

# Terms of Reference



**ROCKY VIEW COUNTY &  
 RURAL MUNICIPALITIES**

**INTERMUNICIPAL  
 COLLABORATION  
 FRAMEWORK**

<p><b>Approval Date:</b> June 26, 2018  <b>Revision Date:</b> N/A</p>	<p><b>Reports to:</b>                  Council</p>	<p><b>Supporting Department:</b>                  Intergovernmental Affairs</p> <hr/> <p><b>Authority:</b> Motion of Council on June 26, 2018</p>
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This *Terms of Reference* (TOR) is intended to guide the preparation of four Intermunicipal Collaboration Frameworks (ICFs) with Rocky View County’s adjacent rural municipal neighbours: Municipal District of Bighorn, Mountain View County, Kneehill County and Wheatland County (rural municipalities). The TOR will direct the development process and ICF content for the County and ensure consistency between the various ICFs the County is preparing.

## 1.0 BACKGROUND & CONTEXT

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.

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.

- 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.

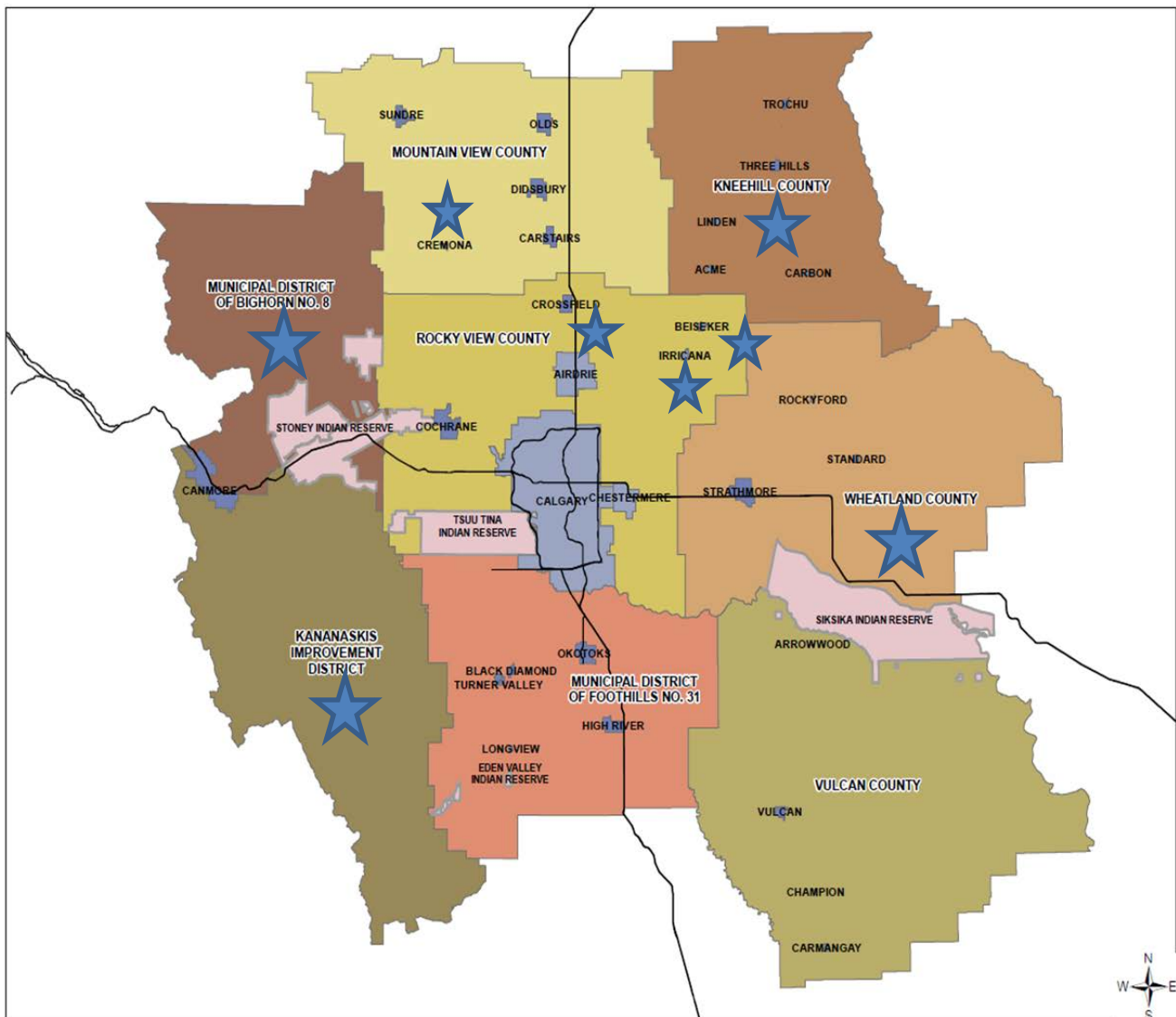
An Intermunicipal Collaboration Framework (ICF) is a bylaw that identifies how municipal services are delivered between two neighbouring municipalities.

- 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 (Figure 1. Map).
- The County is not required to create an ICF with municipalities that are members of the CMRB.

An Intermunicipal Development Plan (IDP) is a statutory plan that directs how planning will take place on the borders of two municipalities.

- Rocky View County is required to develop an IDP with the Municipal District of Bighorn, Mountain View County, Kneehill County, the Town of Irricana, the Village of Beiseker, and Wheatland County (Figure 1. Map).
- The County is not required to create an IDP with adjacent municipalities that are members of the CMRB.

**Figure 1: Municipalities ★ Requiring an ICF**



## **2.0 ENABLING LEGISLATION FOR THE ICF**

Section 708 of the MGA provides the enabling legislation for the ICF and the regulation that accompanies it.

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;
- 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.

## **3.0 ICF PRINCIPLES**

The ICF principles are what the County will use in negotiating the ICF with its municipal neighbours. These principles are intended to guide the preparation of the ICF and inform the overall philosophy, approach to agreements, and use of the ICF.

### *1. Mutual Respect and Equity*

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*

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. Cost Effective and Efficient Services*

Ensuring scarce resources are efficiently providing local services that benefit the local and regional interests of the participating municipalities.

### *4. Coordinated, Consistent, and Timely Response*

An important operational goal of the ICF is to provide coordinated, consistent, and timely service delivery.

### *5. Living Document*

The ICF is to be a living document that provides a process for identifying future areas of municipal cooperation.

#### **4.0 ICF GOALS**

The goals of the ICF are to:

- a. Provide integrated and efficient funding and delivery of intermunicipal services;
- b. Optimize the delivery of scarce resources for providing local services;
- c. Ensure municipalities contribute equitable funding to services that benefit residents;
- d. Highlight, and if necessary, formalize existing collaborative work between adjacent municipalities; and
- e. Provide a forum for neighbouring municipalities to work together to discover opportunities to provide services to residents.

As per the MGA, the final ICF document must have three main components:

- a. A list of services that are currently delivered by each municipality;
- b. Information on how services are delivered, funded, and implemented intermunicipally; and
- c. A dispute resolution clause for resolving disputes about the ICF and any service agreements to which the ICF refers.

*Additional items, such as principles for collaboration, may be included depending on the desire of our municipal partners.*

#### **5.0 PROJECT ORGANIZATION**

##### **5.1 Review Committee**

Rocky View County will propose to the participating municipality a Review Committee (hereafter called 'the Committee') with balanced representation of Council and Senior Administration from each municipality. It is envisioned that each municipality's Council will appoint two (2) or three (3) Councillors and the CAO or designate to a Committee. Committee representatives may be engaged by their respective Administrations separately to gain specific feedback on areas of interest. In order to allow for collaborative decision making, the work plan for the project will also provide the opportunity for the Committee to convene as a whole.

##### **5.2 Responsibilities of the Committee**

- a. Provide broad policy direction and assist in identifying issues and opportunities with respect to the ICF;
- b. Act as a resource for both Administrations;
- c. Review the draft IDP; and
- d. Provide periodic updates to each respective Council on the progress of the ICF.

##### **5.3 Responsibility of the Administrations**

- a. Administrations from both municipalities are responsible for the establishment of a work plan for the project and the preparation of the ICF 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 ICF preparation and adoption.

#### **5.4 Responsibility of the Councils**

The respective Councils of each municipality will be responsible for approval of the ICF Bylaw.

#### **5.5 Coordination with Intermunicipal Development Plan (IDP)**

An IDP is a policy document that facilitates a respectful and consistent approach to land-use matters along the shared borders of two municipalities. In accordance with the MGA amendments, the municipalities are required to complete an IDP with their municipal neighbours that are not part of a Growth Management Board. The ICF must be adopted with a corresponding IDP, otherwise it is not considered complete.

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.

### **6.0 DISPUTE RESOLUTION AND ARBITRATION**

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.

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.

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:

- a. Services and infrastructure provided in other ICFs in which the municipality is involved;
- b. Consistency of services provided to residents in the municipalities;
- c. Equitable sharing of costs among municipalities;
- d. Environmental concerns within the municipalities;
- e. Public interest; and
- f. Any other matters prescribed by the regulation.

### **7.0 TIMELINE**

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 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 **[completed]**.
- Stage 2: Establish a Review Committee, meet with administrative leads, coordinate meetings with internal and external service delivery experts, and draft ICF.

- Stage 3: Present draft ICF to Review Committee and Administrative leads for review.
- Stage 4: ICF approval process through Bylaw adoption.
- Stage 5: ICF approval from Municipal Affairs.