

Municipal Government Act Review

What We Heard: A Summary of Consultation Input

Elected Officials Session
Held in Calgary on April 11, 2014

Released on June 24, 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 Elected Officials Session held in Calgary.

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	Elected Officials Session
Location	Radisson Hotel & Conference Centre Calgary Airport, Calgary
Date	April 11, 2014
Number of Participants	25

- This session was open to 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:

- Overall, the user-friendliness of the MGA needs to be increased for the average citizen.
- Overarching statements in the MGA should be written in plain language.
- The MGA should be the authority all other provincial acts look to. It should be very clear which act supersedes which in instances where conflict arises between different bodies of legislation.
- The MGA should be regularly reviewed to keep up with a rapidly changing province. Reviewing the MGA every four years, for instance, would appropriately align the MGA with council terms.

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 are working well, and they should remain the same in the new MGA.
- The Province should acknowledge through the MGA that municipalities are a distinct level of government.
 - Currently, municipalities are told what to do by the Province, as opposed to being joint partners.
 - The MGA is too prescriptive, and does not provide enough autonomy to municipalities to determine regulations to meet local needs.
 - The MGA should give municipalities greater control of their governance and operations, for example by allowing municipalities to establish their own binding legislation. This would empower municipalities as a distinct level of government, able to operate distinctly from the Province.

Municipal structures

Comments from participants included that:

- The MGA needs to recognize the different needs of different municipal structures, rather than treating them all the same.
 - Large urban municipalities require separate legislation from small municipalities. The MGA should be divided into provisions that apply to everyone, and provisions that apply to everyone except Edmonton and Calgary.
- Municipal structures should be rethought to balance size, governance style and density.
 - Summer villages should be taken out of the MGA.
 - The current, rigid classification of a hamlet is not working well.
 - There should be one definition of hamlet in the MGA to apply to all uses. Currently, there are many inconsistent definitions.
- The MGA should provide stricter definitions of what each municipal structure entails, especially specialized municipalities. These definitions should be based on population size, rather than allowing municipalities to voluntarily define this for themselves.
 - Consistent population thresholds would drive more consistency in grant funding.

- The MGA should recognize resort municipalities like Banff and Jasper as unique municipal structures. This would acknowledge demands placed on municipal services by visitors.
- Additional criteria are needed to describe when a municipality should be formed and what it should look like. The term “may be formed” needs further definition in the MGA.

Fundamental changes and municipal restructuring

Comments from participants included that:

- The MGA should outline the restructuring processes in detail.
- The MGA should state that there should be no cost of the annexation process for the owners of the property being annexed. Both front-end and implementation costs should be borne by the municipality that is doing the annexing.
 - When annexing, the tax bases of both municipalities should be reviewed.
- The MGA should clarify what constitutes a reasonable objection to an annexation, and when issues should be sent to the Municipal Government Board.
- The annexations review process for uncontested annexation is cumbersome and should be streamlined. The MGA should outline an expedited process for annexations that are agreed upon by all parties. This will lead to time and administrative savings.
- The MGA should set a maximum threshold of annexation for municipalities, given the identified proportion of existing development. This would prevent municipalities from “land banking” or annexing more land than they need. This mechanism may also allow annexation to be “triggered” if a municipality does not develop the land it is given.
- The MGA should ensure municipalities demonstrate a minimum level of development within their current boundaries prior to the approval of an annexation.
- The MGA should maintain amalgamation as a voluntary process.
- The Province should provide compensation to a municipality that takes on additional responsibilities as a result of dissolution within its boundaries.

Municipal Governance and Administration

Municipal governance

Comments from participants included that:

- The roles and responsibilities of councillors should be outlined in the MGA.
- The process for removing councillors from council in the MGA should be streamlined.
- The MGA needs to define pecuniary and conflict of interest. Currently, municipalities define their own conflict of interest and don't have to declare it within their minutes. This is inappropriate and does not foster public transparency.
- The MGA should expand who is covered under pecuniary interest regulation.

- The MGA should outline strict consequences related to conflict of interest. This is particularly important in rural areas, where councillors serve multiple roles within the community.

Municipal administration

Comments from participants included that:

- The MGA should outline greater decision-making capacities for council when hiring for roles that serve council exclusively outside of the chief administrative officer. This would allow council to have greater input into the teams they work with.
- Section 159 (Appointed chief elected officials) of the MGA needs to be expanded to include other things that councillors are currently doing instead of the chief administrative officer.

Municipal Finances

Financial administration

Comments from participants included that:

- The MGA should ensure local improvements and local improvement plans (Section 394) are left to the discretion of councils to enable recovery of research costs.
- Borrowing bylaws can cause delays in development. A mechanism to avoid this should be outlined in the MGA.

Regional funding approaches

Comments from participants included that:

- The Province should be able to help municipalities develop regional funding agreements through mediation.
- While the MGA should encourage further municipal collaboration, there is also a need to fund individual projects.
- The MGA should ensure control over linear property tax revenue remains with the municipality in which the property resides, while ensuring regional cost sharing models exist to provide equity.
- The MGA should encourage regional partnerships to increase capacity and decrease fees.

Municipal revenue sources

Comments from participants included that:

- The MGA should outline additional tools for municipalities to collect revenue.
 - Municipalities should have full authority over new revenue sources and how revenue is spent.
 - Municipalities should be able to collect hotel taxes, municipal sales taxes, environmental levies and real estate levies.

- The MGA should allow greater municipal control over tax rates and revenue generating tools to allow dissolving or pre-dissolving municipalities to operate sustainably.
- Municipalities should have the same revenue raising powers through the MGA as the Province has.
- The MGA should maintain current Municipal Sustainability Initiative funding levels and allow municipalities independence in providing wanted services.

Municipal Accountability, Liability, and Risk Management

Liability and risk management

Comments from participants included that:

- The MGA needs to better define what councillors are responsible for and what they are liable for.
- The MGA should make municipal risk management strategies mandatory. Municipalities should be required to identify what areas of risk management they are responsible for.

Provincial powers

Comments from participants included that:

- Extraordinary powers should be limited in how they can impede the minister.

Municipal Services and Delivery

Service provisions

Comments from participants included that:

- The MGA should provide greater clarity of the roles and responsibilities between municipalities and the Province regarding services.
- Municipalities need the ability to connect the use of services to the cost of providing those services.
 - The MGA should ensure service downloading from the Province to municipalities does not happen without the Province providing appropriate funding.
 - The MGA should ensure appropriate provincial support for mandatory services, should a municipality require it.
- The MGA should outline which services municipalities “must” provide, so that municipalities can better manage citizen expectations.
 - The MGA should develop a definition of “essential service” that municipalities would be able to be adopt on a voluntary basis.
 - Service legislation and standards within the MGA should be set thoughtfully and not in response to unlikely events. Current standards are too costly and onerous.

- Emergency response should not be the responsibility of municipalities. This should be the responsibility of the provincially funded healthcare system.
- The MGA should allow for exceptions to labour laws to circumvent fire and police unions. These unions put a financial strain on municipalities.

Municipally Controlled Corporations

Comments from participants included that:

- The MGA needs to provide clear guidelines around how municipally controlled corporations can be used to ensure these corporations are fair when competing with other businesses.
- Section 620 (Conditions prevail) within the MGA needs to clarify the rules for re-application of municipally controlled corporations. After approval, corporations shouldn't have to re-apply after two years, as this is too costly for businesses.

Public Participation and Municipal Relations

Public participation

Comments from participants included that:

- The MGA should allow the public to participate in budget meetings.
- Advertisements to the public need to be improved to include modern communication techniques that make sense to the target audience.
- The MGA should update public notification methods to include social media and technology as options that municipalities may choose to use.

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:

- The MGA should have different classes for assessment and taxation purposes that apply to different sizes of businesses.
 - The ability to differentiate businesses based on size would be especially beneficial during annexation.
- Municipalities need the ability to apply differentiated tax rates within property classes. For example, municipalities could differentiate between a single family versus multi-family property, and different types of commercial property.
- The “80/20” residential/non-residential tax split needs to be re-examined.
- Taxation policy in the MGA should encourage development.

Exemptions from Assessment and Taxation

Exemptions and other special tax treatment

Comments from participants included that:

- The MGA should allow municipalities to define different operational aspects of an exempt property to allow appropriate aspects to be taxed. For example, a church that uses a commercial kitchen for catering should be taxed differently than a church that is completely not-for-profit.
- The MGA should allow cultural properties like museums to be exempt from property taxation.
- Everything should be assessed at full value to make tax exemptions transparent. Although this would be an administrative burden, it would make assessments equitable.

Market Value, Equalized and Supplementary Assessment

Equalized assessment

Comments from participants included that:

- The MGA should ensure that the Province collects education property taxes. It is confusing for the taxpayer because the perception is that since municipalities collect education property tax, they must have a say in education-related decisions, which is not the case.
- Currently, municipalities bear the administrative costs of collecting the education property tax, which is a provincial tax. At the very least, the MGA should outline a rate to reimburse municipalities for collecting it.

Progressive and supplementary assessment

Comments from participants included that:

- When pipelines are partially operational, there should be a progressive tax, rather than only applying tax as of a certain date.
- The MGA should maintain the status quo when it comes to progressive assessment.

Industrial and Agricultural Property Assessment

Machinery and equipment property assessment

Comments from participants included that:

- The MGA should split machinery and equipment assessments to treat “mom and pop” businesses and heavy industry differently.
- Depreciation of oil and gas equipment is too high. Too much revenue is lost through depreciation, which diminishes municipalities’ tax bases.

Farm property assessment

Comments from participants included that:

- The MGA should require all farms to be assessed at market value.
- Farm property should not be assessed at market value. The Province should maintain the status quo when redrafting the MGA.
- The MGA should treat municipalities with agricultural land surrounding big cities differently. If developers purchase this land, it should no longer be taxed as agricultural.

Public Participation and Assessment Appeals

Assessment complaints and appeals

Comments from participants included that:

- There is a potential for a conflict of interest when councillors sit on assessment review boards and other appeal boards.
 - Councillors should either not be allowed to sit on boards at all, or they should be required to sit on boards in other jurisdictions.
- The MGA should prescribe a provincially consistent appeals process to ensure vexatious claims are minimized, as these are costly and the money is hard to recuperate.
 - Municipalities should have the authority established in the MGA to recoup actual costs of the appeal process. At present, the MGA establishes that municipalities can only charge up to \$650 for assessment appeal administration costs for non-residential applications. Municipalities previously had authority in MGA to charge one per cent of assessment value for appeal administration costs.

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 should allow for greater control of the way offsite levies are applied by municipalities.
 - Municipalities should be able to charge levies for fire halls, community halls, libraries and recreation centres.
 - Municipalities with a heavy dependence on tourism need to support infrastructure and levy aspects of tourism, particularly hotels.
 - The provisions in the MGA related to offsite levies should be amended to include the clause “and other municipal purposes.”
- The MGA should ensure the calculation of fees and levies is adjusted over time to ensure funding contributes toward new infrastructure appropriately over the life of the development.
- The MGA should remove Section 648(4) (Off-site levy) to allow municipalities the ability to increase offsite levies when density is increased.
- The community revitalization levy should not be removed because of one negative local situation. This would be unfair to the other municipalities in Alberta who utilize this mechanism.
- Sections 381.1 (Definitions), 381.2 (Community revitalization levy bylaw), and 381.3 (Person liable to pay levy) of the MGA should remain at the discretion of municipalities.
- Section 647 (Redevelopment levies) and Section 684 (Permit deemed refused) of the MGA need to link to community revitalization levy provisions in the MGA.
- The MGA should provide authority to municipalities to apply temporary levies to fund operating costs in new neighbourhoods, as outlined in Sections 648 (Off-site levy), 658 (Cancellation of plan of subdivision), and 655 (Conditions of subdivision approval) of the MGA.
- Municipalities need an enforcement mechanism in the MGA to ensure initial developers pay what subsequent developers pay, as outlined in Section 651(Agreements to re oversize improvements) of the MGA.
- The MGA should establish exemption fees and levies to better protect the environment.
- The MGA’s regulations should be amended to reflect recent case law pertaining to offsite levies.

Land Management and Planning Tools

Statutory plans and land use bylaws

Comments from participants included that:

- Land use re-designation should be subject to time limits on outdated re-designations.
- Every municipality should be forced to have an intermunicipal development plan, rather than only those municipalities with more than 5,000 citizens.
- The MGA should make intermunicipal development plans mandatory and set out strict timelines for them to be implemented.
- The MGA should outline the criteria to be addressed within an intermunicipal development plan. Defining such criteria may facilitate collaboration and minimize the likelihood of costly annexations.
- Estate planning should be taken into account in subdivision and development planning. This could be accommodated through a local bylaw.

Land Dedication and Use of Reserves

Land dedication (reserves)

Comments from participants included that:

- The reserves in the MGA need to remain in place to build complete communities.
- The MGA should recognize the maintenance costs of municipal reserves.
- The MGA should allow municipalities to claim both the 10 per cent municipal reserve and the appropriate education reserve portion, while maintaining the ability to claim cash-in-lieu of reserves.
- The MGA should allow for more municipal discretion on the uses of municipal reserves lands to benefit the public.
 - The MGA should provide for fluidity between reserves for roads, green space and municipal reserves.

Regional Approaches

Municipal relationships and dispute resolution

Comments from participants included that:

- The MGA should provide incentives for regional collaboration, rather than force it. Voluntarily created groups should be supported.
- Voluntary regional cooperation as outlined in the MGA is working well.
- The MGA should establish a mechanism to deal with disputes on regional plans and sub-regional plans between municipalities.

Managing growth and development

Comments from participants included that:

- The MGA should state that statutory plans take precedence over regional plans under the *Alberta Land Stewardship Act*.
- Clear guidelines around floodplains are needed in the MGA.
- Additional oversight is needed for water use and energy matters in urban developments.

Public Participation and Planning Appeals

Municipal Government Board

Comments from participants included that:

- The Municipal Government Board should be eliminated.
- Currently, appeals on properties without water go to the Municipal Government Board, which may contradict local municipal decisions. Municipalities want to enforce and protect their water regulations but their local context may not be respected by the Municipal Government Board.

Public participation

Comments from participants included that:

- The MGA and the *Alberta Land Stewardship Act* don't have enough clarity or support with respect to public engagement and participation. Both should streamline into a shared process, while being updated to reflect modern communication methods.
- The MGA should require developments to be decided at public hearings. Any changes to development should also have to be reheard at public hearings.
- The MGA should ensure new regulations allowing the minister to regulate development in flood areas are clearly disclosed to the public in any area where they will be applied.

Planning and inter-municipal appeals

Comments from participants included that:

- The MGA should outline greater support for local subdivision and development appeal board decisions through a mandatory review of municipal planning documents, as well as local and provincial representation on assessment review boards.

Appendix A: Session Agenda

MGA Review: Elected Officials Session

Agenda Item	Timing						
<p>1. Welcome and introductions</p>	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" style="width: 100%;"> <thead> <tr> <th style="text-align: left;">Governance and Administration</th> <th style="text-align: left;">Assessment and Taxation</th> <th style="text-align: left;">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="310 441 1157 768"> <tr> <td data-bbox="310 441 631 541">Block 1: 10:45-11:45</td> <td data-bbox="631 441 1157 541">Governance and Administration Topics</td> </tr> <tr> <td colspan="2" data-bbox="310 541 1157 594">Lunch (1 hour)</td> </tr> <tr> <td data-bbox="310 594 631 653">Block 2: 12:45-1:45</td> <td data-bbox="631 594 1157 653">Assessment and Taxation Topics</td> </tr> <tr> <td colspan="2" data-bbox="310 653 1157 709">Break (15 min)</td> </tr> <tr> <td data-bbox="310 709 631 768">Block 3: 2:00-3:00</td> <td data-bbox="631 709 1157 768">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: 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
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										
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										