

Bylaw 19620

A Bylaw to authorize the City of Edmonton to construct, finance and assess Sidewalk Reconstruction Local Improvements in the Calder Neighbourhood – Crown Land

Purpose

To authorize the City of Edmonton to borrow the sum of \$3,105 to construct, finance and assess Sidewalk Reconstruction Local Improvements in the Calder Neighbourhood - Crown Land.

Readings

Pursuant to the amended *Municipal Government Act*, Ministerial approval has been received and Bylaw 19620 is ready for 2nd and 3rd readings.

Position of Administration

Administration supports this Bylaw.

Report Summary

This Bylaw provides for borrowing to finance the property owners' 50 percent share of 2021 sidewalk reconstruction local improvements on Crown Land in the Calder Neighbourhood.

Report

At the April 19, 2021 City Council meeting, Bylaw 19620 received first reading.

Council has given proper notice of its intention to undertake and complete this project. The required approvals for the project have been obtained and the project is in compliance with all Acts and Regulations of the Province of Alberta.

The petition period expired on February 24, 2021. There were no valid petitions on the projects as outlined in Attachment 2 to this report, which is less than the two-thirds petition requirement under the *Municipal Government Act* and the one-half petition requirement as outlined in City Policy C619, *Local Improvements - Surface*.

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The *Municipal Government Act* requires municipalities to seek ministerial approval for the local improvement, prior to second reading of the Bylaw. The Minister of Infrastructure for Alberta approved Bylaw 19620 on May 26, 2021, and has provided a letter on the decision (Attachment 5).

The reconstruction of sidewalks falls under the cost sharing program as outlined in City Policy C619, *Local Improvements - Surface*, with 50 percent of the reconstruction costs borne by the City at large and 50 percent funded by the benefiting property owners through the local improvement assessment.

The total cost of the sidewalk reconstruction local improvements in the Calder Neighbourhood for Crown Land is estimated to be \$6,210. Borrowing of \$3,105 is required to finance the property owners' share of the estimated local improvement costs.

Corporate Outcomes and Performance Management

Corporate Outcomes: The City of Edmonton has sustainable and accessible infrastructure and The City of Edmonton has a resilient financial position.			
Outcomes	Measures	Results	Targets
Ensure transparent, conservative and reasonable debt financing as a source of funding to support the City's long-term capital plans and strategies while maintaining long-term financial affordability, flexibility and sustainability.	<ul style="list-style-type: none"> The City of Edmonton is subject to limits both for total debt and debt servicing by the <i>Municipal Government Act</i> and by the City's internal <i>Debt Management Fiscal Policy (C203C)</i>. The <i>Municipal Government Act</i> debt limit is 2 times the revenue of the City and the debt servicing limit is 35% of City revenues. For this calculation, revenues are net of capital government transfers and contributed tangible capital assets. The internal <i>Debt Management Fiscal Policy (C203C)</i> sets more conservative debt service limits at 22% (total debt) of City revenues and 15% (tax-supported debt) of Tax Levy Revenues. Debt financing preparation for Local Improvements is performed in accordance with internal policy <i>Financing of Local Improvements (C200B)</i>. 	<ul style="list-style-type: none"> Based on the limits set under the <i>Municipal Government Act</i>, as of December 31, 2020, the City had used 58.2% of its debt limit and 30.6% of its debt servicing limit. Based on the limits under the <i>Debt Management Fiscal Policy</i>, as of December 31, 2020, the City had used 59.4% of its tax-supported debt servicing limit and 45.3% of its total debt servicing limit. 	<ul style="list-style-type: none"> Total debt and debt servicing are in line with the limits set by the <i>Municipal Government Act</i> and by the internal <i>Debt Management Fiscal Policy (C203C)</i>. Debt financing preparation for Local Improvements is performed in accordance with internal policy <i>Financing of Local Improvements (C200B)</i>.

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Risk Assessment

Risk Element	Risk Description	Likelihood	Impact	Risk Score (with current mitigations)	Current Mitigations	Potential Future Mitigations
Exceeding regulated debt and debt servicing limits.	The internal City policy <i>Financing of Local Improvements (C200B)</i> directs the City to obtain debt financing for Local Improvements in accordance with the <i>Debt Management Fiscal Policy (C203C)</i> . The description of risk includes exceeding debt and debt servicing limits regulated by the <i>Municipal Government Act</i> and the internal <i>Debt Management Fiscal Policy (C203C)</i> . Exceeding the Debt Limit Regulations requires approval from the minister. Failure by a municipality to fall within the <i>Debt Limit Regulation</i> or the City's internal <i>Debt Management Fiscal Policy (C203C)</i> may result in the refusal of an application to the Provincial lender to purchase the City's debentures in order to finance a capital project.	1-Rare	4-Severe	4-Low	Quarterly monitoring of the City's debt borrowings, debt positions and debt servicing to ensure compliance with the debt and debt servicing limits regulated by the <i>Municipal Government Act</i> and the internal <i>Debt Management Fiscal Policy (C203C)</i> . The City considers and models the impact to the debt position and debt servicing limits due to future unapproved borrowings and potential changes to interest rates.	Long term forecasts are used to determine the impact of approved and potential future unapproved projects and their impact on debt limits.

Public Engagement

The City engages with the public when a local improvement plan is proposed for the affected areas.

Legal Implications

When a local improvement is proposed, the City must prepare a local improvement plan and send notice to the property owners who will be liable to pay the local improvement which includes obtaining ministerial approval as per section 397(2.1) of the *Municipal Government Act* for local improvements impacting Crown Land. If the affected property owners are not in favour of this local improvement, they may file a petition as set out in sections 222 to 226 and 392 of the *Municipal Government Act*. These petitions must be filed and received by the City's Chief Administrative Officer within 30 days from the notices being sent. If no sufficient petitions have been received, the City may proceed with the preparation of a local improvement bylaw. Local improvement bylaws are prepared in accordance with sections 263, 397 and 398 of the *Municipal Government Act*. In the case that sufficient petitions are received, the City cannot proceed with the local improvement.

Attachments

1. Bylaw 19620
2. Petition Received
3. Declaration Re: Local Improvement
4. Location of Proposed Local Improvement
5. Approval Letter from Alberta Infrastructure

Others Reviewing this Report

- K. Fallis-Howell, Acting City Solicitor