

Summary of Bill 20 Changes to the MGA

Spring 2015

Issue	Current State	Amendment	Provincial Rationale	AUMA Position
Enhancing Municipal Accountability and Transparency				
Public Participation Policy Sec. 216.1(1)-(5)	Municipalities determine their public participation practices using required mechanisms such as open meetings, petitions, and notices.	New requirement for municipalities to have a public participation policy.	Albertans were concerned about a lack of clarity regarding municipalities' responsibility to engage with their constituents. Due to the existing flexibility of public participation provisions in the <i>MGA</i> , municipal public participation is inconsistent across the province.	<p>Agree that the public participation process, including notification requirements, should be set at a local level.</p> <p>Will be following the development of the regulation as that is where the content, process and effective date of the public participation policy will be specified.</p>
Accountability and Conduct of Elected Officials Sec. 146.1(1)	The use of codes of conduct is voluntary. Councillor accountability and conduct is addressed through the election process, boards, the courts, or Ministerial directives.	<p>New requirement for municipalities to establish a code of conduct for councillors through a bylaw. Councillors cannot be disqualified or removed from office for a breach.</p> <p>Optional ability for municipalities to establish codes for non-councillors on a committee established by council.</p>	Albertans indicated a desire to hold their councillors more accountable for their actions. While elections help to hold municipal councils accountable, this may not appropriately address immediate or urgent issues when it comes to the conduct of individual councillors.	<p>Agree that this requirement should be set at a local level and it will help increase public confidence.</p> <p>Will be following the development of the regulation as that is where the scope, sanctions and other implementation details will be provided.</p> <p>Once the regulation is</p>

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				available, AUMA will develop a template and gather samples to help support our members.
Council Meetings Sec. 197 Sec. 201(1)b) (repealed)	<p>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.</p>	<p>Define “meeting” to include what matters may be closed to the public during council meetings and growth management boards. Describe circumstances and procedures for a “closed meeting” (through passage of a council resolution).</p>	<p>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.</p>	<p>Agree that closed meetings should apply to situations relating to privacy concerns, conflicts of interest, training and education and administrative matters.</p> <p>Will be working to ensure greater clarity on these provisions.</p>
Petitioning Processes Sec. 219 Sec. 221	<p>Petition sufficiency requires a percentage of eligible signatories, time limits for completion and several other submission and verification factors.</p>	<p>Enables electronic signatures and gives municipalities the ability 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. Additional protections are added for personal information on petitions. Timelines would be extended for petition validation from 30 to 45 days.</p>	<p>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.</p>	<p>Support the ability for petitioning processes to be determined at the local level.</p>
Enabling More Efficient Municipal Operations and Governance				

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Public Notification Methods Sec. 606.1	The MGA requires traditional communication methods, such as mail and newspapers, to notify the public	<p>New requirement for municipalities to adopt a public notification policy through a bylaw on how the public will be notified of municipal activities such as development permit approvals.</p> <p>The notifications must consist of methods that are likely to substantially reach all residents in the affected area.</p>	<p>Albertans have observed that traditional notification methods may no longer be effective in communicating with the public due to increasing costs and limited accessibility in smaller communities.</p> <p>Municipalities have requested flexibility on notification methods to allow for current and future technologies.</p>	<p>Support the determination of notification methods at a local level as well as the ability to send documents electronically.</p>
Roles and Responsibilities of Council and Administration Sec. 208	<p>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.</p>	<p>Provide clarity on the administrative duties and the chief administrative officer's ability to delegate and shift some duties from CAO to municipality more generally.</p>	<p>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.</p>	<p>Agree with the concept of local circumstances being considered and understand that changes were required as much of the former content of section 208 was removed.</p>
Enhancing Municipal Viability				
Corporate Planning Sec. 241	<p>Municipalities are required to adopt annual operating and capital budgets, but all other long-term financial planning is voluntary.</p>	<p>Require municipalities to adopt, at minimum, three-year operating plans and five-year capital plans, so Albertans have greater access to information</p>	<p>Albertans and municipalities have suggested there is a need for longer-term planning to address the full impact of present day financial</p>	<p>Agree with the need for a consistent standard for long term planning.</p> <p>The amendment for section 241 is to elevate</p>

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		<p>about municipal financial decisions.</p> <p>Updates accounting standards to link to CPA Handbook.</p> <p>Requires that budget shortfalls be covered in the following year (rather than following three years of shortfalls).</p> <p>Allows the Minister to set the budget the year following a shortfall (rather than after three years).</p>	<p>decisions.</p>	<p>the provisions of the Municipal Finance Clarification Regulation (MFCR) into the MGA.</p> <p>New section 276(1)(a) reflects that Canadian generally accepted accounting principles for municipal governments, include standards approved by the Public Sector Accounting Board such as the CPA Canada Public Sector Accounting Handbook.</p> <p>The new 244(2) still allows for the shortfall to be covered over more than one year with the Minister's approval.</p> <p>Section 283.1 uses the term "financial plan" instead of "operating plan" in order to be consistent with what is used in the Financial Information Return Regulation.</p> <p>AUMA will be monitoring the development of the regulations that will</p>

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				specify the requirements for operating and capital plans in more detail.
Voluntary Amalgamations Sec. 102 Sec. 105	<p>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.</p>	<p>Allow for a streamlined voluntary amalgamation process.</p> <p>Enables two or more municipalities to initiate a voluntary amalgamation.</p> <p>Enables summer villages with non-contiguous boundaries to amalgamate and retain their summer village status if they share a common body of water a summer village.</p>	<p>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.</p>	<p>Aligns with AUMA’s call for improvements to enable voluntary amalgamation, while protecting the status of existing summer villages.</p> <p>Will be following the development of the regulation, particularly in regards to the intent and scope of a “streamlined” process.</p>
Strengthening Municipal and Intermunicipal Planning to Manage Growth				
Annexation Requirements Sec. 488	<p>Municipalities are enabled to make an annexation application for any reason at any time. Annexation procedures are outlined within the MGA.</p>	<p>Develop annexation principles and procedures to ensure annexations occur in an efficient, timely and orderly manner.</p>	<p>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</p>	<p>Will be monitoring the development of the regulation, especially since principles are not all equal and/or equally applied.</p>

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<p>Hierarchy and Relationship of Plans Sec. 632 Sec. 633 Sec. 634 Sec. 638</p>	<p>The MGA contains no explicit hierarchy amongst statutory plans. Statutory plans must be consistent with one another.</p>	<p>Identify within the MGA the hierarchy and relationship of statutory plans, so that each plan will be consistent with the plans above it.</p> <p>Intermunicipal Development Plans prevail over Municipal Development Plans, Area Structure Plans, and Area Redevelopment Plans.</p> <p>Municipal Development Plans prevail over Area Structure Plans, and Area Redevelopment Plans.</p>	<p>these situations.</p> <p>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.</p>	<p>Support the need for intermunicipal development plans to prevail and for all municipalities, regardless of size, to prepare a municipal development plan.</p>
<p>Subdivision and Development Appeal Board Training Sec. 627</p>	<p>Subdivision and Development Appeal Board (SDAB) members can voluntarily access training, but are not required to do so.</p>	<p>Require SDAB members and clerks to undergo mandatory training based on a standard curriculum. Training may be delivered locally, regionally or by the province.</p>	<p>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.</p>	<p>Support the opportunity for local or regional approach as a first option for training.</p>
<p>City Charters</p>				

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City Charters Sec. 141	There is currently no specific legislated process for municipalities to apply to receive a charter.	Creates authority to establish city charters in anticipation of the province's commitment to develop city charters for Calgary and Edmonton. City charter may be granted at the request of a city, and the charter is created through regulation. Allows for the exemption of the city from provisions of the Act, as well as granting additional powers.	Support the need for charters as one size does not fit all and some municipalities have unique needs and opportunities. Seeking clarification on the status of the former Minister's commitment to eventually extend charters to mid-sized cities.	
Emerging/Miscellaneous Issues				
Offsite Levies and development approvals Sec. 648 Sec. 685	Recent litigation meant that municipalities could no longer charge more than one offsite levy.	Allows for the collection of offsite levies once for each type of levy, can be in installment over time. Allows for the requirement to install or pay for public utilities under a development plan approval.		AUMA, along with other municipal associations and some developers, supported this change to prevent future uncertainty for municipalities that stemmed from a court case.
Intermunicipal Dispute Resolution Sec. 690	Municipalities must appeal directly to the MGB in cases of intermunicipal disputes.	Modifies municipal dispute resolution process, including requirement for advance notice, mediation, and providing for a new 30 day time limit for appeals.		Support in principle and will be monitoring the details in the regulation.
Municipally Controlled	Currently municipally	Provide minister with		Will be monitoring the

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Corporations Sec. 73(3)	controlled corporations may only be created or acquired through ministerial approval.	power to modify requirements for municipally controlled corporations through regulation, possibly eliminating the need for ministerial approval.		regulation.
Business Revitalization Zones Sec. 50-53	At the request of a business community, a business revitalization zone can be set up by provincial legislation, allowing for a special tax of BRZ members.	Renames Business Revitalization Zones as Municipal Improvement Areas. Requires ministerial approval if crown land is within the Municipal Improvement Area		
Taxation provisions Sec. 298 Sec. 326(2)		Exempts Supernet infrastructure from linear taxation. Exempts MLA Constituency Offices from business taxes and BRZ taxes.		Formalizes policy changes that were made by the province several years ago.
Meeting requirements for Growth Management Boards and Municipal Government Board Sec. 602 Sec. 708.041	Requirements for board meetings do not provide for specific provisions of when meetings may be closed.	Provides similar requirements for closed board meetings as for closed council meetings (may be closed by motion in accordance with regulated criteria).		Will serve to ensure consistency and clarity as additional boards are added in future.

The changes in the *Municipal Government Amendment Act* will come into effect once they are proclaimed. AUMA expects to be very engaged in the development of related regulations in 2016 that will outline the specific scope and implementation requirements for many of these changes.