

Bill 20, Changes to the MGA (March 2015)

(Taken from www.mgareview.alberta.ca)

The first round of amendments were passed by the Legislature in spring 2015 and include issues that have received broad support from the rural and urban municipal associations, the cities of Calgary and Edmonton, and business and industry associations representing key economic sectors. These proposed changes fall under four broad categories:

- Enhancing municipal accountability
- Enabling more efficient municipal operations
- Enhancing municipal viability
- Strengthening municipal and intermunicipal planning

Bill 20 also approved legislative amendments to address emerging issues, as well as housekeeping matters to update minor items such as definitions, references, and terminology.

Enhancing municipal accountability and transparency

The Municipal Government Act (MGA) supports municipalities in operating in an accountable, equitable, effective and transparent manner. After [hearing from Albertans](#) about how this is important, we worked with municipal partners to develop initial *MGA* amendments to enhance municipal accountability and transparency.

Public Participation Policy

What's currently in place: The *MGA* doesn't require municipalities to demonstrate how they will conduct public participation. Municipalities determine their own public participation practices using required mechanisms such as open meetings, petitions, and notices.

What we heard: Albertans have indicated there is a lack of clarity around the scope of municipalities' responsibility to engage with their constituents. Due to the existing flexibility of public participation provisions in the *MGA*, municipal public participation is inconsistent across the province.

What's changing: Require municipalities to adopt public participation policies that outline their approaches for engaging with stakeholders. Municipalities continue to have the flexibility to determine their approach to public participation, and the new public participation policy helps citizens and stakeholders see how they will be engaged.

When this takes effect: Upon development of the related regulation by fall 2017.

Conduct of Elected Officials

What's currently in place: The use of codes of a conduct is voluntary. Councillor accountability and conduct is addressed through the election process, boards, the courts, or Ministerial directives.

What we heard: Albertans have indicated a desire to hold their councillors more accountable for their actions. Elections help to hold municipal councils accountable, but this may not appropriately address immediate or urgent issues when it comes to the conduct of individual councillors.

What's changing: Require all municipalities to develop and adopt codes of conduct that:

- meet standards established in an *MGA* regulation (to be developed);
- address enforcement and administrative procedures at the municipal level; and
- do not allow councils to remove councillors from office.

When this takes effect: Upon development of the related regulation by fall 2017.

Council Meetings

What's currently in place: There is no definition of council "meeting" in the *MGA*. Councils must hold meetings in public, unless the purpose is to discuss matters under the *FOIP Act*.

What we heard: Albertans have expressed concerns over the proper use of closed meetings. Municipalities have expressed an interest in specifying what constitutes a council meeting. Clear definitions will support transparency in council deliberations.

What's changing: Define "meeting" to include what matters may be closed to the public during council meetings. Describe circumstances and procedures for a "closed meeting." Clarify a duty of the chief administrative officer to provide all councillors the same information, no matter how it was requested or by whom.

When this takes effect: Upon development of the related regulation by fall 2017.

Petitions

What's currently in place: Petition sufficiency requires a percentage of eligible signatories, time limits for completion and several other submission and verification factors.

What we heard: Albertans noted that existing petition requirements make it very difficult for the public to successfully petition a municipality. Municipalities have indicated the timelines to validate petitions are challenging.

What's changing: Municipalities may, by bylaw, choose to decrease the required percentage of eligible signatories, accept online petitions, extend the time period for collecting signatures and allow petitioners to recall their signatures. Timelines would be extended for petition validation.

When this takes effect: Upon proclamation of the *Municipal Government Amendment Act*.

Enabling efficient municipal operations

The world has changed since the *MGA* became law in 1995. Modernizing the *MGA* will give municipalities more flexibility to find cost savings and determine administrative approaches best suited to local circumstances. After [hearing from Albertans](#) about how this is important, we worked with municipal partners to develop initial *MGA* amendments to enable more efficient municipal operations.

Public Notification Methods

What's currently in place: The *MGA* requires traditional communication methods, such as mail or newspapers, to notify the public.

What we heard: Albertans have observed that traditional notification methods may no longer be as effective in communicating with the public due to increasing costs and limited accessibility in smaller communities. Municipalities have requested flexibility on notification methods to allow for current and future technologies.

What's changing: Add posting notifications to municipal websites to general advertising requirements, and empower municipalities with flexibility to pass a bylaw specifying how they will notify the public. Certain municipal matters will continue to require public notification in legislation, such as those related to bylaws and taxation, but municipalities will have more flexibility to determine the methods they use to notify the public. This change will likely include, for the first time, the use of electronic methods of notification.

When this takes effect: Upon proclamation of the *Municipal Government Amendment Act*.

Council and Administration Roles and Responsibilities

What's currently in place: The *MGA* sets out the responsibilities for council and administration. The chief administrative officer (CAO) is the administrative head of the municipality, and the *MGA* lists numerous administrative responsibilities for the CAO.

What we heard: Municipalities have asked for flexibility to clarify administrative duties and the chief administrative officer's ability to delegate, in order for municipalities to consider local circumstances. It is important for the separation between council and administration to be maintained.

What's changing: Provide clarity on the administrative duties and the chief administrative officer's ability to delegate.

When this takes effect: Upon proclamation of the *Municipal Government Amendment Act*.

Enhancing municipal viability

Municipalities have autonomy to determine the best way for programs and services to be provided for their communities. After hearing from Albertans, we worked with municipal partners to develop initial *MGA* amendments in support of municipal viability.

Corporate Planning

What's currently in place: Municipalities are required to adopt annual operating and capital budgets, but all other long-term financial planning is voluntary.

What we heard: Albertans and municipalities have suggested there is a need for longer-term planning to address the full impact of present day financial decisions.

What's changing: Require municipalities to adopt, at minimum, three-year operating plans and five-year capital plans, so Albertans have greater access to information about municipal financial decisions.

When this takes effect: Upon development of the related regulation by fall 2017.

Voluntary Amalgamations

What's currently in place: The *MGA* enables a municipality to give written notice to one or more municipal authorities with which it proposes to amalgamate. The Minister may also initiate a municipal amalgamation. Amalgamation is one of many options that municipalities may consider to proactively address their long-term viability.

What we heard: Municipalities feel the current amalgamation process is lengthy and does not encourage a cooperative approach. Summer villages have advocated that they be able to retain their summer village status during amalgamation.

What's changing: Allow for a streamlined voluntary amalgamation process. Summer villages with non-contiguous boundaries may amalgamate if they share a common body of water, and retain their status as a summer village.

When this takes effect: Upon development of the related regulation by fall 2017.

Strengthening municipal and intermunicipal planning

Throughout Alberta, communities are growing. Municipalities plan how land will be used to meet the needs of these growing communities, now and into the future. Updating the *MGA* to strengthen municipal and intermunicipal planning will ensure municipalities have the tools they need for orderly, economical, and beneficial development.

After [hearing from Albertans](#) about how this is important, we worked with municipal partners to develop initial *MGA* amendments in support of managing growth.

Annexation Requirements

What's currently in place: Municipalities are enabled to make an annexation application for any reason at any time. Annexation procedures are outlined within the *MGA*.

What we heard: Albertans have observed that recent annexations have been highly controversial and received a great deal of media attention. Some municipalities have indicated that clear and consistent guidance on when annexations are appropriate may help in these situations.

What's changing: Develop annexation principles and procedures to ensure annexations occur in an efficient, timely and orderly manner.

When this takes effect: Upon development of the related regulation by fall 2017.

Hierarchy of Plans

What's currently in place: The *MGA* contains no explicit hierarchy amongst statutory plans. Statutory plans must be consistent with one another.

What we heard: Albertans, developers, and municipalities have indicated that it is challenging to determine when one statutory plan takes precedence over another statutory plan as land use policies are complex, and are established at both the Provincial and local levels in Alberta. Municipalities have expressed that they want clarity in how various plans for regions and municipalities relate to one another in order to assist them in their decision making processes.

What's changing: Identify within the *MGA* the hierarchy and relationship of statutory plans, so that each plan will be consistent with the plans above it.

When this takes effect: Upon proclamation of the [*Municipal Government Amendment Act*](#).

Appeal Board Training

What's currently in place: Subdivision and Development Appeal Board (SDAB) members can voluntarily access training, but are not required to do so.

What we heard: Albertans emphasized the importance for SDAB members to have knowledge and understanding of their role and responsibilities. Some municipalities have the capacity to deliver training themselves, while others may prefer to work together or access Provincial resources to do so.

What's changing: Require SDAB members and clerks to undergo mandatory training based on a standard curriculum. Training may be delivered locally, regionally or by the Province.

When this takes effect: Upon development of the related regulation by fall 2017.