

## VILLAGE OF BERWYN



## INTERMUNICIPAL COLLABORATION FRAMEWORK



**MUNICIPAL DISTRICT OF PEACE NO. 135**

**JANUARY 2020**

# **INTERMUNICIPAL COLLABORATION FRAMEWORK**

**BETWEEN**

**MUNICIPAL DISTRICT OF PEACE NO. 135  
&**

**VILLAGE OF BERWYN**

**JANUARY 2020**

# Intermunicipal Collaboration Framework Agreement

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**Bylaw No. 3/2020**

A Bylaw of the Municipal District of Peace No. 135, in the Province of Alberta, for the purpose of adopting the Municipal District of Peace No. 135 and the Village of Berwyn Intermunicipal Collaboration Framework (ICF), pursuant to the current Municipal Government Act mandate.

WHEREAS Division 1, Section 708.28 (1) of the Municipal Government Act as of February 1, 2019, mandates that municipalities that have common boundaries must create an Intermunicipal Collaboration Framework (ICF) with each other that identifies the services provided by each municipality, which services are best provided on an intermunicipal basis, and how services to be provided on an intermunicipal basis will be delivered and funded.

WHEREAS the Municipal District of Peace No. 135 and the Village of Berwyn share a common border;

WHEREAS the Municipal District of Peace No. 135 and the Village of Berwyn share common interests and are desirous of working together to provide services to their residents;

THEREFORE BE IT RESOLVED that the Council of the Municipal District of Peace No. 135, in the Province of Alberta, adopts the Municipal District of Peace No. 135 and the Village of Berwyn Intermunicipal Collaboration Framework Agreement, being the document attached hereto and forming part of this Bylaw.

This Bylaw comes into force and effect on the date of passing of Third Reading.

Read a first time this 28th day of January, 2020.

Read a second time this 28th day of January, 2020.

Read a third and final time this 28th day of January, 2020.



Reeve



Chief Administrative Officer

**Bylaw No. 667**

A Bylaw of the Village of Berwyn, in the Province of Alberta, for the purpose of adopting the Municipal District of Peace No. 135 and the Village of Berwyn Intermunicipal Collaboration Framework (ICF), pursuant to the current Municipal Government Act mandate.

WHEREAS Division 1, Section 708.28 (1) of the Municipal Government Act as of February 1, 2019, mandates that municipalities that have common boundaries must create an Intermunicipal Collaboration Framework (ICF) with each other that identifies the services provided by each municipality, which services are best provided on an intermunicipal basis, and how services to be provided on an intermunicipal basis will be delivered and funded.

WHEREAS the Municipal District of Peace No. 135 and the Village of Berwyn share a common border;

WHEREAS the Municipal District of Peace No. 135 and the Village of Berwyn share common interests and are desirous of working together to provide services to their residents;

THEREFORE BE IT RESOLVED that the Council of the Village of Berwyn, in the Province of Alberta, adopts the Municipal District of Peace No. 135 and the Village of Berwyn Intermunicipal Collaboration Framework Agreement, being the document attached hereto and forming part of this Bylaw.

This Bylaw comes into force and effect on the date of passing of Third Reading.

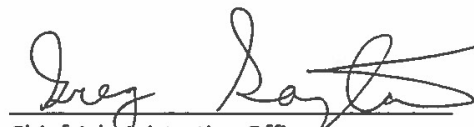
Read a first time this 23 day of January, 2020.

Read a second time this 23 day of January, 2020.

Read a third and final time this 23 day of January, 2020.



Mayor



Chief Administrative Officer

**INTERMUNICIPAL COLLABORATION FRAMEWORK (ICF)  
BETWEEN  
THE VILLAGE OF BERWYN  
AND  
THE MUNICIPAL DISTRICT OF PEACE NO. 135**

**WHEREAS**, the Municipal District of Peace No. 135 and the Village of Berwyn share a common border; and

**WHEREAS**, the Municipal District of Peace No. 135 and the Village of Berwyn share common interests and are desirous of working together to provide services to their ratepayers; and

**WHEREAS**, the *Municipal Government Act* stipulates that municipalities that have a common boundary must create a framework with each other that identifies the services provided by each municipality, which services are best provided on an intermunicipal basis, and the funding arrangements for these services.

**NOW THEREFORE**, by mutual covenant of the parties hereto it is agreed as follows:

**A. TERM AND REVIEW**

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1. In accordance with the *Municipal Government Act*, this Intermunicipal Collaboration Framework shall come into force on the final passing of matching bylaws that contain the Framework by both the Municipality and the Village.
2. This Agreement may be amended by mutual consent of both parties unless specified otherwise in this Agreement.
3. As per section 708.32(l) of the MGA, the Municipal District of Peace No. 135 and the Village of Berwyn must review the Framework at least once every five years after the Framework is created, commencing no later than 2024.
4. A full review of the ICF shall be completed within a year following a municipal election where new Councillors are elected to either municipality. If new Councillors are not elected to either municipality over a 4-year timeframe, full review of the ICF shall be completed in the fourth (4) year from the date of adoption of the ICF.

**B. INTERMUNICIPAL COOPERATION**

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1. In order to provide a consistent approach for intermunicipal discussion between administrations, joint council meetings will be necessary to allow formal communication between municipalities, and to serve as a forum to address any intermunicipal issues/disputes that may arise. The Councils will be responsible for facilitating ongoing communication, review and sharing of information with respect to administering the ICF, which must include discussions on the following:
  - a) transportation
  - b) water and wastewater
  - c) solid waste
  - d) emergency services
  - e) recreation
  - f) any other services, where those services benefit residents in more than one of the municipalities that are parties to the framework.

2. A minimum total of three (3) Council members from each municipality must be present to form a quorum, but it is expected that members from both Councils will want to be present. Each Council member will have one (1) equal vote for any matters which are voted upon.
3. Members of Council attending joint Council meetings for the purpose of the ICF shall be responsible for:
  - a) making recommendations on intermunicipal service agreements to the respective Council.
  - b) monitoring the progress of the ICF, including but not limited to a four (4) year review of all the intermunicipal agreements between the Village of Berwyn and the Municipal District of Peace No.135.
  - c) reviewing proposed amendments to the ICF and providing recommendations to each Council.

### **C. MUNICIPAL SERVICES OFFERED INDEPENDENTLY**

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1. Both the MD and the Village have reviewed the services offered to residents and have agreed that the best and most efficient way to provide the following services to residents is independently:

#### **Village of Berwyn**

1. Transportation
  - street blading
  - street snowplowing
  - dust control on streets
2. Water and Wastewater
  - Village water and sewer
  - Village has a lagoon in the MD of Peace
3. Solid Waste
  - Village is a member of Long Lake Regional Waste Commission
  - Curbside garbage collection
4. Emergency Services
  - Berwyn Volunteer Fire Department
5. Recreation
  - Village services its own recreation facilities
6. Other
  - All necessary administrative services for the Village except as detailed elsewhere
  - Berwyn Library

#### **M.D. of Peace No. 135**

1. Transportation
  - municipal road blading
  - municipal road & driveway (user pay) snowplowing
  - dust control in front of residences (user pay)
2. Water and Wastewater
  - Hamlet Water and Sewer
  - MD has one lagoon for the Hamlet
  - Community Wells (3)
3. Solid Waste
  - Griffin Creek Landfill
4. Emergency Services
  - Brownvale Volunteer Fire Department west of RR241
  - Contract with Town of Grimshaw for area east of RR241
5. Recreation
  - MD services its own recreation facilities
6. Other
  - All necessary administrative services for the MD except as detailed elsewhere
  - Brownvale Cemetery
  - Berwyn Cemetery
  - Griffin Creek Cemetery
  - MD of Peace Agricultural Service Board
  - Rural Addressing
  - MD of Peace No.135 Library Board

## **D. EXISTING INTERMUNICIPAL SERVICES, DELIVERY AND FUNDING METHOD**

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### **Transportation**

- grading, dust control and snowplowing by MD of Peace staff to the Village of Berwyn streets on an hourly cost basis only when requested by the Village. Term: commenced July 5, 1988 with no specified end date. Lead municipality: MD of Peace No. 135.

### **Water & Wastewater**

- monthly water meter reading services provided by the Village of Berwyn staff to the MD of Peace Hamlet residents on an hourly fee basis. Term: Commenced March 14, 2017 with annual review. Lead municipality: Village of Berwyn
- permission for the Village of Berwyn to discharge effluent from Village of Berwyn sewer lagoon into MD of Peace road ditches. Term: Commenced April 13, 1968 with no specified end date. Lead municipality: MD of Peace No. 135
- Grimshaw Gravels Aquifer Management Advisory Association (6 municipalities jointly involved in protecting the Grimshaw Gravels Aquifer)

### **Solid Waste**

- Recycling bins contracted by the Village of Berwyn and used by the MD of Peace residents, with 50% of annual cost paid by the MD of Peace. Term: January 1, 2019 – December 31, 2022. Lead municipality: MD of Peace No. 135

### **Emergency Services**

- provided by the Village of Berwyn Volunteer Fire Department to the residents of the MD of Peace, for an annual lump sum payment from the MD of Peace. Term: January 1, 2019 – December 31, 2022. Lead municipality: MD of Peace No.135
- MD of Peace provides 2012 fire pumper for use in Village and MD. MD will pay an honorarium to Village fire fighters when emergency events are located in the MD. Term: January 1, 2019 – December 31, 2022. Lead municipality: MD of Peace No. 135
- joint usage of fire fighting apparatus and the provision of fire protection to the MD of Peace and to the Village of Berwyn. Term: January 1, 1993 with no specified end date. Lead municipality: MD of Peace No. 135
- Peace Regional Mutual Aid Agreement (joint with 7 municipalities) to provide fire protection services as required and able, with shared costs. Term: February 2017 with automatic renewal every two years. No lead municipality

### **Recreation**

- recreation facilities maintained by the Village of Berwyn for use by MD of Peace residents, for an annual lump sum payment from the MD of Peace. Term: January 1, 2019 – December 31, 2022. Lead municipality: MD of Peace No. 135

### **Other**

- FCSS services provided by the Village of Berwyn to the residents of the MD of Peace, for an annual lump sum payment from the MD of Peace. Term: January 1, 2019 – December 31, 2022. Lead municipality: MD of Peace No. 135
- Weed Inspection services provided by the MD of Peace to the Village of Berwyn at the MD's cost. Term: January 1, 2019 – December 31, 2022. Lead municipality: MD of Peace No. 135



- Weed Control technical services provided by the MD of Peace to the Village of Berwyn contracted weed inspector at no charge to the Village of Berwyn. Term: January 1, 2019 – December 31, 2022. Lead municipality: MD of Peace No. 135
- The Village of Berwyn, MD of Peace No. 135 and three other municipalities entered into an Agreement for the period June 15, 2016 to June 15, 2022 (all municipalities agreed to extend agreement for another 3 years) for Regional Assessment Review Board services with costs shared. There is no lead municipality
- Lac Cardinal Intermunicipal Development Plan (joint with three municipalities). Term: February 2016 No lead municipality
- Lac Cardinal Regional Economic Development Board (joint with three municipalities) for shared economic development services, with costs shared. Term: January 1, 2019 to December 31, 2022. No lead municipality
- Peace Regional Subdivision and Development Appeal Board (joint with 16 municipalities). Term: August 1, 2019. No Lead municipality

Any Agreements as noted above may be terminated, replaced or updated from time to time and subsequent agreements shall be deemed automatically in effect and respected by this ICF Agreement.

#### **E. SERVICES PROVIDED BY A THIRD PARTY TO EACH MUNICIPALITY:**

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##### **Village of Berwyn**

1. Transportation
  - dust control
2. Water and Wastewater
  - contract utility officer
3. Solid Waste
  - Long Lake Regional Waste Commission
4. Emergency Services
  - Ambulance Services
  - RCMP
5. Other
  - Planning (MMSA)
  - North Peace Housing Foundation
  - Assessment Services
  - Bylaw Enforcement Services
  - Doctor Retention Services

##### **M.D. of Peace No. 135**

1. Transportation
  - dust control
2. Water and Wastewater
  - contract utility officer
3. Solid Waste
  - removal of white goods, tires, electronics
4. Emergency Services
  - Ambulance Services
  - RCMP
5. Other
  - Planning (MMSA)
  - North Peace Housing Foundation
  - Mighty Peace Tourism
  - Assessment Services
  - Animal Control Services in Hamlet
  - Doctor Retention Services

#### **F. DISPUTE RESOLUTION:**

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As per Section 708.45(l) of the MGA, every framework must contain provisions respecting a binding dispute resolution process that meets the requirements of the regulations for resolving disputes with respect to

- a. the interpretation, implementation or application of the Framework, and
- b. any contravention or alleged contravention of the framework.

The intent of the dispute resolution process is to facilitate mediation and a resolution at the municipal (local) level before arbitration is utilized. This process assumes that each municipality will have differences

of opinion and a resolution mechanism may be necessary. It is important that throughout the various processes of dispute resolution, all parties engaged to resolve disputes are mindful of and respect the rights of the private interests involved.

Any matters regarding dispute resolution which are not addressed specifically within this dispute resolution process shall be addressed per Part 17.2 Intermunicipal Collaboration of the *Municipal Government Act* or the Intermunicipal Collaboration Framework Regulation.

1. The Village of Berwyn and Municipal District of Peace No. 135 are committed to resolving any disputes in a non-adversarial and cost-efficient manner.
2. The Village and the MD shall make all reasonable efforts to resolve all disputes by negotiation and agree to provide, without prejudice, open and timely disclosure of relevant facts, information and documents to facilitate negotiations.
3. In the event of a dispute, the following process shall be followed:
  - a. At any time during the dispute resolution process, either municipality shall be able to initiate a formal mediation process through a third-party to attempt to resolve the issue/dispute.
  - b. When a potential intermunicipal dispute arises regarding a technical or procedural matter, including a clerical error or any misinterpretation of this ICF or any other servicing agreements between the Village and the MD, it will be directed to the Chief Administrative Officer (CAO) of each municipality.
  - c. If a dispute relating to servicing agreements between the Village and the MD cannot be resolved by the respective CAOs, the municipality who identified the issue shall request that a joint Council meeting be scheduled to discuss the dispute/issue. At such time, within 14 days of the joint Council meeting being requested, the Councils shall meet and review the issue and attempt to resolve it through consensus.
  - d. If a dispute cannot be resolved by a joint meeting of the Councils, a mediator shall be obtained to resolve the dispute.
  - e. If mediation is unsuccessful, binding arbitration shall be utilized to resolve the dispute.
4. Should mediation be necessary, both municipalities shall agree upon the mediator, or if they cannot agree, the Minister of Municipal Affairs shall choose the mediator. The cost of the mediator shall be shared equally between the parties.
5. Should arbitration be necessary, both municipalities shall agree upon the arbitrator, or if they cannot agree, the Minister of Municipal Affairs shall choose the arbitrator. The cost of the arbitrator shall be shared equally between the parties.
6. Any and all decisions made by an arbitrator shall be binding to all parties.

#### **G. FILING OF INTERMUNICIPAL DEVELOPMENT PLAN**

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As per Section 708.3(l) of the *MGA*, a framework is not complete unless the Councils of the municipalities that are party to the Framework have also adopted an intermunicipal development plan under Section 631 or an intermunicipal development plan is included as an appendix to the Framework.

To comply with this section of the *MGA*, an IDP which both municipalities agree to, will be attached to the ICF in the appendices whereby the bylaw adopting the ICF will also adopt the IDP.

## H. SIGNATORIES

The Signatories to this Agreement are the Village of Berwyn and the Municipal District of Peace No. 135.

Signatories hereby execute this Agreement under their respective corporate seals and by elected officials and duly Authorized Officers.

Signed this 30 day of January, 2020 in Berwyn, Alberta.



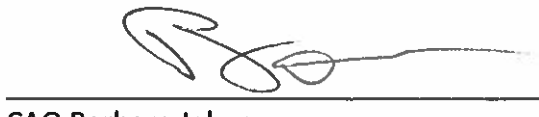
Mayor Ken Montie  
Village of Berwyn



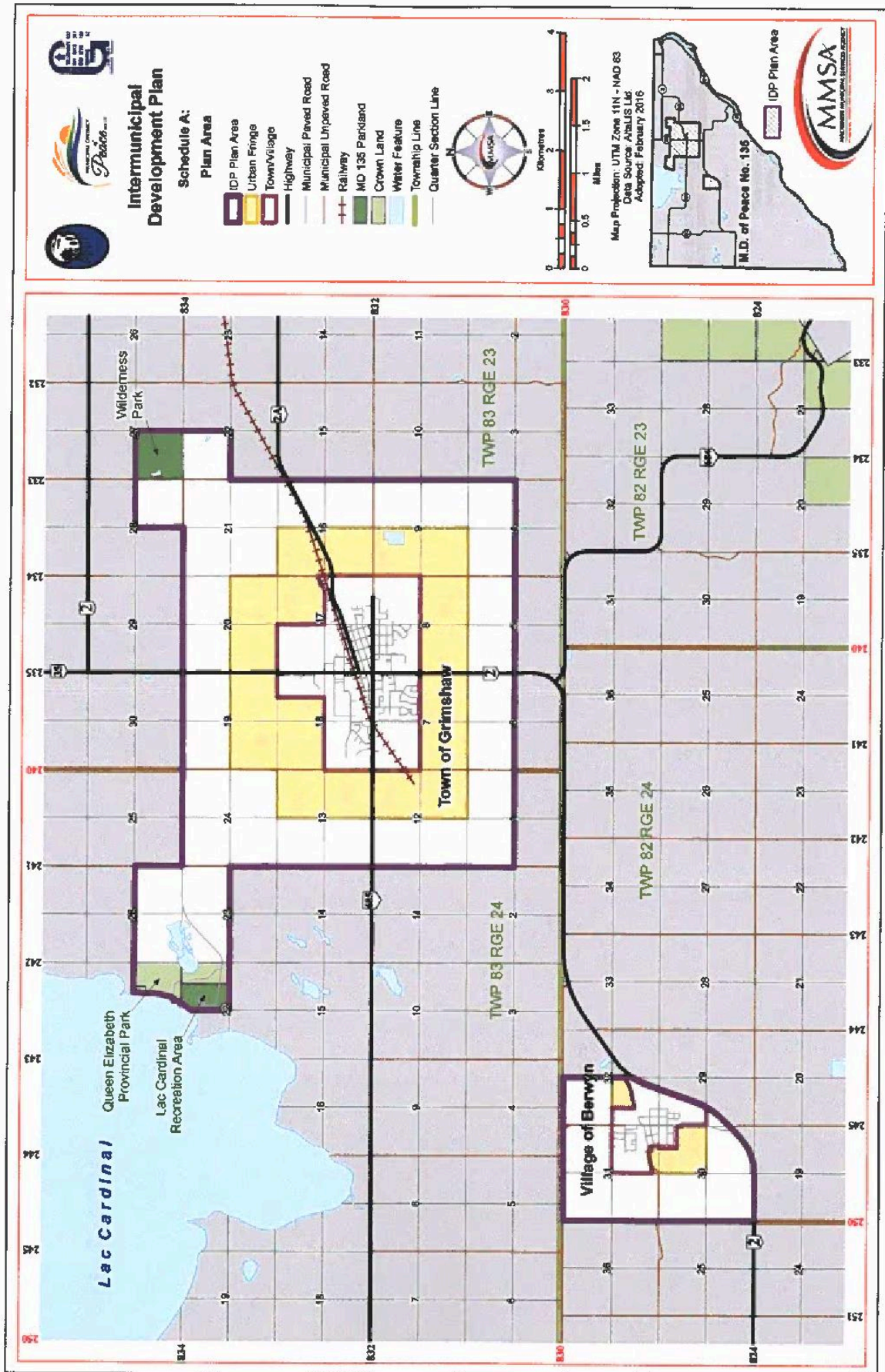
Reeve Robert Willing  
Municipal District of Peace No. 135



CAO Greg Gayton  
Village of Berwyn



CAO Barbara Johnson  
Municipal District of Peace No. 135



## **APPENDICES**

Bylaw No. 560 for Village of Berwyn Sewer Lagoon Discharge

Bylaw No. 859 for Joint Public Works Agreement

Bylaw No. 903 for Fire Protection Services

Muni letters for Grimshaw Gravels Aquifer Management Advisory Association

Agreement for Regional Assessment Review Services

Lac Cardinal Intermunicipal Development Plan

Peace Regional Mutual Aid Agreement

Agreement for Water Meter Reading Services

Lac Cardinal Regional Economic Development Board Agreement

MD of Peace and Village of Berwyn Funding Agreement

Peace Regional Subdivision and Development Appeal Board Agreement