

Municipal Government Act Review

What We Heard: A Summary of Consultation Input

Municipal Administrators Session
Held in Brooks on March 27, 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 Municipal Administrators 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 Administrators Session
Location	Heritage Inn and Conference Centre, Brooks
Date	March 27, 2014
Number of Participants	7

- This session was open to municipal staff members. 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:

- There should be more places to go for answers and help related to the MGA.
- The MGA works well overall, but it needs to be more prescriptive in certain areas.

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:

- Natural person powers should be less restricted.
 - Natural person powers should be expanded to increase a municipality's options for offsite levies.
- Municipalities should have an increased ability to regulate firearms.
- There should be better provisions in the MGA about how to deal with water and sewer requirements when there is an expropriation.

Municipal structures

Comments from participants included that:

- Other Alberta Government legislation needs to recognize the MGA's definition of a hamlet.

Fundamental changes and municipal restructuring

Comments from participants included that:

- Contiguous boundaries should not be a requirement for amalgamation. There are areas that could benefit greatly from amalgamation, but do not have contiguous boundaries.
- There needs to be a new process for annexation that has a maximum timeline of six months.
 - The MGA needs more guidelines outlining acceptable reasons for contesting annexations.
- The dissolution process in the MGA needs to be improved to make it faster.

- The dissolution analysis currently provided by the Province is cumbersome and adds very little value to the process.
 - The role of the Province should be to mediate contested dissolutions and aid in the transition process.
- The Province should do a gap analysis to determine which policies and bylaws take precedence between two municipalities that are restructuring.

Municipal Governance and Administration

Municipal governance

Comments from participants included that:

- The roles of elected officials and administrators need to be more clearly defined in the MGA.
- There should be enforceable consequences for elected officials performing administrative tasks.
- The MGA should state that training for elected officials is mandatory.
- There should be a general conduct and ethics section for councillors in the MGA. If a provision of the code of ethics is breached, the councillor should be released.
- Vacancies on council should be able to be filled by council appointment, rather than relying on appointments by the minister. The applicable wording “shall be appointed by the minister” in the MGA is restrictive.
- The MGA should not allow negative motions.

Municipal administration

Comments from participants included that:

- The MGA should require administrators to have certification, but this could make it difficult for smaller municipalities to find administrators.
 - After they have been hired, administrators could be certified through training courses offered by Municipal Affairs.

Municipal Finances

Municipal finances

Comments from participants included that:

- Municipal Affairs should oversee the administration of finances in all municipalities across the province.
- The MGA should clarify what a long-term capital plan and a budget should contain. The minimum standards for these financial planning documents should be better defined.

Regional funding approaches

Comments from participants included that:

- Regional funding agreements should remain voluntary and cooperative.

Municipal Accountability, Liability, and Risk Management

Liability and risk management

Comments from participants included that:

- There needs to be more clarity within the MGA about who carries liability for undeveloped road allowances. Municipalities currently carry too much liability.

Public Participation and Municipal Relations

Public participation

Comments from participants included that:

- The section of the MGA on *in camera* sessions should be expanded to list specifics of what can be discussed *in camera*.
- There needs to be more options outlined in the MGA to in instances when citizens need to be notified as newspaper notices are now outdated.
- Petition requirements are prohibitive for members of the public. It is very difficult to successfully petition the municipality.

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:

- Municipalities should be able to set maximum tax values.
- There should be an option under the MGA to have different mill rates in different geographic areas.
- A “user pay” system would be the best taxation model.
- Municipalities should be able to add to the tax roll for both citizens and industry for items like money owing to the municipality.

Exemptions from Assessment and Taxation

Exemptions and other special tax treatment

Comments from participants included that:

- There should be no tax exemptions at the municipal level. All exemptions should be applied through provincial income tax.

Market Value, Equalized and Supplementary Assessment

Market value assessment and administration

Comments from participants included that:

- Currently, there are too many different rules and models for how properties are assessed.
- It is time-consuming and expensive to assess property based on market value. It is not always worthwhile, since municipalities may invest more in an accurate assessment than is returned through tax on the property.

Equalized assessment

Comments from participants included that:

- Education property taxes should not be collected at the municipal level.
 - It is unfair for municipalities to have to explain a provincial tax to their citizens.
 - Education property taxes require a lot of time and resources to collect.

Industrial and Agricultural Property Assessment

Linear property assessment

Comments from participants included that:

- The funds collected from linear property assessments should be split more evenly between municipalities.

Farm property assessment

Comments from participants included that:

- The rates used for farm property assessment need to be updated.

Assessment Administration

Assessment administration

Comments from participants included that:

- The Province should administer all assessments.

Public Participation and Assessment Appeals

Assessment complaints and appeals

Comments from participants included that:

- Email should be permitted as part of the appeal process.

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:

- The MGA needs to expand the scope of what offsite levies can be used for, including recreation, fire services and water infrastructure.
- The ability to charge offsite levies should be tied to specific services. If a new service is added, a new offsite levy should be charged for that service.
- In addition to recreation uses, off-site levies should be allowed to be collected for culture uses.

Land Management and Planning Tools

Statutory plans and land use bylaws

Comments from participants included that:

- Inter-municipal Development Plans should be mandatory for all municipalities to create.
- Area structure plans should be required in certain instances.

Subdivision and Development Authorities and Processes

Planning authorities

Comments from participants included that:

- The powers of Subdivision Development Appeal Boards need to be more clearly defined.

Land Dedication and Use of Reserves

Land dedication (reserves)

Comments from participants included that:

- It does not always make sense for municipalities to take cash-in-lieu of reserves at 10 per cent of the value of the land. The 10 per cent figure should be more flexible.

Regional Approaches

Municipal relationships and dispute resolution

Comments from participants included that:

- In the case of disputes, it is too expensive for small municipalities to bring mediators in. Provincial assistance in providing mediators would be beneficial.

Regional funding approaches

Comments from participants included that:

- Thresholds for debt and borrowing should be outlined in the MGA to trigger inter-municipal funding conversations.

Appendix A: Session Agenda

MGA Review: Municipal Administrators Session

Agenda Item	Timing
1. Welcome and introductions	1:00-1:10
<p>2. Potential topics for discussion:</p> <p>Governance and Administration</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 <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 	1:10-1:20

Agenda Item	Timing
<p>Assessment and Taxation Continued</p> <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>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="310 478 1157 695"> <tr> <td data-bbox="310 478 618 520">Block 1: 1:25-2:05</td> <td data-bbox="618 478 1157 520">Governance and Administration Topics</td> </tr> <tr> <td colspan="2" data-bbox="310 520 1157 562" style="text-align: center;"><i>Break (5 mins)</i></td> </tr> <tr> <td data-bbox="310 562 618 604">Block 2: 2:10-2:50</td> <td data-bbox="618 562 1157 604">Assessment and Taxation Topics</td> </tr> <tr> <td colspan="2" data-bbox="310 604 1157 646" style="text-align: center;"><i>Break (5 mins)</i></td> </tr> <tr> <td data-bbox="310 646 618 695">Block 3: 2:55-3:35</td> <td data-bbox="618 646 1157 695">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	<i>Break (5 mins)</i>		Block 2: 2:10-2:50	Assessment and Taxation Topics	<i>Break (5 mins)</i>		Block 3: 2:55-3:35	Planning and Development Topics	1:25-3:35
Block 1: 1:25-2:05	Governance and Administration Topics										
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Block 2: 2:10-2:50	Assessment and Taxation Topics										
<i>Break (5 mins)</i>											
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										