

MUNICIPAL DISTRICT OF BIGHORN NO. 8

Minutes of the Special Meeting of Council held at 9:00 a.m. on Wednesday, September 22, 2010 in the Council Chambers, MD office, to discuss the following:

1. Bylaw 15-10, Township Road 252 Local Improvement –consideration of second and third reading

The following members of Council were present and signed a Waiver of Notice:

COUNCIL:

DENE COOPER	REEVE
MARIA DUNKI	DEPUTY REEVE
PAUL ADAMS	COUNCILLOR
PAUL RYAN	COUNCILLOR

ABSENT:

COUNCILLOR HUGH PEPPER

ADMINISTRATION:

MARTIN BUCKLEY	CHIEF ADMINISTRATIVE OFFICER
NATALIE GERMANN	EXECUTIVE ASSISTANT

Reeve Cooper
called mtg. to
order at 9:00 am.

CALL TO ORDER

Reeve Cooper called the meeting to order at 9:00 a.m.

1. BYLAW 15-10, TOWNSHIP ROAD 252 LOCAL IMPROVEMENT

Councillor Ryan asked the CAO why Bylaw 15-10 could not be dealt with during the October regular Council meeting. The CAO indicated that the contractor's pricing was held open for 45 days, therefore there was a time constraint making it impossible to wait.

The CAO advised Council that he received a counter-petition (Schedule "A") from a group of landowners affected by the proposed construction of Township Road 252, the proposed municipal rural road in the West Jumping Pound region.

The C.A.O. explained that when the regulations in the Municipal Government Act (MGA) providing for the validity and sufficiency of petitions set out in sections 224(2) and 392 were applied to the counter-petition received, the counter-petition proved to be insufficient. He gave his reasons as follows:

Validity

Page 3(a) of the counter-petition, fourth signature block: incorrect legal description provided – SE Section 1 is not within the local improvement/benefiting area – SIGNATURE INVALID AND NOT INCLUDED.

Page 3(b): page does not have the same purpose statement that is contained on all

the other pages of the petition – THREE SIGNATURES INVALID.

Sufficiency

The C.A.O. went on to explain that the percentage of area landowners who signed the petition was 57.41% of the eligible property owners, whereas the Municipal Government Act requires a minimum of 66.67% for the petition to be sufficient; he further explained that the percentage of assessed land represented by the petition equaled 43.14% where the Municipal Government Act requires a minimum of at least 50%.

The C.A.O. went on to say that, in a “What If” scenario, if the invalid signatures were to be allowed, the counter-petition still did not meet the regulations set out by the Municipal Government Act, for both the percentage of signatures needed and the percentage of assessed value measurements.

Pursuant to Section 226(1) of the Municipal Government Act, being Chapter M-26, RSA 2000 as amended, the C.A.O. then declared the petition against proposed Bylaw 15-10 and Township Road 252 (attached as Schedule “A”) insufficient.

Councillor Ryan asked the C.A.O. to confirm that the petition did not meet the regulations in the Municipal Government Act. The C.A.O. confirmed that it did not.

Deputy Reeve Dunki asked how landowners were notified they could participate in the petition. The CAO answered landowners were given two opportunities: the M.D. had held a community meeting in Cochrane on June 29th, 2010, at which Township Road 252 and the local improvement process was explained (the meeting was sparsely attended) and, pursuant to the requirements of Part 10 Division 7 of the Municipal Government Act, a Local Improvement Plan was prepared and sent to the landowners on August 16th, 2010.

Councillor Ryan asked how much time the Municipal Government Act allows for responses after sending the Local Improvement Plan to landowners; the C.A.O. indicated there is a thirty day period.

Moved by Deputy Reeve Dunki that Council give second reading to Bylaw 15-10, a Bylaw for the purpose of authorizing the Council for the Municipal District Of Bighorn No. 8 to impose a local improvement tax in order to pay for the construction of a municipal road in the West Jumpingpound region (township 25 range 6).

CARRIED

Moved by Councillor Ryan that Council accept as information the petition as presented by the CAO.

CARRIED

Moved by Councillor Adams that Council give third reading to Bylaw 15-10.

CARRIED UNANIMOUSLY

ADJOURNMENT

R:312/10
Bylaw 15-10
1st reading.

R:313/10
Petition accepted
as information.

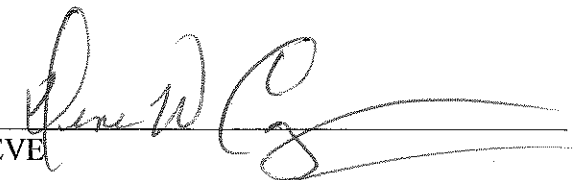
R:314/10
Bylaw 15-10
3rd Reading

R:314/10
Special Council

Meeting
Adjourned @9:20
am.

Moved by Councillor Ryan that the September 22, 2010 Special Council Meeting be adjourned at 9:20 am.

CARRIED



REEVE



EXECUTIVE ASSISTANT