

BYLAW NO. 22-02  
TOWN OF FALHER

A BYLAW OF THE TOWN OF FALHER IN THE PROVINCE OF ALBERTA TO AUTHORIZE ENTERING INTO AN AGREEMENT WITH THE TOWNS OF MCLENNAN AND FALHER, AND THE VILLAGES OF GIROUXVILLE AND DONNELLY TO ESTABLISH THE SMOKY RIVER REGIONAL AIRPORT BOARD FOR THE PURPOSE OF OPERATING AND MAINTAINING THE DONNELLY AIRPORT.

**WHEREAS** pursuant to section 145 of the *Municipal Government Act*, R.S.A. 2000, c.M-26, Council may pass bylaws in relation to the establishment, functions, procedure and conduct of council committees;

**WHEREAS** pursuant to section 203 of the *Municipal Government Act*, R.S.A. 2000, c M-26, Council may by bylaw delegate any of its powers, duties or functions under this or any other enactment or a bylaw to a council committee, unless this or any other enactment or bylaw provides otherwise;

**WHEREAS**, Part 1 Section 2, (3)(d) of the *Municipal Government Act* R.S.A 2000 Chapter M-26, makes provision for a municipality to work collaboratively with neighboring municipalities to plan, deliver and fund intermunicipal services;

**WHEREAS**, part 17(2) Division 1 of the *Municipal Government Act* R.S.A 2000 Chapter M-26 the partnering municipalities recognize the Intermunicipal Collaboration Framework (ICF) legislation between the Municipal District of Smoky River No.130 and each respective municipality;

**AND WHEREAS**, all municipalities adopted a "Smoky River Regional Airport Board " bylaw outlining terms on the operations and maintenance of the Donnelly Airport.

**AND WHEREAS**, it has been agreed that the airport be controlled and operated jointly and severally by the Municipal District of Smoky River No. 130, the Town of Falher, the Town of McLennan, the Village of Girouxville, and the Village of Donnelly;

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

1. The parties hereby establish the Smoky River Regional Airport Board hereinafter referred as the "Board".
2. The parties agree that this agreement will automatically renew on an annual basis. and shall be reviewed upon the request of any member of the Board;

Town of Falher	Town of McLennan
PO Box 155	PO Box 356
Falher, Alberta	McLennan, Alberta
T0H 1M0	T0H 2L0
Village of Donnelly	Village of Girouxville
Box 200	PO Box 276
Donnelly, Alberta	Girouxville, Alberta
T0H 1G0	T0H 1S0
Municipal District of Smoky River No. 130	
PO Box 210	
Falher, Alberta	
T0H 1M0	

**AUTHORITY**

**Administrative**

3. The Municipal District of Smoky River No. 130 is the Administrative Authority, representative of the Smoky River Region for the purpose of the Board which requires a formal agreement with the associated municipalities within the corporate boundaries of the Municipal District of Smoky River No. 130;

**Operational**

4. The administrative authority shall operate the airport in accordance with the Aerodrome Standards and Recommended Practices (TP312) regulations established by Transport Canada.

5. The Board shall establish a 3-year Operating plan and a 5-year Capital plan, to be reviewed annually by the Board, and approved by the parties.
6. The Board shall establish an annual recommended Operating Budget and Capital Budget to be presented to the parties prior to September meetings.
7. The Board will charge the following fees in accordance with the Municipal District of Smoky River's "Rates, Fees and Disbursement Bylaw". The fee schedule will be reviewed and approved by the Board in September after which time, will be reviewed by all partnering municipalities. Once approved, it will then be adopted by the Municipal District of Smoky River No.130 and become "Schedule I" in their Rates, Fees and Disbursement bylaw:
  - a. Tie Down Fees
  - b. Landing Fees
  - c. Aerial Applicator Spraying Fees
8. The Municipal District of Smoky River No.130 will provide the Board with a grant in lieu of taxes amounting to the municipal tax portion of the hanger taxes collected annually upon receipt of payment.
9. The parties, at their Organizational meetings, shall appoint annually their representatives to the Board.
10. The full Board shall be comprised of ten (10) voting elected official members appointed on the following basis, namely:
  - a. Municipal District of Smoky River No. 130
    - i. Two (2) elected official members
  - b. Town of McLennan
    - i. Two (2) elected official members
  - c. Village of Girouxville
    - i. Two (2) elected official members
  - d. Village of Donnelly
    - i. Two (2) elected official members
  - e. Town of Falher
    - i. Two (2) elected official members
11. The total number of ten (10) members shall constitute a full Board; and any majority thereof or a minimum of five (5) voting members shall constitute a quorum, with a minimum of one (1) from each party.
12. Chief Administrative Officers may attend meetings as administrative support.
13. The Chair and Vice-Chair of the Board will be elected annually at the first Board meeting of the calendar year.
14. The Board shall meet quarterly on dates which may coincide with the Smoky River Regional Committee meeting.
15. The Municipal District of Smoky River No. 130 shall provide secretarial duties to the Board.
16. Meetings will be hosted at a location to be determined by the Board. Requests for special meetings will be forwarded to the Chair. Notice of a special meeting will be provided to board members with a minimum of twenty-four (24) hours' notice
17. The draft minutes of each meeting of the Board will be recorded by the secretary and will be submitted to each party, along with any relevant information.
18. The parties will receive a monthly statement of operations for review
19. The Board will have the following mandates and responsibilities:
  - a. It will be the duty of the Board to establish criteria for, and approve, prioritize, defer or reject proposed projects;
  - b. The Board is responsible for reviewing a draft budget which is to go to each respective party for approval.
  - d. The Board can move forward on approvals with the approval of 5 voting members or more with a minimum of one (1) from each party.
  - e. The Board shall approve the Donnelly Airport Master Plan which will be submitted to NAV Canada, which will be used by the managing municipality for development.

20. The M.D. of Smoky River No. 130 will be the signing authority of the Board.
21. The M.D. of Smoky River No. 130 has the authority to sign airport documents on behalf of the parties in accordance with the approved budget, Operating and Capital plans.
22. Contributions by the parties will be calculated using a population and assessment formula using federal census data and yearly equalized assessment updates. This calculation is outlined, in detail, in Appendix "A" of this Bylaw
23. This agreement is binding and will inure to the benefit of the parties hereto, their successors and approved assigns.
24. The Board empowers the Municipal District of Smoky River No. 130 to conduct all necessary physical maintenance of the airport and the airport facilities.
25. It is understood by the participating municipalities that in any year where the operating costs of the airport is less than the revenue, the surplus will be accumulated for capital and/or operating reserves. In any year where the operating costs of the airport exceed the revenue, the deficit will be accumulated and taken from the capital and/ or operating reserve should one exist.
26. A municipality considering opting out of this agreement may do so by providing in writing, a letter calling an Intermunicipal Committee (IC) meeting for this purpose. The municipality opting out, must provide in writing, a letter by December 31<sup>st</sup> to the Board. The administrative authority shall contact Alberta Transportation for their direction.
27. In the event of any dispute between parties to this agreement arising in respect of this agreement or in any matter arising out of this agreement, such disputes shall be settled pursuant to the conditions established in the Intermunicipal Collaboration Framework.

#### **DATE OF COMMENCEMENT**

This Bylaw commences upon the date of its finally being passed.

**This Bylaw rescinds Bylaw No. 461**

READ a first time this 13<sup>th</sup> day of JULY, 2022

READ a second time this 14<sup>th</sup> day of SEPTEMBER, 2022

READ a third time and finally passed this 14<sup>th</sup> day of SEPTEMBER, 2022

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
MUNICIPAL ADMINISTRATOR

**APPENDIX "A" TO BYLAW NO. 22-02****Smoky River Regional Airport Board  
Regional Population & Assessment Funding Formula**

The formula below will be used to calculate each municipality's annual requisition amount:

$$[((A/B) \times .5) + ((C/D) \times .5)] \times E$$

Where:

A = Population of Municipality based on the most recent Federal Census data

B = Combined Population of MD Smoky River, Falher, McLennan, Donnelly, Girouxville

C = Equalized Assessment of Municipality (Updated Annually)

D = Combined Equalized Assessment of MD Smoky River, Falher, McLennan, Donnelly, Girouxville (Updated Annually)

E = TOTAL REQUISITION

