

Municipal Government Act Review

What We Heard: A Summary of Consultation Input

Municipal Administrators Session
Held in Grande Prairie on April 3, 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 Administrators Session held in Grande Prairie.

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	Muskoseepi Park, Grande Prairie
Date	April 3, 2014
Number of Participants	12

- This session was open to current municipal staff. Participants were asked to register in advance in order to receive background materials before the session.

Regional Consultation Methodology

How sessions were organized

Regional consultations were structured around one or more of the three themes of the MGA Review:

- Governance and Administration
- Assessment and Taxation
- Planning and Development

Participants were provided with agendas in advance, which identified a list of potential topics for discussion. These topics were taken directly from the MGA Review Consultation Workbook. Several of the topics for discussion appear under more than one of the three themes of the review because they are relevant to more than one theme (e.g. public participation). The agenda is attached as Appendix A.

At this session, participants provided input through facilitated table discussions. The goal of the facilitated conversations was to give the opportunity to all participants to discuss the issues that mattered most to them. Given the large size and scope of the MGA, participants at each table were asked to focus their discussion on those topics that they felt were most important to provide input on, using the list provided in advance. In addition, this session included time for “open discussion” during which participants could provide any additional input that they felt was important to the review. Table facilitators and note takers included staff from Municipal Affairs, KPMG and ADR Education.

Capturing input and reporting

Input from session participants was captured on flipcharts by facilitators during the discussion. It was explained to participants that:

- Comments were being recorded on flipcharts so that they could be captured and considered by Municipal Affairs as part of the review of the MGA.
- Comments would not be attributed to individuals or organizations.
- Other avenues were also available to provide written input to the review.

The summary below documents the input heard from participants and recorded on flipcharts. These comments have been transcribed and organized according to the list of topics for discussion; they have not been screened for accuracy and do not reflect consensus of participants. As a result, comments and opinions listed may be contradictory. Comments that apply to issues outside of the scope of the review (e.g., suggested changes to other legislation) have been removed.

It is important to emphasize that this summary reflects the input heard from participants, and does not necessarily reflect the position of the Government of Alberta.

How the Summary of Responses is Organized

Input from session participants is organized according to the three themes for the review:

- *Governance and Administration*
- *Assessment and Taxation*
- *Planning and Development*

Within these themes, comments are organized according to the applicable topics for discussion, using the list provided to participants in advance. In some sessions, not all themes may have been discussed.

Summary of Input

General Comments about the MGA

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

Comments from participants included that:

- The MGA needs to be broader to allow municipalities to implement new ideas to meet needs that change over time.
- The MGA can be difficult to interpret and its intent is not always clear. The MGA leaves a wide range of provisions open for interpretation, and some areas could be made more specific.
- More ability to enforce the MGA is needed, and could be provided through clearer definitions.
- To make the MGA more user-friendly, it should incorporate a user guide, or a “Coles Notes” version written in plain language.
- Within the MGA, similar content should be organized together, or at least related sections of the MGA should be cross-referenced, so readers know where to find related information.
- *Tax Recovery: A Guide for Alberta Municipalities* is a great example of a provincial guide. These types of guides should be developed for many aspects of the MGA.
- Improvements that clarify the MGA and its use would reduce the amount of training councillors require.

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 include mechanisms for municipalities to be involved in provincial decision-making, particularly around education. Provincial decisions impact municipalities.
- With approval, municipalities should have the authority to expropriate in other municipalities.
- Municipalities should be required to facilitate the expropriation requests they approved.

Municipal structures

Comments from participants included that:

- The municipal structures in the MGA do not make sense in Alberta's current context. Current municipal boundaries aren't necessarily meaningful to Albertans.
- The MGA should consider more use of specialized municipalities.
 - Specialized municipalities provide a mixture of urban and rural communities and perspectives while protecting the identity of each. Different areas can still retain different taxes and services.
 - The hard boundaries between municipalities limit collaboration, and use of specialized municipalities could minimize duplication of services.
 - Municipalities who "buy into" specialized municipalities should set the boundaries together.

Fundamental changes and municipal restructuring

Comments from participants included that:

- Amalgamations should remain voluntary.
- More dissolution applications are coming forward and there is a risk that this trend may lead to forced amalgamations from the Province.
 - The number of dissolutions may be connected to the downloading of provincial responsibilities, which can affect municipal financial viability.
- Specialized municipalities can be used as an alternative to dissolution or annexation.
- The MGA should establish a clear provincial responsibility for the viability of municipalities.

- For example, provincial financial compensation for costs associated with dissolutions should be legislated.
- Provincial responsibility for viability could potentially limit the ability for municipalities to determine their own solutions, and may minimize local autonomy.
- The MGA should encourage cooperative cost-sharing agreements between municipalities to prevent viability issues.
- The MGA should allow for amalgamation of municipalities with non-contiguous boundaries.
- The MGA should mandate regional governance, when it makes sense.
- Annexation is time-consuming, expensive and confrontational. The current process limits urban municipalities' ability to grow.

Municipal Governance and Administration

Municipal governance

Comments from participants included that:

- The separation of roles and responsibilities between council and administration is fairly well addressed in the MGA. However, it is not always clear how to enforce these roles, since there are no clear consequences.
- Clarifying roles may mean more training, mandatory training, or specified requirements to make someone eligible to sit on council.
 - The MGA should establish minimum qualifications for councillors.
 - Mandatory training or specific qualifications to sit on council may be a challenge in some areas with limited people who want to run for council. These provisions may discourage potential candidates from running.

Municipal Finances

Financial administration

Comments from participants included that:

- The Province shouldn't set debt limitations. However, under the current system, the Province has had to bail out municipalities because they were in debt.
- Audits should replace debt limits to ensure financial viability.
- Debt limits should be maintained. Currently, small municipalities who acquire lots of debt and who dissolve into another municipality pass their debt on to the absorbing municipality.

Regional funding approaches

Comments from participants included that:

- The MGA's current cost sharing provisions are insufficient.

- The Province should consider linear property tax revenue sharing.
 - Linear property tax revenue should be shared across the province on a per capita basis.
 - Mandated linear property tax revenue sharing that is based on population would be very damaging to rural Alberta.
 - Currently, linear property tax revenues are being used in rural Alberta to fund infrastructure that supports that industry. Those revenues should remain in the municipality where industry is located.
 - Regional mechanisms would better address the issue of sharing linear property tax revenue.
 - Regional linear revenue sharing would be better than a model based on population, but it would still negatively affect rural municipalities.
- There should be an opportunity for municipalities to share linear property tax revenues. However, this process should remain voluntary. The formula should not be provincially determined.
 - Mandated regional linear revenue sharing could result in less cooperation for other cost sharing agreements that are voluntary.
 - Current funding levels won't be maintained if revenue goes to the Province for distribution.
- Incentives to encourage regional revenue sharing need to be considered by the Province. Municipal cooperation is not a "one size fits all" model.
- There is a tendency for a wealthy municipality to hold another municipality "hostage" with funding requirements for their developments, such as large capital projects.

Municipal revenue sources

Comments from participants included that:

- The intent of municipal charters needs to be clarified, in particular the additional revenue options being considered.
 - If additional powers are granted to some municipalities through municipal charters, the opportunity should also be granted to all municipalities. The option to determine some separate and additional powers should be left to the municipality to decide.
 - Some additional revenue options, such as gas taxes, will have cost implications for users of those municipal services.
 - Different powers for certain municipalities can potentially create more competition between municipalities.
- Municipalities either need more transfers of funding from other governments or more ways to collect revenue.
 - Possible new revenue sources include levies, a gas tax, lotteries and a hotel tax. A hotel tax would also provide revenue to support shadow populations.
 - The MGA needs to authorize municipalities to implement new taxes. Elections will hold municipalities accountable for the use of new taxes.

- The Province should investigate the taxation model in Montana where municipalities can implement sales tax for a specific purpose with a short-term referendum.
- Municipalities don't want specific requirements for revenue sources. They want options. Broader definitions and more flexibility for revenue sources would minimize future changes to the MGA.

Fees and levies

Comments from participants included that:

- The current uses for offsite levies should be expanded to include services like recreation facilities and fire halls.
- The business revitalization zone levy is working well.
- Levies are effective at covering costs. However, they are sometimes used as a tax, since raising the mill rate can be a very political process.
- There needs to be more capacity for municipalities to place fees and other charges against the property taxes of the property owner.
 - For example, permit costs and other associated enforcement costs not paid by residents should be charged back to their property taxes.
 - Municipalities should be able to hold landowners accountable for paying levies, not the leaseholder.

Municipal Accountability, Liability, and Risk Management

Compliance and accountability

Comments from participants included that:

- There needs to be a tribunal established as an alternative to the courts for the public to challenge councillors on disclosure and conflicts of interest.
- Currently, the MGA does not outline clear consequences for when councillors act outside the boundaries of the MGA or have a conflict of interest.
 - Disclosure of pecuniary interest should be mandated for councillors. The current MGA only states that councillors "may" disclose pecuniary interest. Mandatory disclosure would make cases of pecuniary interest clearer to the public.
 - Mandatory disclosure of pecuniary interest is working well in Manitoba.
- The MGA needs to include more power for administration to enforce councillor compliance. There should also be more clearly defined penalties for non-compliance.
- Tools are currently available for the administration to hold council accountable.

Liability and risk management

Comments from participants included that:

- There should be limitations on what municipalities can be held liable for, and limits should be related to the size and revenue of municipalities.

- For example, having a volunteer firefighting force doesn't currently limit a municipality's liability for fires.
- The Province should support municipalities financially in situations where the municipality is held liable.
- The MGA should include additional sections to protect municipalities from liability, like the ones around roads and snow removal.
- Council decisions can put municipalities in a high-risk situation, despite the recommendations of administration.
- Some of the provisions surrounding liability need to be clearer. Often, legal advice is required. Currently, the consequences of making decisions are not always clear to council.
- Some current limits on municipal liability should stay the same, such as the limits on water servicing. Others should be broadened to include areas like roads.

Municipal Services and Delivery

Service provisions

Comments from participants included that:

- Municipalities deciding what services to provide is working well.
- Service delivery related to public safety should be legislated.
 - If there is no fire department, or fire services dissolve, the municipality still needs to ensure that these services are available. This is currently not required in the MGA.

Regional Services Commissions

Comments from participants included that:

- Regional services commissions are working well to provide service delivery options for municipalities.

Municipally Controlled Corporations

Comments from participants included that:

- Municipally controlled corporations should have the option to provide more services that are intended for the greater good of the municipality.
- There should not be any limitations on what services municipally controlled corporations can provide.

Public Participation and Municipal Relations

Municipal relationships and dispute resolution

Comments from participants included that:

- Municipalities often aren't able to work through their challenges, and disputes often become polarized.
- Specialized municipalities or regionalization would help address municipal conflicts, as opposed to forced amalgamations.
- Municipalities spend a lot of time and resources collaborating and negotiating. This time could be spent providing services.
- Alberta should investigate challenges experienced with regionalization in Ontario.
- Shared solutions should come from municipalities, not another order of government.

Public participation

Comments from participants included that:

- A plebiscite process should not be required to approve taxes. The current public participation options are sufficient.
- The current provisions for due diligence under the MGA seem adequate.
- The challenge with public participation is a lack of public interest, not the rules in the MGA. The flexibility provided in the MGA is working well.
- More notification options available to municipalities would be better. The MGA should require advertising through whatever means municipalities deem appropriate.
- The public advertising requirements in the current MGA are out of date. The MGA needs to include electronic means of communication, including for assessment and tax notices.
- The use of newspaper advertisements for public notification is expensive.

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 create sub-classes for non-residential mill rates.
- The well drilling equipment tax should be more than an annual tax, and it should be applied to horizontal drilling.

Exemptions from Assessment and Taxation

Exemptions and other special tax treatment

Comments from participants included that:

- The MGA should allow municipalities to use more special taxes.
- Exemptions are not being applied consistently across the Province because the MGA isn't clear enough.
- The MGA hasn't changed to accommodate changes in exemption types. For example, seniors housing exemptions are an issue that needs to be revisited.
- Too many organizations have exemptions. More facilities should be taxable or supported by grants from the Province in lieu of taxes.
- Exemptions should not be based on ownership.
- There should not be any assessment exemptions. All exemptions should be applied to taxation, not to assessment.
- Compression stations should be taxed.
- Education property taxes should apply to machinery and equipment properties.

Market Value, Equalized and Supplementary Assessment

Market value assessment and administration

Comments from participants included that:

- The current assessment system is based on use, not zoning. Council should be given the option to determine what system to use (i.e., whether assessment should be based on use or zoning).
 - Current farmland zoning can radically affect growth patterns in the municipality and its ability to collect taxes. For example, growth is impacted if the land is zoned as commercial land.

- The MGA needs more assessment classes. Industrial developments and small businesses need different assessment classes, which would allow more flexibility on setting different mill rates for different property types.

Equalized assessment

Comments from participants included that:

- All transportation and equalized assessment across the province should be based on market value. Municipalities can then set tax rates to provide incentives based on a common, fair foundation.

Progressive and supplementary assessment

Comments from participants included that:

- Linear property should be subject to supplementary and progressive assessments.
- The condition date should be the same for all properties.
- If a company pays on a supplementary assessment, they shouldn't have to apply the education property tax to the supplementary portion.

Industrial and Agricultural Property Assessment

Linear property assessment

Comments from participants included that:

- There should not be any initial depreciation for linear property.

Machinery and equipment property assessment

Comments from participants included that:

- Machinery and equipment properties should be assessed at the provincial level.
- Current assessments of machinery and equipment properties are very inconsistent.

Farm property assessment

Comments from participants included that:

- Farmland assessment should be based on market value. This would increase fairness between farming and other industries. It would also increase equity in assessment between rural and urban municipalities.
- Farm property rates are based on old, outdated production values. The assessment formula needs to be re-examined in the review of the MGA.
 - The current farm property assessment system does not necessarily reflect modern farm practices.
- The assessed rates on farm property can affect the amount of education property tax that is attributed. Valuing farm property at different rates would drastically increase the education property tax collected in municipalities that contain large amounts of farm development.
- Farm residences and outbuildings in farmland should be fully taxable.

Assessment Administration

Assessment administration

Comments from participants included that:

- A different assessment valuation year end, such as December 31, should be considered in the review of the MGA.
- There should be greater transparency in how assessments are determined to ensure accuracy.

Public Participation and Assessment Appeals

Assessment complaints and appeals

Comments from participants included that:

- The current assessment appeals process is overly complicated and onerous. The required information, timelines, and other requirements for appeal make it very difficult for the average resident.
- There is not enough information available to conduct a proper appeal. Adequate information should be required to ensure effective use of participants' time.
- Currently, the assessor has a large role in mitigating unnecessary appeals.
- The MGA needs more restrictions and guidelines to mitigate "blanket" appeals. For example, additional rationale may be needed from applicants on why they are appealing their assessments.
- Members of the public and councillors don't have the appropriate background to participate in composite assessment review boards and local assessment review boards. They do not have enough expertise to make good decisions, which is not fair to board members or other participants.
- The timeline for appeals should be shortened to 30 days from the current 60 days to streamline the process. There are currently 30 days of wasted time.
 - The MGA should also tighten up compliance to appeal timelines.
 - Interpretation of the appeals timing section of the MGA is currently complicated.

Municipal Government Board

Comments from participants included that:

- All members of the Municipal Government Board need to be professionals with relevant expert backgrounds.

Planning and Development

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

Land Management and Planning Tools

Statutory plans and land use bylaws

Comments from participants included that:

- Municipal development plans should be required for municipalities that contain complex and diverse industry development.
- There should be more opportunities for municipal development plans to be reviewed by Municipal Affairs. These reviews could help to ensure future compliance with regional planning documents, such as the *Alberta Land Stewardship Act*.
- Currently, changes to statutory plans aren't necessarily strategic and transparent. There should be limitations on site-specific changes and the number of times a plan can be partially opened before it undergoes a full review.

Subdivision and Development Authorities and Processes

Planning authorities

Comments from participants included that:

- The MGA needs to provide clearer training expectations for subdivision and development appeal board members.
- Clarification is needed regarding how subdivision and development appeal boards are accountable for decisions made outside of their jurisdiction. These kinds of decisions can set precedents, and often result in more appeals.
- There should be the option to establish interim subdivision and development appeal boards when local boards are not sufficiently trained.
- Training for subdivision and development appeal board members needs to take place in smaller regional locations.

Land Dedication and the Use of Reserves

Land dedication (reserves)

Comments from participants included that:

- The MGA needs to clarify that only land for use in the subdivision may be dedicated to the municipality or to Alberta Transportation. Land for future use shouldn't be taken.

Appendix A: Session Agenda

MGA Review: Municipal Administrators Session

Agenda Item	Timing
<p>1. Welcome and introductions</p>	<p>1:00-1:10</p>
<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 	<p>1:10-1:20</p>

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 1157 720"> <tr> <td data-bbox="310 474 618 525">Block 1: 1:25-2:05</td> <td data-bbox="618 474 1157 525">Governance and Administration Topics</td> </tr> <tr> <td colspan="2" data-bbox="310 525 1157 575" style="text-align: center;"><i>Break (5 mins)</i></td> </tr> <tr> <td data-bbox="310 575 618 625">Block 2: 2:10-2:50</td> <td data-bbox="618 575 1157 625">Assessment and Taxation Topics</td> </tr> <tr> <td colspan="2" data-bbox="310 625 1157 676" style="text-align: center;"><i>Break (5 mins)</i></td> </tr> <tr> <td data-bbox="310 676 618 720">Block 3: 2:55-3:35</td> <td data-bbox="618 676 1157 720">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										
<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										
<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										