

# MGA Working Session: Municipal Accountability

Elected Official Training; Ombudsman

June 2016 Mayors' Caucus

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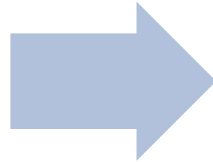


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# Elected Official Training

## Current State

- No required orientation training for council or administration



## Amendments

- Municipalities required to offer orientation training to elected officials

# Approach for Training

- Elected official training **must be offered to each councillor within 90 days of an election and include:**
  - The role of municipalities
  - Municipal organization and functions
  - Key municipal plans, policies and projects
  - Roles and responsibilities of council and councillors
  - Roles and responsibilities of CAO and staff
  - Budgeting and financial administration
  - Public participation

# Elected Official Training: AUMA Perspectives

- AUMA supports mandatory training but there is no teeth to require it to be taken
  - This could be specified in the council code of conduct along with sanctions if not taken – would be an inconsistent approach
- Municipalities should be able to add content as necessary

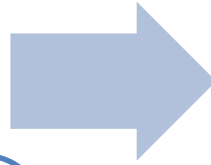
# Questions: Elected Official Training

- Should a requirement for elected officials to take the training be in the Act? Or should it be up to each municipality to determine requirements and to set out in a code of conduct?
- Are any changes required to the scope of mandatory training?

# Ombudsman

## Current State

- Enforcement is at the local level, through the courts, or in some circumstances, by the Minister



## Amendments

- Alberta Ombudsman will respond to complaints about municipalities regarding matters of administrative fairness

# Ombudsman

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- The scope of the existing Alberta Ombudsman will be amended to include municipalities
- Ombudsman's role will not include reviewing the quality or outcome of council decisions
- Current processes such as municipal inspections will remain in place
- Ombudsman's investigation can trigger the ability for the Minister to order the municipality to take an action

# Ombudsman

- The present jurisdiction of the Ombudsman involves the decision to refuse or cease to investigate any complaint if:
  - There is another adequate remedy for the complaint;
  - The complainant has had knowledge of any decision or recommendation for more than 12 months before the complaint is received by the Ombudsman;
  - The Ombudsman thinks the complaint is trivial, frivolous or vexatious or is not made in good faith, or the complainant does not have a sufficient personal interest in the subject-matter of the complaint.



# Ombudsman: AUMA Perspectives

- The position should be independent and municipalities should be involved in the selection of the Ombudsman.
- It will be important to have effective screening mechanisms to quickly determine which complaints pertain to administrative fairness.

# Questions: Ombudsman

- What should be done to ensure that only issues of municipal fairness (not municipal decisions) are brought forward?
- What additional factors, if any, should be applied to help screen complaints?

# MGA Working Session: Intermunicipal Collaboration & Planning

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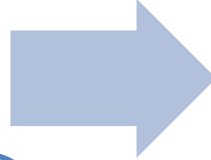


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# Intermunicipal Collaboration

## Current State

- Voluntary cost/revenue sharing (difficult to obtain, unpredictable as often little correlation to cost of services and can be terminated unexpectedly, often not connected to governance of common services)
- Mandatory Capital Region Board and Voluntary Calgary Regional Partnership



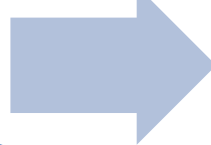
## Amendments

- Mandatory Intermunicipal Collaboration Frameworks  
or
- Mandatory Growth Management Boards for Edmonton and Calgary regions and more can be added in future

# Intermunicipal Collaboration

## Current State

- Voluntary Intermunicipal Development Plans
- No MDP required under 3,500 population



## Amendments

- Mandatory Intermunicipal Development Plans
- Mandatory MDPs for all municipalities

# Intermunicipal Collaboration

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## ICFs

- Infrastructure and services located in one municipality but used by citizens and businesses of another municipality (details to be set in regulation)

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- Individual or regional approach to agreements

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- Avoids the battle over linear property taxes and the inclusion of mid-sized cities

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# Intermunicipal Collaboration

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## ICFs

- Must be submitted within 2 years with an additional year allowed for third party arbitration in the case of disputes

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- Dispute resolution costs will be paid by municipalities

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- Mandatory review every 5 years

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# Intermunicipal Collaboration

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## Growth Management Boards

- Mandate expanded to address land use planning and result in planning, delivery, and funding of regional services
  - All regions enabled to create Boards under approval from Lieutenant Governor in Council
  - Dispute resolution process required
  - Areas with a Growth Management Board do not need to complete ICFs or IDPs
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# Intermunicipal Collaboration

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IDPS - Mandatory IDPS in 5 years  
(error – should be 3 years)

and

- Mandatory Municipal  
Development Plans in 3 years

MDPs

- Capacity and resource  
concerns for small municipalities

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## Intermunicipal Agreements

Growth Management Boards

OR

### Intermunicipal Collaboration Frameworks

New requirement to create an ICF which requires Intermunicipal Development Plans for neighbours sharing boundaries.

**NEW**

## Statutory Plans

ALSA Regional Plans & MGA Land Use Policies

*Sub-Regional Plans*

Intermunicipal Development Plans

Municipal Development Plans

Now mandatory for all municipalities.

**NEW**

Area Structure & Redevelopment Plans

## Non-Statutory Plans

### Non-Statutory Plans

New requirement to publish non-statutory plans and describe how they relate to each other and to the municipality's statutory plans

**NEW**

# AUMA Perspectives

- Submit proactive input on regulations that will outline scope of ICFs – push for service area approach
- Fix timeframes between ICFs, IDPs and MDPs
- Support a dispute resolution process with binding arbitration

# Questions: Intermunicipal Collaboration Framework Agreements

- What scope of services and infrastructure should be **required** for cost-sharing under an ICF? What should be specifically **excluded**?
- How should ICFs treat municipalities that share services but do not share a municipal boundary?
- How should the governance model be structured (e.g., advisory committee, municipally controlled corporation, Regional Services Commission, etc.)?

# Questions: Intermunicipal Collaboration Framework Agreements

- How should municipalities calculate shared cost or benefit (e.g., usage, assessment base, consumption rates, etc.)?
- How should operating, capital, and debt-servicing be treated?
- Can cooperation be addressed through individual bilateral ICFs? Or is a more regional approach required (i.e., ICFs for multiple municipalities)?
- How should arbitration be handled?

# Questions: Timeframe for IDP and MDP

- What are the practical considerations around how these multiple plans should be developed in alignment (particularly around timelines)?
- What is the best sequence for doing the ICF, IDP and MDP?

# New Directions for Growth Management Boards



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# Questions: Growth Management Boards

- How should municipalities that are within the boundaries of a Growth Management Board treat their existing IDPs?
- Do you have any concerns about the requirements for growth management boards and have any examples to provide?



# MGA Working Session: Planning Tools

Offsite Levies; Reserves; Inclusionary  
Zoning

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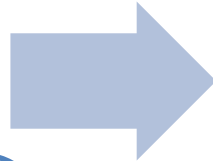


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# Offsite Levies

## Current State

- Offsite levies can be used for sanitary sewers, storm sewers, roads, and water infrastructure in new developments



## Amendments

- Offsite levies enabled for community recreation facilities, fire halls, police stations and libraries
- Requirement for minimum 30% of the benefit of the facility to accrue to the new development

# Offsite Levies

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- No change to the process for existing offsite levy types

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- No changes to redevelopment levies

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# Offsite Levies

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- Minimum of 30 per cent of the benefit of the facility must accrue to the new development

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- Amount levied will be proportional to the benefit accrued to the new development (*not stated in Act, but mentioned by Municipal Affairs*)

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- It is unclear how the benefit area will be defined, and how the benefit will be measured

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# Offsite Levies: AUMA Perspectives

- AUMA supports broadening the scope of offsite levies
- The 30 per cent benefit clause will restrict offsite levies, and should be removed
- Municipalities should be able to re-collect levies following redevelopment

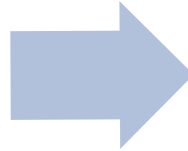
# Questions: Offsite Levies

- Will the 30% clause for new offsite levies work in your municipality?
  - What are some challenges with it?
- What changes would you suggest to make this clause effective in your municipality?
- How should the land area be defined?
- How should the benefit of the facility be defined?

# Reserves

## Current State

- Environmental reserves interpreted as being confined to areas unsuitable for development
- Municipalities are confined to 10 per cent municipal reserve lands



## Amendments

- Environmental Reserve definition confirmed to previous interpretation
- Environmental reserves can be taken earlier in planning process
- Conservation Reserves enabled with market value compensation
- No changes to other reserves (e.g., to municipal reserves or school sites)

# Reserves

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- Conservation reserves to be treated the same as ER when calculating municipal reserves – subtracted from total land before formula applied

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- Municipal reserves and school site issues have been referred to the Education Minister

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# Reserves: AUMA Perspectives

- Support the clarification of environmental reserves and creation of conservation reserves

# Reserves: AUMA Perspectives

- The compensation requirement for CR could be problematic
- A clear process for working with landowners will be necessary to use the CR tool

## Regarding other reserves

- Municipal reserve percentage should be increased
- There should be more flexibility in determining how their percentage of reserves is applied

# Questions: Reserves

- Will the conservation reserve be a tool that your municipality would likely use?  
Why/why not?
  - What would make the conservation reserves most useful in planning and developing your municipality?
- What other issues relating to reserves do you think needs to be changed?
  - How would these changes benefit your municipality?

# Inclusionary Zoning

- Inclusionary zoning is enabled
- Offsets to developer required to reduce impact on builders and housing prices
  - Details to be included in regulations
- Will not affect 10 per cent municipal reserve amount
- May be linked to GMBs and ICFs

# Questions: Inclusionary Zoning

- Is inclusionary zoning a power that you can use in your community?
- Should offsets be set at market value, or should developers contribute to the costs of the inclusionary zoning?
- What barriers do you see in using this new tool?
  - Are there ways to enhance this provision to make it more useful for your municipality?

# MGA Working Session: Property Assessment and Taxation

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# Areas of change

- Linking the residential and non-residential tax rates
- Splitting the non-residential property classes
- Changes to assessment appeal processes
- Centralization of industrial assessment

# Linking Residential and Non-Residential Tax Rates

## What's changed?

- New capped 5:1 ratio between residential and non-residential rates
- Municipalities with ratios above 5:1 cap will be grandfathered
  - Of the 18 municipalities above the cap, most are rural or specialized



# Splitting Non-Residential Property Classes

## What's changed?

- Non-residential class may now be split into subclasses and taxed at different rates
- All rates must comply with 5:1 ratio
- Specific details on sub-classes will be developed in regulations

# Centralized Industrial Assessment

## What's changed?

- All designated industrial property assessment will be centralized within Municipal Affairs in 3 years
- This change will increase consistency of industrial assessment across the province
- Municipal oversight is necessary to ensure the system is properly executed

# Assessment Complaints

## What's changed?

- Composite Assessment Review Boards will hear additional types of complaints
- Assessment Review Board decisions will be able to be appealed at the Court of Queens Bench by judicial review only
- Removes the step of “leave to appeal”

# John Lindsay, President Alberta Assessors' Association



# Questions

## **Non-residential Sub-classes:**

- Should municipalities be able to determine sub-classes of non-residential property, or should the province define?
- What sub-classes are required?

## **5 to 1 Maximum Ratio:**

- What, if any, concerns do you have with the new 5:1 maximum ratio?
- Should there be any exemptions (e.g., brownfields)?

# Questions

## Appeals Process

- What is problematic about the appeal process and how should these issues be addressed?

## Municipal Oversight on Centralized Assessment

- What kinds of municipal oversight are required and what processes should be put in place for transparent reporting of results?

# Open Mic on Additional MGA Issues

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