

2015 Bill 20

Third Session, 28th Legislature, 64 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 20

MUNICIPAL GOVERNMENT AMENDMENT ACT, 2015

MR. WEADICK

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 20
Mr. Weadick

BILL 20

2015

MUNICIPAL GOVERNMENT AMENDMENT ACT, 2015

(Assented to _____, 2015)

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Amends RSA 2000 cM-26

1 The *Municipal Government Act* is amended by this Act.

2 Section 1 is amended

(a) in subsection (1)

(i) by renumbering clause (a) as clause (a.1) and adding the following before clause (a.1):

(a) “ALSA regional plan” means a regional plan as defined in the *Alberta Land Stewardship Act*;

(ii) in clause (aa)(iii) by striking out “revitalization zone” and substituting “improvement area”;

(b) by adding the following after subsection (1):

(1.1) The Minister may make regulations defining “meeting” for the purposes of one or more provisions of this Act and the regulations.

(c) by adding the following after subsection (2):

(3) For the purposes of this Act, a meeting or part of a meeting is considered to be closed to the public if

Explanatory Notes

1 Amends chapter M-26 of the Revised Statutes of Alberta 2000.

2 Section 1 presently reads in part:

1(1) In this Act,

(a) “business” means

(i) a commercial, merchandising or industrial activity or undertaking,

(ii) a profession, trade, occupation, calling or employment, or

(iii) an activity providing goods or services,

whether or not for profit and however organized or formed, including a co-operative or association of persons;

(aa) “tax” means

(iii) a business revitalization zone tax,

- (a) any members of the public are not permitted to attend the entire meeting or part of the meeting,
- (b) the council, committee or other body holding the meeting instructs any member of the public to leave the meeting or part of the meeting, other than for improper conduct, or
- (c) the council, committee or other body holding the meeting holds any discussions separate from the public during the meeting or part of the meeting.

3 Section 13 is amended

- (a) **by striking out** “an inconsistency” **and substituting** “a conflict or inconsistency”;
- (b) **by striking out** “the inconsistency” **and substituting** “the conflict or inconsistency”.

4 The heading preceding section 50 is amended by striking out “Revitalization Zones” and substituting “Improvement Areas”.

5 Section 50 is amended

- (a) **by striking out** “business revitalization zone” **and substituting** “business improvement area”;
- (b) **by striking out** “the zone” **wherever it occurs and substituting** “the business improvement area”.

6 Sections 51 and 52 are amended by striking out “revitalization zone” wherever it occurs and substituting “improvement area”.

3 Section 13 presently reads:

13 If there is an inconsistency between a bylaw and this or another enactment, the bylaw is of no effect to the extent of the inconsistency.

4 The heading before section 50 presently reads:

Business Revitalization Zones

5 Section 50(a) and (b) presently read:

50 A council may by bylaw establish a business revitalization zone for one or more of the following purposes:

- (a) improving, beautifying and maintaining property in the zone;*
- (b) developing, improving and maintaining public parking;*

6 Sections 51 and 52 presently read in part:

51(1) A business revitalization zone is governed by a board consisting of members appointed by council under the business revitalization zone bylaw.

52(1) In this section, “approved budget” means a budget of the board of a business revitalization zone that has been approved by council.

7 Section 53 is amended

- (a) **in clauses (a), (b) and (c) by striking out** “revitalization zone” **and substituting** “improvement area”;
- (b) **in clause (e) by striking out** “a zone” **and substituting** “a business improvement area”.

8 Section 73(3) is amended by adding the following after clause (c):

- (d) specifying or describing by reference the provisions of this or any other enactment that do not apply, or apply with modifications, to a corporation controlled by a municipality;
- (e) specifying or describing by reference any provisions that are to be added to or that are to replace the provisions of this or any other enactment in respect of a corporation controlled by a municipality.

(2) A member of a board of a business revitalization zone that makes an expenditure that is not included in an approved budget is liable to the municipality for the expenditure.

(3) If more than one member is liable to the municipality under this section in respect of a particular expenditure, the members are jointly and severally liable to the municipality for the expenditure.

(4) The liability may be enforced by action by

(a) the municipality, or

(b) a person who is liable to pay the business revitalization zone tax imposed in the business revitalization zone.

7 Section 53 presently reads in part:

53 The Minister may make regulations

(a) respecting the establishment of a business revitalization zone;

(b) setting out what must be included in a business revitalization zone bylaw;

(c) respecting the appointment, term and renewal of members of the board of a business revitalization zone;

(e) respecting the disestablishment of a zone and the dissolution of a board;

8 Section 73(3) presently reads:

(3) The Minister may make regulations

(a) respecting information that must be provided to the Minister before a municipality or group of municipalities controls a corporation;

(b) providing that certain corporations may not be controlled by a municipality or group of municipalities unless the Minister's approval is obtained;

9 Section 101 is repealed and the following is substituted:

Restriction on amalgamation

101(1) Subject to subsection (2), no order amalgamating municipal authorities may be made that would result in an area of land that is

- (a) not included in any municipal authority, or
- (b) part of the amalgamated municipal authority, but is not contiguous with other land in the amalgamated municipal authority.

(2) An order may amalgamate 2 or more summer villages whose boundaries are not contiguous but border on or include all or part of the same body of water.

(3) Despite section 77, an order may amalgamate 2 or more summer villages if it gives the amalgamated municipal authority the status of a summer village.

(4) Where an order gives an amalgamated municipal authority the status of a summer village as required by subsection (3), the status of the summer village may be changed in accordance with Division 3.

10 Section 102 is repealed and the following is substituted:

Initiation of amalgamation proceedings

102 The procedure for the amalgamation of 2 or more municipal authorities may be initiated

- (a) by a municipal authority,
- (b) by 2 or more municipal authorities in accordance with the regulations made under section 106.1, or
- (c) by the Minister under section 107.

(c) respecting terms and conditions that apply when a municipality or group of municipalities controls a corporation.

9 Section 101 presently reads:

101 No order amalgamating municipal authorities may be made that would result in an area of land that is

(a) not included in any municipal authority, or

(b) part of the amalgamated municipal authority, but is not contiguous with other land in the amalgamated municipal authority.

10 Section 102 presently reads:

102 The procedure for the amalgamation of 2 or more municipal authorities may be initiated by a municipal authority or by the Minister under section 107.

11 Section 105 is amended

- (a) **in subsection (1)(a) by striking out** “matters agreed on and those on which” **and substituting** “relevant matters, including those referred to in sections 89(1), (2), (3) and (4) and 111, that are agreed on and a list of any of those matters on which”;
- (b) **by repealing subsections (2) and (3) and substituting the following:**
 - (2) The report must
 - (a) include a certificate by the initiating municipal authority stating that the report accurately reflects the results of the negotiations, and
 - (b) be approved by resolution of the council of the initiating municipal authority and by resolution of the councils of the other municipal authorities that agree to the amalgamation.
 - (3) A municipal authority whose council does not pass a resolution approving the report may include in the report its reasons for not approving.

12 The following is added after section 106:

Regulations

106.1(1) The Minister may make regulations for the purpose of enabling municipalities to jointly initiate an amalgamation, including, without limitation, regulations

- (a) specifying or describing by reference one or more provisions of this Division that do not apply, or that apply with modifications, to the joint initiation of amalgamations;
- (b) specifying or setting out provisions that apply in addition to, or instead of, the provisions of this Division in respect of the joint initiation of amalgamations;
- (c) respecting procedures for the joint initiation of amalgamations.

11 Section 105 presently reads in part:

105(1) On conclusion of the negotiations, the initiating municipal authority must prepare a report that describes the results of the negotiations and that includes

(a) a list of the matters agreed on and those on which there is no agreement between the municipal authorities,

(2) The report must be signed by the initiating municipal authority and by the municipal authorities with which it proposes to amalgamate that are prepared to sign and must include a certificate by the initiating municipal authority stating that the report accurately reflects the results of the negotiations.

(3) A municipal authority that does not sign the report may include in the report its reasons for not signing.

12 Regulations.

(2) Regulations under this section may be made to apply generally or specifically.

13 The following is added after section 128:

Regulations

128.1 The Minister may make regulations

- (a) respecting procedures to be followed under this Division;
- (b) defining terms used in this Division but not defined in this Act.

14 The following is added after section 141:

**Part 4.1
City Charters**

Interpretation

141.1(1) In this Part,

- (a) “charter” includes an amendment to a charter;
- (b) “charter city” means a city for which a charter is established under section 141.3.

(2) In this Part, a reference to “this Act” includes a regulation made under this Act.

Purpose of Part

141.2 The purpose of this Part is to authorize the establishment of charters to address the evolving needs, responsibilities and capabilities of cities in a manner that best meets the needs of their communities.

Establishment of charter

141.3 On request by a city, the Lieutenant Governor in Council may, by regulation, establish a charter for that city.

13 Regulations.

14 Part 4.1, City Charters, added.

Elements of charter

141.4(1) Subject to this Part, a charter governs all matters related to the administration and governance of the charter city, including, without limitation, the powers, duties and functions of the charter city and any other matter that the Lieutenant Governor in Council considers desirable.

(2) In subsection (3), a reference to “this Act” does not include this Part or Part 15.1 or 17.1.

(3) A charter may do one or more of the following:

- (a) provide that a provision of this Act or any other enactment does not apply to the charter city or applies to the charter city with the modifications set out in the charter;
- (b) specify or set out provisions that apply in respect of the charter city in addition to, or instead of, a provision of this Act or any other enactment;
- (c) authorize the charter city to modify or replace a provision of this Act, or any other enactment, by bylaw.

(4) A charter may include provisions respecting its interpretation.

(5) A charter may generally provide for any other matter necessary for the purposes of giving effect to this Part.

(6) Except to the extent that a charter or a bylaw made pursuant to subsection (3)(c) provides otherwise, this Act and any other enactment apply to the charter city.

Charter prevails

141.5 Except to the extent that this Part provides otherwise, if there is a conflict or inconsistency between a charter or a bylaw made pursuant to section 141.4(3)(c) and a provision of this Act or any other enactment, the charter or bylaw prevails to the extent of the conflict or inconsistency.

Retroactive operation of charter

141.6(1) A charter may provide

- (a) for the retroactive application of the charter or any of its provisions, and
- (b) that the charter or any of its provisions come into force on different dates.

(2) A charter or any of its provisions may be made retroactive to a date no earlier than the beginning of the year immediately preceding the calendar year in which it is made.

No effect on status of charter city

141.7 Except to the extent that a charter provides otherwise, a charter has no effect on the status of the charter city as a city under this Act or any other enactment.

Existing rights and obligations not affected

141.8(1) Except to the extent that a charter provides otherwise, the rights and obligations of a city are not affected by the establishment of a charter for that city.

(2) Except to the extent that a charter provides otherwise, the rights of the Crown in right of Alberta are not affected by the establishment of a charter.

15 Section 145(b) is repealed and the following is substituted:

- (b) procedures to be followed by council, council committees and other bodies established by the council.

16 The following is added after section 146:

**Division 1.1
Codes of Conduct**

Bylaws - codes of conduct

146.1(1) A council must, by bylaw, establish a code of conduct governing the conduct of councillors.

15 Section 145(b) presently reads:

145 A council may pass bylaws in relation to the following:

(b) the procedure and conduct of council, council committees and other bodies established by the council, the conduct of councillors and the conduct of members of council committees and other bodies established by the council.

16 Bylaws — codes of conduct.

- (2) A code of conduct under subsection (1) must apply to all councillors equally.
- (3) A council may, by bylaw, establish a code of conduct governing the conduct of members of council committees and other bodies established by the council who are not councillors.
- (4) A councillor must not be disqualified or removed from office for a breach of the code.
- (5) The Minister may make regulations
- (a) respecting matters that a code of conduct established under subsection (1) must address;
 - (b) respecting the date by which councils must establish a code of conduct under subsection (1);
 - (c) respecting sanctions to be imposed for a breach of a code of conduct established under subsection (1);
 - (d) respecting matters that a council must take into consideration in establishing a code of conduct under subsection (1) or (3), or both;
 - (e) respecting implementation of a code of conduct established under subsection (1) or (3), or both;
 - (f) respecting any other matter the Minister considers necessary or advisable to carry out the intent and purpose of this Division.

17 Section 153 is amended by adding the following after clause (e):

- (e.1) to adhere to the code of conduct established by the council under section 146.1(1);

17 Section 153 presently reads:

153 Councillors have the following duties:

- (a) to consider the welfare and interests of the municipality as a whole and to bring to council's attention anything that would promote the welfare or interests of the municipality;*
- (b) to participate generally in developing and evaluating the policies and programs of the municipality;*

18 The following is added after section 153:

Duty of chief administrative officer

153.1 Where the chief administrative officer or a person designated by the chief administrative officer provides information referred to in section 153(d) to a councillor, the information must be provided to all other councillors as soon as is practicable.

19 Section 197 is amended

(a) in subsection (1) by striking out “subsection (2) or (2.1)” and substituting “subsection (2), (2.01) or (2.1)”;

(b) by adding the following after subsection (2):

(2.01) Councils and council committees may close all or part of their meetings to the public if a matter to be discussed is of a class prescribed or otherwise described in the regulations under subsection (7).

(c) in subsection (3) by adding “of a council or council committee” after “a meeting”;

(d) by adding the following after subsection (3):

(4) Before closing all or any part of a meeting to the public, a council or council committee must by resolution approve

- (c) to participate in council meetings and council committee meetings and meetings of other bodies to which they are appointed by the council;*
- (d) to obtain information about the operation or administration of the municipality from the chief administrative officer or a person designated by the chief administrative officer;*
- (e) to keep in confidence matters discussed in private at a council or council committee meeting until discussed at a meeting held in public;*
- (f) to perform any other duty or function imposed on councillors by this or any other enactment or by the council.*

18 Duty of chief administrative officer.

19 Section 197 presently reads:

197(1) Councils and council committees must conduct their meetings in public unless subsection (2) or (2.1) applies.

(2) Councils and council committees may close all or part of their meetings to the public if a matter to be discussed is within one of the exceptions to disclosure in Division 2 of Part 1 of the Freedom of Information and Protection of Privacy Act.

(2.1) A municipal planning commission, subdivision authority, development authority or subdivision and development appeal board established under Part 17 may deliberate and make its decisions in meetings closed to the public.

(3) When a meeting is closed to the public, no resolution or bylaw may be passed at the meeting, except a resolution to revert to a meeting held in public.

- (a) the part of the meeting that is to be closed, and
- (b) the basis on which, under an exception to disclosure in Division 2 of Part 1 of the *Freedom of Information and Protection of Privacy Act* or under the regulations under subsection (7), the part of the meeting is to be closed.

(5) After the closed meeting discussions are completed, any members of the public who are present outside the meeting room must be notified that the rest of the meeting is now open to the public, and a reasonable amount of time must be given for those members of the public to return to the meeting before it continues.

(6) Where a council or council committee closes all or part of a meeting to the public, the council or council committee may allow one or more other persons to attend, as it considers appropriate, and the minutes of the meeting must record the names of those persons and the reasons for allowing them to attend.

(7) The Minister may make regulations prescribing or otherwise describing classes of matters for the purposes of subsection (2.01).

20 Section 201(1)(b) is repealed.

20 Section 201 presently reads:

201(1) A council is responsible for

- (a) developing and evaluating the policies and programs of the municipality;*
- (b) making sure that the powers, duties and functions of the municipality are appropriately carried out;*
- (c) carrying out the powers, duties and functions expressly given to it under this or any other enactment.*

(2) A council must not exercise a power or function or perform a duty that is by this or another enactment or bylaw specifically assigned to the chief administrative officer or a designated officer.

21 Section 205 is amended by adding the following after subsection (4):

(5) Council must ensure that the chief administrative officer appropriately performs the duties and functions and exercises the powers assigned to the chief administrative officer by this or any other enactment or by council.

22 Section 208 is repealed and the following is substituted:

Performance of major administrative duties

208(1) The chief administrative officer must ensure that

- (a) minutes of each council meeting
 - (i) are recorded in the English language without note or comment,
 - (ii) include the names of the councillors present at the council meeting,
 - (iii) are given to council for adoption at a subsequent council meeting, and
 - (iv) are recorded in the manner and to the extent required under section 230(6) when a public hearing is held;
- (b) all bylaws, minutes of council meetings and other records and documents of the municipality are kept safe;
- (c) the Minister is sent a list of all the councillors and any other information the Minister requires within 5 days after the term of the councillors begins;
- (d) the council is advised in writing of its legislative responsibilities under this Act.

21 Section 205 presently reads:

205(1) Every council must establish by bylaw a position of chief administrative officer.

(2) Every council must appoint one or more persons to carry out the powers, duties and functions of the position of chief administrative officer.

(3) If more than one person is appointed, the council must by bylaw determine how the powers, duties and functions of the position of chief administrative officer are to be carried out.

(4) Council may give the position of chief administrative officer any title the council considers appropriate.

22 Section 208 presently reads:

208(1) The chief administrative officer must ensure that

- (a) all minutes of council meetings are recorded in the English language, without note or comment;*
- (b) the names of the councillors present at council meetings are recorded;*
- (c) the minutes of each council meeting are given to council for adoption at a subsequent council meeting;*
- (d) the bylaws and minutes of council meetings and all other records and documents of the municipality are kept safe;*
- (e) the Minister is sent a list of the councillors and any other information the Minister requires within 5 days after the term of the councillors begins;*
- (f) the corporate seal, if any, is kept in the custody of the chief administrative officer;*
- (g) the revenues of the municipality are collected and controlled and receipts are issued in the manner directed by council;*
- (h) all money belonging to or held by the municipality is deposited in a bank, credit union, loan corporation, treasury branch or trust corporation designated by council;*

(2) Subsection (1) applies to the chief administrative officer in respect of council committees that are carrying out the powers, duties and functions delegated to them by the council.

23 Section 209 is amended by striking out “under this or” and substituting “under this Act, including the chief administrative officer’s duties referred to in section 208(1), or under”.

24 The following is added after the heading for Part 7:

Public participation policy

216.1(1) Every council of a municipality must establish a public participation policy for the municipality.

(2) A council may amend its public participation policy from time to time.

- (i) *the accounts for authorized expenditures referred to in section 248 are paid;*
 - (j) *accurate records and accounts are kept of the financial affairs of the municipality, including the things on which a municipality's debt limit is based and the things included in the definition of debt for that municipality;*
 - (k) *the actual revenues and expenditures of the municipality compared with the estimates in the operating or capital budget approved by council are reported to council as often as council directs;*
 - (l) *money invested by the municipality is invested in accordance with section 250;*
 - (m) *assessments, assessment rolls and tax rolls for the purposes of Parts 9 and 10 are prepared;*
 - (n) *public auctions held to recover taxes are carried out in accordance with Part 10;*
 - (o) *the council is advised in writing of its legislative responsibilities under this Act.*
- (2) *Subsection (1)(a) to (d) and (o) apply to the chief administrative officer in respect of council committees that are carrying out powers, duties or functions delegated to them by the council.*

23 Section 209 presently reads:

209 A chief administrative officer may delegate any of the chief administrative officer's powers, duties or functions under this or any other enactment or bylaw to a designated officer or an employee of the municipality.

24 Public participation policy.

(3) The Minister may make regulations

- (a) respecting the contents of public participation policies;
- (b) respecting the considerations to be taken into account by a council in establishing its public participation policy;
- (c) setting a date by which every municipality must have its first public participation policy in place;
- (d) respecting requirements for a council to review its public participation policy periodically and consider whether any amendments should be made;
- (e) respecting requirements to make publicly available a public participation policy and any amendments made to it.

(4) Nothing in a public participation policy established under this section affects any right or obligation that a municipal authority or any person has under any other provision of this Act.

(5) No resolution or bylaw of a council may be challenged on the ground that it was made without complying with a public participation policy established by a resolution of the council.

25 Section 219 is amended by striking out “by this Act or any other enactment” **and substituting** “by this Act or any other enactment or, in respect of petitions to a council, by a bylaw under section 226.1”.

26 Section 221 is amended by adding “or, where those requirements are modified by bylaw under section 226.1, if it meets the requirements as modified” **after** “226”.

27 Section 224(2) is amended by striking out “and” **at the end of clause (c) and adding the following after clause (c):**

25 Section 219 presently reads:

219 Sections 220 to 226 apply to all petitions to a council and the Minister under this Act, any other enactment or bylaw except to the extent that they are modified by this Act or any other enactment.

26 Section 221 presently reads:

221 A petition is sufficient if it meets the requirements of sections 222 to 226.

27 Section 224(2) presently reads:

(2) The petition must include, for each petitioner,

- (c.1) the petitioner’s telephone number or e-mail address, if any, and

28 Section 225(3)(g) is amended by striking out “chief administrative officer” and substituting “chief administrative officer, unless a bylaw under section 226.1(1)(e) provides otherwise”.

29 Section 226(1) is amended by striking out “30 days” and substituting “45 days”.

30 The following is added after section 226:

Bylaws modifying petition requirements

226.1(1) Despite sections 219 to 226 and 233(2), a council of a municipality may by bylaw do any or all of the following:

- (a) reduce the percentage required under section 223(2)(a) or (b), whichever is applicable, for petitions to the council;
- (b) allow petitioners to remove their names from petitions to the council by filing a statutory declaration with the chief administrative officer no later than 14 days after the petition is filed with the chief administrative officer;
- (c) provide for petitions to the council to be signed electronically and modify the requirements in sections

- (a) *the printed surname and printed given names or initials of the petitioner,*
- (b) *the petitioner's signature,*
- (c) *the street address of the petitioner or the legal description of the land on which the petitioner lives, and*
- (d) *the date on which the petitioner signs the petition.*

28 Section 225(3)(g) presently reads:

- (3) *In counting the number of petitioners on a petition there must be excluded the name of a person*
 - (g) *who signed the petition more than 60 days before the date on which the petition was filed with the chief administrative officer.*

29 Section 226(1) presently reads:

226(1) Within 30 days after the date on which a petition is filed, the chief administrative officer must make a declaration to the council or the Minister on whether the petition is sufficient or insufficient.

30 Bylaws modifying petition requirements; Protection of personal information in petitions.

224(2) and (3) and 225(3) to the extent the council considers necessary or appropriate for that purpose;

- (d) provide for petitions to the council to be filed with the chief administrative officer electronically;
- (e) extend the time provided in section 233(2) for filing petitions to the council with the chief administrative officer.

(2) A bylaw made or proposed to be made under subsection (1)(a) cannot be the subject of a petition.

(3) A bylaw made under this section must not take effect earlier than 90 days after it is passed.

Protection of personal information in petitions

226.2(1) Despite any provision of this Act, the *Freedom of Information and Protection of Privacy Act* or any other enactment, personal information contained in a petition

- (a) must not be disclosed to anyone except the chief administrative officer and the chief administrative officer's delegates, if any, and
- (b) must not be used for any purpose other than validating the petition.

(2) Minimal disclosure that occurs inadvertently in the course of collecting signatures to the petition is not a breach of subsection (1).

(3) Every page of a petition must contain a statement that the personal information contained in the petition

- (a) will not be disclosed to anyone except the chief administrative officer and the chief administrative officer's delegates, if any, and
- (b) will not be used for any purpose other than validating the petition.

31 Section 230 is amended

(a) by repealing subsection (2) and substituting the following:

(2) When this or another enactment requires a public hearing to be held on a proposed bylaw or resolution, council must

- (a) give notice of the public hearing in accordance with section 606, and
- (b) conduct the public hearing during a regular or special council meeting.

(b) in subsection (5) by striking out “a public hearing” and substituting “the public hearing”;

(c) in subsection (6) by striking out “a public hearing is held” and substituting “the public hearing is held”.

32 Section 233(2) is amended by adding “or, where a bylaw under section 226.1(1)(e) extends that period, within the extended period” after “was passed”.

33 Section 241 is amended

(a) by renumbering clause (a) as clause (a.1) and by adding the following before clause (a.1):

- (a) “accounting standards” means the Canadian generally accepted accounting principles for municipal governments, which are the standards approved by the Public Sector Accounting Board included in the CPA Canada Public Sector Accounting Handbook published by the Chartered Professional Accountants of Canada, as amended from time to time;

31 Section 230 presently reads in part:

(2) If a public hearing is held on a proposed bylaw or resolution, council must conduct the public hearing during a regular or special council meeting.

(5) After considering the representations made to it about a proposed bylaw or resolution at a public hearing and after considering any other matter it considers appropriate, the council may

(a) pass the bylaw or resolution,

(b) make any amendment to the bylaw or resolution it considers necessary and proceed to pass it without further advertisement or hearing, or

(c) defeat the bylaw or resolution.

(6) The minutes of the council meeting during which a public hearing is held must record the public hearing to the extent directed by the council.

32 Section 233(2) presently reads:

(2) A petition under section 232 requesting an amendment or repeal of a bylaw or resolution is not sufficient unless it is filed with the chief administrative officer within 60 days after the day on which that bylaw or resolution was passed.

33 Section 241(a) presently reads:

241 In this Part,

(a) “borrowing” means the borrowing of money and includes

(i) borrowing to refinance, redeem or restructure existing debt,

(ii) a lease of capital property with a fixed term beyond 5 years or a fixed term of 5 years or less but with a right of renewal that would, if exercised, extend the original term beyond 5 years, and

- (a.01) “amortization” and “tangible capital assets” have the same meaning as in the CPA Canada Public Sector Accounting Handbook published by the Chartered Professional Accountants of Canada, as amended from time to time;
- (a.02) “annual budget” means a combined operating budget and capital budget for the calendar year determined on a basis consistent with accounting standards and the requirements of this Part;

34 Section 243 is amended

- (a) in subsection (1)(g) by striking out “deficiency” and substituting “shortfall”;**
- (b) in subsection (2)(c) by striking out “revitalization zone” and substituting “improvement area”.**
- (c) by adding the following after subsection (3):**
 - (3.1)** For the purposes of subsection (3), the estimated expenditures referred to in that subsection do not include any amortization of tangible capital assets unless the amortization is an amount required to provide for amortization of the tangible capital assets of a municipality’s municipal public utilities as defined in section 28.

- (iii) *an agreement to purchase capital property that creates an interest in the capital property to secure payment of the capital property's purchase price if payment of the purchase price under the agreement exceeds 5 years;*

34 Section 243 presently reads in part:

243(1) An operating budget must include the estimated amount of each of the following expenditures and transfers:

- (g) *the amount needed to recover any deficiency as required under section 244.*

(2) An operating budget must include the estimated amount of each of the following sources of revenue and transfers:

- (a) *property tax;*
- (b) *business tax;*
- (c) *business revitalization zone tax;*
- (c.1) *community revitalization levy;*
- (d) *special tax;*
- (e) *well drilling equipment tax;*
- (f) *local improvement tax;*
- (f.1) *community aggregate payment levy;*
- (g) *grants;*
- (h) *transfers from the municipality's accumulated surplus funds or reserves;*
- (i) *any other source.*

35 Section 244 is repealed and the following is substituted:

Financial shortfall

244(1) If the accumulated surplus, net of equity in tangible capital assets, is less than zero, the municipality must include a budgeted expenditure in the next calendar year that is sufficient to recover the shortfall.

(2) If a municipality has a shortfall referred to in subsection (1), the municipality may, with the Minister's approval, allocate the expenditures to cover the shortfall over more than one calendar year.

(3) If for any given year a municipality has a shortfall referred to in subsection (1), the Minister may, if the Minister considers it necessary to do so, establish that municipality's annual budget for the next calendar year, and that annual budget

- (a) is for all purposes the municipality's annual budget for that calendar year, and
- (b) may not be amended or replaced by council.

36 The following is added after section 248:

Annual budget

248.1(1) A council may adopt an annual budget in a format that is consistent with its financial statements.

(2) For the purposes of sections 247 and 248, the adoption of an annual budget is equivalent to the adoption of an operating budget under section 242 or the adoption of a capital budget under section 245.

37 The following is added after section 268:

Financial records and receipts

268.1 A municipality must ensure that

(3) The estimated revenue and transfers under subsection (2) must be at least sufficient to pay the estimated expenditures and transfers under subsection (1).

35 Section 244 presently reads:

244(1) If the total revenues and transfers of a municipality over a 3-year period are less than the total expenditures and transfers of the municipality for the same period, the operating budget for the municipality for the year following the 3-year period must include an expenditure to cover the deficiency.

(2) If a municipality has a deficiency referred to in subsection (1), the municipality may, with the Minister's approval, spread the expenditures to cover the deficiency over more than one calendar year.

(3) If the Minister considers it to be necessary, the Minister may establish the budget for a municipality that has a deficiency referred to in subsection (1) for a calendar year and the budget

(a) is for all purposes the municipality's budget for that calendar year, and

(b) may not be amended or replaced by council.

36 Annual budget.

37 Financial records and receipts.

- (a) accurate records and accounts are kept of the municipality's financial affairs, including the things on which a municipality's debt limit is based and the things included in the definition of debt for that municipality;
- (b) the actual revenues and expenditures of the municipality compared with the estimates in the operating or capital budget approved by council are reported to council as often as council directs;
- (c) the revenues of the municipality are collected and controlled and receipts issued in the manner directed by council.

38 Section 270 is amended by renumbering it as section 270(1) and by adding the following after subsection (1):

(2) A municipality must ensure that all money belonging to or held by the municipality is deposited in a bank, credit union, loan corporation, treasury branch or trust corporation designated by council.

39 Section 272 is amended by renumbering it as section 272(1) and by adding the following after subsection (1):

(2) A municipality must ensure that its corporate seal, if any, is kept safe.

40 The following is added after section 283:

**Financial Plans and
Capital Plans**

Required plans

283.1(1) In this section,

- (a) "capital plan" means a plan referred to in subsection (3);
- (b) "financial plan" means a plan referred to in subsection (2).

38 Section 270 presently reads:

270 Only a designated officer or a person authorized by bylaw may open or close the accounts that hold the money of a municipality.

39 Section 272 presently reads:

272 After a legal instrument issued under a borrowing has been signed and sealed by the municipality, the signatures and seal may be reproduced and the reproduction has the same effect as if the signatures or seal had been personally signed or affixed.

40 Required plans.

(2) Each municipality must prepare a written plan respecting its anticipated financial operations over a period of at least the next 3 financial years.

(3) Each municipality must prepare a written plan respecting its anticipated capital property additions over a period of at least the next 5 financial years.

(4) The 3 financial years referred to in subsection (2) and the 5 financial years referred to in subsection (3) do not include the financial year in which the financial plan or capital plan is prepared.

(5) Council may elect to include more than 3 financial years in a financial plan or more than 5 financial years in a capital plan.

(6) Council must annually review and update its financial plan and capital plan.

(7) The Minister may make regulations respecting financial plans and capital plans, including, without limitation, regulations

- (a) respecting the form and contents of financial plans and capital plans;
- (b) specifying the first financial year required to be reflected in a financial plan;
- (c) specifying the first financial year required to be reflected in a capital plan.

41 Section 284(1) is amended

(a) in clause (b) by striking out “or adopted”;

(b) by adding the following after clause (g):

- (g.1) “extended area network” has the meaning given to it in the regulations;

(c) by adding the following after clause (u):

- (u.1) “SuperNet” has the meaning given to it in the regulations;

41 Definitions added.

42 Section 298 is amended

(a) in subsection (1) by adding the following after clause (bb):

(cc) linear property in the extended area network that is used for SuperNet purposes.

(b) by adding the following after subsection (2):

(3) Despite subsection (1)(cc), where linear property referred to in that provision is used for business, the linear property is, subject to the regulations, assessable to the extent the linear property is used for business.

43 Section 305(3) is amended by adding “for the current year only” after “corrected”.

44 Section 317(c) is amended by striking out “*Municipal Grants Act (Canada)*” and substituting “*Payments in Lieu of Taxes Act (Canada)*”.

45 Section 319(1) is amended by striking out “April 1” and substituting “the date required by regulations made under section 322(1) or guidelines made under section 322(2)”.

42 Section 298 presently reads in part:

298(1) No assessment is to be prepared for the following property:

(bb) travel trailers that are

(i) not connected to any utility services provided by a public utility, and

(ii) not attached or connected to any structure.

(2) In subsection (1)(r)(i), “industrial customer” means a customer that operates a factory, plant, works or industrial process related to manufacturing and processing.

43 Section 305(3) presently reads:

(3) If exempt property becomes taxable or taxable property becomes exempt under section 368, the assessment roll must be corrected and an amended assessment notice must be prepared and sent to the assessed person.

44 Section 317 presently reads in part:

317 In this Division, “equalized assessment” means an assessment that is prepared by the Minister in accordance with this Division for an entire municipality and reflects

(c) assessments of property in the municipality in respect of which a grant may be paid by the Crown in right of Canada under the Municipal Grants Act (Canada),

from the year preceding the year in which the equalized assessment is effective.

45 Section 319(1) presently reads:

319(1) Each municipality must provide to the Minister annually, not later than April 1, a return containing the information requested by the Minister in the form required by the Minister.

46 Section 321 is amended by striking out “may may” and substituting “may”.

47 Section 322(1) is amended

(a) by adding the following after clause (b):

(b.1) defining “extended area network” and “SuperNet”;

(b) by adding the following after clause (c):

(c.1) respecting the assessment of linear property referred to in section 298(3), including, without limitation, respecting information to be provided, and by whom it is to be provided, for preparing the assessment;

(c) by adding the following after clause (g.3):

(g.4) respecting the dates by which returns referred to in section 319(1) must be provided to the Minister;

48 Section 326 is amended by renumbering it as section 326(1) and by adding the following after subsection (1):

(2) For purposes of Divisions 3 and 4, “business” does not include a constituency office of a Member of the Legislative Assembly or any other office used by one or more Members of the Legislative Assembly to carry out their duties and functions as Members.

46 Section 321 presently reads:

321 A municipality may may make a complaint regarding the amount of an equalized assessment to the Municipal Government Board not later than 30 days from the date the Minister sends the municipality the report described in section 320.

47 Additional Ministerial regulation-making powers.

48 Section 326 presently reads:

326 In this Part,

- (a) "requisition" means*
 - (ii) any part of the amount required to be paid into the Alberta School Foundation Fund under section 174 of the School Act that is raised by imposing a rate referred to in section 174 of the School Act,*
 - (iii) any part of the requisition of school boards under Part 6, Division 3 of the School Act, or*
 - (v) the amount required to be paid to a management body under section 7 of the Alberta Housing Act;*
- (b) "student dormitory" means a housing unit*

49 The heading preceding section 381 is amended by striking out “Revitalization Zone” and substituting “Improvement Area”.

50 Section 381 is amended by striking out “revitalization zone” and substituting “improvement area”.

51 Section 397 is amended by adding the following after subsection (2):

(2.1) Despite subsection (2), where the local improvement that is the subject of a local improvement tax bylaw of a council of a municipality is a road to benefit Crown land within an area of the municipality, the local improvement tax bylaw does not authorize the council to impose a local improvement tax to raise revenue to pay for the local improvement unless, before it receives second reading, the bylaw is approved by the Minister responsible for the administration of the Crown land.

52 Section 416 is amended by renumbering subsection (6) as subsection (3).

(i) *that is used in connection with a purpose referred to in section 362(1)(c), (d) or (e) or with a college incorporated under a private Act of the Legislature, and*

(ii) *the residents of which are students of a facility used in connection with a purpose referred to in section 362(1)(c), (d) or (e) or with a college incorporated under a private Act of the Legislature,*

but does not include a single family residence and the land attributable to that residence;

(c) *“tax arrears” means taxes that remain unpaid after December 31 of the year in which they are imposed.*

49 The heading before section 381 presently reads:

Business Revitalization Zone Tax

50 Section 381 presently reads:

381 The Minister may make regulations respecting a business revitalization zone tax.

51 Section 397 presently reads:

397(1) A council must pass a local improvement tax bylaw in respect of each local improvement.

(2) A local improvement tax bylaw authorizes the council to impose a local improvement tax in respect of all land in a particular area of the municipality to raise revenue to pay for the local improvement that benefits that area of the municipality.

(3) Despite section 351(1), no land is exempt from taxation under this section.

52 Section 416 presently reads:

416(1) After a tax recovery notification has been endorsed on the certificate of title for a parcel of land, the municipality may send a

53 Section 423(1) is amended by adding the following after clause (e):

- (e.1) a caveat that, pursuant to section 3.1(6)(f)(iv) of the *New Home Buyer Protection Act*, remains registered against the certificate of title to the land,

notice to any person who holds the parcel under a lease from the owner, requiring that person to pay the rent as it becomes due to the municipality until the tax arrears have been paid.

(2) Not less than 14 days before a municipality sends a notice under subsection (1), it must send a notice to the owner of the parcel of land advising the owner of the municipality's intention to proceed under subsection (1).

(2.1) When a parcel of land shown on a tax arrears list is land described in section 304(1)(c) in respect of another municipality, or in section 304(1)(d) or (e), the municipality may send a notice to any person who holds the parcel or a portion of it under a lease, licence or permit from the assessed person to pay the rent, licence fees or permit fees, as the case may be, to the municipality as they become due until the tax arrears have been paid.

(2.2) Not less than 14 days before a municipality sends a notice under subsection (2.1), it must send a notice to the assessed person advising the person of the municipality's intention to proceed under subsection (2.1).

(2.3) Where a parcel of land described in section 304(1)(c) is held under a lease, licence or permit from the Crown in right of Alberta,

- (a) the Crown must, on a quarterly basis, notify the municipality in which the parcel is located of any changes in the status of the lease, licence or permit, as the case may be, and*
- (b) the municipality must send to the Crown that portion of the tax arrears list showing the parcels of land described in section 304(1)(c) that are held by the Crown.*

(6) This section does not prevent the municipality from exercising any other right it has to collect the tax arrears.

53 Section 423 presently reads:

423(1) A person who purchases a parcel of land at a public auction acquires the land free of all encumbrances, except

- (a) encumbrances arising from claims of the Crown in right of Canada,*

54 Section 488(1) is amended by adding the following after clause (e):

- (e.1) to perform any duties assigned to it by the Minister or the Lieutenant Governor in Council,

- (b) *irrigation or drainage debentures,*
 - (c) *caveats referred to in section 39(12) of the Condominium Property Act,*
 - (d) *registered easements and instruments registered pursuant to section 69 of the Land Titles Act,*
 - (e) *right of entry orders as defined in the Surface Rights Act registered under the Land Titles Act,*
 - (f) *a notice of lien filed pursuant to section 38 of the Rural Utilities Act,*
 - (g) *a notice of lien filed pursuant to section 20 of the Rural Electrification Loan Act, and*
 - (h) *liens registered pursuant to section 21 of the Rural Electrification Long-term Financing Act.*
- (2) *A parcel of land is sold at a public auction when the person who is acting as the auctioneer declares the parcel sold.*
- (3) *There is no right under section 415 to pay the tax arrears in respect of a parcel after it is declared sold.*

54 Section 488 presently reads:

488(1) The Board has jurisdiction

- (a) *to hear complaints about assessments for linear property,*
- (b) *to hear any complaint relating to the amount set by the Minister under Part 9 as the equalized assessment for a municipality,*
- (d) *to decide disputes between a management body and a municipality or between 2 or more management bodies, referred to it by the Minister under the Alberta Housing Act,*
- (e) *to inquire into and make recommendations about any matter referred to it by the Lieutenant Governor in Council or the Minister,*
- (f) *to deal with annexations in accordance with Part 4,*

55 Section 602.08 is amended

(a) in subsection (1) by adding “or (2.1)” after “subsection (2)”;

(b) by adding the following after subsection (2):

(2.1) Boards and board committees may close all or part of their meetings to the public if a matter to be discussed is of a class prescribed or otherwise described in the regulations under subsection (7).

(c) by adding the following after subsection (3):

(4) Before closing all or any part of a meeting to the public, a board or board committee must by resolution approve

(a) the part of the meeting that is to be closed, and

(b) the basis on which, under an exception to disclosure in Division 2 of Part 1 of the *Freedom of Information and Protection of Privacy Act* or under the regulations under subsection (7), the part of the meeting is to be closed.

(5) After the closed meeting discussions are completed, any members of the public who are present outside the meeting room must be notified that the rest of the meeting is now open to the public, and a reasonable amount of time must be given

- (g) to decide disputes involving regional services commissions under section 602.15,*
 - (h) to hear appeals pursuant to section 619,*
 - (i) to hear appeals from subdivision decisions pursuant to section 678(2)(a), and*
 - (j) to decide intermunicipal disputes pursuant to section 690.*
- (2) The Board must hold a hearing under Division 2 of this Part in respect of the matters set out in subsection (1)(a) and (b).*
- (3) Sections 495 to 498, 501 to 504 and 507 apply when the Board holds a hearing to decide a dispute or hear an appeal referred to in subsection (1)(g) to (j).*

55 Section 602.08 presently reads:

- 602.08(1) Boards and board committees must conduct their meetings in public unless subsection (2) applies.*
- (2) Boards and board committees may close all or part of their meetings to the public if a matter to be discussed is within one of the exceptions to disclosure in Division 2 of Part 1 of the Freedom of Information and Protection of Privacy Act.*
- (3) When a meeting is closed to the public, no resolution or bylaw may be passed at the meeting, except a resolution to revert to a meeting held in public.*

for those members of the public to return to the meeting before it continues.

(6) Where a board or board committee closes all or part of a meeting to the public, the board or committee may allow one or more other persons to attend, as it considers appropriate, and the minutes of the meeting must record the names of those persons and the reasons for allowing them to attend.

(7) The Minister may make regulations prescribing or otherwise describing classes of matters for the purposes of subsection (2.1).

56 Section 606 is amended

(a) in subsection (2) by striking out “or” at the end of clause (a) and adding the following after clause (b):

- (c) published on the municipality’s website, or
- (d) given by a method provided for in a bylaw under section 606.1.

(b) in subsection (6) by striking out “and” at the end of clause (c), adding “and” at the end of clause (d) and adding the following after clause (d):

- (e) a copy of the proposed bylaw, resolution or other thing and any document relating to it or to the meeting or public hearing, if the notice is being advertised on a municipality’s website under subsection (2)(c).

57 The following is added after section 606:

Advertisement bylaw

606.1(1) A council may by bylaw provide for one or more methods, which may include electronic means, for advertising proposed bylaws, resolutions, meetings, public hearings and other things referred to in section 606.

56 Section 606 presently reads in part:

(2) Notice of the bylaw, resolution, meeting, public hearing or other thing must be

(a) published at least once a week for 2 consecutive weeks in at least one newspaper or other publication circulating in the area to which the proposed bylaw, resolution or other thing relates, or in which the meeting or hearing is to be held, or

(b) mailed or delivered to every residence in the area to which the proposed bylaw, resolution or other thing relates, or in which the meeting or hearing is to be held.

(6) A notice must contain

(c) in the case of a bylaw or resolution, an outline of the procedure to be followed by anyone wishing to file a petition in respect of it, and

(d) in the case of a meeting or public hearing, the date, time and place where it will be held.

57 Advertisement bylaw.

(2) Before making a bylaw under subsection (1), council must be satisfied that the method the bylaw would provide for is likely to bring proposed bylaws, resolutions, meetings, public hearings and other things advertised by that method to the attention of substantially all residents in the area to which the bylaw, resolution or other thing relates or in which the meeting or hearing is to be held.

(3) Council must conduct a public hearing before making a bylaw under subsection (1).

(4) A notice of a bylaw proposed to be made under subsection (1) must be advertised in a manner described in section 606(2)(a), (b) or (c) or by a method provided for in a bylaw made under this section.

(5) A notice of a bylaw proposed to be made under subsection (1) must contain

- (a) a statement of the general purpose of the proposed bylaw,
- (b) the address or website where a copy of the proposed bylaw may be examined, and
- (c) an outline of the procedure to be followed by anyone wishing to file a petition in respect of the proposed bylaw.

(6) A bylaw passed under this section must be advertised.

58 Section 607 is amended by striking out “or” at the end of clause (a), adding “or” at the end of clause (b) and adding the following after clause (b):

- (c) the document is sent to the municipality by electronic means in accordance with a bylaw made by the municipality.

58 Section 607 presently reads:

607 The service of a document on a municipality is sufficient if

- (a) the document is served personally on the chief administrative officer or a person working for the municipality in the office of the chief administrative officer, or*
- (b) the document is sent by certified or registered mail to the chief administrative officer at the municipality's office and the document is delivered to the municipality's office.*

59 Section 608 is repealed and the following is substituted:

Sending documents

608(1) Where this Act or a regulation or bylaw made under this Act requires a document to be sent to a person, the document may be sent by electronic means if

- (a) the recipient has consented to receive documents from the sender by those electronic means and has provided an e-mail address, website or other electronic address to the sender for that purpose, and
- (b) it is possible to make a copy of the document from the electronic transmission.

(2) A document sent by electronic means in accordance with subsection (1) is, in the absence of evidence to the contrary, presumed to have been received 7 days after it was sent.

60 The following is added after section 615.1:

Agreements under Aeronautics Act (Canada)

615.2(1) A municipality may, if authorized by regulation, enter into an agreement under section 5.81 of the *Aeronautics Act* (Canada).

(2) The Lieutenant Governor in Council may make regulations

- (a) authorizing a municipality to enter into an agreement under section 5.81 of the *Aeronautics Act* (Canada);
- (b) specifying the terms and conditions under which a municipality may enter into the agreement.

(3) The *Aeronautics Act Agreements (City of Medicine Hat and Cypress County) Regulation* (AR 33/2014) is deemed to have been made under this section.

61 The following is added after section 627:

Clerks

627.1(1) A council that establishes a subdivision and development appeal board must appoint, and a council that

59 Section 608 presently reads:

608 Any document required by this or any other enactment or bylaw to be sent by a person may be sent by any electronic means so long as it is possible to make a copy of the document from the electronic signals used by the electronic means.

60 Agreements under Aeronautics Act (Canada).

61 Clerks; Qualifications; Regulations.

authorizes the establishment of a subdivision and development appeal board must authorize the appointment of, one or more clerks of the subdivision and development appeal board.

(2) If the subdivision and development appeal board is an intermunicipal subdivision and development appeal board, the councils that authorize its establishment must appoint one or more clerks.

(3) A clerk appointed under this section must be a designated officer and may be a person who holds an appointment as a designated officer under section 455.

(4) No designated officer is eligible for appointment under this section unless that designated officer has successfully completed a training program in accordance with the regulations made under section 627.3(a).

(5) No subdivision authority or development authority is eligible for appointment under this section.

Qualifications

627.2 A member of a subdivision and development appeal board may not participate in a hearing of the subdivision and development appeal board unless the member is qualified to do so in accordance with the regulations made under section 627.3(b).

Regulations

627.3 The Minister may make regulations

- (a) respecting training programs for the purposes of section 627.1(4);
- (b) respecting qualifications for the purposes of section 627.2.

62 Section 632 is amended by adding the following after subsection (3):

(4) A municipal development plan must be consistent with any intermunicipal development plan in respect of land that is identified in both the municipal development plan and the intermunicipal development plan.

62 Additional requirement for municipal development plans.

63 Section 633 is amended by adding the following after subsection (2):

- (3) An area structure plan must be consistent with
 - (a) any intermunicipal development plan in respect of land that is identified in both the area structure plan and the intermunicipal development plan, and
 - (b) any municipal development plan.

64 Section 634 is amended by renumbering it as section 634(1) and by adding the following after subsection (1):

- (2) An area redevelopment plan must be consistent with
 - (a) any intermunicipal development plan in respect of land that is identified in both the area redevelopment plan and the intermunicipal development plan, and
 - (b) any municipal development plan.

63 Section 633 presently reads:

633(1) For the purpose of providing a framework for subsequent subdivision and development of an area of land, a council may by bylaw adopt an area structure plan.

(2) An area structure plan

(a) must describe

(i) the sequence of development proposed for the area,

(ii) the land uses proposed for the area, either generally or with respect to specific parts of the area,

(iii) the density of population proposed for the area either generally or with respect to specific parts of the area, and

(iv) the general location of major transportation routes and public utilities,

and

(b) may contain any other matters the council considers necessary.

64 Section 634 presently reads:

634 A council may

(a) designate an area of the municipality as a redevelopment area for the purpose of any or all of the following:

(i) preserving or improving land and buildings in the area;

(ii) rehabilitating buildings in the area;

(iii) removing buildings from the area;

(iv) constructing or replacing buildings in the area;

(v) establishing, improving or relocating roads, public utilities or other services in the area;

(vi) facilitating any other development in the area,

65 Section 638 is repealed and the following is substituted:

Plans consistent

638(1) In the event of a conflict or inconsistency between

- (a) an intermunicipal development plan, and
- (b) a municipal development plan, an area structure plan or an area redevelopment plan

in respect of the development of the land to which the intermunicipal development plan and the municipal development plan, the area structure plan or the area redevelopment plan, as the case may be, apply, the intermunicipal development plan prevails to the extent of the conflict or inconsistency.

(2) In the event of a conflict or inconsistency between

- (a) a municipal development plan, and
- (b) an area structure plan or an area redevelopment plan,

the municipal development plan prevails to the extent of the conflict or inconsistency.

66 Section 641(4) is repealed.

- (b) adopt, by bylaw, an area redevelopment plan,*
- (c) in accordance with this section and Division 6, provide for the imposition and collection of a levy to be known as a “redevelopment levy”, and*
- (d) authorize a designated officer, with or without conditions, to perform any function with respect to the imposition and collection of that redevelopment levy.*

65 Section 638 presently reads:

638 All statutory plans adopted by a municipality must be consistent with each other.

66 Section 641(4) presently reads:

(4) Despite section 685, if a decision with respect to a development permit application in respect of a direct control district

- (a) is made by a council, there is no appeal to the subdivision and development appeal board, or*

67 Section 648(4) is repealed and the following is substituted:

(4) An off-site levy imposed under this section or the former Act may be collected once for each purpose described in subsection (2), in respect of land that is the subject of a development or subdivision, if

- (a) the purpose of the off-site levy is authorized in the bylaw referred to in subsection (1), and
- (b) the collection of the off-site levy for the purpose authorized in the bylaw is specified in the agreement referred to in subsection (1).

(4.1) Nothing in subsection (4) prohibits the collection of an off-site levy by instalments or otherwise over time.

68 Section 649 is amended by striking out “object” and substituting “purpose”.

69 Section 650 is amended

(a) by repealing subsection (1)(c) and substituting the following:

- (c) to install or pay for the installation of a public utility described in section 616(v)(i) to (ix) that is necessary to serve the development, whether or not the public utility is, or will be, located on the land that is the subject of the development;

(b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

67 Section 648(4) presently reads:

(4) An off-site levy imposed under this Part or the former Act may be collected only once in respect of land that is the subject of a development or a subdivision.

68 Section 649 presently reads:

649 A bylaw that authorizes a redevelopment levy or an off-site levy must set out the object of each levy and indicate how the amount of the levy was determined.

69 Section 650 presently reads:

650(1) A council may in a land use bylaw require that, as a condition of a development permit's being issued, the applicant enter into an agreement with the municipality to do any or all of the following:

(a) to construct or pay for the construction of a road required to give access to the development;

(b) to construct or pay for the construction of

(b) in subsection (1)(e) by adding “imposed by bylaw” after “redevelopment levy”;

(c) by adding the following after subsection (3):

(4) Where, prior to the coming into force of this subsection, an agreement referred to in subsection (1) required the applicant to install a public utility or pay an amount for a public utility referred to in subsection (1)(c), that requirement is deemed to have been validly imposed, whether or not the public utility was located on the land that was the subject of the development.

70 Section 654 is amended

(a) by repealing subsection (1)(b) and substituting the following:

(b) the proposed subdivision conforms to the provisions of any statutory plan,

(b.1) subject to subsection (2), the proposed subdivision conforms to any land use bylaw that affects the land proposed to be subdivided,

(b) by adding the following after subsection (1):

- (i) a pedestrian walkway system to serve the development, or*
- (ii) pedestrian walkways to connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development,*

or both;

- (c) to install or pay for the installation of public utilities, other than telecommunications systems or works, that are necessary to serve the development;*
- (d) to construct or pay for the construction of*
 - (i) off-street or other parking facilities, and*
 - (ii) loading and unloading facilities;*
- (e) to pay an off-site levy or redevelopment levy;*
- (f) to give security to ensure that the terms of the agreement under this section are carried out.*

(2) A municipality may register a caveat under the Land Titles Act in respect of an agreement under this section against the certificate of title for the land that is the subject of the development.

(3) If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the agreement has been complied with.

70 Section 654(1) presently reads:

654(1) A subdivision authority must not approve an application for subdivision approval unless

- (a) the land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended,*
- (b) the proposed subdivision conforms to the provisions of any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided,*

(1.1) If the subdivision authority is of the opinion that there may be a conflict or inconsistency between statutory plans, section 638 applies in respect of the conflict or inconsistency.

71 Section 655 is amended

(a) by repealing subsection (1)(b)(iii) and substituting the following:

(iii) to install or pay for the installation of a public utility described in section 616(v)(i) to (ix) that is necessary to serve the subdivision, whether or not the public utility is, or will be, located on the land that is the subject of the subdivision approval;

(b) by adding the following after subsection (3):

(4) Where a condition on a subdivision approval has, prior to the coming into force of this subsection, required the applicant to install a public utility or pay an amount for a public utility referred to in subsection (1)(b)(iii), that condition is deemed to have been validly imposed, whether or not the public utility was located on the land that was the subject of the subdivision approval.

72 Section 681(1)(b) is amended by striking out “an agreement” and substituting “a written agreement”.

- (c) *the proposed subdivision complies with this Part and the regulations under this Part, and*
- (d) *all outstanding property taxes on the land proposed to be subdivided have been paid to the municipality where the land is located or arrangements satisfactory to the municipality have been made for their payment pursuant to Part 10.*

71 Section 655 presently reads in part:

655(1) A subdivision authority may impose the following conditions or any other conditions permitted to be imposed by the subdivision and development regulations on a subdivision approval issued by it:

- (b) *a condition that the applicant enter into an agreement with the municipality to do any or all of the following:*
 - (iii) *to install or pay for the installation of public utilities, other than telecommunications systems or works, that are necessary to serve the subdivision;*

72 Section 681(1)(b) presently reads:

681(1) If a subdivision authority fails or refuses to make a decision on an application for subdivision approval within the time prescribed by the subdivision and development regulations, the applicant may, within 14 days after the expiration of the time prescribed,

- (b) *enter into an agreement with the subdivision authority to extend the time prescribed in the subdivision and development regulations.*

73 Section 685 is amended by adding the following after subsection (3):

- (4) Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district
- (a) is made by a council, there is no appeal to the subdivision and development appeal board, or
 - (b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

74 Section 687(3)(a.1) is repealed and the following is substituted:

- (a.1) must comply with any applicable land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (d), must comply with any land use bylaw in effect;

73 Section 685 presently reads:

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,*
- (b) issues a development permit subject to conditions, or*
- (c) issues an order under section 645,*

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

(3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted.

74 Section 687(3) presently reads:

(3) In determining an appeal, the subdivision and development appeal board

- (a) must act in accordance with any applicable ALSA regional plan;*
- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;*
- (b) must have regard to but is not bound by the subdivision and development regulations;*
- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;*
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed*

75 Section 690 is amended

- (a) by repealing subsection (1) and substituting the following:**

Intermunicipal disputes

690(1) A municipality that

- (a) is of the opinion that a statutory plan or amendment or a land use bylaw or amendment adopted by an adjacent municipality has or may have a detrimental effect on it,
- (b) has given written notice of its concerns to the adjacent municipality prior to second reading of the bylaw, and
- (c) has, as soon as practicable after second reading of the bylaw, attempted to use mediation to resolve the matter,

may appeal the matter to the Municipal Government Board.

(1.1) An appeal under subsection (1) is to be brought by

- (a) filing a notice of appeal and statutory declaration described in subsection (2) with the Municipal Government Board, and
- (b) giving a copy of the notice of appeal and statutory declaration to the adjacent municipality

development does not comply with the land use bylaw if, in its opinion,

(i) the proposed development would not

(A) unduly interfere with the amenities of the neighbourhood, or

(B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

(ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

75 Section 690(5) presently reads:

(5) If the Municipal Government Board receives a notice of appeal and statutory declaration under subsection (1)(a), it must, subject to any applicable ALSA regional plan, decide whether the provision of the statutory plan or amendment or land use bylaw or amendment is detrimental to the municipality that made the appeal and may

(a) dismiss the appeal if it decides that the provision is not detrimental, or

(b) order the adjacent municipality to amend or repeal the provision if it is of the opinion that the provision is detrimental.

within 30 days after the passing of the bylaw to adopt or amend the statutory plan or land use bylaw.

(b) by repealing subsections (3) to (5) and substituting the following:

(3) A municipality, on receipt of a notice of appeal and statutory declaration under subsection (1.1)(b), must, within 30 days, submit to the Municipal Government Board and the municipality that filed the notice of appeal a statutory declaration stating

- (a) the reasons why mediation was not possible,
- (b) that mediation was undertaken and the reasons why it was not successful, or
- (c) that mediation is ongoing and that if the mediation is not successful a further response will be provided within 30 days of its completion.

(4) When a notice of appeal and statutory declaration are filed under subsection (1.1)(a) with the Municipal Government Board, the provision of the statutory plan or amendment or land use bylaw or amendment that is the subject of the appeal is deemed to be of no effect and not to form part of the statutory plan or land use bylaw from the date the notice of appeal and statutory declaration are filed with the Board under subsection (1.1)(a) until the date the Board makes a decision under subsection (5).

(5) If the Municipal Government Board receives a notice of appeal and statutory declaration under subsection (1.1)(a), it must, in accordance with subsection (5.1), decide whether the provision of the statutory plan or amendment or land use bylaw or amendment is detrimental to the municipality that made the appeal and may

- (a) dismiss the appeal if it decides that the provision is not detrimental, or
- (b) subject to any applicable ALSA regional plan, order the adjacent municipality to amend or repeal the provision, if it is of the opinion that the provision is detrimental.

(5.1) In determining under subsection (5) whether the provision of the statutory plan or amendment or land use bylaw or amendment is detrimental to the municipality that made the appeal, the Municipal Government Board must disregard section 638.

76 The following is added after section 708.04:

Meetings of growth management board

708.041(1) Growth management boards and their committees must conduct their meetings in public unless subsection (2) or (3) applies.

(2) Growth management boards and their committees may close all or part of their meetings to the public if a matter to be discussed is within one of the exceptions to disclosure in Division 2 of Part 1 of the *Freedom of Information and Protection of Privacy Act*.

(3) Growth management boards and their committees may close all or part of their meetings to the public if a matter to be discussed is of a class prescribed or otherwise described in the regulations under subsection (8).

(4) When a meeting is closed to the public, no resolution or bylaw may be passed at the meeting, except a resolution to revert to a meeting held in public.

(5) Before closing any part of a meeting to the public, a growth management board or growth management board committee must by resolution approve

- (a) the part of the meeting that is to be closed, and
- (b) the basis on which, under an exception to disclosure in Division 2 of Part 1 of the *Freedom of Information and Protection of Privacy Act* or under the regulations under subsection (8), the part of the meeting is to be closed.

(6) After the closed meeting discussions are completed, any members of the public who are present outside the meeting room must be notified that the rest of the meeting is now open to the public, and a reasonable amount of time must be given

76 Meetings of growth management board.

for those members of the public to return to the meeting before it continues.

(7) Where a growth management board or growth management board committee closes all or part of a meeting to the public, the board or committee may allow one or more other persons to attend, as it considers appropriate, and the minutes of the meeting must record the names of those persons and the reasons for allowing them to attend.

(8) The Minister may make regulations prescribing or otherwise describing classes of matters for the purposes of subsection (3).

77 Section 708.05(3) is amended by striking out “Minister” and substituting “Lieutenant Governor in Council”.

78 Section 708.09(1) is repealed and the following is substituted:

Annual report of growth management board

708.09(1) A growth management board must, within 120 days after the end of every financial year, submit to the Minister a report summarizing its activities during the financial year.

79 The following regulations are repealed:

- (a) *Alberta Central East Water Corporation Regulation* (AR 137/2013);
- (b) *Aquatera Utilities Inc. Regulation* (AR 205/2013);
- (c) *Aqueduct Utilities Corporation Regulation* (AR 92/2012);
- (d) *Business Tax Exemption (Legislative Assembly Office) Regulation* (AR 214/2011);

77 Section 708.05(23) presently reads:

(3) The Minister may make regulations modifying any provision of Division 3 or 4 of Part 15.1 for the purpose of applying the provision to a growth management board or to the representatives on a growth management board.

78 Section 708.09(1) presently reads:

708.09(1) A growth management board must submit to the Minister before May 1 of each year a report summarizing its activities during the preceding calendar year.

79 Repeal of regulations.

- (e) *Chestermere Utilities Incorporated Regulation* (AR 163/2013);
- (f) *Local Improvement (Road) Tax Bylaw Regulation* (AR 164/2013);
- (g) *Municipal Finance Clarification Regulation* (AR 206/2012);
- (h) *NEW water Ltd. Regulation* (AR 159/2012);
- (i) *Newell Regional Services Corporation Regulation* (AR 153/2012);
- (j) *Peace Regional Waste Management Company Regulation* (AR 41/2011);
- (k) *Sheep Creek Regional Utility Corporation Regulation* (AR 83/2014);
- (l) *SuperNet Assessment Regulation* (AR 113/2012).

Amends SA 2012 cE-0.3

80(1) The *Education Act* is amended by this section.

(2) Section 279(7) is amended by striking out “Section 326(a)” and substituting “Section 326(1)(a)”.

81 This Act, except sections 14, 67, 68, 69 and 71, comes into force on Proclamation.

80 Amends chapter E-0.3 of the Statutes of Alberta, 2012.

81 Coming into force.

