



MGA Review

Prepared by: Alberta Urban
Municipalities Association

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AUMA MGA REVIEW DOCUMENT

TABLE 1: SUMMARY OF PROPOSED CHANGES TO ALLOW FOR EFFECTIVE ENGAGEMENT

Section	<i>Municipal Government Act</i> *	Change(s) proposed by AUMA	AUMA Comment	Cross Reference
5.1	New Section under Part 1, Purposes, Powers and Capacity of Municipalities	Any proposed statutory or regulatory change to the powers, duties or functions herein or to any other legislation directly affecting municipal powers, duties or functions, shall only be tabled in the Legislature by the Province for enactment, or submitted to the regulatory process, after being reviewed and recommended in accordance with the Amendment Impact Report and Effective Engagement Process attached to this Act as Schedule 'A' and forming part hereof.	<ul style="list-style-type: none"> every municipal government must have adequate powers and financial and legal resources that other orders of government cannot alter unilaterally broad authority should be given to councils, and their right to govern municipalities in whatever way the councils consider appropriate should be respected consultation is needed on matters of mutual interest, including consultation by the Provincial Government on: <ul style="list-style-type: none"> proposed changes to local government legislation; and proposed changes to revenue transfers to municipalities; and proposed changes to provincial programs that will have a significant impact in relation to matters that are within 	<ul style="list-style-type: none"> Joint FCM/CAMA Task Force Report on the Role of Future Government. June 2003. from Municipal Government Act, s 9 From Community Charter of British Columbia, 2003 from Municipal Affairs Business Plan 2008 – 2011-e.g. Core Business One: Support the development and long-term sustainability of municipalities from AUMA President's Summit on Municipal Finance: Final

* amendments to the MGA should be considered, in each case, with consequential amendments to other related legislation

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			<p>municipal authority.</p> <ul style="list-style-type: none"> • the Ministry of Municipal Affairs is continuing to support an enhanced partnership approach involving consultation, innovation and shared resourcing in the delivery of services and programs • coordination and consultation between provincial and municipal programs should promote equitable, effective and efficient service delivery, and consultation is more than simply listening 	<p>Report. June 2003, and June 2002 AUMA Working Paper on Creating Accountability – Roles, Responsibilities and Resources</p>
Schedule A	New Schedule	<p><u>AMENDMENT IMPACT REPORT AND EFFECTIVE ENGAGEMENT PROCESS</u></p> <p><u>I. Amendment Impact</u> <u>A. Amendment Impact Report</u></p> <ol style="list-style-type: none"> 1. In this document “amendment” includes both changes to legislation and new legislative provisions. 2. Where there is a proposal to amend a power, duty or function under this Act or under any other legislation directly affecting municipal powers, duties or functions, the party proposing same shall prepare an Amendment Impact Report as detailed herein, and follow the processes herein provided. 3. The Amendment Impact Report shall include: <ol style="list-style-type: none"> a. The Section number and/or the power, duty 	<p>The Amendment Impact Report was developed by the MGA Amendment Management and Consultation Committee in 2003, and was agreed upon by both AUMA and AAMD&C</p> <p>AUMA will provide an Amendment Impact Report to accompany the submission of the proposed changes in this document</p>	<p><i>MGA</i> Amendment Management and Consultation Committee</p>

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		<p>or function to be amended, including suggested wording of the requested amendment, if possible;</p> <p>b. A description of the problem which this amendment is intended to resolve, including why it has arisen;</p> <p>c. What other options were considered to address the problem, other than an amendment, and why they were not feasible;</p> <p>d. Who is likely to be affected by this amendment. What the possible implications are (positive or negative) of the requested amendment on the municipality and its citizens, other municipalities and the province;</p> <p>e. What are the perceived impacts (social, environmental, financial/economic, cultural and governance) of the suggested amendment, and to whom and to what extent;</p> <p>f. With respect to the requested amendment, information on:</p> <p>i. Who was consulted and the method of consultation;</p> <p>ii. What the results were of the consultation; and</p> <p>iii. What were all opposing views and outlining the process of how they were or will be addressed or resolved;</p> <p>g. A legal impact report which reviews the proposed amendment against the screening criteria set forth herein;</p> <p>B. <u>Screening Criteria</u> An amendment will not be tabled in the Legislature if:</p> <ul style="list-style-type: none"> • The issue is or can be addressed within existing 		

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		<p>legislation; or</p> <ul style="list-style-type: none"> • it reduces any existing power, duty or function of municipal governments. <ol style="list-style-type: none"> 1. Where a requested amendment does not clearly violate the screening criteria, it will be forwarded for further consideration under the Effective Engagement process; 2. Requested amendments which do not pass the screening criteria will be returned to the requester with an explanation. <p>II. EFFECTIVE ENGAGEMENT</p> <p><u>Purpose</u> The purpose of the effective engagement process is to:</p> <ol style="list-style-type: none"> 1. Ensure that an opportunity and process (mechanism) exists for stakeholders to review and discuss proposed changes to the <u>Municipal Government Act</u> and its regulations (<i>MGA</i>), or any other legislation which directly affects municipal powers, duties or functions; 2. Ensure that all municipalities and other affected stakeholders are aware of the proposed changes and their potential outcome and impact; and, 3. Foster the spirit of cooperative relations between the provincial government and municipalities and stakeholders. <p><u>Principles</u> Effective engagement is based on the following principles:</p> <ol style="list-style-type: none"> 1. It respects and recognizes municipalities, their provincial associations, and the province as the key parties to the <i>MGA</i>, and any other legislation which directly affects municipal powers, duties or functions; 2. Municipalities and affected stakeholders must be provided the opportunity to help frame, review and comment on any proposed 		

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		<p>changes to the MGA, and any other legislation which directly affects municipal powers, duties or functions, regardless of source;</p> <p>3. Effective engagement, to be of true value, has to allow for sufficient time to prepare or respond.</p> <p><u>Protocols</u></p> <p>1. To make informed comments on or to help frame any proposed amendments to the MGA, or any other legislation which directly affects municipal powers, duties or functions, all proposed changes, regardless of source, must be accompanied by an Amendment Impact Report;</p> <p>2. Municipal governments, the Government of Alberta and stakeholders must receive timely notification of an approaching matter requiring the effective engagement process, and timely feedback on the responses to proposed amendments, and notification of the outcome or final product, including reasons for changes to the proposed amendments, for the process to be truly effective.</p> <p><u>Operation</u></p> <p>Effective engagement will be in accordance with the following:</p> <p>1. The Government of Alberta will provide an annual summary of what sections and regulations of the applicable legislation (and the type of review) it believes will be carried out during the coming year as well as providing appropriate Amendment Impact Reports, allowing for the following minimum lead times to allow for effective engagement:</p> <ul style="list-style-type: none"> • Fundamental Review of Legislation – 1 year; • Amendments to Legislation – 90 days; 		

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		<ul style="list-style-type: none"> • Fundamental Review of Regulation – 90 days; • Amendment(s) proposed to a regulation – 90 days; • New regulation – 120 days; • Re-enactment without amendments – 60 days; • Private Member Bills, or consequential amendments – 120 days; <p>2. Where a proposed amendment is requested by a municipality or municipal association, the above timelines for effective engagement shall also apply thereto.</p> <p>3. Only the Minister or applicant, citing urgent circumstances, will be able to shorten the timelines, while still following the amendment impact and effective engagement processes and providing as much notice as possible.</p>		

TABLE 2: SUMMARY OF PROPOSED CHANGES REGARDING PART 10 OF THE MGA (Taxation and Municipal Financial Authority)

Section	<i>Municipal Government Act</i> *	Change(s) proposed by AUMA	AUMA Comment	Cross Reference
NEW DIVISION OF PART 10, Taxation S. 325.1	New Section	<p>(1) Notwithstanding section 13 of this Act or any other enactment, a municipality may, by bylaw, impose any form of tax which could be levied by the Legislature of Alberta.</p> <p>(2) A bylaw under sub-section 1 shall:</p> <ul style="list-style-type: none"> i. State the subject of the tax; ii. State the rate or amount of tax imposed; iii. Prescribe or authorize full or partial exemptions from the tax imposed, if any; iv. Provide penalties for violation of any of its 	<ul style="list-style-type: none"> • funding for municipalities should be based on principles of predictable revenues, accountability, flexibility, simplicity and efficiency • amendments to the <i>Municipal Government Act</i> should allow municipalities to raise revenue through a variety of ways to meet expenditures in a 	<ul style="list-style-type: none"> • from Tax Authority Task Group, January 23, 2003 • from Municipal Affairs Business Plan 2008 – 2011- e.g. Core Business One: Support the development and long-term sustainability of municipalities

* together with any consequential amendments to related legislation

Section	<i>Municipal Government Act</i>	Change(s) proposed by AUMA	AUMA Comment	Cross Reference
		<p>provisions; and</p> <p>v. Prescribe the manner of administering and collecting the tax in accordance with sub-section 3</p> <p>(3) A municipality shall provide for collection of the tax in one of the following manners:</p> <p>i. Appointment or designation of persons to administer, collect and remit the tax;</p> <p>ii. An agreement with one or more municipalities to jointly administer, collect and remit the tax levied in each municipality; or</p> <p>iii. An agreement with the Province to administer, collect and remit the tax.</p> <p>(4) Where a municipality proposes to impose a form of tax which is also levied by a provincial enactment, the municipality shall, 90 days prior to passing a bylaw implementing the tax, forward a copy of the proposed bylaw to the Department of Municipal Affairs and may request the Minister to collect and remit the additional tax to the municipality, unless there is a legal impediment to so doing.</p> <p>(5) The amount of tax revenues by the Province pursuant to an enactment and specified under that enactment to be for municipal purposes as defined in Section 3 of this Act, shall be allocated and distributed by the Minister in such a manner as to remit to each municipality a proportionate share based on the approximate amount of tax revenue realized from persons residing or doing business within the municipality.</p> <p>(6) An amount of tax revenues realized by the Province pursuant to any enactment, and an amount of revenues, other than a tax, that is collected for Provincial use from any enterprise operating within</p>	<p>financially responsible manner</p> <ul style="list-style-type: none"> • municipalities require the financial capacity to fulfill their mandates, and the services for which they are responsible should be financed through local taxation, fees and other revenue and a defined portion of provincial and federal taxes and fees • municipal governments must have the fiscal capacity to fulfill their mandate through primary access to the property tax base and other stable long term and progressive sources of revenue • municipalities seek predictable flexible financial systems to address different demands and authority to become innovative funding mechanisms • a mix of infrastructure funding is required from a new set of tax tools for municipal governments, a legislated framework for provincial revenue-sharing with municipal governments and a phased withdrawal from the education property tax 	<ul style="list-style-type: none"> • from June, 2003 AUMA report on President's Summit on Municipal Finance; • from AUMA's Guiding Principles; • from Sept. 2004. Canada West Foundation Report: Foundations for Prosperity <p>RESN 2006.C.i.2 Tourism Levy Tax</p> <p>Minister's Council on Municipal Sustainability Report (March 2007)</p>

Section	<i>Municipal Government Act</i>	Change(s) proposed by AUMA	AUMA Comment	Cross Reference
		<p>a municipality by virtue of an enactment, agreement, licence or any other arrangement, shall be transferred to each municipality in such manner as to remit to each municipality a proportionate share based on the approximate amount of revenue realized from persons residing or doing business within the municipality, unless there is an agreement to the contrary.</p> <p>(7) There will be a permanent revenue transfer allocation between the Government of Alberta and Alberta Municipalities. Transfers will recognize the province's economic performance and realities, and will be confirmed annually</p> <p>Provincial transfers to municipal governments are governed by the Provincial-Municipal Partnership Agreement, and transfers will fulfill</p> <ul style="list-style-type: none"> • Provincial objectives set by the Government of Alberta and • Community objectives set by municipalities through sustainability planning • Shared objectives in program/policy areas • Annual accountability requirements agreed to by the provincial and municipal governments of Alberta. <p>(8) Notwithstanding any other provision, no revenue sharing agreement in existence between the Province and any municipality may be changed to reduce any payments thereunder except upon one year's prior notice.</p>		

**TABLE 3: SUMMARY OF PROPOSED CHANGES TO PART 4 OF THE MGA
(Formation, Fundamental Changes and Dissolution)**

Preamble:

- amendments to the *Municipal Government Act* must empower local governments with the authority and tools to govern themselves in a flexible manner, to provide services and to respond to present and future issues affecting them (from AUMA submission of January 26, 2004 to then Minister of Municipal Affairs);
- amendments to the *Municipal Government Act* must provide enabling powers to allow municipalities to act and operate individually and collectively, and provide adaptability and flexibility to accommodate different types of governance and service delivery options (from AUMA submission, above);
- financial and planning frameworks established by the Province for municipalities should promote efficient and effective inter-municipal cooperation (from June, 2003 AUMA report on President’s Summit on Municipal Finance);
- no municipality exists in isolation of its neighbours (from 2004/2005 Rural/Urban Discussion Group Draft Discussion Paper);
- the Provincial Government must recognize that municipalities require authority to determine the public interest of their communities, within a legislative framework that supports balance and certainty in relation to the differing interests of their communities (from *Community Charter* of British Columbia, 2003);

Section	<i>Municipal Government Act</i>	Change(s) proposed by AUMA	AUMA Comment	Cross Reference
76 (3)	New Section under Part 4, Formation, Fundamental Changes and Dissolution	<p>Without limiting the generality of Section 76 (1), the principles established thereunder shall include the following:</p> <p>a) Public Consultation and Engagement The views of the residents of all municipalities affected by the decision should be obtained and considered through public meetings, a vote or other appropriate mechanism before any related decision is made.</p> <p>b) Statutory Requirements All municipalities affected should meet the population and ward requirements for their type of municipality following the decision.</p> <p>c) Repeated Applications An application for essentially the same action should not be made for at least three years after a decision has been made denying the action.</p> <p>d) Governance Viability All municipalities affected should have the capacity to govern their affairs following the decision.</p> <p>e) Financial Viability All municipalities affected should be financially viable and sustainable following the decision.</p> <p>f) Environmental Sustainability All municipalities affected should be able to provide services following the decision on an environmentally</p>	<ul style="list-style-type: none"> • AUMA Formation, Fundamental Changes and Dissolution paper, adopted at the 2004 Convention, proposed these principles. 	Recommendation 18 in: 2004. AUMA. Formation, Fundamental Changes and Dissolution Discussion Paper

Section	<i>Municipal Government Act</i>	Change(s) proposed by AUMA	AUMA Comment	Cross Reference
		<p>sustainable basis including consideration of the environmental impact on adjacent municipalities.</p> <p>g) Orderly Development The decision should enable orderly development and long range planning by the municipalities affected generally using a 20 year horizon as a standard.</p> <p>h) Physical Infrastructure The affected municipalities should have the capacity to provide and maintain the physical infrastructure (including transportation, water and sewer, solid waste, public protection, parks and recreation facilities) typically associated with the anticipated future development following the decision. The infrastructure could be provided and maintained either directly or through contracts with other municipalities or other entities.</p> <p>i) Appropriate Services The receiving municipality should maintain services required by land added to it by a decision until the use of the land changes (for example, services typically overseen by an Agricultural Service Board).</p> <p>j) Administrative Capacity All municipalities affected should have, or be able to obtain, the administrative capacity to effectively support the governance of the municipality following the decision.</p>		
76.1	New Section	In this Part, 'good faith' means honesty of intention to diligently work together in a timely fashion towards a mutually satisfactory conclusion, and an honest intention to abstain from taking advantage of one another, even through technicalities of law.		Recommendation 2 in: 2004. AUMA. Formation, Fundamental Changes and Dissolution Discussion Paper
76.2	New Section	In any proceedings under this Part, where parties are required to meet and negotiate issues between themselves, any such party may request that the Minister appoint a mediator at the outset of, or at any time during, negotiations to assist the parties in framing the issues and determining areas of agreement, and the Minister shall, upon such request being made, make an appointment.		Recommendation 3 in: 2004. AUMA. Formation, Fundamental Changes and Dissolution Discussion Paper
103(4)	Amendment	<p>delete Section 103(4) and substitute a subsection as follows:</p> <p>Any municipal authority served with a notice under Section 103(1) shall</p>		

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		thereafter meet with the initiating party and proceed, in good faith, to participate in the preparation of a study to identify the reasons for, and the impacts and consequences of, the proposed amalgamation. Such study shall include proposals for public consultation and meetings with residents, and keeping them informed.		
104(1)	Amendment	Delete Section 104(1) and substitute the following: After completion of the study under Section 103(4), the parties shall meet and negotiate the proposals in good faith.		
104(3)	New Subsection	Where negotiations are not concluded within 180 days of the notice having been given under Section 103, any party thereto may request the Minister to appoint a mediator under Section 570 of the Act, and the Minister shall, upon such request being made, make an appointment.		Recommendation 2 in: 2004. AUMA. Formation, Fundamental Changes and Dissolution Discussion Paper
117	Amendment	Delete Section 117(1) and (2) 117(1) The municipal authorities from (2) If there are matters on which there is no agreement, the initiating municipal authority and the one or more municipal authorities from which the land is to be annexed must, during the negotiations, attempt to use mediation to resolve those matters. and substitute the following as Section 117(1): After completion of the study under Section 116(2), the parties shall meet and negotiate the proposals in good faith		
117(2)	New Subsection	Where negotiations are not concluded within 180 days of the notice having been given under Section 116, any party thereto may request the Minister to appoint a mediator under Section 570 of the Act, and the Minister shall, upon such request being made, make an appointment.		Recommendation 2 in: 2004. AUMA. Formation, Fundamental Changes and Dissolution Discussion Paper
116 (2)	New Section	delete Section 116(2) and substitute a subsection as follows: Any municipal authority served with a		Recommendation 4 in: 2004. AUMA. Formation,

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		notice under Section 116(1) shall thereafter meet with the initiating party and proceed, in good faith, to participate in the preparation of a study to identify the reasons for, and the impacts and consequences of, the proposed annexation. Such study shall include proposals for public consultation and meeting with the owners of the land to be annexed, and keeping them informed.		Fundamental Changes and Dissolution Discussion Paper
120(1)	Amendment	<p>Delete Section 120 and substitute the following:</p> <p>120(1) If the initiating municipal authority wishes the annexation to proceed and the Municipal Government Board is satisfied that the affected municipal authorities and the public are generally in agreement with the annexation, and that the appropriate processes have been followed, the Board must notify the Minister and all the local authorities that it considers would be affected by the annexation, and anyone else the Board considers should be notified, that it has confirmed the successful application, and that its report confirming same should be submitted to the Lieutenant Governor in Council for the order to be issued.</p> <p>(a) there appears to be general agreement with the proposed annexation, and</p> <p>(b) unless objections to the annexation are filed with the Board by a specified date, the Board will make its recommendation to the Minister without holding a public hearing.</p>		Recommendations 5 and 8 in: 2004. AUMA. Formation, Fundamental Changes and Dissolution Discussion Paper
120(2)	New section	In this section 'generally in agreement' means that all parties have come together in accord to support the annexation, notwithstanding that there may be specific detailed issues still to be resolved.		Recommendation 7 in: 2004. AUMA. Formation, Fundamental Changes and Dissolution

Section	<i>Municipal Government Act</i>	Change(s) proposed by AUMA	AUMA Comment	Cross Reference
122 & 123	Amendment	<p>Delete the reference to Section 120(3) therein.</p> <p>Notice of hearing and costs</p> <p>122(1) The Municipal Government Board</p> <p>(2) The Municipal Government Board may determine the costs of and incidental to a hearing and decide by whom and to whom the costs are to be paid.</p> <p>(3) Section 502 applies to a decision of the Board relating to costs under this section.</p> <p>Board's report</p> <p>123 After one or more hearings under section 120(3) or 121 have been held and after considering the reports and representations made to it and the principles, standards and criteria on annexation established under section 76, the Board must prepare a written report of its findings and recommendations and send it to the Minister.</p>		Discussion Paper Recommendation 9 in: 2004. AUMA. Formation, Fundamental Changes and Dissolution Discussion Paper
124	Amendment	<p>Contents of report</p> <p>124(1) A report by the Municipal Government Board to the Minister under this Division must set out</p> <p>(a) a recommendation on whether land should be annexed to the initiating municipal authority or other municipal authority; and</p> <p>(b) if it is recommending annexation, a description of the land, whether there should be revenue sharing and any terms, conditions and other things the Board considers necessary or desirable to implement the annexation.</p> <p>(2) If the Board does not recommend that land be annexed in its report, The Board must provide the report to all local authorities that it</p>		Recommendation 9 in: 2004. AUMA. Formation, Fundamental Changes and Dissolution Discussion Paper

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		considers would be affected by the annexation.		
124.1	New Section	The Minister shall provide to all local Authorities that he considers would be affected by the annexation, notice of his recommendation to the Lieutenant Governor in Council, together with all material which will accompany same and the timelines for the affected municipalities to make written submissions.		
125	Amendment	Annexation order 125 (1) The Lieutenant Governor in Council, after considering the report of the Board, and any written submissions of the affected municipalities received in response to a notice under Section 124.1 may by order annex land from a municipal authority to another municipal authority, except that where the Board report is pursuant to Section 120 of the Act, the Lieutenant Governor in Council shall issue the order required to give effect to the agreement between the parties.		Recommendations 5, 8 and 9 in: 2004. AUMA. Formation, Fundamental Changes and Dissolution Discussion Paper
126	Amendment	126 Despite sections 116 to 125, the Lieutenant Governor in Council, on the recommendation of the Minister, may by order annex land to a municipal authority, except if there exists a written agreement to the contrary between the affected municipalities. Land will be ordered immediately annexed in cases where urban municipalities cannot accommodate growth demands within their boundaries.		RESN 2006.EXT.02: Provincial Freeze on Development
501	Amendment	Costs of proceedings 501 The Board may determine the costs of and incidental to any		Recommendation 10 in: 2004. AUMA. Formation,

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		<p>hearing before it and decide by whom and to whom the costs are to be paid.</p> <p>In the case of an annexation hearing under Section 121 of the Act, the Board shall publish guidelines on when it will consider a cost-sharing decision and the principles which will guide the allocation to the various parties involved. The <u>Regulations Act</u> does not apply to such guidelines.</p>		Fundamental Changes and Dissolution Discussion Paper
130	Amendment	<p>Dissolution study</p> <p>130(1) The Minister must undertake a dissolution study before a municipality is dissolved.</p> <p>(2) The Minister must undertake a dissolution study in respect of a municipality if the Minister receives a request for the study from the council of the municipality.</p> <p>(3) The Minister may undertake a dissolution study in respect of a municipality if</p> <p>(a) the Minister receives a sufficient petition requesting the study from electors of the municipality numbering at least 30% of the municipality's population or, in the case of a summer village, a sufficient petition requesting the study from a majority of the electors of the summer village.</p> <p>(b) the municipality cannot balance its revenues with its required expenditures,</p> <p>(c) the municipality is no longer viable,</p> <p>(d) the municipality does not meet the applicable requirements in sections 78 to 82 or, in the case of a</p>		Recommendations 13, 14, 15 and 16 in: 2004. AUMA. Formation, Fundamental Changes and Dissolution Discussion Paper

Section	<i>Municipal Government Act</i>	Change(s) proposed by AUMA	AUMA Comment	Cross Reference
		<p>specialized municipality, the reasons for its formation as a specialized municipality no longer exist,</p> <p>(e) vacancies on a council cannot be filled, or</p> <p>(f) the dissolution will lead to more effective or efficient municipal operations.</p>		
130.1	New section	<p>With respect to requests for a study under Section 130(2) or Section 130(3)(a), the request shall also be accompanied by a written confirmation that the requesting parties have reviewed the Minister's information brochure on dissolution which shall be prepared by the Minister, made available to the public, and which shall describe the various alternatives available, and the process, and the consequences of dissolution.</p>		<p>Recommendation 12 in: 2004. AUMA. Formation, Fundamental Changes and Dissolution Discussion Paper</p>
131(1)	New Subsection	<p>Delete section 131:</p> <p>131 — The Minister, before completing a dissolution study,</p> <p>(a) must contact all local authorities that the Minister considers would be affected by the dissolution of the municipality and invite them to comment on the proposed dissolution,</p> <p>(b) may conduct a public meeting, which if conducted must be advertised in accordance with section 606, to discuss the implications of the dissolution, and</p> <p>(c) must consider</p> <p>(i) the effect that the dissolution will have on all local authorities that the Minister considers</p>		<p>Recommendation 13 in: 2004. AUMA. Formation, Fundamental Changes and Dissolution Discussion Paper</p>

Section	<i>Municipal Government Act</i>	Change(s) proposed by AUMA	AUMA Comment	Cross Reference
		<p>would be affected by the dissolution, and</p> <p>(ii) the principles, standards and criteria on dissolution established under section 76.</p> <p>and substitute the following:</p> <p>"The Minister, before completing a dissolution study, may consider the reasons for the petition or resolution and discuss with the petitioners or the council whether or not there are other means of addressing the issues".</p>		
131(2)	New subsection	<p>add a new subsection (2) commencing as follows:</p> <p>"If there is no resolution available pursuant to subsection (1), the Minister shall, before completing a dissolution study:",</p> <p>(a) contact all local authorities that the Minister considers would be affected by the dissolution of the municipality and invite them to comment on the proposed dissolution,</p> <p>(b) conduct a public meeting, which must be advertised in accordance with section 606, to discuss the implications of the dissolution, and</p> <p>(c) consider</p> <p>(i) the effect that the dissolution will have on all local authorities that the Minister considers would be affected by the dissolution, and</p> <p>(ii) the principles, standards and criteria on dissolution established under section 76.</p>		Recommendation 13 in: 2004. AUMA. Formation, Fundamental Changes and Dissolution Discussion Paper

Section	<i>Municipal Government Act</i>	Change(s) proposed by AUMA	AUMA Comment	Cross Reference
131	New subsection	add a new subsection (iii) to subsection (c) as follows: cultural and community issues within the entire region.		Recommendation 15 in: 2004. AUMA. Formation, Fundamental Changes and Dissolution Discussion Paper
131.1	New section	Where requested by an affected party, the Minister shall consider requesting additional persons to assist Ministry staff in the dissolution study process.		Recommendation 16 in: 2004. AUMA. Formation, Fundamental Changes and Dissolution Discussion Paper
132	Amendment	Vote on dissolution 132(1) After completing a dissolution study, the Minister may shall hold a vote on the proposed dissolution. (2) If the Minister holds a vote The vote must be conducted in accordance with the <i>Local Authorities Election Act</i> as modified by directions given by the Minister.		Recommendation 14 in: 2004. AUMA. Formation, Fundamental Changes and Dissolution Discussion Paper

TABLE 4: PROPOSED CHANGES TO PART 17 OF THE MGA (Planning and Development)

Section	Municipal Government Act	Change(s) proposed by AUMA	AUMA Comment	Cross Reference
616	New Subsections	Multi-jurisdictional Planning — joint planning of land use, development, resource management, and service provision by multiple jurisdictions with common issues. Provincial Land Use Regulation - means a regulation which provides minimum provincial requirements for land use planning, including direction for land use planning in transition areas between municipalities and which must include a process that facilitates the required multi-jurisdictional planning Region — a geographic area comprising multiple jurisdictions for the purposes of joint planning, resource management, and service provision, with flexible boundaries determined by common interests and issues. Rural — a type of settlement, land use, and		AUMA Policy Paper 2007.2: Multi-Jurisdictional Planning

		<p>development with population, population density, built form, and both ranges and levels of municipal services that are relatively lower or less intensive than neighbouring or comparable areas of urban development. Economic activities typically found in rural areas include land-extensive agriculture, resource extraction and development, and industries that benefit from large, relatively less populated areas of land.</p> <p>Sustainability Planning — planning that integrates environmental, social, and economic sustainability by taking into account matters such as:</p> <ul style="list-style-type: none"> growth management land use planning transportation planning inter-jurisdictional coordination regional business planning, tax-sharing, cost-sharing, and revenue-sharing ecological regions, watershed management, and air quality commercial and industrial development housing choice and affordability schools, parks, natural areas, trails, recreational facilities, and community services coordination across municipal boundaries and within transition areas between municipalities appropriate policies for addressing changes to municipal boundaries citizen engagement in regional matters. <p>Transition Areas — Areas outside current contiguous boundaries of urban municipalities, where change from one state to another occurs.</p> <p>Urban — a type of settlement, land use, and development with population, population density, built form, and both range and level of municipal services that are relatively higher or more intensive than neighbouring or comparable areas of rural development. Economic activities typically found in urban areas include land-intensive commercial and industrial uses that benefit from access and proximity to other similar or varied land-intensive activities and high residential populations.</p>		
616	New Subsection	<p>“Inclusionary zoning” means a requirement that either built units, land or cash-in-lieu be set aside for housing affordable to people with low to moderate incomes, and that the municipality holds controls over re-sale of units. Inclusionary zoning for affordable housing does not constitute a part of the</p>		The City of St. Albert Report on Inclusionary Housing Policies (June 2005)

		municipal reserve, school reserve or the environmental reserve.		RESN 2006.C.ii.17: Inclusionary Zoning for Affordable Housing
622(1.2)	New Subsection	The provincial land use regulation will include a process for coordination and integration of provincial land management activities with multi-jurisdictional planning, including sale of Crown land to municipalities.		AUMA Policy Paper 2007.2: Multi-Jurisdictional Planning
622(1.1)	New Subsection	The Lieutenant Governor in Council, on the recommendation of the Minister, may require a growth plan for any region/area in the province		AUMA Policy Paper 2007.1 Sustainable Land Use Planning
622.1	New Section	The Lieutenant Governor in Council, shall pass a provincial land use regulation in consultation with Ministers responsible for the Environment, Municipal Affairs, Sustainable Resource Development, Energy, Agriculture and Rural Development, and municipal governments.		
622.2	New Section	The Lieutenant Governor in Council, will establish a provincial land use planning body to develop and implement province-wide planning goals.		AUMA Policy Paper 2007.1 Sustainable Land Use Planning
631(1) and (2)	amendment	<p>Intermunicipal development plan Multi-jurisdictional Plan</p> <p>631(1) Two or more councils may must, by each passing a bylaw in accordance with this Part or in accordance with sections 12 and 692, adopt an intermunicipal development multi-jurisdictional plan to include those areas of land lying within the boundaries of the municipalities as they consider necessary.</p> <p>(2) An intermunicipal development plan multi-jurisdictional plan</p> <p>(a) may must provide for</p> <p>(i) the future land use within the area,</p> <p>(ii) the manner of and the proposals for future development in the area, and</p> <p>(iii) growth management</p>		RESN 2006.A.3: Mandatory Requirement for Intermunicipal Development Plans

		<p>(iv) land use and density</p> <p>(v) sustainability planning</p> <p>(vi) transportation planning</p> <p>(vii) tax-sharing, cost-sharing and revenue-sharing</p> <p><u>(viii) any other matter relating to the physical, social or economic development of the area that the councils consider necessary,</u></p> <p>(b) must include</p> <p>(i) a procedure to be used to resolve or attempt to resolve any conflict between the municipalities that have adopted the plan,</p> <p>(ii) a procedure to be used, by one or more municipalities, to amend or repeal the plan, and</p> <p>(iii) provisions relating to the administration of the plan.</p> <p>1995 c24 s95</p>		
640 (7)	New subsection	A land use bylaw may include provisions for inclusionary zoning requirements that allow for creation of housing affordable to people with low to moderate incomes.		<p>The City of St. Albert Report on Inclusionary Housing Policies (June 2005)</p> <p>RESN 2006.C.ii.17: Inclusionary Zoning for Affordable Housing</p>

TABLE 5: MISCELLANEOUS PROPOSED CHANGES TO THE MGA

Section	<i>Municipal Government Act</i>	Change(s) proposed by AUMA	AUMA Comment	Cross Reference
1(1)		(j.1) (i) "fire department" means a fire department organized by a municipality; (ii) "firefighter" means a full-time or part-time employee of a fire department, or a volunteer member of a fire department, whether or not the volunteer receives a nominal consideration or honorarium for his or her services.		2007.C.ii.5 Elimination of Liability for Firefighting Operations
3.1	New Section	"To assist municipalities in fulfilling their municipal purposes, the following principles are acknowledged to apply to the municipal provincial relationship: 1. Municipalities must have the fiscal capacity to fulfill their mandate through: • primary access to the property tax base and • sustainable, predictable, long-term sources of revenue. 2. Each local municipality is responsible for the establishment of local standards of service to its property and people; 3. Any new standards or requirements imposed by the provincial or federal orders of government must be fully funded by that order of government."	AUMA uses its Guiding Principles regularly, and their addition to the <i>MGA</i> would highlight the progressive role given to municipal governments in the Province of Alberta and acknowledge the fiscal realities which are faced at the municipal level.	AUMA Guiding Principles
7	Amendment	7 A council may pass bylaws for municipal purposes respecting the following matters any municipal purpose, including the following matters: (a) the safety, health and welfare of people and the protection of people and property; (b) people, activities and things in, on or near a public place or place that is open to the public; (c) nuisances, including unsightly property; (d) transport and transportation systems; (e) businesses, business activities and persons engaged in business; (f) services provided by or on behalf of the municipality; (g) public utilities; (h) wild and domestic animals and activities in relation to them;		

Section	<i>Municipal Government Act</i>	Change(s) proposed by AUMA	AUMA Comment	Cross Reference
		<p>(h.1) protection of natural areas</p> <p>(i) the enforcement of bylaws made under this or any other enactment, including any or all of the following:</p> <p>(i) the creation of offences;</p> <p>(ii) for each offence, imposing a fine not exceeding \$10 000 or imprisonment for not more than one year, or both;</p> <p>(iii) providing for the imposition of a penalty for an offence that is in addition to a fine or imprisonment so long as the penalty relates to a fee, cost, rate, toll or charge that is associated with the conduct that gives rise to the offence;</p> <p>(iv) providing that a specified penalty prescribed under section 44 of the <i>Provincial Offences Procedure Act</i> is reduced by a specified amount if the penalty is paid within a specified time;</p> <p>(v) providing for imprisonment for not more than one year for non-payment of a fine or penalty;</p> <p>(vi) providing that a person who contravenes a bylaw may pay an amount established by bylaw and if the amount is paid, the person will not be prosecuted for the contravention;</p> <p>(vii) providing for inspections to determine if bylaws are being complied with;</p> <p>(viii) remedying contraventions of bylaws.</p>		RESN 2007.A.1. Broadening Municipal Authority to Protect Natural Systems within Municipal Boundaries
22(3)	Amendment	<p>DELETE:</p> <p>22(3) A bylaw closing a road made by the council of a municipality that is not a city has no effect unless it is approved by the Minister of Infrastructure before the bylaw receives second reading.</p>		Town of Hinton response to request for submissions to the AUMA MGA Review
61(2)	Amendment	A municipality may charge fees, tolls and charges for the use of its property, including property under the direction, control and management of the municipality, and including with respect to any rights granted under Section 45 of this Act.		AUMA Environment & Utilities Committee
224(2)(e)	New sub-section.	The petitioner's current contact phone number		RESN 2004.C.i.14
226(2)	New sub-section	The Chief Administrative Officer will have authority to examine the Affiant on petition witness affidavits, pursuant to the Alberta Rules of Court.		RESN 2004.C.iv.4
289(2)(a)	Amendment	Each assessment must reflect the characteristics and physical condition of the property on December 31 October 31 of the year prior to the year in which a tax is imposed under Part 10 in respect of the property.		City Assessors of Alberta

Section	Municipal Government Act	Change(s) proposed by AUMA	AUMA Comment	Cross Reference
297 (2)(a)	Amendment	<p>DELETE:</p> <p>(2) A council may by bylaw</p> <p>(a) — divide class 1 into sub-classes on any basis it considers appropriate;</p> <p>(b) divide class 2 into the following sub-classes:</p> <p>(i) vacant non-residential;</p> <p>(ii) improved non-residential;</p> <p>and if the council does so, the assessor may assign one or more sub-classes to a property.</p> <p>And substitute with:</p> <p>297(2) A council may by bylaw divide class 1 or class 2 into sub-classes on any basis it considers appropriate, and if the council does so, the assessor may assign one or more sub-classes to a property.</p>		Regional Municipality of Wood Buffalo
354 (3.1)	Repeal	<p>Despite subsection (3), the tax rate set for the class referred to in section 297(1)(d) to raise the revenue required under section 353(2)(a) must be equal to the tax rate set for the class referred to in section 297(1)(b) to raise revenue for that purpose.</p>		Regional Municipality of Wood Buffalo (submitted in 2005)
358(1)	Amendment	<p>Tax rate for linear property</p> <p>358(1) The tax rate to be imposed on linear property must be uniform throughout a municipality.</p>		RESOLUTION 2006.A.2: Linear Property Rates
408(3)	New section under Division 7, Local Improvement Tax, Sewers	A municipality may construct a local improvement for water mains and appurtenances as per the same process described in S. 408(1) and S. 408(2) for sewers.		RESN 2004.C.ii.12
469.1	New Section	There is no appeal from a decision of the Assessment Review Board		<ul style="list-style-type: none"> RESOLUTION 2007.C.iv.4 Single Level of Appeal on Property and Business Assessments Municipal Governance Committee Workshop (February 2005) and Town of Hinton Response to request for submissions to the MGA

Section	Municipal Government Act	Change(s) proposed by AUMA	AUMA Comment	Cross Reference
470 488(1)(c) 491(1)(c) 499(1)(d) 500(3)	Amendment	<p>DELETE:</p> <p>470(1) The decision of an assessment review board may be appealed to the Municipal Government Board.</p> <p>(2) Any of the following may appeal the decision of an assessment review board:</p> <p>(a) an assessed person;</p> <p>(b) a taxpayer;</p> <p>(c) an assessor;</p> <p>(d) a municipality, if the decision being appealed relates</p> <p>to property that is within the boundaries of that municipality.</p> <p>*****</p> <p>488(1) The board has jurisdiction</p> <p>(a) to hear complaints about assessments for linear property,</p> <p>(b) to hear any appeal relating to the amount set by the Minister under Part 9 as the equalized assessment for a municipality,</p> <p>488(1)(c) to hear appeals from decisions of assessment review boards;</p> <p>*****</p> <p>491(1) Any matter that is to be dealt with by a hearing before the Board must be in the form of a written statement and must be filed with the administrator within the following periods:</p> <p>(a) for a complaint about an assessment for linear property, not later than the date shown on the assessment notice;</p> <p>(b) for an appeal relating to the amount of an equalized assessment, not later than December 1 of the year in which the equalized assessment is prepared;</p> <p>491(1)(c) for an appeal from the decision of an assessment review</p> <p>board, not later than 30 days after the decision is sent to the complainant.</p> <p>*****</p> <p>499(1) On concluding a hearing, the Board may make any of</p>		<p>Review</p> <p>Municipal Governance Committee Workshop (February 2005) and Town of Hinton Response to request for submissions to the MGA Review</p>

Section	<i>Municipal Government Act</i>	Change(s) proposed by AUMA	AUMA Comment	Cross Reference
		<p>the following decisions:</p> <ul style="list-style-type: none"> (a) dismiss a complaint or an appeal that was not made within the proper time; (b) make a change with respect to any matter referred to in section 492(1), if the hearing relates to a complaint about an assessment for linear property; (c) make a change to any equalized assessment, if the hearing relates to an equalized assessment; (d) make any decision that the assessment review board could have made, if the hearing relates to the decision of an assessment review board; (e) decide that no change to an equalized assessment or an assessment or tax roll is required. <p>DELETE:</p> <p>500 (3) If the hearing relates to the decision of an assessment review board, the Board must make its decision within 150 days after receiving the written statement under section 491(1).</p>		
527.3	New Section	A municipality is only liable for an injury to a person or damage to property caused by the municipality responding in good faith to emergencies or providing services to its region such as water or recreational opportunities if the municipality is grossly negligent.		2002 AUMA Resolution B3: Municipal Risk Management Processes in Alberta
534	Repeal	<p>Public works affecting adjacent land</p> <p>534(1) A person having an interest in land that is adjacent to land on which a municipality has constructed or erected a public work or structure is entitled to compensation from the municipality for loss of or the permanent lessening of use of that person's land caused by the public work or structure.</p> <p>(2) As soon as possible after the construction or erection of the public work or structure is completed, the municipality must publish a notice in a newspaper circulated in the municipality that</p> <ul style="list-style-type: none"> (a) identifies the public work or structure, (b) gives the date of completion, and (c) states that claims for compensation under this section <p>(3) A person is entitled to compensation under this section only if the person files with the municipality a claim within 60 days after notice of the completion of the public work or structure has been published in the</p>		2005 Submission to AUMA from the City of Edmonton

Section	<i>Municipal Government Act</i>	Change(s) proposed by AUMA	AUMA Comment	Cross Reference
		<p>newspaper.</p> <p>(4) The claim must state the amount claimed and the particulars of the claim.</p> <p>(5) The amount payable as compensation under this section may not exceed the amount of the difference between</p> <p>(a) the appraised value of the claimant's land prior to the construction or erection of the public work or structure, and</p> <p>(b) the appraised value of the claimant's land after the construction or erection of the public work or structure, together with an amount of not more than 10% of the amount of the difference.</p> <p>(6) If the municipality and the claimant are not able to agree on the amount of compensation, the amount of the compensation must be determined by the Land Compensation Board.</p> <p>(7) No compensation is payable for the loss of or the permanent lessening of use of land caused by</p> <p>(a) the construction of boulevards or placement of dividers down the centre of a road for the purpose of channelling traffic, or</p> <p>(b) the restriction of traffic to one direction only on any road.</p> <p>(8) No action or claim based on the loss of or a permanent lessening of use of land because of the construction or erection of a public work or structure by a municipality may be made except under this section.</p>		
535.2	New section	<p>535.2 (a) No action lies or shall be instituted against a municipality or a firefighter for any loss, injury or damage suffered by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by the firefighter while performing his or her duties;</p> <p>(b) This section does not apply to loss, injury or damage suffered as the result of a motor vehicle accident involving a fire department vehicle.</p>		2007.C.ii.5 Elimination of Liability for Firefighting Operations
553 (1)	amendment	Add "unpaid development levy charges" to the list of amounts that can be added to the tax roll of a parcel of land.		Town of Cochrane Submission through AUMA Standing Committee on Municipal Governance and the AUMA Board of

Section	Municipal Government Act	Change(s) proposed by AUMA	AUMA Comment	Cross Reference
648 (2)(e)	New Subsection (e)	<p>648 (2) An off-site levy may be used only to pay for all or part of the capital cost of any directly related local services.</p> <p>(a) new or expanded facilities for the storage, transmission, treatment or supplying of water;</p> <p>(b) new or expanded facilities for the treatment, movement or disposal of sanitary sewage;</p> <p>(c) new or expanded storm sewer drainage facilities;</p> <p>(c.1) new or expanded roads required for or impacted by a subdivision or development;</p> <p>(d) land required for or in connection with any facilities described in clauses (a) to (c.1).</p>		Directors (2005) Strathcona County response to request for submissions to the MGA Review
664.1	New section	A council may by bylaw create Environmental Reserves, based on the proposed reserve area's environmental significance and role in ecosystem processes.		RESN 2004.C.ii.2

Table 6: Proposed Changes to MGA Part 14: General Ministerial Powers

Section	Summary of Proposed Change	Change(s) proposed by AUMA
Inspection 571(1)	Amendment	<p>571(1) The Minister may require any matter connected with the management, administration or operation of any municipality or any assessment prepared under Part 9 to be inspected</p> <p>(a) on the Minister's initiative, <u>and using a Terms of Reference for the Inspection that is agreed to by the Minister and the Council;</u> or</p> <p>(b) on the request of the council of the municipality. <u>(c) on petition by the citizens of the Municipality.</u></p>
Inspection 571(3)(b)	New Subsection following 571(3)(b)	<p>571(3)(b) An inspector has the same powers, privileges and immunities as a commissioner under the <i>Public Inquiries Act</i> .</p> <p>New Subsection</p> <p><u>571(3)(c) An inspector must be independent, and qualified to conduct an inspection through appropriate certification.</u></p> <p>**RECOMMEND that this section NOT be moved into regulation if the change we are proposing is accepted.</p> <p>**Inspector's qualifications to be developed.</p>

Inspection 571(5)	Amendment and new subsection	<p>After the completion of the inspection, the inspector must make a report to the Minister and, if the inspection was made at the request of a council, to the council <u>to the council and citizens.</u></p> <p>New Subsection</p> <ul style="list-style-type: none"> <u>An inspector must follow the reporting format outlined by regulation.</u> <p>**Inspection report format to be developed.</p>
Inspection 571 (5.5)	New section	<p><u>Citizens shall be asked to vote on the recommendations of the Inspector's Report, if it is recommended that council, or a part thereof, be dismissed. The costs would be borne by the Ministry of Municipal Affairs.</u></p>
Inquiry 572(3)	New subsection	<p>572 (3) The Minister may appoint one or more persons to conduct an inquiry under this section.</p> <p><u>572 (3)(a)Where the Minister appoints any person or persons to conduct an inquiry under this section, they shall be qualified to do so through appropriate certification</u></p>
Directions and dismissal 574 (1)	Amendment: <ol style="list-style-type: none"> clear definition of "irregular, improper or improvident manner"; and definition should be an integral part of the new standardized Inspection/Inquiry report established through regulation 	<p>574(1) If, because of an inspection under section 571, an inquiry under section 572 or an audit under section 282, the Minister considers that a municipality is managed in an irregular, improper or improvident manner, the Minister may by order direct the council, the chief administrative officer or a designated officer of the municipality to take any action that the Minister considers proper in the circumstances.</p>
Directions and dismissal 574 (2)	Amendment and clear definition of "satisfaction of the Minister"	<p>574 (2) If an order of the Minister under this section is not carried out to the satisfaction of the Minister, the Minister may dismiss the <u>entire council, but only after having held a vote of the citizens, in which a minimum of 50 per cent of voters request dismissal of the council.</u> or any member of it or the chief administrative officer.</p>
Directions and dismissal 574 (3)	Amendment	<p>574 (3) On the dismissal of the council or of any member of it, the Minister may must direct the election of a new council or of a member of council to take the place of any member that has been dismissed. If more than one year is left before the next general election. If there is less than one year before the next general election, the election would be at the discretion of the Minister, and that election may serve as the upcoming general election.</p>

Directions and dismissal 574 (4)	Repeal	574(4) On the dismissal of the chief administrative officer, the Minister may appoint another officer and specify the remuneration that is payable to the officer by the municipality.
Directions and dismissal 574 (5)	Amendment	574 (5) The Minister may appoint an official administrator (a) on the dismissal of a council, <u>before a new council has been elected</u> , or (b) on the dismissal of one or more councillors if the remaining councillors do not constitute a quorum.
Directions and dismissal 574 (6)	(6) An official administrator appointed under subsection (5) has all the powers and duties of the council. 1994 cM-26.1 s574	No change recommended.
Providing Minister with copies and information 577	Amendment	(1) <u>On at least 10 days notice to the municipality</u> , the Minister may direct a municipality to provide a copy of any document in the its possession of the municipality to the Minister within the time specified by the Minister. (2) <u>On at least 10 days notice to the municipality</u> , the Minister may direct a municipality to provide information or statistics respecting the municipality to the Minister within the time specified by the Minister.