



AAMDC MGA Consultations

SUMMER 2016

AAMDC MGA WEBINAR

JUNE 28, 2016



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Planning and Development

MGA AMENDMENTS

1a. Intermunicipal Collaboration Framework

Current Status: Intermunicipal collaboration is voluntary and locally determined; there is no standard scope or tools

Proposed Change: Mandatory Intermunicipal Collaboration Framework (ICF) for all municipalities who share common boundaries (except those in a growth management board). ICFs will address intermunicipal land-use planning, delivery and funding of regional services. Minister may penalize non-complying municipalities.

Implications: Will require all municipalities to collaborate with all neighbors; may pose challenges in ability to comply

1 b. Intermunicipal Development Plans

Current Status: Intermunicipal development plans (IDPs) are voluntary and locally determined

Proposed Change: Mandatory IDPs between municipalities who share a common boundary. Content requirements are identified in Act. IDPs are a required component of ICFs

Implications: Will require all municipalities to collaborate with all neighbors; may be cumbersome and costly for municipalities lacking capacity to complete plans in identified timeframe

2. Growth Management Boards

Current Status: Capital Region Board is mandatory; Calgary Regional Partnership is voluntary and only applies to participating municipalities

Proposed Change: GMB is required for Edmonton and Calgary with expanded mandate to address land-use planning and planning, delivery, and funding of regional services

Implications: Forced collaboration; loss of individual autonomy; greater regional coordination

3. Municipal Development Plans (MDP)

Current Status: All municipalities with a population above 3,500 required to complete an MDP

Proposed Change: All municipalities required to complete an MDP

Implications: Improved planning in small municipalities may strengthen viability; possible capacity challenges

4. Hierarchy of Plans (2015)

Current Status: No explicit hierarchy among statutory and non-statutory plans

Proposed Change: IDPs supersede MDPs which supersede ASPs. Municipalities required to describe how non-statutory plans relate to one another and to statutory plans

Implications: Should improve planning and increase transparency; may require significant work to align all plans

5. Provincial Land Use Policies

Current Status: Current and future land use policies under the MGA cease to apply in regions when ALSA regional plans are adopted

Proposed Change: Continue to phase out MGA policies as ALSA plans come into force; authorize Minister to establish new policies for issues not covered in ALSA plans

Implications: Create a balance between focusing on ALSA while allowing for new policies to address other issues

6. Environmental Reserves (ERs)

Current Status: ERs are identified during subdivision and used to maintain a natural ravine, drainage course, prevent pollution or provide water access

Proposed Change: Clarify definition of ER; create new Conservation Reserves to protect environmentally significant lands; allow for ERs to be determined earlier in planning process

Implications: Improves and broadens tools for preserving environmentally significant lands

7. Incentivizing Brownfield Redevelopment

Current Status: Municipalities confirm annual deferrals/reductions to property tax through land use bylaw

Proposed Change: Allow councils to allow deferrals/reductions for multiple years to brownfield redevelopment projects to incentivize redevelopment

Implications: Provides greater flexibility in incentivizing brownfield redevelopment through tax deferrals/reductions

8. Affordable Housing/Inclusionary Zoning

Current Status: MGA is silent on affordable housing and provides municipalities with limited tools to require affordable housing as an aspect of a development project

Proposed Change: Enable inclusionary zoning as an optional component of land use bylaws

Implications: Would provide municipalities with an optional tool to require affordable housing within developments

9. Planning and Development Appeal Boards

Current Status: Councillors and public members sit on mun. appeal boards. Councillors cannot form the majority on SDABs. The MGB Chair is the DM or designate

Proposed Change: Councillors may not form majority of any MGA-referenced appeal board. MGB Chair appointed by Cabinet

Implications: Will reduce risk of bias on boards; may be difficult for smaller municipalities to find public members

10. Sub-Division Appeal Board (SDAB) Training (2015)

Current Status: Training is voluntary for SDAB members

Proposed Change: SDAB members will be required to complete training as defined in a regulation

Implications: Should improve quality and consistency of SDAB decisions; training requirements may increase difficulty of recruiting members

11. Decision-making Timelines

Current Status: The MGA specifies timelines for decisions and appeals for subdivision and development applications

Proposed Change: Maintain existing timelines, but allow more time to confirm that applications are complete; allow large cities to set their own timelines by bylaw

Implications: Should improve application quality; allow decisions in a predictable timeframe



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No Changes to the MGA

12. Use of municipal reserves and school reserves

13. Regional pooling of municipal taxation or grant revenues



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Governance and Administration

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14. Provincial-Municipal Relationship

Current Status: The partnership between the Province and municipalities is implied but not explicitly mentioned in the MGA or other legislation

Proposed Change: A preamble will be incorporated into the MGA to describe the partnership relationship between the province and municipalities.

Implications: Preamble is symbolic; sets tone for Act. Collaboration is emphasized in the preamble.

15. Enforcement of the MGA

Current Status: Enforcement at local level, through courts, or by the Minister

Proposed Change: Expand mandate of Alberta Ombudsman to municipalities

Implications: Stronger oversight; potentially greater consistency in the application of the MGA; unclear powers; could trigger more complaints and create an administrative burden

16. Councillor Responsibilities

Current Status: No training requirements; codes of conduct voluntary

Proposed Change: Elected official training required after each election; councils will be required to develop a code of conduct; council's role will remain the same

Implications: Training and code of conduct can be tailored to the specific municipality making it more relevant; with limited enforcement, should improve accountability

17. Strategic Corporate Planning (2015)

Current Status: Municipalities are not required to develop multi-year plans.

Proposed Change: Municipalities will prepare a three-year financial operation plan and a five-year capital plan. Flexibility will be allowed for those with limited capacity

Implications: As long as realistic expectations and capacity-building support are provided, these requirements should improve municipal planning and accountability

18. Voluntary Amalgamation (2015)

Current Status: Voluntary amalgamation is not streamlined

Proposed Change: A regulation will be developed to streamline voluntary amalgamation

Implications: Will reduce administrative burden in voluntary amalgamations while maintaining provincial involvement in contested amalgamations

19. Non-contiguous Amalgamation (2015)

Current Status: Non-contiguous Amalgamation is not permitted under the MGA.

Proposed Change: Non-contiguous amalgamation is permitted among summer villages that share the same body of water

Implications: Greater efficiencies in administration will be realized by summer villages

20. Annexations (2015)

Current Status: Annexation requests are reviewed on an individual basis by the MGB; there are no principles or regulations governing annexations

Proposed Change: The Minister may create a regulation establishing annexation principles

Implications: Detail will be in regulations, though greater consistency in annexation decisions and fewer contested annexations should be expected.

21. Public Engagement and Notification (2015)

Current Status: Municipalities can engage with public as they see fit, with some requirements; municipalities notify residents through newspaper/mail, may use other methods

Proposed Change: Minister establishes regulation guiding engagement policies that all municipalities must adopt; municipality must pass bylaw outlining notification process

Implications: If flexibility is allowed, this should improve and modernize notification and engagement practices. Communication with citizens is more consistent.

22. Municipally Controlled Corporations (MCC)

Current Status: Formation of MCCs requires Ministerial approval

Proposed Change: Allow formation without Ministerial approval as long as MCC is within legislated scope

Implications: More flexibility to form MCCs; less administrative burden; More timely formation

23. Open Council Meetings (2015)

Current Status: Meetings must be open unless protected by FOIP; no definition of “council meeting” in MGA

Proposed Change: Greater clarity around “in-camera”; resolution required to close a meeting; Minister will create a regulation on closed meetings

Implications: Will increase transparency; may increase administrative burden when discussing confidential issues

24. Petitioning Process (2015)

Current Status: To be valid, petitions must have a percentage of eligible signatories and meet time limits

Proposed Change: Increases local control over setting standards for a valid petition; allows petitions to be signed by email. Bill 21 enables a provincial inspection of a municipality through a petition signed by 20% of municipal residents. Summer villages require 30%.

Implications: Will allow for petition standards to be reflective of local realities (geography, etc.); may be more onerous to prove petitioner identity

No Changes to the MGA

25. Municipal structure definitions (municipal district, village, etc.)

26. Municipal viability measures and the Municipal Sustainability Strategy (MSS)



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Taxation and Assessment

MGA AMENDMENTS

28. Linear Assessment

Current Status: Linear tax dollars are collected in the municipality the property is located in

Proposed Changes: None. Any financial agreement will be arranged through an Inter-municipal Collaborative Framework

Implications: Rural municipalities will retain linear assessment

29. Linking Res. and Non-Res. Mill Rates

Current Status: No legislated link between residential and non-residential mill rates

Proposed Changes: 5:1 ratio between non-residential and residential mill rates. Those currently above the threshold will be grandfathered in.

Implications: Limits the ability to set mill rates that reflects the cost to provide services

30. Splitting Non-Residential Property Class

Current Status: No ability to split the non-residential property class

Proposed Changes: Allow non-residential class to be split into sub-classes and taxed at different rates; separate “mom & pop” shops from industrial properties

Implications: Allows municipalities to set mill rates that will entice small business

31. Centralized Industrial Assessment

Current Status: Assessment of M&E is conducted by local municipalities

Proposed Changes: M&E assessment to be centralized within Alberta Municipal Affairs

Implications: Loss of autonomy and local knowledge for municipalities; unclear costs for municipalities; greater consistency in assessments

32. Farm Property – Assessment of Farm Buildings

Current Status: Farm buildings are exempt in rural municipalities and assessed at 50% in urban municipalities

Proposed Changes: All farm buildings are exempt in both rural and urban areas

Implications: Equal rules for farm buildings no matter their location

33. Farm Property – Land for Development

Current Status: Farm land is assessed and taxed through regulated rate until it is not productively farmed

Proposed Changes: Implementation of triggers to identify when farmland is no longer ‘farmed’

Implications: Less tax avoidance on farmland destined for development

34. Development Levies

Current Status: Offsite levies can be used for sanitary sewer, storm sewer, roads, and water infrastructure in new developments

Proposed Changes: Expanded scope of off-site levies where 30% of the benefit of the facility is from the new development

Implications: Stronger tools to fund community infrastructure; 30% threshold could have unintended consequences

35. Access to Assessment Information

Current Status: Unclear expectations about what information is required by assessors and property owners

Proposed Changes: Regulation to be developed to clarify what information is required

Implications: Greater clarity for assessors and property owners

36. Assessment Complaints

Current Status: Local Assessment Review Boards (LARB) hear complaints on business taxes and revitalization and cannot award costs; Composite Assessment Review Boards (CARBs) hear complaints on non-residential properties

Proposed Changes: CARBs hear complaints on business taxes and revitalization and can award costs; local assessment review boards continue to hear residential assessment complaints

Implications: Additional costs may be awarded to municipalities or the complainant; may deter frivolous complaints



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No Changes to the MGA

37. Municipal Taxation Powers or Grant Structures

38. Education Property Taxes

39. Property Tax Recovery Tools

No Changes to the MGA

40. Responsibility for costs associated with dissolution

41. Industrial property assessment
(Definitions/Timing/Valuation/Appeals)

42. Farmland and farm residences

43. Intensive agriculture operations

No Changes to the MGA

44. Airport property assessments

45. Assessment complaints process

46. Condition and valuation dates

47. Exemptions

- Grants in Place of Taxes (GPOT)
- Non-assessable/taxable property
- Non-profit and community organizations



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Questions?

Next steps

- **AAMDC:**
 - Use info from workshops to shape AAMDC final submission
 - Communicate final positions with members
- **Members:**
 - Make individual submissions to Municipal Affairs by July 31



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Thank You

For more information visit AAMDC.com or contact:

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