



May 19, 2017

Honourable Shaye Anderson
Minister of Municipal Affairs
132 Legislature Building
10800 – 97 Avenue
Edmonton, AB T5K 2B6

Dear Minister Anderson:

I am writing subsequent to the passing of Bill 8, *An Act to Strengthen Municipal Government* and in follow-up to our earlier submission on the Continuing the Conversation discussion guide.

We appreciate the amendments for intermunicipal offsite levies, mandatory joint use agreements, as well as various amendments to assessment and taxation. While some amendments in the Bill were not changes that AUMA was seeking, we are pleased that the province heard and acted upon our ideas in many cases, making these provisions more workable for municipalities such as correcting the timeframe for municipal development plans, outlining the scope of communication to Indigenous communities on land use planning, clarifying that the school boards' exemption from levies only relates to schools and simplifying the receipt process for property taxes. The involvement of municipalities and municipal organizations at various stages throughout the MGA review is appreciated.

While Bill 8 addresses some of the shortcomings of the MGA and enables greater regional collaboration, we are concerned by your statement that these amendments are the finishing touches, since there are a significant number of outstanding issues which still need to be addressed. Although this Act is the foundation for municipalities, it seems that it is the province, not municipalities, who are able to determine priority changes.

It is imperative that the province work with municipal associations to respond to our numerous requests to stabilize municipal funding so we can effectively plan for, and address, infrastructure and service requirements in our communities. Specifically, the MGA should state that there will be predictable, long-term funding so that sufficient resources are available for municipalities to carry out their core responsibilities and be sustainable and viable. Municipalities require expanded revenue capacity through a wider variety of taxes and levies as well as increased flexibility in the current tools available so that they can manage growth pressures and unique challenges. As well, the province must engage in meaningful consultation with municipalities regarding any legislative or regulatory change with a substantial municipal impact, with a minimum three year notice to municipalities on any reduced funding or policy change.

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It is disappointing that no action has been taken on the following matters that AUMA has raised numerous times during the MGA consultations and the iterative Bills:

- Joint and Several Liability: Legislative changes are required in order to protect municipalities from liability for damages caused by a municipality responding in good faith to emergencies or providing services to its region, unless the municipality is grossly negligent.
- Oversight of Code of Conduct: Revisit the code of conduct provision put forward in Bill 20 to provide for an independent oversight body (e.g. Integrity Commissioner), or require the Provincial Ethics Commissioner to have an oversight role.
- Provincial Oversight via Alberta Ombudsman: Include additional parameters in a Ministerial Guideline on what is in and out of scope regarding an issue of administrative fairness; clarification of annual reporting.
- Brownfield Redevelopment Tools: Provide municipalities with the ability to incentivize the redevelopment of brownfields through various tools.

We are seeking clarification on the following Bill 8 amendments:

- Indigenous Communities in Intermunicipal Collaboration Frameworks (ICFs): The implications of federal and provincial legislation on the participation of Indigenous communities in ICFs, along with guidance for municipalities on which legislation takes precedence in the event of variation.
- Parental Leave: How quorum will be maintained in the event of a parental leave.
- Linked Tax Rate Ratio: Whether the Minister will be able to exempt municipalities from the 5:1 tax ratio through regulations.

We are also seeking amendments to the following key provisions:

- General Minister Powers: The Minister should not be able to suspend authority to make bylaws or withhold money from an entire council for the actions of an individual councillor.
- Judicial Review: The requirement to provide 10 days' notice to the Minister prior to applying for injunctive relief adds an unnecessary time constraint to the process, especially since the Ministerial Order remains in effect during an appeal.
- Environmental Stewardship: The legislation does not provide sufficient authorities, financial and other regulatory tools for municipalities to be environmental stewards. For example, AUMA has advocated for municipalities to have the authority over oil and gas development within municipal boundaries, which has a major environmental impact on municipalities. Further, municipalities should have the ability to define their municipal purposes through bylaw to suit their local needs.
- Benefitting Area Contribution: Municipalities should have the ability to accumulate up to 15 per cent to ensure the needed land for larger school sites. Bill 8 does not sufficiently address school reserves for smaller communities in particular.

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- Conservation Reserves: The conservation reserve provisions may see limited use, as the province is downloading responsibility to municipalities to protect environmentally sensitive areas without providing adequate funding.

As previously requested, we would appreciate an update to the schedule for the MGA regulations, including the regulations that will be released in each batch and the date of their release. As well, we would appreciate a response regarding our earlier requests for embargoed advance discussions so that we can appropriately develop MGA change management materials. I look forward to your response as well as your continued collaboration with AUMA.

Sincerely,



Lisa Holmes
AUMA President