

Municipal Government Act Review

What We Heard: A Summary of Consultation Input

Municipal Administrators Session
Held in Medicine Hat on April 15, 2014

Released on June 24, 2014

Developed by KPMG for Alberta Municipal Affairs



Contents

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

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 Medicine Hat.

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	Southside Events Centre, Medicine Hat
Date	April 15, 2014
Number of Participants	5

- 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 new MGA should be more user-friendly.
 - The MGA needs to be streamlined so that it is easier to locate topics. For example, provisions for bylaws are scattered throughout the MGA and should be in one section.
 - Interpretation bulletins by the Province would provide needed clarity on the intent of the MGA.
- The new MGA should maintain the enabling intent of the current MGA.

Governance and Administration

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

Municipal Powers, Structures, Annexations and Other Changes

Municipal powers

Comments from participants included that:

- Natural person powers are an ambiguous term, and there is a need for clarification on what these powers actually mean and what they involve.

Fundamental changes and municipal restructuring

Comments from participants included that:

- The Province should consider mandated regional collaboration or mandated amalgamation to reduce the number of municipalities.
- There needs to be more clarity on what level of public consultation is required during the amalgamation processes.
- There needs to be criteria that define what viability means. It should be the responsibility of the municipality to apply these criteria, rather than the Province.
 - Viability measures need to take into account infrastructure debts.

Municipal Governance and Administration

Municipal governance

Comments from participants included that:

- The MGA only deals with pecuniary interest and not other forms of conflict of interest. Provisions under the MGA need to be expanded to address other forms of conflict of interest, including perceived conflict of interest.
- There needs to be mandated training for incoming councillors. The training would need to provide clarity on what council's role is. Councillors should not have to "pass" the training, but should be required attend.
- Qualification requirements should not limit who can run for council.

Municipal administration

Comments from participants included that:

- The MGA needs clarification on who the chief administrative officer can designate as an officer, and whether the chief administrative officer should be the only appointee of council.
- More training needs to be provided for municipal clerks, and this should be a requirement within the MGA.

Municipal Finances

Financial administration

Comments from participants included that:

- Options under the MGA for ways in which municipalities can invest need to be broadened.
- A cost recovery model should be mandated for certain services, such as water utilities.

Municipal Accountability, Liability, and Risk Management

Liability and risk management

Comments from participants included that:

- Further restrictions are needed on municipal liability, such as for flood mitigation. Flood mitigation may have an impact on property rights, and the liability involved needs to be clarified.
- Further definition is needed on what the liability risk factors are to municipalities under the MGA.
- In Section 534 (Public works affecting land) in the MGA, which addresses public works affecting land, the parameter for claiming injurious affection needs to be narrowed. Currently, there is uncertainty about what can be claimed under this section.

Municipal Services and Delivery

Municipally Controlled Corporations

Comments from participants included that:

- The current process for establishing municipally controlled corporations is too time consuming. A new process needs to be created that is simpler and less onerous.

Public Participation and Municipal Relations

Public participation

Comments from participants included that:

- Currently, there is inconsistency in petition requirements throughout the MGA.
 - For example, some petitions require a percentage of the population and some require a percentage of the voting public. The MGA should have consistent petition standards throughout.
- The petition sections within the MGA should be consolidated.

- Additional clarity is needed on when public input is required. For example, the MGA should clarify if a public hearing needs to be held for road closures.
- A public hearing should be a requirement for all direct control applications, since there is no right to appeal.
- The advertising provisions under the MGA need to be updated to meet current technological practices.
- The MGA should clarify who must be notified by the municipality under what conditions. In particular, it should be clear when adjacent landowners must be notified.

Assessment and Taxation

The following input was received and documented related to assessment and taxation.

Market Value, Equalized and Supplementary Assessment

Market value assessment and administration

Comments from participants included that:

- Property should be assessed and taxed according to current use of land until a zoning change is implemented. It doesn't make sense for property owners to pay taxes based on future land use, as per the land use bylaw.

Industrial and Agricultural Property Assessment

Farm property assessment

Comments from participants included that:

- Assessment of farm property should be at full market value.
- The current subsidization and exemptions for farm property don't begin to cover the cost of services such as roads used as a result of those properties.

Public Participation and Assessment Appeals

Assessment complaints and appeals

Comments from participants included that:

- Councillors should not be allowed to sit on assessment review boards. This is a conflict of interest, since it makes the appeal process political.

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:

- Municipalities should have a broadened scope under the new MGA to set offsite levies that can fund “soft” services.
- The MGA should identify a time limit for compensation to be provided for road closures.

Land Dedication and Use of Reserves

Land dedication (reserves)

Comments from participants included that:

- There needs to be better clarification within the MGA on the types of reserves and what is included.
- The uses for reserve land should be more restricted under the MGA.

Public Participation and Planning Appeals

Planning and inter-municipal appeals

Comments from participants included that:

- Councillors should not sit on subdivision and development appeal boards.
- There should be regulated training for subdivision and development appeal board members, similar to what is required for assessment review boards.

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 1156 699"> <tr> <td data-bbox="310 478 618 520">Block 1: 1:25-2:05</td> <td data-bbox="618 478 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="310 569 618 611">Block 2: 2:10-2:50</td> <td data-bbox="618 569 1156 611">Assessment and Taxation Topics</td> </tr> <tr> <td colspan="2" data-bbox="310 611 1156 659" style="text-align: center;"><i>Break (5 mins)</i></td> </tr> <tr> <td data-bbox="310 659 618 699">Block 3: 2:55-3:35</td> <td data-bbox="618 659 1156 699">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										