



Legislative Assembly of Alberta

The 29th Legislature  
Second Session

Standing Committee  
on  
Private Bills

Tuesday, April 12, 2016  
6:17 p.m.

Transcript No. 29-2-2

**Legislative Assembly of Alberta  
The 29th Legislature  
Second Session**

**Standing Committee on Private Bills**

McPherson, Karen M., Calgary-Mackay-Nose Hill (ND), Chair  
Connolly, Michael R.D., Calgary-Hawkwood (ND), Deputy Chair

Anderson, Wayne, Highwood (W)  
Babcock, Erin D., Stony Plain (ND)  
Drever, Deborah, Calgary-Bow (ND)  
Drysdale, Wayne, Grande Prairie-Wapiti (PC)  
Fraser, Rick, Calgary-South East (PC)  
Hinkley, Bruce, Wetaskiwin-Camrose (ND)  
Kazim, Anam, Calgary-Glenmore (ND)  
Kleinstauber, Jamie, Calgary-Northern Hills (ND)  
McKittrick, Annie, Sherwood Park (ND)  
Rosendahl, Eric, West Yellowhead (ND)  
Stier, Pat, Livingstone-Macleod (W)  
Strankman, Rick, Drumheller-Stettler (W)  
Sucha, Graham, Calgary-Shaw (ND)

**Bill Pr. 1 Sponsor**

Westhead, Cameron, Banff-Cochrane (ND)

**Support Staff**

Shannon Dean	Senior Parliamentary Counsel/ Director of House Services
Trafton Koenig	Legal Counsel
Corinne Dacyshyn	Committee Clerk
Janet Schwegel	Managing Editor of <i>Alberta Hansard</i>

**Standing Committee on Private Bills**

**Participants**

Bill Pr. 1, Bow Valley Community Foundation Repeal Act.....PB-19  
Lawrence Dolecki, Director, Bow Valley Community Foundation  
W. Laird Hunter, QC, Senior Partner, Richards Hunter Toogood



6:17 p.m.

Tuesday, April 12, 2016

[Ms McPherson in the chair]

**The Chair:** I'd like to welcome everyone to the meeting and ask that you introduce yourselves for the record. Ms Drever, if you would like to start.

**Ms Drever:** Hi. I'm Deborah Drever, MLA for Calgary-Bow.

**Ms Kazim:** Anam Kazim, MLA for Calgary-Glenmore.

**Mr. Rosendahl:** Eric Rosendahl, West Yellowhead.

**Mr. Sucha:** Graham Sucha, MLA, Calgary-Shaw.

**Ms McKittrick:** Annie McKittrick, MLA, Sherwood Park.

**Mr. Koenig:** Trafton Koenig, legal counsel.

**Ms Dean:** Good evening. Shannon Dean, Senior Parliamentary Counsel and director of House services.

**Ms Dacyshyn:** Corinne Dacyshyn, committee clerk.

**The Chair:** Karen McPherson, MLA for Calgary-Mackay-Nose Hill, and I am the chair of the committee.

**Mr. Connolly:** Michael Connolly, MLA for Calgary-Hawkwood and deputy chair of this committee.

**Mr. Drysdale:** Wayne Drysdale, MLA, Grande Prairie-Wapiti.

**Mr. Stier:** Pat Stier, MLA, Livingstone-Macleod.

**Mr. W. Anderson:** Wayne Anderson, MLA, Highwood.

**Mr. Kleinsteuber:** Jamie Kleinsteuber, MLA, Calgary-Northern Hills.

**The Chair:** Thank you.

Mr. Fraser sends his regrets, and Ms Babcock is teleconferencing. Could you please introduce yourself.

**Ms Babcock:** Erin Babcock, MLA for Stony Plain.

**The Chair:** Thank you.

I have a few reminders. The microphone consoles are operated by *Hansard*. Please mute your devices and keep them off the table. They can interfere with the audiofeed.

We need to approve the agenda. The motion is that the agenda for the April 12, 2016, meeting of the Standing Committee on Private Bills be approved as distributed. Moved by Mr. Stier. Thank you. All in favour? Any objections? The motion is carried.

Approval of the minutes: that the minutes for the April 5, 2016, Standing Committee on Private Bills meeting be approved as distributed. Ms Drever. So moved. All in favour? Any objections? Thank you. The motion is carried.

We're hearing the petition for one private bill today. Parliamentary Counsel's report on the petition pursuant to Standing Order 104 was distributed to members this week. Today we'll proceed with the hearing. The petitioners appear as well as any other interested parties, and they are sworn in. Following the presentation committee members are provided the opportunity to ask questions of the petitioners. Once the hearing has been completed, the committee will deliberate on the bill and make one of the following three recommendations: either that the bill proceed as is, that it proceed with amendments, or that it not proceed.

Once we've made those determinations, I then report on behalf of the committee to the Legislature. Depending on the decision with respect to the bill, it will follow the same process as any other bill in the House. It will proceed through second reading, Committee of the Whole, third reading, and Royal Assent.

Are there any questions before we invite in the petitioners? Ms Babcock?

**Ms Babcock:** I'm good.

**The Chair:** Thank you.

I'll ask Ms Dean to call the petitioners in for Bill Pr. 1, the Bow Valley Community Foundation Repeal Act.

[Mr. Dolecki and Mr. Hunter were sworn in]

**The Chair:** Thank you very much for joining us this evening. I do want to let you know that you don't need to operate the microphones. They're being operated by *Hansard*. As well, I'd like to let you know that as well as being recorded, the audio is being streamed live on the Internet right now.

Welcome, Mr. Lawrence Dolecki – you're a director of the Bow Valley Community Foundation – and Mr. Laird Hunter, barrister and solicitor. If you could take a moment, please, and introduce yourselves to us.

#### Bill Pr. 1

#### Bow Valley Community Foundation Repeal Act

**Mr. Hunter:** With pleasure. I was retained by the Bow Valley Community Foundation a year and a half ago to help them arrive at this position today. By way of background, I do know from the preamble to Bill Pr. 1 that the community foundation was established by a private member's bill in 2005. Since that time, through the usual committed volunteers in the community, it's increasingly struggled to exist. The economies of scale were just not what they had originally intended, and the thought was, which is common in the community foundation space in Canada, that every specific area – normally towns, cities, and villages – would have their own community foundations. Across the country there are literally hundreds of them. All want to be the Vancouver Foundation, which about two months ago exceeded a billion dollars in endowment. The Peterborough Foundation has about \$600,000, and there are smaller ones than that.

6:25

Bow Valley found itself increasingly shrinking several years ago, and Mr. Dolecki can speak to this. They initiated discussions with the Banff community foundation, looking at bringing their operations together, and originally were going to, as is common amongst many organizations such as theirs, amalgamate under the Societies Act, like under the Companies Act, as a way to come together. But because the community foundation in Banff is a society and this entity has its own act, there was no way they could corporately come together both registered as charities under the Alberta Income Tax Act.

I advised them that, in my opinion, it was proper for one charity to donate its entire set of assets to another after paying its liabilities, which was done. The sole remaining step is to repeal the corporate basis for the Bow Valley Community Foundation, and that was the reason for our petition to the Legislature and the reason I find myself with Mr. Dolecki before you today, which is to advise you that despite its best efforts the community was unable to in effect bring an operating community foundation into existence and maintain it. But the next best thing, in everyone's view, is a

combined operation under the new name of the Banff Canmore Community Foundation. It will service a much larger area and has an office that's capable of managing the programs that are in existence and seeking donations and solicitations throughout the Banff Canmore area.

If there are other questions, I'm sure Mr. Dolecki can answer those.

**The Chair:** I'll just take a moment here. Mr. Hunter, if you would please just introduce yourself for the record.

**Mr. Hunter:** My name is Laird Hunter. I'm a partner at Richards Hunter Toogood in Edmonton.

**The Chair:** Thank you. And Mr. Dolecki, could you please introduce yourself for the record.

**Mr. Dolecki:** Yes. I'm Lawrence Dolecki. I'm a director of the Bow Valley Community Foundation. I'm a resident of Canmore and have been for the last eight, nine years.

**The Chair:** Okay. I was wondering, if you wouldn't mind, if we would take a moment just to introduce ourselves to you so you will know who you're talking to.

**Mr. Dolecki:** Sure. Yes.

**The Chair:** Mr. Kleinsteuber, would you like to start?

**Mr. Kleinsteuber:** Sure. My name is Jamie Kleinsteuber. I'm the MLA for Calgary-Northern Hills.

**Mr. Hinkley:** Bruce Hinkley, MLA, Wetaskiwin-Camrose.

**Ms Drever:** Deborah Drever, MLA for Calgary-Bow.

**Ms Kazim:** Anam Kazim, MLA for Calgary-Glenmore.

**Mr. Rosendahl:** Eric Rosendahl, MLA, West Yellowhead.

**Mr. Sucha:** Graham Sucha, MLA, Calgary-Shaw.

**Ms McKittrick:** Annie McKittrick, MLA, Sherwood Park.

**Mr. Koenig:** Trafton Koenig, legal counsel with the Legislative Assembly.

**Ms Dean:** Shannon Dean, Senior Parliamentary Counsel and director of House services.

**Mrs. Dacyshyn:** Corinne Dacyshyn, committee clerk.

**The Chair:** Karen McPherson, MLA for Calgary-Mackay-Nose Hill and the committee chair.

**Mr. Connolly:** Michael Connolly, MLA for Calgary-Hawkwood and deputy chair of this committee.

**Mr. Drysdale:** Wayne Drysdale, MLA, Grande Prairie-Wapiti.

**Mr. Stier:** Pat Stier, MLA, Livingstone-Macleod.

**Mr. W. Anderson:** Good evening, gentlemen. Wayne Anderson, MLA for Highwood.

**The Chair:** Thank you, all.

Mr. Dolecki, did you have more information that you wanted to share with us about the petition?

**Mr. Dolecki:** I'll just elaborate a little bit about what Laird mentioned. I was appointed to the committee board three, four years ago. At that time we would hold quarterly meetings. They were a lunch. We would pay for our own lunch and get together and have a little chat, and we'd try to figure out something that we could do worth while to increase the amount of funds we had. We had about \$400,000 at that time. Up until this collaboration with Banff, we got to about \$500,000. So we weren't making a lot of progress, and a number of the other directors and myself recognized this and tried to take some steps.

We had a couple of meetings with the people from the Banff community foundation, in particular their executive director, Lorraine Widmer-Carson. She was very encouraging in terms of the idea of combining our operation. We gave it considerable thought. Some of our directors were opposed, so it took a little bit of persuading, but ultimately, when you look at the size of the Banff community foundation, they're in excess of \$10 million now and they have staff. We were doing this all on a volunteer basis and really couldn't afford to hire staff or accomplish very much. So it became very obvious to us that something we should do is combine our operations. How to go about it was, of course, the issue, as Laird has alluded to. We were incorporated under an act of the Legislature whereas Bow Valley was under the Societies Act.

We got Laird's name from somebody – I forget who now – and it's been a good working relationship. He's guided us along this way. We've achieved the combination of the two entities, and the Banff Canmore Community Foundation came into being last summer. All the assets that we had at that time, all but about \$20,000, were transferred to the Banff community foundation subject to the same trust that existed in our foundation. The remaining about \$20,000 was transferred to the Edmonton Community Foundation, which had been managing our funds. We didn't have the size to manage our funds, so we had asked Edmonton to do that for us, and they had been doing that since the initial incorporation.

We've accomplished that, and we're quite happy with the help and the guidance we've received from Laird. We're kind of at this last stage now and saying: all right; let's just take this off the books and not have this thing hanging around to create problems down the road.

**The Chair:** Thank you very much.

**Mr. Dolecki:** Thank you.

**The Chair:** I wonder, Members, if at this time there are any questions for our petitioner.

**Mr. Kleinsteuber:** I was just wondering. Just to be clear, then, the new foundation that's being created is called the Banff Canmore Community Foundation. Is that correct?

**Mr. Dolecki:** Yes. We didn't create a new one. That was the existing Banff community foundation. They just changed their name pursuant to the Societies Act and became the Banff Canmore Community Foundation, and then we transferred almost all of our assets to them. Those assets that are with them: they were subject to certain trusts. The Banff Alpine Racers, for instance, pay money out to ski racers and things like that. One of them was the Lamphouse foundation, which was a creation originally of the town of Canmore.

The town of Canmore consented to this. The other people who had been instrumental in raising the funds for these other foundations all consented to this and were content to have Banff take over the management of the funds and the disbursement of any

income from those funds as it came in. Generally all the people that were involved in our funds agreed to go along with Banff, and then the Banff foundation just changed its name. They now operate with about \$10 million or so that they have plus our \$500,000.

**Mr. Kleinstaubert:** Okay. I know that these communities are pretty closely connected anyway, so, yeah, I see the logic.

**Mr. Dolecki:** We, in fact, widened the scope. We included Lake Louise and Exshaw and even Kananaskis Country. There are some people residing out there. So the foundation, the Banff Canmore Community Foundation, includes all of those communities and then the people living in that area.

**Mr. Kleinstaubert:** All right. Great. Thank you.

**Mr. Dolecki:** Thank you.

**The Chair:** Do we have any other questions? Mr. Connolly.

**Mr. Connolly:** Thanks. Well, thank you both for coming today. We really appreciate it. I was just wondering: what area did the Bow Valley Community Foundation cover before it amalgamated and created the much larger Banff Canmore?

**Mr. Dolecki:** Well, formerly it was from the Banff park gates to and including Exshaw and Kananaskis Country. Banff had Lake Louise. Also, the wording of both our statute and the Societies Act enabled both of us to in fact go outside of those areas to donate to various groups. Banff Alpine Racers: I mean, those are ski racers who race in the national parks, and, you know, there wasn't any problem with that. The Banff community foundation regularly raised funds from Lafarge, which is a big cement plant in Exshaw. So there was a lot of crossover in those communities.

**Mr. Connolly:** Thank you.

6:35

**The Chair:** Do we have any other members that have any questions? Well, I do. Mr. Dolecki, I understand that you live in Canmore. How long have you been a resident there?

**Mr. Dolecki:** Well, I bought a place there in 2000, but I was also living in Calgary, so I was going back and forth. In about 2007 or so I sort of moved there permanently. I still had a place in Calgary for a while, but after a while I sold that because I couldn't keep going back and forth. I'd always forget something at the other place.

**The Chair:** I think we can all identify with that.

**Mr. Dolecki:** Yes, I'm sure you can.

**The Chair:** Well, I just really want to commend you for your community-mindedness and being so involved. I would like to know: are you also involved with the Banff Canmore Community Foundation?

**Mr. Dolecki:** I'm not, but our chairman – and he's still chairman of our foundation – is now serving as a director on the Banff Canmore Community Foundation. They are looking for other people as well from Canmore to sit on their board, and it's been a good experience so far.

**The Chair:** Good. It sounds like you have some continuity there between the two foundations.

**Mr. Dolecki:** Yes.

**The Chair:** Well, if there are no other questions, I just want to let you know that the next step will be that the committee will deliberate, and you will be notified as to what the outcome of those deliberations are. I want to thank you for your submissions and your attendance here today. Thank you very much. We'll contact you following the deliberations.

**Mr. Dolecki:** Thank you.

**The Chair:** Thank you very much.

The committee will now proceed. The committee will now deliberate, make its recommendation on the private bill. The committee can decide whether the bill proceeds in the Assembly as is, proceeds with amendments, or does not proceed. Once we've made those determinations, I'll report on behalf of the committee to the Legislature. Again, depending on the decision with respect to the bill, it'll follow the same process as any other bill in the House, proceeding through second reading, Committee of the Whole, third reading, and Royal Assent.

Are there any questions?

**Mr. Drysdale:** I'd just move that the bill proceed.

**The Chair:** Okay. All in favour of the bill proceeding, please say aye. Any objections? Opposed? The motion is carried.

This concludes the committee's business for 2016. Wow. That's great.

Is there any other business that committee members wish to raise?

**Ms McKittrick:** I was just interested in knowing – maybe I'll ask Senior Parliamentary Counsel through an e-mail – why there were foundations through a private bill.

**The Chair:** We can answer right now.

**Ms Dean:** I will be very brief. There was a practice where certain charitable organizations were coming forward as private acts. Luckily, that practice is discontinuing over the years. I mean, there are a handful of community foundations that still exist. The Edmonton Community Foundation is one example. But, again, in the last five years especially, this committee has been very vigilant about turning away people that are looking for private acts when there are other processes in place.

**Ms McKittrick:** Thank you. I appreciate that.

**The Chair:** Anyone else? No? Okay.

The date of the next meeting: we will call it in 2017.

If someone could move that the meeting be adjourned. Look at all those hands. Mr. Connolly. All in favour? Opposed? It's carried.

Thank you all very much.

[The committee adjourned at 6:40 p.m.]











