



AGENDA
TOWN OF TWO HILLS
October 26, 2021
7:00 P.M.



Regular Council Meeting

- 1. CALL TO ORDER**
- 2. ADOPTION OF AGENDA**
- 3. ADOPTION OF MINUTES**
 - a) Regular Council Meeting Minutes of October 12, 2021
- 4. DELEGATION**
- 5. OPEN FORUM**
- 6. ADMINISTRATIVE REPORTS**
 - a) Public Works Report
 - b) Chief Financial Officer Report
 - c) Chief Administrative Officer Report
- 7. CORRESPONDENCE**
- 8. NEW BUSINESS**
 - a) Council Tech
 - b) Covid-19 Policy
- 9. COUNCIL MEMBER REPORTS**
- 10. NEXT MEETINGS**
 - a) Regular Council Meeting Tuesday November 9, 2021 7:00 p.m.
- 11. CLOSED SESSION**
 - a) FOIPP Act, Sections 17 and 29
- 12. ADJOURNMENT**





TOWN OF TWO HILLS

Minutes of the Regular Meeting of Council for the Town of Two Hills
held October 12, 2021 at 7:00 P.M. via live stream



PRESENT: Mayor L. L. Ewanishan, Deputy Mayor S. Rajoo, Councillor E. Sorochoan, Councillor M. Tarkowski, Councillor W. Babiuk, C.A.O. G. Saskiw, Executive Secretary A. Clark, C.F.O. D. Boutin.

MISSING: Public Works Supervisor T. Stefiuk

CALL TO ORDER: Mayor L. L. Ewanishan called the Regular Town Council Meeting to order at 7:00 P.M.

ADOPTION OF AGENDA:

2021-180 **MOVED** by Deputy Mayor S. Rajoo to accept the agenda with additions under New Business b) Covid-19 Policy, c) Old Business.

CARRIED

ADOPTION OF MEETING MINUTES:

2021-181 **MOVED** by Councillor E. Sorochoan to accept the Regular Council Meeting Minutes of September 28th, 2021 as presented.

CARRIED

DELEGATION: NONE

OPEN FORUM: NONE

ADMINISTRATIVE REPORTS:

Public Works Report

The Public Works Foreman's Report was provided to Council in advance for their review.

2021-182 **MOVED** by Councillor W. Babiuk that the Public Works report be acknowledged as presented and incorporated into the minutes.

CARRIED

Chief Administrative Officer Report

The Chief Administrative Officer's report was provided to Council in advance for their review.

2021-183 **MOVED** by Deputy Mayor S. Rajoo that the Chief Administrative Officer's report be acknowledged as presented and incorporated into the minutes.

CARRIED



NEW BUSINESS:

Policy 2021-01

In recent years we have had some troubles with Town infrastructure being damaged during development and as such we need to policy to cover all developments not just those with private contractors.

2021-184

MOVED by Councillor E. Sorochoan to approve Policy 2021-01 as presented.

CARRIED

Covid-19 Policy

As many municipalities have moved forward with a Covid-19 policy for their employees, is this something the Town would like to create.

2021-185

MOVED by Councillor E. Sorochoan to have administration look into developing a covid-19 policy for the Town.

CARRIED

Old Business

Council would like to remind Administration to update Council on ongoing projects and concerns.

COUNCILLOR REPORTS:

2021-186

MOVED by Deputy Mayor S. Rajoo to accept and incorporate the Council Reports as presented into the minutes.

CARRIED

CLOSED SESSION:

2021-187

MOVED by Mayor L. L. Ewanishan to go into closed session at 8:04 PM.

CARRIED

2021-188

MOVED by Mayor L. L. Ewanishan to come out of closed session at 8:27 PM.

CARRIED

NEXT MEETING:

Organizational Council Meeting Tuesday October 26, 2021 at 6 P.M.
Regular Council Meeting Tuesday October 26, 2021 at 7 P.M.

ADJOURNMENT:

With all items on the agenda having been addressed Mayor L. L. Ewanishan adjourned the Regular Council Meeting at 8:27 PM.

LEONARD L. EWANISHAN, MAYOR

GERREN SASKIW, C.A.O.



OPEN FORUM



(Council Procedural Bylaw, Amendment Bylaw 2014-949)

Preamble: Welcome. Town Council is providing an opportunity for the general public to individually address Council on any topic relevant to municipal government for a period not to exceed 2 minutes per person to a maximum of 20 minutes combined. Information presented to Council may or not be acted on and will not be debated unless there is a majority vote to do so. The Open Forum is not a means of expressing insults, accusations or making any personal attacks on any member of Council or Staff. Any person who starts insulting or making accusations or attacks on any member of Council, Council as a Whole, or any Staff member will be kindly asked to remove themselves from Council Chambers. Once again, welcome.

Division 3 – Open Forums

- 11.1 Individual members of the public who constitute the audience are be provided an opportunity as part of the meeting to address the Council on any topic relevant to municipal government for a period of time not to exceed two (2) minutes per person. The intent of which is to provide the person opportunity to address Council.
- 11.2 The information or comments heard may or may not be actioned by the Council. After a person has spoken, any Councillor may, through the Mayor or other presiding officer, ask that person or the Chief Administrative Officer relevant questions but may not debate the matter or the answers.
- 11.3 Actions by Council may only be 1) receiving the information without debate; 2) referred without debate to a Standing Committee or the Chief Administrative Officer for a report; or 3) debated if by a 2/3 majority vote a resolution is passed to allow a motion to be made without notice.

Notes:





Roads / Sidewalks

- a) Grade 45 Ave and 51 St in industrial park
- b) Repair back alleys, fill potholes and gravel as required
- c) Fill in with cold mix along gutter at Post Office and pack

Water/Wastewater

- a) The town experienced no power disruptions since last report - all systems good
- b) TSS, BOD and CBOD tests taken and annual lagoon release started
- c) Pumphouse and Lift station furnaces inspected
- d) Replaced 2 cc valve topboxes and tested valves on 47 Ave
- e) Water service restored to residential property as per request
- f) Replaced old water meter at residential property as per admin request
- g) Monitoring south side water pressure and cl2 levels
- h) Monitoring distribution flow rates
- i) Investigate high consumption complaint and check meter
- j) Barrel fill at truck fill serviced and repaired
- k) Lift station generator test
- l) Begin working on AB ENV annual water and wastewater reporting
- m) Clean sanitary lift station wet cell
- n) Sewer auger residential sanitary line as per request
- o) Hydro jetting and Vac of sanitary and storm lines (Urlacher)
 - a. 57ave west of County Shop (lots of grease and oil in line – added 1 pail High heat degreaser and 2 pails of Flow mate (citrous) degreaser and flushed line with full load of water at end of day
 - b. 44st to 49Ave
 - c. 49 Ave to 46 Street
 - d. 45 Street to 49 Ave
 - e. 47 Ave east of 46 Street
 - f. 48street north from 53 Ave (250') mid block to 54 Ave
 - g. 47 Ave alley to 48 Ave storm water cross over
 - h. 47 Ave storm water line to south side of Mennonite school – 232' unable to reach school ditch

Other

- a) Install new gate posts at Geleta Park entrance and between Rec centre and the Hall
- b) Drain water from packers, street sweeper and remove batteries
- c) First calls complete and marked for stump removal at the east side of museum and alley at Cougar Tire
- d) Install new skid steer and grader tires
- e) Replace old hydraulic lines on Volvo tamper
- f) Complete service requests



**TOWN OF TWO HILLS
RECONCILIATION STATEMENT FOR SEPTEMBER 2021**

Net Balance at End SEPTEMBER 2021	\$539,742.69
Plus Deposits	\$636,027.56
Sub Total	\$1,175,770.25
Minus Disbursements (including transfers)	\$358,704.67
Closing Balance	\$817,065.58

Summary of Town of Two Hills Accounts

Alberta Treasury Branch Description of Accounts

Bus Custom Plan CB #24	(Main Account)	\$817,065.58
Bus Custom Plan CB #27	(Electronic Bill Payments)	\$37,191.50 *
Notice Account 90 Day	(Auction Holding)	\$101,063.09
TOTAL ATB		\$955,320.17

Revolving Loan - out of \$985,000.00

OTHER ACCOUNTS:	<u>Vision Credit Union</u>	
	Two Hills Improvement Committee	\$ 2,504.33
	Canada Day	\$ 7,376.98
	Pay Roll	\$ 121,051.18

Comments:

* Bus Custom Plan CB #27 Debit and Electronic Bill Payment Transfer Account-Transfers monthly to General Account



**TOWN OF TWO HILLS
RECONCILIATION STATEMENT FOR SEPTEMBER 2021**

ATB Two Hills

Summary for ATB General Account #24

BANK:

Total Cheq	\$ 240,367.50
Bank Open	\$ 540,725.35
Debits (61)	\$ 359,687.33
Credits (70)	\$ 636,027.56
Bank Closing Balance	\$ 817,065.58

GENERAL LEDGER:

GL Closing Balance	\$ 603,326.87
Outstanding Cheque	\$ 158,884.37
Outstanding Transa	\$ (54,854.34)
Bank Closing Balance	\$ 817,065.58

Summary for ATB General Account #27

BANK:

Total Cheq	\$ -
Bank Open	\$ 589,596.24
Debits (2)	\$ 617,383.80
Credits (13)	\$ 64,979.06
Bank Closing Balance	\$ 37,191.50

GENERAL LEDGER:

GL Closing Balance	\$ 37,998.00
Outstanding Cheque	\$ -
Outstanding Transa	\$ 806.50
Bank Closing Balance	\$ 37,191.50

Summary for ATB General Account #31

BANK:

Total Cheq	\$ -
Bank Open	\$ 101,000.83
Debits	\$ -
Credits (13)	\$ 62.26
Bank Closing Balance	\$ 101,063.09

GENERAL LEDGER:

GL Closing Balance	\$ 101,063.09
Outstanding Cheque	\$ -
Outstanding Transa	\$ -
Bank Closing Balance	\$ 101,063.09



1. Paving 45 Ave (Hwy 36 – 54 St): This project will be delayed until next summer. The first job the contractor will do in May 2022.

2. Municipal Election on Monday October 18th: a good bit of time was spent getting ready for the election and then reporting after the election.

3. AUMA Convention 2021: as of now council will stay be able to attend the convention in person.

Please see attached CAO Action Tracker for council requests!



Action Tracker for Council

Date	WHO? Call / Email	Issue / Reason / Topic	Action	STATUS
2021-02-19	Council Request	Two Hills Gas Franchise	Does the Town purchase? Operate? Costs? Revenue? Get more figures and options. Need updated information.	Ongoing
2021-04-07	Council Request	Snow Removal Policy	Update the part of the policy dealing with salting of sidewalks	Working On
2021-07-30	Council Request	Semis in Town	Discussing with owners of Semis about not driving on Town roads. NO Parking on Town streets. Notices Sent.	Ongoing
2021-09-10	Council Request	Unsanitary Premises	Have timelines with different landowners on cleanup.	Ongoing
2021-09-23	CAO	MCSNet Tower	MCSNet will be installing an INTERNET Tower in Two Hills behind the library in the fall (contingent on the progress of their current Fibre projects that they need to finish before freeze up). When they start installing towers, our tower will be first on the list. Probably late October to early November.	IN Contact with MCSNET for Status Updates
2021-10-22	Council Request	Library Roof - Leaking at border of the Roof Joints	Met with representative from roofing company about option to fix the leaking on the roof. There are 2 options. Will probably go with the sealant at the roof joint that will cover a foot each way to create a trough and also a better seal.	Spring - Summer 2022
		completed / DONE	highlighted updates for council.	



Correspondence Listing
Council Meeting of October 26, 2021



1. **St. Paul Education Regional Division No.1:** Board meeting highlights updating council on school changes, capital projects, finances, and correspondence.

2. **Alberta Health Services:** Vaccination Bus





Elder Advisory Council:

Trustees passed a motion to approve the formation of an Elder Advisory Council. The goals of the program include:

- Working together on strategies to help us with our goal of eliminating the achievement gap between First Nations, Metis, and Inuit students and all other students within our Division.
- Promoting the integration of First Nation, Metis, and Inuit content and perspectives into curriculum, classrooms and schools.
- Advising and providing feedback to help guide ongoing planning.
- Providing consultation on current and future FNMI programming initiatives in St. Paul Education schools.
- Leading ceremony in schools when called upon.

Elk Point Outreach School (EPOS) Location:

As requested by Trustee Young, administration presented a review of the previously planned relocation of EPOS. Trustees passed a motion to postpone the relocation of EPOS with a review of the decision scheduled for the 2023-2024 school year.

St. Paul Friends of Playschool:

In August, the St. Paul Friends of Playschool submitted a request to the Board to assume management of their program for 2022-23. As requested by the Board, they provided additional information about fundraising and material resources. Trustees passed a motion to take over the St. Paul Friends of Playschool for the 2022-23 school year with the understanding that the program has to break even in terms of costs. This means there might be increased fees or an expectation of fundraising in the future. In recent years, the Division successfully started a new preschool program at Mallaig School and also assumed responsibility for the program in Two Hills School, in partnership with the local preschool group.

Alberta School Boards' Association Curriculum Review: A survey on the draft curriculum for K-6 was recently shared with stakeholders but there have been limited responses to date. Parents, guardians and staff are encouraged to fill out the survey and provide feedback on this draft curriculum. The survey will remain open until November 11, 2021.

Covid Update:

On October 5, Alberta and Health announced new health measures. These include:

- The return of contact tracing and public reporting of Covid cases.
- Starting October 12, 2021, contact information will be shared by AHS. If three or more cases are identified in a K-6 classroom within a five day period the classroom will be moved to at-home learning for a period of 10 calendar days.
- Over the next four weeks the rapid screening test program will be expanding for K-6 students in more schools and regions. Screening students and staff can quickly identify people without symptoms who may have COVID-19. This will allow students and staff to isolate sooner and help reduce the virus spread.

Related to Division school sporting events, schools that have the manpower, equipment and resources available will livestream sporting events when possible.

Encouraging Mandatory Employee Vaccination Joint Letter:

On October 5, 2021, Minister of Education, Adriana LaGrange and Minister of Health, Jason Copping sent a joint letter to school authorities encouraging them to consider implementing a policy for proof of vaccination or negative tests. This would apply to adults in schools and not to students. The Board of Trustees and Central Office Administration have received a significant amount of feedback from numerous stakeholders related to this recommendation. Trustees passed a motion to share the correspondence received as part of the public record. Trustees held considerable discussion related to this recommendation. Along with their mandate to provide an education, they have a responsibility to keep students and staff safe. They also have many outstanding questions and different points of view to consider before taking steps to implement any such policy. The Board had questions on possible operational impacts. Amid a lack of clarity over where the responsibility for such a policy should lie (trustees or administration) and several new trustees set to assume office, the board felt it would be premature to make a decision at this time. Trustees also expressed concern that this health-related decision has been offloaded to school boards. As this is a very important decision with far-reaching impacts for both future boards and staff, trustees determined that more information is needed before any further discussion or a decision related to this issue. With an enrollment of approximately 3700 students, the Board of Trustees strongly encourages all parents/guardians, staff, and other stakeholders who have not already done so to provide their thoughts on this important topic.

2021-22 Enrolment Update: The total enrollment is 3652 which is 55 down from projections. No staff adjustments will need to be made this year although this shortfall will affect future funding under the new provincial Weighted Moving Average formula..



Alberta School Councils' Association Service (ASCA) Package: Trustees passed a motion to accept an offer from ASCA to provide a Division Service Package which will provide three workshops for a one-time cost of \$1000.00.

Assurance Framework: Assistant Superintendents Cabaj-Martin and Gamblin provided an overview of the spring 2021 Alberta Education Assurance Measure Results. This is the first year that this framework is in place and it replaces the previous Accountability Pillar. As there were no Achievement or Diploma exams last year there is no data to report in this area. The Division is looking at establishing division-wide baseline data through the Division Numeracy and Literacy committees. Division students are performing on par with other students in the province in both three-year and five-year high school completion. Most of the other spring 2021 measures reflect the annual survey which went out to all staff and students and parents of students in Grades 4, 7 and 10. In schools with fewer than 120 students in Grades 4 to 12, the survey includes all parents. A number of the measures, such as Student Learning Engagement and Access to Supports and Services are new for this year. Some measures from the Accountability Pillar have been revised in the new Assurance Framework so trend data is not available for these measures. All of the required provincial and local measure results from spring 2021 will be reported in the Annual Education Report and posted on the Division website after November 30. The Annual Education Report will be aligned with the [Division's Three-Year Education Plan](#), which can be viewed on the Division website.

Superintendent's Report

- September 30 was recognized across the Division by all of our schools. Students and staff took part in Orange Shirt Day and other related Truth & Reconciliation activities highlighting the history and ongoing impacts of residential schools. We reaffirm our commitment to teaching our students about the effects of residential schools.
- October 2 was Custodial Appreciation Day. The Division recognizes the important role they play in keeping our school environments clean, safe, welcoming and functioning.
- October 5 was World Teacher Day, recognizing and celebrating teachers throughout the world. Thank you to St. Paul Education educators for their dedication and commitment to our students.
- October 8 was the Alberta Teachers Association Professional Development Day. It was a great day of learning for all participants. Thank you to the organizers and presenters!
- October 17-23 is School Bus Safety Week. The division will be promoting aspects of school bus safety on our social media throughout the week. Students will be invited to participate in the Alberta Student Transportation Advisory Council's poster contest.
- October 18 is municipal election day. Trustees underscored the importance of common sense and integrity when making decisions as a trustee. Superintendent Brodziak offered a note of thanks and best wishes for those that are leaving.

Financial Report

- Secretary-Treasurer Champagne shared information about changes in the Weighted Moving Average for the 2021-22 school year.
- Information was shared about small changes made to Alberta Education's Funding Manual for the 2021-22 school year, including changes to funding for distance education.
- Information regarding Alberta School Council Association's Community Engagement Grant and workshop possibilities will be forwarded to the Council of School Councils.

Reports

Alberta Catholic School Trustees Association (ACSTA) Call for Nominations: Call for new executive after the local election.

Alberta School Boards Association (ASBA) Fall General Meeting and Key Dates: Participants will have the option to attend in-person or virtually on November 14-16, 2021.

ASBA Policy 12 Amendments: Changes to Policy 12 were shared, including the addition of the new Leadership Quality Standard. Motion from Trustee Anderson to table this review for the new board policy committee.

Calgary Board of Education and Northern Gateway Correspondence: These letters voice concerns of other boards in regards to the downloading of health-related decisions to school boards.

Alberta Education Guide to Education: Key updates to this year's Guide to Education were highlighted. Moving forward, the document will be available exclusively online.

Agriculture Service Board: Participants will hear speakers and visit the Career Technology Education Centre on November 5, 2021.

----- Forwarded message -----

From: **Brent Korte** <brent@korte-consulting.com>

Date: Fri, 15 Oct 2021 at 12:33

Subject: Re: Town of Two Hills seeking MVC

To: Theresa Tang <theresa.tang@19tozero.ca>

Cc: Krista Shortridge <krista.shortridge@acesomedical.com>, <lewanishan@gmail.com>, <cao@townoftwohills.com>, Jamie Peel <Jamie.peel@acesomedical.com>

Thanks everyone for your collaboration on this. One additional thought regarding location if there is a challenge with one of the ones mentioned below. We have been in contact with ATB and they have offered that we could possibly park the bus in one of their branch parking lots or nearby. I haven't engaged them specifically regarding their branch in Two Hills but that could be managed fairly quickly. Just throwing another option out there and let me know if the group wants to pursue that location approach.

Thanks!

Brent

On Oct 15, 2021, at 12:24 PM, Theresa Tang <theresa.tang@19tozero.ca> wrote:

Thanks Krista!

Hi Garren,

Nice to e-meet you. 19 to Zero, one of the public health partners on the mobile vaccine bus, is a not for profit that has been working on various initiatives to increase vaccine uptake across the country. A few strategies might be worth exploring for the Two Hills community.

- **Communications Campaign:** We have a marketing campaign that was informed by rural vaccine hesitant Canadians and Albertans that is being launched October 25. It's called It's Never Too Late, Until It Is. The campaign will be launching on TV, radio, billboard in Wood Buffalo with paid media buy, but the creative assets we will have available can be shared widely in any other jurisdiction that feels this message would resonate with their vaccine hesitant populations. Some other rural Alberta towns have already expressed interest in it. Happy to share when available.
- **Education:** If you think a townhall or some education might help happy to explore strategies around this. We held a telephone townhall in September in the Fort Mac / Wood Buffalo area and had over 5000 participants. We were shocked by how many people participated and still had questions about the vaccine. We also have a number of educational documents in different languages that people across the country have downloaded and used for basic FAQs.

- **Engaging Local Leaders:** We've definitely found engaging local champions is effective (church leaders, political leaders, etc). Happy to discuss ways to leverage local leaders who might be open to sharing their voice to promoting COVID-19 vaccines and safe public health practices. You can combine this with education, marketing campaigns, but also PR and media etc.

If you're interested in having a quick call, happy to connect next week. There are a few other strategies as well we could probably consider as well to encourage vaccine uptake. My number is 416-200-1812.

Thank you!
Theresa

--

Theresa Tang

Co-Chair & Chief Operating Officer

416-200-1812

Theresa@19toZero.ca

www.19toZero.ca

On Fri, Oct 15, 2021 at 1:45 PM Krista Shortridge

<krista.shortridge@acesomedical.com> wrote:

Hi Gerren,

I just finished up a phone call with Leonard regarding his request for the mobile vaccination bus to come out to Two Hills. Aceso Medical will be managing the bookings of the bus, so please don't hesitate to reach out with any questions you might have. I have cc'd Jamie on this email as she will also be helping with the logistical planning of the vaccine clinic.

Leonard thinks that our best bet is to try and get one of the churches to approve us parking the bus in their parking lot for a day. I will reach out to the two churches he suggested and ask if this is something they would consider. He also expressed that the town is dealing with a lot of vaccine hesitancy, which is resulting in the low vaccination rates. I have cc'd Theresa on this email, she is the Co-Chair & Chief Operating Officer at a group called 19-to-zero. She would be a good person to talk to about the struggles you are facing with vaccine hesitancy within your population, and she might have some good marketing material available for possible campaigns.

The first week of November is our next available time to book the bus. I will reach out to the churches and allow them to select a day that works best. I look forward to working with your town to address your concerns and hopefully get a few more people vaccinated!

Chat soon,

Krista Shortridge

Administrative Assistant – Vaccine | [Aceso Medical](#)

P: (780) 986-8770 ext 3

F: (780) 986-9447

A: 101 6207 50St Leduc, AB T9E 7A9

NOTE: This message, and any documents attached hereto, is intended only for the addressee and may contain privileged or confidential information. Any unauthorized disclosure is strictly prohibited. If you have received this message in error, please notify us immediately so that we may correct our internal records. Please then delete the original message. Thank you.

From: Wanda Aubee <Wanda.Aubee@gov.ab.ca>

Subject: Town of Two Hills seeking MVC

Date: October 15, 2021 at 9:21:25 AM MDT

To: Brent Korte <brent@korte-consulting.com>

Hi Brent,

In follow up to our conversation re: central Alberta, I have just received a copy of correspondence sent from Leonard Ewanishan, Mayor of the town of Two Hills, to the Minister of Health requesting support to increase immunization, including a visit from the MVC. Please reach out to the town as soon as possible to make arrangements (780-657-3395). This local geographic area is one of the lowest in the province so is a priority. Thank you!

Wanda Aubee (she/her)
Executive Director, Health and Wellness Promotion
Alberta Health
23rd Flr., 10025 Jasper Ave.
Edmonton, AB T5J 1S6

Wanda.aubee@gov.ab.ca


Phone: 780-422-2561

<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;"> TOWN OF TWO HILLS COUNCIL MEETING AGENDA ITEM </div> </div>					
Meeting Date: October 26, 2021		Confidential:		Yes	No <input checked="" type="checkbox"/>
Topic: Council Tech					
Originated By: Gerren Saskiw			Title: C.A.O		
BACKGROUND:					
<p>As \$1000 for each Council member has been allocated. Administration is able to order and set up each item or Council may submit the receipt for the tech of their choosing.</p>					
DOCUMENTATION ATTACHED:					
DISCUSSION:					
COMMUNICATION PLAN/COMMUNITY INVOLVEMENT:					
RECOMMENDED ACTION(S):					
<p>Depends on Discussions</p>					
CAO- Gerren Saskiw					
DISTRIBUTION:		Council: X <i>GS</i>		DISTRIBUTION: Council: X	



TOWN OF TWO HILLS COUNCIL MEETING AGENDA ITEM



Meeting Date: October 26, 2021	Confidential:	Yes	No	X
Topic: Covid-19 Policy				
Originated By: Gerren Saskiw		Title: C.A.O		
BACKGROUND:				
<p>As Council moved to have administration look into a vaccine policy attached is the Town of Banffs' Vaccination Policy.</p>				
DOCUMENTATION ATTACHED:				
<p>Banff Policy A2003, Letter from Health and Safety Committee, VAERS data, Bill S-201, Legal notice letters from Justice Centre.</p>				
DISCUSSION:				
<p></p>				
COMMUNICATION PLAN/COMMUNITY INVOLVEMENT:				
<p></p>				
RECOMMENDED ACTION(S):				
<p>Depends on Discussions</p>				
<p>CAO- Gerren Saskiw </p>				
DISTRIBUTION:	Council: X	DISTRIBUTION:	Council: X	



ADMINISTRATIVE POLICY

Mandatory COVID-19 Vaccination

A2003



Approved by Town Manager:	August 11, 2021	Administrative Responsibility:	Human Resources
Modified on:		Last Review Date:	August 11, 2021
Replaces:		Next Review Date:	
Related Documents			

1.0 Policy

This policy outlines the requirement for all Town of Banff employees, non-employee/specialty contractors, and municipal program volunteers to be fully vaccinated against COVID-19. The Town of Banff (“Employer”) has been a municipal leader in establishing protocols to prevent the spread of COVID-19 within the workplace throughout the pandemic. COVID-19 and the health threat it poses is unprecedented and as public health measures lessen, vaccines are the best defense we have. COVID-19 is a recognized workplace hazard and vaccinations are considered an engineering control to address and mitigate the risk of transmission in the workplace.

2.0 Purpose

The Town of Banff fosters and maintains a healthy and safe environment in the best interests of all employees, clients and other stakeholders. As a part of the Employer’s efforts to do so, and having regard to the unprecedented risks posed by the COVID-19 pandemic to the health and safety of individuals, organizations and broader society, the Employer is mandating that all employees be fully vaccinated as a condition of continued employment, unless Exempt.

3.0 Definitions

The following terms in this Policy have the following meanings:

- “**COVID-19**” means the disease caused by the SARS-CoV2 virus, including any new strains of such virus, and for the purposes of this policy a reference to the “COVID-19 pandemic” includes a reference to COVID-19.
- “**Employee**” means all Town of Banff employees, non-employee/specialty contractors and municipal program volunteers, as determined by the Director of Human Resources in the event of uncertainty.
- “**Exempt**” means an exemption from the requirement to receive a Vaccine pursuant to section 4.6 of this Policy.
- “**Vaccine**” means a full dose of a vaccine for the SARS-CoV2 virus which has been approved for use by Health Canada on an interim or permanent basis.

4.0 Policy Details

- 4.1 Unless Exempt, all current Employees must be fully vaccinated by the deadline established by the Employer as a term and condition of continued employment.
- 4.2 Employees hired by the Employer will be required to provide proof to the Employer of having received a Vaccine, unless Exempt.
- 4.3 Employees who fail or refuse to comply with this Policy will be subject to the following, at the discretion of the Employer, having regard to the circumstances:
 - a. termination of such Employee's employment for just cause;
 - b. being placed on an unpaid leave of absence until such time as the Employee complies with this Policy;
 - c. such other consequence as determined by the Employer.
- 4.4 The Employer is responsible for:
 - a. providing Vaccine educational materials to Employees;
 - b. providing existing employees with up to three hours of regular pay in order to attend an appointment for the (first and) second dose of COVID-19 vaccination.
 - c. establishing or modifying deadlines for Employees to receive a Vaccine or to submit a request to be Exempt, having regard to the availability of the Vaccine from health authorities;
 - d. maintaining records confirming Vaccines by Employees, and records relating to whether an Employee is Exempt, in accordance with applicable privacy legislation; and
 - e. processing Employee requests to be Exempt and ensuring that such requests to be Exempt are handled pursuant to applicable human rights legislation, where applicable.
- 4.5 Employees are responsible for:
 - a. taking all necessary steps to protect the health and safety of themselves and others in the workplace;
 - b. complying with all Employer policies and protocols to address the COVID-19 pandemic;
 - c. fully cooperating with the Employer when making a request to be Exempt;
 - d. providing proof in a form satisfactory to the Employer of having received a Vaccine or submitting a request to be Exempt in accordance with the deadline established by Human Resources;
- 4.6 An Employee may request that he or she be Exempt from the requirement to receive a Vaccine by submitting to the Employer a request for exemption based on one of the following:
 - a. a medical condition which, in the opinion of a physician, renders the Employee unable to safely receive a Vaccine, provided that such request is submitted with a note or letter from such physician confirming the need for an exemption;
 - b. a sincerely held religious belief or practice which prohibits the Employee from receiving a Vaccine, provided that such request is submitted with records which, in the opinion of the Employer acting reasonably, establishes such belief or practice;

- c. a reason other than those set out in sections 4.6(a) or (b), along with such information as the Employer may reasonably require to consider the request to be Exempt, and its impact on the health and safety of the workplace.
- 4.7 Upon receipt of a request from an Employee that they be Exempt, the Employer shall consider the request in accordance with human rights legislation (where applicable) and shall communicate to such Employee whether the request is granted or refused. The Employer may require additional information as determined on a case-by-case basis.
- 4.8 Where an exemption is granted, the Employer may consider reasonable alternatives which would address the risk of the COVID-19 pandemic and may make alterations to the terms and conditions of the Employee's employment where necessary to achieve reasonable accommodation, including without limitation requiring the Employee to work from home, requiring the Employee to take on modified job duties to reduce risks to health and safety in the workplace, requiring the Employee to utilize personal protective equipment, or other alterations.
- 4.9 The decision by the Employer regarding a request to be Exempt is final, subject to the discretion of the Employer to reconsider the request.
- 4.10 Having regard to the sensitivity of medical information, the Employer shall take reasonable steps to ensure that the information provided by Employees pursuant to this Policy is treated as confidential, is only made available to those persons who have a demonstrated need to know the information, and is maintained only for such time as is necessary, having regard to the COVID-19 pandemic and applicable legislation. Specifically, an employee may satisfy the requirement of providing proof of vaccination by showing to the Director of Human Resources (or designate) their vaccination certificate without leaving a copy of the certificate with the Employer.
- 4.11 This Policy may be amended or replaced by the Employer in its discretion, having regard to changing circumstances.

5.0 Procedures

The Town of Banff has had great success in avoiding workplace transmission of COVID-19. The pandemic is anticipated to be active for many more months and possibly years. In order to provide a further layer of safety and protection, mandatory vaccinations are required of all Employees, unless an exemption applies.

5.1. Policy PPE06 COVID-19 Safety Protocols:

- a. Employees will be advised when workplace safety measures are changed throughout the pandemic.
Decisions to relax or enhance safety protocols will be made according to both local and workplace measures such as confidence in hazard controls to protect workers, employee immunization levels, positive cases in the community, nature of interaction and client-based services (particularly those in contact with vulnerable sectors).

6.0 Related Documents and Resources

- 6.1 Procedure PPE06 COVID-19 Safety Protocols
- 6.2 COVID-19 Vaccine – Questions and Answers July 2021
- 6.3 Alberta Human Rights -
https://www.albertahumanrights.ab.ca/employment/employee_info/Pages/employee_rights_and_responsibilities.aspx
- 6.4 Occupational Health and Safety –
<https://open.alberta.ca/dataset?tags=Occupational+Health+and+Safety>
- 6.5 Government of Alberta – Workplace Safety –
<https://ohs-pubstore.labour.alberta.ca/covid-19>
- 6.6 Town of Banff Mandatory COVID-19 Vaccination Policy FAQ's

On behalf of 75% of Town Employees and the Health & Safety Employer and Employee representatives.

To: Town of Two Hills Council,

We are writing in relation to the potential mandate re: mandatory COVID-19 vaccinations and mandatory testing of COVID-19 for unvaccinated, accommodated person(s) and those who chose not to disclose their private medical history to the Town of Two Hills.

We are not going to disclose my vaccination status to the Town of Two Hills as medical health is protected by privacy laws. Personal medical health and choices are private and confidential and we are not required to disclose these to anyone. The Town of Two Hills does not have the right to ask about vaccination status. Privacy is protected under the Personal Information Protection and Electronic Documents Act, 2000 (PIPEDA) as well as the Personal Health Information Protection Act, 2004 (PHIPA) as well as the Alberta Occupational Health and Safety Act, R.S.O. 1990, c. O.1 and the Freedom of Information and Protection of Privacy Act, RSO 1990.

We are not going to consent to any type of COVID-19 testing OR vaccination mandate that the Town of Two Hills is potentially implementing. We do not give our informed consent.

Informed consent means that the person who will administer the medical treatment or procedure, needs to **inform** you of all the benefits and risks associated with the medical treatment or procedures as well as alternative treatments before you decide if you will consent or not. This is medical freedom. These are our God-given inalienable rights.

Elements of consent: your expressed, informed and explicit consent (voluntary) must be obtained **prior** to treatment. Without consent it is considered assault under the Criminal Code of Canada. Consent given under fear or duress is **not** consent. Section 265(3) of the Criminal Code of Canada defines consent in relation to assault as:

Consent

(3) For the purposes of this section, no consent is obtained where the complainant submits or does not resist by reason of

- **(a)** the application of force to the complainant or to a person other than the complainant;
- **(b)** threats or fear of the application of force to the complainant or to a person other than the complainant;
- **(c) fraud**; or
- **(d) the exercise of authority.**

CONSENT TO TREATMENT

No treatment without consent

10 (1) A health practitioner who proposes a treatment for a person shall not administer the treatment, and shall take reasonable steps to ensure that it is not administered, unless,

- (a) he or she is of the opinion that the person is capable with respect to the treatment, and the person has given consent; or
- (b) he or she is of the opinion that the person is incapable with respect to the treatment, and the person's substitute decision-maker has given consent on the person's behalf in accordance with this Act. 1996, c. 2, Sched. A, s. 10 (1).

Elements of consent:

Informed Consent is Required 1.1 Before providing a specific treatment/procedure(s) or plan of treatment/procedure(s), the MRHP shall obtain express informed consent or implied informed consent from the patient, unless a valid exception to informed consent applies (see Section 5 below).

1.2 The MRHP is responsible for determining the most appropriate method of obtaining informed consent (express or implied).

1.3 All consent, whether express or implied, shall be informed.

1.4 Implied informed consent may be presumed in (but is not limited to) circumstances where the patient presents voluntarily for an examination, investigation, or minor or less invasive treatment/procedure(s) which the MRHP determines does not require express informed consent.

- a) The MRHP shall be satisfied that the circumstances or the actions of the patient imply permission for the examinations, investigations, and treatment/procedure(s) proposed.
- b) If there is any doubt that there is implied informed consent, the MRHP shall obtain express informed consent from the patient.
- c) Implied informed consent is encouraged to be documented by the MRHP in the patient's health record.

Treatment is defined in the Consent to Treatment/procedure policy PRR-01 from AHS:

"Treatment/procedure(s) means a specific assessment, treatment, investigative procedure(s), or series of treatments/procedures planned to manage a clinical condition; these can be presented as a treatment plan/intervention." This definition would include any vaccination or **any** COVID-19 test, as they are both, allegedly, "preventive", "diagnostic" and for a "health-related purpose".

The Nuremberg Code, to which Canada is a signatory, states that it is essential before performing a medical procedure on human beings, that there is voluntary informed consent. It also confirms a person involved should have legal capacity to give consent, without the intervention of any element of force, fraud, deceit, duress, overreaching, or other ulterior form of constraint or coercion; and should have sufficient knowledge and comprehension of the elements of the subject matter involved as to enable him/her to make an informed decision.

Nuremberg Code: Article 6, Section 1:

Any preventative, diagnostic and therapeutic medical intervention is only to be carried out with the prior, free and informed consent of the person concerned, based on adequate information. The consent should, where appropriate, be expressed and may be withdrawn by the person concerned at any time and for any reason **without disadvantage or prejudice**.

Nuremberg Code: Article 6: Section 3:

In no case should a collective community agreement or the consent of a community leader or other authority substitute for an individual's informed consent.

By forcing employees to submit to a COVID-19 vaccination or test (including the rapid antigen test), you are in breach of the Nuremberg Code.

Furthermore, the Supreme Court of Canada has well established case law that deals with medical treatment without the informed consent of the patient. Case law, to some in the legal field, would be regarded as the most recent, gold-standard-type of law. Case law cannot be overturned or overruled without new case law on that issue. The Supreme Court of Canada has made it clear that it is unconstitutional to force medical treatment of any kind without the informed consent of the patient. Any action taken by an employer in contravention of case law, would be unlawful.

In terms of accessing my health records, the Alberta Occupational Health and Safety Act also speaks to this. Under the Alberta Occupational Health and Safety Act, R.S.O. 1990, c. O.1 under Section 63(2) it states:

Information confidential

Employer access to health records

(2) No employer shall seek to gain access, except by an order of the court or other tribunal or in order to comply with another statute, to a health record concerning a worker without the worker's written consent. R.S.O. 1990, c. O.1, s. 63 (2).

While we recognize that Section 63(2) of the Alberta Occupational Health and Safety Act, 1990, states that accessing the health records of an employee is subject to any other statute (which presumably includes the Reopening {A Flexible Response to Covid-19} Act, 2020), it is nonetheless important to highlight this Act. "Any other statute" is a very broad legal inclusion and would include many of the laws we have referenced in this letter.

Furthermore, the Canadian Charter of Rights and Freedoms Section 2 (a) (freedom of conscience and religion) and Section 7 (everyone has the right to life, liberty, and security of person and the right not to be deprived thereof except in accordance with the principles of fundamental justice), apply to these mandates. Human bodily autonomy is as basic as it gets in terms of rights. We have the right to liberty – and this includes the right to refuse medical treatment (including vaccines or any of the available tests for COVID-19).

The PCR test is a form of genetic test and also would fall under the definition of a medical procedure. The following legislation also applies: Bill S-201, Statutes of Canada 2017: “An Act to prohibit and prevent genetic discrimination”. In it, it clearly defines “genetic test”: *genetic test* means a test that analyzes DNA, RNA or chromosomes for purposes such as the prediction of disease or vertical transmission risks, or monitoring, diagnosis or prognosis. (*test génétique*)

Furthermore, in this legislation it also outlines Prohibitions:

Prohibitions

Genetic test

3 (1) It is prohibited for any person to require an individual to undergo a genetic test as a condition of

- (a) providing goods or services to that individual;
- (b) entering into or continuing a contract or agreement with that individual; or
- (c) offering or continuing specific terms or conditions in a contract or agreement with that individual.

This legislation also outlines “Offences and Punishment”

Contravention of sections 3 to 5

7 Every person who contravenes any of sections 3 to 5 is guilty of an offence and is liable

- (a) on conviction on indictment, to a fine not exceeding \$1,000,000 or to imprisonment for a term not exceeding five years, or to both; or
- (b) on summary conviction, to a fine not exceeding \$300,000 or to imprisonment for a term not exceeding twelve months, or to both.

Lastly, as indicated by Alberta Health Services numerous times (and as evidenced in our ICU statistics), vaccinated persons can still get and transmit COVID-19 despite their inoculation. With this “scientific” evidence, why are only the non-disclosed, unvaccinated or accommodated persons under the Human Rights Code, forced to comply with the mandatory COVID-19 testing? The testing, hypothetically, is to ensure that you don’t transmit COVID-19 to other co-workers or the citizens of Town of Two Hills that you interact with on a regular basis. The fact that you are outwardly targeting unvaccinated, accommodated or non-disclosed employees is grounds for discrimination and harassment and is liable for legal action as well.

It is evident that the Town of Two Hills would be in breach of various federal and provincial legislations, as well as case law and their own internal procedures with the recent COVID-19 vaccination and testing mandates.

In conclusion, we hereby notify you that we will hold you **personally liable as well as the Town of Two Hills** for any financial injury and/or loss of my personal income and my ability to provide food and shelter for my family if you use coercion or discrimination against me based on our decision to not participate in the COVID-19 vaccination and/or testing mandates nor will I disclose my vaccination status to you.

Name:

Signature:

Date:

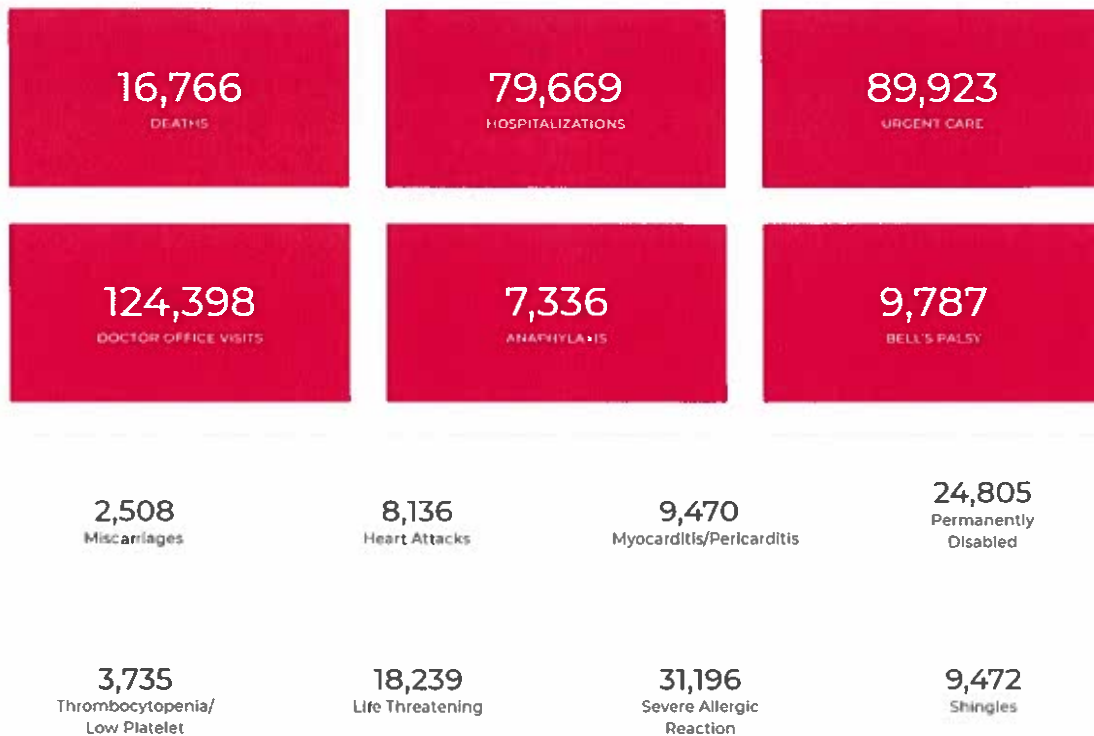
Witness Name:

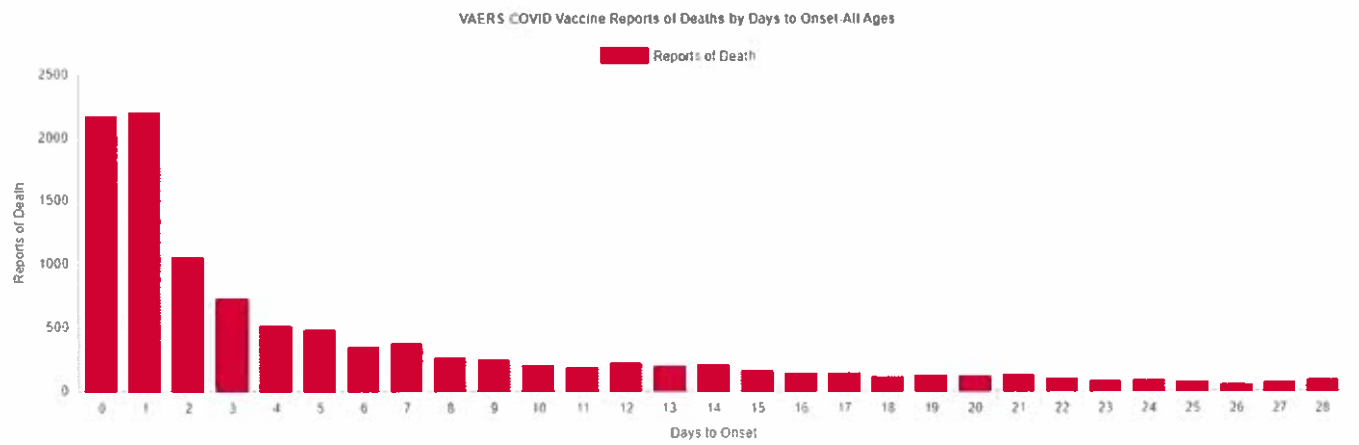
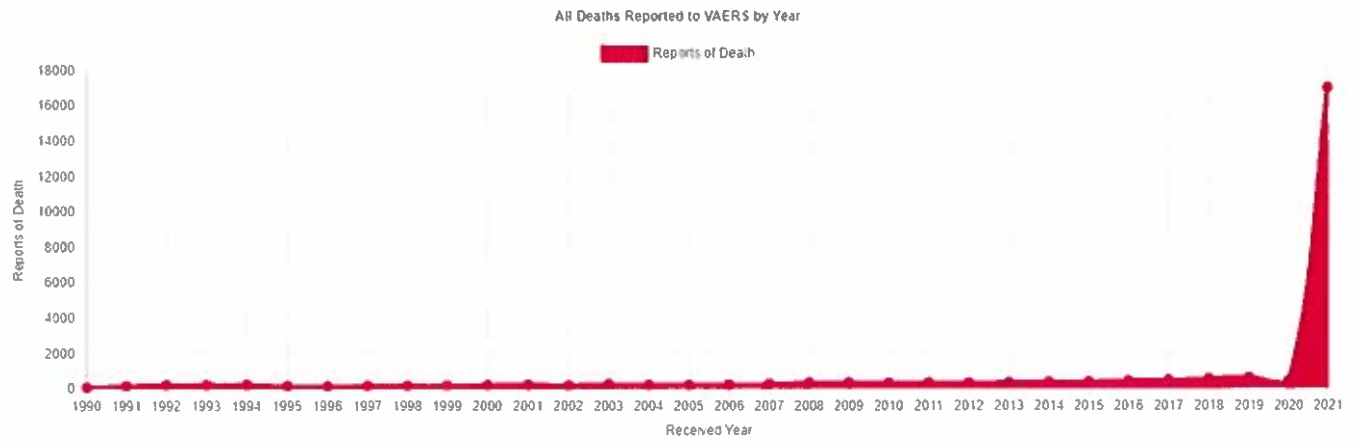
Witness Signature:

This week's VAERS data shows:

- 19% of deaths were related to cardiac disorders.
- 45% of those who died were male, 43% were female and the remaining death reports did not include gender of the deceased.
- The average age of those who died was 77.7 and the youngest death was an 18-year-old.
- As of October 8, 341 pregnant women had reported adverse events related to COVID vaccines, including 104 reports of miscarriage or premature birth.
- Of the 9787 cases of Bell's Palsy reported, 63% of cases were reported after Pfizer-BioNTech vaccinations — almost twice as many as reported (36%) following vaccination with the Moderna vaccine.
- There were 7336 reports of anaphylaxis, with 53% of cases attributed to the Pfizer-BioNTech vaccine, 44% to Moderna.
- Using a broadened search for any reference to anaphylaxis in chart notes resulted in 21,193 reports, with 52% of cases attributed to Pfizer's COVID vaccine, 45% to Moderna. With each vaccine, nearly 42% of anaphylactic reports occurred in people aged 17-44.

798,634 Reports
Through October 08, 2021





STATUTES OF CANADA 2017

CHAPTER 3

An Act to prohibit and prevent genetic discrimination

ASSENTED TO

MAY 4, 2017

BILL S-201

SUMMARY

This enactment prohibits any person from requiring an individual to undergo a genetic test or disclose the results of a genetic test as a condition of providing goods or services to, entering into or continuing a contract or agreement with, or offering specific conditions in a contract or agreement with, the individual. Exceptions are provided for health care practitioners and researchers. The enactment provides individuals with other protections related to genetic testing and test results.

The enactment amends the *Canada Labour Code* to protect employees from being required to undergo or to disclose the results of a genetic test, and provides employees with other protections related to genetic testing and test results. It also amends the *Canadian Human Rights Act* to prohibit discrimination on the ground of genetic characteristics.

Available on the Parliament of Canada Web Site at the following address:
<http://www.parl.gc.ca>

64-65-66 ELIZABETH II

CHAPTER 3

An Act to prohibit and prevent genetic discrimination

[Assented to 4th May, 2017]

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short Title

Short title

1 This Act may be cited as the *Genetic Non-Discrimination Act*.

Interpretation

Definitions

2 The following definitions apply in this Act.

disclose includes to authorize disclosure. (*communiquer*)

genetic test means a test that analyzes DNA, RNA or chromosomes for purposes such as the prediction of disease or vertical transmission risks, or monitoring, diagnosis or prognosis. (*test génétique*)

health care practitioner means a person lawfully entitled under the law of a province to provide health services in the place in which the services are provided by that person. (*professionnel de la santé*)

Prohibitions

Genetic test

3 (1) It is prohibited for any person to require an individual to undergo a genetic test as a condition of

(a) providing goods or services to that individual;

(b) entering into or continuing a contract or agreement with that individual; or

(c) offering or continuing specific terms or conditions in a contract or agreement with that individual.

Refusal to undergo genetic test

(2) It is prohibited for any person to refuse to engage in an activity described in any of paragraphs (1)(a) to (c) in respect of an individual on the grounds that the individual has refused to undergo a genetic test.

Disclosure of results

4 (1) It is prohibited for any person to require an individual to disclose the results of a genetic test as a condition of engaging in an activity described in any of paragraphs 3(1)(a) to (c).

Refusal to disclose results

(2) It is prohibited for any person to refuse to engage in an activity described in any of paragraphs 3(1)(a) to (c) in respect of an individual on the grounds that the individual has refused to disclose the results of a genetic test.

Written consent

5 It is prohibited for any person who is engaged in an activity described in any of paragraphs 3(1)(a) to (c) in respect of an individual to collect, use or disclose the results of a genetic test of the individual without the individual's written consent.

Exceptions: health care practitioners and researchers

6 Sections 3 to 5 do not apply to

(a) a physician, a pharmacist or any other health care practitioner in respect of an individual to whom they are providing health services; or

(b) a person who is conducting medical, pharmaceutical or scientific research in respect of an individual who is a participant in the research.

Offences and Punishment

Contravention of sections 3 to 5

7 Every person who contravenes any of sections 3 to 5 is guilty of an offence and is liable

(a) on conviction on indictment, to a fine not exceeding \$1,000,000 or to imprisonment for a term not exceeding five years, or to both; or

(b) on summary conviction, to a fine not exceeding \$300,000 or to imprisonment for a term not exceeding twelve months, or to both.

R.S., c. L-2

Canada Labour Code

8 The *Canada Labour Code* is amended by adding the following after section 247.97:

DIVISION XV.3

Genetic Testing

Definitions

247.98 (1) The following definitions apply in this Division.

disclose includes to authorize disclosure. (*communiquer*)

genetic test, in relation to an employee, means a test that analyzes the employee's DNA, RNA or chromosomes for purposes such as the prediction of disease or vertical transmission risks, or monitoring, diagnosis or prognosis. (*test génétique*)

Genetic test

(2) Every employee is entitled not to undergo or be required to undergo a genetic test.

Disclosure of results

(3) Every employee is entitled not to disclose or be required to disclose the results of a genetic test.

Disciplinary action

(4) No employer shall dismiss, suspend, lay off or demote an employee, impose a financial or other penalty on an employee, or refuse to pay an employee remuneration in respect of any period that the employee would, but for the exercise of the employee's rights under this Division, have worked, or take any disciplinary action against or threaten to take any such action against an employee

(a) because the employee refused a request by the employer to undergo a genetic test;

(b) because the employee refused to disclose the results of a genetic test; or

(c) on the basis of the results of a genetic test undergone by the employee.

Disclosure by third party

(5) No person shall disclose to an employer that an employee has undergone a genetic test, or disclose to an employer the results of a genetic test, without the written consent of the employee.

Collection or use

(6) No employer shall collect or use the results of a genetic test without the written consent of the employee who has undergone the test.

Complaint to inspector

247.99 (1) An employee who alleges that an employer has taken action against the employee in contravention of subsection 247.98(4) may make a complaint in writing to an inspector.

Time for making complaint

(2) Subject to subsection (3), the complaint shall be made to the inspector not later than 90 days after the date on which the complainant knew, or in the inspector's opinion ought to have known, of the action or circumstances giving rise to the complaint.

Extension of time

(3) The Minister may extend the period of time referred to in subsection (2) if the Minister is satisfied that a complaint was made in that period to a government official who had no authority to deal with the complaint but that the employee making the complaint believed the official had that authority.

Inspector to assist parties

(4) On receipt of a complaint made under subsection (1), an inspector shall endeavour to assist the parties to the complaint to settle the complaint or cause another inspector to do so.

Where complaint not settled within reasonable time

(5) Where a complaint is not settled under subsection (4) within such period as the inspector endeavouring to assist the parties pursuant to that subsection considers to be reasonable in the circumstances, the inspector shall, on the written request of the employee who made the complaint that the complaint be referred to an adjudicator under subsection (6),

(a) report to the Minister that the endeavour to assist the parties to settle the complaint has not succeeded; and

(b) deliver to the Minister the complaint made under subsection (1) and any other statements or documents the inspector has that relate to the complaint.

Reference to adjudicator

(6) The Minister may, on receipt of a report pursuant to subsection (5), appoint any person that the Minister considers appropriate as an adjudicator to hear and adjudicate on the complaint in respect of which the report was made, and refer the complaint to the adjudicator.

Decision of adjudicator

(7) An adjudicator to whom a complaint has been referred under subsection (6) shall

(a) consider whether the employer has contravened subsection 247.98(4) and render a decision on it; and

(b) send a copy of the decision with the reasons for the decision to each party to the complaint and to the Minister.

Orders

(8) If an adjudicator decides pursuant to subsection (7) that an employer has contravened subsection 247.98(4), the adjudicator may, by order, require the employer to cease contravening that subsection and may, if applicable, by order, require the employer to

(a) permit the employee to return to the duties of their employment;

(b) reinstate the former employee;

(c) pay to the employee or former employee compensation not exceeding the sum that, in the adjudicator's opinion, is equivalent to the remuneration that would, but for the contravention, have been paid by the employer to the employee or former employee;

(d) rescind any disciplinary action taken in respect of the contravention and pay compensation to the employee, not exceeding the sum that, in the

adjudicator's opinion, is equivalent to any financial or other penalty imposed on the employee by the employer; and

(e) do any other like thing that it is equitable to require the employer to do in order to remedy or counteract any consequences of the contravention.

Application of provisions

(9) Subsection 242(2) applies to a complaint that has been referred to an adjudicator under subsection (6), sections 243 and 244 apply to an order of an adjudicator under subsection (8), and subsection 246(1) applies to an employee who makes a complaint under subsection (1), with any necessary modifications.

R.S., c. H-6

Canadian Human Rights Act

9 Section 2 of the *Canadian Human Rights Act* is replaced by the following:

Purpose

2 The purpose of this Act is to extend the laws in Canada to give effect, within the purview of matters coming within the legislative authority of Parliament, to the principle that all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated, consistent with their duties and obligations as members of society, without being hindered in or prevented from doing so by discriminatory practices based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, genetic characteristics, disability or conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

10 (1) Subsection 3(1) of the Act is replaced by the following:

Prohibited grounds of discrimination

3 (1) For all purposes of this Act, the prohibited grounds of discrimination are race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, genetic characteristics, disability and conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

(2) Section 3 of the Act is amended by adding the following after subsection (2):

Idem

(3) Where the ground of discrimination is refusal of a request to undergo a genetic test or to disclose, or authorize the disclosure of, the results of a genetic test, the discrimination shall be deemed to be on the ground of genetic characteristics.

Coordinating Amendments

Bill C-16

11 (1) Subsections (2) and (3) apply if Bill C-16, introduced in the 1st session of the 42nd Parliament and entitled *An Act to amend the*

***Canadian Human Rights Act and the Criminal Code* (in this section referred to as the “other Act”), receives royal assent.**

(2) On the first day on which both section 1 of the other Act and section 9 of this Act are in force, section 2 of the *Canadian Human Rights Act* is replaced by the following:

Purpose

2 The purpose of this Act is to extend the laws in Canada to give effect, within the purview of matters coming within the legislative authority of Parliament, to the principle that all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated, consistent with their duties and obligations as members of society, without being hindered in or prevented from doing so by discriminatory practices based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability or conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

(3) On the first day on which both section 2 of the other Act and subsection 10(1) of this Act are in force, subsection 3(1) of the *Canadian Human Rights Act* is replaced by the following:

Prohibited grounds of discrimination

3 (1) For all purposes of this Act, the prohibited grounds of discrimination are race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability and conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.



Justice Centre

for Constitutional Freedoms

September 16, 2021

David Duckworth, P.Eng., MBA
City Manager
The City of Calgary
800 MacLeod Trail S.
PO Box 2100, Station M
Calgary, AB, T2P 2M5

VIA EMAIL: city.manager@calgary.ca

Dear Mr. Duckworth,

Re: Mandated Vaccination Policy

We write regarding your letter of September 3, 2021, sent to City of Calgary employees, demanding that they get vaccinated by September 13, 2021 or face discipline up to and including dismissal. We raise the following legal, medical and scientific issues, and look forward to your prompt response.

The Policy Ignores Existing Natural Immunity

Your vaccine requirement does not recognize the enhanced immunity possessed by individuals who have already had a COVID-19 infection. For example, Science Magazine recently discussed an Israeli study, which found that "[t]he natural immune protection that develops after a SARS-CoV-2 infection offers considerably more of a shield against the Delta variant of the pandemic coronavirus than two doses of the Pfizer-BioNTech vaccine" [emphasis added]¹. The upshot of this study is that a vaccination requirement for those who have already been exposed to, and recovered from COVID-19, adds nothing to anyone's immunity or to workplace safety.

COVID-19 Shots Do Not Prevent Transmission

A recent peer reviewed study demonstrated that "vaccinated people who got so-called breakthrough infections carried about the same amount of the coronavirus as those who did not get the shots" indicating that vaccinated and unvaccinated individuals are equally likely to transmit the virus to others². Since vaccinated people can transmit the SARS-CoV-2 virus, as shown by a recent CDC study,³ forcing people to get vaccinated to prevent transmission is not justified by the scientific data.

¹ <https://www.sciencemag.org/news/2021/08/having-sars-cov-2-once-confers-much-greater-immunity-vaccine-no-infection-parties>.

² <https://apnews.com/article/science-health-coronavirus-pandemic-d9504519a8ae081f785ca012b5ef84d1>.

³ <https://www.cdc.gov/mmwr/volumes/70/wr/mm7031e2.htm>

Violation of the Canadian Charter of Rights and Freedom and Human Rights Legislation

It is a well-recognized legal principle in the Western world that an individual can be subjected to medical treatment only on the basis of his or her informed consent. In other words, treatment can be administered only when a person's doctor informs him or her of the risk, benefits, side-effects and alternatives to a proposed treatment; furthermore, consent is vitiated whenever an individual experiences coercion directly or indirectly in reaching the decision about treatment. This approach to medical treatment has been affirmed by the court of Queen's Bench in Alberta in the case of *Rhine v. Millan*.⁴ Thus, we must advise you are in violation of this fundamental moral and legal principle by coercing and compelling your employees with the threat of disciplinary action to make what is an inherently personal choice.

We also advise that the failure to follow the Alberta's common law would also be a violation of the rights of personal autonomy and bodily integrity recognized by the Supreme Court of Canada under section 7 the *Charter of Rights and Freedoms*,⁵ which guarantees that everyone has the "right to life, liberty and security of the person." We also maintain that your vaccination policy offends the right to decline treatment on the ground of conscientious objection or religious belief, both of which are guaranteed to Canadians under section 2(a) of the *Charter*.

Since, as noted above, the current vaccines cannot prevent the spread of COVID-19, there is no rational foundation for stigmatizing or penalizing the unvaccinated, which means that your vaccination policy also unfairly discriminates against the unvaccinated and may violate the right to equal protection of the law.

Liability for Adverse Reactions to COVID-19 Vaccines

Your vaccine policy is particularly troubling when one considers that COVID-19 vaccines have not gone through long-term trials. Moreover, reports of adverse reactions, which include blood clots, strokes, heart attacks, heart inflammation, neurological deficits, pancreatic dysfunction, spontaneous miscarriage, infertility, the onset of severe diabetes or Guillain-Barre Syndrome, and death, continue to mount.⁶ This is reflected in the Health Canada warning labels for the Pfizer, Moderna and Johnson and Johnson vaccines, which among other events, refer to myocarditis, pericarditis,⁷ Bell's Palsy⁸ and thrombosis.⁹

In light of the foregoing, can you confirm that you, as the employer, will accept all liability for any adverse reactions employees may suffer as a result of taking vaccines at your behest?

⁴ *Rhine v. Millan* (2000), Alta. L.R. (3d) 352 (Q.B.) 360.

⁵ *R. v. Morgentaler*, [1988] 1 S.C.R. 30 at 56; *Rodriguez v. British Columbia (Attorney General)*, [1993] 3 S.C.R. 519; *Blencoe v. British Columbia (Human Rights Commission)*, [2000] 2 S.C.R. 307; *Carter v. Canada (Attorney General)*, [2015] 1 S.C.R. 31, para. 62.

⁶ <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/safety/adverse-events.html>.

⁷ <https://healthycanadians.gc.ca/recall-alert-rappel-avis/hc-sc/2021/75959a-eng.php>

⁸ <https://healthycanadians.gc.ca/recall-alert-rappel-avis/hc-sc/2021/76203a-eng.php>

⁹ <https://healthycanadians.gc.ca/recall-alert-rappel-avis/hc-sc/2021/75479a-eng.php>

Breach of Privacy Laws

The Justice Centre is also concerned about the privacy implications of your vaccination policy since you are using and the threat of disciplinary actions and possible termination as the basis for forcing employees to divulge personal and confidential medical information that is protected under the *Personal Information Protection Act*.¹⁰

Thus, we request that you explain how it is that your policy does not run afoul of provincial privacy legislation.

Our Position

Given the legal and ethical issues around vaccination policy raised in this letter, we request that you immediately halt and discontinue your COVID-19 vaccine requirement for City of Calgary employees.

Your timely response (or lack thereof) will be noted in the event that legal proceedings are brought against the City of Calgary in respect of this policy.

Please govern yourself accordingly.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jonathan Fernandes', with a stylized flourish at the end.

Jonathan Fernandes, P.Eng., MBA, J.D.
Barrister and Solicitor

¹⁰ Statutes of Alberta, 2003, Chapter P-6.5.



Justice Centre

for Constitutional Freedoms

October 7, 2021

Dr. Verna Yiu
President and CEO
Alberta Health Services
Seventh Street Plaza
14th Floor, North Tower
10030 – 107 Street NW
Edmonton, Alberta
T5J 3E4

VIA EMAIL: verna.yiu@albertahealthservices.ca

Dear Dr. Yiu,

We write to you on behalf of numerous Alberta Health Services ("AHS") non-unionized employees and workers under threat of unpaid suspension and ultimately dismissal from their employment (collectively, the "Workers") for deciding they cannot take one of the experimental COVID-19 vaccines (the "Mandate").

As is their constitutional right, the Workers considered the data regarding the Covid shots and weighed said data against their own personal circumstances. They have determined that they cannot give informed consent to the Covid shots.

While the Mandate includes a possibility for exemptions, such exemptions are so narrowly defined by AHS as to exclude the Workers, who have legitimate concerns regarding the safety and efficacy of the vaccines. We put you on notice that the Mandate is both unscientific and unethical, and must be reversed immediately, for the reasons cited below.

If the Mandate is not reversed, we will be forced to take legal action against AHS.

No Proof the Vaccines Are Safe

According to the Vaccine Adverse Event Reporting System ("VAERS"), the adverse events reporting database operated by the Food and Drug Administration ("FDA") and the Center for Disease Control ("CDC"), COVID-19 vaccines have resulted in 7,920 deaths in the United States during a period of only eight months.¹ The number of deaths has since doubled.² In addition, VAERS reports that the vaccines are associated with 9,446 life-threatening events, 8,958 permanent disability events, 36,894 hospitalizations, 298 hospitalization prolongations, and 75,926 emergency room visits. Adverse events associated with the COVID-19 vaccines total 589,185.³ These numbers are much larger

¹ <https://wonder.cdc.gov/vaers.html>

² <https://openvaers.com/covid-data/mortality>

³ <https://wonder.cdc.gov/vaers.html>

than the death and other adverse events numbers for all other vaccines combined, over a period of 31 years.

A 2011 study in which Pilgrim Health Care and Harvard University collaborated,⁴ as well as a 2021 study published in the *Journal of the American Medical Association*,⁵ disclose that actual adverse events occur at approximately 100 times the rate VAERS indicates, placing total adverse events at 58.9 million. If the 2011 and 2021 studies are applied, the Covid vaccines may have resulted in nearly 1 million life threatening events, 900,000 cases of some variety of permanent disability, 3.7 million hospitalizations, 30,000 prolonged hospital stays, and emergency room visits at nearly 7.6 million. The 2011 study indicates that due to non-reporting, the actual deaths from the experimental Covid shots are likely much higher than reported in the VAERS.

As you are undoubtedly aware, all of the vaccines currently in use have been linked with debilitating side effects, which the FDA has acknowledged.⁶ All but one of the shots are under "Emergency Use Authorization" in the US; all but two are under "Interim Authorization" in Canada.⁷ Various studies are required to continue for even the approved vaccine with the final report due in mid-2027.⁸ The FDA's approval document discloses that the results of the study determining risks to pregnant women and their unborn will not be known until the last day of December 2025.⁹

In fact, women may be at unique risk for adverse events following administration of the vaccines generally. According to the CDC, as of April 23, 2021, all US cases of life-threatening blood clots following administration of the Johnson & Johnson vaccine occurred in women.¹⁰ The vast majority of cases of anaphylaxis also occurred in women.¹¹ In addition, "women are reporting having irregular menstrual cycles after getting the coronavirus vaccine,"¹² and 165 miscarriages have been reported to VAERS since the vaccines were introduced.¹³

Recent research by a prominent Canadian immunologist with a specialty in vaccinology, Dr. Byram Bridle, demonstrates a possibility that the mRNA vaccines (Pfizer and Moderna) could cause infertility in women of child-bearing years.¹⁴ According to Dr. Bridle, once injected, the vaccine contents appear to travel extensively throughout the body, including the brain and other sensitive tissues, such as bone marrow, the spleen,

⁴ Harvard Pilgrim Health Care, Inc. Electronic Support for Public Health-Vaccine Adverse Event Reporting System (ESP:VAERS), online: <https://digital.ahrq.gov/ahrq-funded-projects/electronic-support-public-health-vaccine-adverse-event-reporting-system>.

⁵ Blumenthal KG, Robinson LB, Camargo CA, et al. Acute Allergic Reactions to mRNA COVID-19 Vaccines. *JAMA*. 2021;325(15):1562–1565. doi:10.1001/jama.2021.3976.

⁶ <https://www.fda.gov/media/151710/download>.

⁷ <https://www.canada.ca/en/health-canada/services/drugs-health-products/covid19-industry/drugs-vaccines-treatments/authorization/applications.html#wb-auto-4>.

⁸ *Supra* note 4 at p. 8.

⁹ *Supra* note 4 at p. 10.

¹⁰ <https://www.cdc.gov/media/releases/2021/fda-cdc-lift-vaccine-use.html>.

¹¹ <https://jamanetwork.com/journals/jama/fullarticle/2776557>.

¹² <https://www.aic.com/life/women-reporting-irregular-menstrual-cycle-after-vaccination/XRN2P4FOWRAV7DIPYTU2MO67VA/>.

¹³ *Supra* note 1.

¹⁴ https://www.canadiancovidcarealliance.org/wp-content/uploads/2021/06/2021-06-15-children_and_covid-19_vaccines_full_guide.pdf.

liver, adrenal glands, ovaries, et cetera.¹⁵ Damage to the ovaries or testicles *may result in infertility*, a consequence not apparent until attempting to become pregnant.¹⁶

Recent research suggests that it is possible that the spike protein present on the SARS-CoV-2 virus and reproduced by the vaccines is the primary cause of disease, infirmity, hospitalization, and death.¹⁷

The numerous studies calling into question the safety and efficacy of these shots renders your and AHS' threat against the employment of the Workers particularly morally repugnant and ethically reprehensible. Your threats against the Workers' livelihoods vitiates any possibility of informed consent.

Further, the Mandate is an insult to the inherent dignity and human rights of the Workers, each of whom have a right to weigh the evidence and make personal medical decisions for themselves free of duress.

No Proof the Vaccines Are Effective

As you know, or ought to know, the vaccines do not prevent COVID-19 infection, nor do they prevent the spread of COVID-19; vaccinated and unvaccinated alike contract COVID-19 and spread it to others¹⁸. Consistent with these facts, the vaccines are marketed as useful only for reducing the severity of COVID-19 symptoms. However, even the latter claim is suspect; as far back as October 2020, it was known that "COVID-19 vaccines designed to elicit neutralising antibodies may sensitise vaccine recipients to more severe disease than if they were not vaccinated."¹⁹

The Vaccine Mandate Is Unethical

The ostensibly "safest" version of these vaccines, the Pfizer shot, was approved after just three months and two clinical trials. It took just three months from drug application to full approval for a shot utilizing mRNA technology that has never been used in a successful vaccine in history, for a virus that has never been successfully treated by a vaccine in history. As you know that timeline is unheard of, and the lack of long-term testing raises a host of issues.

More generally, the FDA and Health Canada have acknowledged that administration of the EUA (US) and IA (Canada) versions of these vaccines is accompanied by grave health risks.

¹⁵ *Ibid.* at p. 2.

¹⁶ *Ibid.* at p. 28.

¹⁷ <https://www.qeios.com/read/26GTOD.2/pdf>.

¹⁸ Morbidity and Mortality Weekly Report (MMWR) Weekly/August 6, 2021/70(31); 1059-1062 (<https://www.cdc.gov/mmwr/volumes/70/wr/mm7031e2.htm>); Nosocomial outbreak caused by the SARS-CoV-2 Delta variant in a highly vaccinated population, Israel, July 2021 (<https://www.eurosurveillance.org/content/10.2807/1560-7917.ES.2021.26.39.2100822>)

¹⁹ Cardozo, T. and Veazey, R. (2021), *Informed consent disclosure to vaccine trial subjects of risk of COVID-19 vaccines worsening clinical disease*. *Int J Clin Pract*, 75: e13795. <https://doi.org/10.1111/ijcp.13795>.

On June 23, 2021, the FDA announced its intention to place a heart inflammation warning on fact sheets for the Pfizer-BioNTech and Moderna vaccines.²⁰ According to the CDC as of June 23, 2021, the cases of heart inflammation appear to be notably higher in males and in the week after the second vaccine dose, although by no means nonexistent after the first. The CDC identified 309 hospitalizations due to heart inflammation in persons under the age of 30.²¹ We request that AHS provide us with the same kind of breakdown provided by Ontario Health Services in footnote 22 herein regarding the incidents of pulmonary embolisms, strokes, deep vein thrombosis, heart attacks, etc.

On April 26, 2021, **Health Canada announced its intention to place a *warning label*** on the Johnson and Johnson vaccine due to reports of blood clotting following vaccination.²²

On June 30, 2021, **Health Canada announced its intention to place a *warning label*** on the Pfizer and Moderna vaccines due to reports of myocarditis and pericarditis following vaccination.²³ Health Canada stated that industry professionals should “consider the individual’s clinical circumstances...when deciding whether to administer the Pfizer-BioNTech or Moderna COVID-19 vaccine to an individual with a history of myocarditis or pericarditis.”²⁴

Note that myocarditis and pericarditis are side effects of the vaccines themselves, that may result from the first dose alone, the implication of which is that a healthy employee with no such condition may acquire it upon receiving the first dose, after which a second dose would be contraindicated. The conundrum such a scenario produces is that the employee would be suspended without pay or dismissed for both complying and then not safely being capable of complying with the mandate. Moreover, the employee would be saddled with a life-threatening or life-shortening condition.

It is unethical for AHS to coerce or mandate a vaccine on an employee who already enjoys natural immunity as a result of having contracted and recovered from the virus, particularly since recent evidence suggests that the vaccines tend to diminish the protection natural immunity provides.^{25 26} We note that in the past few days, **Pfizer’s own scientists** have stated that natural immunity is superior to the Pfizer shot’s immunity.²⁷

The Right to Bodily Integrity Applies to All Canadians

AHS’ vaccine mandate is inherently oppressive because it imposes the vaccine on individuals who otherwise would be entitled to medical exemptions based on pre-existing

²⁰ <https://www.reuters.com/business/healthcare-pharmaceuticals/us-panel-review-heart-inflammation-cases-after-pfizer-moderna-vaccines-2021-06-23/>; https://www.publichealthontario.ca/-/media/documents/ncov/epi/covid-19-myocarditis-pericarditis-vaccines-epi.pdf?sc_lang=en

²¹ *Ibid.*

²² <https://healthycanadians.gc.ca/recall-alert-rappel-avis/hc-sc/2021/75479a-eng.php>

²³ <https://healthycanadians.gc.ca/recall-alert-rappel-avis/hc-sc/2021/75959a-eng.php>

²⁴ *Ibid.*

²⁵ <https://www.nature.com/articles/s41577-020-00436-4>

²⁶ <https://www.nih.gov/news-events/nih-research-matters/lasting-immunity-found-after-recovery-covid-19>

²⁷ <https://m.youtube.com/watch?v=On5RYFbcxWY>

conditions, natural immunity, or religious objections or who would be entitled to decline vaccination based on the principle of informed consent. That principle, expressed in the Nuremberg Code, which was established as a safeguard against the horrific abuses associated with Nazi medical experimentation on prisoners during WWII, maintains that everyone has the right to decide whether to submit to experimental treatment without being subjected to "any element of force."²⁸ Clearly, in the present case, the Mandate introduces an element of force since the Workers will be obliged to comply or face losing their jobs. Even the FDA's Pfizer factsheet for healthcare providers indicates deference to the principle of informed consent, for it states: "The recipient or their caregiver has the option to accept or refuse (Pfizer-BioNTech) vaccine."²⁹

Furthermore, the vaccine mandate is unconstitutional as it unjustifiably violates sections 2, 7 and 8 of the *Canadian Charter of Rights and Freedoms*, which protects the right to a religious exemption based on the guarantee of "freedom of conscience" and "freedom of religion," and the right to informed consent based on the guarantee of "right to life, liberty and security" and the "right to be secure against unreasonable search and seizure." AHS' mandate also discriminates against an identifiable group, the "Covid unvaccinated", contrary to section 15 of the *Charter*.

Upon acceptance of their offers of employment with AHS, none of the Workers agreed to any condition of employment involving participation in medical experimentation of any sort, let alone subjection to an inoculation which bears a Health Canada warning and is linked to the death and injury of many recipients.

We reiterate the critical points: **The vaccines are experimental and not fully authorized in Canada; the vaccines remain subject to ongoing clinical trials; the vaccines bear a Health Canada warning label, and the vaccinated and unvaccinated are both able to spread Covid to others.** In short, each of the Workers has determined they are unable to provide informed consent to the Covid vaccines. It is their constitutional right to make this decision free of coercion, threats and duress from AHS.

The Mandate requires the Workers to choose between providing for themselves and their families, against their right to avoid suffering and death as unwilling subjects in what amounts to a mass clinical trial. Further, your aggressive threat against the Workers occurs against the backdrop of government data which confirms that their overall risk of death by COVID-19 remains exceedingly low, even without any medical intervention whatsoever. Over 60% of the Albertans dying with Covid are 80 or older,³⁰ 96% are people with pre-existing conditions,³¹ and 75% are people with three or more serious health conditions such as cancer and diseases of the heart, kidney, liver and lungs.³² AHS data justifies targeted protection of the vulnerable, not a Mandate imposed on all employees, including the Workers.

These shots ought to be treated by AHS as an optional therapy for which an employees' informed consent is required, and no penalty issued should such consent be withheld. No

²⁸ <http://www.cirp.org/library/ethics/nuremberg/>.

²⁹ <https://www.fda.gov/media/144413/download>.

³⁰ <https://www.alberta.ca/stats/covid-19-alberta-statistics.htm#severe-outcomes>

³¹ <https://www.alberta.ca/stats/covid-19-alberta-statistics.htm#pre-existing-conditions>

³² <https://www.alberta.ca/stats/covid-19-alberta-statistics.htm#pre-existing-conditions>

person in a free country should face financial ruin, the inability to provide for their children, or censure from society, simply for refusing to submit to an experimental medical procedure that has injured or killed many recipients the world over. AHS' threat against the employment of the Employees and Non-Unionized workers, and its attempt to override their lack of informed consent using coercion and fear, is reprehensible, immoral, and unconstitutional.

If the Mandate is not rescinded, we have instructions to sue AHS.

We look forward to hearing from you imminently.

Sincerely,



Jay Cameron, B.A., LLB
Litigation Director

cc: Alberta Health Services:
Dr. Deena Hinshaw:
Premier Jason Kenney:
Hon. Jason Copping:

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Town of Two Hills Councillor Report

Date: Oct 26/21

ACE Water Corporation

Airport Commission

Economic Development Committee - Alternate

Emergency Management

Joint Community Policing Committee

Extra Notes

Two Hills Community Health Services Awareness Meeting

- 1st quarter hospital occupancy up 12% from 64% from 52%
- Emergency department: usage of the department is up but about 54% could be seen by a doctor in clinic
- Covid-19 outbreak to be lifted in the next 2 weeks (likely lifted now)
- Could be a shortage of some staff due to AHS safety measures
- 2 new physicians should be here by spring once training is complete
- Vaccination numbers are rising slowly