

Municipal Government Act Review

What We Heard: A Summary of Consultation Input

Governance and Administration Technical Session
Held in Brooks on March 26, 2014

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Developed by KPMG for Alberta Municipal Affairs



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Introduction

Purpose

This document provides a summary of what was heard during a consultation session for the *Municipal Government Act* (MGA) review. The summary below includes the comments and opinions of the participants of the Governance and Administration Technical Session held in Brooks.

These contributions have not been reviewed or edited for accuracy. Comments recorded here reflect the opinions of individuals offered in person and recorded by session facilitators; they do not necessarily represent the opinion of the Government of Alberta.

The input summarized below will be considered by Alberta Municipal Affairs as part of the review of the legislation. Municipal Affairs would like to thank the participants of this session, as well as all Albertans participating in the review of the MGA. Any inquiries related to this summary or to the consultation process should be directed by email to the MGA Review Team at mga.review@gov.ab.ca.

The Municipal Government Act Review

The MGA is designed to help build strong, prosperous and sustainable communities throughout Alberta. Alberta Municipal Affairs is reviewing and refreshing the MGA to address evolving circumstances and priorities in Alberta's many communities, and to ensure the MGA continues to meet its objective. A successful MGA review process will continue to position Alberta as the leading Canadian jurisdiction in terms of municipal legislation, having incorporated sound thinking, input and research into a clear Act that meets the needs of the Province and municipalities. In order to achieve this vision, an inclusive and comprehensive engagement process was developed to ensure stakeholders across the province have opportunities to provide input to the review.

As part of the MGA review, regional consultations were held in eleven locations around the province to give Albertans an opportunity to provide input face-to-face. In each location, different types of sessions were held, including Technical Sessions, a Business and Industry Session, a Municipal Administrators Session, an Elected Officials Session, and a Public Open House.

These engagements were conducted in February 2014 to April 2014 in 11 locations throughout the province. Each location was held over 3 days in the following locations:

- Brooks
- Calgary
- Edmonton
- Edson
- Fort McMurray
- Grande Prairie
- Lethbridge
- Medicine Hat
- Peace River
- Red Deer
- Vermilion

Sessions were promoted via news releases, direct email invitations, social media, and by the Minister of Municipal Affairs at stakeholder conventions. Information on regional session locations, dates and registration were on the MGA Review website.

Input to the MGA Review has also been provided through other channels, including the MGA Review website (mgareview.alberta.ca), the MGA Review Consultation Workbook, and official submissions.

Session Overview

Session	Governance and Administration Technical Session
Location	Heritage Inn and Conference Centre, Brooks
Date	March 26, 2014
Number of Participants	4

- This session was open to anyone who wished to attend. Participants were asked to register in advance in order to receive background materials before the session.

Regional Consultation Methodology

How sessions were organized

Regional consultations were structured around one or more of the three themes of the MGA Review:

- Governance and Administration
- Assessment and Taxation
- Planning and Development

Participants were provided with agendas in advance, which identified a list of potential topics for discussion. These topics were taken directly from the MGA Review Consultation Workbook. Several of the topics for discussion appear under more than one of the three themes of the review because they are relevant to more than one theme (e.g. public participation). The agenda is attached as Appendix A.

At this session, participants provided input through facilitated table discussions. The goal of the facilitated conversations was to give the opportunity to all participants to discuss the issues that mattered most to them. Given the large size and scope of the MGA, participants at each table were asked to focus their discussion on those topics that they felt were most important to provide input on, using the list provided in advance. In addition, this session included time for “open discussion” during which participants could provide any additional input that they felt was important to the review. Table facilitators and note takers included staff from Municipal Affairs, KPMG and ADR Education.

Capturing input and reporting

Input from session participants was captured on flipcharts by facilitators during the discussion. It was explained to participants that:

- Comments were being recorded on flipcharts so that they could be captured and considered by Municipal Affairs as part of the review of the MGA.
- Comments would not be attributed to individuals or organizations.
- Other avenues were also available to provide written input to the review.

The summary below documents the input heard from participants and recorded on flipcharts. These comments have been transcribed and organized according to the list of topics for discussion; they have not been screened for accuracy and do not reflect consensus of participants. As a result, comments and opinions listed may be contradictory. Comments that apply to issues outside of the scope of the review (e.g., suggested changes to other legislation) have been removed.

It is important to emphasize that this summary reflects the input heard from participants, and does not necessarily reflect the position of the Government of Alberta.

How the Summary of Responses is Organized

Input from session participants is organized according to the three themes for the review:

- *Governance and Administration*
- *Assessment and Taxation*
- *Planning and Development*

Within these themes, comments are organized according to the applicable topics for discussion, using the list provided to participants in advance. In some sessions, not all themes may have been discussed.

Summary of Input

Governance and Administration

The following input was received and documented related to governance and administration.

Municipal Powers, Structures, Annexations and Other Changes

Municipal structures

Comments from participants included that:

- The Province should look at new ways to structure municipalities to ensure communities have appropriate infrastructure.

Fundamental changes and municipal restructuring

Comments from participants included that:

- There should be different streams to manage restructuring processes like annexation, dissolution and amalgamation. For example:
 - If municipal restructuring is contested, the process should be thoughtful and thorough.
 - If municipal restructuring is uncontested, the process should be simple and short.

Municipal Governance and Administration

Municipal governance

Comments from participants included that:

- The MGA should include a code of conduct for councillors, as well as clearly outlined roles and responsibilities.
- The MGA could include mandatory orientation for new councilors; however, adding orientation could also be challenging to incorporate.

Municipal administration

Comments from participants included that:

- The MGA should allow small municipalities to hire administrators on contract. This would bring municipal staffing costs down.

Municipal Finances

Regional funding approaches

Comments from participants included that:

- There should be financial triggers or warning signs that identify when the Province should bring municipalities together to discuss resource-sharing opportunities.
- Grants should be available for municipalities who partner and share services.
- It is important to recognize that not all municipalities want to partner as many want to protect their autonomy.
- Current grant programs allow neighbouring communities to apply for similar grants, causing a duplication of services regionally.
- Requests for grants should be based on regional service and operational needs.
- Small municipalities don't have enough funds for adequate administration and infrastructure. Any way that the Province can promote sharing administration and infrastructure between municipalities would be beneficial.

Municipal revenue sources

Comments from participants included that:

- When the Province downloads responsibilities to municipalities, the Province must provide additional funding to ensure municipalities remain sustainable.
- A more equitable distribution of funds from the Province to municipalities is needed. The distribution of funds should not be based solely on population.
- It is too complicated to have fuel and municipal sales taxes in some municipalities and not in others.

Municipal Accountability, Liability and Risk Management

Liability and risk management

Comments from participants included that:

- Substandard roads are posing a liability risk to municipalities, as the municipality is responsible if something goes wrong.
 - The MGA should outline the municipal responsibility for providing road allowances to municipalities in order to minimize this risk.
 - The Province should monitor road conditions, determine when a road has become a liability and inform the insurance company.

Public Participation and Municipal Relations

Public participation

Comments from participants included that:

- Clarity is needed around whether the notification timeframe for a public hearing is five calendar days or five business days.
- There needs to be an option in the MGA to use websites when notification to the public is required.
- It does not always make sense that the MGA requires immediate notification only for adjacent landowners. Notifying landowners within a certain distance would make more sense.

Assessment and Taxation

During the discussions surrounding governance and administration some discussion occurred on assessment and taxation. The following input was received and documented related to assessment and taxation.

Market Value, Equalized and Supplementary Assessment

Equalized assessment

Comments from participants included that:

- Education taxes should not be tied to property tax, and municipalities should not be tasked with collecting education tax for the Province.

Planning and Development

During the discussions surrounding governance and administration some discussion occurred on planning and development. The following input was received and documented related to planning and development.

Land Dedication and Use of Reserves

Land dedication (reserves)

Comments from participants included that:

- In the current MGA, the phrase “highest and best use” in relation to cash collected in lieu of municipal reserve is ambiguous and needs clarification. The language of “highest and best use” has been the cause of legal conflicts and disputes.

Appendix A: Session Agenda

MGA Review: Governance and Administration Technical Session

Agenda Item	Timing
1. Welcome and introductions	10:00-10:10
<p>2. Potential topics for discussion:</p> <p>The following topics will be available for table discussion:</p> <p><u>Subject 1: Municipal Powers, Structures, Annexations and Other Changes</u></p> <ul style="list-style-type: none"> ▪ Municipal powers ▪ Municipal structures ▪ Fundamental changes and municipal restructuring <p><u>Subject 2: Municipal Governance and Administration</u></p> <ul style="list-style-type: none"> ▪ Municipal governance ▪ Municipal administration <p><u>Subject 3: Municipal Finances</u></p> <ul style="list-style-type: none"> ▪ Financial administration ▪ Regional funding approaches ▪ Municipal revenue sources ▪ Fees and levies <p><u>Subject 4: Municipal Accountability, Liability, and Risk Management</u></p> <ul style="list-style-type: none"> ▪ Compliance and accountability ▪ Liability and risk management ▪ Provincial powers <p><u>Subject 5: Municipal Services and Delivery</u></p> <ul style="list-style-type: none"> ▪ Service provisions ▪ Regional services commissions ▪ Municipally controlled corporations <p><u>Subject 6: Public Participation and Municipal Relations</u></p> <ul style="list-style-type: none"> ▪ Municipal relationships and dispute resolution ▪ Public participation ▪ Municipal Government Board 	10:10-10:20
3. Change tables (if needed)	10:20-10:25
<p>4. Table facilitation</p> <ul style="list-style-type: none"> ▪ Up to three topics will be prioritized for discussion (~20 minutes each) ▪ Discussion will focus on what is working well, desired changes, and potential impacts of changes to the legislation 	10:25-11:35
<p>5. Open discussion</p> <ul style="list-style-type: none"> ▪ Are there any other relevant topics participants want to address? 	11:35-11:55
6. Wrap-up	11:55-12:00