

Municipal Government Act Review

What We Heard: A Summary of Consultation Input

Municipal Administrators Session
Held in Edmonton on February 6, 2014

Released on June 12, 2014

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 Municipal Administrators Session held in Edmonton.

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	Municipal Administrators Session
Location	Delta Edmonton South Hotel and Conference Centre, Edmonton
Date	February 6, 2014
Number of Participants	54

- This session was open to current municipal staff. 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

General Comments about the MGA

The following input was received and documented related to the MGA in general.

Comments from participants included that:

- The MGA should focus on the “whats” and “whys” at a high level, rather than the “hows,” as the way things are implemented will change over time.
- The intent of the legislation for municipalities should be enabling.
 - The enabling tone of the MGA is working well. The Province should keep it flexible, and just fine-tune certain areas.
 - Currently, the MGA is enabling, which is good. However, there is no motivation for municipalities to comply. Perhaps more motivation is needed.
- Due to the differences between large and small municipalities, the MGA should not try to be one-size-fits-all.
 - It is dangerous to get too specific about different communities. Some rights and responsibilities should be independent of size.
- Equality is important but that doesn’t mean the same for everyone. Municipalities want to see equity in the new MGA.
- Government should review the layout, organization, and readability of the MGA.
- The MGA needs to be reviewed more frequently.
 - The full MGA doesn’t need to be reviewed frequently, but parts of it do.
 - It should be reviewed every three, five or 10 years to accommodate the fast pace of technology changes.
- It is important to have a smooth flow of information between the Province and municipalities. This will help in preparing future legislation.
- There is a difference between how prescriptive the governance and tax sections of the MGA are.
- The MGA should include more guidelines regarding the implementation of new programs.
- The MGA should be about meeting local needs. It should explain how the Province will support and engage municipalities in the MGA.

Governance and Administration

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

Municipal Powers, Structures, Annexations and Other Changes

Municipal powers

Comments from participants included that:

- The natural person powers in the current MGA are not working well.
 - The limitations from the Province and the specifications of the Chief Administrative Officer role undermine the intent. For example, it is difficult to create a wholly owned corporation by the municipality.
 - The MGA imposes constraints on the municipalities for revenue, advertising and in other areas.
 - Any limits to natural person powers should be reviewed.
- There is a lack of education for smaller municipalities as to what exactly their natural person powers are.
- The provisions for bylaw powers in the MGA are difficult to enforce.
 - After a stop order, the only remaining enforcement mechanism is the courts.
 - Municipalities should be allowed more enforcement powers.
 - For example, the ability to issue tickets for an impactful amount of money.
- More discretion is needed about what decisions need to be made by bylaw.
 - For example, adding amounts owed to city taxes.
 - The MGA should expand what municipalities can delegate to committees and others through bylaws. Otherwise, delegation is working well and bylaws provide necessary flexibility.
- The MGA should formally establish a “tier” model of powers for different municipalities.
 - “One size fits all” legislation does not work.
 - It is not clear whether these additional tiers would need to be in legislation, or could be in regulation.
 - Too many regulations can become difficult to manage. If regulations could be municipality-specific, they could be easier to manage.
- The MGA should legislate the ability to enact city charters in more mature, larger jurisdictions.
 - Larger municipalities should be granted more flexibility than what is currently outlined within the MGA. An example would be additional control over financing and debt management.
- City charters would address the needs of large municipalities without changing the requirements for small municipalities.

Municipal structures

Comments from participants included that:

- The variations in structures and powers are working well.
- The municipal structures outlined in the MGA are outdated and should be reviewed.
 - The structures don't really match with orders of powers.
 - Hamlets are not consistently defined. Therefore, they do not receive consistent funding.
- A new MGA should make changes to the sizes of different municipal structures.
 - Villages may no longer be needed.
 - The population requirements for a city need to be re-evaluated.
- More clarity is needed around counties and municipal districts. The two structures need to be better defined.
 - Big counties and municipal districts are disparate.
 - There is no direct recognition of counties in the MGA.
- There is inequity across types of structures. Camps funded by the Province in municipal districts are an example of inequitable treatment.
- The MGA needs criteria to determine provincial funding based on need rather than structure type.
- The MGA should include more opportunities, tools and processes for supporting special regional municipalities.
 - For example, the Province should support feasibility studies.
- A regional governance structure, like the one used in British Columbia, could be investigated for Alberta.
 - British Columbia's regional districts are not a separate level of government, but handle rural and regional services.
 - Regional servicing is enabled through the legislation.
 - British Columbia has a tiered governance system governed by two acts.
 - This tiered system creates accountability and efficiencies.
 - British Columbia's Acts can deal with inequities between urban and rural municipalities, such as revenues and annexations.
 - Services are divided between tiers and can be funded differently. This funding formula is flexible.
- The MGA should support transitions from independent, smaller municipalities to more regionalized services. This also includes sharing of governance.
 - Service sharing agreements in the British Columbia municipal regional districts provide an example that should be explored for use in Alberta.
 - The Province should review how Vancouver and Toronto achieved regionalization and see if their systems work for Alberta.

Fundamental changes and municipal restructuring

Comments from participants included that:

- Villages and very small populations often have sustainability issues that lead to dissolution.
 - Currently, dissolved municipalities' outdated infrastructure can create a financial burden on the absorbing municipality.
 - The viability reviews may be handling this issue, but it is still early in the process.
 - If the service delivery burden was on the region rather than the small communities, there might not need to be dissolutions.
- Annexation is working reasonably well.
- The current annexation process has no ability to revisit decisions.
- The MGA should add clear triggers for when annexation should happen. This would help mitigate conflict.
- Municipalities should engage in statutory planning prior to annexation. This would apply to Section 112.1 (Mediation) of the current MGA.
 - Putting the commitment to the municipal relationships in the MGA sets the framework for collaboration.
 - Intermunicipal Development Plans bring everyone on board to deal with future annexation issues.
 - The MGA needs to promote consultation prior to an annexation being filed and dialogue between affected municipalities should be mandatory.
- The Municipal Government Board has 12 principles that should be reflected in the MGA.
- A municipality being annexed has the ability to dispose of municipal reserves for cash-in-lieu, but then the municipality who annexed the land is limited in their use of that land.
 - Care must be taken during annexation so that municipal reserves or cash-in-lieu are taken into consideration.
 - It should be the right of the municipality that annexed land to use that municipal reserve as they see fit.
 - If the municipal reserve land has been disposed, then a municipality annexing the land should be able to receive cash-in-lieu to purchase more municipal reserve.

Municipal Governance and Administration

Municipal governance

Comments from participants included that:

- The MGA needs further definition and clarity between administrative and governance duties.
 - However, duties should be clarified without becoming more prescriptive.
 - The following needs to be clarified regarding council roles:

- the role of the mayor versus the rest of council;
- the leadership function of council; and,
- opportunities to allow council to delegate certain power and authority through resolutions to the mayor to act on behalf of council.
- The MGA needs to define the secretary and/or treasurer's relationship to council.
- Councils need more flexibility to establish different types of committees.
 - Councils need the flexibility to apply certain requirements to committees, such as the requirement to meet in public. Committees have an advisory role with council and are bound by rules.
 - There is some question as to whether council committees should be legislated.
- There is confusion with the role of a mayor as an ex-officio on boards, and how this extends to other council boards.
 - For example, the role of the mayor related to Subdivision Development Appeal Boards in section 154 (General Duties of Chief Elected Official) of the MGA is not clear.
- There is no recourse for "rogue actions" by councillors at present. This part of the MGA is not working.
 - There is a need for disciplinary sanctions, systems and tools to discourage or address inappropriate conduct and hold municipal elected officials accountable.
 - There could be a Municipal Government Board ombudsman at the provincial level for municipal elected official conduct.
- The MGA should clarify the definition of "meetings". Currently, it is not clear when the following can be held, and whether they can be "in camera" or not "in camera:"
 - briefings;
 - workshops;
 - team building sessions;
 - discussions of controversial issues;
 - administrative discussions; and,
 - meetings without media presence and without minutes.
- There needs to be a call for a by-election where an elected official is not eligible to run.
- There should be a course required prior to fulfilling the role of the elected official about ethics, behaviour and communication skills.
- The MGA review should address conflict of interest in the MGA. Specifically, this should include pecuniary matters and voting disqualification.

Municipal administration

Comments from participants included that:

- The MGA should include a clear definition of chief administrative officer duties and the distinction of these duties from those of council. For example, the MGA should:
 - accurately reflect the management position as administrative head and primary counsel;

- clarify the boundaries of the administration's duties; and,
- clarify the chief administrative officer's ability to delegate, not just to employees, but also to committees.
- There is confusion around the chief administrative officer's role as an employee of council.
- There is confusion around designated officers, such as assessors in Section 210 (Designated Officers) of the MGA.
- Administrative information is not shared with municipalities in a timely or transparent fashion.
- The MGA should not specify the duties for the chief administrative officer. The duties currently specified do not reflect the position in some municipalities, particularly large municipalities.
 - It becomes cumbersome for municipalities to delegate authority.
 - Chief administrative officers currently can't delegate to committees, and this is a barrier.
 - The ability to delegate more easily would give municipal corporations advantage over private corporations.
- The current description of minute-taker within the MGA is insulting.

Municipal Finances

Financial administration

Comments from participants included that:

- The MGA needs to be updated in line with contemporary, generally accepted accounting principles. For example, the MGA says that municipalities can't post a deficit, but deficits are not always bad.
 - Municipal Affairs should seek advice from leading provincial experts.
 - The MGA should legislate standards on the preparation and presentation of budgets in the same way that it does with financial statements. This is a Generally Accepted Accounting Principles (GAAP) recommendation and would lead to consistent financial plans.
 - This would likely be debated by some municipalities because of increasing costs of change.
- The Province should review the effectiveness of collected financial information to assess return on investment.
 - Clarify the use of information collected, e.g. is it used by the province for inter-municipal comparison, and does it have any other purposes?
 - At present, those collecting the information and completing the reviews don't use the information. This may be because they aren't aware of its availability or don't have access to it.

- It may make sense in some cases for municipalities to be allowed longer-term budgeting.
- Health, education and post-secondary institutions benefit regions, but municipalities bear the costs.
- The timing of municipal elections conflicts with other municipal processes, such as budgeting.
- The MGA currently doesn't distinguish between addressing operating versus capital costs.
 - Municipalities should still be enabled and have flexibility to collect either under the MGA.
- All municipalities should have to show where their revenues are going.

Regional funding approaches

Comments from participants included that:

- The provincial and federal governments should be required to provide more funds for regional collaboration, and not just expect sharing of municipal funds.
- Regional boards could determine funding schemes for regionally beneficial services that could be based on population or user rates.
- The MGA could provide frameworks, options and incentives for regional partnerships.
- The MGA should not legislate a requirement for regional partnerships. Instead, it should outline a framework for collaboration.

Fees and levies

Comments from participants included that:

- Regional collaboration around levies is important.
 - A harmonization of levies on a regional scale would be beneficial.
 - While the MGA should be less prescriptive, certain processes, such as levies, need to be consistent across the province.
- Municipalities may impose many fees and levies, but they are administratively resource intensive.
- If those who benefit should pay, how should non-resident users pay?
 - Fees and levies should demonstrate the larger interest benefit, such as better health and less healthcare services.

Municipal Accountability, Liability, and Risk Management

Liability and risk management

Comments from participants included that:

- The restrictions on municipalities' ability to use different investment vehicles should be eased.

- Municipalities need to earn higher rates of interest. However, they should not invest in high-risk investment vehicles.

Provincial powers

Comments from participants included that:

- There should be a review of provincial versus ministerial powers.
- The new MGA should clarify who has veto power on petitions and dissolutions.
- The minister can currently dissolve council without collaboration. This doesn't reflect the spirit of the MGA.
- The Province should view the relationship with municipalities as a partnership.
 - There is a constitutional requirement to establish powers and other provisions for local government.
 - The MGA should provide more empowerment and be less prescriptive.

Municipal Services and Delivery

Service provisions

Comments from participants included that:

- The MGA should better define roles of the municipality and the Province as to what services each must provide, and what municipalities can legally provide.
 - There needs to be more clarity about the delivery of services. For example, health care is no longer just provincial jurisdiction.
 - If a program or service is of benefit to everybody, the Province should step in to provide it.
 - The MGA could include a prioritization of what services municipalities must provide. The MGA could provide a core list, but allow for some flexibility.
 - More clarity and flexibility would allow municipalities to decide what tools will best meet their needs.
- Municipalities should be responsible for services that directly affect residents, such as roads, fire, police and solid waste.
- Recreation is a service that could possibly be split between the municipal and provincial governments.
 - There is the possibility of public-private partnerships for these services.
 - Partnerships could be based on the scale or cost of the project.
- It would be good to have options for municipalities to deliver services to provide quality of life and sustainability.
 - The same quality standard should be in place for all.
- Roads should have some provincial funding because of the use of roads by non-residential classes of property.
 - The MGA should adopt a user pay model for road financing.
 - The new Act should define a funding model that benefits everyone.

- The MGA requires recognition of the services consumed by industry whose employees work in big cities and live elsewhere. Shared services relationships need to be clarified to address this.
 - For example, Edmonton is paying for 90 per cent of police services regionally, which reflects much more than the city contributes to the total crime in the region.

Regional Services Commissions

Comments from participants included that:

- It is working well that communities have direct input into Regional Services Commissions.
 - The utility model of “user pays” is also working well.
- Regional Services Commissions need to be more accountable to municipalities.
- The framework for Regional Services Commissions needs to be more prescriptive about what they can do.
 - The MGA does not address municipal disagreement and dispute resolution is required.
- It would be better to form a “super commission” rather than having multiple commissions. That way, all services could be discussed under one roof.
- Regional Services Commissions’ authority should be reviewed in relationship to the authority of municipalities.

Municipally Controlled Corporations

Comments from participants included that:

- Municipalities don’t fully understand the for-profit and non-profit models. Education is needed to address this information gap.

Public Participation and Municipal Relations

Municipal relationships and dispute resolution

Comments from participants included that:

- Good steps are being taken towards more intermunicipal cooperation.
 - Dispute resolution through mediation is working well.
- The current MGA creates conflict between municipalities.
- The MGA should promote cooperation to build relationships and encourage more collaboration.
 - The MGA should be more directive with regards to how municipalities are to collaborate, without being too prescriptive.
- There is some excellent regional collaboration already in place regarding the provision of expertise.

Assessment and Taxation

The following input was received and documented related to assessment and taxation.

Taxation and Municipal Finances

Taxation

Comments from participants included that:

- Recovery of unpaid taxes is an issue for municipalities.
 - There is a process to recover funds, but it requires the courts.
 - Municipalities have no real enforcement power.
 - The municipality must remit education taxes to the province even when the tax is not paid by the taxpayer.
 - For example, even where machinery and equipment tax could be collected to help recover lost dollars, municipalities don't have the power to collect those funds.
- Tax recovery and sale processes need restrictions around timing.
 - Many administrative losses can result from "last minute" payments.
- Tax incentive programs need more clarity.

Municipal revenue sources

Comments from participants included that:

- Growth doesn't necessarily relate to revenue growth.
 - For example, the university population uses services but does not contribute revenue.
- Municipalities rely too heavily on property taxes exclusively. A larger suite of potential revenue streams improves diversification.
- There is currently a good, diverse set of tools under the MGA for revenue. However, municipalities need broader taxation powers because the types of taxes they can collect are limited, especially smaller communities.
 - There could be options to collect a percentage of income tax or a gas tax.
 - Municipalities should be able to collect funds for regionally beneficial recreation facilities, such as arenas.
 - User fees could be beneficial.
 - Tourism taxes are needed.
 - There could be a provincial gas tax applied through a user pay system that funds specific regional services.
 - The MGA should mandate flexibility in larger and more complex municipalities.
 - Municipalities should realize revenue on the sale of new properties.

- There could be a land transfer tax, paid by users, to cover the initial setup costs of development.
- Grant consistency at the provincial level is critical.
 - Municipalities need more notice on changes to grant funding.
 - Changes to grants are painful for communities that have little growth.
 - Municipalities need consistent, reliable funding mechanisms.
 - Having fewer municipalities might lead to more equitable distribution of funds between municipalities and more efficient use of funds.
 - Many municipalities have to fundraise to meet their needs.
- The MGA should invite municipalities to be innovative in their approaches to revenue sources.
 - For example, a municipality could create a corporation to produce income that would allow “zero” increase in taxes.
- The Municipal Sustainability Initiative is a good program but isn’t the means to meet all needs. The provincial government needs to “open its purse strings”.
- The Province should enable municipal taxation, but also set parameters.
- The Province should give a percentage of provincial revenue to municipalities.
 - The Province should dissolve the education tax and allow municipalities to “fill” that tax space with general municipal revenue.
- Municipalities need more revenue sources but need to avoid the bureaucracy needed to administer them. They should be administered at the provincial level.
 - Municipalities require more stability in revenue sources.
 - Revenue sources need to align with the economy. For example, the Province should consider elastic versus regressive revenue.
- Municipalities need to be enabled to have some capacity for reserves to pay for those “extra” services being downloaded by the province. There needs to be recognition from the Province of these downloaded services.

Exemptions from Assessment and Taxation

Exemptions and other special tax treatment

Comments from participants included that:

- Municipalities should be able to include business incentives in the Local Improvement Tax levied on property.
- Exemption sections should be rewritten to make it easier to explain and more transparent to the general public.
 - The MGA should consolidate exemptions for assessment and tax in one place for ease of navigation.
- The charitable and benevolent sections of the MGA are too broad and difficult to interpret.
- The MGA needs to recognize that we live in a changing world, so exemptions need to be reviewed and updated often.
 - Exemptions have a large impact on revenues generated for municipalities.
 - No tax revenue is generated by hospitals, universities or schools, but they still require services.
 - The Province should explore opportunities to reduce exemptions.
 - The Province paying taxes and not grants could be a possibility.
 - Special purpose properties, such as Canada Holdings, should have a legislated value.
- Businesses get a grant back after the development is complete. This grant is exempt from tax, but comes at a cost to residential taxpayers, who bear the cost of this exemption.
- The MGA should set up a structure where an exemption is valid for an extended period, for example three years, to eliminate the annual resolution.
 - This could create competition among municipalities.

Market Value, Equalized and Supplementary Assessment

Equalized assessment

Comments from participants included that:

- The role of municipalities in collecting the education tax is not working well.
 - The collection process is not transparent to citizens.
 - Municipalities don't have control over increases to the education tax.
 - If municipalities retain the administration of the education tax, they should be remunerated for their administrative time.
 - Municipalities could be allowed to use a portion of the tax dollars collected for the Province.
 - Social housing taxes, like senior requisitions, are also collected at the municipal level, but are provincial programs.

- The Province should fund education through another mechanism aside from property tax, such as income tax.
 - This would align revenue generated for education with other provincial services and revenue streams.
 - The value of one's property should not be associated with education.

Industrial and Agricultural Property Assessment

Linear property assessment

Comments from participants included that:

- Linear revenue pooling may shift funding to urban areas but also weaken rural communities.
 - Revenue from linear property compensates rural communities who face the burden and major impacts of having linear property run through their communities.
 - Regionalization is an option, but the impact of linear property is still felt at a rural level.
 - A solution might be to have more regional specialized municipalities.
 - The Province could also re-think boundaries and roles of municipalities.
 - There is huge non-residential tax base just outside the boundaries of urban municipalities that are providing services.
 - This may be addressed in civic charters.

Assessment Administration

Assessment administration

Comments from participants included that:

- There are challenges with the assessment process. People don't understand assessment.
 - Renters pay property taxes, but do not have access to assessments.
 - Assessments should still be confidential, but certain information should be shared to reduce the preparation of multiple similar assessments.
 - Any data that would be required to defend assessments should definitely be shared.
 - Access to industry income and cost data should be required.
- Innovative changes to assessment are needed to stay current.
- The physical condition date of December 31 is problematic.
- The Province should govern assessment. This would be more efficient and provide consistency in assessment practices across the Province.

Public Participation and Assessment Appeals

Assessment complaints and appeals

Comments from participants included that:

- Sixty days is too much time for an appeal.
 - There should be a time set to mediate prior to filing an appeal.
 - If an appeal is filed, the assessors' hands are tied.
 - Disclosure of evidence timelines should be mandated and enforced.
- There needs to be a mechanism for joint or regional Assessment Review Boards. Small communities currently have to train staff to perform this function.

Planning and Development

The following input was received and documented related to planning and development.

Fees and Levies

Fees and levies

Comments from participants included that:

- Levies should be expanded to a more general, holistic municipal nature.
 - Recreational and regional services should be a levy, such as walking paths.
 - Recreation should be considered an offsite levy.
- The use of offsite levies can be improved.
 - Levies should ensure payment for the costs of growth.
 - These levies should be at the discretion of the municipalities.
 - The municipality still needs to remain competitive, so there is an inherent control in place.
 - Levies should be expanded to include “soft” services required by a new development, such as parks.
- The MGA should require payments back over time to those who develop infrastructure.
 - Municipalities should be able to levy the costs associated with development to meet the increased demand for facilities.
 - Currently, there is a lack of consistency in development-related process and fees.

Land Management and Planning Tools

Statutory plans and land use bylaws

Comments from participants included that:

- Inter-municipal development plans need to be mandatory.
 - This could be difficult to implement, but would reduce conflict among municipalities.
 - This requirement would allow for longer-term planning to address shared interests.

Subdivision and Development Authorities and Processes

Planning authorities

Comments from participants included that:

- Some applications involve referrals to different agencies. The approval processes of these agencies overlap with those of municipalities and are cumbersome. For example:
 - Setbacks from Energy Resources Conservation Board regulated facilities require feedback and information.
 - Abandoned wells require provincial guidance.
 - The provincial setback of five metres for a reclaimed well is not enough. Municipalities can have a higher setback, but this is difficult to explain to developers.
- The Province needs the capacity to provide approvals, information and advice to municipalities.
 - The provincial government may need to provide more support to smaller municipalities.
 - It could be better to have provincial approval of property owner or developer plans prior to getting municipal approval.
- Many responsibilities for diligent planning have been downloaded to municipalities without resources.
 - For example, consideration of floodplains and abandoned wells in the application and decision-making process.
- One-size-fits-all rules may not be appropriate.
 - Larger municipalities have resources and capacity for autonomy in planning their own, including legal departments.

Land Dedication and Use of Reserves

Land dedication (reserves)

Comments from participants included that:

- The MGA is too prescriptive around municipal reserves. There should be flexibility and control for the municipality to determine the amount and use of reserve land.
 - It is a municipal right to define reserve uses and to set more municipal reserve to be claimed if necessary. This needs to be reflected in the MGA.
 - The review of the MGA should remove specific definitions for reserves and allow the municipalities to determine use in local bylaws.
 - This may work better for some municipalities than others.
 - This would reduce consistency for developers.
- There is a lack of awareness of what reserves are and what they are used for.
 - For example, when school reserves return to the municipality for re-development, the public is not informed.
- The percentage of municipal reserve land that can be collected is currently too low.
 - If the maximum amount of municipal reserve needs to be defined, then it should be closer to 45 per cent given other services needed in the area, including public utility lots, roads and other services.
- The MGA needs a better definition of environmental reserves.
 - The definition of what “developable” land means needs to be clarified.
 - Perhaps language needs to change from “developable” in order to be environmentally sensitive.
 - “Developable” status can change over time.
 - The list of what constitutes environmental reserve land in the MGA can limit what is considered as environmental reserve. As a result the land is claimed as municipal reserve instead, creating competition with other uses.
 - Definitions in the list of what constitutes environmental reserve land should be clarified.
- There should be more clarity during the approval process of impacts of school reserve land.
 - There could be caveats on development of land when a site backs up against a future school site. This would provide more transparency to future owners.
- There could be school reserves set aside for regional schools.
 - School boards are regional, but schools are almost always located in urban locations.
- School developments require money to fund as well as reserve land, but the population does not necessarily attend that school.
 - Rural communities without schools can claim school reserves, but don’t have schools within their boundaries. This is not working.

- Urban municipalities need to have the ability to leverage funding through reserves or from rural municipalities to serve communities coming into the urban schools.

Regional Approaches

Municipal relationships and dispute resolution

Comments from participants included that:

- The MGA needs to clarify the vision at the provincial level for municipalities and their regional collaboration.
 - Defining the vision will allow parties to avoid common pitfalls.
 - The municipal structures should align with this common vision.
 - The MGA should outline expectations for all parties, including provincial, regional, and municipal boards.
 - The Capital Region Board has such a plan.
 - It is important to set out the goal of achieving economies of scale.
 - The MGA needs to identify regional service opportunities and legislate planning tools around such services.
 - The MGA should empower and incentivize municipalities and/or regional boards to plan regionally. The MGA should outline how joint planning should work.
- Planning is a requirement for all municipalities, but sustainability is not. This should be a bigger focus.

Managing growth and development

Comments from participants included that:

- The Province should provide a vision for municipal density and growth.
- The MGA could provide more guidance regarding things needed to complete a community and how costs are borne.
 - This would guide relationships between developers and municipalities.
 - Municipalities need to be treated as a partner by the Province.
- The interpretation of the MGA is that there should be one bylaw to cover all infrastructure needs. This is not the intent of the MGA and more clarity is needed around this.
- The Act drives competitiveness among municipalities.
 - This influences developers' choices.
 - Regional information sharing would help to reduce competition.
- The MGA should promote density. Urban sprawl is the policy of the Province through their inaction.
- The MGA must complement transportation policies, such as for fisheries.
- Mandatory growth management plans could be required.

- The MGA should define who is responsible for implementing growth management plans.
- Growth plans should not be capped, allowing minimum standards to be exceeded.

Public Participation and Planning Appeals

Public participation

Comments from participants included that:

- Advertising should be modernized. The MGA could include minimum requirements to reflect today's technology and should also provide flexibility to adapt these requirements into the future.
- Currently, the MGA needs some minor improvements to provisions like notifications in the newspaper.

Planning and inter-municipal appeals

Comments from participants included that:

- Subdivision and development processes are different with regards to appeals. For example, the difference between the Subdivision Development Appeal Board and Municipal Government Board is difficult for property owners to understand.
 - Property owners find the lack of appeal for subdivisions unfair.
 - The current subdivision process is meant to limit frivolous appeals.
 - Education of the public could be done through vehicles other than the MGA.
- The MGA needs to clarify the Province's role in appeals.
- Formal mandatory training for Subdivision Development Appeal Board members would be beneficial.
 - This would help Subdivision Development Appeal Board members understand planning, legislation and principles.
 - Councillors should also have mandatory training.
- It would be beneficial to review the appropriateness of councillors as members of quasi-judicial boards.
 - Perhaps councillors shouldn't be part of Subdivision Development Appeal Boards at all.

Appendix A: Session Agenda

MGA Review: Municipal Administrators Session

Agenda Item	Timing
1. Welcome and introductions	1:00-1:10
2. Potential topics for discussion: The following topics will be available for table discussion: Governance and Administration <u>Subject 1: Municipal Powers, Structures, Annexations and Other Changes</u> <ul style="list-style-type: none"> • Municipal powers • Municipal structures • Fundamental changes and municipal restructuring <u>Subject 2: Municipal Governance and Administration</u> <ul style="list-style-type: none"> • Municipal governance • Municipal administration <u>Subject 3: Municipal Finances</u> <ul style="list-style-type: none"> • Financial administration • Regional funding approaches • Municipal revenue sources • Fees and levies <u>Subject 4: Municipal Accountability, Liability, and Risk Management</u> <ul style="list-style-type: none"> • Compliance and accountability • Liability and risk management • Provincial powers <u>Subject 5: Municipal Services and Delivery</u> <ul style="list-style-type: none"> • Service provisions • Regional services commissions • Municipally controlled corporations <u>Subject 6: Public Participation and Municipal Relations</u> <ul style="list-style-type: none"> • Municipal relationships and dispute resolution • Public participation • Municipal Government Board 	1:10-1:20

Agenda Item	Timing
<p>Assessment and Taxation</p> <p><u>Subject 1: Taxation and Municipal Finances</u></p> <ul style="list-style-type: none"> • Taxation • Municipal revenue sources • Fees and levies <p><u>Subject 2: Exemptions from Assessment and Taxation</u></p> <ul style="list-style-type: none"> • Exemptions and other special tax treatment <p><u>Subject 3: Market Value, Equalized and Supplementary Assessment</u></p> <ul style="list-style-type: none"> • Market value assessment and administration • Equalized assessment • Progressive and supplementary assessment <p><u>Subject 4: Industrial and Agricultural Property Assessment</u></p> <ul style="list-style-type: none"> • Linear property assessment • Machinery and equipment property assessment • Transportation properties • Farm property assessment <p><u>Subject 5: Assessment Administration</u></p> <ul style="list-style-type: none"> • Assessment administration <p><u>Subject 6: Public Participation and Assessment Appeals</u></p> <ul style="list-style-type: none"> • Public participation • Assessment complaints and appeals • Municipal Government Board <p>Planning and Development</p> <p><u>Subject 1: Fees and Levies</u></p> <ul style="list-style-type: none"> • Fees and levies <p><u>Subject 2: Land Management and Planning Tools</u></p> <ul style="list-style-type: none"> • Statutory plans and land use bylaws <p><u>Subject 3: Subdivision and Development Authorities and Processes</u></p> <ul style="list-style-type: none"> • Planning authorities • Administrative decision-making processes <p><u>Subject 4: Land Dedication and Use of Reserves</u></p> <ul style="list-style-type: none"> • Land dedication (reserves) <p><u>Subject 5: Regional Approaches</u></p> <ul style="list-style-type: none"> • Municipal relationships and dispute resolution • Managing growth and development • Regional funding approaches <p><u>Subject 6: Public Participation and Planning Appeals</u></p> <ul style="list-style-type: none"> • Municipal Government Board • Public participation • Planning and inter-municipal appeals 	<p>1:10-1:20</p>
<p>3. Change tables (if needed)</p>	<p>1:20-1:25</p>

Agenda Item	Timing										
<p>4. Table facilitation</p> <ul style="list-style-type: none"> ▪ Two topics will be prioritized for discussion for each block <table border="1" data-bbox="310 468 1156 800"> <tr> <td data-bbox="310 468 618 531">Block 1: 1:25-2:05</td> <td data-bbox="618 468 1156 531">Governance and Administration Topics</td> </tr> <tr> <td colspan="2" data-bbox="310 531 1156 600">Break (5 mins)</td> </tr> <tr> <td data-bbox="310 600 618 663">Block 2: 2:10-2:50</td> <td data-bbox="618 600 1156 663">Assessment and Taxation Topics</td> </tr> <tr> <td colspan="2" data-bbox="310 663 1156 732">Break (5 mins)</td> </tr> <tr> <td data-bbox="310 732 618 800">Block 3: 2:55-3:35</td> <td data-bbox="618 732 1156 800">Planning and Development Topics</td> </tr> </table> <ul style="list-style-type: none"> ▪ Discussion will focus on what is working well, desired changes, and potential impacts of changes to the legislation 	Block 1: 1:25-2:05	Governance and Administration Topics	Break (5 mins)		Block 2: 2:10-2:50	Assessment and Taxation Topics	Break (5 mins)		Block 3: 2:55-3:35	Planning and Development Topics	1:25-3:35
Block 1: 1:25-2:05	Governance and Administration Topics										
Break (5 mins)											
Block 2: 2:10-2:50	Assessment and Taxation Topics										
Break (5 mins)											
Block 3: 2:55-3:35	Planning and Development Topics										
<p>5. Open discussion</p> <ul style="list-style-type: none"> ▪ Are there any other relevant topics participants want to address? 	3:35-3:55										
<p>6. Wrap-up</p>	3:55-4:00										