

Municipal Taxation and Assessment

Municipalities require a source of revenue to provide services, maintain existing infrastructure, and construct new infrastructure to meet growth pressures and to enable economic development. For all municipalities in Alberta, property taxes are the largest source of revenue. Rural municipalities are highly dependent on property tax revenue from the industries operating within their boundaries, and much of the revenue collected is used to maintain the roads, bridges, and other services that industry relies on. It is critical that property assessments are conducted transparently and objectively, and that both assessment values and tax rates ensure that all property owners pay their fair share for municipal services and infrastructure. The ability to set tax rates that meet local infrastructure and service delivery needs is a core aspect of municipal autonomy.

What is the RMA's position on the importance of municipal taxation and assessment?

- ◆ Alberta's rural municipalities rely on a stable, fair, and transparent property assessment regime to ensure they can collect the taxes needed to provide residents and businesses with municipal infrastructure and services. Any changes to Alberta's assessment regime must not proceed without an understanding of how they will impact the ability of municipalities to generate adequate revenue.
- ◆ Non-payment of municipal property taxes causes municipalities significant planning and financial challenges. Alberta's current legislation allows for different tax recovery powers for different property types. Due to the importance of property taxes to municipal sustainability, municipal tax recovery powers must be clarified and applied consistently across property types.
- ◆ While most property types in Alberta are assessed based on market value, some unique property types (such as pipelines) use a regulated assessment rate based on a formula determined by the Government of Alberta. Regulated assessment processes should be based on the most accurate and up-to-date data and methodology possible and must not be impacted by economic or political influences.

What financial considerations do rural municipalities have with respect to municipal taxation and assessment?

- ◆ To effectively plan and budget, municipalities rely on the Government of Alberta to provide timely and accurate assessment information, such as annual assessment year modifier rates. Delays or untimely changes to this information can cause municipalities significant financial and planning challenges.
- ◆ As of December 31, 2023, Alberta's rural municipalities are facing approximately \$251.8 million in unpaid taxes from the oil and gas industry.
- ◆ For the year 2023 alone, municipalities are facing \$43 million in new unpaid taxes from delinquent companies.
- ◆ Changes have been made by the Government of Alberta to allow municipalities to place special liens on property to recover unpaid oil and gas property taxes provide municipalities with an important tax recovery tool that was previously lacking. However, in the recent survey, it was clear that this tool is not being used extensively, nor has it been deemed successful in recovering taxes by those who have implemented the lien.

- ◆ Government of Alberta direction requiring the Alberta Energy Regulator to not allow companies to access new licences or transfer existing licences if they have outstanding municipal property taxes is an important step towards ensuring municipalities receive the property taxes they are owed on oil and gas properties. This effort, however, is ineffective for recovering unpaid taxes for those companies that are profitable and remain operational, but do not have the financial capacity to expand their holdings.
- ◆ In 2024, the Minister of Energy and Minerals committed to developing a new system in which municipalities can “report” cases of unpaid taxes to Alberta Energy and Minerals, which would subsequently work with the Alberta Energy Regulator (AER) to undertake enforcement action. Despite RMA’s efforts, this process has not yet been implemented, and RMA is concerned with a reluctance on the part of the AER to undertake enforcement action despite the Minister’s direction.
- ◆ Municipalities are required to collect education property taxes on behalf of the Government of Alberta. This requirement often impacts the ability of municipalities to collect adequate property taxes to support local needs.

How does the work of the RMA support a fair and objective municipal taxation and assessment system?

- ◆ The RMA collaborates with partner organizations (such as ABmunis and the Alberta Assessors’ Association) to advocate on behalf of municipalities for fair, transparent, and accountable assessment and taxation legislation and policies to support municipal sustainability.
- ◆ The RMA has taken the position that payment of municipal taxes should be a core measure of an oil and gas company’s ability to operate and should be considered as a determiner of company risk by the Alberta Energy Regulator. If a company is unable or unwilling to pay municipal taxes it is likely they will struggle to meet other regulatory or environmental requirements.
- ◆ In 2023, the RMA released a guide titled *The MGA Special Lien: What It Is and How to Use It*. The guide provides municipalities with an overview of special lien powers on oil and gas properties, how they align with other tax recovery tools, and various scenarios in which using a special lien may or may not be effective.

What current taxation and assessment-related issues are impacting rural Alberta?

Unpaid Oil and Gas Property Taxes

- ◆ As of December 31, 2023, Alberta’s rural municipalities are facing approximately \$251.8 million in unpaid taxes from the oil and gas industry, with \$43 million dollars being owed in the year 2023 alone.
- ◆ As oil and gas prices rise and the industry recovers from previous economic struggles, there are no more excuses for oil and gas companies to not pay property taxes. Other taxpayers are not exempt from payment due to economic, industry, or personal situations and such a loophole should not exist for a single industry.
- ◆ Recent changes made by the Government of Alberta to grant municipalities a special lien on property to recover unpaid oil and gas property taxes provide municipalities with an important tax recovery tool that was previously lacking. However, clarity is required as to how these tools can be safely and effectively used by municipalities.

- ◆ The RMA is encouraged by the Government of Alberta’s direction requiring the Alberta Energy Regulator not to allow any acquisitions or transfers of licences by companies with outstanding municipal property taxes. While it is too soon to assess the effectiveness of this direction, RMA’s recently distributed 2024 unpaid taxes member survey will determine whether unpaid property tax amounts have continued to increase.

Alberta’s Regulated Assessment System

- ◆ The assessment model review (AMR) process is underway, with an anticipated timeline of 2024-2028. RMA is committed to ensuring that this process is equitable, transparent and data-driven to ensure the best outcomes for all involved.
- ◆ The AMR process needs to remain a collaborative effort between municipal and industry stakeholders to ensure the outcomes are fair. When stakeholders cannot reach consensus, the Government of Alberta must be willing to serve as a decision-maker.
- ◆ Municipalities depend on equitable, efficient, and transparent assessment system to budget and provide services.
- ◆ Tax exemption policies should not be built into the assessment system. Such policies should be implemented in a transparent and targeted manner.
- ◆ Municipalities must have access to detailed assessment data for all property types to support municipal informed budgeting and forecasting.
- ◆ Alberta’s property assessment system should not be used as a tool to reduce costs for struggling industries. Municipalities depend on a stable, fair and transparent assessment system to budget and provide services, and arbitrarily reducing assessments to support specific property owners is not only unfair, but may have unintended consequences such as reduces services or municipal viability risks.

Municipal Support of Industry and Economic Development

- ◆ RMA members have a long history of partnering with industry to support local and province-wide economic development and continue to do so.
- ◆ There are a wide variety of tax and policy tools available to enhance oil and gas industry competitiveness.
- ◆ Any tool to enhance industry competitiveness should be evaluated on five principles:
 - ◇ Equitable in cost-sharing – Are the costs of supporting industry shared equitably among different levels of government?
 - ◇ Equitable in benefits-sharing – Are the benefits of an incentive or support distributed equitably within industry, and do they reach the sub-sets of industry that need it the most?
 - ◇ Tangibility – Do the benefits of the tool lead to direct, observable action by industry that provides an overall provincial benefit (capital investment, job creation, etc.)?
 - ◇ Sustainability – Does the tool prioritize long-term growth and investment for industry and is it adjustable or cancellable if it is no longer needed?
 - ◇ Transparency – Is the tool understandable to taxpayers? Are the province-wide benefits easily observable? Does the tool have a built-in means for regular review and modification?

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