

Municipal Government Act Review

What We Heard: A Summary of Consultation Input

Municipal Elected Officials Session
Held in Brooks on March 28th, 2014

Released on June 24, 2014

Developed by KPMG for Alberta Municipal Affairs



Contents

Introduction	1
Purpose	1
The Municipal Government Act Review	1
Session Overview	2
Regional Consultation Methodology	3
Summary of Input	5
General Comments about the MGA	5
Governance and Administration	5
Municipal Powers, Structures, Annexations and Other Changes	5
Municipal Governance and Administration	6
Municipal Finances	6
Municipal Accountability, Liability, and Risk Management	7
Municipal Services and Delivery	8
Public Participation and Municipal Relations	9
Assessment and Taxation	10
Taxation and Municipal Finances	10
Exemptions from Assessment and Taxation	11
Market Value, Equalized and Supplementary Assessment	11
Industrial and Agricultural Property Assessment	11
Assessment Administration	12
Public Participation and Assessment Appeals	12
Planning and Development	13
Fees and Levies	13
Land Management and Planning Tools	13
Subdivision and Development Authorities and Processes	13
Land Dedication and Use of Reserves	14
Regional Approaches	14
Public Participation and Planning Appeals	15
Appendix A: Session Agenda	16

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 Elected Officials 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	Municipal Elected Officials Session
Location	Heritage Inn and Conference Centre, Brooks
Date	March 28 th , 2014
Number of Participants	25

- This session was current municipal elected officials. 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 is very good as it is, and most of it does not need to be changed. Most of the problems with the MGA are within the regulations and ministerial orders.
- The flexibility that the current MGA offers to municipalities is a good thing.
- The wording throughout the MGA needs to be clarified to ensure that there are consistent definitions in the MGA and its regulations.
- Sustainability of rural municipalities needs to be a priority 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 MGA needs to recognize municipalities as a distinct level of government.
- The relationship between provincial and municipal governments should be that of joint partners, rather than municipalities being treated as just another stakeholder.
 - An indicator of the strength of the relationship between the Province and municipalities is the level of consultation prior to decisions made.
- Expropriation is an onerous process with unnecessarily long timelines.
 - The expropriation process needs to respect people's property, but it also needs to follow a more manageable timeline.
 - Compensation for expropriation should be based on fair market value. Exceeding market value is acceptable to incentivize a sale.
- The MGA should not be too restrictive regarding expropriation.

Fundamental changes and municipal restructuring

Comments from participants included that:

- During amalgamations there should not be a requirement to have contiguous boundaries.

- There should be two different processes for contested and for uncontested amalgamations and dissolutions.
 - A fast-track process should be available if a group of municipalities agree with the dissolution or amalgamation. Currently, there are too many roadblocks that slow the dissolution or amalgamation of two willing parties.
 - In the case of contested amalgamations or dissolutions, the process should be expanded to truly assess viability. There are many factors that affect viability beyond finances.
- Infrastructure deficits need to be considered as part of any dissolution process. Currently, there are no clear guidelines on who is responsible for infrastructure deficits.
- Dissolution studies are needed to consider how municipalities will fund costs associated with absorbing another municipality.

Municipal Governance and Administration

Municipal governance

Comments from participants included that:

- If a vacancy occurs within a year of an election, council should be able to appoint a new councillor or leave the position vacant.
- Allowing council to appoint replacements for vacant council seats may lead to an unfair and biased process.
- There should be clear consequences in the MGA if a councillor breaks *in camera* trust.

Municipal administration

Comments from participants included that:

- The MGA needs to more clearly define the roles of the chief administrative officer.
- The MGA should allow for municipalities to share chief administrative officers and other administrators to spread out the cost of administration.
 - There should be provincial grants available as an incentive to municipalities to share administrative resources.

Municipal Finances

Financial administration

Comments from participants included that:

- Municipalities should be left to manage their own revenues and budgets autonomously.
- There should be Provincial oversight, or “a watchdog,” to ensure fiscal responsibility of all municipalities.

- Currently, the level of auditing is sufficient to manage risk. However, not all municipalities require the same level of audit.
 - Different auditing procedures could be determined by population size or by the amount of expenses the municipality has.
 - The cost of an audit is a burden for small municipalities.
 - Administrative audits can be very useful for municipalities to ensure they are doing things properly. Administrative audits should be mandatory over a time cycle, such as every three years.
- The dollar threshold that triggers a legislated requirement for a municipality to tender a project needs to be reviewed. The tendering process drives up the project cost.
- The provincial grant system is not working. It is not cost effective for all municipalities to have professional grant writers; however, grant writers are the only ones who know how to navigate the complicated grants system.
- Tangible capital assets should be assessed based on replacement cost, rather than on lifespan and original cost.

Regional funding approaches

Comments from participants included that:

- The MGA needs to clarify how continuing infrastructure, operating and maintenance costs in hamlets are levied and taxed, so individuals who benefit also pay.

Municipal revenue sources

Comments from participants included that:

- When municipalities take on a responsibility that was formerly a provincial responsibility, adequate resources need to be provided in order to make it sustainable to do so.

Fees and levies

Comments from participants included that:

- Franchise fees should be maintained, as these fees work well.

Municipal Accountability, Liability, and Risk Management

Compliance and accountability

Comments from participants included that:

- The Province needs to trust locally elected councils to be accountable to the population they are representing.
 - Another level of accountability, such as provincial regulators, is not needed. The Province does not need to play a “big brother” role.

Liability and risk management

Comments from participants included that:

- The compliance, accountability and liability provisions in the MGA could benefit from a change in language that refers to municipalities as “partners.”
- There are too many contradictions and loopholes in the MGA, especially when it comes to liability provisions.
- Road allowance liability needs to be more clearly defined to determine when the municipality is liable.
- The Province should take some ownership of vacant provincial buildings, rather than placing the burden wholly on municipalities.

Municipal Services and Delivery

Service provisions

Comments from participants included that:

- Municipalities should be required to provide access to water and high-speed internet under the MGA.
- The MGA should allow municipalities to charge back service costs to the appropriate level of government. For example, when the fire department responds to a call from health care providers, they should charge these costs back to Alberta Health Services.

Regional Services Commissions

Comments from participants included that:

- The process of establishing a regional service commission could be streamlined to enable more regional collaboration.
- It is easy for municipalities to become part of a regional service commission, but clear rules are needed about how to get out of the arrangement. The wording in the MGA around dissolving and leaving a regional service commission should be strengthened.
- When it comes to bridge funding, a balance is needed between regional requirements and costs.

Municipally Controlled Corporations

Comments from participants included that:

- Municipally controlled corporations should be subject to same rules as regional service commissions.

Public Participation and Municipal Relations

Public participation

Comments from participants included that:

- Allowing motions to be passed *in camera* could cause *Freedom of Information and Protection of Privacy Act* issues.
- The MGA should define how social media can be used during *in camera* meetings.

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:

- Under the current system it is challenging for municipalities to collect tax arrears and as a result municipalities are forced to increase their mill rates to make up for tax arrears.
 - Tax arrears should be attached to property taxes to make them easier to collect.
- Municipalities should have the option to split the tax rate for vacant lands. This would allow municipalities to generate revenue by setting a higher rate, or to incentivize development by setting a lower rate.
- Property owners, not the business owners, should pay the taxes in business revitalization zones.
- Business revitalization zone boundaries are difficult to change. Council should have the ability to re-examine these boundaries.

Municipal revenue sources

Comments from participants included that:

- Municipalities need to be able to predict how they will receive funds from the Province. There is often a lag between when funds are promised and when they are delivered. Currently, municipalities are forced to take on debt to cover costs until funds are received.
- Money from the Municipal Sustainability Initiative is not consistent from year to year, and municipalities require more stability in this funding.
- The MGA should require the Province to establish a predictable budget that is allocated to municipalities consistently.
- One per cent of income tax should be directed towards municipalities, and allocated on a regional basis.
- Revenue that is earned on Crown land leased to oil and gas companies should return to the Province, not the private leaser. The entity leasing the land should only get the “disturbance revenue” portion and the rest should go to the Province.

Fees and levies

Comments from participants included that:

- Municipalities should be allowed to levy a tax to cover the maintenance of well drilling.
- Community revitalization levies work well, but having them subject to provincial government approval makes them difficult to use.

Exemptions from Assessment and Taxation

Exemptions and other special tax treatment

Comments from participants included that:

- The current exemption provisions are not clear or transparent.
- All properties should be assessed at full value, with exemptions made on taxation at the local level.
- Some of the definitions of non-profit organizations need to be re-examined, as some are very profitable and perhaps should not be exempted.

Market Value, Equalized and Supplementary Assessment

Equalized assessment

Comments from participants included that:

- If municipalities are responsible for collecting education tax, it needs to be clear what these funds will be used for.
- Municipalities should not be responsible for unpaid education taxes.

Progressive and supplementary assessment

Comments from participants included that:

- Linear property exemptions for supplementary assessments should be pro-rated throughout the year.

Industrial and Agricultural Property Assessment

Linear property assessment

Comments from participants included that:

- Assessors from outside the municipality should be required to assess cogeneration facilities. Self-regulation is not always honest or fair for cogeneration facilities.
- Linear property tax payments should be prorated based on the start date of operating the linear property. Many plants start operating after the linear assessment cut-off date in order to avoid a year of taxes.

- The MGA should require industry to provide information on property upgrades upon request to ensure accurate assessments.

Farm property assessment

Comments from participants included that:

- The current farm property assessment rates are out-of-date and need to be updated.
- Farm properties should be assessed at market value, and then desired exemptions can be applied during taxation.
- Farm assessment should consider the agricultural value, including the cost of production, not just market the value of the property.
- The MGA should set a timeline for municipalities to review their acreage assessments.

Assessment Administration

Assessment administration

Comments from participants included that:

- Assessors should all be trained at the provincial level so that there is a consistency in how assessments are completed across the province.
- If resources are limited in smaller municipalities, then there should be more flexibility allowed in what is required of assessors.
- One assessor should conduct industrial assessments. The assessment should be done at either the local or provincial level, but not both.

Public Participation and Assessment Appeals

Assessment complaints and appeals

Comments from participants included that:

- The current assessment appeals process seems to be working well.

Municipal Government Board

Comments from participants included that:

- The Municipal Government Board has too much freedom to determine its own rules.
 - The Municipal Government Board needs to be held more accountable to rules in the MGA and to municipal bylaws.
- Municipalities should be allowed to have some representation at Municipal Government Board linear property assessment appeal hearings if the decision will affect the municipality directly.

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:

- There should be an opportunity for municipalities to charge offsite levies more than once if land is further developed.
- The use of offsite levies needs to be expanded to include recreation facilities and library services.

Land Management and Planning Tools

Statutory plans and land use bylaws

Comments from participants included that:

- An area structure plan should be required before approvals for development near bodies of water and for intensive livestock operations.
 - An area structure plan should be required when development is ready to begin.
- For planning purposes old buildings should be treated the same as brownfields.
- A program similar to the Tank Site Remediation Program could be created to deal with brownfields.

Subdivision and Development Authorities and Processes

Planning authorities

Comments from participants included that:

- There should be mandatory training for members of municipal planning commissions and subdivision development appeal boards.
 - Provincial training requirements might limit who can be a member of planning commissions and appeals boards.
 - The MGA should state that training must occur, but the nature of the training should be determined at the local level.

Administrative decision-making processes

Comments from participants included that:

- Municipalities and the Municipal Government Board can ignore the current guidelines for flood mapping. There needs to be an enforceable authority to avoid development in flood areas.

Land Dedication and Use of Reserves

Land dedication (reserves)

Comments from participants included that:

- Payments in lieu of municipal reserves should be calculated consistently across the province.
- Flexibility is needed to help municipalities claim reserve land and utilize it properly.
 - For example, municipalities should have the ability to change reserve uses even if there is not a surplus in reserve land.

Regional Approaches

Municipal relationships and dispute resolution

Comments from participants included that:

- The MGA should require municipalities to develop an “exit strategy” before allowing them to enter into any inter-municipal agreement.
- Better advertisement of regional success stories through the Alberta Association of Municipal Districts and Counties (AAMDC) and Alberta Urban Municipalities Association (AUMA) would help promote best practices across the province.
- Regional collaboration should remain voluntary, but the language in the MGA should clearly outline the role of the provincial government to assist in the process.

Managing growth and development

Comments from participants included that:

- Inter-municipal development plans should remain voluntary.
- There are concerns about how local planning needs will be maintained once the regional planning documents are enacted under the *Alberta Land Stewardship Act*.
- Regional planning commissions that were in place in the past worked well, especially for municipalities with a limited knowledge base and resources to draw from.
- The current funding system promotes outward growth. The MGA needs to change this mentality to address urban sprawl.

Regional funding approaches

Comments from participants included that:

- Pooling linear revenue at the provincial level would make the revenue situation worse for small municipalities. Rural municipalities would likely receive a smaller cut of the overall funds.
 - In addition, pooling linear revenue would not allow municipalities to develop voluntary agreements to share these funds.
- There should be clarity around who is responsible for the funding of the public-private partnership program, particularly in relation to development projects.

Public Participation and Planning Appeals

Public participation

Comments from participants included that:

- Notification methods permitted under the MGA should be updated to include electronic media.

Planning and inter-municipal appeals

Comments from participants included that:

- The MGA should clearly define the role, rules and jurisdiction of subdivision and development appeal boards.
- There needs to be a mechanism to hold subdivision and development appeal boards and the Municipal Government Board accountable for their decisions, rather than transferring liability for those decisions back to the municipality.
- The land use bylaw should be considered a point of law when challenging subdivision and development appeal board or Municipal Government Board decisions.
- Members of subdivision and development appeal boards need more training. There should be a mandatory level of training that must be taken within a specific timeframe, such as every three years.
 - The training for used for Municipal Government Board members could be applied to subdivision development appeal board members.
- Not every municipality may need their own subdivision and development appeal board. There could be regional boards, instead.
 - If regional subdivision and development appeal boards were implemented, board representatives would need to have knowledge of local bylaws from different municipalities.

Appendix A: Session Agenda

MGA Review: Elected Officials Session

Agenda Item	Timing						
1. Welcome and introductions	10:00-10:15						
<p>2. Potential topics for discussion:</p> <p>The following topics will be available at table discussions:</p> <table border="0"> <thead> <tr> <th style="text-align: center;">Governance and Administration</th> <th style="text-align: center;">Assessment and Taxation</th> <th style="text-align: center;">Planning and Development</th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;"> <ul style="list-style-type: none"> ▪ Municipal powers ▪ Municipal structures ▪ Fundamental changes and municipal restructuring ▪ Municipal governance ▪ Municipal administration ▪ Financial administration ▪ Regional funding approaches ▪ Municipal revenue sources ▪ Fees and levies ▪ Compliance and accountability ▪ Liability and risk management ▪ Provincial powers ▪ Service provisions ▪ Regional services commissions ▪ Municipally controlled corporations ▪ Municipal relationships and dispute resolution ▪ Public participation ▪ Municipal Government Board </td> <td style="vertical-align: top;"> <ul style="list-style-type: none"> ▪ Taxation ▪ Municipal revenue sources ▪ Fees and levies ▪ Exemptions and other special tax treatment ▪ Market value assessment and administration ▪ Equalized assessment ▪ Progressive and supplementary assessment ▪ Linear property assessment ▪ Machinery and equipment property assessment ▪ Transportation properties ▪ Farm property assessment ▪ Assessment administration ▪ Public participation ▪ Assessment complaints and appeals ▪ Municipal Government Board </td> <td style="vertical-align: top;"> <ul style="list-style-type: none"> ▪ Fees and levies ▪ Statutory plans and land use bylaws ▪ Planning authorities ▪ Administrative decision-making processes ▪ Land dedication (reserves) ▪ Municipal relationships and dispute resolution ▪ Managing growth and development ▪ Regional funding approaches ▪ Municipal Government Board ▪ Public participation ▪ Planning and inter-municipal appeals </td> </tr> </tbody> </table>	Governance and Administration	Assessment and Taxation	Planning and Development	<ul style="list-style-type: none"> ▪ Municipal powers ▪ Municipal structures ▪ Fundamental changes and municipal restructuring ▪ Municipal governance ▪ Municipal administration ▪ Financial administration ▪ Regional funding approaches ▪ Municipal revenue sources ▪ Fees and levies ▪ Compliance and accountability ▪ Liability and risk management ▪ Provincial powers ▪ Service provisions ▪ Regional services commissions ▪ Municipally controlled corporations ▪ Municipal relationships and dispute resolution ▪ Public participation ▪ Municipal Government Board 	<ul style="list-style-type: none"> ▪ Taxation ▪ Municipal revenue sources ▪ Fees and levies ▪ Exemptions and other special tax treatment ▪ Market value assessment and administration ▪ Equalized assessment ▪ Progressive and supplementary assessment ▪ Linear property assessment ▪ Machinery and equipment property assessment ▪ Transportation properties ▪ Farm property assessment ▪ Assessment administration ▪ Public participation ▪ Assessment complaints and appeals ▪ Municipal Government Board 	<ul style="list-style-type: none"> ▪ Fees and levies ▪ Statutory plans and land use bylaws ▪ Planning authorities ▪ Administrative decision-making processes ▪ Land dedication (reserves) ▪ Municipal relationships and dispute resolution ▪ Managing growth and development ▪ Regional funding approaches ▪ Municipal Government Board ▪ Public participation ▪ Planning and inter-municipal appeals 	10:15-10:45
Governance and Administration	Assessment and Taxation	Planning and Development					
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Agenda Item	Timing										
<p>3. Table Facilitation</p> <table border="1" data-bbox="310 436 1157 674"> <tr> <td data-bbox="310 436 618 485">Block 1: 10:45-11:45</td> <td data-bbox="618 436 1157 485">Governance and Administration Topics</td> </tr> <tr> <td colspan="2" data-bbox="310 485 1157 533">Lunch (1 hour)</td> </tr> <tr> <td data-bbox="310 533 618 581">Block 2: 12:45-1:45</td> <td data-bbox="618 533 1157 581">Assessment and Taxation Topics</td> </tr> <tr> <td colspan="2" data-bbox="310 581 1157 630">Break (15 min)</td> </tr> <tr> <td data-bbox="310 630 618 674">Block 3: 2:00-3:00</td> <td data-bbox="618 630 1157 674">Planning and Development Topics</td> </tr> </table> <ul style="list-style-type: none"> <li data-bbox="302 674 1247 737">▪ Discussion will focus on what is working well, desired changes, and potential impacts of changes to the legislation 	Block 1: 10:45-11:45	Governance and Administration Topics	Lunch (1 hour)		Block 2: 12:45-1:45	Assessment and Taxation Topics	Break (15 min)		Block 3: 2:00-3:00	Planning and Development Topics	10:45-3:00
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Break (15 min)											
Block 3: 2:00-3:00	Planning and Development Topics										
4. Break	3:00-3:15										
<p>5. Open discussion</p> <p>Are there any other relevant topics participants want to address?</p>	3:15-3:45										
6. Wrap-up	3:45-4:00										