

Municipal Government Act Review

What We Heard: A Summary of Consultation Input

Municipal Administrators Session
Held in Peace River on April 24, 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 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	Municipal Administrators Session
Location	Sawridge Inn and Conference Centre, Peace River
Date	April 24 2014
Number of Participants	10

- 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:

- An annotated and user-friendly version of the MGA should be available.
- There should be a separate document to guide users on how to use the MGA.

Governance and Administration

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

Municipal Powers, Structures, Annexations and Other Changes

Municipal structures

Comments from participants included that:

- The way that municipalities are structured in the MGA is not in line with today's world, and needs to be revised to encourage regionalization.

Fundamental changes and municipal restructuring

Comments from participants included that:

- The MGA should give municipalities the power to move forward with fundamental changes and restructuring.
 - Currently, many attempts are halted because of a lack of provincial political will.
 - If the municipality wants to go forward with something, but the Minister of Municipal Affairs doesn't, the initiative will fail.
- The MGA should make the requirements and guidelines for municipal restructuring the same, regardless of the restructuring process
 - The MGA should apply the annexation negotiation provisions to all municipal restructuring and change processes.
- The municipality receiving new obligations or costs as a result of the restructuring process should have more say in major restructuring decisions, such as dissolution or amalgamations.

Municipal Governance and Administration

Municipal governance

Comments from participants included that:

- The MGA should require that all councillors attend mandatory training provided by the Province.
 - Many councillors are not equipped to serve effectively when they are elected. They do not understand the rules well enough.
 - Councillors should be aware that they are required to take mandatory training.
 - There should be remote access to required training. For example, webinars would be a good way to administer councillor training.
- The current provision of missing eight consecutive weeks of council meetings being grounds for dismissal is too restrictive, and does not make sense for smaller municipalities that only meet twice in eight weeks. Councillors should not be disqualified for missing only two council meetings.

- The MGA provision for dismissing councillors for absence should include a combination of the number of meetings and the number of weeks missed to accommodate small and large municipalities.
- The MGA should be better equipped to enforce disqualification for unacceptable councillor conduct.
 - The MGA should mandate that members who run for council must be in “good standing.” This means that prospective councillors must not have any unpaid taxes or criminal records.
 - If the councillor becomes a delinquent after they are elected, they should be immediately removed.
- The MGA should require that councils produce a code of conduct.

Municipal administration

Comments from participants included that:

- The MGA should clearly define “designation” and “delegation.”
 - The role of designated officers needs to be clarified in the MGA. If the role is not clarified, it should be taken out of the MGA altogether.
- Administration has no power to act on information unless prompted by the public or an elected official. This is a challenge.

Financial administration

Comments from participants included that:

- The budget deadline of May 1st outlined in the MGA is not working well. The date budgets should be submitted on should be changed to June 30th to give municipalities more time to finalize and approve their budgets.
- Auditors currently receive results too late, and there is a lack of auditors in rural areas.
- Currently, local improvements are approved based on estimates. Local improvement bylaws should not have to be amended if the estimate is close to the actual cost. This is a waste of time and resources.

Regional funding approaches

Comments from participants included that:

- Municipalities who provide services to First Nations should be compensated by federal and provincial governments for the additional costs.
 - There is a need for more cooperation between municipalities and First Nation reserves.
 - Federal and provincial governments should contribute to municipalities on behalf of First Nations that are receiving municipal services.

Municipal revenue sources

Comments from participants included that:

- The MGA needs to provide a mechanism to more appropriately collect revenue from “shadow populations” of temporary workers.
 - Shadow populations need to be more accurately recorded so the municipality can have access to grants.
 - The MGA should give municipalities the power to count “shadow populations” of temporary workers at a time when it is most appropriate. Currently, censuses are conducted in the summer, when temporary workers are gone.
 - There should be local hotel taxes applied to account for costs of serving shadow populations.

Municipal Services and Delivery

Service provisions

Comments from participants included that:

- The MGA should state that utility rates are set on a cost recovery basis.
- Section 45 (Granting rights to provide utility service) of the MGA about utility services should clearly state when municipalities need to obtain approval from the Alberta Utilities Commission.

Public Participation and Municipal Relations

Municipal relationships and dispute resolution

Comments from participants included that:

- Alberta may not be ready for the MGA to mandate regional collaboration, but discussion about doing so must take place.
 - Some municipalities fear that increased regionalization will mean they will lose their identity.
 - It doesn't make sense to combine urban and rural municipalities, because they have different service expectations.

Public participation

Comments from participants included that:

- The MGA should provide clarity around what the public hearing process is, and how the public should be involved.
- The MGA should say “relevant media to reach your citizens” when defining public notification requirements. The current requirement to advertise in newspaper is outdated and ineffective. It can also slow down the notification process.

Assessment and Taxation

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

Taxation and Municipal Finances

Taxation

Comments from participants included that:

- The MGA should define what a tax sale is more specifically, and clearly.
- Provisions in the MGA on property taxation arrears need to be reviewed. For example, the process if tax arrears extend beyond one year needs to be outlined in the MGA.
- The MGA should improve a municipality's capability to collect delinquent linear taxes.
 - Businesses who evade property taxes should not be able to get a new business license.

Planning and Development

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

Subdivision and Development Authorities and Processes

Planning authorities

Comments from participants included that:

- The MGA should state that development officers have the final say in how land is used.
- It is good for council to have direct control in areas like development decisions, meaning council can make these decisions as they please.

Appendix A: Session Agenda

MGA Review: Municipal Administrators Session

Agenda Item	Timing
1. Welcome and introductions	1:00-1:10
2. Potential topics for discussion: Governance and Administration <u>Subject 1: Municipal Powers, Structures, Annexations and Other Changes</u> <ul style="list-style-type: none"> • Municipal powers • Municipal structures • Fundamental changes and municipal restructuring <u>Subject 2: Municipal Governance and Administration</u> <ul style="list-style-type: none"> • Municipal governance • Municipal administration <u>Subject 3: Municipal Finances</u> <ul style="list-style-type: none"> • Financial administration • Regional funding approaches • Municipal revenue sources • Fees and levies <u>Subject 4: Municipal Accountability, Liability, and Risk Management</u> <ul style="list-style-type: none"> • Compliance and accountability • Liability and risk management • Provincial powers <u>Subject 5: Municipal Services and Delivery</u> <ul style="list-style-type: none"> • Service provisions • Regional services commissions • Municipally controlled corporations <u>Subject 6: Public Participation and Municipal Relations</u> <ul style="list-style-type: none"> • Municipal relationships and dispute resolution • Public participation • Municipal Government Board Assessment and Taxation <u>Subject 1: Taxation and Municipal Finances</u> <ul style="list-style-type: none"> • Taxation • Municipal revenue sources • Fees and levies <u>Subject 2: Exemptions from Assessment and Taxation</u> <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 695"> <tr> <td data-bbox="310 474 618 516">Block 1: 1:25-2:05</td> <td data-bbox="618 474 1156 516">Governance and Administration Topics</td> </tr> <tr> <td colspan="2" data-bbox="310 516 1156 564" style="text-align: center;"><i>Break (5 mins)</i></td> </tr> <tr> <td data-bbox="310 564 618 606">Block 2: 2:10-2:50</td> <td data-bbox="618 564 1156 606">Assessment and Taxation Topics</td> </tr> <tr> <td colspan="2" data-bbox="310 606 1156 655" style="text-align: center;"><i>Break (5 mins)</i></td> </tr> <tr> <td data-bbox="310 655 618 695">Block 3: 2:55-3:35</td> <td data-bbox="618 655 1156 695">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
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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										