

Municipal Government Act Review

What We Heard: A Summary of Consultation Input

Municipal Administrators and Municipal Elected Officials Session
Held in Fort McMurray on February 13, 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 and Municipal Elected Municipal Officials Session held in Fort McMurray.

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 and Municipal Elected Officials Session
Location	Macdonald Island Park, Fort McMurray
Date	February 13, 2014
Number of Participants	2

- This session was open to current municipal administrators and 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 should require population counts instead of just using census figures.
- The planning portion of the MGA lacks values, direction, a vision and enforcement mechanisms. It does not speak to today's values and ideals.

Governance and Administration

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

Municipal Governance and Administration

Municipal governance

Comments from participants included that:

- The MGA should more clearly define the powers of the mayor versus councillors.
- The MGA should clarify the rules and expectations for how, when and which councillors can interact with other levels of government. For example, the MGA should specify how councillors interact with Members of The Legislative Assembly.
- Pecuniary interest issues sometimes cause difficulty, conflict and doubt. The MGA needs to more clearly define what relationships and situations are included under pecuniary interest, such as immediate family, extended family, in-laws, friends and others.
- In Alberta, the majority of council members are allowed meet outside of council meetings. This does not occur in other jurisdictions, and impedes transparency.
 - The MGA should limit the number of councillors who can meet outside of a council meeting, for example by specifying that more than 50 per cent of council can't meet outside of a council meeting.

Municipal Finances

Financial administration

Comments from participants included that:

- The MGA should specify the kinds of financial reporting required from the municipality to their electorate that will ensure transparency and accountability.
 - The MGA should include specifications about reporting related to expense accounts and spending of municipal funds for councillor duties.

Municipal Accountability, Liability, and Risk Management

Compliance and accountability

Comments from participants included that:

- The Province needs to enforce compliance with the MGA.
 - Enforcement should carry real consequences to act as a deterrent. Disciplinary actions against elected officials needs to be considered.
 - The MGA and the Province should create a new balance, wherein real enforcement exists without limiting local democracy.
- There could be a body established to intervene and address conflict and other conduct unbecoming of an elected official.
 - The Province could create an ombudsman or body with a dispute resolution function, or even a quasi-judicial entity that citizens or other parties could appeal to or request a review of the situation from.
 - Other jurisdictions have inspectors and similar roles, but in Alberta, issues go to the court system. This process is onerous, expensive and time-consuming. The MGA should avoid litigious approaches.
- The MGA should empower the mayor, as well as the Province, to effectively manage councillors who are not behaving according to legislated requirements.
- With four-year electoral terms, accountability through elections may not be timely or sufficient.
 - The current environment allows negative issues on council to last for a long time and takes a toll on governance, as well as on relations and interactions between elected officials.
 - Currently, municipalities must rely on collaboration to resolve issues with councillor conduct, as the other mechanism is the court system.

Municipal Services and Delivery

Service provisions

Comments from participants included that:

- The Province is downloading responsibility for services to municipalities. Municipalities deliver more services now than they were designed to.
- A new type of provincial-municipal partnership for key services is required, especially when public infrastructure like roads, water and sewer is needed for industry projects.
- The MGA should be clearer about what services a municipality should not provide. This would provide grounds to say no to requests on questionable matters. Municipalities find it hard to say no to their constituents' requests. It is easier for the Province to say no.
- There is a need to formalize the urban service area in specialized municipalities. The municipality has had trouble working with the Province to establish urban service areas.
- Different urban and rural levels of "essential" services make it hard to define essential services in the MGA.
 - Specialized municipalities are unique in having both rural and urban areas within its borders. Other municipalities have a higher level of service in rural areas, which can raise service expectations in some municipalities.

Municipally Controlled Corporations

Comments from participants included that:

- Services provided by controlled corporations or other entities could be more useful for municipalities.
- The MGA should allow key players, including municipalities, industry and the Province, to form municipally controlled corporations.
- Key stakeholders should appoint board members of the municipally controlled corporation.
- The MGA should give the municipally controlled corporations authority over development and maintenance of services like roads.
- The MGA should give the municipally controlled corporations responsibility for debt on services.

Public Participation and Municipal Relations

Municipal relationships and dispute resolution

Comments from participants included that:

- The MGA should force municipalities to cooperate on items that they need to cooperate on.

- A lack of enforcement and consequences under the MGA leads to a greater need for dispute resolution processes.

Public participation

Comments from participants included that:

- Democratic participation has not evolved to meet current needs.
 - People expect more than in-person, face-to-face communications. Technology has changed how people learn, communicate and engage.
 - Technological changes need to be accounted for more effectively and thoughtfully in the MGA.
 - Advertising in newspapers for public notification is not adequate. The public notification process is antiquated and needs to be modernized to include new media and technologies.
 - Immediacy in communication also can help make notifications more relevant to the public.
 - It is not clear how the MGA should deal with social media interaction during public processes.
 - The MGA should define what is allowed, addressing issues such as tweeting during public hearings.
 - The MGA could prescribe that a municipality must have a plan or policy to address social media. The particulars or details to be included within the plan should be up to the municipality.
- The MGA does not define what counts as participation at council meetings with respect to electronic communication. The MGA should define this clearly.
 - For example, the MGA should address whether phoning, using Skype or other “not-in-person” mechanisms are acceptable methods for participating in a council meeting.
- Current public participation provisions in the MGA reflect negatively on affected parties. Currently, conflict and controversy can catalyse engagement.
- Education and information sharing has to be emphasized much more in the voting and public participation processes.
- The MGA could include mandatory voting. There should be a requirement to comment or be involved in public processes.
- The MGA should limit potential claims of conspiracies.
- There is an expectation in the MGA to have municipalities consult with Aboriginal groups. More guidance on consultation requirements and process expectations is required.
- A municipality that shares borders and services with a First Nation should involve the First Nation in decision-making processes. The Province should give First Nations the right to vote in local municipal elections and potentially to run for office.

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 needs a way to distinguish between small and large industry for taxation. This applies in particular to all rural municipalities.
- More property tax classes would create more divisions among councillors.
- The MGA could find a way to allow taxation on the out-of-province shadow populations and transient populations from within Alberta.

Municipal revenue sources

Comments from participants included that:

- Current municipal revenues are too dependent on property tax. Municipalities need to have other avenues for revenue, like cities in the United States.
 - Income tax is an example of a revenue source that could be made available to municipalities. Income tax would tie local governments to economic, health and tourism taxes.
- The MGA should allow levies on occupied space. For example, municipalities could institute something similar to a hotel tax, but applied to temporary work camps.

Market Value, Equalized and Supplementary Assessment

Equalized assessment

Comments from participants included that:

- The Province should vacate education property tax requisition.

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 way municipalities charge development costs needs to change.
 - The surcharge for residential or other development puts more stress on the system, including roads and water infrastructure.
 - Changes to development costs should increase density, which is lacking.

Land Management and Planning Tools

Statutory plans and land use bylaws

Comments from participants included that:

- Land management and planning tools should reflect overarching goals and direction from the Province.

Land Dedication and Use of Reserves

Land dedication (reserves)

Comments from participants included that:

- The way land dedication is used can promote poor urban growth patterns.
- There are no urban school designs, such as two-story or modular schools. The school reserve system is focused on sprawl.

Regional Approaches

Managing growth and development

Comments from participants included that:

- A regional system is needed in Alberta, but regional cooperation is different from a specialized municipality.
 - A regional system in Alberta shouldn't have to compete with the provincial government, but should have authority and autonomy.
 - A region could manage items of mutual interest, including core services like water lines and transit.
 - A "big values" vision is needed for a regional system to be effective.
- There are permits being issued by the Province, such as those from Alberta Environment and Sustainable Resource Development, without talking to the local municipality. This makes planning difficult. Managing growth becomes more of a challenge.
 - The inability to manage physical and economic growth within municipalities risk affecting Alberta's competitiveness.
- The MGA encourages municipalities to grow beyond what is needed. It encourages sprawl and rising infrastructure costs.
 - A better job of collaborative planning and development with the Province is needed to address sprawl.
 - There are opportunities related to sprawl and urban footprints that need to be addressed, including:
 - Urban food production;
 - Infrastructure development;
 - Bus lanes on highways; and
 - Agricultural land preservation.

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="310 474 1156 720"> <tr> <td data-bbox="310 474 620 520">Block 1: 1:25-2:05</td> <td data-bbox="620 474 1156 520">Governance and Administration Topics</td> </tr> <tr> <td colspan="2" data-bbox="310 520 1156 569" style="text-align: center;"><i>Break (5 mins)</i></td> </tr> <tr> <td data-bbox="310 569 620 617">Block 2: 2:10-2:50</td> <td data-bbox="620 569 1156 617">Assessment and Taxation Topics</td> </tr> <tr> <td colspan="2" data-bbox="310 617 1156 665" style="text-align: center;"><i>Break (5 mins)</i></td> </tr> <tr> <td data-bbox="310 665 620 714">Block 3: 2:55-3:35</td> <td data-bbox="620 665 1156 714">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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<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										