

Municipal Government Act Review

What We Heard: A Summary of Consultation Input

Elected Officials Session
Held in Peace River on April 25, 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 Elected Officials Session held in Peace River.

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	Sawridge Inn and Conference Centre, Peace River
Date	April 25, 2014
Number of Participants	23

- 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:

- The revised MGA should be clearer and better organized.
- There are many legislative contradictions in the current MGA. A user-friendly version of the MGA is needed to reduce the need for lawyers.
- Stakeholders want to see a draft of the new MGA before it is finalized.

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:

- All municipalities should have the same powers. It is not equitable for cities to have civic charters. City charters may allow large centres the ability to make decisions that can radically affect other regions.
- Any additional municipal powers that are granted in the MGA need to be administratively feasible and achievable by all municipalities, regardless of size.
- Census processes need to be updated to take into account shadow populations, as well as permanent populations.
 - The spring timing for census processes is not working well, as it does not account for transient populations and does not show service needs accordingly.

Municipal structures

Comments from participants included that:

- Hamlets are working well within municipal districts.
- Hamlets should be removed from municipal districts and should be their own municipal structure.
- Summer village residents should not be allowed to vote in more than one municipality.
- Summer villages should be incorporated into municipal districts to make them more sustainable.
- The MGA should consider adding more types of specialized municipalities to take unique local circumstances into account.

Fundamental changes and municipal restructuring

Comments from participants included that:

- The Province should ensure an absorbing municipality receives financial compensation during the dissolution process to cover any financial or infrastructure debts being absorbed.
- The amalgamation process should not be so definite. There should be a review process to ensure the amalgamation process is working.
- The MGA needs to outline a better public education process when municipal boundary changes are under consideration.
- Practical options for municipal viability need to be clear in dissolution recommendations. The recommendations should not just be either to dissolve or to stay the same.

- There needs to be better communication surrounding expected service levels when an urban municipality has wishes to dissolve into a rural municipality.
 - Given the disparity in service expectations, cost sharing agreements may be a better option than amalgamation in situations like this.

Municipal Governance and Administration

Municipal governance

Comments from participants included that:

- The MGA should give mayors and reeves more special powers. These powers could include a veto or an extra vote on council.
- Mayors and reeves should not have special powers.
- The MGA needs to provide councillors with more training opportunities.
- The MGA needs to outline guidelines for ward representation.
 - Some councillors represent thousands more people than others. A mechanism is needed to limit variance across the province.
 - When a hamlet within a rural municipality rapidly grows, there needs to be a way to ensure balanced representation of the urban and rural populations so that one group doesn't overpower the other in council.
- The MGA should reflect transparent government processes and discourage private council meetings.
 - There are different interpretations on what "committee of the whole" should be used for by council. Often, this process is used incorrectly.
 - Deliberations and conversations on agenda items should occur during "committee of the whole" portions of a council meeting that are open to public.
- Voting procedures should be legislated through the MGA, not through local bylaw.
- The MGA should require all council votes to be recorded.
- Procedures for recorded votes should not be legislated in the MGA. It should instead be left to the municipality to decide through local bylaw.

Municipal administration

Comments from participants included that:

- The MGA should require the contract for chief administrative officers to be reviewed every two to three years.
 - Without contract term limits, there is currently a risk of the chief administrative officer running council decisions.
- When a council changes, the MGA should allow the newly elected council to review the existing chief administrative officer's contract.
- Municipalities should have the autonomy to decide the terms of the chief administrative officer contract.
- The MGA should clearly divide the roles and responsibilities of chief administrative officers and councillors.

- There should be more provincial training or resources that will help inform local councils of good hiring practices for administrators.

Municipal Finances

Regional funding approaches

Comments from participants included that:

- The Province needs to provide more financial incentives for regional cooperation.
- The MGA should legislate a way for municipalities to share revenues in an equitable way.
- Regional cooperation grants and incentives should not be limited to agreements with other municipalities. There needs to be more incentives and guidance, for example, on cooperating with First Nation populations and other municipalities.
- More collaboration opportunities are needed for hamlets to obtain provincial funding.

Municipal revenue sources

Comments from participants included that:

- There needs to be a sustainable and predictable form of funding for municipalities. The current system of grant funding makes long-term planning almost impossible.
 - Changes to the municipal sustainability initiative grant funding and bridge grant funding programs have really hurt municipalities.
- Municipalities need more flexibility regarding the use of grant dollars.
- Grants in lieu of taxes should be provided more often by the Province.
- More revenue tools are needed to address “shadow populations” of temporary workers who are using municipal resources without contributing to the tax base.
 - New revenue to address shadow populations should have the option to go into general funds, not just a tourism grant program. Municipalities need this funding to maintain infrastructure.

Municipal Accountability, Liability, and Risk Management

Compliance and accountability

Comments from participants included that:

- The MGA needs to clearly outline consequences and penalties for councillors who act outside the legislated provisions of the MGA.
- Disqualification of council members is often used to enforce councillor adherence to the MGA. However, disqualification of council members must be brought to the courts. There should be a less costly way apart from the courts to hold council accountable.

- If an industrial property owner is not paying municipal taxes, that business should not be able to continue to obtain more leases for industrial development. There needs to be a better way to hold these businesses accountable and to prevent these instances.

Liability and risk management

Comments from participants included that:

- The MGA needs to establish clear guidelines regarding the level of risk municipalities are incurring related to voluntary fire-fighting services.
- Municipalities need protection when taking on risk “without negligence.”

Provincial powers

Comments from participants included that:

- The Minister or Municipal Affairs should approve chief administrative officer contracts.
- The MGA should state that provincial audits of municipalities are mandatory and will result in binding decisions.

Municipal Services and Delivery

Service provisions

Comments from participants included that:

- The 5,000-person population threshold outlined in the MGA for increased police servicing costs does not work. This population threshold should be increased to approximately 15,000.

Regional services commissions

Comments from participants included that:

- Municipalities should be able to have an “opt-out” option when regional service commissions are established.
 - There are often political or provincial pressures for municipalities to join regional service commissions even if they don’t make financial sense.

Public Participation and Municipal Relations

Public participation

Comments from participants included that:

- The MGA needs to outline additional public participation mechanisms.
- The legislated process for petitions needs to be streamlined to be easy and accessible for the general public.
 - Current petition requirements are difficult to meet.

- Petition population thresholds are too high.
- Petition requirements should consider shadow populations. This would help to obtain an accurate representation of the community's interest in a given issue.
- Public notification requirements need to be updated to take into account modern communication methods like social media and email.
- The MGA should mandate more time for public notification.
- As part of the development permit process, a “duty to notify” the public should be included in the set-up requirements of large temporary work camps.

Municipal relationships and dispute resolution

Comments from participants included that:

- Voluntary individual agreements between municipalities are working well, and municipalities do not want forced collaboration.

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:

- There needs to be greater transparency of the taxation process and how property tax rates are determined. The MGA should require municipalities to communicate this clearly to their constituents.
- The MGA needs to clarify how minimum property taxes collected on farmland can be used by municipalities.

Public Participation and Assessment Appeals

Assessment complaints and appeals

Comments from participants included that:

- The new assessment review board system is not working well for municipalities.
 - The training process is too complicated, and board members are required to have too much knowledge.
 - As a result, it is becoming more costly and increasingly difficult for municipalities to attract local members for the assessment review boards.

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 outline a mechanism to penalize property sites that have been left unused, using a special levy.
- Municipalities need more flexibility in the use of community revitalization levies to revitalize properties or areas in municipalities of all sizes.
- The MGA should allow municipalities to create multiple levies in an existing developed zone. This would also help address absentee landlords.

Appendix A: Session Agenda

MGA Review: Elected Officials Session

Agenda Item	Timing						
1. Welcome and introductions	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" data-bbox="228 747 1235 1751"> <thead> <tr> <th data-bbox="228 747 586 810">Governance and Administration</th> <th data-bbox="626 747 967 810">Assessment and Taxation</th> <th data-bbox="976 747 1235 810">Planning and Development</th> </tr> </thead> <tbody> <tr> <td data-bbox="228 821 586 1682"> <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 data-bbox="626 821 967 1751"> <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 data-bbox="976 821 1235 1682"> <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 711"> <tr> <td data-bbox="310 441 631 491">Block 1: 10:45-11:45</td> <td data-bbox="631 441 1157 491">Governance and Administration Topics</td> </tr> <tr> <td colspan="2" data-bbox="310 491 1157 546">Lunch (1 hour)</td> </tr> <tr> <td data-bbox="310 546 631 596">Block 2: 12:45-1:45</td> <td data-bbox="631 546 1157 596">Assessment and Taxation Topics</td> </tr> <tr> <td colspan="2" data-bbox="310 596 1157 651">Break (15 min)</td> </tr> <tr> <td data-bbox="310 651 631 711">Block 3: 2:00-3:00</td> <td data-bbox="631 651 1157 711">Planning and Development Topics</td> </tr> </table> <ul style="list-style-type: none"> <li data-bbox="302 716 1235 787">▪ 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
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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										