



# **2010 Convention Policy and Resolutions Handbook**

**Alberta Urban Municipalities Association**

**Edmonton, Alberta  
November 22-25, 2010**

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# **Changes to Resolution Policy and Update on 2009 Resolutions**

## **Changes to Resolution Policy**

The AUMA Board has updated the Resolution Policy so that the process is more efficient and effective. These changes were introduced at the 2010 June Mayors' Caucuses, but a summary of the changes is also provided here. The first change was to give the AUMA increased latitude for extending the resolution deadline for submitting resolutions. For example, if the annual convention is scheduled later than Thanksgiving Day or if a member needs an extension due to severe weather conditions, a pandemic or other emergency reason, the AUMA can extend the deadline on a case by case basis. Another change is that the annual call for resolutions may include information on key issues identified in the AUMA strategic or business plan on which the Board wishes to focus and information regarding any other matters on which AUMA seeks assistance in the coming year. The annual call for resolutions will also include information on alternatives to convention resolutions available during the year include bringing Requests for Decisions (RFDs) to the appropriate Mayors Caucus and bringing a matter directly to the attention of the AUMA Board.

Another change to the Resolution Policy is a revamping of the categories for resolutions. As of 2010, the new categories are: (a) AUMA Strategic/Business Plan Priorities; (b) Provincial Scope; (c) Targeted Scope; (d) Endorsement Requests; and (e) Non-Municipal Matters. A detailed description of each category is included in the Resolution Policy below. Please note that the AUMA Board will return any resolution to the original sponsor if it is categorized as a "non-municipal matter." The final change to the resolution process concerns resolutions that are not debated at convention due to lack of time or failure to meet quorum. Traditionally, these resolutions were considered by the Municipal Governance Committee who would make a recommendation to the Board; however, beginning in 2010, these resolutions will be considered by the Board of Directors following the convention. In considering such a resolution, the Board may provide an opportunity for the sponsoring municipality to make a presentation in person, electronically or in writing or request advice from the relevant AUMA standing committee.

## **Alternatives to Resolution Policy**

Receiving input and direction from members is critical to the AUMA. While the resolution process is an effective way for member-municipalities to request that AUMA take action or explore an issue further, there are also other options. One alternative method for gaining AUMA support is through a Request for Decision (RFD) submitted at a Mayors Caucus. RFDs are discussed, debated, and voted on at Mayors Caucus meetings. If the RFD is passed, then it will also form part of AUMA's decision making and advocacy efforts. Finally, a member may forward a matter to AUMA at any time during the year and ask that it be placed on a Board agenda for discussion and action.

## **Update on 2009 Resolutions**

Below you will find an update on all 2009 Resolutions adopted at the 2009 Annual Convention. This information is available on the AUMA website ([www.auma.ca](http://www.auma.ca)), but is reproduced here as a convenient reference.

**NOW THEREFORE BE IT RESOLVED** that the Alberta Urban Municipalities Association examine and report on the multiple issues and potential solutions discussed in the 2009 AUMA papers on assessment; and

**FURTHER BE IT RESOLVED** that the AUMA Board strive to adhere to the following goals and principles as it carries out its work in 2010:

1. The assessments for all property should be based upon the principles of a true annual market value assessment system;
2. All exemptions, whether from assessment or taxation, should be reviewed in an open and transparent manner to ensure that they continue to be appropriate and provide the results for which they were intended;
3. Any exemptions that are continued should become exemptions from taxation, not assessment, in order that they continue to be open and transparent;
4. There should be a clear separation between the political assessment policy decision making and the administration of the assessment system; and,
5. Municipalities should have input into the decision-making process.

#### **GOVERNMENT RESPONSE**

##### **Municipal Affairs – June 25/10**

The province considers urban municipalities as important property assessment and tax system stakeholders, and will review the results of the AUMA's special initiative on assessment.

Issues raised by the AUMA as part of this special initiative, in some cases, will be addressed by regular policy and program reviews, or may form part of the next review of the *Municipal Government Act*.

Provincial reviews and programs must consider issues and positions of all property assessment and taxation system stakeholders, including Alberta municipalities and taxpayers.

#### **AUMA COMMENT**

AUMA files this response; however, we will continue to advocate for the timely adoption of the recommended changes to Assessment and Taxation.

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association urge the Government of Alberta to enable acknowledgement of contributions to local government candidates by tax deductions or tax credits through appropriate amendments to the *Alberta Income Tax Act* and the *Local Authorities Election Act*.

#### **GOVERNMENT RESPONSE**

##### **Alberta Finance and Enterprise – May 31/10**

Calls on the Government of Alberta to provide tax credits for contributions made to local government candidates. Considering the current fiscal challenges facing Alberta, I will not be supporting this resolution. An alternative form of funding could be considered, such as municipally funded political tax credits deducted against municipal taxes. This is similar to what occurs in Manitoba and Ontario.

The current fiscal environment poses considerable challenges for Alberta. We are forecasting deficits of \$4.7 billion for 2010/2011 and \$1.1 billion for 2011/2012, before returning to surplus in 2012/2013. Support for municipalities continues to be a priority. However, these challenges have required us to ask all our partners, including municipalities, to make some sacrifices to meet our goal of surplus by fiscal year 2012/2013.

##### **Municipal Affairs – June 25/10**

Municipal Affairs acknowledges that, unlike provincial and federal campaign donations, municipal and school board campaign contributions are not tax deductible. The appropriate provisions regarding tax deductions are addressed under the *Alberta Income Tax Act*, which is out of the scope of the *Local Authorities Election Act* and the authority of Municipal Affairs.

#### **AUMA COMMENT**

AUMA accepts this response; however, we will seek to have this issue addressed as the economy recovers.

**NOW THEREFORE BE IT RESOLVED THAT the Alberta Urban Municipalities Association request the Government of Alberta to form a multi stakeholder committee including federal and municipal representatives to review the use of low speed, environmentally friendly or alternative vehicles in Alberta and make recommendations on how safety and public security can be balanced with the need for a new, progressive regulatory framework to allow these vehicles on Alberta's roads.**

**GOVERNMENT RESPONSE**

**Transportation – May 10/10**

Pilot projects are currently taking place for low-speed vehicles in certain areas of the province. The ministry will continue to support legislation that enforces the safety of vehicles through meeting existing regulations, as well as collaborating with federal and municipal contacts to ensure that public security is maintained. In addition, grants are available to assist municipalities with developing their own transportation systems and projects which are highest priority to them.

**AUMA COMMENT**

AUMA accepts this response.

**NOW THEREFORE BE IT RESOLVED THAT** the AUMA encourage the Government of Alberta to include Urban and Regional Countryside Parks as an important part of the parks network in Alberta, and to work with AUMA to ensure that Urban and Regional Countryside Parks are further developed, maintained, enhanced and promoted in Alberta; and

**FURTHER BE IT RESOLVED THAT** the Government of Alberta commit to establishing a new Urban and Countryside Parks Program that would support municipalities in parks planning, parkland acquisition, park development, conservation, operations and promotions.

**GOVERNMENT RESPONSE**

**Tourism, Parks and Recreation – June 28/10**

The Urban Parks Program, capital and operating, that was in place in the 1980s and early 1990s, benefited the lives of Albertans and visitors to the province in all the cities where parks and trails were developed under the initiative. The operational grant for the Urban Parks Program was transferred to Alberta Municipal Affairs in 1992 and redefined as an unconditional grant which could be used, among other things, to support the operation and maintenance of the urban park system in each community. Many of Alberta's cities have continued to use it for that purpose.

While the Alberta Government is prepared to work with Alberta's municipalities to ensure a natural legacy for Albertans, we are also constrained by our budget in accordance with the province's fiscal framework. Consequently, there is no funding within my ministry to pursue substantial new initiatives such as a new Urban and Countryside Parks Program at this time. I will, however, continue to discuss these proposals with my colleagues and explore opportunities for their advancement in the event that additional funding becomes available.

**AUMA COMMENT**

AUMA accepts this response; however, we will advocate for the need to increase MSI funding in order to account for increased demands on this funding source.

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association requests that the Province of Alberta develop a model to encourage that resources are in place for the recruitment and retention of medical physicians and professionals particularly those in specialized practices such as Anaesthetists', Obstetricians', etc... to ensure that residents in rural Alberta have access to such services.

**GOVERNMENT RESPONSE**

**Alberta Health and Wellness – August/10**

The Government is committed to providing rural communities with quality, accessible and sustainable health care, and is taking steps to ensure Alberta has enough doctors. The recruitment of physicians to Alberta's communities is a joint responsibility of the communities, the community physicians, Alberta Health Services (AHS) and the Government of Alberta.

Physicians are self-employed and can practice where they choose. The Government does not place restrictions on the location of a physician's practice. However, the Ministry of Health and Wellness has several programs that encourage physicians to practice in communities where there is a shortage. For example, Rural, Remote Northern Program is a direct response to issues faced by areas of the

province where it is difficult to recruit or retain physicians or where practice costs have significantly increased. In addition, the Alberta Rural Physician Action Plan provides programs to support recruitment and retention of rural physicians. The Alberta Rural Physician Action Plan provides a 100% tuition bursary for up to 10 students each year, provided the students agree to work in a rural community upon graduation.

AHS is responsible for the delivery of health care services across Alberta and is developing a rural and community health planning framework. AHS is also undertaking evidence-based planning and working with communities to determine the right mix of services, giving consideration to geography and proximity to services. The AHS Board has established 12 health advisory councils for local communities to provide advice to the Board regarding health care services. It is essential that rural communities and AHS continue to communicate and work together to stabilize our rural health workforce.

#### **AUMA COMMENT**

AUMA accepts this response.

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AUMA  
Resolution 2009.C.ii.3

City of Edmonton  
Continued Funding for the Major Community Facilities Program

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association urge the Government of Alberta to continue to fund the Major Community Facilities Program on an ongoing basis to allow for the proper planning to occur to see these projects completed for the benefit of Albertans.

#### **GOVERNMENT RESPONSE**

##### **Culture and Community Spirit – May 6/10**

The Major Community Facilities Program (MCFP) was a two-year, \$280 million program that ended on March 31, 2009, and supported 228 capital projects in communities throughout the province. Given other capital funding priorities and the current economic situation, the MCFP was not extended. Although the program has come to an end, we will continue to see its far-reaching effects for years to come. The program assisted organizations with the development of comprehensive major facilities that will be an investment in the future of Alberta communities.

#### **AUMA COMMENT**

AUMA accepts this response.

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AUMA  
Resolution 2009.C.ii.4

City of Edmonton  
Increasing Support for Victims of Domestic Violence

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association seek increased provincial investment in social capital, social infrastructure and prevention and intervention services to address family violence and the abuse of seniors, and to protect vulnerable citizens.

#### **GOVERNMENT RESPONSE**

##### **Solicitor General & Minister of Public Security – May 13/1**

Through the Victims of Crime Fund, SGPS has provided grants to domestic violence related initiatives totaling \$3,114,453 in 2009-10. In addition to this, a network of police-based victim assistance programs provides support and information services for all victims of crime across the province, including victims of domestic violence.

##### **Alberta Justice and Attorney General – Jun 1/10**

With Children and Youth Services as coordination lead, nine partnering ministries are involved in providing a coordinated provincial response to family violence and bullying through implementation of the Strategy for the Prevention of Family Violence and Bullying: Children and youth Services (coordinating lead), Aboriginal Relations, Education, Employment and Immigration, Health and Wellness, including Alberta health Services, Justice and Attorney General, Housing and Urban Affairs, Seniors and Community Supports, and Solicitor General and Public Security. The goal of the Strategy is to work toward an Alberta free from family violence and bullying through a coordinated provisional response with strengthened community-based, comprehensive services and supports for children and other family members who are exposed to, or are victims of family violence or bullying, and programs to prevent perpetrators from re-offending. Significant investment by government has been made in enhancing supports for victims of family violence and to support children and youth impacted by bullying, with joint spending of over \$59 million in 2008/09 across the nine partnering ministries.

The Safe Communities Secretariat recognizes that family violence, abuse of seniors and vulnerable citizens are critical issues for society as well as crime. The Safe Communities Innovation fund (SCIF) has supported several projects at the local level. They include the following seven projects from the first round of SCIF grants, in 2008, which addresses Family Violence:

- Alberta Health Services – Calgary Collaborative Services Centre \$1,452,189
- HomeFront – Domestic Conflict Response Team \$1,500,000
- Poverty Reduction Coalition – Family Intervention Pilot \$300,000
- The Family Centre – Reaching for a Good Life Program \$127,296
- Yellowhead Tribal Community Corrections Society – Red Path Living Without Violence \$450,000

- Lethbridge Family Services – Integrated Domestic Violence Treatment \$600,000
- Alberta council of Women’s Shelters – Walking the Path Together \$994,552

Six projects from the second round of SCIF grants in 2009 address Family Violence:

- Community Crisis Society – Strathmore and Area Family Violence Prevention Coordination \$223,340
- Corps of Commissionaires – Maskwacis Family Violence Unit \$489,445
- High Level Community Policing Society – Domestic Violence Response Unit \$1,078,000
- Calgary Counselling Centre – The Strengthening Families Project: Couples Treatment for Domestic Violence and Substance use \$750,000
- City of Edmonton, Community Services on behalf of the Community Safety Coordinating Council – Enhancing Safe, Diverse Communities Through Cultural Community Groups \$1,493,900
- HomeFront – High Risk Management Initiative \$1,200,000

Providing safe and secure communities is one of the government’s priorities. The \$60 million Safe Communities Innovation Fund (SCIF) is part of the government’s response to reducing and preventing crime in Alberta.

**Seniors and Community Supports – June 16/10**

Seniors and Community supports participates in the Alberta Government’s Strategy for the Prevention of Family Violence and Bullying. The Action Plan for the Strategy has received ministerial approval from partnering ministries. Under this Action Plan, the Ministry is responsible for the development of Strategies to enhance service and supports to victims of elder abuse.

To address the issue of elder abuse in a meaningful way, collective action is required on the part of all sectors of society, including governments, communities, businesses and individuals. The Ministry of Seniors and Community Supports is in the process of completing a provincial Elder Abuse Strategy which has been informed by research and the input of stakeholders. The Strategy will set out an approach for this collective action and acknowledge the vital roles that all partners share in supporting the safety, security and dignity of Alberta seniors. It is anticipated that the Strategy will be structured around goals and associated outcomes in four key areas: improved awareness; skilled service providers; coordinated community response; and protective laws and policies.

The Elder Abuse Strategy builds on the province’s existing and ongoing efforts in preventing family violence and bullying. As part of the implementation of the Government of Alberta’s *Strategy for the Prevention of Family Violence and Bullying* (led by the Ministry of Children and Youth Services), a Cross-Ministry Action Plan is updated each year, setting out a series of priorities developed by partnering ministries.

World Elder Abuse Awareness Day (WEAAD) was established in 2006 by the international Network for Elder Abuse. The purpose of WEAAD is to bring attention to the abuse of older adults.

Since 2006, the ministry has collaborated with the Alberta Elder Abuse Awareness Network to promote WEAAD and in the past two years created Alberta- specific materials to educate and support seniors and service providers. Materials such as the *Financial Abuse of Seniors* fact sheet, *It’s Your Money* rack card, and the *Service Provider Screening Guide for Elder Abuse* were included as part of the ministry’s WEAAD mail-out in 2008 and 2009 respectively.

For 2010, Ministry staff, in collaboration with the Network, has developed *A Guide to Supported Decision-Making: protecting individual rights and reducing the risk of elder abuse*. The Guide provides individuals with a board overview of the mechanisms in place to support them in making decisions in situations when their capacity may be compromised. This information will be distributed to more than 2,400 organizations across Alberta, including seniors’ organizations, victim services, family violence coordinators, hospitals, libraries, lodges, native centers, municipalities, and reeves.

In addition, the *Protection for Persons in Care Act* promotes increased awareness and prevention of abuse in publicly funded care facilities. The Act requires that abuse be reported to the police or to Protection for Persons in Care, and that information concerning the Act, including information on how to report abuse, be made available to all staff, residents, and the public within each agency. Revisions to the Act have been made to enhance requirements for reporting and to address recommendations arising out of investigations, and are expected to be proclaimed on July 1, 2010.

Alberta Seniors and Community Supports is also responsible for the implementation, monitoring and enforcement of accommodation standards for supportive living and long-term care facilities. Standard #17 “Prevention of Abuse”, under both the Supportive Living Accommodation Standards and the Long-Term Care Accommodation Standards, requires operators to develop and maintain policies that promote the prevention of abuse, including the reporting of suspected abuse and the education of employees regarding the identification, reporting and prevention of abuse of residents.

**AUMA COMMENT**

AUMA accepts this response.

AUMA  
Resolution 2009.C.ii.5

City of Edmonton  
Multi-Year Provincial Block Funding for Affordable Housing

**NOW THEREFORE BE IT RESOLVED THAT** the Government of Alberta renew its commitment to provide Block Funding for Housing to jurisdictions under a multi-year plan that will follow the expiration of the current commitment ending in early 2010.

**GOVERNMENT RESPONSE**

**Seniors and Community Supports – June 16/10**

Housing and Urban Affairs has primary responsibility for funding Affordable Housing. Seniors and Community Supports has responsibility for funding supportive living accommodation. The 2010/2011 Capital Funding Initiative includes \$55 million from provincially funded Affordable Supportive Living Initiative (ASLI) program and \$50 million from Alberta Capital Bonds, for a total of \$1-05 million from the Government of Alberta and leveraging an even greater community investment to enhance seniors’ accommodations. This funding will build on the

Continuing Care Strategy – Aging in the Right Place, enabling more low- and moderate-income Alberta seniors and persons with disabilities to remain in their communities longer.

Including the recently announced 2010 Capital Funding Initiative, over 9,500 affordable supportive living units have been funded by Alberta Seniors and Community Supports since 1999 through grants totalling over \$520 million.

#### **AUMA COMMENT**

AUMA accepts this response.

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AUMA  
Resolution 2009.C.ii.6

City of Edmonton  
Property Tax Exemptions for Non-Profit Housing

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association urge the Government of Alberta through the Minister of Housing and Urban Affairs and the Minister of Municipal Affairs to amend existing legislation and regulations as required to explicitly authorize municipalities to exempt from the payment of municipal and education property taxes all non-profit affordable housing owner/operator agencies that are not "Management Bodies" formed pursuant to the *Alberta Housing Act*; and

**FURTHER BE IT RESOLVED THAT** the Alberta Urban Municipalities Association urge the Government of Alberta through the Minister of Housing and Urban Affairs and the Minister of Municipal Affairs to provide municipalities with grants-in-lieu-of-taxes to pay for the costs of municipal services to non-profit housing agencies that are not Management Bodies formed pursuant to the *Alberta Housing Act*, where those agencies are exempt from the payment of municipal and education property taxes.

#### **GOVERNMENT RESPONSE**

##### **Housing and Urban Affairs – May 5/10**

In response to Resolution 2009.C.ii.6: Property Tax Exemptions for Non-Profit Housing, municipalities may determine which non-profit organizations are exempt from property taxation on a case-by-case basis.

##### **Municipal Affairs – June 25/10**

Municipal Affairs is not considering any further expansion to existing property tax exemption provisions in the *Municipal Government Act* (MGA) or this Act's attendant regulations. For most municipalities, the levy and collection of municipal property taxes is the single largest revenue source by which to fund operations and provide services to municipal citizens. Further, property tax exemptions would conflict with the principle of local autonomy upon which the MGA is based.

The proposal would remove the ability of the local municipality to consider and make decisions about whether the benefits of any affordable housing exemptions are significant enough to the community to be funded by a tax rate increase to all other non-benefitting municipal citizens, thereby diminishing transparency and accountability.

#### **AUMA COMMENT**

AUMA files this response; however, AUMA will continue to advocate for assessment and taxation reforms and to provide municipalities with grants-in-lieu-of-taxes to pay for the costs of municipal services to non-profit housing agencies.

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AUMA  
Resolution 2009.C.ii.7

City of Edmonton  
Provincial Support for Age Friendly Pilot Sites and Community Initiatives

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association urge the Government of Alberta to establish a specific ongoing fund for provincial "age friendly" pilot sites and initiatives throughout Alberta.

#### **GOVERNMENT RESPONSE**

##### **Seniors and Community Supports – June 16/10**

Due to the current fiscal situation there is currently no funding available within Seniors and Community Supports for age-friendly pilot grants. However, the Rural Alberta Development Fund fulfills a commitment by government to support communities, regional alliances, government departments and not-for-profit organizations to invest in projects that stimulate economic growth and address rural challenges and opportunities. Initiatives which would support the creation of Age-friendly communities would fall within the scope of this fund.

In addition, the Municipal Sustainability Initiative provides municipalities with sustainable funding to assist in meeting the challenges of growth and enhancing long-term sustainability. Municipalities can consider initiatives that support age friendly communities in concert with other priorities such as infrastructure, public transportation and recreational facilities, as well as support non-profit organizations.

On June 11, 2010, Health and Wellness announced a new initiative to help seniors age in place in their own community. Through this initiative, Health and Wellness is providing \$500,000 over two years to support "neighbours helping neighbours" initiative that partner volunteers with seniors and persons with disabilities to help them with everyday tasks and keep connected with their community.

Seniors and Community Supports will be continuing to consider ways to facilitate and support the development of age-friendly communities in Alberta. A webpage which will provide insight and practical ideas to support communities in developing age-friendly communities and finding potential solutions to overcome challenges in becoming age-friendly will soon be available on the Ministry's website.

#### **AUMA COMMENT**

AUMA files this response.

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AUMA  
Resolution 2009.C.ii.9

Town of Hinton  
Property Tax Assessment and Overall Equity

**NOW THEREFORE BE IT RESOLVED THAT the Alberta Urban Municipalities Association requests the Government of Alberta to:**

- **Actively involve municipalities in any review of the property tax and assessment system**
- **Compensate municipalities directly affected by changes to this system if those changes reduce property tax revenues.**

#### **GOVERNMENT RESPONSE**

**Municipal Affairs – June 25/10**

In the past, the Government of Alberta has involved affected stakeholders, including municipalities, in reviews of the property assessment system, and will continue to do so. Significant involvement of stakeholders has been provided for through working groups, focus groups and web-based consultations.

At this time, no significant changes are being contemplated to the property assessment and tax system in Alberta for industrial properties. It is expected that the current three year review cycle of the assessment procedures and depreciation standards for regulated industrial properties will not include any significant policy changes. As in the past, stakeholders will be consulted and asked to provide input before the current review is complete, resulting in recommendations for implementation or the 2011 taxation year.

The Government of Alberta appreciates and values the involvement and input of all stakeholders in an effort to maintain a fair and equitable property assessment and tax system in Alberta.

#### **AUMA COMMENT**

AUMA does not accept this response and will continue to advocate for a better consultation process between the provincial and municipal governments and for the full and meaningful engagement of municipalities and municipal associations during all reviews of the MGA.

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AUMA  
Resolution 2009.C.ii.10

Town of Peace River  
Provincial Recycling Base Amount

**NOW THEREFORE BE IT RESOLVED THAT the Alberta Urban Municipalities Association urge the Government of Alberta to immediately provide annual compensation in the form of a base amount to provide for recycling programs; and**

**FURTHER BE IT RESOLVED THAT the Government of Alberta provide for compensation when the recycling commodity markets are not viable.**

#### **GOVERNMENT RESPONSE**

**Alberta Environment – May 3/10**

The Government of Alberta agrees that municipalities should not continue to shoulder the costs of recycling packaging and printed materials; however, we are unable to provide base funding for recycling programs, as you have requested. Our focus instead is on implementing a regulated provincial packaging and printed materials stewardship program.

Similar to our other regulated recycling programs, the new packaging and printed materials program will shift the costs of recycling from municipalities to the generators of the material: producers and consumers. This will ensure that the program is funded regardless of the recycling commodity market, and that material is collected, processed and managed in a way that achieves the environmental goals and objectives of Albertans. Alberta Environment looks forward to working with the Alberta urban Municipality Association throughout program development to identify opportunities, and solutions to overcome any potential issues.

Thank you for your ongoing support, and the expertise that your members and the Association's Sustainability and Environment Committee provide on these and other recycling and waste management matters.

#### **AUMA COMMENT**

AUMA accepts this response.

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AUMA  
Resolution 2009.C.ii.11

Town of Slave Lake

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association urge the Government of Alberta to facilitate the development of more Designated Assisted Living Care accommodations in Alberta communities, reducing the demand for long term beds and providing the right level of care in the right place for many people.

**GOVERNMENT RESPONSE**

**Seniors and Community Supports – June 16/10**

Affordable supportive living projects funded through the various capital initiatives are developed to offer varying levels of care as defined by the Supportive Living Framework. Proponents work in conjunction with Alberta Health Services (AHS) to meet the needs of the communities in which the projects are built, and contract with AHS for funding of operational costs for health-related support services.

Seniors and Community Supports has been leading the development of an Aging Population Framework which will provide an overall context for how the government will work with other governments, the private and non-profit sectors, communities, families and individuals to meet the needs of seniors in effective and sustainable ways.

**Alberta Health and Wellness – August 16/10**

The Government of Alberta announced a \$105 million investment from Capital Bonds and the Affordable Supportive Living Initiative to address priority continuing care needs around the province. More than 1,000 new and upgraded spaces are being added to Alberta's continuing care system this year to address the needs of an aging population. In total, 3000 spaces will be added over the next three years.

**AUMA COMMENT**

AUMA does not accept this response and will continue to advocate for the implementation of designated assisted living care accommodations.

AUMA  
Resolution 2009.C.iii.1

Town of Blackfalds/Town of Lacombe/Town of Ponoka/City of Red Deer  
Trails

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association urge the Government of Alberta (Alberta Transportation) to adopt as part of its design standards and policies, facilitation of and provision for alternative modes of transportation such as cycling, running and walking and to consider the construction of trail systems as part of the building or rebuilding of roads and highways.

**GOVERNMENT RESPONSE**

**Alberta Transportation – May 10/10**

Under Alberta legislation, the roles and rights of cyclists and pedestrians traveling on provincial highway rights-of-way are legislated to provide traveler safety and security, as well as smooth operation of Alberta's highways and highway rights-of-way. With regard to the development of transportation infrastructure to support alternative modes of transportation, such as those related to active transportation, Alberta Transportation's 2007 Roadside Design Guide considers the needs of pedestrians and bicyclists when designing roads.

Current Alberta Transportation guidelines allow for the consideration of trail development in existing highway rights-of-way and trails currently exists in provincial highway rights-of-way. However, in order to minimize the exposure of trail users to unnecessary risks, trails are not generally developed within existing provincial highway rights-of-way. It is preferred that these facilities be placed on property outside highway rights-of-way.

**AUMA COMMENT**

AUMA accepts this response.

AUMA  
Resolution 2009.C.iii.3

City of Edmonton  
Marijuana Grow Operation Registry and Remediation

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association request the Government of Alberta to adopt and implement the recommendations for safe re-occupancy of dwellings and buildings formerly used as marijuana grow operations, as outlined by the National Collaborating Centre for Environmental Health and to include the creation of an appropriate Registry.

**GOVERNMENT RESPONSE**

**Solicitor General & Minister of Public Security – May 13/10**

Alberta Safe Communities Secretariat established a working group to review marijuana grow operations and develop recommendations for the Safe Communities partnering Deputy Ministers. SGPS, along with Alberta Health and Wellness and Alberta Municipal Affairs are members of this working group and will be presenting their recommendations in the near future.

**Alberta Health and Wellness – August/10**

Alberta Health and Wellness is one of nine ministries, along with various agencies, collaborating on Alberta's Safe Communities Initiative

(SafeCom) to address the impact of crime on communities. One aspect of the imitative deals specifically with marijuana grow operations. As part of this effort, a cross-ministry working group was established to develop recommendations for addressing marijuana grow operations in a consistent fashion throughout the province. The working group is finalizing its report for submission to the SafeCom within the next few weeks. SafeCom will then review the recommendations and provide direction on the next steps.

#### **AUMA COMMENT**

AUMA accepts this response.

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AUMA  
Resolution 2009.C.iv.2

City of Edmonton  
Licenses Issued Under the Medical Marijuana Use Regulations

**NOW THEREFORE BE IT RESOLVED THAT** the AUMA encourage Health Canada to take immediate action to modify its legislation and regulations to require that any applicant for license under the Marijuana Medical use Regulations for the purpose of cultivation and/or processing of marijuana for medical purposes be required to demonstrate compliance with all local bylaws and all electrical, fire, health, building and safety regulations prior to issuance of such a license;

**FURTHER BE IT RESOLVED THAT** the AUMA request Health Canada Institute a process by which local governments are notified of licenses that are issued by Health Canada under the Marijuana Medical use Regulations.

#### **GOVERNMENT RESPONSE**

Letter sent to Health Canada (July 28, 2010)

#### **AUMA COMMENT**

AUMA awaits a response from Health Canada.

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AUMA  
Policy Paper 2009.1

AUMA Board of Directors  
Future of Local Governance

**NOW THEREFORE BE IT RESOLVED THAT** the AUMA 2009 General Assembly adopt the 2009 Policy Paper on the future of Local Governance, with proposed amendments from the 2009 Convention, thereby initiating action on all recommendations to municipalities, AUMA and the Government of Alberta.

#### **GOVERNMENT RESPONSE**

##### **Municipal Affairs – June 25/10**

##### **With regard to Provincial/Municipal relationships:**

The Minister of Municipal Affairs has been given the mandate to promote sustainability by strengthening regional co-operation, municipal viability, and community accountability, and is developing a Municipal Sustainability Strategy in collaboration with the AUMA and other municipal associations.

The Municipal Sustainability Strategy Working Group has frequently referred to perspectives from the AUMA's Policy Paper on the Future of Local Governance in addressing the four key questions which will be the focus of the strategy:

- What basic services should a municipality provide?
- What constitutes a viable and sustainable municipality and how can these be measured?
- What capacity building tools are required?
- What restructuring processes should be used?

The Government of Alberta appreciates the imitative of the AUMA in preparing this policy paper and their participation in the Municipal Sustainability strategy Working Group.

The Municipal Sustainability Strategy Working Group, which the AUMA participates on, is currently working on a Self-Assessment Toolkit to help municipalities identify areas of strength, as well as where and how they might improve.

The Premier advised the AUMA in February 2009 that the government is committed to enhancing provincial/municipal partnerships, but stated that a formal Provincial/Municipal Sustainability Partnership Agreement is not necessary.

The Government has moved forward on a number of initiatives that support municipal sustainability and have the potential to achieve the objectives of both Municipal Affairs and the AUMA. These initiatives include: the Municipal Sustainability Initiative: The Regional Collaboration Program; and the development of a Municipal Sustainability Strategy, which is proceeding with the direct involvement of the AUMA.

##### **With regard to municipal legislation:**

The Minister of Municipal Affairs appreciates the effort of the AUMA in preparing this policy paper. These proposals will be given consideration during an upcoming review of the *Municipal Government Act*.

In the meantime, the ministry would welcome further input from the AUMA regarding any specific clauses within the *Act* that the AUMA believes require amendment.

## AUMA COMMENT

AUMA does not accept this response and will continue to advocate for the changes to legislation and other recommendations within the policy paper.

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AUMA  
Policy Paper 2009.2

AUMA Board of Directors  
Policing in Alberta

**NOW THEREFORE BE IT RESOLVED THAT** the AUMA 2009 General Assembly adopt the 2009 Policy Paper on Policing, and urge the Province of Alberta to work with AUMA to further review the principles, proposals and alternate recommendations therein.

## GOVERNMENT RESPONSE

### Solicitor General & Minister of Public Security – May 13/10

The Ministry of Solicitor General and Public Security (SGPS) is consulting with stakeholders on the Law Enforcement Framework (LEF), which addresses service delivery, accountability and funding; the three themes put forward by AUMA. LEF will address all of the AUMA's recommendations which are consistent with the guiding principles contained in the LEF.

#### *i. Recommended AUMA Positions on Police Commissions; ii. Policing Committees and iii. Community Advisory Committees*

As outlined under "Ensuring Accountability to Albertans" in the LEF, all communities in Alberta should have a mechanism in place to provide adequate, transparent and meaningful input into local policing needs and priorities. SGPS understands that communities should have the flexibility to address their local policing needs and will work with the communities to ensure adequate accountability mechanisms are created.

#### *iv. Recommended AUMA Position on Continuum of Policing*

The LEF strategic direction concerning "Strengthening Service Delivery" address AUMA's position on the continuum of policing. SGPS recognizes that a continuum would assist communities in allocating law enforcement personnel (police officers and peace officers) more effectively. SGPS will play a leadership role in ensuring that those who provide law enforcement services will have the proper training and authority to perform their duties.

#### *v. Recommend AUMA Position on Funding*

SGPS recognizes that the perceived inequities between urban and rural municipalities is an issue for many municipalities. Officials from SGPS are continuing this important discussion with stakeholders on how best to achieve a police funding model that is transparent and equitable, better aligned with the services provided, and sustainable for municipalities.

#### *v.i.a) Other Issues – Recommended AUMA Position on Number of Police*

The Policy Paper notes that Alberta does not have enough police officers. The police to population ratios are a poor indicator of policing need, as in Alberta sheriffs and peace officers work in collaboration with police officers and community characteristics can affect the need for officers. The LEF will address some of these issues in its response to service delivery. The province has also responded to this issue with the Premier's New Police Officer Initiative, adding 300 new police positions throughout Alberta over the last three years.

#### *v.i.b) Other Issues – Recommended AUMA Position on Attraction and Retention*

The Government of Alberta understands the importance of attracting individuals to a policing career. In 2008, SGPS provided funding in the amount of \$1,273,500 for a three year provincial initiative to benefit all police services: Alberta C.O.P.S. (Career Opportunities in Police Services) with the goal being to increase awareness of policing as a career among youth (ages 18-34) by using post-secondary students to implement marketing campaigns on and off campus.

Retention has been identified as an issue with police services and each police service addresses it differently. The police services are responsible for deciding what programs or initiatives will be used to retain their officers.

#### *v.i.c) Other Issues – Recommend AUMA Position on Municipal Participation*

Policing is a local, provincial and federal concern. SGPS will continue to work with municipalities in ensuring policing is adequate, effective and accountable to Albertans. In addition, SGPS will provide a leadership role in policing in Alberta with respect to establishing policies and standards and conducting research.

## AUMA COMMENT

AUMA accepts this response but will continue to monitor the implementation of the LEF and the impact to urban municipalities.

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AUMA  
Policy Paper 2009.3

AUMA Board  
Water Conservation, Efficiency and Productivity

**NOW THEREFORE BE IT RESOLVED** that the AUMA 2009 General Assembly adopt the attached Water Conservation, Efficiency and Productivity Policy and its targets and recommendations.

## GOVERNMENT RESPONSE

### Alberta Environment – May 3/10

I commend the Association for being the first Alberta sector to complete a water conservation, efficiency and productivity plan. This plan demonstrates your commitment to *Water for Life: Alberta's Strategy for Sustainability*. Municipal users have been identified by the Alberta

Water Council as one of Alberta's seven major water using sectors, and many Alberta municipalities are already making significant improvements in how they use water. I am pleased the Association's members are actively sharing their experience with other sectors. Achieving the short-term targets outlined in the Association's water conservation, efficiency and productivity plan will require continued leadership and dedicated action from your member municipalities.

Alberta Environment will continue to work with the Association to facilitate the use of our online water use reporting system, and improve the usefulness and accuracy of data. We will supply municipal water use reporting data annually, as you have requested. Alberta Environment will also continue to provide educational and technical resources on our website. Resources are available online at: <http://environment.alberta.ca/2275.html>

#### **AUMA COMMENT**

AUMA accepts this response.

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AUMA  
Resolution 2009.C.v.1

AUMA Board of Directors  
Impact of Economic Downturn on Alberta's Nonprofit/Voluntary Sector

**NOW THEREFORE BE IT RESOLVED THAT** the Government of Alberta restore provincial funding to nonprofit/voluntary organizations, and acknowledge that municipal governments are not expected to make up for provincial funding cutbacks to the nonprofit/voluntary sector.

#### **GOVERNMENT RESPONSE**

##### **Culture and Community Spirit – May 6/10**

The overall budget for Alberta Culture and Community Spirit was reduced for fiscal 2010-11. Reductions were made with the goal of providing support and funding to as many organizations throughout the province as possible. Caps on certain types of grants and limiting the number of grants per organization each year were implemented to help streamline programs and to accommodate a range of projects that respond to community needs and priorities.

The Government of Alberta remains committed to the non-profit and voluntary sector, and there will continue to be a strong focus on capacity building and community investment. From training and facilitation services to helping non-profit boards run more effectively, Alberta Culture and Community Spirit offer a number of programs designed to increase the capacity of Alberta's non-profit and voluntary sector.

The Community Spirit Program provides donation grants to non-profit and charitable organizations based on cash donations the organization has received. The grant can be used to support operations, programs and/or capital projects.

##### **Seniors and Community Supports – June 16/10**

The 2010/2011 ASLI and the 2010 Capital Funding Initiative provided combined funding of \$73,751,577 for 13 capital building projects by charitable or not-for-profit organizations. The grants to not-for-profit projects represented approximately 58 percent of all projects approved for funding.

#### **AUMA COMMENT**

AUMA does not accept this response and will continue to call for the need to fund nonprofits and voluntary groups without downloading the demand to municipal governments.

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AUMA  
Resolution 2009.EXT.1

Town of Athabasca/Village of Boyle  
Enhancing Provincial Support for Albert's Forest Industry

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association encourage the Province of Alberta to:

1. Take immediate action on the key recommendations contained in the Forest Industry Sustainability Committee (FISC) report specific to supporting business competitiveness (labour, inflation, etc.) transportation choices & support, power costs and power supply, and protection fees; and further,
2. Allocate transformative technology funding to diversify the industry's product offerings that contribute to the province's energy, employment, environmental, and diversification strategies; and further,
3. Ensure the forestry sector realizes its tremendous potential for the economic and environmental benefits, while contributing to the sustainable development and helping to diversify the economies of communities. Support forestry sector-wide projects that develop applied technologies, conduct research, identify market opportunities and encourage expansion of the forestry industry.
4. Align with federal government actions, such as the green transformative program, to augment industry specific energy / fuel programs, investments, and R & D efforts.

#### **GOVERNMENT RESPONSE**

##### **Sustainable Resource Development – May 5/10**

With respect to the Forest Industry Sustainability Committee (FISC) report, we have been working with a number of other departments across the Alberta government to implement the recommendations. For example, Alberta transportation, with input from our department, recently finalized \$83 million worth of projects funded under the Roads to Resource program. Additionally, that department has developed new transport permits for both weight and dimension increases in trucks hauling forest products. We believe that these developments will

significantly impact the costs faced by producers.

Our department and Alberta Energy continue to collaborate on bio-energy grants related to forestry. BioSolutions Alberta is working to identify suitable technologies and partnerships between technology providers and forest tenure holders to introduce new, transformative products. In recent months, the department has also been working particularly closely with the forest industry on product and market diversification and development. The Renewable Fuels Standard, scheduled for implementation in November 2010, is one example of this type of new domestic market for forest biomass refining. Everything ranging from new commodity products to cutting edge nano-fibres is being considered in markets from Canada to Asia and Europe.

We will continue to encourage and facilitate access to federal funding initiatives and activities that can benefit the forest sector. For example, much was accomplished with respect to the federal Green Transformation Program, and we have partnered on a significant number of projects related to workforce development and FireSmart with Western Economic Diversification.

#### **AUMA COMMENT**

AUMA accepts this response.

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AUMA  
Resolution 2009.EXT.2

City of Grande Prairie  
New Education Act

**NOW THEREFORE BE IT RESOLVED THAT** municipalities strongly support locally elected school boards and request the province ensure in the new education Act that locally elected school boards:

1. Have the authority to responsibly undertake local education priorities; and
2. Are given natural person powers.

#### **GOVERNMENT RESPONSE**

##### **Alberta Education – June 25/10**

The Ministry of Education strongly supports the role of locally elected school boards. The new *Education Act* will continue to support and encourage this role and the local autonomy that boards enjoy.

One of the broad-scope objectives is for the new Act to be enabling and provide a framework that guides but is not prescriptive. The Government of Alberta is committed to ensuring school board governance structures provide for local authority, autonomy and accountability to more effectively address local needs. Boards will determine locally the educational benefits that may accrue from entering into agreements with other boards. Education is looking into ways to facilitate board understanding of the flexibility and scope of the agreements that are permitted under Section 62(1).

#### **AUMA COMMENT**

AUMA files this response but will continue to encourage the Province to give natural person powers to elected school boards and to ensure that they have the authority to undertake local education priorities.

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AUMA  
Resolution 2009.EXT.3

AUMA Board of Directors  
Incentives for Restructuring Municipalities

**NOW THEREFORE BE IT RESOLVED THAT** the AUMA urges the Government of Alberta provide incentives for the restructuring of municipalities that are found to be financially unviable, and not meeting the definition of sustainability found in AUMA's Policy Paper on the Future of Local Governance.

#### **GOVERNMENT RESPONSE**

##### **Municipal Affairs – June 25/10**

The Government of Alberta is committed to promoting sustainable communities. The Municipal Sustainability Strategy Working Group, which includes representation from the AUMA and other municipal associations, is identifying appropriate capacity building tools and a proposed new viability study process for use by Alberta municipalities whose sustainability assessment identifies a need for change.

As well, in March 2010, the Government of Alberta introduced a Regional Collaboration Program. The objective of this grant program is to improve the viability and long-term sustainability municipalities through strategic activities related to regional collaboration and capacity building. Eligible projects include establishing regional shared administrative services, exploration of alternative service delivery models, municipal internship placements for administrators and land-use planners, inter-municipal mediation, and municipal co-operation protocols.

#### **AUMA COMMENT**

AUMA does not accept this response and will continue to advocate for the implementation of financial incentives to aid in the municipal restructuring process.



## **AUMA Resolutions Policy**

## Resolutions

### General

1. The Municipal Governance Committee shall serve as the Resolutions Committee of the Association.
2. The responsibilities of the Committee are to review proposed resolutions for format and content, and assign a category.
3. Resolutions may be submitted for consideration at the annual convention by
  - (a) a regular member or group of regular members or
  - (b) the Board of Directors.
4. Resolutions shall be in the form:  
**WHEREAS ...**  
**AND WHEREAS ...**  
**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association (take some action)

### Resolution Guidelines

5. Resolutions must meet the following criteria:
  - (a) Each resolution
    - i) must be approved by the council of the sponsoring municipality.
    - ii) should strive to address a topic of concern to municipalities throughout the Province.
  - (b) Resolutions must not direct a municipality to adopt a particular course of action, but must be worded as a request for consideration of the issue.
  - (c) Whereas clauses should clearly and briefly set out the reasons for the resolutions.
6. Each resolution should be accompanied by background information outlining the issue as it relates to the sponsoring municipality, when and how often the resolution has been submitted in the past, and how the resolution is related to AUMA policy. This material will assist the Municipal Governance Committee, and later the convention body, in understanding the issues.
7. The operative clause of the resolution (i.e. the one beginning **NOW THEREFORE BE IT RESOLVED THAT...**)
  - (a) must clearly set out what the resolution is meant to achieve, and
  - (b) state a specific proposal for action.
  - (c) The wording should be straightforward and brief so that the intent of the resolution is clear. Generalization should be avoided.
8. Resolutions are to be in the hands of the Chief Executive Officer no later than May 31 each year, provided that, the Chief Executive Officer may grant an extension of the deadline,
  - (a) if the annual convention is scheduled later than Thanksgiving Day in any year; or,
  - (b) if requested by a member, if the Chief Executive Officer is satisfied that severe weather conditions, a pandemic or other emergency reason, has made it impossible for the member to submit the resolution by the deadline date..
9. The annual call for resolutions may include information on key issues identified in the AUMA strategic or business plan on which the Board wishes to focus and/or information regarding any other matters on which AUMA seeks assistance in the coming year. As well, the annual call for resolutions will remind members that alternatives to convention resolutions available during the year include bringing Requests for Decisions to the appropriate Mayors Caucus and bringing a matter directly to the attention of the AUMA Board.

## Extraordinary Resolutions

10. A resolution arising from the proceedings of the convention or related to a matter of an urgent nature arising after the resolution deadline may be considered an Extraordinary Resolution.
11. A regular member wishing to propose an extraordinary resolution shall present it, together with a rationale as to why it is extraordinary, to the Chief Executive Officer after the first day of the convention. The sponsoring municipality(ies) shall provide 1000 copies of the resolution.
12. The determination whether the proposed resolution meets the criteria of an extraordinary resolution will be made by
  - (a) in the case of a proposed extraordinary resolution submitted after the Resolution Deadline but before the final Board meeting prior to the Convention, by the Board on the recommendation of the Municipal Governance Committee,
  - (b) in the case of a proposed extraordinary resolution submitted after the final Board meeting prior to the Convention, by the Executive Committee, in consultation with the Resolutions Session Chair.
13. The AUMA Executive Committee, in consultation with the Municipal Governance Standing Committee chair, will determine whether the proposed resolution meets the criteria of an extraordinary resolution.
14. Criteria for an Extraordinary Resolutions are:
  - (a) they deal with an emergent issue of concern to the general membership that has arisen after the resolution deadline;
  - (b) they deal with an emergent issue of concern to the general membership that will be addressed by another order of government BEFORE the next AUMA annual Convention; and
  - (c) they comply with the guidelines for resolutions set out elsewhere in this policy (AP002).
15. A 2/3 majority vote of the assembly is required prior to any Extraordinary Resolution accepted by the Executive Committee being considered by the assembly.
16. No debate on the merits or “urgency” of any Extraordinary Resolution will take place prior to the vote.
17. Extraordinary resolutions accepted for consideration by the assembly shall be presented following debate of the **Targeted Scope** resolutions.

## Administrative Review

18. The Chief Executive Officer may return any submitted resolution to the sponsoring municipality to have deficiencies corrected.
19. Deficiencies may include but are not limited to:
  - (a) absence of any indication of the resolution being endorsed by the council of the sponsoring municipality;
  - (b) preliminary clauses which are contradictory to the operative clause or the absence of preliminary clauses;
  - (c) lack of a clear supporting narrative where the rationale of the resolution is unclear.
20. The return by the Chief Executive Officer of any proposed resolution for the correction of any deficiencies will not affect its categorization nor will it make a timely resolution late.

## Committee Review

21. The Municipal Governance Committee shall review each proposed resolution and may recommend that the Board refuse to submit to the convention any resolution deemed inappropriate for consideration by the Association.
22. The Municipal Governance Committee will notify the appropriate policy committee of any proposed resolution related to its policy.
23. The Municipal Governance Standing Committee may:
  - (a) amend the grammar or format of the resolution;
  - (b) consolidate resolutions of similar intent or subject matter;
  - (c) provide comments on each resolution with regard to its background;
  - (d) inform the sponsoring municipality where the resolution will materially change or contradict current AUMA policy.

- (e) recommend to the Board of Directors, that resolutions already adopted and/or forming AUMA policy (see clause 58 of this Policy) NOT be considered at the Convention, and be returned to the sponsor(s) of the resolution(s) with an explanation of the reason for return.
24. The Committee will categorize each proposed resolution as:
    - (a) AUMA Strategic/Business Plan Priorities
    - (b) Provincial Scope
    - (c) Targeted Scope
    - (d) Endorsement Requests
    - (e) Non-Municipal Matters
  25. The AUMA Strategic/Business Plan Priorities category would address matters related to implementing the AUMA strategic and/or business plans.
  26. The Provincial Scope category would have resolutions that address matters of significance to all or most municipalities in the province.
  27. The Targeted Scope category would have resolutions that address matters of significance to all or most municipalities located in one area of the Province or municipal members of a similar size.
  28. The Endorsement Requests category would address requests of regular Members to endorse positions they are taking without any advocacy action by AUMA
  29. The Non-Municipal Matters category would address matters outside of municipal jurisdiction and therefore not appropriate for presentation to the convention.
  30. When the Board has approved the resolutions report (section 30), proposed resolutions assigned to the Non-Municipal Matters category will be returned to the sponsoring member(s) with an explanation of why the resolution will not appear in the Policy and Resolutions Book at the convention.
  31. The Committee will prepare a resolutions report which will include all proposed resolutions determined appropriate for submission to the convention including the following information on each resolution:
    - (a) Number and Title of Resolution
    - (b) Name of Sponsoring Member(s)
    - (c) Proposed Resolution
    - (d) Resolutions Category
    - (e) Municipal Governance Committee Comment (if any)
  32. Resolutions will be presented in the following order:
    - (a) AUMA Strategic/Business Plan Priorities
    - (b) Provincial Scope
    - (c) Targeted Scope
    - (d) Endorsement Requests
  33. The Committee will recommend to the Board a Policy and Resolutions Book including the resolutions report together with such other information on bylaws, policies and procedures as the Committee may deem appropriate which shall be provided to members at least eight (8) weeks prior to the Convention.

## Resolution Session Agenda

34. Prior to the beginning of the first resolution session the Chair will ask for a motion from the floor to adopt the Resolution Session Agenda as presented in the Policy and Resolutions Book.
35. Amendments from the floor to the Resolution Session Agenda will be accepted when duly moved and seconded.
36. No debate on the proposed amendments to the Resolution Session Agenda will occur.
37. A 2/3rds majority of the delegates will be required to change the Resolution Session Agenda.

38. If there are no amendments to the Resolutions Session Agenda, resolutions will be debated in the order they are presented in the resolution booklet. No further amendments to the resolution agenda will be accepted.

## Considering Resolutions

39. The Board, after consulting with the Municipal Governance Committee Chair, will appoint a Resolutions Sessions Chair.
40. The Session Chair will introduce each proposed resolution by indicating its number, the name of the sponsoring municipality, and then will move the resolution. The Session Chair will then call on the sponsoring or a supporting municipality to second the resolution. If no municipality seconds the resolution, the resolution dies.
41. If the resolutions report includes a comment by the Municipal Governance Committee on the proposed resolution, the Session Chair will then call on a member of the Municipal Governance Committee to give the views of the Municipal Governance Committee (if necessary).
42. The Session Chair will then call for a spokesperson from the sponsoring municipality(ies) to speak to the resolution and open the debate. The spokesperson will be allowed two (2) minutes for the opening.
43. In the case of a proposed new policy position paper, the Session Chair will allow a spokesperson or designate a maximum of five (5) minutes to introduce the new policy position paper and place the resolution on the proposed new policy before the convention and to name the seconder.
44. Following the initial speaker, the Session Chair will then call alternately for persons opposing and supporting the resolution. These speakers will have a two (2) minute time limit and shall not speak more than once on any one question. When no alternate position speaker is available, the Session Chair will declare the end of the debate and the spokesperson will be allowed one (1) minute for the closing of debate.
45. If no one rises to speak in opposition to a proposed resolution, the question will be immediately called.
46. A sponsoring municipality or designate may declare its intent to withdraw a proposed resolution when the resolution is introduced. In this event, the Session Chair shall declare the resolution withdrawn and no further debate or comments will be allowed.
47. Amendments, including “minor amendments” from the floor will be accepted when duly moved and seconded. Amendments, including “minor amendments” must be submitted in writing to the Session Chair prior to the amendment being introduced.
48. The Session Chair will rule whether or not an amendment complies with the intent of the original resolution.
49. Discussion procedures for an amendment shall be the same as for a resolution.
50. The conflict of interest guidelines for council votes, as outlined in the *Municipal Government Act*, shall also apply to convention resolution votes for all delegates. It is incumbent upon each delegate to ensure adherence to this rule.
51. Voting may be by
- (a) a show of delegate accreditation cards, or
  - (b) electronic means.
52. As long as there is a quorum present (as provided in the Bylaws a quorum is comprised of representatives of twenty-five percent [25%] of the Regular Members) the final resolution session shall not be closed until all resolutions listed in the agenda are debated and voted upon, or the allotted time for the session has expired unless the majority of delegates present vote to extend the allotted time.
53. Resolutions which are not debated at a convention resolutions session because of insufficient time or lack of quorum, will be considered by the Board of Directors following the convention. In considering such a resolution, the Board may
- (a) provide an opportunity for the sponsoring municipality to make a presentation in person, electronically or in writing
  - (b) request advice from the relevant Standing Committee.
54. Resolutions passed by the membership shall not be amended or modified by the Municipal Governance Standing Committee or the Board of Directors.

## Carried Resolutions

55. Carried resolutions will be referred to the relevant Standing Committee which will develop policy statements and make a recommendation to the Board.
56. When the policy statements are approved by the Board, each statement will be sent to the relevant Minister(s).
57. The Board of Directors will determine and implement the method by which advocacy of the policy statements will be undertaken.
58. The Chief Executive Officer will collect all advocacy responses and maintain a status of resolutions inventory on the AUMA website. The status of resolutions inventory will include the responses and an indication of what (if any) follow up action AUMA will take with regards to any resolution for which the advocacy was not successful.
59. Resolutions have an active life of three (3) years, then are deemed inactive.



## AUMA Policy Papers

# AUMA Policy Paper 2010.1

**AUMA Board of Directors  
Assessment**

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**WHEREAS** in 2009 the AUMA Board of Directors oversaw the preparation of two policy papers on assessment, which were provided to Convention in 2009; and

**WHEREAS** at the 2009 Convention, it was resolved that the two policy papers should form the basis of a review by an AUMA Assessment Task Force in 2010; and

**WHEREAS** at its meeting of May 20, 2010, the AUMA Board adopted the 2010 Assessment Task Force Policy paper and directed that it be forwarded to the 2010 Convention for approval.

**NOW THEREFORE BE IT RESOLVED THAT** the AUMA 2010 General Assembly receive the 2010 Assessment Task Force Policy Paper for information, adopt the recommendations in the report as presented, and advise the Province that it is imperative that it open up meaningful dialogue with AUMA in 2011 with respect to assessment reform in Alberta.



# Report and Recommendations of the Task Force on Property Assessment

Convention Policy Paper

June 2010



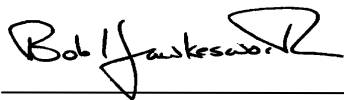
## Task Force on Assessment

The property tax system is the main source of revenue for municipalities in Alberta, and for some time, the Alberta Urban Municipalities Association (AUMA) has been concerned with its current state.

With that in mind the AUMA, in the spring of 2009, oversaw the preparation of a report identifying the issues relating to the assessment and property tax system in Alberta that it felt should be of concern to municipalities. The report, Property Assessment and Taxation Issues, was followed by a further report outlining how these issues could be addressed. These two reports were presented at the 2009 AUMA Convention, and it was then directed that they were to form the basis of the review by this Task Force, which was established in 2010.

Because assessment and taxation are of such great importance to all Albertans and their communities, the individuals and groups noted below were all asked to participate in the Task Force, in order to obtain a broad perspective on these issues.

The following were appointed to the Task Force:



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Bob Hawkesworth, Chairman, Alderman, City of Calgary, Board Member, AUMA



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Craig Copeland, Mayor, City of Cold Lake



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Ron Casey, Mayor, Town of Canmore



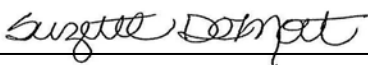
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Ken Graham, Mayor, Town of Innisfail



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John Whaley, Board Member, Alberta Association of Municipal Districts and Counties



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Suzette DeMott, President, Alberta Assessors Association



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Dave Dubauskas, CAO, City of Fort Saskatchewan, Alberta City Managers



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Stan Dilworth, City Assessor, City of Lethbridge



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Kevin Miner, Chief Administrative Officer, Kneehill County, Alberta Rural Municipal Administrators Association



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Geraldine Gervais, Chief Administrative Officer, Town of Hanna, Local Government Administrators Association of Alberta



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Wilhelm Malan, City of Calgary, Cities of Edmonton and Calgary Assessment Departments

The Task Force has reviewed all of the issues outlined in the two reports produced by the AUMA and has identified a number of those issues as well as others on which it has achieved unanimous consent. These issues and the recommendations associated with them are outlined in this report. The other matters set forth in the two reports which have not been addressed by the Task Force are those upon which unanimous consent was not achieved.

## EXECUTIVE SUMMARY

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The assessment of property has only one purpose; to fairly and equitably distribute the property tax burden, whether it is between properties in a municipality, as in the municipal tax levy, or between municipalities and their taxpayers, as in the provincial education property tax requisition.

In its review of the assessment issues brought forward in the Identification of Assessment Issues document, the Task Force on Assessment has identified three overall themes to the issues. They are:

- The need for openness, transparency and effectiveness of the assessment and taxation system;
- The need to complete the assessment reforms of the mid-1990s in reference to regulated industrial property assessments; and,
- The need for changes in the administration of the assessment and taxation function.

With the above in mind, the Task Force on Assessment recommends that:

- 1) Any Provincial reviews resulting from the recommendations contained in this report include a broad stakeholder consultation process involving municipal input;
- 2) The Province establish a property tax exemption policy which ensures among other things that all property tax exemption to programs (assessment or property tax exemptions) receive a periodic review to ensure that they continue to provide the benefits to the citizens of Alberta that were originally intended;
- 3) The Province review the zero education property tax rate abatement policy for machinery and equipment in order to demonstrate that the intended benefits of the policy still exist for Albertans;
- 4) The Province review the education property tax exemption policy for electric power generation facilities in order to demonstrate that the intended benefits of the policy still exist for Albertans;
- 5) The Province review its tax exemption policies regarding property held by non-profit organizations and, once determined that these policies provide the benefits intended, refine the wording and definitions used in the legislation for better clarity in the intent and consistency in application;
- 6) The Province remove the twenty three percent tax exemption from the assessment process for machinery and equipment and if, after review, it is found to be necessary include it as an exemption from property tax;
- 7) The Province amend the legislation to discontinue the assessment exemption (tax exemption policy in the assessment process) on timber dispositions and if, after review, it is found to be necessary include it as an exemption from property tax;
- 8) The Province review and update the definitions for regulated industrial property in the Municipal Government Act and the Matters Relating to Assessment and Taxation Regulation;
- 9) The Province review, amend and reintroduce the Construction Cost Reporting Guide to include the appropriate costs of construction that would normally be included in determining the market value of the property. If it is determined that a tax exemption policy is required as a result of the changes, the Task Force further recommends that the Province apply the tax exemption policy as an exemption from property tax rather than an exemption from assessment;
- 10) The Province discontinue the "penetration rate depreciation" policy for telecommunications property as it does not conform to market value assessment principles;
- 11) The Province review the regulated valuation procedures used for the assessment of machinery and equipment and amend them to bring them into line with market value principles used in the cost approach to value;
- 12) The Province discontinue the policy of the application of the immediate twenty five percent depreciation policy in the assessment of machinery and equipment because it is a tax exemption policy applied in the assessment system;
- 13) If, after the Province has addressed all of the issues relating to the valuation of machinery and equipment for assessment purposes and aligned it with market value principles used in the cost approach to value, it is determined that there is a need for a tax exemption policy, that this tax exemption policy should be applied as an exemption from property tax rather than an exemption from assessment;

- 14) The Province establish a legislated position that would ensure that the administration of the assessment function is held at arm's length from the policy setting function of the Provincial Government;
- 15) The Province establish a legislated position that would ensure that the preparation of linear assessments is held at arm's length from the policy setting function of the Provincial Government;
- 16) The Province establish an administrative tribunal for the purposes of determining equalized assessments that is held at arm's length from the policy setting function of the Provincial Government;
- 17) The Province amend the legislation to ensure that the equalized assessments for all taxable property (including linear property, machinery and equipment, and railway), other than farmland, be based upon market value principles and equalized at a common level and a common year. Further, the Province amend the legislation to entrench the ability of a municipality to file a complaint about an equalized assessment regardless of what the equalized assessment is used for;
- 18) The Province review the calculation processes for determining education property tax requisitions with a view to including a property tax "circuit breaker" mechanism in the education property tax requisitioning process, in order that residents are not required to pay excessive amounts of education property tax in comparison to owners of similar property in other municipalities;
- 19) The Province establish a policy to stabilize the education property tax between classes of property as a result of market value changes or changes in policy on regulated property;
- 20) The Province supply grants to assist municipalities in the administration of the assessment and taxation function based upon the relationship between the education property tax requisition and the total property tax levied by a municipality;
- 21) The Province introduce assessor training grants to municipalities and private assessment firms in a coordinated approach with the Alberta Assessors' Association to ensure that there is an adequate candidacy program for assessors;
- 22) The Province introduce extra funding for succession planning and training of specialized regulated industrial assessors;
- 23) The Province only consider requests for further changes to the assessment complaint and appeal system if it will be giving effect to the intent of the legislation and further improve the efficiency of the Assessment Complaint system;
- 24) The condition dates for the assessment of property be reviewed to determine if they should be moved.
- 25) The Province discontinue requiring municipalities to apply the education property tax levy to supplementary assessments,
- 26) The Province provide grants in place of taxes for provincially owned post-secondary institutions and major medical facilities based upon assessments that reflect the actual market value of the property.; and
- 27) The Province provide grants in place of taxes for all properties on which the Crown currently pays a grant based upon assessments, that reflect the actual market value of the properties. Further, the Crown, if it is believed that the local assessor has overstated the market value of the property, file an assessment complaint and appear before the Local Assessment Review Board to make its case in the same fashion as all other property owners.

### **Timeframe for Addressing the Issues**

The Task Force believes that the issues addressed in this paper are of significant importance to the fairness, equity, openness and effectiveness of the assessment and taxation system for both municipalities and the Provincial Government. With that in mind, the Task Force believes that setting out timelines for the recommendations to be acted upon is also of the utmost importance.

- 1) The Task Force recommends that the Province act upon Recommendations 18 to 27 within the next twelve to eighteen months;
- 2) The Task Force recommends that the Province act upon Recommendations 2 to 8 and 14 to 17 within the next twelve to thirty months;

The Task Force recommends that the Province act upon Recommendations 9 to 13 within the next twelve to thirty six months.

## 1 INTRODUCTION

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The property tax system, being the single most significant revenue source for municipalities in this province, and the fairness of the distribution of the property tax burden (the property assessment system) have been a concern of the Alberta Urban Municipalities Association (AUMA) for some time.

The current review started because of the pressures resulting from growth and the fact that municipalities do not have the resources under the current legislation to deal with these pressures. The AUMA believes that part of the overall issues relating to the lack of municipal resources relates to problems with the current assessment and taxation system in place in Alberta. In addition there are concerns relating to the administration of the assessment and taxation function at the provincial level.

With that in mind, the AUMA established the Task Force on Assessment in early 2010 to review a number of assessment and taxation issues addressed in two reports commissioned by the AUMA in the spring and summer of 2009<sup>1</sup>.

Many of the issues with the assessment and taxation system stem from provincial implementation of tax abatement policies either in the property tax system or in the assessment of property (either as total exemptions from assessment or modification of the valuation process used in the assessment of property).

The Task Force is fully cognizant of the need for provincial economic development initiatives, environmental protection initiatives or the preservation of specific industries in Alberta. However, the Task Force is also aware that there is a need for a balanced approach and these initiatives cannot be implemented at the expense of the other property taxpayers in the Province.

The Task Force makes it very clear that, by making the recommendations contained in this report, it is not recommending new property tax revenues for municipalities or the Province. It believes that this kind of overall recommendation is premature, in that it is too early in the process to determine what tax policies should or should not be in place. The Task Force is asking the Province that all assessment and property policies be reviewed and reconciled through a comprehensive process to determine if changes in tax policy are required.

The Task Force believes that there is also a need for the Province to review the overall administrative structure for the assessment and taxation system at the provincial level. There is clearly a need for the separation of the policy setting responsibility of the elected officials and the administration of those policies from a provincial perspective.

Some 40 issues were identified in the initial report presented to the Alberta Urban Municipalities Association (AUMA) in the spring of 2009. Of those issues the Task Force, through a unanimous consent process, has determined that it would review the issues identified in the following pages. The other issues identified are also important, but the Task Force could not achieve unanimous consent on how to address those issues.

The issues receiving unanimous consent have been reviewed by the Task Force and can be placed in three categories:

- 1) Assessment and taxation exemptions;
- 2) The assessment and taxation of regulated industrial properties; and,
- 3) The provincial administration of the assessment and taxation function.

In reviewing the issues related to Alberta's Property Assessment and Taxation system identified for review and discussion, the Task Force adopted the following principles:

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<sup>1</sup> Property Assessment and Taxation Issues (May 2009) and Addressing the Issues (July 2009).

- The assessment for all property should be based upon the principles of a true annual market value assessment system (fairness and equity for all);
- All exemptions, whether from assessment or taxation, should be reviewed in an open and transparent manner to ensure that they continue to be appropriate and provide the results for which they were intended (openness and transparency);
- Any exemptions that are continued should become exemptions from taxation, not assessment, in order that they continue to be open and transparent;
- There must be a clear separation between the political assessment policy decision-making process and the administration of the assessment system; and,
- The assessment and taxation legislation must provide clarity and relative stability for both taxpayers and municipalities.

The Task Force adopted a Charter to guide it in its work. The Charter is included in Appendix 1: Task Force Charter.

The Task Force believes that in order to achieve the overall requirement for openness and transparency in the assessment and taxation system, the provincial review and subsequent discussions regarding the recommendations in this report must be conducted with the Province always having regard to the following Task Force recommendation.

**Recommendation #1:**

*The Task Force recommends that any Provincial reviews resulting from the recommendations contained in this report include a broad stakeholder consultation process involving municipal input.*

Amendments and changes to legislation and regulations relating to municipal governments such as are proposed in this paper must only proceed when those affected, including municipal associations and related professional associations, are consulted and involved from the outset, in a significant and ongoing way.

## **2 ASSESSMENT AND TAXATION EXEMPTIONS**

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There are reasons for properties to be exempt from assessment in very rare and exceptional circumstances, such as Crown owned unpatented wilderness, municipal water and sewer lines, roads and streets, and there are reasons as well for properties to be exempt from taxation such as those uses like churches, which are deemed to be in the interest of the general public.

However it must be realized that an exemption of property from assessment or taxation does not mean that the taxes disappear -- it simply means that the tax burden of that property is shifted to all other properties that continue to be assessed and taxed. As a result, providing tax exemptions for certain properties at the expense of others needs to be undertaken very carefully.

It is nonetheless acknowledged that property tax exemptions or abatements are seen by the Province and municipalities as a tool to promote economic development and environmental sustainability and these types of policies are effective and appropriate tools when implemented in an open, transparent and controlled manner.

In their review of a number of the property tax exemption policies provided by the provincial government through legislation, the Task Force members have expressed concern in three areas:

- There does not appear to be an overall consistency in approach or policy in dealing with property tax exemptions from a provincial perspective;
- Some property tax exemptions that have been provided in the past may not be appropriate now considering the economic and technological realities of today; and,
- Many of the current tax exemptions provided by the Province are made as exemptions from assessment which are not transparent to the citizens of Alberta.

### **2.1 Provincial Property Tax Exemption Policy Review Process**

The Task Force is concerned that, with the introduction of the Municipal Government Act in 1995 and the changes in tax policy since that time, there has not been enough attention placed on this issue.

Provincial property tax exemption programs, whether they are expressed as exemptions from assessment or taxation, can and do have a direct effect on a municipality's ability to provide services to its citizens. The more property tax exemptions provided, particularly if certain municipalities have an abundance of those properties that are exempted, the greater the effect on that municipality's ability to provide the services which its citizens expect and deserve.

However, it is understood that property tax exemption policies are excellent tools that have been and will continue to be used internationally to promote economic development, social wellbeing and environmental sustainability

Property tax exemption policies should be periodically reviewed to ensure that they continue to provide the results that they were originally intended to achieve. The Task Force has noted that many provincial property tax exemption policies have been in place for so long that the intended benefits have been lost over time.

There is a need for openness and transparency in the system so that there can be a verification of the benefit received from the specific abatement policy. The Province needs a fully open and transparent assessment system without exemptions (other than in rare and exceptional circumstances), and fully open and transparent tax exemption policies that clearly outline the economic benefits, financial implications, sustainability and environmental strategies that the Province is intending to achieve.

- Have some or most of the current tax exemption policies outlived their usefulness as such and are they now causing issues?

- Do they need to be reviewed, and dealt with in more appropriate fashion?
- Should a mandated periodic review of provincial property tax exemption policies be implemented to ensure that the policies continue to provide their original intent?
- Should there be a limit on the time frame that any tax exemption program can remain in place without a full review, reinstatement or discontinuance?

The Task Force believes that the answer to the above questions, in all instances, is yes.

## **Recommendation #2:**

*The Task Force recommends that the Province establish a property tax exemption policy which ensures, among other things, that all property tax exemption programs (assessment or property tax exemptions) receive a periodic review to ensure that they continue to provide the benefit to the citizens of Alberta that was originally intended.*

It is suggested that this review could be dealt with in a similar fashion to the Province's current periodic review of regulations. The process should take into account the following in the development of the policy:

- The importance to the Province and its citizens of the sector or property type use receiving the exemption;
- Whether or not the exemption program is succeeding in promoting or preserving what it was intended to do; and,
- The effect that the exemption program has on a municipality's ability to provide the required services to its citizens, and the Province's ability to provide the required resources needed for the education of our youth.

## **2.2 Property Tax Exemptions**

There are three property tax exemption policies that are of a concern to the Task Force. Two of these policies are related to education property tax exemptions for industry and the third deals with the municipal and education property tax exemption policy related to property held by non-profit organizations. These policies are:

1. The provincial education property tax rate of zero for machinery and equipment;
2. The education property tax exemption for electric power generation facilities; and,
3. The property tax exemption policy for property held by non-profit organizations.

### *2.2.1 The Provincial Education Property Tax Rate of Zero for Machinery and Equipment*

In the mid 1990's, as part of the effort to provide incentives for industry to invest in the manufacturing and processing sector in Alberta, the Province decided to phase out the education property tax on machinery and equipment over a period of five years. This phase-out was contingent on industry committing to an investment in the manufacturing and processing sector of some Twenty Billion Dollars. The investment was achieved in three years and the education property tax levy on all machinery and equipment in the Province has enjoyed a zero tax rate since that time.

At that time, the Province assured Albertans that the foregone amount of education tax would not be shifted to other taxpayers but would come from the Province's General Revenue Fund. However, the amount of the education tax exemption given to machinery and equipment is in fact annually shifted to all other taxpayers in the province, whether or not it is through the education property tax or the General Revenue Fund.

This policy shifts significant amounts of the education property tax burden away from industry to all other taxpayers. Do the benefits of increased employment and development outweigh the extra responsibility of

all other taxpayers to pay this increased share of the education property tax burden? The Task Force is concerned that this question has not been adequately addressed.

**Recommendation #3:**

*The Task Force recommends that the Province review the zero education property tax rate abatement policy for machinery and equipment in order to demonstrate that the intended benefits of the policy still exist for Albertans.*

*2.2.2 The Provincial Education Property Tax Exemption for Electric Power Generation Facilities*

In the late 1990's, as part of the effort to provide incentives for industry to invest in electric power generation facilities in Alberta, the Province phased out the education property tax portion of the levy on these facilities. This phase-out was completed over two years with the proviso that industry would commit to the construction of an additional sixteen hundred megawatts of generating capacity. This investment was achieved.

It was felt that electric power generation facilities were similar in nature to manufacturing and processing facilities and, since the education tax was phased out on that sector, it was appropriate to do the same for electric power generation.

This policy shifts significant amounts of the education property tax burden away from the electric power generation industry to all other taxpayers. Do the benefits of increased employment and development outweigh the added responsibility of all other taxpayers to pay the increased share of the education property tax burden? The Task Force is concerned that this issue has not been reviewed since the policy was implemented.

**Recommendation #4:**

*The Task Force recommends that the Province review the education property tax exemption policy for electric power generation facilities in order to demonstrate that the intended benefits of the policy still exist for Albertans.*

*2.2.3 The Lack of Clarity Involving the Property Tax Exemption Policy for Property Held by Non-Profit Organizations*

Section 362 (1) (n) of the Municipal Government Act provides property tax exemptions for certain properties that are held (owned or leased) by non-profit organizations and that meet the requirements and conditions in the *Community Organization Property Tax Exemption Regulation* or "COPTER" (Alta. Reg. 281/1998).

The provisions and the introduction of the COPTER were as a result of the recommendations made by the MLA Non Profit Property Tax Review Committee. The overall view in the provisions was that the local municipality was in the best position to make decisions regarding the appropriateness of exempting property held by non-profit organizations.

As a result the wording in the legislation was intended to be vague to provide municipalities with the necessary latitude. On the face of it, this appears to be positive. However, after applying this legislation over that last number of years, municipalities have experienced increasing difficulty in applying the legislation in a consistent, fair and equitable basis internally within a municipality and between municipalities across the Province.

The vagueness of the definitions in the legislation has led to inconsistency in the application between and within municipalities. Examples of the definitions that require clarification are the meaning of "charitable and benevolent" and how much is a "minor entrance, service or membership fee"? Whether or not a

particular property is exempt from property tax, including provincial education property tax, can and does depend upon decisions made regarding the above.

Since the Province also exempts the property from education property tax to the same degree as the municipality, there is also inconsistency in the distribution of the education property tax burden.

Although municipalities appreciate the intent of the legislation to provide latitude to municipalities in providing tax exemptions to these properties, the Task Force concludes that the approach taken by the province regarding the tax exemption policies is not appropriate and cannot be applied in a consistent, fair and equitable basis across the Province.

#### **Recommendation #5:**

*The Task Force recommends that the Province review their tax exemption policies regarding property held by non-profit organizations and, once determined that these policies provide the benefits intended, refine the wording and definitions used in the legislation for better clarity in the intent and consistency in application.*

### **2.3 Exemptions from Assessment**

Exemptions of property from assessment mean that the property is not assessed (valued) and no record of the property is placed on the assessment roll of a municipality. The following question is often asked: "Why go to effort and cost of assessing these properties if you aren't going to tax them?"

It is clear that it would be a waste of time and resources to assess certain properties if it is clearly known that no tax levy will ever be placed or should ever be placed against them. These situations, however, are and should be exceptional, because when they are exempt from assessment, there is no way to ascertain the effect of the exemption on other taxpayers.

The predominant reason for assessing properties that are exempt from taxation relates to the issue of openness and transparency. So, if a taxpayer is required to pay the taxes for a property that is exempt, he/she should clearly be able to determine that he/she is being asked to contribute extra tax as a result.

In addition, if a property is assessed, there is a record to that effect on the assessment roll and any taxpayer can file a complaint regarding the taxation exemption. If a property is exempt from assessment, there is no mechanism for complaint to be filed.

International standards on property tax policy state that, wherever possible, tax exemptions should be exemptions from taxation, not assessment, in order for taxpayers to clearly understand the system.

The Task Force recommends a review of the following:

- The twenty three per cent assessment exemption for machinery and equipment; and,
- The assessment exemption for timber dispositions.

#### **2.3.1 *The Twenty Three Per Cent Assessment Exemption for Machinery and Equipment***

This exemption is from assessment, in that twenty three per cent of the regulated value of the property is not recorded on the assessment roll of the municipality. There is no manner in which the average taxpayer can readily determine that it is in place. This exemption policy was implemented in 1984 as a property tax exemption policy.

**Recommendation #6:**

*The Task Force recommends that the Province remove the twenty three per cent tax exemption policy for machinery and equipment from the assessment process and if, after review, it is found to be necessary, include it as an exemption from property tax.*

This will ensure that the policy is open and transparent, in that all taxpayers can readily determine if the policy is appropriate.

**2.3.2 The Assessment Exemption for Timber Dispositions**

The Municipal Government Act in section 298 (1) (n) provides an exemption from assessment for the following property: "any interest under a timber disposition under the Forests Act and the timber harvest or cut authorized by the disposition". This property is, generally speaking, Crown owned property under disposition to private industry.

In general, leaseholders of Crown property are assessable and taxable for their interest in the property.

**Recommendation #7:**

*The Task Force recommends that the Province amend the legislation to discontinue the assessment exemption (tax exemption policy applied in the assessment process) on timber dispositions and if, after review, it is found to be necessary, include it as an exemption from property tax.*

This will ensure that the policy is open and transparent, in that, all taxpayers can readily determine if an exemption policy is appropriate.

### **3 THE ASSESSMENT AND TAXATION OF REGULATED INDUSTRIAL PROPERTIES**

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The Province of Alberta adopted the annual market value assessment standard for most properties in the mid-1990s. This standard is considered to be the internationally accepted best system for the fair and equitable distribution of the property tax burden<sup>2</sup>.

Although there was extensive review and recommendations made regarding the assessment of regulated industrial properties, the market value reforms were not completed for these properties. As a result of these reforms not being extended to regulated industrial properties, the assessment system cannot be said to be fair and equitable for all properties in the Province.

Regulated industrial properties include the following:

1. *“Linear property”* which includes:
  - Pipelines;
  - oil and gas wells;
  - electric power generation, transmission, and distribution systems;
  - street lighting systems; and,
  - telecommunications systems including cable television.

The assessment of this property province-wide currently on the rolls of municipalities is in excess of Sixty Seven Billion Dollars. This assessment, except for linear electric power generation properties, is currently subject to both municipal and education property tax levies.

2. *“Machinery and Equipment”* relating to the following:
  - manufacturing;
  - processing;
  - non-linear pipeline related;
  - coal and oil sands transportation and excavation;
  - non-linear electric power systems; and,
  - non-linear telecommunications systems.

The assessment of this property province-wide currently on the rolls of municipalities is in excess of Fifty Three Billion Dollars. This assessment is subject to only the municipal tax levy.

3. *“Railway Property”*

The assessment of this property province-wide currently on the rolls of municipalities is some Five hundred and Ninety Five Million Dollars. This assessment is subject to both municipal and education property tax levies.

#### **3.1 The Review of the Assessment and Taxation of Regulated Industrial Property**

Since regulated industrial property in total is currently assessed in excess of One Hundred and Twenty Billion Dollars and contributes well in excess of One Billion Dollars in municipal and education property taxes, the issue of these properties not conforming to market value principles does put into question the fairness and equity of the total property tax system.

In its review of all of the regulated industrial property assessment issues in the Paper on Assessment Issues, the Task Force has identified the following issues for review and recommendation:

- The definitions of regulated industrial property have remained relatively unchanged since the 1960s;

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<sup>2</sup> Standards for Property Tax Policy – International Association of Assessing Officers (IAA) and the Lincoln Land Institute

- The valuation process for regulated industrial property does not conform to market valuation principles in that not all costs of construction are included in the determination of value for assessment purposes. This issue is directly related to the regulated assessment procedure called the “Construction Cost Reporting Guide (CCRG)”;
- The depreciation policy for telecommunication properties;
- The valuation of machinery and equipment for assessment purposes; and,
- The minimum and maximum “depreciation” policies for machinery and equipment.

### 3.2 Definitions of Regulated Industrial Properties

Although this issue may not seem to be directly related to the valuation of these properties for assessment purposes, it is an issue because in order to appropriately determine the value of a property for assessment purposes, the assessor must be able to clearly determine what that property is. The current definitions of regulated industrial properties do not provide the clarity required.

This lack of clarity has caused confusion and misinterpretation regarding what is to be assessed, who is responsible for the assessment and what valuation processes are applicable to the property.

For an explanation as to the reasons for why this situation has developed and the difficulties it has caused refer to Appendix 2: Definitions of Regulated Industrial Property.

#### **Recommendation #8:**

*The Task Force recommends that the Province review and update the definitions for regulated industrial property in the Municipal Government Act and the Matters Relating to Assessment and Taxation Regulation.*

This review should take into account the following;

- 1) Clarification and simplification of the definitions wherever possible; and,
- 2) As part of the review and required changes in the definitions, the Province provide clarification of assessment and taxation policy (which new technologies are to be assessed and taxed as real property and by whom (provincial linear section or local municipal assessor)).

For further explanation regarding the definitions of regulated industrial property refer to Appendix 2: Definitions of Regulated Industrial Property.

### 3.3 Review of the Construction Cost Reporting Guide (CCRG)

Prior to 1995 all property, other than non-farmland which was assessed on the basis of market value, was assessed under a fully regulated system.

All improvements (buildings, structures, linear property, machinery and equipment and railway improvements) were valued using a heavily regulated cost approach to value. This regulated cost approach to value removed certain costs of construction from the valuation process. It was felt that, if these costs were removed for all property, the result would be fairness and equity for all property in the assessment and property tax system. Although that may have been true under a regulated system, it is not fair and equitable under a market value based system because the costs of construction directly affect the market value of property. If the costs of constructing a particular property are higher in one area of the Province than another, all things being equal, the market value is higher.

With the introduction of market value as the standard for the assessment of residential and most non-residential property, the removal of costs of construction from the valuation process for assessment is no longer fair and equitable.

The former regulated approach for regulated industrial properties remained the process used after 1995. Even though it does not conform to market value principles, intense lobbying by industry resulted in the

process being reaffirmed, for the most part, with the introduction of the Construction Cost Reporting Guide (CCRG) in 2000.

The CCRG Guide is a regulated process that removes costs of construction from the assessment process for all regulated industrial properties. Many of the costs removed through this process are included in the assessment process for the determination of the market value of a property.

The significance of the removal of these costs varies depending on the regulated industrial property type (low of some five percent to a high of more than thirty percent of the total costs of construction normally included in the cost approach to market value). This policy flows directly through to the taxation system and provides a direct tax break for these property owners

#### **Recommendation #9;**

*The Task Force recommends that the Province review, amend and reintroduce the Construction Cost Reporting Guide to include the appropriate costs of construction that would normally be included in determining the market value of the property. If it is determined that a tax exemption policy is required as a result of the changes, the Task Force further recommends that the Province apply the tax exemption policy as an exemption from property tax rather than an exemption from assessment.*

This review and reintroduction should take into account the following:

- That the new guide ensures that all costs of construction that would be included in the determination of the market value of the properties are included in the assessment of regulated industrial property; and,
- That the new guide includes a regulated process that must be followed by taxpayers and assessors in the documentation of the costs of construction to allow for auditing of the process by provincial authorities in a similar fashion to all other audited properties.

### **3.4 Depreciation Policy for Telecommunications Properties**

There is a special depreciation policy for telecommunications properties called the “penetration rate depreciation”. This policy was introduced to compensate telecommunications companies where they constructed infrastructure sufficient to provide services to a projected population and the current population using the services is lower than the identified population.

It has been determined that the application of this policy is contrary to market value principles and is not a reflection of a loss in value of the property. The “penetration rate’ adjustment is really a loss in business value not a loss in property value. Since the Alberta property assessment system does not include business value, the policy therefore has no place in the Alberta assessment and taxation system.

#### **Recommendation #10:**

*The Task Force recommends that the Province discontinue the “penetration rate depreciation” policy for telecommunications property as it does not conform to market value assessment principles.*

### **3.5 The Valuation of Machinery and Equipment for Assessment Purposes**

The valuation of machinery and equipment for assessment purposes in Alberta does not conform to market value principles. It has always been and continues to be a fully regulated process.

There has been no change to the regulated valuation process as a result to the move to market value based assessment in 1995 and, in fact, there has been no significant update of the valuation process since the early 1980s and many of the valuation principles have been in place since the 1960s.

The assessment of machinery and equipment, like the assessment of all regulated industrial property, is based upon the cost approach to value. The cost approach to value is based upon the appraisal principle

known as the principle of substitution (one will pay no more for a property than it would cost him/her to build it).

Simply speaking, the cost approach to value involves estimating the cost of constructing a facility and then estimating the loss in value due to its age and utility (depreciation).

Currently the cost of construction is determined in accordance with the Construction Cost Reporting Guide (CCRG) (see section 3.20) or through regulated rates provided by the Province which are also developed using the CCRG. As explained in that section this approach does not conform to market value principles. If the CCRG issue was addressed the valuation of machinery and equipment would still require updating.

Currently the amount of depreciation is determined by using regulated depreciation tables that take into account a regulated age life of the particular industrial property type (for example, oil sands plant) and the specific age of the property. An estimation of the age lives of these properties was implemented in the late 1950's or early 1960's. This was in the early years of the assessment of machinery and equipment in Alberta when it was relatively unknown how long these facilities would last, especially in a northern climate such as Alberta.

The regulated age life expectancies of these properties have been questioned as to their appropriateness. As examples – oil sands plants are expected to have an age life of 15 years and refineries are expected to have an age life of 20 years.

The depreciation tables are based upon what are known as the Iowa "inverted S" family of depreciation curves. These curves have been used across North America in the application of the cost approach to value. Inverted S curves supply very little loss in value during the first years of a property's age life, significant losses in value during the middle years, and little value loss in the later years of a property's age life.

These curves were used for all property assessment prior to 1995 and are more applicable to the valuation of other real estate such as homes and businesses. It has been suggested that the use of these depreciation curves is inappropriate for valuing these properties since in the real world they do not depreciate in this fashion.

The Task Force acknowledges that the Province did update all of the regulated rates used in the assessment of regulated industrial properties and did make some adjustments to the valuation procedures for some properties. Although the regulated rates for oilfield machinery and equipment were updated, the procedures used in the valuation of these properties for assessment purposes have remained unchanged for decades.

#### **Recommendation #11:**

*The Task Force recommends that the Province review the regulated valuation procedures used for the assessment of machinery and equipment and amend it to bring it into line with market value principles used in the cost approach to value.*

The review and updating of the definition of machinery and equipment (referred to in section 3.10) and the review of the Construction Cost Reporting Guide (referred to in section 3.20) should form the springboard for further reforms to valuation of machinery and equipment for assessment purposes. It should include:

- A full review, updating and expansion of the age life expectations for the different types of facilities;
- The introduction of depreciation curves as a basis for the regulated depreciation tables that are more appropriate in the determination of market value to be used in the assessment process for machinery and equipment; and,

- A full impact study to determine the effect of these changes on industry and municipalities prior to implementation, to determine if property tax abatement policies are required and should be developed and used in the tax exemption process.

### **3.6 The Minimum and Maximum “Depreciation” Policies for Machinery and Equipment.**

These policies do not have any basis in the principles of market value property assessment and appraisal and should not be called “depreciation” (loss in value due to any cause). They are tax policies placed in the assessment process. As a result, they are not open and transparent.

Newly constructed properties are supplied an immediate twenty five percent reduction in value. This twenty five per cent reduction remains in place until the normal amount of depreciation that would be applied is greater than twenty five per cent. At this point the actual depreciation tables are used and appropriate depreciation factors are applied until the depreciation factor is sixty percent (forty percent remaining). At this point, the policy kicks in again. No further depreciation is allowed unless it is proven that further depreciation is warranted.

The immediate twenty five per cent allowance is meant as a tax exemption policy for newly constructed facilities. The maximum depreciation policy is a municipal tax stability policy to ensure that municipalities will continue to receive significant tax revenues as long as these properties are in place and operating.

These “depreciation” policies do not conform to the principles of market value where depreciation is a measurement of the loss in value due to age, utility, functional or economic conditions.

#### **Recommendation #12:**

*The Task Force recommends that the Province discontinue the policy of the application of the immediate twenty five percent depreciation policy in the assessment of machinery and equipment because it is a tax exemption policy applied in the assessment system.*

### **3.7 Property Tax Exemption Policy for Machinery and Equipment**

The Province has historically used adjustments in the assessment process for machinery and equipment to provide property tax incentives and relief from property taxation to the industrial sector.

The Task Force believes that this is not the appropriate mechanism to use in an open, transparent, effective and efficient assessment and taxation system.

#### **Recommendation #13:**

*The Task Force recommends that if, after the Province has addressed all of the issues relating to the valuation of machinery and equipment for assessment purposes and aligned it with market value principles used in the cost approach to value, it is determined that there is a need for a tax exemption policy, that this policy be applied as an exemption from property tax rather than an exemption from assessment.*

This approach will ensure that, in the future, the system will be open and transparent and the benefits of any tax abatement policy will be apparent to the citizens of Alberta.

## **4 THE ADMINISTRATION OF THE ASSESSMENT TAXATION FUNCTIONS**

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There are a number of issues identified by the Task Force that relate to the administration of the assessment and property taxation functions from a provincial perspective. These issues include the following:

- 1) The lack of separation between the policy-making function of the provincial elected officials and the administration of the assessment function;
- 2) The equalized assessment system;
- 3) The education property tax system;
- 4) Training of assessors and succession planning;
- 5) The assessment complaint and appeal system;
- 6) The condition dates for the assessment of property;
- 7) The provincial policy of applying education property tax on supplementary assessments; and,
- 8) The lack of provincial grants in place of taxes on post secondary learning institutions and major medical facilities.

### **4.1 The Lack of Separation between Policy Making and the Provincial Administration of the Assessment and Taxation Functions**

Under the current administrative structure for assessment that was adopted in 1995, the Minister of Municipal Affairs is not only responsible, in consultation with his/her colleagues in the Legislature, for setting provincial assessment and taxation policy, he/she is also legislatively responsible for ensuring that these policies are consistently and appropriately applied across the Province. In fact, he/she is directly legislatively responsible for the following:

- The auditing of assessments including inspecting and quashing of assessments in accordance with policies and procedures provided for under Minister Order signed by him/her;
- Providing direction and advice on interpretation of assessment and taxation policy in accordance with policies and procedures set by him/her in consultation with his/her colleagues in the Legislature;
- The determination of linear assessments, in accordance with policies and procedures provided for under Ministerial Order signed by him/her;
- The determination of equalized assessments in accordance with policies and procedures provided for under Ministerial Order signed by him/her; and,
- The determination of education property tax requisitions in accordance with policies and procedures set by him/her in consultation with his/her colleagues in the Legislature.

There is no separation between the functions of policy setting and the administration of the assessment function at the provincial level. The person responsible for setting policy is also the person responsible for ensuring that the policy is followed.

For more information on how the legislation dealt with this issue prior to 1995, refer to Appendix 3: The Assessment Commissioner, the Chief Provincial Assessor, the Alberta Assessment Equalization Board and the Assessment Complaint and Appeal System.

#### **4.1.1 *Legislated Administrative Position Separate From Policy Setting***

Prior to 1995, the Minister was responsible for setting policies in consultation with his colleagues in the Legislature, and the responsibility of ensuring that the policies were applied consistently and appropriately across the Province was held by a senior civil servant with extensive knowledge and experience in the assessment and taxation field. For further information regarding the changes in the administration of the assessment function in the Province refer to Appendix 3: Assessment Commissioner, Chief Provincial Assessor and Assessment Equalization Board and the Assessment Complaint and Appeal System.

Currently one of the mandated responsibilities of the Minister is the assessment audit function which includes the authority of inspecting and quashing assessments and requiring them to be completed again. Another responsibility of the Minister is to provide ongoing advice and direction to municipalities and assessors on the proper application of the legislation and procedures.

Assessment and taxation, by their very nature, are controversial and as a result, very political. Because these actions, advice or directions are by their very nature political, these actions seldom occur. An example of this lack of direction is the issue of the assessment of oil sands trucks and shovels. It is clear that the provincial policy would have them assessed and taxed (section 304 (1) (g) of the Municipal Government Act (MGA)). Although the draglines in open pit coal mines are assessed and taxed, the subject municipality is hesitant to assess them due to a conflicting exemption in section 298 (1) (p) of the MGA. Although the municipality has repeatedly asked for clarification of the legislation, no Ministerial direction has been forthcoming.

The Minister cannot be expected to be fully knowledgeable on legislation, rules, policies and procedures regarding assessment and taxation. These duties and responsibilities should be clearly separated from the provincial elected officials.

It should be noted that, at the local municipal level, although the assessor is an employee of the municipality, he/she is shielded by legislation from political interference and there should be similar integrity protections at the provincial level. He/she is required to follow the direction of the legislation which is a reflection of provincial policy without interference from an employer.

There is a definite need for a legislated position at the provincial level that has the authority and legislated mandate to ensure that provincial government policy is followed.

**Recommendation #14:**

*The Task Force recommends that the Province establish a legislated position that would ensure that the administration of the assessment function is held at arm's length from the policy setting function of the Provincial Government.*

**4.1.2 Designated Linear Assessor**

Another issue relating to the lack of separation between the policy making function and administration is the current direct responsibility of the Minister for completing linear assessments. Prior to 1995, the responsibility for the completion of linear assessments was held by the legislated position of Chief Provincial Assessor. For more information regarding this position refer to Appendix 3: Assessment Commissioner, Chief Provincial Assessor, the Assessment Equalization Board and the Assessment Complaint and Appeal System.

Over the last number of years there has also been concern expressed by stakeholders regarding the lack of separation between the policy setting arm of the government and the delivery of linear assessments.

As mentioned above, at the local municipal level, although the assessor is an employee of the municipality, he/she is shielded by legislation from political interference and there should be similar integrity protections at the provincial level

**Recommendation #15:**

*The Task Force recommends that the Province establish a legislated position that would ensure that the preparation of linear assessments is held at arm's length from the policy setting function of the Provincial Government.*

#### 4.1.3 *The Responsibility for the Preparation of Equalized Assessments*

In accordance with the legislation (Municipal Government Act) the Minister of Municipal Affairs is responsible for preparing equalized assessments in accordance with policies and procedures under the authority of a Ministerial Order signed by the same Minister. The Task Force is concerned about the appropriateness of this process.

#### **Recommendation #16:**

*The Task Force recommends that the Province establish an administrative tribunal for the purposes of determining equalized assessments that is held at arm's length from the policy setting function of the Provincial Government.*

This tribunal should include representation from municipalities and other stakeholders who are directly affected by this function.

#### 4.1.4 *Legislation Pertaining to the Preparation of Equalized Assessment*

The purpose of the equalized assessment system is to provide a fair and equitable basis for grant sharing and cost sharing programs between municipalities. The Task Force has questions as to the fairness of the system when not all taxable properties are assessed on the same basis and the equalized assessment system does not adjust for this variation.

The most significant use of the equalized assessment process is the provincial education property tax requisitioning process. As this process involves in excess of One billion, Seven Hundred Million Dollars in education property tax, the fair and equitable distribution of the tax burden is of significant concern.

#### **Recommendation #17:**

*The Task Force recommends that the Province amend the legislation to ensure that the equalized assessments for all taxable property (including linear property, machinery and equipment and railway property), other than farmland, be based on market value principles and equalized at a common level and a common year. The Task Force further recommends that the Province amend legislation to entrench the ability of a municipality to file a complaint about an equalized assessment regardless of what the equalized assessment is used for.*

If there is a requirement to implement a property taxation "circuit breaker" in the process to ensure that municipalities and their citizens are not unduly affected by the use of equalized assessment as a mechanism for the grant sharing or cost sharing program, the taxation "circuit breaker" mechanism should not be achieved through adjustments in the equalized assessment process.

#### 4.1.5 *The Education Property Tax System*

The education property tax burden of some One Billion, Seven Hundred Million Dollars can only be shared fairly and equitably if the equalized assessment system is fair and equitable. The equalized assessment system can only be fair and equitable if the local municipal assessment system is fair and equitable.

Even if the local municipal assessment system is fair and equitable and all assessments were equalized appropriately in a fair and equitable manner, there are limitations within the property assessment system to fairly and equitably distribute the education tax burden.

In effect what occurs is that although the ad valorem (according to value) system works well in distributing the tax burden within the municipality, it does not necessarily distribute it fairly when it is applied on a province-wide basis. What is occurring in some municipalities is that due to extreme demand

for properties, the market value has increased dramatically in comparison to physically similar properties in other jurisdictions.

Due to the manner in which the education property tax requisition is currently calculated, the education property tax requisition for these municipalities, and subsequently the taxes for their citizens, have increased dramatically in comparison to their neighbours in other municipalities with physically similar properties. There is a limit to the use of the ad valorem system and there is a need for a mechanism to ensure that some residents of the Province are not required to pay an inappropriate share of the education property tax burden.

For the purposes of the education property tax requisitioning process, the Province has attempted to implement property tax "circuit breakers" to address this issue in two ways. First, there is legislation that allows the Cabinet under the authority of an Order-in-Council to set different equalized education property tax rates for municipalities in the national parks.

Secondly, the Province has implemented the *Equalized Assessment Variance Regulation* (a Ministerial Order signed by the Minister) which is another example of a tax exemption policy applied in the assessment system that attempts to stabilize the education property tax requisitions. It involves a capping and averaging process that limits significant increases in a municipality's requisition as a result of rapid increases in the market value of properties within its borders.

One of the issues with the capping and averaging process is that by softening the increases for some municipalities, other municipalities that do have increases in the market value of their properties have increases in their education tax requisition. In addition, this system does not provide a "circuit breaker" mechanism to limit a taxpayer having to pay excessive amounts of education property tax in comparison to owners of similar properties in other municipalities.

#### **Recommendation #18:**

*The Task Force recommends that the Province review the calculation processes for determining education property tax requisitions with a view to including a property tax "circuit breaker" mechanism in the education property tax requisitioning process in order that residents are not required to pay excessive amounts of education property tax in comparison to owners of similar properties in other municipalities.*

#### **4.1.6 Education Property Tax Requisitioning Process**

The Province applies a different education property tax rate to residential property than it does to non-residential property to determine the amount of the education property tax requisition for each municipality. The Province, since this process was introduced in the mid 1990s, has historically kept the ratio between these rates static at approximately 1.5 to 1, non-residential to residential.

With the significant increases in market value of residential property in comparison to non-residential property and the fact that the valuation of regulated industrial property has not kept pace with these increases, there has been a dramatic shift in education taxes from non-residential property to residential property. The following total provincial requisition figures illustrate this shift.

<u>Year</u>	<u>Residential</u>	<u>% of Total</u>	<u>Non-Residential</u>	<u>% of Total</u>
1994	629,634,244	32%	1,333,971,503	68%
1996*	663,728,473	33%	1,331,504,820	67%
2010	1,105,317,260	62%	667,416,619	38%

\*First year of the phase-out of the education property tax levy on machinery and equipment.

The Task Force notes that most municipalities in the Province have implemented a policy to limit the shifting between property classes due to dramatic differences in market value changes between classes on an annual basis.

**Recommendation #19:**

*The Task Force recommends that the Province establish a policy to stabilize the education property tax between classes of property as a result of market value changes or changes in policy on regulated policy.*

## **4.2 Provincial Responsibility for the Assessment and Taxation Process**

The Province should become a full partner in the administration of the assessment and tax collection system by providing funds to assist municipalities in the annual assessment function.

The Province collects a significant amount of revenue for education from the municipal property assessment and taxation system and it should shoulder a fair share of the costs. The Task Force also notes that, in the past (prior to 1995), the Province supplied grants to assist municipalities with the cost of the administration of the assessment system.

The Province invoices municipalities for the costs of preparing linear assessments and the Task Force believes that it is appropriate that municipalities should be compensated in a similar fashion.

**Recommendation #20:**

*The Task Force recommends that the Province supply grants to assist municipalities in the administration of the assessment and taxation function based upon the relationship between the education property tax requisition and the total property tax levied by a municipality.*

## **4.3 Training of Assessors and Succession Planning**

Assessors who graduate from post secondary institutions are not immediately ready for assuming the responsibilities of an assessor in a municipality. They are unable to assume these duties until they are able to meet the provisions of the *Qualifications of Assessor Regulation (Alta. Reg. 54/1999)*. As a result, assessors need a number of years of on the job training and extra studies in order to qualify to be an assessor within the meaning of the *Municipal Government Act*.

Another issue related to the training of assessors is the specialized knowledge and experience required in the assessment of major industrial facilities. Currently there are very few individuals left in the assessment field in Alberta that have the knowledge and experience needed to complete these valuations.

There has also been concern expressed by the assessment community relating to the consistency of the assessment of these facilities between municipalities. Until recently, the Province did not have a program in place to audit the assessments on these facilities. These facilities are difficult to value and result in very large valuations with high tax incidence.

The Province has a vested interest in the training and succession planning for assessors and, as a result, should become a full partner in the process.

**Recommendation #21:**

*The Task Force recommends that the Province introduce assessor training grants to municipalities and private assessment firms in a coordinated approach with the Alberta Assessors' Association to ensure that there is an adequate candidacy program for assessors.*

#### **Recommendation #22:**

*The Task Force recommends that the Province introduce extra funding for succession planning and training of specialized regulated industrial assessors.*

In an effort to ensure that proper training and succession planning is successful, the Task Force believes that the Municipal Associations should play a supporting role to the Alberta Assessors' Association in the training and succession planning of assessors.

#### **4.4 The Assessment Complaint and Appeal System**

Amendments to the Municipal Government Act and Regulations to deal with the issues related to the former two-level system of assessment complaints and appeals have been passed.

To date, the changes brought about have already yielded positive results and work well for the stakeholders who participate in working together to resolve issues, resulting in drastically reduced complaints filed.

#### **Recommendation #23:**

*The Task Force recommends that the Province only consider requests for further changes to the assessment complaint and appeal system if it will be giving effect to the intent of the legislation, and further improve the efficiency of the Assessment Complaint system.*

#### **4.5 The Condition Dates for the Assessment of Property**

Three dates, in the year before taxes are imposed, are used in calculating the assessed value of property in Alberta. The first, called the valuation date, is July 01. Assessors estimate the market value of all assessable properties based upon their local real estate market conditions on that valuation date.

The different legislated dates for recording improvement characteristics and the physical condition of property, informally called condition dates, are the other two dates of special significance. Assessors must calculate the assessed value of non-linear property based on their characteristics and condition on December 31. Linear property assessments must be based on the physical condition of any improvements and the characteristics of the property as of October 31 of the year prior to the year in which taxes are imposed.

The December 31 condition date for non-linear property is problematic for taxpayers and those who serve them. Property owners find it difficult to understand how and why assessors use different dates to calculate an assessed value. Municipalities, especially urban ones, find it increasingly difficult to meet their legislated obligations and complete the annual assessment cycle within a given calendar year.

#### **Recommendation #24:**

*The Task Force recommends that the condition dates for the assessment of property be reviewed to determine if they should be moved.*

#### **4.6 The Provincial Policy of Applying Education Property Tax on Supplementary Assessments**

Supplementary assessments are prepared to capture growth in assessment because of new construction within the taxation year. The application of supplementary assessment and taxation is a discretionary authority of municipalities in Alberta. It is applied by a municipality in order to add revenue from the property assessment and taxation system.

If a municipality wishes to apply supplementary assessment and taxation, it is required to pass a supplementary assessment bylaw annually.

A municipality, in accordance with legislation, must apply the same education property tax levy to supplementary assessments that it applied to the regular assessments.

As this extra education tax revenue only comes from those individuals in municipalities where supplementary assessments are authorized by the municipal bylaw, these individuals are subsidizing other taxpayers only because their municipality passed the bylaw.

**Recommendation #25:**

*The Task Force recommends that the Province discontinue requiring municipalities to apply the education property tax levy to supplementary assessments.*

#### **4.7 Grants In Place of Taxes on Post Secondary Institutions and Major Medical Facilities**

Many urban centers around the Province have post-secondary learning institutions and medical facilities within their boundaries that are exempt from taxation. Just because these properties are exempt from taxation doesn't mean the taxes disappear - they are simply transferred to the rest of the taxable properties in the municipality.

The municipalities in which these facilities are located are, nevertheless, required to supply municipal services to those properties. As these facilities supply services for all Albertans, regardless of their location, taxpayers in urban centers should not have to shoulder the extra tax burden alone.

**Recommendation #26:**

*The Task Force recommends that the Province provide grants in place of taxes for provincially owned post-secondary institutions and major medical facilities, based upon assessments that reflect the actual market value of the properties.*

#### **4.8 Provincial Property Subject to Grants in Place of Taxes**

Provincially owned property is exempt from taxes in accordance with the Municipal Government Act (MGA). Section 366 of the MGA, however, provides that a municipality may apply to the Crown for a grant if there is a property in the municipality that the Crown has an interest in. This section also provides that the Crown may pay to the municipality a grant not exceeding the amount that would be recoverable by the municipality if the property that the Crown has interest in were not exempt from taxation.

Municipalities have expressed concerns that the Province is, in some instances, underestimating the market value of Crown owned property for the purposes of calculating the grant in place of taxes. It is felt that the Crown should be required to file an assessment complaint and appear before the Assessment Review Board to make its case in the same fashion as all other property owners.

**Recommendation # 27:**

*The Task Force recommends that the Province provide grants in place of taxes for all properties on which the Crown currently pays a grant based upon assessments that reflect the actual market value of the properties. The Task Force further recommends that the Crown, if it is believed that the local assessor has overstated the market value of the property, file an assessment complaint and appear before the Local Assessment Review Board to make its case in the same fashion as all other property owners.*

## APPENDIX 1: THE TASK FORCE CHARTER

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**AUMA**  
**Task Force on Assessment**  
**Task Force Charter**  
January – April 2010

**Purpose:**

We are committed to bring representative voices, experience and leadership from all aspects of assessment into the room, working collaboratively to find the best response for AUMA to the current research and recommendations.

**Task Force Core Values and Principles:**

- ✚ Clear, concise, plain language spoken and reported.
- ✚ Respect for diverse opinion and representation coupled with desire for outcomes that serve all well.
- ✚ Balance of accountability to the member organizations represented on the task force.
- ✚ Open minds, see the other view.
- ✚ Industrial strength listening.
- ✚ Equal voice – full participation.
- ✚ Leave personal agendas at the door –challenge ideas not people.
- ✚ Be open to compromise.
- ✚ Decisions based on fairness, facts, equity and consequences.
- ✚ Have fun.
- ✚ Look for the innovative.

**(2)**

**Protocols:**

- ✚ Set up an effective communication process for Task Force members.
- ✚ Meet in both cities.
- ✚ Set and meet time line.
- ✚ Use effective process facilitative tools where possible, for dialogue, focus and time pressures.
- ✚ Work to consensus.
- ✚ Take full advantage of expertise in the room.
- ✚ Do the homework...study the material, be prepared and connect with colleagues on the home turf for guidance, confidence and flexibility in upcoming positions.

**Key Issues and Challenges:**

- ✚ Transparency of the Process.
- ✚ Inequities...Regulated Assessments versus Market Value
- ✚ Public Education
- ✚ Certainty – Stability
- ✚ True Market Value Principles.
- ✚ Assessor support, renewal and training.
- ✚ Improving Administrative-Policy protocol and balance.
- ✚ Balance of political, bureaucratic and business views with a large view to serve Alberta.
- ✚ Clarity of Legislation.
- ✚ Moving from special interest to Alberta interest.
- ✚ Balancing the rural – urban view with a broad Alberta view.
- ✚ Connecting the assessment process to the assessment community.
- ✚ Condition date for assessment
- ✚ Updating of provisions relating to non-profits

## **APPENDIX 2: DEFINITIONS OF REGULATED INDUSTRIAL PROPERTY**

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### **Reasons for the Review and Updating of the Definitions of Regulated Industrial Property**

The legislated definitions for these properties have remained relatively unchanged since they were introduced in the *Municipal Taxation Act*, the *Electric Power and Pipeline Assessment Act* and the *Municipalities and Provincial Properties Valuation Act* in the 1960's

These Acts were repealed with the coming into force of the *Municipal Government Act* in 1995. Some of the properties were assessable under one of the previous Acts and exempt under the other

The definitions in the former Acts were included in the New Act and there is confusion as to what definitions certain properties fall under. An example of this would be that there are 3 completely different definitions for machinery and equipment in the legislation.

Significant assessment and taxation policy changes have been made by government since these definitions were drafted. Some of these policy changes created large differences in taxes depending upon the interpretation of the legislated definitions.

This has created complaints, appeals and expense for municipalities and tax payers. An example of this is that there are concrete silos in the province falling under the definition of machinery and equipment and assessed accordingly (not subject to the education property tax levy). These properties have been the subject of costly assessment complaints and appeals at the local and provincial assessment tribunals and also Court of Queen's Bench.

Significant technological changes have occurred in these industries since these definitions were drafted. New properties have been introduced that were not contemplated when the definitions were drafted. This is especially prevalent in the areas of telecommunications and to a lesser extent in all other regulated industrial property.

It is not certain whether the province intends that some of these properties be assessed and taxed. Examples of these types of properties are automated teller machines, automated payment machines, scanning machines, electronic billing systems, all of which are integral parts of telecommunication systems.

The definitions for regulated industrial property should be subject to regular reviews and amendments to the legislation.

Linear property covers a large group of properties that, generally speaking, are looked on as systems that can and do cross multiple municipal boundaries. This is in fact one of the major reasons for them being centrally assessed, currently by the Provincial Government.

The following are linear property systems that are defined as systems in the legislation and do cross multiple municipal boundaries:

- Electric power systems, including generation, transmission and distribution systems,
- Telecommunications systems, including cable television, and
- Street lighting systems.

These systems are defined in a manner that includes all the property in the system, such as electric power transmission and distribution substations, as linear property and they are assessed and taxed as such. Other linear property is not defined in that way. Pipelines, for example, are not assessed as a system. For the most part, only the pipe is linear. The pumping or compressor stations are assessed as machinery and equipment by the local municipal assessor under significantly different rules and procedures.

As pipelines are subject to the education tax levy, as are electric power transmission and distribution systems and telecommunication systems, why are pumping and compressor stations not subject to the education tax levy and assessed by the linear assessor.

Oil, gas and related wells, including most of the surface equipment are assessed as linear under the definition of pipelines (the wording is a pipe in a well). Some of the surface equipment at a well site is assessed as linear by the provincial linear assessor and some is assessed by the local municipal assessor as machinery and equipment using completely different rules and procedures.

Again the linear property is subject to education property tax and the machinery and equipment is not. This has caused significant confusion between the two assessment jurisdictions that leads to situations where property can be not assessed or doubly assessed and has been the subject of many complaints and appeals through the tribunal processes.

There are three definitions of machinery and equipment in the legislation with differing rules and procedures applicable to each. In addition, the definition is so broad that, in reality, the majority of what is now defined as machinery and equipment would be assessed as buildings and structures if it were not for the current definition of machinery and equipment.

A definition of railway property was included in the legislation as a result of the coming into force of the MGA in 1995; however, the change has really only added confusion to the issue resulting in inconsistency in assessment of these properties across the province.

## **APPENDIX 3: THE ASSESSMENT COMMISSIONER, THE CHIEF PROVINCIAL ASSESSOR, THE ASSESSMENT EQUALIZATION BOARD AND THE ASSESSMENT COMPLAINT AND APPEAL SYSTEM**

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### **1 ADMINISTRATIVE STRUCTURE PRIOR TO 1995**

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**Minister** – Was responsible, in consultation with his colleagues, for setting assessment and taxation policy.

#### **Assessment Service Delivery Structure**

Municipalities had the choice of:

- 1) Hiring their own in house staff,
- 2) Contracting an assessment firm, or
- 3) Contracting staff of Alberta Municipal Affairs (Assessment Operations Branch)

NOTE: Linear Assessment was completed by Chief Provincial Assessor (CPA). In addition CPA had experts in the heavy industrial assessment field that municipalities could contract.

**Assessment Commissioner** - (senior civil servant with extensive experience in assessment)

Responsible for the administration of the assessment function and ensuring provincial assessment policy is applied consistently across the province.

- The Assessment Commissioner provided advice and direction regarding provincial policy in the form of Assessment Commissioner's Bulletins. These bulletins were recognized by the Tribunals and Courts as law (being the direction and policy of the government).
- The Assessment Commissioner also assumed the responsibility to ensure that municipalities had a constant supply of fully trained assessors.
- The Assessment Commissioner was responsible for Assessment Inspection (audit). This was a legislated position with mandated responsibilities including advisory to the Minister and recommendations for regulatory and legislative amendments regarding assessment.
- The Assessment Commissioner had the authority to quash assessments, make changes, do assessment inspections and provide clarification of policies, and procedures that were accepted as law by the courts.
- The Assessment Commissioner had staff who supplied assessment advisory service and assessment policy development.

**Chief Provincial Assessor** (Linear Assessor)

This position was also a legislated position (appointed assessors for all municipalities other than cities)

#### **Assessment Equalization Board (Administrative Tribunal)**

Members – Chairman (senior civil servant with extensive experience in assessment-appointed under the authority of statute)  
- Secretary (senior civil servant with extensive experience in assessment – appointed under the authority of statute)  
- Representative of the Alberta Urban Municipalities Association  
- Representative of the Alberta Association of Municipal Districts and Counties  
- Representative of the Alberta Association of Summer Villages, and  
- Representative from Alberta Education.

This administrative tribunal was responsibility for the preparation of equalized assessments.

Municipalities could file a complaint with the Alberta Assessment Appeal Board regarding an equalized assessment.

**Alberta Assessment Appeal Board (Quasi-Judicial Tribunal)**

Members        -Chairman (senior civil servant with extensive experience in assessment – appointed under the authority of statute)  
                     -Full time Members (extensive experience in assessment)

Members were full time employees of the Province.

## 2 1988 TO 1992 – MUNICIPAL STATUTES REVIEW COMMITTEE

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The Municipal Statutes Review Committee (MSRC) was established by the Province to review all areas of the legislation involving municipalities. One of the main issues under review was the fully regulated, administratively heavy assessment system that had been under significant pressure through the court system.

The MSRC recommendations after extensive review and consultation with municipalities, industry, taxpayer associations and the general public included the following:

Three White Papers were drafted and released for public consultation in 1992.

- 1) White Paper on the Municipal Government Act – Included the provisions for property taxation
- 2) White Paper on the Property Assessment Act – Included the provisions for the assessment of property (annual market value standard and update of regulated assessment to conform to market value principles) and also included provisions for the establishment of the Alberta Assessment Appeal Commission which included full time expert members.

NOTE: noted in the background material that there must be a complete separation of the assessment and taxation functions.

- 3) White Paper on the Municipal Assessment Corporation Act – Included provisions for the establishment of a single province-wide assessment authority to introduce and maintain annual market value assessment.

**Note #1:** The positions of Assessment Commissioner and Chief Provincial Assessor were to move to the CEO and member of the Board of Directors of the Corporation.

**Note #2:** It was expected that there would be no need for a separate audit function as it would be an internal quality control function within the corporation.

**Note #3:** It was also expected that there would be no need for an equalized assessment function as all assessments were to be rendered on the basis of market value or market value principles (regulated) and completed by one organization using one CAMA system.

### **3 ADMINISTRATIVE STRUCTURE POST 1995 – RESULT OF GOVERNMENT DOWNSIZING AND THE INTRODUCTION OF THE MUNICIPAL GOVERNMENT ACT**

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**Minister** – Continues to be responsible, in consultation with his colleagues, for setting assessment and taxation policy.

NOTE: Annual Assessments based upon market value were adopted in legislation with the introduction of the Municipal Government Act in 1995.

#### **Assessment Service Delivery Structure**

The assessment delivery mechanism was privatized. Municipalities were required to acquire assessment services from the market place.

The Municipal Statutes Review Committee Recommendation Was Not Implemented.

The full responsibility for property assessment was transferred to municipalities.

The Province introduced the regulated requirement that the assessor for a municipality must meet specific qualifications. The responsibility for the training of assessors was also transferred to municipalities.

#### **Assessment Commissioner**

The Legislated Position of Assessment Commissioner was abolished with the introduction of the Municipal Government Act. The responsibilities of the former position were transferred to the Minister of Municipal Affairs.

The duties of the former Assessment Commissioner that were transferred included:

- Advisory and Policy Development - the Minister is now directly responsible for supplying advice and clarification of policies and procedures that are set by the Minister and his colleagues under legislation or by the Minister under Ministerial Order.

Advice provided by staff of the Assessment Services Branch has no legislative sanction unless signed by the Minister. As a result very little clarification of policies and procedures has been circulated.

- Assessment Audit Function – the Minister is now directly responsible to ensure that municipal assessments meet the regulated quality standards for assessment that are set by the Minister under Ministerial Order.

This responsibility was formerly under the position of Assessment Commissioner and was added to the Minister's responsibility as a result of the Province's decision not to adopt the assessment authority model. It was decided that since assessment would be done by municipalities instead of the corporation a provincial audit function was required.

The Minister is now directly responsible for ensuring that municipalities meet the quality standards that are set by the Minister under the Minister's Guidelines that are approved under ministerial order signed by the Minister.

The responsibility for inspecting and quashing assessments that do not meet the provincial standards and the responsibility for requiring that they be completed again have been transferred from the Assessment Commissioner to the Minister. This change places the Minister in a difficult position due to the fact that these decisions become political rather than process driven.

The former provincial government responsibility for assessor training was transferred to municipalities.

## **Chief Provincial Assessor**

The legislated position of Chief Provincial Assessor was abolished with the introduction of the Municipal Government Act. The responsibilities of the former position were transferred to the Minister of Municipal Affairs.

The duties of the former Chief Provincial Assessor that were transferred to the Minister were:

- Linear Assessment - the Minister is now directly responsible for the preparation of linear property assessment using the rules and procedures that the Minister has set under the Ministers Guidelines under the authority of a ministerial order signed by the Minister.

Government supply of heavy industrial expertise for municipalities phased out and municipalities are now required to acquire expertise from contracting firms. There are no more than about a half dozen individuals left in the province with the required knowledge and expertise to complete this function. These individuals are all nearing retirement age.

## **Assessment Equalization**

The Alberta Assessment Equalization Board was abolished with the introduction of the Municipal Government Act. The responsibilities of that administrative tribunal were transferred to the Minister of Municipal Affairs.

The former duties of the Alberta Assessment Equalization Board that were transferred to the Minister were:

- Equalized Assessments – the Minister is now directly responsible for the preparation of equalized assessments under the rules and procedures that the Minister has set under Ministerial Order signed by the Minister.

The Municipal Statutes Review Committee recommendations envisioned a single provincial assessment authority preparing assessments for all of the municipalities in the province. As a result, they did not foresee a requirement for equalized assessments since all assessments would be rendered at the same level and completed by one organization.

However, as a result of the privatization of the assessment delivery function, assessments would now be completed by some 355 separate municipalities. It was decided that indeed there was a need for equalized assessment.

The responsibility for determining equalized assessment was added to the responsibilities of the Minister and a regulated process under Ministerial Order was implemented.

Municipalities have the right to file a complaint to the Municipal Government Board regarding their equalized assessment. This is similar to what was allowed in legislation prior to 1995.

The most important current use of equalized assessments in the Province of Alberta is for the fair and equitable distribution of the education property tax burden. If the Minister varies a municipality's equalized assessment for the purposes of determining the education property tax requisition under the authority of the *Equalized Assessment Variance Regulation*, made under the authority of a ministerial order signed by the Minister, municipalities have no right to file a complaint.

## **Municipal Government Board**

The Alberta Assessment Appeal Board Act was abolished with the introduction of the Municipal Government Act. The approach recommended by the Municipal Statutes Review Committee (The Alberta Assessment Appeal Commission) was not implemented. It should be noted that this proposed legislation envisioned the employment of full time experienced members.

The Province amalgamated three former boards, the Alberta Planning Board, the Alberta Local Authorities Board and the Alberta Assessment Appeal Board under the new Municipal Government Board. In addition, The Municipal Government Board members are not full time members and are not required to have experience in assessment.

Recent amendments to the Municipal Government Act under Bill 23 has limited the Municipal Government Boards jurisdiction to hearing only complaints of linear property assessment and equalized assessments that have not been varied by the Minister under the *Equalized Assessment Variance Regulation*.

# AUMA Policy Paper 2010.2

**AUMA Board of Directors  
Healthy Alberta Communities**

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**WHEREAS** municipal governments play a role in building healthy Alberta communities, especially in the municipal core function areas of transportation, recreation and parks, and land use planning; and

**WHEREAS** municipal governments work hard, every day, to ensure safe and viable communities with a high quality of life for residents; and

**WHEREAS** the Government of Alberta is currently developing new health legislation in which it is believed that the achievement of health outcomes for Alberta will be successful through support for healthy communities;

**WHEREAS** at its meeting of September 23, 2010, the AUMA Board adopted the 2010 Healthy Alberta Communities Policy Paper and directed that it be forwarded to the 2010 Convention for approval.

**NOW THEREFORE BE IT RESOLVED THAT** the AUMA 2010 General Assembly adopt the 2010 Healthy Alberta Communities Policy Paper.



# Healthy Alberta Communities

Convention Policy Paper

September 2010



## 1 INTRODUCTION

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Alberta municipal governments play an important and essential role in the health of their communities. The *Municipal Government Act*, in Section 3, lays out the purposes of a municipality:

- To provide good government,
- To provide services, facilities or other things that, in the opinion of council, are necessary or desirable for all or a part of the municipality, and
- To develop and maintain safe and viable communities.

AUMA believes that building healthy communities is best done through partnerships – with governments, and between governments and citizens. AUMA's proposal for a formalized Provincial-Municipal Sustainability Partnership Agreement<sup>1</sup> (2008 AUMA Convention) would result in great gains for Alberta citizens and communities in the area of health. The proposed Agreement is based on outcomes – both provincial and local. Municipalities would be charged with achieving outcomes that are agreed to with the Province, and reporting on those outcomes annually as part of a Sustainability and Accountability System.

Sustainable land use planning, a core municipal function, is of great importance in ensuring healthy communities. Land use choices made by municipal elected officials result in municipal infrastructure and services that encourage and/or support citizens to be more healthy. Strategic land use decisions can result in greater community density, more walk-able communities and the creation of mixed use neighbourhoods allowing citizens to live, work, play and eat within their own neighbourhood. Municipal governments also make decisions related to recreation, parks, preservation/conservation areas, and transportation – all of which are intrinsically linked with the health of individuals and families. While health is not considered to be within the municipal jurisdiction, municipal governments have always played a role in health, through their decision-making and budgetary processes.

In 2010, the Minister's Advisory Committee on Health produced the report: *A Foundation for Alberta's Health System*. The Minister's Advisory Committee mandate was to provide input on the legislative reforms necessary to "update current health legislation in a manner that will facilitate current and future health system initiatives". Upon reviewing the Report, AUMA felt that a contribution could be made to the provincial efforts through the development of a Policy Paper on Healthy Communities. This AUMA Policy Paper brings to the fore, the municipal government role in building healthy communities.

By virtue of the clear responsibility that municipal governments have for transportation, recreation and parks, and land use planning, the Policy Paper will focus on these areas<sup>2</sup>.

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<sup>1</sup> [http://www.auma.ca/live/digitalAssets/21/21892\\_Provincial\\_Municipal\\_Sustainability\\_Partnership\\_1015.pdf](http://www.auma.ca/live/digitalAssets/21/21892_Provincial_Municipal_Sustainability_Partnership_1015.pdf).

<sup>2</sup> AUMA recognizes that the municipal role in building healthy communities is broader, and that creating safe communities through environmental health, injury prevention, crime prevention, policing, fire prevention and other emergency services, also leads to healthy communities. This Policy Paper focuses on certain aspects of healthy communities, but makes recommendations for future AUMA research and policy development.

## 2 BACKGROUND

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At the 2009 AUMA Convention, delegates voted on AUMA priorities for the coming year. One of the priorities chosen was “to develop policy in areas of provincial jurisdiction.”

With regard to social infrastructure, AUMA has adopted the following principles:

1. Federal and Provincial governments have primary responsibility to fund and support social infrastructure.
2. Municipal Governments have a role in social infrastructure.
3. Engagement, cooperation and flexibility to ensure local priorities are met are essential in meeting social infrastructure needs.
4. Municipalities, in the context of available resources and Council approval, may choose to deliver social infrastructure components.
5. Access to medical care and adequate police, fire and ambulance services are important components of the goal of social infrastructure to create and maintain safe and viable communities.

(AUMA 2010 Policy Statement on Building Communities)

Several AUMA resolutions have been adopted that call for action on healthy communities through recreation, parks, active transportation and sustainable land use planning. These resolutions are:

- AUMA’s 2009 resolution on funding for Major Community Facilities states:

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association urge the Government of Alberta to continue to fund the Major Community Facilities Program on an ongoing basis to allow for the proper planning to occur to see these projects completed for the benefit of Albertans.

- AUMA’s 2009 resolution on Urban Parks states:

**NOW THEREFORE BE IT RESOLVED THAT** the AUMA encourage the Government of Alberta to include Urban and Regional Countryside Parks as an important part of the parks network in Alberta, and to work with AUMA to ensure that Urban and Regional Countryside Parks are further developed, maintained, enhanced and promoted in Alberta; and

**FURTHER BE IT RESOLVED THAT** the Government of Alberta commit to establishing a new Urban and Countryside Parks Program that would support municipalities in parks planning, parkland acquisition, park development, conservation, operations and promotions.

- AUMA has requested representation on the Parks Advisory Council that is outlined in the Government of Alberta’s 2009 Plan for Parks.
- AUMA’s 2009 resolution on trails states:

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association urge the Government of Alberta (Alberta Transportation) to adopt as part of its design standards and policies, facilitation of and provision for alternative modes of transportation such as cycling, running and walking and to consider the construction of trail systems as part of the building or rebuilding of roads and highways.

- AUMA’s resolutions related to sustainable land use planning are:

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association request the Government of Alberta develop a policy and regulatory framework which factors cumulative economic, social, environmental and health impacts of multiple developments in the approval process.

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association (AUMA) adopt the 2007 President's Summit Land Use Planning Paper, which includes the following recommendations to the Government of Alberta:

1. Establish and test a new planning process strategy as outlined in the AUMA Sustainable Land Use Planning Paper (2007).
2. Establishment of a provincial land use planning body to develop and implement province-wide planning goals.
3. Development of enabling provincial legislation to authorize the Lieutenant Governor in Council to determine whether a growth plan is required for any region/area in the province.
4. Provincially mandated establishment of multi-jurisdictional planning processes to coordinate land use plans between municipalities and ensure consistency with provincial goals.
5. Encourage citizen involvement in the planning process.
6. Establishment of criteria or performance measures as part of land use plan development, against which a municipal or regional land use plan could be assessed.
7. Outline a common spatial vocabulary in the provincial Land Use Framework that describes the land use/land cover across the province.
8. Enable the use of scenario modeling tools by regions and municipalities through training, financial support and institutional strengthening.
9. Mandate the inclusion in municipal plans of a strategy for achieving intensification within identified areas. Regional plans should also identify major transit station areas and intensification corridors.
10. Determine, at the provincial/regional level, a system of greenbelts and urban growth boundaries to protect agricultural and other resource lands as well as conservation of natural areas.
11. Implementation of environmental overlays to protect water resources and other sensitive areas in order to preserve biodiversity and ecological integrity.
12. Encouragement of cluster or nodal development as an alternative to traditional development.
13. Encourage use of Transfer Development Credits (TDCs) as a growth management strategy by piloting a provincially supported planning/financial aid program for high-growth municipalities to develop a TDC scheme.
14. Enable processes for cost/benefit sharing (in terms of both revenue and infrastructure) between municipalities.
15. Implementation of a combination of regulatory and market-based approaches to land use planning and growth management.

- AUMA's resolutions that are more specifically related to health are:

**NOW THEREFORE BE IT RESOLVED THAT** the AUMA request the Alberta Government Health and Wellness Department to include the AUMA as a major stakeholder in all future consultations regarding the renewed model for patient-centered and coordinated EMS to allow input on decisions that may have a negative impact on other municipal emergency services or cause increased costs for delivering these other services.

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association requests that the Province of Alberta develop a model to encourage that resources are in place for the recruitment and retention of medical physicians and professionals particularly those in specialized practices such as Anesthetists, Obstetricians, etc... to ensure that residents in rural Alberta have access to such services.

### 3 MUNICIPAL ROLE IN HEALTHY COMMUNITIES

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The Alberta Recreation and Parks Association (ARPA) report, *Healthy By Nature*<sup>3</sup>, outlines the health challenges that growing numbers of Albertans are facing. Increased incidence of type 2 diabetes and the doubling of number of overweight and obese children are two of the challenges that impact all Albertans as we seek ways to manage sky-rocketing health care costs. A 2008 Health Canada report estimates that “physical inactivity costs the Canadian healthcare system at least \$2.1 billion annually in direct health care costs, with an annual economic burden to taxpayers at \$5.3 billion”. There is much evidence for taking action to develop healthier communities presented in the ARPA *Healthy By Nature* Report, and AUMA refers members to that document for further information.

Municipal governments have core functions that relate directly to the health of their communities.

#### 3.1 Recreation

Municipal governments in Alberta – and particularly urban municipal governments - are responsible for both recreation infrastructure and recreation programming for community members. Recreation facilities have large capital costs, but contribute greatly to the community’s health. Recreation programs are offered for all community members, and range from sports programs to nature-related educational programs. Such local infrastructure and programs are designed with community needs in mind, and can go far in enhancing the health of the population, leading to a healthier and more vibrant community.

Unfortunately, provincial investment in local recreation infrastructure and programs has declined between 1988 and 2006. ARPA reports in *Public Funding of Recreation in Alberta*<sup>4</sup>, that:

municipalities fund recreational operating costs largely from their own-source revenues, including property taxes and user fees, and that dependency on local funding has increased over time. The share of funding attributed to senior government grants or transfers has declined from 10% in 1988 to 2% in 2006. During that same period the share of operational funding from general revenues or property taxes has increased from 72% to 76%, while user fees have grown from 18% to 22%. Over time, the province has broadly reduced municipal operating grants including those modest programs targeted toward recreation, and has increasingly focused its supports to municipalities through capital transfers with limited conditionality. (p. 8).

AUMA regularly requests increased provincial and federal investment in municipal infrastructure, and in recent years they have responded to requests for capital infrastructure. The amount of investment though, does not meet the demand for new recreation infrastructure, nor the need for innovative recreation programs that would help to create healthy communities by addressing the inactivity of Albertans.

Education, communications and promotions campaigns are also necessary in ensuring the health of Alberta communities. Healthy living campaigns should be supported and developed by the Government of Alberta and the Government of Canada, with municipal governments playing an active role in getting the word out through local campaigns.

#### 3.2 Parks

At AUMA’s 2009 Convention, a resolution was adopted encouraging the Government of Alberta to ensure Urban and Regional countryside Parks are a priority in Alberta, and requesting a new Urban and Countryside Parks Program to support planning, parkland acquisition, park development, conservation, operations and promotions. Enhancing green space, parkland and a comprehensive trail system within and possibly between municipalities is key to a sustainable and healthy community.

When development/maintenance/enhancement of parkland has been carried out, it is important for municipal governments to communicate to citizens about the extraordinary opportunities afforded to them

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<sup>3</sup> ARPA. (Forthcoming). *Healthy by Nature: Up Close and Personal: Investing in Community Parks, Open Space and Nature Education*. Edmonton: ARPA.

<sup>4</sup> ARPA. (2010). *Public Funding of Recreation in Alberta: Final Report*. Edmonton: ARPA.

by being part of the community. Community events can be held in municipal parks, programs for children focusing on nature can be established, sport practices, training and games can occur in municipal parks. All of these opportunities to enjoy the space must be promoted and communicated to residents. Further, individuals and families can reap significant benefits to their health by using parkland space in their community. These benefits should be widely and effectively communicated to the public.

ARPA, in *Healthy by Nature*, outlines the challenge of a lack of parks and open space data (p. 49). AUMA views this as a challenge we could help overcome. A research project to establish baselines for parkland and open space in Alberta's urban municipalities would create a foundation for educating decision-makers in all orders of government. A comprehensive database with a plan to update it annually or bi-annually would go a long way in understanding and communicating the value of parks and recreation in creating healthy communities. Such a research project could be organized through the Protocol of Cooperation that AUMA has with ARPA.

### 3.3 Conservation of Land

It is also important for municipal governments to take into account non-programmed recreational areas, including conservation areas, or lands designated environmentally significant and therefore protective of land and nature. These areas are important to the health of individuals and families, but also to the health of the environment and our eco-systems. Municipal governments are wise to assist when they can, in preserving lands in ways that they were found before large populations of people changed the landscape.

### 3.4 Active Transportation<sup>5</sup>

Municipalities have a key role in promoting and creating an environment supportive of active transportation. The Federation of Canadian Municipalities (FCM) defines "Active transportation" as human powered travel<sup>6</sup>. It refers primarily to walking and cycling, but also to in-line skating, skateboarding, wheel-chairing, cross-country skiing and snowshoeing. The development of transit-centred transportation in communities also contributes to a healthier and more active community in that infrastructure must be in place for people to safely reach transit stops or centres without a vehicle.

Active transportation improves public health and reduces healthcare costs by fighting obesity and chronic illnesses like heart disease and Type 2 diabetes. It is emissions-free, making it a powerful tool in the fight against climate change and air pollution. Is accessible to children, youth, seniors, low income families and persons with disabilities who can be left out when transportation systems depend on cars.

AUMA recommends that the Government of Alberta take into account active transportation when provincial highways and roadways go through municipalities. For both safety and health reasons, trails that result in active transportation of the population should be a part of all roadway planning processes. In 2009, AUMA requested, via a Convention Resolution, that the Government of Alberta adopt as part of its design standards and policies, facilitation of and provision for alternative modes of transportation such as cycling, running and walking and to consider the construction of trail systems as part of the building or rebuilding of roads and highways. It is important that this request be emphasized in the context of healthy communities, and is therefore included in the Policy Paper. It is very important that the Government of Alberta and Alberta's urban municipal governments be coordinated in their approach to active transportation, and that full engagement between both orders of government be put in place when conducting planning for active transportation.

AUMA is encouraged by the news that the Government of Alberta is currently setting out a process to develop a 40 year transportation plan<sup>7</sup>, and urges the inclusion of active transportation in that strategy. When people are more active as they move from place to place, they enjoy the benefits of getting where they want/have to go, and also become healthier. All orders of government have a role to play in ensuring the funds are available for more active community transportation, in building active transportation infrastructure, and in educating citizens of the multitude of benefits that come from being active.

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<sup>5</sup> At times, the term "walkability" has been used to describe active transportation and the infrastructure associated with it. AUMA suggests that "walkability" is included in the broader concept of "active transportation".

<sup>6</sup> FCM. 2010. *Communities in Motion: Bringing Active Transportation to Life*. [http://gmf.fcm.ca/files/Capacity\\_Building\\_Transportation/CommunitiesinMotion-PUB-e.pdf](http://gmf.fcm.ca/files/Capacity_Building_Transportation/CommunitiesinMotion-PUB-e.pdf)

<sup>7</sup> July 5, 2010, *Edmonton Journal* "40-year transport plan paves way into future".

### 3.5 Land Use Planning

Land use planning (including inter-municipal and often regional planning) is a core function of municipal governments. Albertans' opportunities to become more active and healthy and enjoy parks and natural heritage depends in large part on municipal land use planning, particularly in urban areas, where the majority of Alberta's population resides. Sustainable land use planning, both municipally and regionally, has been a priority of AUMA for several years.

AUMA's Sustainable Land Use Planning Policy Paper (2007), recommends the development of comprehensive land use plans including the following strategies that would implement the plans:

- Urban Strategy
  - Existing and Future Growth Centres and Corridors
- Industrial Strategy
  - Major Industrial Nodes and Service Centres
- Agricultural/Food Security Strategy
- Housing Strategy
  - Sustainable Affordable Housing, Major Nodes for New Construction
- Infrastructure Strategy
  - Solid Waste Facilities, Wastewater Treatment Facilities, Potable Water Supply, Telecommunications, Flood Protection
- Transportation Strategy
  - Major Transit Corridors, Alternative Transportation Choices, Transit Oriented Development
- Environmental Management Strategy
  - Water Conservation, Aquifer Protection, Energy Conservation, Soils and Land Reclamation, Waste Reduction, Air Quality, Biodiversity, Parks and Protected Areas

The Sustainable Land Use Planning Policy Paper also speaks to intensification of land use, to create higher density neighbourhoods and the need for spatial planning and modelling that would allow for informed decisions on sustainable land use, leading to healthy communities. Transportation, active living, the environment, a healthy economy and society, are all intrinsically linked to sustainable land use planning.

## 4 CONCLUSIONS AND RECOMMENDATIONS

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The focus of this Healthy Communities Policy Paper has been narrowed to the municipal role in creating healthy communities through land use planning and urban community design, recreation, parks, conservation and active transportation. Beginning with a narrow focus will help AUMA achieve outcomes in this area over the coming year, and discover additional efforts that can be undertaken in the years to come. Healthy communities are important to all Albertans – in terms of enjoying a better quality of life, managing health risks for individuals, families and communities, and seeing efficiencies in the cost of health care.

### 4.1 Recommendations to the Government of Alberta:

1. THAT the Government of Alberta revisit AUMA's proposal for a formalized Provincial-Municipal Sustainability Partnership Agreement. The proposed Agreement is based on outcomes – both provincial and local. Municipalities would be charged with achieving outcomes that are agreed to with the Province, and reporting on those outcomes annually as part of a Sustainability and Accountability System. Such a partnership would allow for great progress on Alberta's defined health outcomes, through coordinated provincial and local action.
2. THAT the new *Alberta Health Act* place a priority on achieving health outcomes for Alberta by supporting healthy communities;
3. THAT the Government of Alberta work with AUMA to develop a new partnership program that supports the development of parks and recreation facilities – including capital and operating funding – that make for healthy communities;
4. THAT the Government of Alberta's comprehensive transportation plan include active transportation as a priority;
5. THAT the Government of Alberta adopt as part of its design standards and policies, facilitation of and provision for alternative modes of transportation such as cycling, running and walking and to consider the construction of trail systems as part of the building or rebuilding of roads and highways.
6. THAT the Government of Alberta partner with AUMA (and potentially the Government of Canada) to develop a healthy communities campaign that will be delivered both provincially and locally.

### 4.2 Recommendations to AUMA:

1. THAT the AUMA Board of Directors continue its work on building healthy communities, by exploring research projects in areas not addressed by this Policy Paper (e.g.: environmental health, injury prevention, crime prevention through social investments, poverty reduction, affordable housing).
2. THAT AUMA produce and publish a series of member notices on the municipal role in developing healthy communities.
3. THAT AUMA partner with the Alberta Recreation and Parks Association (ARPA), and approach the Government of Alberta to fund a project that would create an Alberta inventory of municipal parkland, infrastructure and activities related to parks and recreation.



## Resolutions

**2010 Policy and Resolutions Book**  
**Category AUMA Strategic/Business Plan Priorities**

**AUMA Resolutions Policy:**

The **AUMA Strategic/Business Plan Priorities** category would address matters related to implementing the AUMA strategic and/or business plans.

# AUMA Resolution 2010.A.1

## AUMA Board of Directors Support For An Accredited Professional Planning School in Alberta

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**WHEREAS** planning is defined as “the scientific, aesthetic, and orderly disposition of land, resources, facilities and services with a view to securing the physical, economic and social efficiency, health and well-being of urban and rural communities” (Canadian Institute of Planners); and

**WHEREAS** municipal access to professional planners is key to ensuring sustainable Alberta communities; and

**WHEREAS** Alberta municipal governments, planning agencies and planning consultancies currently draw the majority of their planning professionals from other provinces; and

**WHEREAS** challenges in hiring planners from other provinces may include: drawing from a more limited number of candidates, additional training required to ensure knowledge of Alberta legislation and context, difficulty in retaining out-of-province professionals; and

**WHEREAS** there is currently no professional, accredited planning school located in any academic institution in the Province of Alberta.

**NOW THEREFORE BE IT RESOLVED THAT** the AUMA strongly encourage the Government of Alberta to work with academic institutions in Alberta to establish an accredited professional planning program in at least one Alberta University by September 2011.

### **BACKGROUND:**

The Community Planners Association of Alberta (CPAA) and the Alberta Association, Canadian Institute of Planners (AACIP) made AUMA aware of the need for an accredited professional planning program in 2009. The University of Calgary discontinued its undergraduate program in 2008, and the need for professional planners in Alberta continues to grow.

A core municipal function, land use and other planning are necessary to any municipality’s operations. As new planning processes are put in place by the Government of Alberta (e.g.: watershed planning, regional land use planning), additional qualified planners are required by Alberta Municipalities. Establishing one or more strong professional planning programs in Alberta universities will serve Albertans well for the future.

AUMA has strongly supported the development of comprehensive long-term Municipal Sustainability Plans in Municipalities, and hundreds of municipalities have gone through the sustainability planning process. These broad and high-level plans risk being shelved without the practical planning expertise that is brought to the table by professional planners. In supporting efforts to establish accredited planning programs in Alberta academic institutions, AUMA continues its commits to the development of sustainable Alberta communities.

# AUMA Resolution 2010.A.2

## AUMA Board of Directors Canadian Coalition Of Municipalities Against Racism And Discrimination (CMARD)

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**WHEREAS** the Canadian Commission for UNESCO is calling municipalities to join the Canadian Coalition of Municipalities Against Racism and Discrimination and to be part of UNESCO's international coalition launched in 2004; and

**WHEREAS** the Federation of Canadian Municipalities endorses the Call for a Canadian Coalition of Municipalities Against Racism and Discrimination and encourages its members to join; and

**WHEREAS** Municipal governments in Canada, along with other orders of government, have responsibilities under Canada's Charter of Rights and Freedoms as well as federal, provincial and territorial rights codes, and therefore have an important role to play in combating racism and discrimination and fostering equity and respect for all citizens; and

**WHEREAS** the Alberta Urban Municipalities Association endorses CMARD through its Welcoming and Inclusive Communities Partnership with the Alberta Human Rights Commission and the Alberta Human Rights branch of Alberta Culture and Community Spirit; and

**WHEREAS** municipalities benefit through membership in CMARD by creating a framework for action to combat racism and other forms of discrimination in their community, sharing best practices and resources with other municipalities across Canada and accessing support to create a welcoming and inclusive community where residents are able to participate in all aspects of community life.

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association encourage all municipalities in Alberta to join the Canadian Coalition of Municipalities Against Racism and Discrimination.

### **BACKGROUND:**

- There are currently more than 30 municipalities signed onto CMARD. Nine of these are located in Alberta: Brooks, Calgary, Drayton Valley, Edmonton, Grande Prairie, Innisfail, Lethbridge, Regional Municipality of Wood Buffalo and St. Albert.
- There are no costs for a municipality to join the Canadian Coalition of Municipalities Against Racism (CMARD).
- Once a member of the Coalition, a municipality is expected to develop and implement an action plan for their community. This action plan reflects the unique realities of the municipality (including budget).
- Some municipalities have dedicated funds to the implementation of their action plans while others have successfully relied on volunteers and supporting current community initiatives to meet their plan's objectives.

# AUMA Resolution 2010.A.3

AUMA Board of Directors

## Presumptive Coverage For Cancers Occurring In Longterm Voluntary Firefighters

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**WHEREAS** the Workers Compensation Board of Alberta provides presumptive coverage for Full-Time career firefighters for various forms of cancers associated to the hazards involved in fire fighting; and

**WHEREAS** the provinces of British Columbia, Manitoba and Nova Scotia provide presumptive coverage of cancers related to fire fighting for Full-time career and Volunteer/Paid on Call firefighters; and

**WHEREAS** the Province of Alberta currently has approximately 10,000 Volunteer/Paid on Call firefighters and approximately 3500 Full-time career firefighters.

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Fire Chiefs Association work with the Workers Compensation Board, Alberta Emergency Management agency and the Province of Alberta to have Volunteer/Paid on Call firefighters receive presumptive coverage for the identified cancers currently provided for Full-time career firefighters.

## **2010 Policy and Resolutions Handbook Category Provincial Scope**

### **AUMA Resolutions Policy:**

The **Provincial Scope** category would have resolutions that address matters of significance to all or most municipalities in the province.

# AUMA Resolution 2010.B.1

## City of Lethbridge Advanced Metering Infrastructure (AMI)

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**WHEREAS** the Province is drafting province-wide regulations regarding AMI (Advanced Metering Infrastructure) which are now being circulated for comment; and

**WHEREAS** these new regulations contain provisions which will be costly to Alberta consumers, but will provide them with limited benefit, namely:

1. The provision of two-way metering when very few households are likely to be capable of generating electricity back to the grid in the next five to seven years.
2. The requirement to provide remote disconnects when this feature is currently applied to very few customers on an annual basis.
3. The possibility that the wire service provider is responsible for supplying and maintaining the “in-house display” on the meter to indicate hourly usage and the CO<sup>2</sup> being produced on an hourly basis (which will not be 100% accurate depending on what generation in the province is active).

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta urban Municipalities Association requests the Government of Alberta to reconsider implementation of AMI until the cost versus benefit of AMI is evaluated and understood by the public.

### **BACKGROUND:**

A Straw Model for implementation of the Advanced Metering Infrastructure (AMI) was developed by the Alberta Department of Energy. Industry was asked to respond to the straw model. There is an understanding that a Government Policy Paper is expected shortly and it is the intent of the Government to have an AMI regulation by the spring of 2011 with enabling legislation early in 2012.

The key issue for municipalities is that the benefits possible by implementing the AMI initiative are limited at this time and likely do not justify the cost. No cost/benefit analysis has been done for the AMI initiative, and there is no evidence that any alternatives have been considered.

One of the supposed benefits is that consumers can choose to use power during non-peak times. However, in Alberta, non-peak times are not always cheaper. Pool prices are driven by the availability of lower cost (coal) generation. If the coal generator is out of service, then sometimes off-peak power is most expensive. Therefore, shifting load to non-peak times has no benefit to the consumer.

In Alberta, we have one of the flattest utilization curves – the power being consumed in non-peak hours is over 80% of that being consumed during peak hours. There does not appear to be significant room for improvement in that area.

The AMI model requires 2 registers in every meter: one to measure energy into the home (consumption as it exists today) and one to measure energy out of the home (produced by local generation on site). It seems unlikely that in the time frame of 2012 through 2017 that a significant number of sites will produce more power than they consume. The cost/benefit of this 2<sup>nd</sup> register is questionable.

The AMI model implies that a remote disconnect will be required for every meter. Since there are very few consumer disconnects, the wisdom of adding a remote disconnect to every site is questionable. Reference is

made to the capability of disconnecting groups of customers based on supply conditions in the province. The problem with this philosophy, although theoretically possible, is that it is a questionable practice from a practical perspective. A physical safety inspection is required to ensure that reconnecting is safe (for example: no cardboard boxes on electrical stoves that have been left on by accident).

The AMI straw model implies that the wire service provider will be responsible for programming and maintaining (and possibly supplying) the In Home Display (IHD) indicating hourly usage as well as how much CO<sup>2</sup> is being produced per hour of consumption. The cost of maintaining the IHD and explaining to customers how it works (and why it's not 100% accurate) is very large. The straw model is silent on how the pool price will be communicated.

Other matters of a lesser concern, but still important include:

Meters today have the time set manually by the installer, and then electronics (quartz) in the meter maintains the time and date going forward. The straw model indicates that this method is not accurate enough—the new meters must communicate with the National Research Council clock and automatically adjust their times so that they are within 2 minutes of the National Research facility. The cost to implement this feature is quite onerous and the benefits questionable.

The straw model requires the wire service provider to supply daily data to the retailer for each customer. In addition, the wire service provider will be responsible for providing each customer (regardless of retailer) with direct (web) access to their own meter data. Less than 5% of customers actually access their data through the web portal. Additionally, the straw model indicates that the retailer who gets this 'daily' data need not retain it—they can use or discard it as they see fit, but the wire service provider is required to maintain the data for some period of time (7 years?), and if requested, has 3 working days to supply whatever data the retailer wants.

Currently line losses and UFE (Unaccounted for Energy) are included in the energy portion of the customer's bill. The straw model states that these charges will be removed from the retailer's charges, and must be added to the Distribution Tariff. This will require significant changes to the DT.

# AUMA Resolution 2010.B.2

**WHEREAS** 2006 statistics indicate there are 38,075 mobile homes in the province of Alberta representing 25.5% of all Canadian mobile homes; and

**WHEREAS** the Existing Home Sites Tenancies Ministerial Regulations will expire October 31, 2010; and

**WHEREAS** many mobile home tenants believe that the existing legislation provides inadequate tenant protection; and

**WHEREAS** mobile homes represent an important part of the affordable housing sector.

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta urban Municipalities Association urge the Government of Alberta, through the Honourable Heather Klimchuk, Minister of Service Alberta, of the need to review the Alberta Mobile Homes Sites Tenancy Act to ensure that tenants are being treated fairly.

## **BACKGROUND:**

2006 statistics for Alberta show 176 mobile home parks and 38,075 mobile homes. Albertans own 25.5% of the total mobile homes in all of Canada.

The Alberta Mobile Home Site Tenancies Act (MHSTA) governs mobile home tenancy. Mobile home owners believe the legislation to be biased in favour of the landowner. For example, the following changes can be made at the landlord's discretion:

- One year lease renewal
- Rules government lot maintenance and relationships with leaseholders and/or landlords are subject to immediate lease loss
- Refusal of tenancy renewal
- Tenancy fee additions
- Change in tenancy rules
- Lot rent increase without justification

This legislation leaves all Alberta mobile homeowners without security and protection. The fear of sudden eviction, upheaval and loss is paramount. In addition, the MHSTA lacks park infrastructure and general upkeep regulations.

Mobile homes represent an important affordable housing option.

MHSTA Ministerial Regulations will expire October 2010. Now is the time to request change.

# AUMA Resolution 2010.B.3

## City of Grande Prairie Renewable Power Expert Panel For Alberta

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**WHEREAS** projections indicate that Alberta will be facing a growing gap between electricity demand and supply over the next twenty years; and

**WHEREAS** Alberta is home to massive renewable power resources, including one of the best land-based wind resources in Canada and significant potential for electricity generations in other areas such as biomass from forestry, biogas from agricultural waste, geothermal energy from heat in the earth, hydro power and solar energy; and

**WHEREAS** renewable power technologies provide proven electricity sources that have been deployed successfully in Alberta, elsewhere in Canada and in other countries; and

**WHEREAS** there has been a massive increase in innovation and investment in renewable energy worldwide over the past several years, with total global investment in renewable power exceeding investment in conventional power for the first time in 2008; and

**WHEREAS** many emerging renewable technologies are expected to achieve significant gains in cost-effectiveness over the next decade and beyond; and

**WHEREAS** experience in other countries shows that investment in renewable power can promote economic diversification and innovation, create new jobs, benefit communities and individual landowners, and foster sustainable economic development.

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association encourage the Province of Alberta to:

1. Establish a Renewable Power Expert Panel to provide a balanced and objective assessment of the potential for renewable energy to contribute to meeting Albertans' growing demand for reliable and clean electricity.
2. Mandate the Renewable Power Expert Panel to:
  - a. Prepare a balanced and objective report to the Government of Alberta on technical and policy issues pertinent to the use of renewable energy to supply electricity in Alberta over the next two decades.
  - b. Evaluate Renewable Power Potential; Estimate and Compare costs and Benefits; Consider Opportunities and Implications for Alberta's Electricity System; Identify Barriers to Deployment and Recommend Solutions; Identify Steps to Maximize Benefits from Renewable Power; and Identify Key Elements of Renewable Power Policy for Alberta.

### **BACKGROUND:**

Alberta currently relies on conventional coal-fired generation for 74% of its electricity, which contributes significantly to the province having the worst greenhouse gas profile in Canada. Renewable power can be part of the solution as pressure on Alberta increases to contribute to the global effort to fight climate change. The United States, many European countries and other Canadian provinces such as Ontario are aggressively promoting renewable power – Alberta risks losing its competitive advantage as an energy leader and falling behind in its ability to secure the economic and environmental benefits from the global transition to cleaner energy systems. The Government of Alberta has engaged Albertans in a discussion of options for electricity generation, including carbon capture and storage and nuclear power, but a fully informed evaluation of all available options cannot occur until renewable power is given equally serious consideration.

# AUMA Resolution 2010.B.4

Town of Edson  
Home Support Advocacy

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**WHEREAS** the average age of residents in Alberta communities is increasing with each generation; and

**WHEREAS** municipalities provide home support to their elderly and disabled population on an inconsistent basis throughout the province; and

**WHEREAS** the provincial government has expressed the importance of providing citizens with the option and opportunity to age within their homes and communities.

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association advocate to the Province for the funding of targeted non-medical home support for seniors and persons with disabilities to support the provincial “Aging in the Right Place” strategy.

## **BACKGROUND:**

According to Alberta Health and Wellness, “Albertans want to maintain their independence for as long as possible.” As such, the provincial strategy “Aging in the Right Place” calls for enhancing home care and increasing respite and support programs for families assuming care of loved ones. No specifics for this plan have been released.

Currently, the province only provides home care services through Alberta Health Services. The provision of this service is based on medical need and heavily dependent on funding levels and regional priorities. The future of this program is unknown with the dissolution of the Health Authorities.

Municipalities and the province, as well as taxpayers, contribute large amounts of money to fund institutional care to seniors and people with disabilities. Significant savings can be met by providing home support to delay the need for continuing care and reducing the wait times for accommodations when it does become necessary.

# AUMA Resolution 2010.B.5

## Town of Peace River Renewable Power Incentive Program In Alberta

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**WHEREAS** renewable power incentive programs benefit municipalities, especially if they have developed large scale or multiple small scale alternative energy projects; and

**WHEREAS** renewable power incentive programs would support urban and rural Alberta to be energy self sufficient, make the grid more efficient and cost effective; and

**WHEREAS** Alberta's deregulated electricity market is well situated for renewable power incentive programs; and

**WHEREAS** positive spinoffs from a well developed alternative energy sector in Alberta would have significant employment and manufacturing potential for urban and rural municipalities as seen in European and American alternative energy sectors.

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association urges the Government of Alberta to establish renewable power incentives; and

**FURTHER BE IT RESOLVED THAT** the Government of Alberta provide for compensation to alternative sources of energy at a rate above those rates currently paid for carbon-based sources of energy.

# AUMA Resolution 2010.B.6

## Town of Calmar Registration Of Abandoned Wells

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**WHEREAS** there are currently in excess of 13,000 abandoned oil and gas wells in the Province of Alberta and possibly as many as 100,000 inactive wells; and

**WHEREAS** once wells have been abandoned, the lands reclaimed and the leases associated with the wells are removed from legal title, no physical or registered evidence of the presence of the abandoned well remains; and

**WHEREAS** the Energy Resources Conservation Board's policies recommends the maintenance of setbacks consisting of a ten (10) meter by fifteen (15) meter working area around an abandoned well; and

**WHEREAS** the presence of an unknown abandoned oil or gas well means corresponding risks: firstly, that there will be a physical interaction between the well and machinery and equipment working on the lands; secondly, that purchasers, developers, or local authorities may make decisions inconsistent with the setbacks recommended by the Energy Resources Conservation Board; and thirdly, that incompatible development will occur in proximity to the abandoned well site.

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association urge the Government of Alberta to enact legislation that would require the registration of a notification on the legal title of any parcel of land upon which an abandoned oil or gas well is present or which is otherwise within fifteen (15) meters of the location of an abandoned oil or gas well, advising as to the presence of the abandoned well; and

**FURTHER BE IT RESOLVED THAT** such notification will remain registered on the subject legal titles in perpetuity; and

**FURTHER BE IT RESOLVED THAT** all abandoned oil or gas well sites be registered with Alberta 1Call.

### **BACKGROUND:**

Oil and gas exploration is ubiquitous within the Province of Alberta. Information available from Alberta Environment indicates that there are in excess of 13,000 abandoned oil and gas wells currently located within the province and information from Ecojustice Canada suggests that currently there may be as many as 100,000 inactive wells within Alberta. At the end of an oil or gas well's life, the well must be abandoned and the well site reclaimed. The *Oil and Gas Conservation Act*, the associated *Oil and Gas Conservation Regulation 151/1971*, and Directive 20, "Well Abandonment" drafted by the Energy Resources Conservation Board ("ERCB"), establish the minimum requirements for abandonment. Reclamation of the well site itself is performed in accordance with the *Environmental Protection and Enhancement Act* and the *Conservation and Reclamation Regulation 115/1993*.

Abandonment involves incapacitating the well flow and the placement of a cap over the casing at a depth of approximately one (1) meter below surface grade. Once the cap has been placed and reburied, and once surface reclamation has been completed, it can become virtually impossible to detect the presence of the abandoned well site. As well, generally, once reclamation is complete and a Reclamation Certificate has been issued by Alberta Environment, the well site lease registration is removed from the legal title. As a result, there is generally no visible indication of the presence of a former well site at the surface of the lands, and nothing registered on title to advise developers, local authorities or purchasers of the presence of the abandoned well.

Both the ERCB and Municipal Affairs recommend in the guideline, “Advisory Land use Planning Notes on Abandoned Well Sites,” that a minimum setback of ten (10) meters by fifteen (15) meters be established around the location of abandoned wells. The purpose of the setback is to provide a working area in the event that repair or maintenance is required to protect the well site, and to avoid any dangerous interaction between the buried, abandoned well and any construction or excavation operations on the same lands. The setbacks are, at this time, recommendations and not requirements, as they are not incorporated into the Subdivision and Development Regulations under the *Municipal Government Act*.

It is possible to obtain information on abandoned well sites that may be present on a parcel of land from the ERCB, which maintains a fairly complete list of abandoned well locations. However, the ERCB records on abandoned wells are only useful if municipalities and developers are aware of their existence and search that data base.

If the presence of an abandoned well is not known to developers, purchasers or local authorities, the recommended setbacks cannot be accommodated within statutory plans, Land Use Bylaws or subdivision or development applications and approvals, resulting in incompatible development. This, in turn, can result in the disruption of businesses, families, municipal infrastructure, and quality of life within a community. It can also lead to financial uncertainty for developers, municipalities and even the oil and gas exploration companies which continue to carry responsibility for abandoned wells.

Requiring that abandoned wells be expressly referred as a notification on the legal title to the lands upon which the well is located, in addition to adjacent parcels of land falling within a set distance of the well site, would serve to provide a more reliable means of warning of the existence of an abandoned well, simplifying the due diligence process associated with the purchase, subdivision and development of affected lands. Likewise, registration with Alberta 1 Call would also enhance the warning provided. These measures, in turn, would significantly reduce the potential for incompatible development to arise on affected parcels and the associated difficulties that arise for the oil and gas companies, affected municipalities and the public, such as has been the case in the Town of Calmar, Alberta.

# AUMA Resolution 2010.B.7

Village of Beiseker/Town of Irricana/  
Village of Linden/Village of Carbon  
Funding for Regional Water Lines

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**WHEREAS** the Government of Alberta has offered grant funding to the construction of regional water lines; and

**WHEREAS** this funding has not been equitable across the projects, causing great disparity in the rates charged for water across the province of Alberta; with some communities paying in excess of \$3.50 per cubic meter.

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association urge the Government of Alberta to provide equitable and consistent funding for regional water lines throughout the province of Alberta.

## **BACKGROUND:**

- Obtaining water is becoming an increasing issue with all municipalities within the province of Alberta, resulting in the construction of more regional water lines, administered by water commissions, that service multiple municipalities.
- The Provincial Government has traditionally supported the construction of these lines and commissions with grant funding.
- The grant funding has not been set at a consistent percentage across the projects and is therefore not equitable to all municipalities associated with the construction, resulting in a large disparity in the rates charged by the commissions.
- The Kneehill Regional Water Services Commission obtained only approximately 20% in grant assistance from the Province, while other similar projects have received approximately 90%. This has resulted in the users on the Kneehill line to pay one of the highest rates in the province for their water.
- To eliminate these inequalities all such projects should have a standard percentage of funding available.

# AUMA Resolution 2010.B.8

Town of Hinton

## Crown Land Sales/Use of Public Land To Municipalities For “Public Works”

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**WHEREAS** the Government of Alberta recognized beginning in 2006 that Government of Alberta owned Crown Land sold to municipalities for public works would be sold for a nominal sum (subject to a sell-back agreement registered on title); and

**WHEREAS** on September 10, 2009, this policy was changed due to provincial budget challenges to require municipalities to pay appraised value for all Crown Land purchases even if required for a specific public work; and

**WHEREAS** the recent policy change is effectively downloading costs to municipal governments from the Provincial Government.

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association requests the Government of Alberta to re-establish its policy of selling Provincial Crown Land to municipalities for “public works” for a nominal sum.

### **BACKGROUND:**

Many municipalities are surrounded by Crown Land or have provincially owned parcels that may be useful for municipal public works, some of which is acquired from the Crown on which to build needed municipal infrastructure like sewage lagoons, public works facilities, expanded roadways, parkland etc. The broad definition for “public works” in the 2006 Provincial Information bulletin sold lands for these purposes for a nominal sum, usually \$1 or \$10. We seek reinstatement for this policy. Note: Municipalities acquiring Crown Land for undertaking subdivision development was, and we believe should continue to be, acquired at appraised market value.

# AUMA Resolution 2010.B.9

## Town of Fox Creek Crown Land Sale/Appraisals Of Public Land To Municipalities

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**WHEREAS** the Government of Alberta recognized in 2006 that Government of Alberta owned Crown Land sold to municipalities for public purpose or resale shall be sold at current market value (subject to a sell-back agreement registered on title); and

**WHEREAS** as independent appraisals shall be conducted in conformity with the Canadian Uniform Standards of Professional Appraisal Practice (CUSPAP); and

**WHEREAS** the appraiser is contracted by the Government of Alberta without consultation from the municipality or consideration given to the conditions of land; and

**WHEREAS** the taxpayers of Alberta's municipalities and the Province of Alberta are the same, the level of trust and negotiation of price is nonexistent.

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association requests the Government of Alberta to re-define its policy on pricing of Provincial Crown Land to include municipalities in the appraisal process.

### **BACKGROUND:**

Many municipalities are surrounded by Crown Land, and seek to acquire Crown Land needed for development of green space, residential, commercial or industrial use, etc. Fox Creek believes that Crown Land is priced too high based upon our soil conditions and costs associated with infrastructure construction. There needs to be more transparency of appraisal reports for negotiating land pricing with the municipality.

# AUMA Resolution 2010.B.10

**WHEREAS** the population of Alberta seniors represents the fastest growing demographic in the province<sup>1</sup>; and

**WHEREAS** pensions and seniors subsidies are not keeping pace with the rising cost of living<sup>2</sup>; and

**WHEREAS** private supportive housing options are proving too expensive for many Alberta seniors<sup>3</sup>; and

**WHEREAS** the Alberta Housing Act allows the Minister to direct a municipality to cover the annual deficit of any management body providing lodge accommodations, and further “any amounts necessary to establish or continue a reserve fund for the management body.”<sup>4</sup>

**WHEREAS** Alberta villages, towns and cities collaborate with other orders of government and stakeholders to ensure appropriate housing for seniors.

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association urge the Province of Alberta to review the requisition process of the Alberta Housing Act in consultation with municipal and not-for-profit groups to ensure the process reflects the principles of accountability and sustainability.

<sup>1</sup> In Alberta seniors represent 10% of the population currently; this is projected to be 17.9% by the year 2016. (Statistics Canada, 2007)

<sup>2</sup> In a study conducted in Red Deer, we found 30.1% of seniors who own a home spend more than 30% of their income on major housing payments (mortgage and utilities). For those who rent, 48.4% spend more than 30% on gross rent including utilities. (Seniors’ Appropriate Housing in Red Deer, 2010)

<sup>3</sup> In the Red Deer study, we found the cost of private supportive housing options ranged from about \$2000 - \$3400 per month depending on the range of services offered. (Seniors’ Appropriate Housing in Red Deer, 2010)

<sup>4</sup> Alberta Housing Act, Chapter/Regulation: A-25 Queens’ Printer (RSA 2000). See article 7(1) on p. 4.

Retrieved May 31, 2010 from: [http://www.qp.alberta.ca/570.cfm?fm\\_isbn=9780779726653&search\\_by=link](http://www.qp.alberta.ca/570.cfm?fm_isbn=9780779726653&search_by=link)

## **BACKGROUND:**

Across Alberta, senior needs, funding, and staffing needs are reaching critical levels. Continuing care facility spaces in Alberta have not kept up with the demand of our increasing population of seniors over the age of 65. In many Alberta communities, senior facilities are extremely limited and in some cases non-existent. In others, aging facilities will soon require expensive renovations or need to be torn down and rebuilt.

Under the Alberta Housing Act, municipalities may find themselves in a precarious situation when requisitions occur as a result of deficit situations in a senior lodge management body. In Red Deer, this is complicated by the fact that members of the management body or board of the seniors’ facility are not elected and that municipal councils have no review or approval of the management body budget. Current legislation positions municipalities, as well as municipal tax payers, to be susceptible to financial implications beyond their control.

As Minister Mary Anne Jablonski stated in a news release dated July 7, 2009, “we recognize the need to increase the supply of affordable supportive living units across the province to meet the changing needs of Albertans.” While we appreciate these intentions, in the meantime, there are aging facilities that require expensive renovations to maintain a safe standard of living for seniors. Not only are demands exceeding available accommodation, there is increased pressure on the current facilities to provide a safe and welcoming home while balancing their lean budgets.

The positive social and economic impacts of an appropriately funded senior housing system in Alberta will reflect equally on both large and small urban municipalities.

### References

Alberta Housing Act, Chapter/Regulation: A-25 Queens’ Printer (RSA 2000). See article 7(1) on p. 4.

Retrieved May 31, 2010 from: [http://www.qp.alberta.ca/570.cfm?frm\\_isbn=9780779726653&search\\_by=link](http://www.qp.alberta.ca/570.cfm?frm_isbn=9780779726653&search_by=link)

Government of Alberta News Release July 7, 2009. Retrieved May 24, 2010 from:

<http://www.alberta.ca/ACN/200907/26422555B9392-9AD0-AA71-EE62C4E22852DE6A.html>

Statistics Canada (2007). Portrait of the Canadian Population in 2006, by age and sex. 2006 Census catalogue no 97-551-XIE, Ottawa: Statistics Canada.

The City of Red Deer. (2010). Seniors Appropriate Housing in Red Deer. Research Report, Red Deer: City of Red Deer Publications.

# AUMA Resolution 2010.B.11

City of Red Deer  
Alberta 211

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**WHEREAS** 211 is an easy to remember three-digit telephone number that connects callers to a full range of social, health, community and government services; and

**WHEREAS** 211 is an information service available to many Albertans and a provincial strategy exists to extend the service to all Albertans; and

**WHEREAS** the strategy to extend services to all Albertans has been built on the engagement of communities and local volunteer centres; and

**WHEREAS** a provincial 211 service is expected to cost approximately \$3M to start-up and ongoing costs of approximately \$3.8M annually.

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association urge the Province of Alberta to consider a provincial funding source that would provide for 211 services to all Albertans, including, but not limited to advocacy with the Canadian Radio-television Telecommunications Commission (CRTC) to permit telephone service fees for 211 in a manner similar to 911.

## **BACKGROUND:**

### **What is 211?**

211 is an easy to remember three-digit telephone number that connects callers to a full range of social, health, community and government services. It is free, confidential, multilingual and available 24 hours a day.

### **The 211 Alberta Initiatives**

The 211 Alberta Initiative was established through a partnership between United Way of Calgary and Area, United Way of the Alberta Capital Region, The Support Network in Edmonton and the Distress Centre Calgary. Additional partners have come on board representing Information and Referral (I&R) services from across the province as well as contacts from FCSS and Health Link.

In Alberta, the 211 service is currently being delivered to residents of Calgary, Cochrane, Edmonton, Parkland County, Leduc and Strathcona County. The Calgary service is provided by the Distress Centre Calgary, and in Edmonton the service is provided by The Support Network. The goal for 211 Alberta is to link these two 211 centres and extend the service to all communities and all citizens of Alberta. Establishing 211 dialling across the province and utilizing a single, comprehensive database of human services information that can be utilized by 211 I&R Specialists to make referrals will provide significant benefits to Albertans and the province. This would be done by:

- Developing partnerships with local I&R agencies and/or other community service providers to maintain information on community and social services available in their communities, thereby extending the existing Inform Alberta human services database to include data for all communities in the province;
- Understanding and assessing the specific requirements of information and referral services for the rural Alberta communities and where necessary, identifying local I&R agencies to partner with 211 Alberta to deliver the service; and

- Linking the 211 Calgary and 211 Edmonton centres and creating a single virtual call centre able to answer calls for the entire province 24 hours per day. The concept and benefits of 211 Alberta has received initial support from I&R agencies and other community service providers and stakeholders. Additional work in this area is required to further engage communities in the planning to ensure a comprehensive, community-based service for all areas of the province.

## **Operations Strategy**

The value-add of I&R services for those in need is the human connection between the caller and a trained 211 specialist. By asking follow-up questions, the specialists are able to help callers define specific needs and refer them directly to the most appropriate service provider. The recommended Alberta 211 operations strategy is to build on the capacity and capability of the two existing 211 centres in the province. The Support Network has been providing 211 services since September 2004 to residents of Edmonton; the Distress Centre has provided 211 services to Calgary residents since January 2005. Together, and with the additional support of the rural based I&R providers, the existing 211 infrastructure can be extended to provide 211 services to all Albertans.

## **Implementing Strategy**

The implementation of a province-wide service is expected to occur over a thirty-three month period. Two Phases are envisioned:

### **Phase 1: Community Engagement & Partnership Building**

This phase would commence in 2009 with the development of a comprehensive Communication and Community Engagement Plan. Local I&R and social service agencies are critical to the success of the service and engaging them to understand local service delivery issues and gain their support and partnership is crucial. During this phase the necessary Data Partnerships will be identified and established with local I&R agencies to maintain service data. Data Partnerships are necessary to ensure that the data is accurate and complete for all services and that it is kept up to date. Other partnerships to provide local 211 call answering will also be investigated during this phase.

### **Phase 2: Bringing 211 to all Albertans**

This phase would commence in early 2010 and includes gathering data for areas of the province not yet represented in the Inform Alberta database and entering this data into the system. Populating the Inform Alberta database with local community information is a prerequisite to delivering the 211 service to that community. During this phase upgrades to the telephone systems used by the Calgary & Edmonton 211 Centres to support a province-wide 211 network would be completed. Activation of the 211 dialling code would be completed in a planned, phased approach over a period of months expecting to be complete by late 2011.

## **Financial Summary**

To develop financial requirements for a province-wide 211 system, the consulting team projected financial requirements for ongoing operations of two 211 call centres and a phased implementation rollout of the service across the province over a three year period. Costs for implementing additional local call answer capabilities have also been provided.

One time start up funding of between \$2.0 and \$3.3 million dollars over three years is required in order to implement the proposed service. Operating costs will be in the range of \$3.8 million dollars per year once the system is fully implemented. At this time, funding has not been secured to begin work on a full provincial roll out.

## **Next Steps**

The 211 Alberta Steering Committee will be broadened to include representation from municipalities, disaster services and other appropriate parties. Subcommittees are being established to begin work on community engagement, data partnerships and a funding strategy.

## **For additional information please contact:**

Tim Osborne  
Chair, 211 Alberta Steering Committee  
United Way of the Alberta Capital Region  
Email: [tosborne@myunitedway.ca](mailto:tosborne@myunitedway.ca)  
Phone: 780-443-8323

## **211 Alberta Working Group**

The 211 Alberta Working Group includes representation from the following organizations:

Association of Information and Referral Services of Alberta  
Canadian Mental Health Association (Lethbridge Region)  
City of Calgary  
Community Information and Referral Service (Red Deer)  
Distress Centre Calgary  
Health Link  
FCSS Calgary  
FCSS Grand Prairie  
FCSS Smoky River  
Information and Volunteer Centre (Strathcona County)  
Medicine Hat Volunteer and Community Information Centre  
Office of Prevention of Family Violence and Bullying  
Regional Municipality of Wood Buffalo  
The Support Network of Edmonton  
United Way of the Alberta Capital Region  
United Way of Calgary and Area  
United Way of Central Alberta (Red Deer)

## **References**

Association of Information and Referral Services of Albert. (2009). 211 Alberta Overview.

Retrieved June 21, 2010, from <http://www.airsa.ca/default.html>

# AUMA Resolution 2010.B.12

## City of Calgary/City of Edmonton Reform Of Joint And Several Liability For Municipalities

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**WHEREAS** the current legislative regime dictates that, if liability is assessed against more than one defendant, that liability is to be apportioned jointly and severally amongst those defendants; and

**WHEREAS** a finding of joint and several liability can result in municipalities, who are often seen as the defendant with seemingly limitless public resources at their disposal, paying vastly more than their proportionate share of liability; and

**WHEREAS** municipalities can raise the funds necessary to satisfy a judgement through taxation; and

**WHEREAS** municipalities are often added to lawsuits to guarantee that a plaintiff will receive full compensation, provided that the municipality is found in any way responsible for any of the damage; and

**WHEREAS** the majority of American states and four states in Australia have also reformed their joint liability schemes.

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association requests that the Government of Alberta:

1. Reform the current joint and several liability regime to more equitably allocate the burden of funding total damage awards amongst all parties found to be liable; and
2. Investigate the alternatives to joint liability that have been adopted in other jurisdictions in order to arrive at the best alternative considering the interests of all parties to a lawsuit.

### **BACKGROUND:**

At trial, multiple parties can be found to have all contributed to the losses suffered by a plaintiff. If that is the case, under the current scheme of joint and several liability, the plaintiff can look to any one defendant to pay 100 per cent of the judgement amount. This leaves that one defendant seeking to recover the proportionate shares owing by their co-defendants. If any co-defendant cannot be found, or if they have no assets, the paying defendant will not recover that co-defendant's share. This can result in the paying defendant paying more than their share of liability, as determined by the trial judge.

Increasingly, municipalities are being added to lawsuits in the hope that they will be found at least 1 per cent responsible for the plaintiff's damages. If so, the plaintiff will look to them for payment of 100 per cent, as the municipality can always be found and generally has sufficient assets to satisfy the judgement. This then places the municipality in the position of chasing its co-defendants for their proportionate share of liability. Should any party lack insurance coverage, for example, or should any company have gone out of business, the municipality can end up paying well in excess of their share of the liability. It effectively makes a municipality an insurer of the plaintiff's judgement.

This is so because of the interplay of the *Contributory Negligence Act* and the *Tort Feasor's Act*, both of which are pieces of provincial legislation. As a result, amending this provincial legislation would effectively change the entire regime. It therefore lies within the jurisdiction of the provincial legislature to choose to amend this scheme to make it more equitable, and to reduce the burden upon municipalities by limiting their contribution to that actually ordered by the Court.

# AUMA Resolution 2010.B.13

## City of Calgary/City of Edmonton Comprehensive Review Of The Municipal Government Act

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**WHEREAS** the *Municipal Government Act* originally became Alberta law over 15 years ago, on January 1, 1995; and

**WHEREAS** the *Municipal Government Act* was groundbreaking legislation for municipalities in Canada, when it was introduced in 1995, but has not kept pace with legislation in other provinces; and

**WHEREAS** the *Municipal Government Act* is the main piece of legislation upon which the entire municipal order of government rests in the province of Alberta; and

**WHEREAS** the province of Alberta has announced on several occasions since 2002, its intention to perform a comprehensive review of the *Municipal Government Act*; and

**WHEREAS** discussions regarding the need for a comprehensive review and amendment of the *Municipal Government Act* have been occurring across the province with municipalities, the Alberta Urban Municipalities Association and Alberta Municipal Affairs, for several years; and

**WHEREAS** the *Municipal Government Act* is the legal foundation upon which most of the operations, structures, initiatives and polices of Alberta municipalities rest; and

**WHEREAS** a majority of municipalities in Alberta are challenged with growth, improvements in the quality of life for lower income citizens, and the protection of environmental health and resources, all of which are directly linked to the authority and limits placed on municipalities by the *Municipal Government Act*.

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association urge the Government of Alberta to commence a comprehensive review of the *Municipal Government Act* at the earliest possible time, and in full consultation with all Alberta municipalities, as well as the Alberta Urban Municipalities Association.

### **BACKGROUND:**

The *Municipal Government Act* is of critical importance to all Alberta municipalities. Since the Act came into force in 1995, Alberta municipalities have undergone dramatic changes—changes which are not reflected in the current Act, even though it has undergone numerous piecemeal amendments over the years. As municipalities grow, whether they are large cities or small towns, they begin to have a greater impact on the everyday lives of their residents. All municipalities are being asked to do more to enhance the quality of life of their residents, but need new legislative tools in order to respond in an effective manner.

Alberta municipalities, and the Alberta Urban Municipalities Association, have had discussions with the province for many years, requesting a comprehensive review and update of this foundational piece of legislation. Because the task is large and complex, Alberta municipalities need a guaranteed timeline and schedule for when the various sections for the Act will be reviewed. Given the new global economy, and the anticipated growth expected in Alberta municipalities, we ask the Government of Alberta to confirm the timing for a comprehensive review of the *Municipal Government Act*, and definitively identify the order and timing for the review of the individual sections of the Act.

# AUMA Resolution 2010.B.14

## Town of Okotoks Provincial Renewable Energy Rebate Program

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**WHEREAS** many Alberta property owners (home, business, organizational, institutional, industrial etc.) wish to reduce their environmental footprint through utilizing renewable energy technologies and do not invest in decentralized renewable energy generation systems due to the high initial capital cost; and

**WHEREAS** property owners and operators of small renewable energy micro-generation systems are able to achieve a measure of energy dependence from the larger electrical grid while being still being connected and potentially experiencing the long term financial benefits of being able to sell unused electricity back to the system and purchasing it only when needed; and

**WHEREAS** the potential benefits of such renewable micro-generation energy systems throughout the Province could result in increased efficiency, reduced electricity demands, reduction in greenhouse gasses and a broadening of the province's electricity pool resulting in greater power quality, which will help to strengthen the entire system, reducing vulnerability; and

**WHEREAS** with almost 90 per cent of the Province's electricity generated from coal and natural gas-fired plants, the new provincial energy strategy calls for increased emphasis on renewable energy and more efficient power generation, which will be necessary to slow or reduce the province's greenhouse gas emissions; and

**WHEREAS** micro-generation promises to play a key role in Canada's ongoing efforts to reduce carbon dioxide output by promoting the three pillars of energy efficiency, conservation and renewable energy; and

**WHEREAS** the renewable energy rebate program would be operated through a provincial organization such as Climate Change Central in partnership with Alberta municipalities, resulting in net greenhouse gas reduction reporting for each municipality; and

**WHEREAS** the renewable energy rebate program would incent and assist Albertans in reducing the initial capital cost of purchase and installation of renewable energy micro-generation system for their property(s).

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association (AUMA) request the Government of Alberta to introduce a rebate program for the purchase and installation of renewable micro-generation energy technologies which can be utilized to provide decentralized energy for Alberta property owners.

### **BACKGROUND:**

Many Albertans felt strongly about the impact greenhouse gases created from electricity generation have on our environment and air quality. Within the Provincial Energy Strategy, one of the recommended approaches towards achieving sustainable energy management is for the Province to not only support renewable energy development but to promote a market for its consumption. Advances in technology are making various forms of renewable energy systems more viable and rational for small scale power generations.

The largest current barrier for investment in micro-generation is its high cost, with labour shortages and interconnection issues not assisting its progress. Even with the recent cost reductions, micro-generation technologies are still among the most expensive options for generating power in Alberta, not making it a popular investment for property owners. Government financial support can play an important role in overcoming cost barriers for individual investors and assisting the overall development of renewable energy micro-generation market. An increase of energy on the grid produced from decentralized renewable energy micro-generation and the resulting decreased consumption of energy produced from carbon based sources benefits us all.

# AUMA Resolution 2010.B.15

## Town of Okotoks Venting Of Solid Fuel Burning Appliances

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**WHEREAS** pursuant to the provisions of section 7 of the *Municipal Government Act*, Statutes of Alberta, RSA 2000 and amendments thereto, municipalities may pass a bylaw for the purposes of ensuring the safety, health and welfare of people and protection of people and property; and

**WHEREAS** in order to protect the health and safety of its residents, the Town of Okotoks passed a bylaw in 2009 to address the manner in which solid fuel burning appliances are vented within the limits of the Town of Okotoks so the exhaust, fumes and smoke do not cause a nuisance to neighbouring properties; and

**WHEREAS** the Town of Okotoks believes this issue is a health and safety concern affecting all Albertans.

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association request that the Government of Alberta implement revisions to the Alberta Building Code, 2006 Article Number 9.33.10 (Chimneys and Venting Equipment) to require all solid fuel burning appliances to be vented above roof line and prohibiting discharging of exhaust, fumes and smoke below roof line elevation of a dwelling unit; and

**FURTHER BE IT RESOLVED THAT** this code revision also apply to all existing installations.

### **BACKGROUND:**

- The absence of a mandatory requirement for above roof venting on solid fuel burning appliances has created serious concerns from a public health and safety perspective in our community.
- Notwithstanding when an installation is built in conformity with present Code requirements, venting installations that exhaust below roof line cause a nuisance to adjacent properties and very serious health concerns.

# AUMA Resolution 2010.B.16

## Town of Coaldale Alberta Water Act Approval Process & Timelines

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**WHEREAS** Alberta Environment reviewing applications made under the Water Act does not have any legislated obligation or outlined expectation for timeframes governing when applications will be decided; and

**WHEREAS** Alberta municipalities have the right to expect fair and efficient decision making by government agencies that are mandated to function on behalf and in collaboration with Alberta municipalities for the betterment and progress of this province; and

**WHEREAS** Alberta municipalities and citizens expect that government departments conduct business in a reasonable and timely fashion; and

**WHEREAS** applicants under the Water Act should not be unreasonably delayed in pursuing development because of a non-decision by Alberta Environment.

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association urge the Government of Alberta and Alberta Environment to review the policies and procedures governing *Alberta Water Act* applications and to include a section that outlines the expected timeframe for the review and subsequent outcome of said applications that is both reasonable and fair.

### **BACKGROUND:**

Relevant Legislation: Water Act and regulations

A great number of applications under the Water Act are generated by new subdivision growth in Alberta municipalities. Developers are required to receive approval from Alberta Environment for the management and discharge of storm water run-off. Under planning law, municipal subdivision and development authorities are required to render decisions within a specified time after receiving subdivision and/or development applications. In cases where decisions are not made within the specified time frame, applications are automatically deemed as refused/denied and the applicant can choose to proceed to an appeal process. Municipal appeal boards are also mandated to render decisions within specific time frames. This process is in place so that developers are ensured of timely decisions and can proceed (or not proceed) accordingly.

Within the Water Act no such process exists. Applicants have no assurance that applications will be processed in a timely fashion and there are cases where many months and even years pass by with no decision rendered by Alberta Environment. When decisions are rendered by Alberta Environment an appeal process exists but when no decision is made applicants are left in a state of postponement with no option for recourse.

This current lack of clear process is detrimental to developers and to municipalities and is not an example of transparent, effective or accountable governance.

# AUMA Resolution 2010.B.17

City of Leduc  
10 minute Response Time Standata

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**WHEREAS** the 2009 Standata clarified the 10 minute response time contained in the 1981 fire code in a way which was not consistent with all of the existing municipal interpretations; and

**WHEREAS** many municipalities had approved ASPs based on their own interpretation of the 10 minute fire response time section of the 1981 building code; and

**WHEREAS** some communities have large amounts of existing development and additional stages to subdivide to complete ASPs; and

**WHEREAS** constructing different stages of the same development differently will create confusion amongst builders and municipalities and leave potentially significant numbers of vacant serviced lots subject to the new building code interpretation within residential neighbourhoods currently under construction.

**NOW THEREFORE BE IT RESOLVED THAT** the AUMA requests the Government of Alberta to extend the 10 minute Standata exemption to any and all developments already with an approved ASP regardless of what stage of development they are in.

## **BACKGROUND:**

Ltr from Alberta Municipal Affairs to Mayor Krischke. April 26/10

As part of its commitment to addressing high intensity residential fires (HIRF) in Alberta, the province recently amended building and fire codes to help make homes safer from the spread of fire, and to provide more time for occupants to escape and firefighters to respond when there is a fire. The requirements that Alberta adopted in spring 2009 are the same requirements that will be considered by all provinces and territories later this year as part of the 2010 edition of the National Building Code.

When HIRF was announced, Municipal Affairs also clarified the intent of the 10-minute fire response time. The 10-minute fire response time requires more stringent fire protection for construction outside of the 10-minute fire department response time area. While the 10-minute response time has been in place in Alberta since 1981 and response criteria did not change with the 2009 code amendments, the clarification raised municipal awareness of the requirement. Municipalities and developers expressed concerns to Municipal Affairs in early 2009, as some municipalities were measuring the fire department response time in a substantially different manner.

On July 24, 2009, the Honourable Ray Danyluk, then Minister of Municipal Affairs, responded to those concerns by issuing a building code exemption to provide a transitory measure for developers and municipalities to adapt to the HIRF requirements. The exemption applies to all buildings on lots registered with Alberta Land Titles before June 1, 2010, provided a permit to construct has been issued before January 1, 2015.

This exemption applies only to the calculation of allowable window areas in side-walls. All other safety requirements, such as gypsum board under vinyl siding and non-vented soffits, were not exempted and must be followed.

Recently, I heard from some municipalities and the construction industry that more time is needed to ensure development throughout Alberta is not impeded as municipalities and industry work to ensure their developments are designed in a manner that complies with the 10-minute fire response time rule.

In response to these concerns, I have extended the date of the exemption to December 31, 2010. Where a municipal fire department previously used a different fire department response time calculation, I will temporarily allow side-year windows to be included in new homes as if the building were within a 10-minute fire department response time. However, no relaxation will be given for any of the other fire safety measures. Because the goal of the fire response time is the prevention of fire spread, and because other safety measures will remain in place, I am satisfied that authorizing this exemption will allow planned construction to proceed without adversely affecting the safety of the homes and occupants.

Staff of my department will also be contacting developers and municipalities in the near future to facilitate discussion on the longer-term issues and potential solutions. Please contact Mr. Ivan Moore, Assistant Deputy Minister of the Public Safety Division at [ivan.moore@gov.ab.ca](mailto:ivan.moore@gov.ab.ca) if you would like to be involved in this discussion.

# AUMA Resolution 2010.B.18

## Town of Taber Funding to Family and Community Support Services (FCSS)

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**WHEREAS** the Municipal Government Act states that the purpose of a municipality is to provide good government, to provide services, facilities or other things that, in the opinion of council, are necessary or desirable for all or a part of the municipality, and to develop and maintain safe and viable communities; and

**WHEREAS** the fundamental facilities, organizations, services and opportunities are essential to a well functioning person, family and community; and

**WHEREAS** the investment in prevention services will be a significant step in creating sustainable systems for Children, Youth Services, Justice and Education; and

**WHEREAS** the response to crisis and intervention at early signs of problems aide to provide skills to reduce crisis and troubling behaviours; and

**WHEREAS** the Province currently provides \$75.7 million dollars for Family and Community Support Services; and

**WHEREAS** the Alberta Urban Municipalities Association represents the collective voice of urban municipalities.

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities (AUMA) petition the Government of Alberta to increase provincial funding to municipalities for Family and Community Support Services (FCSS) to \$100 million dollars (currently \$75.7), thereby relieving the pressure on crisis intervention services.

### **BACKGROUND:**

The FCSS philosophy is based on a belief that self-help contributes to a sense of integrity, self-worth and independence. The programs developed are intended to help individuals in their community to adopt healthy lifestyles, thereby improving the quality of life and building the capacity to prevent and/or deal with crisis situations should they arise.

# AUMA Resolution 2010.B.19

## Town of Black Diamond Notification Of Public Hearing

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**WHEREAS** it is beneficial to make a published Notification of a Public Hearing accessible to as many residents as possible, in as cost-efficient a manner as possible for each municipality; and

**WHEREAS** many small or rural Alberta communities do not have access to local weekly newspaper publications; and

**WHEREAS** many small or rural Alberta communities do have one or more newspaper publications which have other than weekly publication dates; and

**WHEREAS** many small or rural Alberta municipalities would struggle with the burden of the cost of hand-delivery of Notices of Public Hearing; and

**WHEREAS** many small or rural Alberta municipalities retain Post Office Box mail delivery instead of residential mail delivery; and

**WHEREAS** the *Alberta Municipal Government Act* does not permit a combination of newspaper publications to meet the publishing requirements to notify residents of a Public Hearing; and

**WHEREAS** the Government of British Columbia under the *Community Charter, Division 4, section 94* allows for combinations of more than one newspaper publication to be used to meet the required number of consecutive publications to notify residents of a public hearing.

**NOW THEREFORE BE IT RESOLVED THAT** the Alberta Urban Municipalities Association request that the Government of Alberta amend the *Municipal Government Act* to allow that the obligation under subsection 606(2)(a), which outlines that the Notice must be published at least once a week for two consecutive weeks, may be met by publication of the Notice in more than one newspaper, if this is in accordance with the subsection when the publications are considered together and/or any other manner considered appropriate by the municipality.

### **BACKGROUND:**

Many rural or small communities do not have local weekly newspapers that enjoy the strong readership of that municipality's residents. Many communities have well-read local newspapers that publish bi-weekly or on another timeline. This situation leaves a municipality unable to easily meet the current requirement to publish 2 consecutive weeks in any one newspaper.

The demographics of any small community may change the readership of any of these small publications, and local competition for readership may split readership between 2 or more small but widely read publications, rather than produce 1 large publication with excellent community readership. This can make it very difficult for any municipality to select one newspaper in which to advertise and hope to reach the majority of its residents. This places an undue burden on the municipality to double its advertising costs and advertise 2 consecutive weeks in both publications.

The only other option currently available to municipalities is to hand-deliver Notices of Public Hearing to each residence. This option is both time-consuming and cost-prohibitive. Small municipalities would likely have to hire casual personnel or increase the hours of part-time personnel to make these residential deliveries, as well as the time and costs involved in producing the required number of copies of each Notice. In a rough estimate

of the cost to residentially deliver a Notice of Public Hearing in the Town of Black Diamond, we found that it would cost approximately twice as much as to meet the newspaper advertising requirements.

Residential delivery does not guarantee that both a property owner and resident tenant of any rental property would be made aware of the Public Hearing. The topic of any Public Hearing might be an issue of concern for both parties.

The Province of British Columbia's *Local Government Act* (RSBC 1996) Chapter 323, Part 1, Section 6.4 – *How notices must be published in a newspaper* states 6.4 If this Act requires that notice be given by publication in a newspaper, the notice must be published in accordance with section 94(1)(b) [*requirements for public notice*] of the *Community Charter*.

The *Community Charter*, Part 4, Division 4 – *Public Notice and Access to Records – Requirements for public notice* Section 94(1) states 94(1) If this section applies, the applicable notice must be

- (a) Posted in the public notice posting places, and
  - (b) Published in accordance with this section
- (2) Subject to subsection (4), publication under subsection (1) (b)
- (a) must be in a newspaper that is distributed at least weekly
    - (i) in the area affected by the subject matter of the notice, and
    - (ii) if the area affected is not in the municipality, also in the municipality, and
  - (b) unless otherwise provided, must be once each week for 2 consecutive weeks,
- (3) The obligation under subsection (2) may be met by publication of the notice in more than one newspaper, if this is in accordance with that subsection when the publications are considered together.

The Province of British Columbia legislation, by subsection 94(3) permits a municipality to use 2 different publications, so long as the 2 consecutive weeks of publication in a local newspaper is still met.

If the Province of Alberta were to make this option available, it would be of great benefit to the many communities with non-weekly newspapers, or more than one newspaper with a split readership. It encourages municipalities to use more of its local media resources instead of supporting no-local publications only because they meet the weekly publication requirements; it enables them to reach more of its residents by using 2 or more newspapers in 2 consecutive weeks; and would allow them to meet the requirements at a substantial cost-saving when compared with residential delivery.

## **2010 Policy and Resolutions Book**

### **Category Targeted Scope**

#### AUMA Resolutions Policy:

The **Targeted Scope** category would have resolutions that address matters of significance to all or most municipalities located in one area of the Province or municipal members of a similar size.

## **2010 Policy and Resolutions Book Category Endorsement Requests**

### **AUMA Resolutions Policy:**

The **Endorsement Requests** category would address requests of regular Members to endorse positions they are taking without any advocacy action by AUMA.



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