

Municipal Government Act Amendments

AUMA Webinar

June 1, 2016

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Purpose of Webinar

- MGA Review Process
- Regulations for Spring 2015 Amendments
- Impact of May 2016 Amendments
- Identifying and Advocating for Change

MGA Changes

Policy Direction
(the whats)

Policy Details
(the hows)

MGA Amendments

- Spring 2015
- Spring 2016

60 Regulations

MGA Review Process

Spring
2015

- First set of Amendments

May 30
2016

- Second set of Amendments
- AUMA provides Impact Analysis and Advocacy Materials for members

June-
July

- Public Consultation by Municipal Affairs
- AUMA's Discussions with Members (Mayors Caucus and Survey)
- AUMA's Submission to Municipal Affairs (July 29) – Copied to Members

August
– Fall

- AUMA Develops and Distributes Advocacy Materials to Members
- AUMA and Members Advocate for Changes

Fall

- Amended MGA Passed
- City Charter Consultations

MGA Regulations

- Behind with Regulations for 2015 amendments
- 60 Regulations to be Developed Before 2017 Municipal Elections

Spring 2015 Amendments

- city charters enabled
- Council codes of conduct
- voluntary amalgamations
- annexation principles and procedures
- 3 year operating and 5 year capital plans
- public participation policies
- hierarchy of statutory plans
- subdivision and appeals board training

Impact of May 2016 Amendments

- Focus on intermunicipal collaboration, planning and funding
- Tools for development and harmonized planning

Impact of May 2016 Amendments

- Property assessment and taxation reforms
- Avenues for dispute resolution and complaints

Impact of May 2016 Amendments

- Many details unknown (will be in regulations)
- Significant gaps remain – too many items are status quo (municipal funding, engagement of municipalities in provincial decisions, municipal reserves)



Provincial-Municipal Relationship

- New preamble in the Act with key principles recognizing:
 - Councils are democratically elected and are accountabilities to their residents
 - Municipalities have an important role in the province's success
 - The importance of the province and municipalities collaborating and working together
 - Municipalities have different interests and capacities that require flexible approaches
- No requirement for mandatory engagement with municipalities

Municipal Funding and Sustainability

- Mandatory intermunicipal funding agreements
- No other changes to core municipal funding
 - No statutory grants, additional taxation or revenue powers, or provincial revenue sharing
 - No change to Education Property Tax or Grants in Lieu of Taxes

Municipal Funding and Sustainability

- Expanded offsite levies to include recreation facilities, fire halls, police stations, and libraries
 - For these new types of offsite levies only, at least 30 per cent of the benefit of the facility must accrue to the new development
 - Complexities: how to define benefit area and how to measure benefit
- No changes to the process for existing offsite levy types (sanitary sewer, storm sewer, roads, and water infrastructure) or to redevelopment levies.

Intermunicipal Collaboration

- Mandatory intermunicipal funding agreements through Intermunicipal Collaboration Frameworks (ICF)
 - Funding comes from whatever source the municipality wants to use
- ICFs will contain mandatory Intermunicipal Development Plans for municipalities sharing boundaries

Intermunicipal Collaboration

- ICFs can be passed through individual agreements or in a regional agreement with multiple municipalities.
- Regulations will specify the details of contents which will cover the planning, delivery, and funding of services

Intermunicipal Collaboration

- ICF must be submitted within 2 years with additional year for dispute resolution through third party arbitration
 - Dispute resolution costs will be paid by municipalities
- Mandatory review every 5 years

Growth Management Boards

- Mandate expanded to address land use planning and result in planning, delivery, and funding of regional services
- Areas outside Calgary and Edmonton regions will be enabled to create Boards under approval from the Lieutenant Governor in Council
- Boards will need to develop dispute resolution process
- Areas within a Growth Management Board do not need to complete ICFs

Municipal Development Plans

- Mandatory Municipal Development Plans for all municipalities
- 3 year timeframe to have an MDP in place
- Resource impacts for smaller municipalities

Intermunicipal Agreements

Growth Management Boards

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

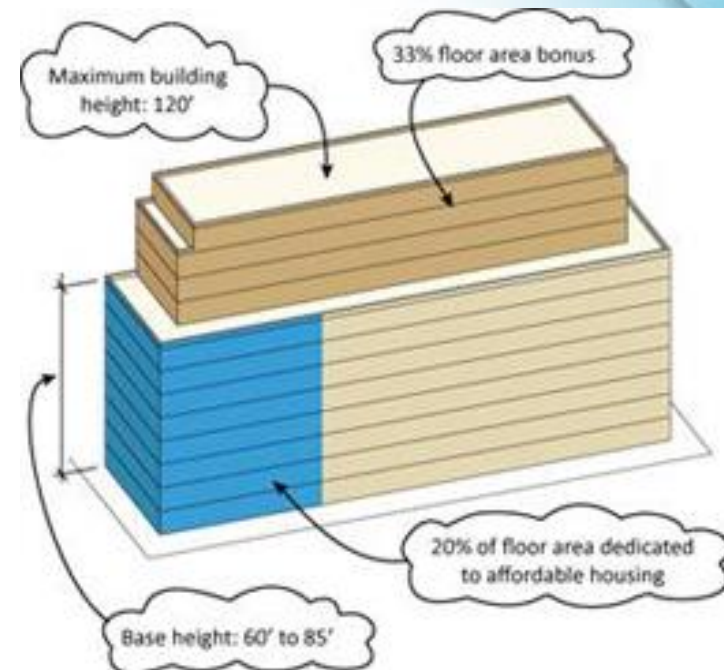
NEW

Municipally Controlled Corporations

- Municipalities will be allowed to establish municipally controlled for-profit corporations without specific permission
- Requirements about scope and operations will be legislated

Affordable Housing

- Inclusionary zoning enabled
- Offsets to developers required to reduce impact on builders and housing prices – details to be included in regulations
- Will not impact 10 per cent municipal reserve amount
- May be linked to growth management boards and ICFs



Incenting Brownfield Redevelopment

- Conditional multi-year property tax cancellations, deferrals, or reductions to promote brownfield redevelopment
- Splitting of non-residential subclasses enables municipalities to charge more for unremediated sites
- MGA silent on reclamation process as it's under separate Environmental Protection and Enhancement Act

Reserves

- Environmental Reserve (ER) definitions will be clarified to be intended for lands unsuitable for development
 - An example of an ER area is an unstable slope
- Flexibility to determine ER earlier in the planning process

Reserves

- New Conservation Reserve to protect environmentally sensitive areas with compensation to land owner
- Conservation reserves to be treated the same as ER when calculating municipal reserves – subtracted from total land before formula applied
- No changes to municipal reserves or school site reserves (referred matter to Education Minister)

Decision Making Timelines for Development Permits

- Additional 20 days to be added to revise applications and ensure that all necessary documentation has been submitted
- Cities and specialized municipalities will be able to create bylaws to set timelines for when an application must be complete and decisions must be made

Linking Residential and Non-Residential Tax Rates

- New capped 5:1 ratio between residential and non-residential rates
- Municipalities with ratios above 5:1 cap will be grandfathered
 - Of the 19 municipalities above the cap, most are rural

Splitting Non-Residential Property Classes

- 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

- 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 of Farm Property

- All farm buildings will be exempt from assessment
- Farmland to be assessed at market value once it is no longer used for farming operations

Assessment Processes

- Municipalities can conduct supplementary assessment of linear properties
- Clarified information-sharing requirements
- Composite Assessment Review Boards will hear additional types of complaints
- Flexibility on timing for corrections to assessments

Municipal Liability

- No changes to the limitation period for claiming compensation or joint and several liability
 - Provisions for assessors and SDAB members acting in good faith
- Matter has been referred to Alberta Justice for further review

Elected Officials Training

- Municipalities required to offer orientation training to elected officials following municipal elections and by-elections
- The scope of content has been set out by Municipal Affairs but details and delivery will be set out at the local level
- No requirement for elected officials to take the training

Provincial Oversight

- Alberta Ombudsman will respond to complaints about administrative fairness in 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

Impartiality of Appeal Boards

- Councillors prohibited from forming the majority of municipal appeal boards or individual hearing panels
- Regional appeal boards will have a limit of one council member per municipality
- Chair of MGB appointed by Cabinet and reports to Municipal Affairs

Next Steps

- AUMA's Impact Analysis and Advocacy Materials for public consultation
- Municipal Affairs Public Consultations
- Meeting at FCM Convention, Winnipeg
 - Saturday, June 4, Room MR15, 5:30-6:30 PM
- AUMA June 15-17 Caucus Meeting
- AUMA Survey for Members



Next Steps - Continued

- Call for Municipal Impact Stories
- AUMA's Submission to Municipal Affairs (July 29) – One Voice for Urban Municipalities
- Additional advocacy summer/fall
- Input on Regulations
- Tools and resources for change management

Questions



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