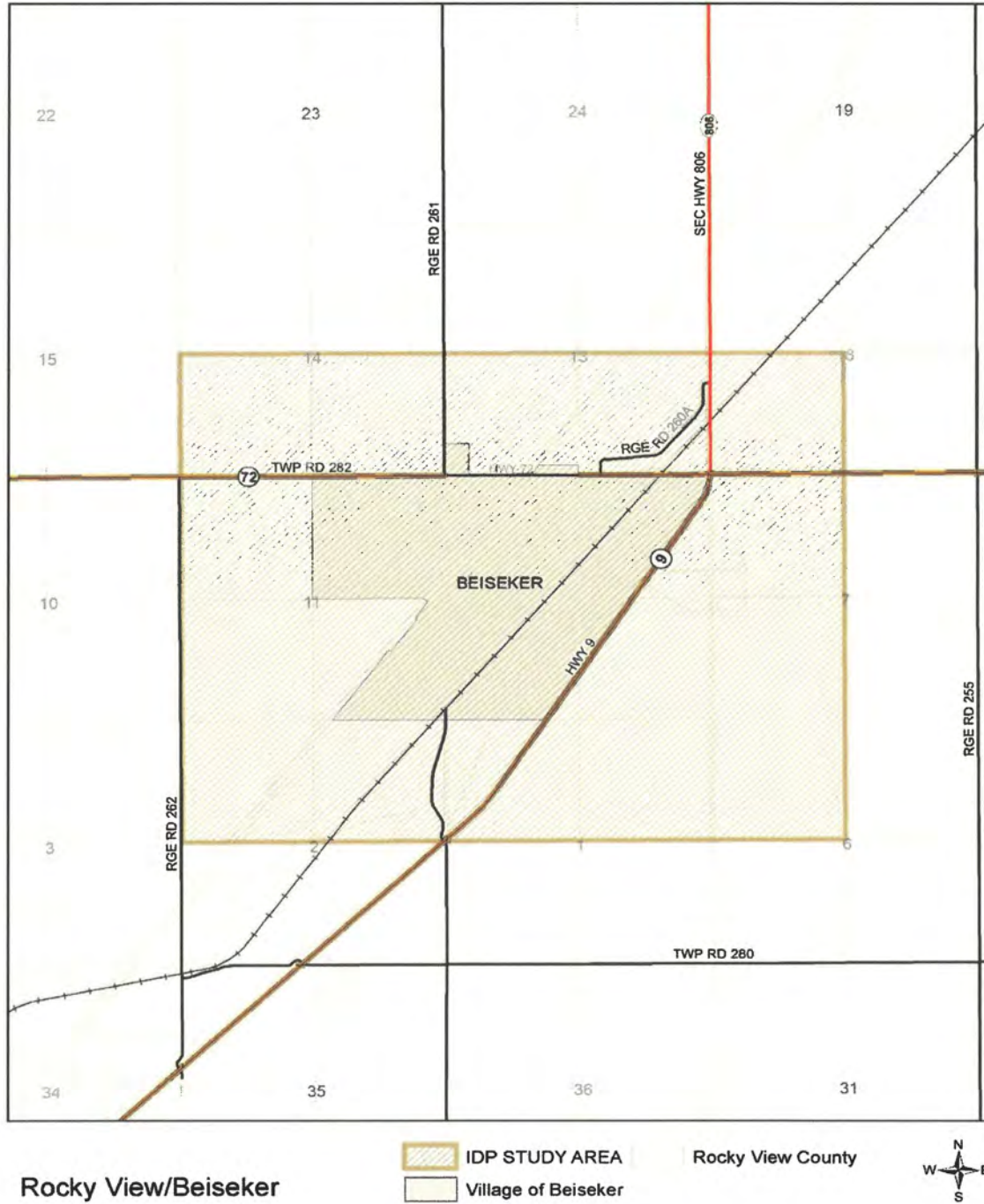
### IDP Study Area

- 6 The IDP Study Area shown on Map 1 may be larger than the final policy area within the approved IDP. The purpose of expanding the IDP Study Area is to ensure that all relevant matters of intermunicipal interest are addressed and reflected in the final document. The official IDP boundaries will be determined through the development of the IDP. The IDP Study Area is 0.8 kilometer, or 0.5 mile, on either side of the municipal border.



# JOINT TERMS OF REFERENCE

Figure 1: Map 1 Study Area







## JOINT TERMS OF REFERENCE

### ENABLING LEGISLATION

#### 7 Intermunicipal Development Plan

- (1) Section 631 of the MGA provides the enabling legislation for the preparation and adoption of an IDP. The MGA states that an IDP:
  - (a) Must address:
    - (i) Future land use
    - (ii) Future development
    - (iii) Transportation systems
    - (iv) Intermunicipal programs relating to the physical, social and economic development
    - (v) Environmental matters, and
    - (vi) Any other matter related to the physical, social or economic development of the area
  - (b) Must include:
    - (i) Dispute resolution procedure
    - (ii) Amendment procedure, and
    - (iii) Provisions relating to the administration of the plan
- (2) MGA sections 636, 638 and 638.1 address plan preparation, hierarchical importance to other statutory plans, and compliance with regional plans.
- (3) With the IDP, Rocky View County and the Village of Beiseker shall formalize their existing spirit of intermunicipal cooperation and establish a process that ensures future land use and development is coordinated comprehensively. The document will allow for planning to occur in a way that is compatible with the surrounding area, and it will allow for collaboration concerning physical, social, and economic development within the IDP area.

#### 8 Intermunicipal Collaboration Framework

- (1) Section 708.28 of the MGA provides the enabling legislation for the ICF and the regulation that accompanies it.
- (2) The legislation and regulation directs municipalities to:
  - (a) Create an ICF by April 2020 with adjacent municipalities that are not included in a Growth Management Board;
  - (b) Act in good faith in the development of an ICF;
  - (c) Identify how services are delivered between two municipalities. These services include: emergency services, recreation, solid waste, transportation and water and waste water;



## JOINT TERMS OF REFERENCE

- (d) Identify how these services are delivered: by one of the participating municipalities, separately, through a shared service delivery model, or by using a third party;
- (e) Develop a binding dispute resolution and arbitration process to develop and implement the ICF;
- (f) Ensure the ICF is adopted with a corresponding IDP; and
- (g) Bring the ICF into force through adopting matching bylaws.

### PRINCIPLES

- 9 The principles are intended to guide the preparation of the ICF & IDP and inform the overall development of the philosophy, policy, and administration of the ICF & IDP.
- (1) Mutual Respect and Equity
    - (a) This principle acknowledges that both municipalities are equal and are equally capable of making their own decisions and recognizes that municipal decisions affect other municipalities.
  - (2) Cooperation, Collaboration, Communication and Trust
    - (a) Cooperation is key to ensuring common goals are achieved. This is achieved by clear and timely communication, intent to collaborate in good faith, and a genuine trust in the relationship with municipal neighbours.
  - (3) Respect for the Environment and Natural Systems
    - (a) This principle is reflected in the statutory plans of each municipality and acknowledges the importance of the land on which human activity takes place.
  - (4) Public Involvement
    - (a) Development of the IDP is to include appropriate and meaningful public involvement.
  - (5) Economic Development
    - (a) The documents shall respect existing economic undertakings, be responsive to opportunities that may arise, and protect future areas of economic interest in a manner that is beneficial to residents and both municipalities.
  - (6) Concise and Clear Plan
    - (a) The documents are to be concise and content and clear in their intent.
  - (7) Cost Effective and Efficient Services
    - (a) The effective use of time and funding. Ensuring scarce resources are efficiently providing local services that benefit the local and regional interests of the participating municipalities.
  - (8) Coordinated, Consistent, and Timely Response
    - (a) Provide coordinated, consistent, and timely service delivery for the ICF, and land use, subdivision, and development applications for the IDP.





## JOINT TERMS OF REFERENCE

- (9) Living Documents**
  - (a)** The ICF & IDP are to be living documents that provides process for identifying future areas of municipal cooperation, and may be amended in the future.

### ICF GOALS

- 10** The goals of the ICF are to:
  - (1)** Provide integrated and efficient funding and delivery of intermunicipal services;
  - (2)** Optimize the delivery of scarce resources for providing local services;
  - (3)** Ensure municipalities contribute equitable funding to services that benefit residents;
  - (4)** Highlight, and if necessary, formalize existing collaborative work between adjacent municipalities; and
  - (5)** Provide a forum for neighbouring municipalities to work together to discover opportunities to provide services to residents.
- 11** As per the MGA, the final ICF document must have three main components:
  - (1)** A list of services that are currently delivered by each municipality;
  - (2)** Information on how services are delivered, funded, and implemented intermunicipally; and
  - (3)** A dispute resolution clause for resolving disputes about the ICF and any service agreements to which the ICF refers.
- 12** Additional items, may be included as agreed upon by both municipalities.

### IDP GOALS

- 13** The IDP's goals represent the needs of the two municipalities while incorporating the requirements of the MGA.
  - (1) Future Land Use Planning:**
    - (a)** To ensure that agriculture continues to be the dominant use of land in the IDP area, and to encourage and support the preservation of agricultural land.
    - (b)** To ensure long-term prosperity of both municipalities through coordinated future land use planning that includes the identification of compatible future land uses, economic opportunities, and development constraints such as provincial highways, pipelines, oil and gas developments, contaminated lands, utility corridors, historic resources, and intensive agricultural operations.
    - (c)** To develop transition policies that address the interface between land uses in proximity of the municipal border.
  - (2) Water and Watersheds**
    - (a)** To determine the need for additional policy regarding significant watersheds and any other ecologically sensitive areas within the IDP area.



## JOINT TERMS OF REFERENCE

- (3) Public Communication and Consultation**
  - (a)** To ensure meaningful engagement of landowners located within the IDP area.
  - (b)** To educate interested residents within both municipalities on the content of the IDP.
- (4) Joint Projects**
  - (a)** To identify, examine the feasibility of, prioritize, and create policies that support intermunicipal projects of mutual interest or need:
    - (i)** Identify intermunicipal roadways and the alignment of corridors with the potential for future upgrades;
    - (ii)** Identify areas impacted by the provincial transportation network in order to develop a common and inclusive approach when engaging with provincial regulatory agencies;
    - (iii)** Identify areas or circumstances where mutual planning for utilities, regional and local transportation infrastructure, pathways, and/or recreation may be beneficial in conjunction with the Intermunicipal Collaboration Framework (ICF).
- (5) IDP Administration**
  - (a)** To define each municipality's responsibility and commitment to circulate and take into consideration the comments received when making land use, subdivision, and development decisions.
  - (b)** To establish the administrative process to coordinate and communicate regarding projects and initiatives that may influence the IDP area.
  - (c)** To address the MGA requirements with respect to intermunicipal conflict resolution, amendment and repeal procedures, and plan administration.
  - (d)** To establish a communication process that ensures ongoing dialogue and allows for future amendments to the IDP.

## PROJECT ORGANIZATION

### Intermunicipal Committee

- 14** Rocky View County and the Village of Beiseker will employ the Intermunicipal Committee as part of the ICF/IDP development process (hereafter called 'the Committee'). The committee will include balanced representation of Council and Senior Administration from each municipality. Committee representatives may be engaged by their respective Administrations separately to gain specific feedback on areas of interest.

### Responsibilities of the Committee

- 15** Provide broad policy direction and assist in identifying issues and opportunities with respect to the ICF;
- 16** Act as a resource for both Administrations;





## JOINT TERMS OF REFERENCE

- 17 Review the draft IDP; and
- 18 Provide periodic updates to each respective Council on the progress of the ICF.

### Responsibility of the Administrations

- 19 Administrations from both municipalities are responsible for the establishment of a work plan for the project and the preparation of the ICF & IDP with input from the Committee. Both municipalities must ensure that there is an equitable dedication of Administrative resources and cost-sharing throughout the process of plan preparation and adoption.

### Responsibility of the Councils

- 20 The respective Councils of each municipality will be responsible for approval of the ICF Bylaw, and the IDP Bylaw at a Public Hearing.

### Coordination between ICF & IDP

- 21 The ICF project will progress independently from the IDP; however, these two projects will gain feedback and direction from the Committee. Opportunities for collaboration between both the IDP and ICF process will be sought where possible.

## DISPUTE RESOLUTION AND ARBITRATION

- 22 Entering into the negotiations in “good faith” is essential to completing the ICF with municipal partners. Rocky View County will rely on cultivating strong working relationships with its municipal neighbours to complete the ICFs.
- 23 However, if an ICF is not agreed upon and adopted by bylaw within the two-year time limit, ICF legislation requires that an arbitrator be engaged. Municipalities working on the ICF together may choose an arbitrator or have one assigned by Municipal Affairs.
- 24 The arbitrator, once engaged, has the ability to create an ICF consistent with legislative requirements. The arbitrator can use mediation or arbitration to facilitate the completion of the ICF. In doing this, the arbitrator is required to consider the following:
  - (1) Services and infrastructure provided in other ICFs in which the municipality is involved;
  - (2) Consistency of services provided to residents in the municipalities;
  - (3) Equitable sharing of costs among municipalities;
  - (4) Environmental concerns within the municipalities;
  - (5) Public interest; and
  - (6) Any other matters prescribed by the regulation.

## PUBLIC AND STAKEHOLDER INVOLVEMENT

- 25 Both municipalities welcome feedback in order to ensure that the IDP reflects the goals of stakeholders and area residents.





## JOINT TERMS OF REFERENCE

### Public Involvement

- 26** The purpose of public involvement is to:
- (1)** Inform and educate the public and stakeholders on the nature and requirements of an IDP;
  - (2)** Inform the public and stakeholders of the scope and policy aspects of an IDP; and
  - (3)** Gather public input (suggestions and representations) on the draft IDP.

### Stakeholder Involvement

- 27** Key stakeholders to be involved in review of drafts of the IDP include:
- (1)** Intermunicipal Departments;
  - (2)** Provincial Agencies;
  - (3)** Public utilities, public agencies, or public authorities;
  - (4)** Affected landowners; and
  - (5)** Affected business, commercial, or industrial interests.

### Public Communications & Engagement

- 28** The final project work plan will include a public communications and engagement component that will detail how stakeholders and the public within both municipalities will be engaged throughout the project. In order to raise awareness of the project, initial notification will be communicated as indicated below.
- (1)** Websites and newspapers:
    - (a)** Kickoff with a communication piece that Rocky View County and the Village of Beiseker are developing the IDP: outline of the process of the IDP development, provide a map of the Study area, and provide details on whom to contact for more information and how to provide suggestions and representations.
  - (2)** Websites:
    - (a)** Dedicate a webpage on each municipality's website that will provide information and updates on the IDP and ICF process.
  - (3)** With direction from the Committee, if feedback indicates a significant interest in the IDP, an Open House(s) may be scheduled to share and receive input (suggestions and representations) on the draft IDP. This may be a joint Open House or separate open houses within each municipality.

## SCOPE OF WORK AND PROJECT SAGES

### ICF TIMELINE

- 29** The scope of work is organized into five stages; a completion date will be determined through the planning process with the adjacent municipality. Administration's goal is to bring these ICFs to



## JOINT TERMS OF REFERENCE

Council for approval no later than June 2019. The IDP development will progress on a separate timeline than the Intermunicipal Development Plan and will have separate stages it must complete to fulfill its legislative requirements. The five stages of the ICF project are as follows:

- Stage 1: Research and analysis: Identify and meet with representatives from respective municipal partners, and review current intermunicipal service agreements [**in progress**].
- Stage 2: Meet with administrative leads, coordinate meetings with internal and external service delivery experts, and draft ICF.
- Stage 3: Present draft ICF to the Committee and Administrative leads for review.
- Stage 4: Council and Municipal Affairs approval process

### IDP TIMELINE

- 30** The scope of work is organized into four stages for each plan. The four stages of the work program include:
  - Stage 1: Research, analysis, and stakeholder input
  - Stage 2: Draft IDP and review of the IDP by the Committee
  - Stage 3: Public review of the IDP to receive suggestions and representations
  - Stage 4: Council and Municipal Affairs approval process
- 31** Although four stages are planned for the IDP work, aspects of these stages may be combined to enhance project efficiency. Flexibility will be critical to the success of the IDP, so the quality of the work will take precedence over rigid adherence to arbitrary deadlines.
- 32** An anticipated project timeline:

TOR Approval	March 2019
Stage 1:	March – May 2019
Stage 2:	June – July 2019
Stage 3:	August – October 2019
Stage 4:	November 2019





## JOINT TERMS OF REFERENCE

Approval Date	•
Replaces	• n/a
Lead Role	• County Manager
Last Review Date	• n/a
Next Review Date	•

  
\_\_\_\_\_  
Reeve

March 12, 2019  
\_\_\_\_\_  
Approval Date