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OCTOBER 5-7 SHAW CONFERENCE CENTRE, EDMONTON



Municipal Governance Committee Report

Wednesday, October 5, 2016

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Session Agenda

- Committee Members
- Committee Mandate
- 2016 Achievements
- Presentation
- Questions



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Committee Members



- Councillor Jim Stevenson, City of Calgary (Chair)
- Mayor Barry Morishita, City of Brooks
- Councillor Michael Walters, City of Edmonton
- Mayor Glenn McLean, Town of Drayton Valley
- Mayor Bill Elliot, City of Wetaskiwin
- Mayor Bill Given, City of Grande Prairie
- Mayor Richard Ireland, Municipality of Jasper
- Susan Chow, City of Calgary
- Julian deCocq, Town of Cochrane
- David Connauton, Town of Provost
- Brenda Rauckman, City of Fort Saskatchewan

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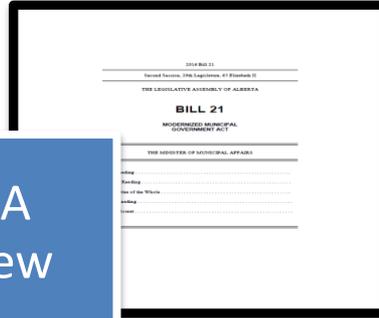
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Committee's 2016 Mandate

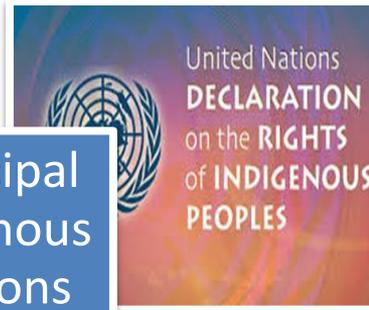
MGA
Review



Municipal
Revenue



Municipal
Indigenous
Relations



Property
Assessment
and Taxation



Local
Authorities
Election
Act



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Municipal Government Act Review

Introduction

A key initiative for AUMA is the *Municipal Government Act* (MGA), as it provides the foundation for the way that municipalities plan, govern, and pay for services for their residents. This page provides a single window for advocacy materials and information relating to the MGA review.

Legislation

Amendments to the MGA were released on May 31, 2016 in Bill 21, the Modernized Municipal Government Act. AUMA is providing municipalities with resources to understand the legislation, engage in upcoming provincial consultations and provide feedback on the act. In addition to Bill 21, amendments to the MGA were made in 2015 through Bill 20 (shown below).

AUMA Resources

- AUMA's Media Release (May 31, 2016)
- AUMA representatives attending Minister's Tour
- AUMA Questions for Public Consultation (June 6, 2016)
- AUMA MGA Impact Analysis (May 31, 2016)
- AUMA Presentation Overview of Changes Webinar (YouTube) (Presentation) (June 1, 2016)
- AUMA Media Coverage on MGA (June 22, 2016)
- Member survey (coming soon!)
- AUMA Questions and Answers on Bill 21 (coming soon!)
- June 2016 Mayors' Caucus Presentations
- June 2016 Mayors' Caucus: Minister's Message
- June 2016 Mayors' Caucus: Discussion Questions

Government Resources

- Alberta Government News release
- Schedule of Minister's tour
- Bill 21: Modernized Municipal Government Act (text of the bill)
- *Municipal Government Act* (full Act)
- Alberta Government Description of What's Changing – Spring 2016

Bill 20: Municipal Government Amendment Act, 2015

In February and March 2015, the government introduced "Bill 20", the Municipal Government Amendment Act, which provided some changes to the MGA. Information about Bill 20 is below.



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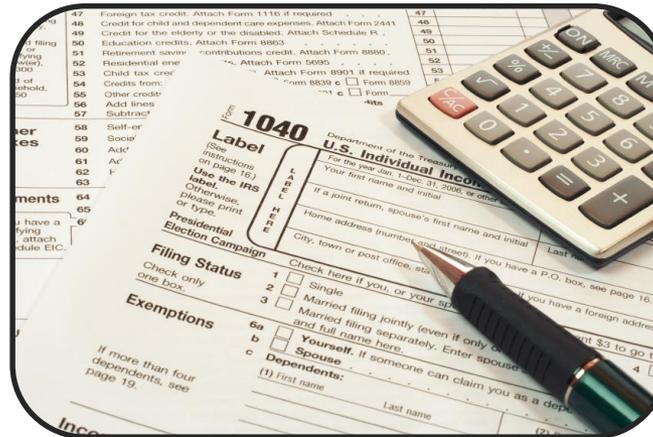
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Assessment and Taxation



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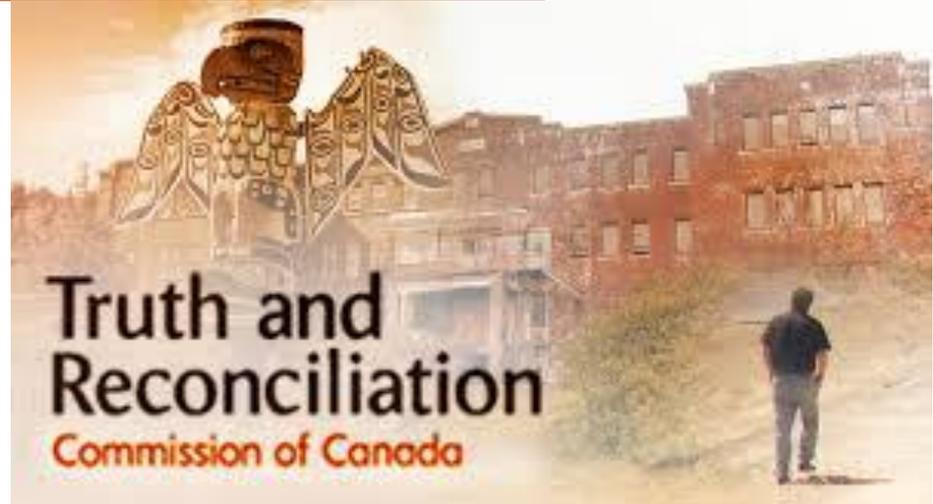
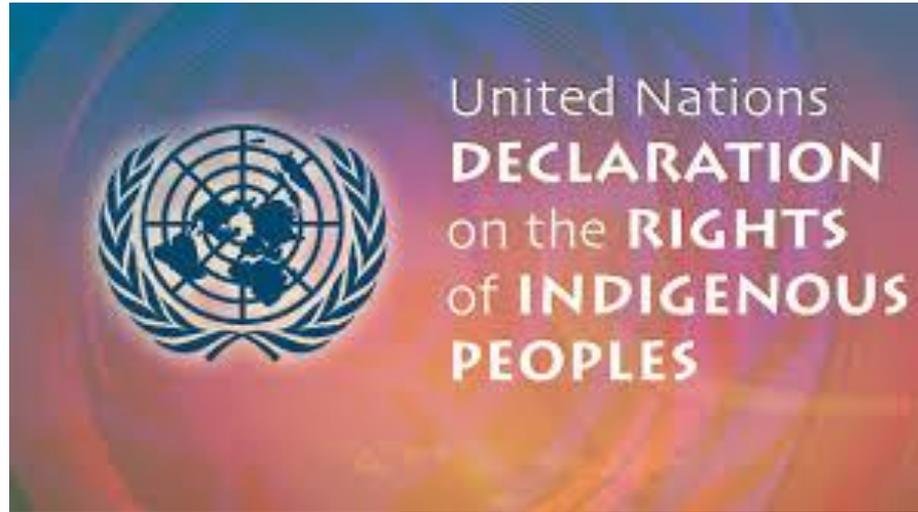
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Indigenous Relations



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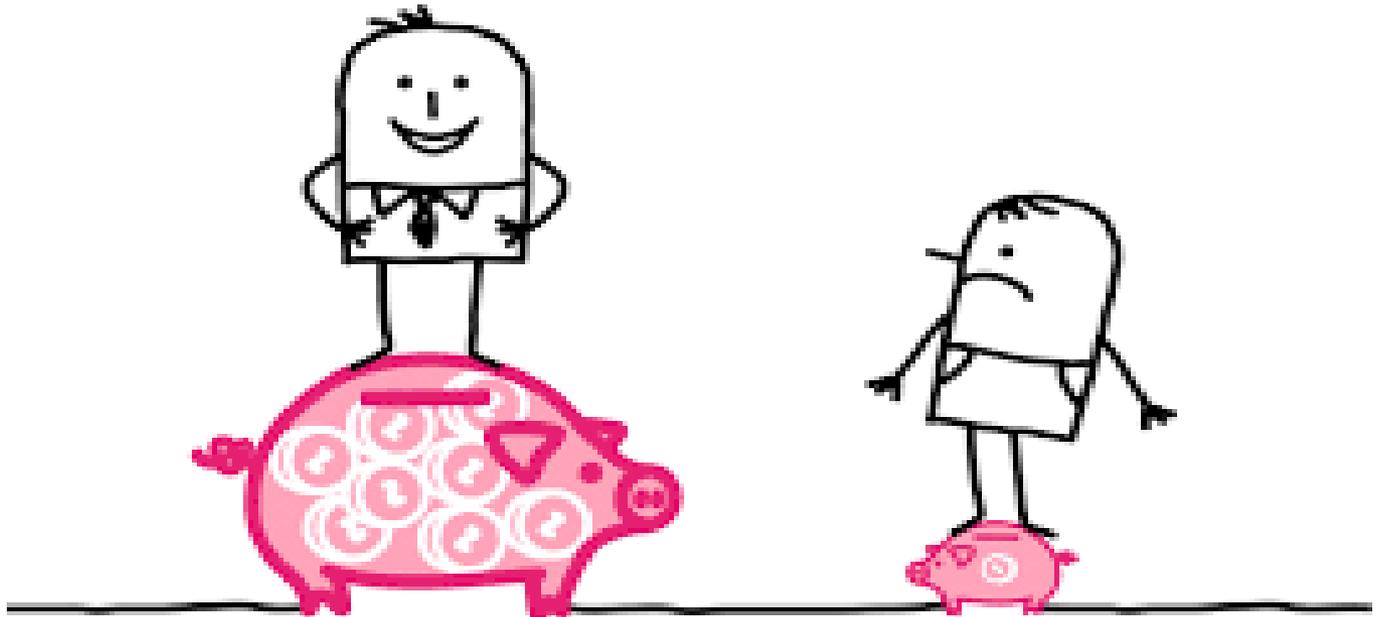
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Provincial-Municipal Revenue



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Local Authorities Election Act



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Other Responsibilities and Activities



- Trade Agreements
- Citizen Engagement
- Municipal Sustainability Strategy
- Intermunicipal relationships
- Agencies Boards Commissions Review
- Marijuana Issues
- Drones
- Municipal Planning



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Presentation

What's Coming with Municipal Legislation?



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What's Coming with Municipal Legislation and Regulations

Roberto Noce, Q.C.

Wednesday, October 5, 2016 – Edmonton, AB

WELCOME

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VANCOUVER CALGARY EDMONTON SASKATOON REGINA LONDON KITCHENER-WATERLOO GUELPH TORONTO MARKHAM MONTRÉAL

AGENDA

1. Understanding the difference between legislation and regulations.
2. What's changing?
3. Questions and discussion.

Understanding the difference between legislation and regulations

Understanding the difference between legislation and regulations

- A law is considered to be an Act when it has been duly passed by the legislative body.
 - Eg. *Municipal Government Act*
- A regulation, on the other hand, is one that is approved by Cabinet based on an Act that has already been passed.
 - Regulations make the Act a lot easier to follow.
 - One Act can have numerous regulations.

Understanding the difference between legislation and regulations...continued

- Regulations are consistent with the purpose and intent of the principal Act.
- The *Municipal Government Act* has at least 130 regulations - examples:
 - Aeronautics Act Agreements (City of Medicine Hat and Cypress County) Regulation
 - Barrhead Regional Water Commission Regulation
 - Beaver River Regional Waste Management Commission Regulation
 - Lac La Biche County Property Tax Bylaw Regulation

What's changing - overview

- March 30, 2015: Bill 20 received Royal Assent (*Note: majority of the Bill will not come into force until proclamation*) – Bill 20 included housekeeping amendments and allowed for the establishment of City Charters.
- May 31, 2016: Government introduced Bill 21, the *Modernized Municipal Government Act* in the Legislative Assembly of Alberta.

City Charters - FYI

- *Municipal Government Act* sets the rules and guidelines for all of Alberta's 344 municipalities.
- However, the City Charters will work alongside the *Municipal Government Act* to give Edmonton and Calgary more flexibility in certain areas to make local decisions and take local action.

Offsite Levies

- Expanded to include land and buildings for community recreation facilities, fire halls, police stations, libraries – where at least 30% of the benefit of the facility accrues to the new development.
- Today, the *Municipal Government Act* specifies the categories of infrastructure that may be funded through offsite levies: water, sewage, storm sewer drainage and road facilities as defined in the *Municipal Government Act* - s. 648(2).

Offsite Levies...continued

- Concerns raised by the development industry:
 - *The additional costs will directly increase housing costs. The introduction of new levies may not distribute costs and benefits in a fair and equitable manner.*
- Q: How will a municipality determine the degree of benefit accruing to a development?
 - Bill 21 says that the answer to this question will be provided for in the regulations.

Affordable Housing

- New powers to allow for inclusionary housing to be imposed as a condition of a development permit.
- Inclusionary zoning would force builders/developers to set aside a percentage of new units for low to moderate income households.

Affordable Housing...continued

- How this new power will work is dependent on the regulations.
- Concerns raised by the development industry:
 - *Inclusionary housing unfairly and disproportionately loads the cost and responsibility for affordable and social housing onto a very narrow segment of new home owners.*

Affordable Housing...continued

- Other issues to consider:
 - Manitoba passed similar legislation in 2013.
 - Vancouver and Montreal have policies that promote affordable housing but have not required developers to actually build the units.
 - What does affordable even mean?
 - What becomes of those properties after the original sale?

Splitting the non-residential property classes

- This new power will allow for non-residential property class to be split into subclasses and taxed at different rates.
- Will be further defined in the regulations.

Environmental Reserve (ER)

- Clarifies that ER only applies to: natural features, prevention of pollution, ensure public access to a water body, prevent development with significant risk of personal injury or property damage.
- New power → Municipality and owner can agree to dedication and amount of ER in advance of a subdivision decision.
- It confirms that ER is intended only for land that is not suitable for development.

Conservation Reserve

- New power → Conservation Reserve - protect land that has environmentally significant features but does not qualify as ER.
- Funding to purchase the land at market value.
- The development industry would like the compensation value be clearly stated as market value of **developable** land.

Conservation Reserve...continued

- Appeals regarding compensation payable for Conservation Reserve will be heard by the Land Compensation Board.

Controlled corporations

- Allow municipalities to establish municipally controlled for-profit corporations without specific permission, but legislate requirements regarding the allowable scope of those corporations and the transparency of their formation and operation.
- Concerns of the development industry:
 - *Municipalities could use subsidiaries to directly compete in the private development market, which would affect competition on the open market and negatively skew market conditions.*

Development permits

- Maintain existing decision making timelines for most municipalities, but allow additional time to determine whether an application is complete.
- Allow cities and larger specialized municipalities to set their own timelines by bylaw.

Others changes

- Growth Management Boards:
 - Growth Management Boards will be mandatory for Edmonton and Calgary.
- Provincial Oversight:
 - The mandate of the Alberta Ombudsman will be expanded to include complaints regarding unfairness or unreasonable decisions or actions taken by municipalities.

Others changes...continued

- Councillors - duties and training
- Electronic mailing
- Municipal Government Board
- Centralized industrial assessment
- Assessor Access to Information
- Brownfield Tax deferral and cancellation
- Linkage of residential and non-residential tax rates

What's next...

- Fall 2016: Possible amendments to Bill 21 as a result of consultation process.
- Spring/summer 2017: Amendments to the *Municipal Government Act* included in Bills 20 and 21 (and the regulations) will come into force.
- Fall 2017: Municipal elections.

Miller Thomson LLP

- **Roberto Noce, Q.C.**
Partner

- Miller Thomson LLP
2700 Commerce Place
10155 - 102 Street
Edmonton, AB T5J 4G8

Direct Line: 780.429.9728
Fax: 780.424.5866

- Email: rnoce@millerthomson.com
- Follow me on Twitter: **@RobertNoce**

Miller Thomson LLP
3000, 700 - 9th Avenue SW
Calgary, AB T2P 3V4

Direct Line: 403.298.2439
Fax: 403.262.0007

Thank you!!!

Sources

- Government of Alberta: <http://mgareview.alberta.ca/>
- Urban Development Institute Alberta letter dated July 29, 2016 to the Minister of Municipal Affairs and summary of Bill 21
- City of Edmonton summary report dated June 14, 2016

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MGA Regulations – the next step



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MGA Regulations – Priorities



Governance Regulations:

- Code of Conduct
- Public Participation
- Annexation Principles
- Financial Reporting

Planning Regulations:

- Intermunicipal Collaboration Frameworks
- Offsite Levies
- SDAB Forms
- SDAB Training

Assessment and Taxation Regulations:

- Assessment Subclasses

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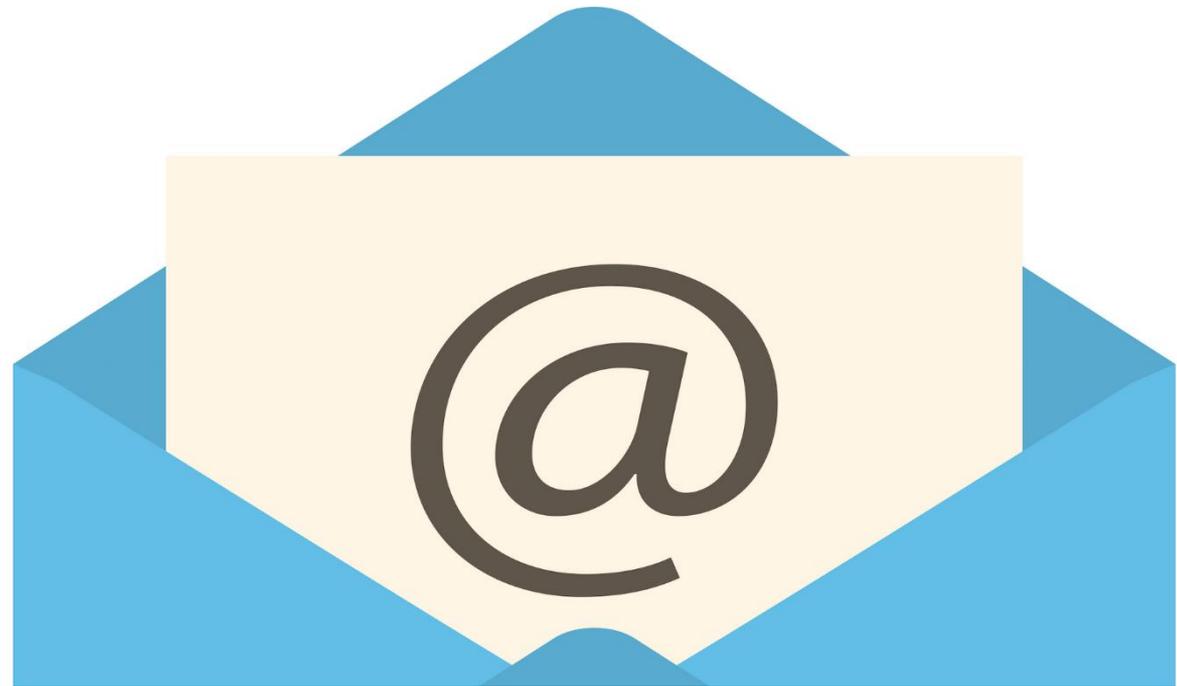
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Questions and Discussion



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Submit committee interest form by Friday, October 7!

auma.ca/about-us/about-auma/join-committee

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About AUMA

Who is AUMA?

We believe that municipalities need stable and predictable funding to support their social, economic, cultural, environmental, and governance objectives. We also believe that the roles and responsibilities of municipal governments must be recognized and respected by both the provincial and federal orders of governments, and advocate for that recognition and respect. We work to ensure that everyone—at every level of government—understands that municipal governments are accountable to their citizens and are trusted to act in the best interest of their respective communities.

AUMA works to engage our members and develop strategic partnerships between all orders of government to meet municipal needs. Although many urban municipalities share common challenges, such as the need to fund core services and maintain infrastructure, we also understand the diverse and complex nature of our membership. That's why we're committed to developing solutions that respect differences.

Whether it's building and leveraging strategic partnerships, building capacity through the development of resources and tools, or developing efficient, effective business solutions, we never lose sight of the fact that every municipality is unique.

Government
resources

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