



WHAT WE HEARD

Municipal Government Act (MGA) Review

Summary of Province-Wide Feedback
on the *Continuing the Conversation*
Discussion Paper

April 2017

For Further Information

Please visit the *MGA* Review website: mgareview.alberta.ca

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Opening Message from Minister Shaye Anderson

I would like to thank everyone who provided feedback on the *Continuing the Conversation* discussion paper.

Your input provided valuable perspective on the proposed changes and will help us improve the third *MGA* Review amendment bill that will be introduced in the Legislative Assembly this spring.

I am pleased to provide you with a summary of the feedback we received through the online questionnaire and written submissions. I am confident that you will see your input reflected in this document.

On behalf of my government colleagues, as well as the staff of Municipal Affairs, thank you again for sharing your time and ideas so that we can ensure Alberta has the best possible municipal legislation.



A handwritten signature in black ink that reads "Shaye Anderson". The signature is written in a cursive, flowing style.

Honourable Shaye Anderson
Minister of Municipal Affairs

Executive Summary

The *Municipal Government Act (MGA)* is the rulebook that guides how municipalities operate, and is one of the most significant and far-reaching statutes in Alberta. The *MGA* affects every Albertan, municipality, the private sector, and every ministry in the provincial government in one form or another.

Following the introduction of the *Modernized Municipal Government Act (MMGA)* in the spring 2016 sitting of the Legislature, Municipal Affairs toured the province and hosted engagement sessions to allow a thorough review of the proposed Bill by the public and stakeholders. Discussions throughout the summer 2016 engagement gathered their own momentum and led to thoughtful feedback, questions, and written submissions on other modernizations that could potentially be made beyond the items contemplated in the *MMGA*.

In response, a discussion paper, *Continuing the Conversation*, was introduced to offer Albertans an opportunity to provide feedback on those items, as well as technical or clarifying changes that may be necessary to improve the Act's effectiveness. Municipal Affairs engaged with stakeholders and Albertans on the discussion paper over a 60-day period. To enable individual feedback, an online questionnaire was made available and official submissions were received by Municipal Affairs until January 31, 2017. In total over 1100 online surveys were completed, and over 35 official submissions were received.

Changes outlined in the discussion paper fell into the following three broad categories:

- How municipalities are empowered to govern;
- How municipalities work together and plan for growth; and
- How municipalities are funded.

A range of feedback was received regarding each of these broad categories. In general stakeholders expressed high levels of agreement with the discussion paper's policies. Many suggestions were made to improve upon the existing policies as well as a number of comments that are outside the discussion paper's scope. Comments that are outside the discussion paper's scope will help inform future changes to the *MGA*.

Below is a summary of the major themes that emerged within each of the categories. Further detail on the feedback in each theme is provided in the pages that follow.

How Municipalities are Empowered to Govern

- The governance changes proposed showed high levels of support with two thirds or more of respondents indicating agreement with or a neutral stance towards each of the proposed policies.
- Stakeholders, including the public viewed these changes as creating more accountable, responsible, and transparent municipalities.

How Municipalities Work Together and Plan for Growth

- The land use and planning changes proposed showed high levels of support with over 70% of respondents indicating agreement with or a neutral stance for each of the proposed policies.
- Stakeholders viewed the changes as improving intermunicipal collaboration, improving environmental protection and addressing key municipal infrastructure needs.

How Municipalities are Funded

- Feedback related to assessment and taxation surfaced the widest range of stakeholder opinions.
- Many stakeholders expressed a belief the assessment and taxation changes will create a balance between the information access rights of industrial property owners and municipalities, as well as building trust in the provincial assessment of Designated Industrial Property.
- Municipalities, business, and private sector stakeholders supported changes that require municipalities above the 5:1 linked tax-rate ratio to move their tax rates closer to the 5:1 ratio over time.
- Albertans in affected municipalities were concerned that compliance to the 5:1 ratio would increase residential property taxes. A range of stakeholders suggested the property tax increases that could result from requiring all municipalities to meet the 5:1 ratio could be minimized by requiring municipalities above the 5:1 ratio to comply over a set time period.
- Business and private sector stakeholders suggested increases to residential tax rates could be addressed by amending a municipality's schedule if an emerging issue arises.

General Technical Amendments

In addition to the feedback on the three broad categories, Albertans were also invited to provide thoughts on the General Technical Amendments in each category. Responses across all stakeholders groups reveal strong support for a majority of the proposed changes. A diversity of opinions were expressed on technical amendments related advertisement bylaws, the *Freedom of Information and Protection of Privacy Act*, environmental reserves, assessment information, liability code, and tax receipts. Further detail is provided in the pages that follow.

Introduction

The *Municipal Government Act (MGA)* is a guide to how municipalities operate, and is one of the most significant and far-reaching statutes in Alberta. It creates the municipal framework for local governance and administration, property assessment and taxation, and land use planning and development.

This document provides a high-level summary of the input heard from participants throughout winter 2016/17 in response to proposed policy shifts outlined in the *Continuing the Conversation* discussion paper. Responses were collected through an online questionnaire and through written submissions to the Minister of Municipal Affairs. This feedback will help inform policy development for the Government of Alberta's amendment bill that will be introduced in the legislature in spring 2017 and future changes that occur outside of the *MGA* Review.

All legislative changes associated with the *MGA* Review, including regulatory changes supporting the new policies, will come into force prior to municipal general elections in late 2017. Opportunities to review the draft regulations will be available throughout early spring 2017 on the *MGA* Review website (<http://mgareview.alberta.ca/get-involved/regulations-review>). The first round of draft regulations was available for public review and feedback until March 31, 2017.

How We Collected Feedback

On November 22, 2017 a discussion paper, *Continuing the Conversation*, was released providing an opportunity to continue our conversation with Albertans about building an even stronger framework for Alberta's municipalities, and to flag some technical or clarifying changes that may be necessary to improve the Act's effectiveness.

To enable individual feedback, Albertans were encouraged to provide their input on the discussion paper through an online questionnaire or through written submissions to Municipal Affairs by January 31, 2017.

This document captures the key issues identified through the review of the feedback that was received. Wherever this document references "written feedback," this includes comments submitted through the online questionnaire or received via letters to Municipal Affairs.

The number of respondents on the online questionnaire to any given issue varies. This is because respondents were provided with the option of only responding to those issues of greatest importance to them.

How Municipalities Are Empowered to Govern

Collaboration with Indigenous Communities – Intermunicipal Collaboration Frameworks (ICF)

Do you agree or disagree with the inclusion of a provision that allows municipalities to collaborate with indigenous communities as part of ICF?

CURRENT

The *MGA* is currently silent on the relationship between municipalities and Indigenous communities.

PROPOSED

Add a provision to the proposals in the *MMGA* to clarify that a municipality may invite Indigenous communities to participate in an ICF or any sub-agreement that is part of an ICF.

ONLINE QUESTIONNAIRE FEEDBACK

Below is a summary of how respondents felt when asked if they agreed, were neutral or disagreed with the proposed change.



Total online responses: **354**

FEEDBACK HIGHLIGHTS

Written feedback showed that stakeholders consistently agreed that the provision promotes greater collaboration and inclusiveness and that collaboration should be voluntary.

Stakeholder comments connected with a ‘disagree’ response in the online questionnaire felt challenges might arise due to jurisdictional overlap, municipality’s capacity to implement collaboration, or a belief that a requirement to engage is unfair unless it goes both ways.

Indigenous groups are supportive but expressed a desire to see stronger measures for municipal consultation, particularly on land use.

Collaboration with Indigenous Communities – Orientation Training for Municipal Councillors

Do you agree or disagree with the addition of Indigenous Awareness Training to the list of topics that will be offered to all municipal councillors as part of their orientation training?

CURRENT

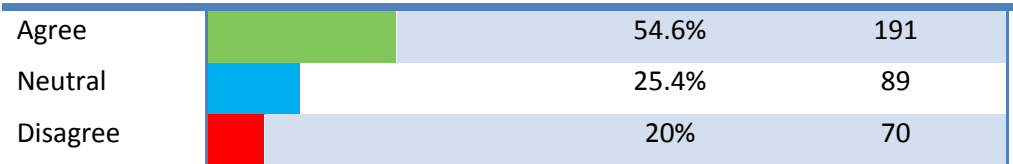
The *MMGA* (s. 201.1(2)) indicates what topics would have to be included in the proposed mandatory offering of orientation training for councillors, such as, the role of municipalities, roles and responsibilities of council and councillors, public participation, etc.

PROPOSED

Add Indigenous Awareness Training to the list of topics councillors would be offered as part of their orientation training.

ONLINE QUESTIONNAIRE FEEDBACK

Below is a summary of how respondents felt when asked if they agreed, were neutral or disagreed with the proposed change.



Total online responses: **350**

FEEDBACK HIGHLIGHTS

Written feedback showed that stakeholders are supportive of the addition of Indigenous Awareness Training to the topics offered as part of Councillor orientation training.

Comments can be grouped as follows:

- 1) Public responses suggested Indigenous Awareness Training will foster better relations with Indigenous groups and should be extended to municipal staff as well.
- 2) Public and municipal responses indicated a provincial curriculum or teaching resources will assist in the delivery of training.

Stakeholder comments connected with a ‘neutral’ or ‘disagree’ response in the online questionnaire tended to suggest training should be expanded to include all diverse groups to be relevant, or only be required if the municipality has a neighbouring Indigenous community or large Indigenous population within the municipality.

Stakeholders proposed that the content of the training be developed in collaboration with Indigenous communities and put in place before the 2021 municipal election.

Collaboration with Indigenous Communities – Statutory Plan Preparation

Do you agree or disagree with the proposal to require municipalities to implement policies with respect to how they keep neighboring indigenous communities informed during the development of statutory plans?

CURRENT

The *MGA* (s.636) deals with notifications with respect to statutory plans and the provision of opportunities for providing representations and suggestions regarding those plans during the development of the plans.

The *MGA* currently exempts Metis Settlements from the Planning and Development portion of the Act (Part 17).

PROPOSED

Require municipalities to implement policies with respect to how they will keep neighbouring Indigenous communities informed during the development of statutory plans and require municipalities to inform Indigenous communities that share a common boundary with two-week’s notice of a public hearing for statutory plans including notice information (i.e. statement of purpose, date, time, and address of the meeting).

ONLINE QUESTIONNAIRE FEEDBACK

Below is a summary of how respondents felt when asked if they agreed, were neutral or disagreed with the proposed change.



Total online responses: **348**

FEEDBACK HIGHLIGHTS

Written feedback showed respondents across the different stakeholder groupings consistently agreed that collaboration should be voluntary; and the *MGA* should be clear that this is not a duty to consult.

Municipal responses suggested further clarification on what constitutes a “common boundary” and “notification.”

Stakeholder comments connected with a ‘neutral’ or ‘disagree’ response in the online questionnaire indicated that neighboring Indigenous communities should be treated the same as other jurisdictional neighbours.

Enforcement of Ministerial Orders – General Minister Powers

Do you agree or disagree with the proposal to grant the Minister authority to enforce directives in respect to an intermunicipal agreement and the direction of an Official Administrator?

CURRENT

Currently the Minister lacks adequate authority to enforce Ministerial orders that implement decisions of an official administrator; or decisions that settle intermunicipal disagreements.

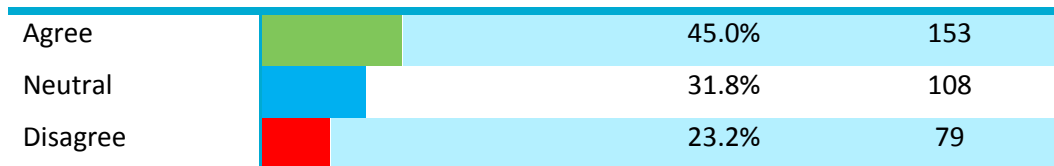
PROPOSED

Allow the Minister the same authority currently available with respect to the inspection process for situations where, in the Minister’s opinion, a municipality has not complied with direction provided by an Official Administrator or by the Minister in respect of an intermunicipal disagreement.

With this authority, the Minister could:

- suspend the authority of a council to make resolutions or bylaws in respect of any matter specified in the order;
- exercise resolution or bylaw-making authority in respect of all or any of the matters for which resolution or bylaw-making authority is suspended under the above measure;
- remove a suspension of resolution or bylaw-making authority, with or without conditions; and,
- withhold money otherwise payable by the Government to the municipality pending compliance with an order of the Minister.

ONLINE QUESTIONNAIRE FEEDBACK



Total Online Responses: **340**

FEEDBACK HIGHLIGHTS

Written feedback showed respondents across the different stakeholder groupings were supportive of granting the proposed powers and consistently agreed that the proposed powers were reasonable; and should only be deployed as a last resort.

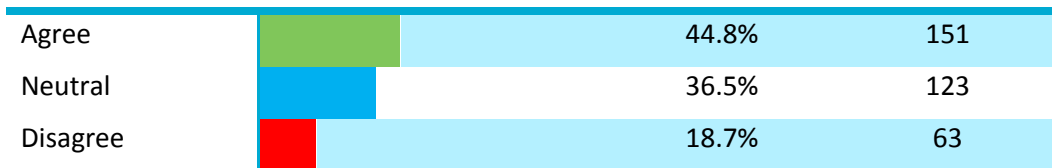
Stakeholder comments connected with a ‘neutral’ or ‘disagree’ response in the online questionnaire felt the proposed powers may give the Minister too much authority.

Enforcement of Ministerial Orders – Judicial Review

Do you agree or disagree with the proposal to require 10-day notice be given to the Minister prior to applying for judicial review of Ministerial decisions?

CURRENT	Individuals have the constitutional right to apply for judicial review of Ministerial decisions.
PROPOSED	Require 10-day notice be given to the Minister prior to applying for injunctive relief against a decision of the Minister.
	The Ministerial Order would remain in effect during an appeal of the Minister’s decision.

ONLINE QUESTIONNAIRE FEEDBACK



Total Online Responses: **337**

FEEDBACK HIGHLIGHTS

Written feedback revealed a diversity of opinion among stakeholders on this issue. Comments can be grouped as follows:

- 1) Public and municipal responses were mixed with:
 - a. Support, indicating a 10-day notice provides a reasonable period for Ministerial review; and
 - b. Disagreement, indicating there is no observable purpose to the 10-day notice period and that it is inappropriate for the Ministerial Order remaining in effect during an appeal.

Stakeholder comments connected with a ‘neutral’ or ‘disagree’ response in the online questionnaire focused on mirroring court system processes.

Parental Leave for Municipal Councillors – Parental Leave Bylaw

Do you agree or disagree with including a provision in the *MGA* enabling municipalities to create a bylaw allowing for parental leave for municipal councillors?

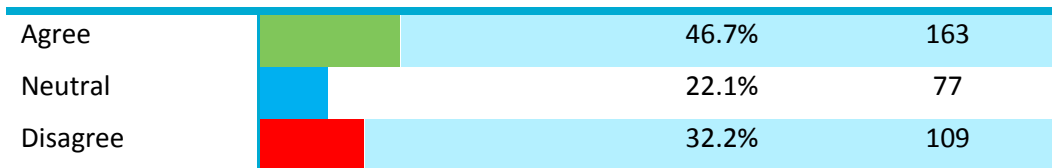
CURRENT

The *MGA* is silent on this matter.

PROPOSED

Enable councils, by bylaw, to create a policy respecting parental leave. The contents of the policy will be determined by each municipality in accordance with the needs of that municipality. If the municipality allows for parental leave, it must also then address how the constituents will be represented during the councillor’s absence.

ONLINE QUESTIONNAIRE FEEDBACK



Total Online Responses: **349**

FEEDBACK HIGHLIGHTS

Written feedback revealed a diversity of opinion among stakeholders on this issue. Comments can be grouped as follows:

- 1) Public responses were mixed with:
 - a. Support for policies that would enable younger people, especially women, to pursue a career in politics; and
 - b. Comments regarding the representation challenges posed by a council member being absent for an extended period of time.
- 2) Municipal responses generally supported the change suggesting more needs to be done to outline how constituents will be represented or how quorum will be reached while a councillor is on parental leave.

Parental Leave for Municipal Councillors - Disqualification

Do you agree or disagree with the approach that a councillor would not be disqualified if they were absent from regular council meetings if they met the criteria in the municipality's parental leave bylaw?

CURRENT

The *MGA* (s.174) sets out the disqualification provisions for municipal councillors, such as being ineligible for nomination, being absent from regular council meetings for 8 consecutive weeks, the councillor becoming an employee of the municipality, etc.

PROPOSED

Specifically state that a councillor is not disqualified by being absent from regular council meetings under subsection (1)(d) if the absence meets the criteria set out in a parental leave policy bylaw.

ONLINE QUESTIONNAIRE FEEDBACK

Agree		53.6%	186
Neutral		21.9%	76
Disagree		24.5%	85

Total Online Responses: **247**

FEEDBACK HIGHLIGHTS

Written feedback revealed a diversity of opinion among stakeholders. Comments can be grouped as follows:

- 1) Public responses were mixed with:
 - a. Support, on the condition a process is identified to ensure constituents will be represented and/or quorum will be reached.
 - b. Comments regarding the representation challenges posed by a council member being absent for an extended period of time, or if more than one councillor was on leave at the same time.
- 2) Municipal responses supported the change suggesting more needs to be done to outline how quorum will be maintained.

Environmental Stewardship

Do you agree or disagree with the proposal to include environmental stewardship as a municipal purpose in the MGA?

CURRENT	<p>The <i>MGA</i> identifies the following municipal purposes:</p> <ul style="list-style-type: none"> • to provide good government; • to provide services, and • to develop and maintain safe and viable communities. <p>The <i>MMGA</i> included the following as a municipal purpose:</p> <ul style="list-style-type: none"> • to work collaboratively with neighbouring municipalities to plan, deliver and fund intermunicipal services.
PROPOSED	<p>Include consideration of the stewardship of the environment as a municipal purpose.</p>

ONLINE QUESTIONNAIRE FEEDBACK

Below is a summary of how respondents felt when asked if they agreed, were neutral or disagreed with the proposed change.

Agree		66.4%	278
Neutral		17.4%	73
Disagree		16.2%	68

Total online responses: **419**

FEEDBACK HIGHLIGHTS

Written feedback revealed a diversity of opinion among stakeholders on this issue. Comments can be grouped as follows:

- 1) Public responses supported the change as it would clarify municipal responsibilities and considerations in the decision making process; and lead to better planning and development decisions.
- 2) Municipal responses suggested more direction and detail is required and recommended other areas that could be expanded to address environmental stewardship.
- 3) Business and the private sector responses suggested the change would confuse the role of municipalities and the province in terms of policy and management unless the scope is limited to matters not covered by provincial policy or regulation.

Stakeholder comments connected with a 'disagree' response in the online questionnaire focused on a municipality's capacity to manage the possible additional costs and responsibilities associated with environmental stewardship.

Amalgamations and Annexations

Do you agree or disagree with the proposal to clarify the MGA's notification requirement process to ensure all local authorities that operate or provide services in affected municipalities be notified of a proposed annexation or amalgamation?

CURRENT

The MGA (s.103 (1)) indicates who a municipal authority must notify when initiating an amalgamation and (s.116) indicates who a municipal authority must notify of a proposed annexation.

PROPOSED

Require that a municipality initiating an amalgamation must notify all local authorities that operate or provide services in the affected municipalities, and include proposals for consultation with local authorities in the requirement for notice.

Require that a municipality initiating an annexation must notify the Minister of Municipal Affairs and all local authorities that operate or provide services in one or both of the affected municipalities be notified.

ONLINE QUESTIONNAIRE FEEDBACK

Below is a summary of how respondents felt when asked if they agreed, were neutral or disagreed with the proposed change.

Agree		79.0%	324
Neutral		17.6%	72
Disagree		3.4%	14

Total online responses: **410**

FEEDBACK HIGHLIGHTS

Written feedback showed respondents across the different stakeholder groupings consistently agreed that this change would have a positive impact on collaboration and ensure all those affected would be informed.

Stakeholder comments connected with a 'neutral' or 'disagree' response in the online questionnaire were focused on the additional requirements being unnecessary and slowing down the amalgamation or annexation process.

General Technical Amendments – Governance

Written feedback showed respondents across the different stakeholder groupings were generally supportive of all of the proposed General Technical Amendments. Written feedback received revealed a diversity of opinion among stakeholders on the following topics:

- 1) Advertisement Bylaws: public and municipal responses expressed a belief that the sole use of website notification could reduce public access to important information.
- 2) *Freedom of Information and Protection of Privacy Act (FOIPPA)* and Closed Council Meetings: municipal responses expressed opinions that this change could create different criteria beyond what is already established in *FOIPPA*.

Other Governance Feedback

A range of feedback was received that was outside the scope of changes proposed in *Continuing the Conversation*.

Most of the written feedback supported continued consultation and collaboration with school boards. There were also recommendations for more transparency in the election nomination process.

Regulation related feedback is being used to inform amendments or the development of regulations. Opportunities to review the first round of draft regulations began January 31, 2017 and will be available for public review and comment until March 31, 2017 through the *MGA Review* website (<http://mgareview.alberta.ca/get-involved/regulations-review/>). The second round of draft regulations will be posted in early spring 2017.

All legislative changes associated with the *MGA Review*, including regulatory changes supporting the new policies, will come into force prior to municipal general elections in late 2017.

How Municipalities Work Together and Plan for Growth

Collaboration with School Boards – Benefiting Area Contribution

Do you agree or disagree with the proposal to allow municipalities the flexibility to use a benefiting area contribution structure to support land dedication and development parameters with respect to the assembly of park and school sites?

CURRENT

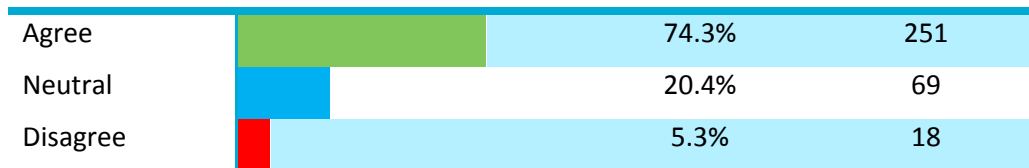
The *MGA* authorizes the taking of reserve land by a subdivision authority (e.g. provision of land, provision of money in lieu of land, etc.), as well as restrictions on that authority (e.g. percentage of lands taken and percentage of money required to be paid). The *MMGA* proposes maintaining that same structure for Conservation Reserve.

PROPOSED

Provide municipalities with increased flexibility to use a ‘benefiting area contribution structure’ that would support land dedication and development parameters with respect to assembly of parks and school sites.

ONLINE QUESTIONNAIRE FEEDBACK

Below is a summary of how respondents felt when asked if they agreed, were neutral or disagreed with the proposed change.



Total online responses: **338**

FEEDBACK HIGHLIGHTS

Written feedback showed that stakeholders were largely supportive of the concept and would like more information on the implications of the structure. Comments can be grouped as follows:

- 1) Municipal responses were supportive and suggested more clarity on the implications is needed.
- 2) Business and private sector responses were supportive only if portions of the reserve lands would be used for parks in the contributing neighbourhoods.
- 3) Public responses supported changes that would lead to better planning and cooperation in the development of school sites, and suggest more details on the implementation be presented.
- 4) School board responses were supportive.

Collaboration with School Boards – Joint Use Agreements (JUAs)

Do you agree or disagree with the proposal to require municipalities enter into JUAs with school boards in their municipal boundaries?

CURRENT

The *MGA* (s.670) enables JUAs as a voluntary agreement to address the allocation of municipal and school reserves.




PROPOSED

Require municipalities to enter into JUAs with school boards within their municipal boundaries and to collaborate with respect to addressing the effective and efficient use of municipal and school reserve lots. The contents of a JUA would include:

- the process for acquiring and disposing of land and associated servicing standards for the schools;
- a process for enabling and developing long term and integrated planning for school sites/facilities;
- a process for determining access agreements for facilities and playing fields, including matters related to any maintenance, liabilities and fees;
- a dispute resolution mechanism agreed to by both the municipality and the school boards;
- a process for determining ancillary reserve use to complement or enhance the primary school uses for reserve land outlined in the *MGA* and that have a public benefit;
- a time frame and mechanism for regular review of the joint use agreement.

ONLINE QUESTIONNAIRE FEEDBACK

Below is a summary of how respondents felt when asked if they agreed, were neutral or disagreed with the proposed change.

Agree		71.6%	247
Neutral		18.8%	65
Disagree		9.6%	33

Total online responses: **345**

FEEDBACK HIGHLIGHTS

Written feedback showed that stakeholders were largely supportive of the concept. Comments can be grouped as follows:

- 1) Public responses were supportive and suggested JUAs should be voluntary and should ensure an equal balance of power between municipalities and schools.
- 2) Municipal responses were supportive and suggested there should be a process for returning the land to the municipality when they are no longer being used as school sites, as well as clarification on the difference between JUAs and joint planning.
- 3) School board responses were supportive.

Off-site Levies – Provincial Transportation Systems

Do you agree or disagree with the proposal to expand legislation to enable off-site levies to be charged for provincial transportation projects that serve new or expanded developments?

CURRENT	The <i>MGA</i> (s.648) authorizes councils, by bylaw, to impose levies on land that is to be developed or sub-divided and sets out parameters for the imposition and collection of levies. The legislation does not currently allow for levies related to provincial infrastructure upgrades.
PROPOSED	<p>Enable off-site levies, by bylaw, to be charged for provincial transportation projects that serve the new or expanded developments.</p> <p>Require approval of the Minister of Transportation before this type of levy can be collected.</p> <p>Consequential amendment to the <i>Public Highways Development Act</i> may be required to authorize the Minister of Transportation to approve municipal off-site levy bylaws pertaining to provincial highway off-site levies.</p>

ONLINE QUESTIONNAIRE FEEDBACK

Below is a summary of how respondents felt when asked if they agreed, were neutral or disagreed with the proposed change.

Agree	37.0%	100
Neutral	33.4%	93
Disagree	28.6%	77

Total online responses: **270**

FEEDBACK HIGHLIGHTS

Written feedback revealed a diversity of opinion among stakeholders on this issue. Comments can be grouped as follows:

- 1) Public responses that support the change suggested the change may create more equitable funding of infrastructure projects.
- 2) Public and municipal respondents who indicated ‘disagree’ believed this change could skew provincial infrastructure priorities and lead to unfair distribution of provincial infrastructure costs.
- 3) Municipal responses suggested the province should fund provincial infrastructure projects rather than using off-site levies.
- 4) Public and business/private sector respondents that selected ‘disagree’ viewed the change as downloading costs to home buyers which would result in higher housing costs.

Off-site Levies – Intermunicipal Off-site Levies

Do you agree or disagree with the proposal to enable municipalities to collaborate with one another on the sharing of intermunicipal off-site levies?

CURRENT

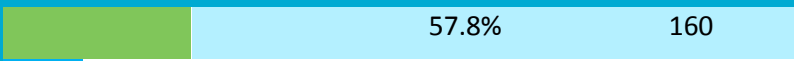


The legislation does not currently allow for intermunicipal off-site levies

PROPOSED

Enable municipalities to collaborate with one another on the sharing of intermunicipal off-site levies, including the expanded uses (libraries, police stations, fire halls, community recreation facilities).

ONLINE QUESTIONNAIRE FEEDBACK

Below is a summary of how respondents felt when asked if they agreed, were neutral or disagreed with the proposed change.

Agree		57.8%	160
Neutral		28.5%	79
Disagree		13.7%	38

Total online responses: **277**

FEEDBACK HIGHLIGHTS

Written feedback showed that stakeholders were largely supportive of the concept of intermunicipal off-site levies. Comments can be grouped as follows:

- 1) Public responses were supportive as this change promotes intermunicipal collaboration, and better distributes benefits and costs. They suggested voluntary participation by municipalities.
- 2) Municipal and business/private sector responses were also supportive and recommended legislative guidelines be developed to ensure fair processes for participating municipalities and those municipalities who do not wish to participate.

Stakeholder comments connected with a 'neutral' or 'disagree' response in the online questionnaire felt this change may unfairly distribute local infrastructure costs or suggested more information was needed to understand the impacts of the change.

Off-site Levies – Validating Existing Off-site Levy Bylaws

Do you agree or disagree with the proposal to validate off-site levy bylaws, fees and agreements made before November 1, 2016 until such time as they are amended or expire?

CURRENT

This item is not currently addressed in the legislation.

PROPOSED

Specifically, state that any off-site levy fee or charge made by bylaw or agreement before November 1, 2016 is deemed to be valid.

ONLINE QUESTIONNAIRE FEEDBACK

Below is a summary of how respondents felt when asked if they agreed, were neutral or disagreed with the proposed change.

Agree		39.3%	129
Neutral		50.9%	167
Disagree		9.8%	32

Total online responses: **328**

FEEDBACK HIGHLIGHTS

Written feedback showed general support for validating existing off-site levy bylaws, fees and agreements. Comments can be grouped as following:

- 1) The public responses were generally supportive, indicating this change would help with the transition to the new off-site levy framework.
- 2) Municipal responses supported the change.
- 3) Business and private sector respondents generally selected 'disagree' and recommended municipalities come into compliance within a period of 5 years.

Stakeholder comments connected with a 'disagree' or 'neutral' response in the online questionnaire felt this change would validate non-conforming bylaws, create a two tiered system, and negatively impact development.

Off-site Levies - Education

Do you agree or disagree with the proposal to exempt school boards from paying off-site levies on any land that is developed for school board purposes?

CURRENT




This item is not currently addressed in the legislation.

PROPOSED

Exempt school boards from paying off-site levies on non-reserve lands that are developed for school board purposes.

ONLINE QUESTIONNAIRE FEEDBACK

Below is a summary of how respondents felt when asked if they agreed, were neutral or disagreed with the proposed change.

Agree		57.9%	194
Neutral		20.0%	67
Disagree		22.1%	74

Total online responses: **335**

FEEDBACK HIGHLIGHTS

Written feedback revealed general support for exempting school boards from paying off-site levies provided “school board purpose” is clarified or defined more narrowly. Comments can be grouped as follows:

- 1) The public responses were supportive and recommended “school board purpose” be clarified in the development of the legislation.
- 2) Municipal respondents generally selected ‘disagree’ and indicated “school board purpose” was too broad and instead the legislation should specifically exclude “schools”.
- 3) Business and private sector respondents generally selected ‘disagree’ and suggested that a school board should contribute to services they benefit from, just as residents do.

Stakeholder comments connected with a ‘disagree’ or ‘neutral’ response in the online questionnaire expressed a belief that schools should be contributing to their impact on costs and that the change would download provincial funding responsibilities.

Conservation Reserve – Clarification of Process

Do you agree or disagree that the proposals outlined for Conservation Reserves (CR) provide sufficient clarity and predictability?

CURRENT

The *MGA* (s.127) identifies what an order to annex lands may require.

The *MGA* ensures that during formations, annexations, amalgamations, and dissolutions ownership of any land, or portion of land, designated as a public utility lot, environmental reserve, municipal and school reserve, transfers to the new municipal authority (s.135(1)(c), (2) and (2.1)).

The *MGA* also indicates that if reserve lands are sold or money instead of land is received by the old municipality after notification of annexation or amalgamation, the proceeds of the sale or money received must be paid to the new municipal authority by the old municipal authority.

The *MGA* outlines what a Municipal Development Plan must and may contain (s.632(3)) and indicates that an Area Structure Plan may contain any other matters a council considers necessary (s.633(2)(b)).

The *MGA* exempts environmental reserves, municipal reserves, school reserves, municipal and school reserves and other undeveloped property reserved for public utilities from paying municipal property taxes (s.361.c).

PROPOSED

Require the municipality receiving the annexed land to pay compensation to the other municipality for any CR lands within the annexed area in the amount that the municipality originally paid for the land.

Specifically state that the proposed new CR designation is treated the same as these other categories of land and that the designation would remain on that land until such time as it is changed through any required processes.

Clarify that in addition to other types of reserve land that must be included in an MDP, a municipality may include policies addressing the proposed new conservation reserve designation, including types and locations of environmentally significant areas and the environmental purpose of conservation.

Specifically state that municipalities may develop policies addressing reserve lands within their area structure plans. This would include identifying types and locations of environmentally significant areas and the environmental value of conservation.

Exempt land designated as conservation reserve under the proposed new provisions from paying municipal property taxes.

ONLINE QUESTIONNAIRE FEEDBACK

Below is a summary of how respondents felt when asked if they agreed, were neutral or disagreed with the proposed change.



Total online responses: **260**

FEEDBACK HIGHLIGHTS

Written feedback showed general support across all stakeholder groups for the CR proposals. Comments can be grouped as follows:

- 1) The public responses were generally supportive, requesting clarity on other aspects of CRs.
- 2) Municipal responses were supportive and suggested clarifying what utilities may be on CR lands and if those properties would pay taxes; and enabling municipalities to negotiate remuneration in the disposal process.
- 3) The business and private sector responses were supportive, recommending CR lands be identified as early as possible, be exempt from property tax as soon as they are designated, and require municipalities to purchase CR lands once designated in municipal statutory land-use plans.

Stakeholder comments connected with a 'disagree' or 'neutral' response in the online questionnaire focused on questions or comments on other aspects of CR lands.

Conservation Reserve - Disposal

Do you agree or disagree with the proposal to allow municipalities to dispose of CR land when a substantive change to that feature being conserved has occurred outside of municipal control (i.e. fire, flood, etc.)?

CURRENT




The proposals in the *MMGA* do not address removal of the CR designation or sale of conservation reserve lands.

PROPOSED

Allow municipalities to dispose of land designated as the proposed new conservation reserve when a substantive change outside of municipal control occurs to the feature being conserved, while ensuring the public process used to dispose of municipal reserve and school reserves is followed with the disposal of conservation reserve lands. Specifically state that any proceeds from the disposal of CR would have to be used for conservation purposes.

ONLINE QUESTIONNAIRE FEEDBACK

Below is a summary of how respondents felt when asked if they agreed, were neutral or disagreed with the proposed change.

Agree		49.6%	132
Neutral		29.0%	77
Disagree		21.4%	57

Total online responses: **266**

FEEDBACK HIGHLIGHTS

Written feedback showed general support for this change provided a specific request or condition was met. Comments can be grouped as follows:

- 1) Municipal responses were supportive and recommended that there should be clear rules around how the designation is removed or when land is considered no longer environmentally sensitive.
- 2) Public responses were supportive, suggesting ‘for profit sales’ not be allowed and that CR land disposed of should be replaced with something of equal conservation value elsewhere.
- 3) Business and private sector respondents generally selected ‘disagree’, suggesting that land taken to preserve a natural feature should be retained.

Stakeholder comments connected with a ‘disagree’ response in the online questionnaire expressed a belief that the sale of CR land could limit long term environmental stewardship goals or allow for recovery of an areas conservation value.

General Technical Amendments - Planning and Development

Written feedback showed respondents across the different stakeholder groupings were general supportive of all of the proposed General Technical Amendments. Written feedback received revealed a diversity of opinion among stakeholders on the following topic:

- 1) Environmental Reserve: The public and business/private sector responses suggested further clarity on the definitions of 'swamp' and 'wetland' to avoid inconsistencies within the *MGA* and the province's Wetland Policy.

Other Planning and Development Feedback

A range of feedback was received that is relevant to the *MGA*, but outside the scope of changes proposed in *Continuing the Conversation*.

Most of the written feedback supported the treatment of school boards as 'authentic' partners on any municipal issue related to education. There were also recommendations on inclusionary housing in smaller municipalities.

Regulation related feedback is being used to inform amendments or the development of regulations.

Opportunities to review the first round of draft regulations began January 31, 2017 and will be available for public review and comment until March 31, 2017 through the *MGA* Review website

(<http://mgareview.alberta.ca/get-involved/regulations-review/>). The second round of draft regulations will be posted in early spring 2017.

All legislative changes associated with the *MGA* Review, including regulatory changes supporting the new policies, will come into force prior to municipal general elections in late 2017.

How Municipalities are Funded

Linked Tax Rate Ratio – Compliance Time Frames

Do you agree or disagree with the proposal to require municipalities currently outside the legislated 5:1 tax rate ratio to come into compliance with the maximum ratio within a specific time-frame?

CURRENT	No required compliance date has been proposed for municipalities outside of the proposed ratio.
PROPOSED	Add a provision requiring municipalities to comply with the proposed maximum tax rate ratio. Allow the Minister to set a schedule with progressively lower maximum tax ratios that municipalities exceeding the 5:1 ratio would have to meet in the intervening years. The Minister would have authority to set timeframes by which municipalities or groupings of municipalities would have to reach the 5:1 ratio, based upon how much their local ratio diverges from the legislated 5:1 ratio. Municipalities would always set their own tax rates, but within the ratios set out in the regulation.

ONLINE QUESTIONNAIRE FEEDBACK

Below is a summary of how respondents felt when asked if they agreed, were neutral or disagreed with the proposed change.



Total online responses: **390**

FEEDBACK HIGHLIGHTS

Written feedback showed a range of opinions; however, respondents consistently suggested that if a linked ratio is put in place, all municipalities should be required to bring their tax rates in line with the legislation. The comments can be grouped as follows:

- 1) Public responses were varied on this issue, with some supporting the approach, some feeling that all properties should be taxed equally, and a number of responses suggested a ratio could lead to higher residential property taxes.
- 2) Municipal responses were less supportive of a linked ratio as it could limit municipal autonomy and control over their tax base.
- 3) Business and private sector responses were supportive of the concept of linking and many felt the proposed 5:1 linked ratio was too high. It was suggested that this change could legitimize a higher non-residential tax rate in municipalities that are currently under the proposed 5:1 linked ratio.

Linked Tax Rate Ratio – Compliance Time Frame Exemption

Do you agree or disagree with the proposal to allow the Minister the authority to exempt a municipality from the compliance schedule?

CURRENT




No required compliance date has been proposed for municipalities outside of the proposed ratio.

PROPOSED

Add a provision giving the Minister authority to exempt a municipality from any aspect of the proposed compliance schedule if and when they consider it appropriate.

ONLINE QUESTIONNAIRE FEEDBACK

Below is a summary of how respondents felt when asked if they agreed, were neutral or disagreed with the proposed change.

Agree		55.7%	211
Neutral		20.6%	78
Disagree		23.7%	90

Total online responses: **379**

FEEDBACK HIGHLIGHTS

Written feedback showed a range of opinions, and the comments can be grouped as follows:

- 1) Public responses were mixed with some members supporting the change as they suggested it would result in a more equitable distribution of the municipal tax burden and others suggesting that it would introduce an element of unfairness to the property tax system.
- 2) Municipal responses were generally supportive of this change.
- 3) Business and private sector responses generally opposed the change and suggested that:
 - a. it could result in some businesses paying a disproportionate share of taxes; and
 - b. it removes a level of municipal transparency and accountability.

There were also a number of comments on if and how the proposed linked property tax ratio of 5:1 should apply to all subclasses within the non-residential property class.

Intensive Agricultural Operations Levy

Do you agree or disagree with the proposal to introduce a levy on intensive agricultural operations that would reflect the operations' impact on municipal infrastructure and services?

CURRENT

There are no specific provisions for intensive agriculture operations.

PROPOSED

Explicitly authorize municipalities to pass a bylaw imposing a levy on intensive agricultural operations. Also authorize the creation of regulations respecting the intensive agricultural operations levy including:

- the definition of intensive agricultural operations;
- the calculation of the levy;
- the purposes for which funds collected through the levy may be used; and
- any other matter necessary or advisable to carry out the intent and purpose of the levy.

ONLINE QUESTIONNAIRE FEEDBACK

Below is a summary of how respondents felt when asked if they agreed, were neutral or disagreed with the proposed change.

Agree		45.0%	172
Neutral		33.0%	126
Disagree		22.0%	84

Total online responses: **382**

FEEDBACK HIGHLIGHTS

Written feedback showed general support for the change, provided the definition of intensive farming was clarified. Comments can be grouped as follows:

- 1) Public responses were supportive, suggesting the levy details be developed in partnership with commodity groups.
- 2) Municipal responses were supportive, suggesting commercial spaces attached to agricultural operations be split and assessed separately.

Stakeholder comments connected with a 'disagree' or 'neutral' response in the online questionnaire were focused on the definition intensive farming or felt the levy will hurt the farming industry.




Access to Assessment Information

Do you agree or disagree with the proposed changes to the access to assessment information provisions?

CURRENT	The <i>MMGA</i> as written would not allow municipalities access to information regarding how a Designated Industrial Property (DIP) assessment was prepared.
PROPOSED	<p>Include provisions in the proposed new legislation to allow a municipality to request information regarding assessments of designated industrial property in their jurisdiction. The provincial assessor would have to comply with this request except while there is an active complaint from the municipality on the property.</p> <p>Under this proposal, municipalities requesting information on provincially prepared assessments could be required to sign a standardized confidentiality agreement to ensure that information provided by property owners is only used to determine if the property is assessable, if the assessment is prepared correctly, if a complaint is warranted; and to prepare a case.</p> <p>Specifically state that information provided to the province by property owners under sections 294 and 295 could be provided to municipalities upon request, subject to confidentiality requirements.</p>

ONLINE QUESTIONNAIRE FEEDBACK

Below is a summary of how respondents felt when asked if they agreed, were neutral or disagreed with the proposed change.

Agree		48.7%	181
Neutral		35.9%	130
Disagree		16.4%	61

Total online responses: **372**

FEEDBACK HIGHLIGHTS

Written feedback showed general support for access to information regarding DIP assessments. Stakeholders consistently agreed that the change increases clarity, consistency and transparency in the assessment of DIPs.

Other stakeholder comments could be grouped as follows:

- 1) Public responses were supportive and suggested the public, assessed person and municipalities should have full access to the information.
- 2) Municipal responses were supportive and recommended municipalities be copied on any correspondence related to DIP assessments.

Assessment Notices – Notice of Assessment Date

Do you agree or disagree with the proposed changes to the assessment notices provisions?

CURRENT	Assessment notices must include the deadline for filing a complaint about the assessment, which must be 60 days from the date the assessment notice is sent.
PROPOSED	<p>Requires municipalities and, in the case of the proposed <i>MMGA</i> provisions, the provincial assessor to set a “notice of assessment date” which would be required to be between January 1 and July 1. The notice of assessment date would be included on assessment notices, and assessment notices would be sent prior to the notice of assessment date.</p> <p>Enable municipalities and the proposed provincial assessor to establish additional notice of assessment dates for amended and supplementary assessment notices, which could occur at any time throughout the year.</p> <p>The deadline for filing a complaint about an assessment would be 60 days from the notice of assessment date.</p>

ONLINE QUESTIONNAIRE FEEDBACK

Below is a summary of how respondents felt when asked if they agreed, were neutral or disagreed with the proposed change.



Total online responses: **368**

FEEDBACK HIGHLIGHTS

Written feedback showed a range of perspectives generally spread across all stakeholder groups. Respondents were supportive of clarifying the deadline for filing a complaint about an assessment, but suggested clarification is required on how this policy shift will achieve the intended outcome.

- 1) Public responses were mixed, showing:
 - Support for clarifying process, increasing transparency and creating more procedural accountability;
 - That the application of the *Interpretation Act* is sufficient to clarify this issue; and
 - That this change created more administrative challenges where combined notices are used.
- 2) Municipal responses were also mixed, with some respondents in support and others requesting more clarification and exploration of the issue is required.

Stakeholder comments connected with a ‘disagree’ or ‘neutral’ response in the online questionnaire found the change confusing or believed more work is needed to clarify the deadline for filing a complaint about an assessment.

Tax Exemptions – Provincial Agencies

Do you agree or disagree with the proposal for properties owned, leased and held by provincial agencies to be subject to property taxation?

CURRENT


Under the *MGA*, any property interest held by a Provincial agency is exempt from taxation.

PROPOSED

Specifically state that properties owned, leased and held by provincial agencies (as defined in the *Financial Administration Act*) are taxable for the purposes of property taxation. This would not include Alberta Health Services, housing management bodies established under the Alberta Housing Act, schools, colleges and universities.

ONLINE QUESTIONNAIRE FEEDBACK

Below is a summary of how respondents felt when asked if they agreed, were neutral or disagreed with the proposed change.

Agree		55.7%	210
Neutral		23.3%	88
Disagree		20.0%	79

Total online responses: **377**

FEEDBACK HIGHLIGHTS

Written feedback showed a range of perspectives across the public responses and support from municipal stakeholders.

Public responses focused on:

- 1) Support for Provincial Agencies paying their ‘fair share, suggesting the policy expand to all provincial properties; and
- 2) A belief that, taxing provincial agencies just moves money ‘from one hand to the other,’ that the average tax payer will either pay more property tax or more provincial tax.

Municipal responses were supportive and recommended a broader definition be used than what is in the *Financial Administration Act*.

Corrections to Assessments

Do you agree or disagree with the proposed changes allowing corrections to assessments under complaints?

CURRENT

Under the *MGA*, as amended by the *MMGA*, assessors would be permitted to revise an assessment even after a complaint has been filed on the assessment.

PROPOSED




Establish the following process for revising an assessment that is under complaint:

- Require an amended assessment notice, along with written reasons for the changes to the assessment, to be sent to
 - the assessed person;
 - the municipality (if the property is DIP);
 - the complainant (if it is not the assessed person); and
 - the assessment review board or Municipal Government Board (depending on the property type).
- Require the assessment review board or Municipal Government Board to cancel the complaint, notify the property owner of the cancellation, and refund the complaint fee.

An amended assessment notice is not required if an assessment is revised as a result of a complaint being withdrawn by agreement between the complainant and the assessor, except in the case of the proposed new DIP class.

ONLINE QUESTIONNAIRE FEEDBACK

Below is a summary of how respondents felt when asked if they agreed, were neutral or disagreed with the proposed change.

Agree		56.0%	209
Neutral		35.4%	132
Disagree		8.6%	32

Total Online Responses: **373**

FEEDBACK HIGHLIGHTS

Written feedback showed general support for the change, but with stakeholders consistently agreeing more clarity is needed on the process. Comments could be grouped as follows:

- 1) Public responses were generally supportive, suggesting more clarity on the type of correction that can be made and when a complaint is cancelled.
- 2) Municipal responses were supportive, suggesting taxpayers should not be required to refile a complaint on an amended assessment and more clarity on the process for complaints on amended assessments.

Stakeholder comments connected with a 'disagree' or 'neutral' response in the online questionnaire felt the proposed change will complicate the process.

General Technical Amendments and Other Assessment and Taxation Feedback

Written feedback showed respondents across the different stakeholder groupings were general supportive of all of the proposed General Technical Amendments. Written feedback received revealed a diversity of opinion among stakeholders on the following topics:

- 1) Assessment Information: municipalities believed the change could limit information flow and suggest further clarification on the issue.
- 2) Liability code: the public suggested further clarity on the implications of removing the 'liability code' from assessment rolls and notices.
- 3) Tax Receipts: The public and municipalities suggested receipts could be provided when requested.

Other Assessment and Taxation Feedback

A range of feedback was received that is relevant to the *MGA*, but did not relate directly to changes proposed in *Continuing the Conversation*.

Most of this written feedback involved questions about and recommendations for the implementation of assessment and taxation amendments in the *Municipal Government Amendment Act* and the *Modernized Municipal Government Act*. This feedback will be considered alongside other feedback received throughout the *MGA* Review and from a variety of other stakeholder groups.

Regulation related feedback is being used to inform amendments or the development of regulations. Opportunities to review the first round of draft regulations began January 31, 2017 and will be available for public review and comment until March 31, 2017 through the *MGA* Review website (<http://mgareview.alberta.ca/get-involved/regulations-review/>). The second round of draft regulations will be posted in early spring 2017.

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