Changes to the Municipal Government Act

Provincial Fact Sheets

Information provided by the Government of Alberta

BILD ALBERTA

Contents

Category Colours:

Assessment & Taxation Governance Planning & Development

Source Information:

The following information was prepared by the Alberta Government and released in a series of Fact Sheets which can be found here. These were designed to educate municipalities on the changes to the Municipal Government Act though the information is relevant to anyone impacted by the legislation. BILD Alberta has compiled the relevant pieces of the Fact Sheets into this work book. Information is current as of January 10, 2018 and will be supplemented as required.

Access to Information for Assessors and Property Owners

Legislation	*Municipal Government Act (MGA)*
Regulation	Matters Relating to Assessment and Taxation
Category	Assessment and Taxation
Section Number	s. 295, s. 296, s. 299, s. 300, s. 301, s. 304, s. 322, s. 464, s. 484, and s. 525

Previous *MGA* requirement:

Assessors can ask property owners to provide any information deemed necessary to accurately prepare a property tax assessment or determine if a property should be assessed. Municipalities are required to provide property owners with enough information to determine how their property assessment was prepared.

Prior to the recent amendments to the *MGA,* there was inconsistency throughout the province regarding information shared between assessors and property owners based on individual circumstances and practices.

What's changed?

The scope of information requirements for both property assessors and property owners was clarified within the act, as well as by enhancing provisions in the *Matters Relating to Assessment and Taxation Regulation*, and the creation of a best practices Access to Information Guide.

Access to Municipal Assessment Records

- The spirit and intent of the previous legislation was maintained and elaborated upon to promote greater consistency in application throughout the province. An assessed person may request, in the manner required, to see or receive:
  - information that is in the municipal assessor's possession at the time of the request, showing how the municipal assessor prepared the assessment of that person's property; s.299(1)
  - a summary of the most recent assessment of any assessed property in the municipality of which the assessed person is not the owner (s.300(1)), which must include the following information:
    - description of the parcel of land and any improvements;
    - the type and use of the property;
    - size and measurements of the parcel of land;
    - age and size or measurements of any improvements;
    - key attributes of any improvements to the parcel of land; and
    - assessed value and any adjustments. s.300(2)(a) to s.300(2)(f)
- A municipality is not obligated to respond to a request for information for a property after a complaint is made by the person assessed until the complaint has been heard and decided on by an assessment review board. s.299(3)

Access to Provincial Assessment Records

The spirit and intent of the current practice by the Linear Property Assessment Unit was maintained and elaborated upon in legislation to provide stakeholders with certainty regarding their right to receive assessment information from the provincial assessor.

- An assessed person may request, in the manner required, to see or receive:
  - information that is in the provincial assessor's possession at the time of the request, showing how the assessment of the designated industrial property was prepared s.299.1(1);
  - a summary of the most recent assessment of any assessed designated industrial property of which the person is not the owner (s.300.1(1)), which must include the following information:
    - description of the designated industrial property;
    - the assessed value associated with the designated industrial property. s.300.1(2)(a) to s.300.1(2)(c)
- The provincial assessor must comply with the request if satisfied that the necessary confidentiality will not be breached. s.300.1(3)
- The provincial assessor is not obligated to respond to a request for information for a property after a complaint is made by the person assessed until the complaint has been heard and decided by the Municipal Government Board. s.299.1(3)
- A municipality may see or receive information in the provincial assessor's possession at the time of the request showing how the assessment of a designated industrial property in the municipality was prepared. s.299.2(1)

What do municipalities need to know?

- These changes clarify information access rights of industrial property owners and municipalities to assessments of designated industrial property that are prepared by the province. This information could be used by the municipality to determine if an assessment was prepared correctly from its perspective, to determine if an appeal is warranted, and to prepare a case.
  - Municipalities are required to sign a confidentiality agreement to protect sensitive corporate information, including information received by the provincial assessor from property owners.

When does this change take place?

- The amendments to the *MGA* come into force January 1, 2018.

Advertisement Bylaw - Public Notification Methods

Legislation	*Municipal Government Act (MGA)*
Regulation	None.
Category	Governance
Section Number	s. 606.1

Previous *MGA* requirement:

Where a municipality was required to advertise a bylaw, resolution, meeting, public hearing or something else, notice was to be given by newspaper advertising, mail or delivery to every residence in the area to which the bylaw or other matter related.

What's changed?

- In addition to the previous methods of giving notice, municipalities are able to, through bylaw, use one or more other methods for advertising proposed bylaws, resolutions, meetings, public hearings or other things. s.606.1(1)
- The method provided for in the bylaw may include electronic advertising such as advertising on the municipal website.

What do municipalities need to know?

- The flexibility on notification methods allow for current and future technologies, and will allow municipalities to adapt their advertising methods to meet local needs.
- If the municipality wishes to use alternate advertising methods, the authorizing bylaw must meet the following requirements:
    - council must be satisfied that the method provided for in the bylaw is likely to bring the matter to the attention of substantially all residents in the relevant area; s.606.1(2)
    - a public hearing must be held on the bylaw; s.606.1(3)
    - the notice of the bylaw must be advertised by newspaper, residential mail or website; and s.606.1(4)
    - bylaws passed under this section must be made available for public inspection. s.606.1(6)

When does this change take place?

- These sections come into force October 26, 2017.

Amalgamations

Legislation	*Municipal Government Act (MGA)*
Regulation	None
Category	Governance
Section Numbers	*MGA* s. 101, s. 102, s. 103, s. 105, s. 106.1, and s. 110

Previous *MGA* requirements:

Under the previous *MGA*, provisions were in place to outline the process through which two or more municipalities could join to become one municipality. Amalgamation is one option, among others, that municipalities may consider to proactively address needs and challenges relating to governance and long-term viability.

Summer Villages

- As with other types of municipalities, summer villages with non-contiguous boundaries were not previously allowed to amalgamate. In order to amalgamate, they would have been required to annex land to create a contiguous boundary, and would have lost the status of summer village.

Notification of a Proposed Amalgamation

- Previously under the *MGA*, a municipality wishing to initiate an amalgamation was required to notify any local authorities (including school divisions, regional health authorities, and regional services commissions) the initiating municipality considered would be affected by the proposed amalgamation.

Report on Negotiation

- Previously under the *MGA*, reports at the conclusion of the negotiations were not required to include details related to formation orders or amalgamation orders. The report on negotiations was required to be signed by someone with delegated signing authority.

Minister Initiated Amalgamations

- The Minister is authorized to initiate a municipal amalgamation. (This provision was not amended and will continue to be provision in the *MGA*).

What's changed?

Summer Villages

- Summer villages with non-contiguous boundaries may now amalgamate if they share a common body of water, and retain their status as a summer village. s.101.1(2), s.101.1(3)
- For all other amalgamations not exclusively involving summer villages, the requirement for amalgamating municipalities to have contiguous boundaries has not changed. s.101(1)(b)

Notification of a Proposed Amalgamation

- When initiating an amalgamation, a municipality must now give written notice to all local authorities that:
    - have jurisdiction to operate in the initiating municipality;
    - provide services in the initiating municipality; or
    - meet either of the above conditions in any of the municipalities proposed to be amalgamated. s.103

- The notice must include proposals for consultation with all local authorities, and the public, about the proposed amalgamation. s.103(4)(b)

Report on Negotiation

- To assist in forming the contents of an amalgamation order, municipalities are required to submit a report that should contain a list of:
    - the matters agreed on;
    - matters on which there is no agreement between the municipal authorities; and
    - relevant matters, if any, related to contents of any formation orders or amalgamation orders. s.105(1)
- The initiating municipal authority approves the report by passing a resolution of council, rather than delegating signing authority to another person or body. The other municipal authorities that propose to amalgamate with the initiating municipal authority must also pass a resolution of council to approve the report. s.105(2)
    - The report must include a certificate by the initiating municipal authority stating that the report accurately reflects the results of the negotiations. s.105(2)(a)
    - A municipal authority that does not pass a resolution of council to approve the report may include in the report its reasons for not approving. s.105(3)

What do municipalities need to know?

- The new provisions include more flexibility for municipalities that want to jointly initiate a voluntary amalgamation. s.102, s.106.1
- Municipalities may jointly initiate activities such as signing/certifying the report to the Minister and provide notice to affected local authorities. s.106.1

When does this change take place?

- These sections came into force October 26, 2017.

Assessment and Taxation of Farm Buildings

Legislation	*Municipal Government Act (MGA)*
Regulation	Matters Related to Assessment and Taxation
Category	Assessment and Taxation

Previous *MGA* requirement (if any):

Farm owners in both rural and urban municipalities receive a tax exemption on farm buildings, such as barns or quonsets. However, the tax exemption is different in urban versus rural municipalities. In rural municipalities, farm buildings are completely exempt from municipal property taxes. In urban municipalities, farm buildings are assessed at 50 per cent of their market value and are taxed by the municipality at the non-residential tax rate.

What's changed?

All farm buildings in urban and rural municipalities will not be assessed or charged municipal or education property taxes. This change will be phased in over five years.

What do municipalities need to know?

The municipal assessor must assess farm buildings in urban using the schedule in the regulation. At the end of five years all farm buildings in urban and rural municipalities will not be assessed or charged municipal or education property taxes.

When does this come into effect?

- The amendments come into force January 1, 2018.
- The Matters Related to Assessment and Taxation comes into force January 1, 2018.
- The coming-into-force date is to coincide with the municipal fiscal year for assessment and taxation.

Assessment Complaints

Legislation	*Municipal Government Act (MGA)*
Regulation	Matters Related to Assessment Complaints (MRAC)
Category	Assessment and Taxation
Section Numbers	s. 460, and s. 470

Previous *MGA* requirement:

The assessment process determines property values for property taxation purposes, and the *MGA* sets out a complaints process for property owners who have concerns about their property assessments.

The Act also provides property owners with the ability to ask for an independent review of their property assessment.

Bodies that hear complaints, depending on the type of property being assessed, are called Assessment Review Boards (ARBs). There are three types of ARBs: Local Assessment Review Boards (LARBs), Composite Assessment Review Boards (CARBs), and the Municipal Government Board (MGB).

Under the previous *MGA*:

- LARBs heard complaints about business taxes and levies on business improvement areas (as well as complaints relating to the assessment of farmland and residential property with up to three dwelling units).
- Before an assessor could make corrections to an assessment under complaint, the complaint had to be ratified by the ARB or withdrawn.
- Previously, ARB decisions were subject to judicial review prior to an appeal to the Court of Queen's Bench.

What's changed?

The complaints process will still see LARBs, CARBs and the MGB hear assessment complaints with the following process changes:

- CARBs (rather than LARBs) will now hear complaints about business taxes and levies on business improvement areas (in addition to complaints about the assessment of non-residential property, and residential property with four or more dwelling units). s.460.1(1)
- The assessor will now be able to make corrections to an assessment that is under complaint, without first requiring ratification from the ARB or having the complaint withdrawn. The taxpayer complainant has a new right of complaint on the corrected assessment. Repealed s.305(5)(6)
- ARB decisions may be appealed at the Court of Queen's Bench by judicial review only.
    - The ARB whose decision is the subject of the application for judicial review must forward the certified record of proceedings to the clerk of the Court of Queen's Bench within thirty (30) days of the date the application is filed. s.470(4)

What do municipalities need to know?

- The MRAC regulation provides instructions on the process for assessment complaints.
    - This regulation was amended to align with the changes in the *Modernized Municipal Government Act*.

- The MGB will continue to hear appeals relating to properties assessed by the provincial assessor, and their decisions will continue to be appealable to the Court of Queen's Bench.

When does this change take place?

- The amendments to the *MGA* come into force January 1, 2018.
- The Matters Related to Assessment Complaints Regulation comes into force January 1, 2018.
- The coming-into-force date is to coincide with the municipal fiscal year for assessment and taxation.

Assessment of Farmland

Legislation N/A – No change was required to the *Municipal Government Act (MGA)* in order to give effect to these clarifying amendments to regulation.

Regulation Matters Related to Assessment and Taxation (MRAT)

Category Assessment and Taxation

Previous *MGA* requirement:

Farmland is assessed and taxed on the basis of agricultural productivity rates set by Municipal Affairs. However, prior to recent regulatory changes, the point at which land should be assessed at its market value instead of agricultural use value was not specified. This led to numerous assessment complaints and appeals over the years.

What's changed?

Farmland will continue to be assessed as farmland until it is no longer used for farming operations. Regulations associated with the *MGA* were clarified to ensure that when farmland has its top soil removed, or is no longer being used for farming operations, it will no longer be assessed and taxed as farm property and will instead be assessed and taxed at market value.

The regulations have also been amended in order to clarify a number of issues related to the definition of farmland and farming operations. These include changes such as clarifying that tree farms are a type of farming operation.

What do municipalities need to know?

- Regulatory changes were made to the *Matters Relating to Assessment and Taxation Regulation* to clarify some matters within the definition of 'farming operations,' including:
    - specifying that land which has been stripped of topsoil in preparation for future development cannot be farmed and therefore does not fall within the definition of farming operations for assessment and taxation purposes; and
    - incorporating, within the definition of farming operations for assessment and taxation purposes, tree farms on which the Woodlot Association of Alberta or a forester registered under Regulated Forestry Profession Act has approved a woodland management plan.

When does this change take place?

- The Matters Related to Assessment and Taxation come into force January 1, 2018.
- The coming-into-force date is to coincide with the municipal fiscal year for assessment and taxation.

Brownfields

Legislation	*Municipal Government Act (MGA)*
Regulation	None
Category	Assessment and Taxation
Section Number	s. 364

Previous *MGA* requirement:

Municipalities have the option to cancel, defer or reduce the municipal taxes on a brownfield through a property tax bylaw. These tax cancelations, reductions or deferrals on brownfield properties were previously limited by the *MGA* to one year.

What's changed?

The amended *MGA* allows municipalities to grant multi-year tax exemptions, deferrals or reductions as a means of incentivising cleanup and redevelopment of brownfields. Councils are permitted to pass bylaws encouraging remediation and redevelopment of brownfield properties by developers through full or partial tax exemptions or tax collection deferrals. s.364.1(2)

What do municipalities need to know?

- A brownfield is a piece of property that has been abandoned, vacant, derelict or unused because of actual or perceived contamination. Some examples of brownfields include the former location of a gas station or facility contaminated by asbestos.
- The bylaw:
    - must identify the brownfield properties in respect of which an application may be made for a full or partial exemption from taxation, or for a deferral of the collection of tax;
    - may set criteria appropriate to their local context to be met for a brownfield property to qualify for an exemption or deferral;
    - must specify the taxation year or years for which the identified brownfield properties may qualify for an exemption or deferral; and
    - must specify any conditions the breach of which cancels an exemption or deferral, and the taxation year or years to which the condition applies. s.364.1(3)
- Municipalities are required to hold a public hearing when identifying and setting criteria for brownfield properties. s.364.1(4)

When does this change take place?

- The amendments come into force on January 1, 2018.

Centralized Designated Industrial Properties (DIPs)

Legislation	*Municipal Government Act (MGA)*
Regulation	Matters Relating to Assessment and Taxation Regulation
Category	Assessment and Taxation

Previous *MGA* requirement:

Industrial property is comprised of several taxable property types such as machinery and equipment, pipelines, and rail lines. Assessment of these property types is carried out separately by municipalities and the province.

What's changed?

- Designated industrial property (DIP) will include:
  - major plants as defined in the regulation;
  - properties regulated by provincial and federal regulators; and
  - linear property, including railway property.
- The annual assessment preparation of all DIPs will be centralized within Municipal Affairs. Costs associated with centralized assessment will be recovered from DIP owners. s.326(1)(vi)(a)(b)
- Supplementary assessment on linear properties will now be enabled.
- All assessment complaints related to DIP will be heard by the Municipal Government Board (MGB).

What do municipalities need to know?

Role of the Provincial Assessor

- The provincial assessor is designated by the Minister and is someone who meets the qualifications as identified in the regulation. s.284.1(1) (2)
- The provincial assessor must:
  - annually prepare an assessment roll for assessed DIPs no later than February 28; s.302(2)
  - annually prepare notices for assessed DIP shown on the provincial assessment roll; s.308(2)
  - send the municipality a copy of the roll that relates to the DIPs in that municipality; s.302(3)
  - send the assessment notices to taxpayers in accordance with regulations; s.308(2)
  - publish a notice in the Alberta Gazette notifying that assessment notices for DIP have been sent. s.311(3)

Clarification of the Role of the Municipal Assessor and the Provincial Assessor

- Assessments for all property in a municipality, other than DIP, will continue to be prepared by a municipal assessor. s.289(1)
- Assessments for DIP must be prepared by the provincial assessor. s.292(1)
- The municipal assessor must, in accordance with the regulations, provide the Minister or provincial assessor with information that the Minister or provincial assessor requires about the property in the municipality. s.293(3)

Preparation of the Assessment Roll

- The provincial assessor must prepare annually an assessment roll for assessed DIP no later than February 28.
- The provincial assessment roll must show for each assessed designated industrial property:
  - a description of the type of industrial property;
  - a description sufficient to identify the location of the industrial property;
  - the name and mailing address of the assessed person;
  - the assessment, assessment class or assessment classes;
  - whether the property is assessable for public or separate school purposes, if a notice has been given to the municipality under s. 156 of the *School Act*. s.303.1(a) to s.303.1(g)

Supplementary Assessment

- For supplementary assessments of DIP, subject to regulation, the provincial assessor must prepare supplementary assessments for new DIP that becomes operational after October 31 of the year prior to the year which the industrial property is to be taxed. Requirements for supplementary assessments are identified in s. 314.1 to s. 316.1.

Requisition of Designated Industrial Property

- The cost of DIP will be:
  - Recovered through a requisition. s.326(1)(a)(vi), s.359.3
  - Paid by DIP taxpayers at a rate set by the Minister; s.359.3(2)
  - The same rate will apply for all DIP; and will be eligible for cancellation or reduction by the Minister if deemed equitable to do so. s.359.3(3), s.359.4

Other Legislative Requirements

- A person who purchases property or becomes liable to be shown on the assessment roll as the assessed person must provide written notice of a mailing address to the provincial assessor if it meets the definition of DIP. s.304(3)(a)
- The MGB must advise the provincial assessor if a written complaint for a DIP is received. s.493(2)
- On concluding a hearing, the MGB can decide that a property is not DIP and direct the municipality to appoint a municipal assessor to assess the property. s.499(1)(d)
- Council may pass a bylaw authorizing it to impose a supplementary tax for DIP only if it also passes a bylaw authorizing a supplementary tax in respect of all other property in the municipality. s.369(2.01)

When does this change take place?

- A standard assessment condition date of October 31 annually will be used for DIPs (including linear beginning in 2018 for the 2019 tax year). s.292(2.1)
- Preparing and defending DIP assessments will be the responsibility of the province beginning in 2018.

Code of Conduct for Elected Officials

Legislation *Municipal Government Act (MGA)*

Regulation Code of Conduct for Elected Officials Regulation

Category Governance
Section Numbers s. 146, s. 153

Previous *MGA* requirement:

No municipal code of conduct was required. Councillor conduct was addressed locally.

What's changed?

- Municipalities must establish a code of conduct bylaw that governs the conduct of councillors. s. 146.1(1)
- The code must apply to all councillors equally. s.146.1(2)
- The council may establish a code of conduct to govern the conduct of members of council committees and other boards established by the council who are not councillors. S.146.1(3)
- The code must not allow councils to remove councillors from office. s.146.1(4)

What do municipalities need to know?

- Ensure that the existing/newly established code of conduct bylaws meet the standards established by the Code of Conduct Regulation. s.146.1(5)
- If a matter required to be included in a code of conduct is already addressed in a separate bylaw, the contents of that bylaw can be incorporated by reference into the code of conduct.
- At a minimum, the following topics must be covered:

Topic	Intent / Rationale
Representing the municipality	To build and inspire public trust and confidence in local government by upholding high standards and ideals.
Communicating on behalf of the municipality	To promote public confidence by respecting the process established by council for communicating with the public on behalf of council or the municipality.
Respecting the decision-making process	To support effective decision-making through the processes set out in legislation and local bylaws for making decisions, including respect for the role of the chair.
Adherence to policies, procedures and bylaws	To promote service of the public interest and show leadership by upholding legislation, local bylaws, and policies adopted by council.

Topic	Intent / Rationale
Respectful interactions with councillors, staff, the public and others	To promote treatment of council members, municipal employees, and others with dignity, understanding and respect.
Confidential information	To promote public trust by refraining from using information in a way that would be detrimental to the public interest.
Conflicts of interest	To promote public trust by refraining from exploiting the position of councillor for private reasons or that would bring discredit to the office. *Bylaw provisions do not diminish or change the effect of existing legislated pecuniary interest provisions.
Improper use of influence	To promote the priority of municipal interests over the individual interests of councillors, and to refrain from seeking to influence decisions for personal reasons.
Use of municipal assets and services	To promote stewardship and public trust by refraining from the use of municipal assets or resources for personal reasons.
Orientation and other training attendance	To promote effective leadership and personal development by accessing training opportunities.

- The code of conduct bylaw must set out a complaint system that addresses who may make a complaint; how a complaint is made; the process used to determine the validity of the complaint; and what sanctions may be imposed if a complaint is determined to be valid.
- Review and update the code of conduct bylaw at least once every four (4) years starting from the date when the code of conduct is passed. Municipalities could choose to align the review with the municipal election cycle, so that the code of conduct is reviewed following each municipal election.

What if a councillor does not comply?

- If a councillor has failed to adhere to the code of conduct, a council may choose to impose a sanction that can include the following:
  - letter of reprimand for the councillor;
  - a request to the councillor to issue a letter of apology;
  - publication of a letter of reprimand or request for apology and the councillor's response;
  - requirement to attend training;
  - suspension or removal of the appointment of a councillor as the Chief Elected Official/Mayor/Reeve,
  - Deputy Chief Elected Official or Acting Chief Elected Official and presiding duties;

- suspension or removal from some or all council committees and bodies to which the council has a right to appoint members; and
- reduction or suspension of remuneration corresponding to a reduction in duties, excluding allowances for attendance at council meetings.

- The code of conduct and any sanctions imposed under a code of conduct cannot remove a councillor from council and must not prevent a councillor from fulfilling the legislated duties of a councillor, including the general duties of councillors outlined in s.153 of the Act.

When does this change take place?

- These sections come into force October 26, 2017.
- Municipalities must establish a code of conduct bylaw by July 23, 2018 (270 days (9 months) from the date it came into force.

Community Organization Property Tax Exemptions

Legislation	*Municipal Government Act (MGA)*
Regulation	Community Organization Property Tax Exemption Regulation
Category	Assessment and Taxation
Section Numbers	s. 362(1)(n)(i) to (v)

Previous *MGA* requirement:

- The existing Community Organization Property Tax Exemption Regulation (COPTER) sets out the conditions and qualifications for property tax exemptions for non-profit organizations that carry out a charitable or benevolent purpose for the benefit of the general public.

What's changed?

- A new COPTER is being drafted that will replace the current regulation. A draft regulation was posted for public comment between July 24, 2017 and September 22, 2017. Following this, stakeholder feedback recommended that the coming into force date of the new regulation be moved to January 1, 2019. The approval of the new regulation may be delayed while other stakeholder feedback is considered.

What do municipalities need to do?

- Continue to use the current COPTER for the 2018 taxation year.

When does this change take place?

- The current COPTER will be extended until December 31, 2018, and it is expected that the new COPTER will come into force on January 1, 2019.

Conservation Reserve

Legislation	*Municipal Government Act (MGA)*
Regulation	None
Category	Planning and Development
Section Numbers	s. 135, s. 632, s. 633, s. 664.2, s.674.1, and s. 674.2

Previous *MGA* requirement:

Prior to the recent amendments to the *MGA,* the legislation did not provide municipalities with the ability to conserve environmentally significant lands, other than lands that met the criteria under Environmental Reserve (ER). ER lands are those that are undevelopable and may or may not have key environmental features a municipality wishes to preserve.

What's changed?

- The amended *MGA* now enables municipalities to designate land for a new type of reserve, called Conservation Reserve (CR), in order to protect environmentally significant features such as wildlife corridors, significant tree stands, or other environmentally significant features a municipality chooses to conserve.

- The amended *MGA* includes provisions relating to a municipality's designation of CR, including:
  - compensation from the municipality to the developer for the CR lands taken;
  - the need for CR dedication;
  - bylaw authority;
  - the disposal of a CR by a municipality;
  - an appeal mechanism for landowners regarding the compensation for land set aside for CR; and
  - a requirement that a municipality must ensure land designated CR maintain a natural state. s.664.2(1), s.674.1(1)

What do municipalities need to know?

- In the event of an annexation of lands from one municipality to another, environmentally significant areas will continue to be protected following the annexation process. s.135(1),(2)
- Within thirty (30) days after the Registrar issues a new certificate of title for a CR, the municipality must pay compensation to the landowner in an amount equal to the market value of the land at the time the application for subdivision approval was received by the municipality's subdivision authority. s.664.2(2)
- If the municipality and landowner disagree on the market value, the matter must be determined by the Land Compensation Board. s.664.2(3)
- Municipalities will be allowed to include policies addressing conservation reserve in municipal development plans and area structure plans. s.632, s.633
- Municipalities will also be allowed to remove the CR designation and dispose of the lands based on a prescribed process that requires public involvement. Any money received through disposal must support conservation. s.674.1
- Any proceeds from the disposal of conservation reserve must be used for conservation and related purposes. s.674.2

When does this change take place?

- These sections come into force October 26, 2017.

Council and Council Committee Meetings

Legislation	*Municipal Government Act (MGA)*
Regulation	Council and Council Committee Meeting Regulation
Category	Governance
Section Numbers	s. 1(3), s. 153, s. 192-195, s. 197

Previous *MGA* requirement:

Councils must hold meetings in public, unless the purpose is to discuss matters under the *Freedom of Information and Protection of Privacy Act* (*FOIP)*. There is no defined process to be used when closing a portion of a meeting to the public (going in-camera), or for resuming the public portion afterwards.

What's changed?

- The changes clarify the process to be used when a meeting is closed to the public, and will ensure that basic information is available to the public regarding the general nature of the closed discussion. s.197(4-5)
- A meeting or part of a meeting is considered "closed" to the public if any members of the public:
  - are not permitted to attend; or
  - are instructed to leave other than for improper conduct; or
  - if discussions are held separate from the public. s.1(3)
- There is now a definition of "meeting" in the regulation. The regulation defines "meeting" as:
  - an organizational meeting under s. 192 (a meeting held after each general election and again each October to assign or reassign councillor duties and formalize appointments to committees);
  - a regular council meeting under s. 193 (scheduled council meeting typically held bi-weekly or monthly);
  - a special council meeting under s. 194 (unscheduled council meeting to deal with a specific and typically time-sensitive issue); or
  - a council committee meeting under s. 195 (scheduled or unscheduled meetings of all or a part of council to deal with matters assigned to the committee under its terms of reference).

What do municipalities need to do?

- Before holding part of a meeting that is to be closed to the public, a council must approve by resolution the part of the meeting that is to be closed; and the basis for which the part of the meeting is to be closed (i.e. identifying the related section of FOIP). s.197(4)
- If all or part of a meeting is closed to the public, the council or council committee may allow one or more other persons to attend, as it considers appropriate. The minutes of the council meeting must record the names of those persons and the reason for their attendance. s.197(6)
- Once the closed meeting discussions are completed, people outside the meeting room must be notified that 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 before the meeting continues. s.197(5)

When does this change take place?

- These sections come into force October 26, 2017.

Council Petitioning Processes

Legislation *The Municipal Government Act (MGA)*

Regulation None

Category Governance

Section Numbers *MGA* s. 219 to s. 226.2

Previous *MGA* requirements:

Electors can petition a municipal council on specified matters set out in legislation, should the petition meet legislated requirements. The *MGA* sets out the process to be used by electors to file a petition and the process to be used by municipalities to determine the sufficiency of the petition. Prior to the recent *MGA* amendments, unless otherwise specified in legislation, a petition needed to be signed by electors numbering at least 10 per cent of the population of the municipality, and for summer villages, numbering at least 10 per cent of the total electors in the summer village.

What's changed?

- The petitioner threshold for a summer village petition to be sufficient will now be based on 20 per cent of the number of residences in the summer village. s.223(2)(b)
- Through bylaw, a municipality may do any of the following with respect to petitions to council:
  - reduce the percentage for the minimum number of signatures required for petitions to council; s.226.1(1)(a)
  - allow petitioners to remove their names from the petition within 14 days of the petition being filed with the Chief Administrator Officer (CAO); s.226.1(1)(b)
  - allow for electronic signatures on petitions and electronic filing with the CAO; or s.226.1(1)(c) and (d)
  - extend the legislated deadline of 60 days following the passage of a bylaw or resolution when filing a petition requesting to amend or repeal the bylaw or resolution. s.226.1(1)(e)
- The petition must include the petitioner's telephone number or email address if available. s.224(2)(c.1)

What do municipalities need to know?

- Additional protections have been added to personal information contained in a petition. Personal information contained in a petition must not be disclosed to anyone except the CAO and the CAO's delegates, and must not be used for any other purpose than validating the petition. s.226.2(1)(a) and (b)
- A statement about the confidentiality of the personal information collected on a petition must be included on each page of the petition. s.226.2(3)
- Petitions must also include the affidavits signed by petition witnesses. s.224(3.1)
  - Where the witness affidavit is not included in the filed petition, the associated signatures must be excluded from the petition. s.225(3)(a.1)
- The timeline by which the CAO must make a declaration to the council or if necessary, the Minister on whether the petition is sufficient or insufficient has been extended from 30 days to 45 days. s.226(1)

When does this change take place?

- These sections come into force on October 26, 2017.

Decision Making Timelines

Legislation	*Municipal Government Act (MGA)*
Regulation	Subdivision and Development Regulation
Category	Planning and Development
Section Numbers	s. 640, s. 642, s. 653, s.653.1, s. 656, s. 679, s. 680, s. 683, s.683.1, s.685 and s.686

Previous *MGA* requirement (if any):

The *MGA* sets out the processes and the timelines for reviewing and issuing decisions on subdivision applications and development permit applications. These timelines apply to all municipalities, regardless of size.

What's changed?

- The existing timelines for applications and decisions on subdivision and development permits have been amended to provide more flexibility.
- All cities and municipalities with a population of 15,000 or more will be able to create bylaws to set their own timelines for when an application is deemed complete, and when an application decision must be made. s.640.1(a)(b)(c)(d)

What do municipalities need to know?

A Complete Application

- A new provision to allow municipalities to review an application to ensure all the necessary documentation has been submitted, and for applicants to provide supplemental documents to complete an application was added to the legislation.
    - Municipalities will have an additional twenty (20) days for determining the completeness of a subdivision or a development permit application. s.653.1(1), s.683.1(1)
    - If the subdivision or development authority does not make a decision on the completeness of the application with the twenty (20) days specified, the application is deemed to be complete. s.653.1(4), s.683.1(4)
    - If the information is submitted and the application is deemed complete the subdivision or development authority must issue the applicant a notice of decision within forty (40) days for a development permit or sixty (60) days for a subdivision application.
- All cities and municipalities with a population of 15,000 or more will be able to establish a bylaw to set their own timelines for determining whether an application is complete and for issuing a decision on subdivision and development permit applications. s.640.1(a)(b)(c)(d)

Request for Information

- Despite the subdivision or development authority issuing an acknowledgements that an application is complete, during the course of review the subdivision or development authority may request any additional information it considers necessary during the decision making process. s.653.1(10), s.683.1(10)

Incomplete Applications

- If an application is deemed to be incomplete, the applicant may submit the information identified by the subdivision or development authority to complete the application within the time specified in the notice or as agreed to between the applicant and the subdivision or development authority.
- If the information is not submitted by the time specified in the notice or as agreed to between the applicant and the subdivision or development authority the application will be deemed refused. s.653.1(7)(8)(9), s.683.1(7)(8)(9)

Refusal of Application

- If the application for subdivision is refused, the notice of refusal must state the reason for refusal and in the case of a subdivision application, whether an appeal lies to a Subdivision and Development Appeal Board or to the Municipal Government Board. s.653.1(11)
- If the application for a development permit is refused, the notice of refusal must state the reason for refusal. s.683.1(11)

Notice of Decision/Stop Orders

- A decision on a development permit must specify the date the decision was made and any other information required by the regulations. The decision must be given to or sent to the applicant and on that same date. s.642(3)
- A stop order must specify the date the order was made and any other information required by the regulations.
- The order must be given or sent to the "person(s)" who is the subject of the order on that same date. s.645(2.1)

Appeals

- An appeal on a development permit or a stop order must be filed within twenty-one (21) days of the date of the decision or order. s.686
- An appeal on a subdivision application must be filed within 14 days of the date of receipt. The date of receipt is seven (7) days from the date the decision was mailed. s.678

When does this change take place?

- These sections come into force October 26, 2017.

Environmental Reserve

Legislation	*Municipal Government Act (MGA)*
Regulation	None
Category	Planning and Development
Section Numbers	s. 1(1.2), s. 664, s. 664.1

Previous *MGA* requirement:

The *MGA* identifies certain types of land that can be dedicated by a municipality as environmental reserve (ER). This type of land is not suitable for development and contains features such as swamps, gullies, ravines, coulees, floodplains, or land adjacent to a body of water. ERs are used to preserve natural features of land, prevent pollution, ensure public access, and prevent the development of land that is subject to flooding or unstable. s.664(1)

What's changed?

Under the amended *MGA*, municipalities will continue to be able to designate ERs as they have done under the previous legislation. However, some clarifications have been made in the amended legislation that will assist municipalities in identifying and designating these types of reserves.

The amended *MGA* contains clearer definitions of certain terms, and sets out specific purposes for the setting aside of ER lands, in order to help municipalities and developers identify lands to be deemed as this type of reserve. It also includes tools that municipalities and developers may use to establish agreement on ER boundaries earlier in the planning process.

What do municipalities need to know?

- The amended legislation clarifies that the specific purposes of dedicating ERs are to preserve natural features, prevent pollution of land, ensure safe use of land, and/or maintain access to a body of water. s.664(1.1)
- The amended legislation will assist municipalities in determining the boundaries of an ER by:
    - clarifying the definition of "body of water" to reference permanent or naturally occurring water bodies, and naturally occurring rivers, streams, watercourses or lakes; s.1(1.2)
    - clarifying the definition of "bed and shore" by aligning the definitions with Alberta's *Surveys Act* and s.664(1.2);
    - specifying the purposes of these reserve lands, as noted above; and 664(1.1) ○ providing that a municipality and owner of land may enter into an agreement before subdivision approval specifying that no ER is to be taken or specifying the boundaries of ER that is to be taken. s.664.1(1-4)
        - If such an agreement is entered into, then ER must be taken only in accordance with the agreement unless the municipality or owner demonstrate that a material change affecting the parcel has occurred after the agreement was entered into. s664.1(5)

When does this change take place?

- These sections came into force October 26, 2017.

Hierarchy and Relationship of Plans

Legislation	*Municipal Government Act (MGA)*
Regulation	None
Category	Planning and Development
Section Numbers	s.632, s. 633, s. 634, s. 638, s. 654, s. 680(2) s. 687(3)

Previous *MGA* requirement:

The *MGA* identifies the following statutory plans: intermunicipal development plan (IDP), a municipal development plan (MDP), an area structure plan (ASP) and an area redevelopment plan (ARP).

The *MGA* provides that statutory plans adopted by a municipality must be consistent with one another. Statutory Plans must also be consistent with regional plans adopted under the *Alberta Land Stewardship Act* (*ALSA*) and a Growth Management Plan adopted by a Growth Management Board provided they are within the area defined by those plans. While the *MGA* states that *ALSA* and Growth Management plans prevail if there is an inconsistency, it gives no direction regarding which municipal level statutory plan prevails when provisions in one statutory plan are inconsistent with provisions in another statutory plan.

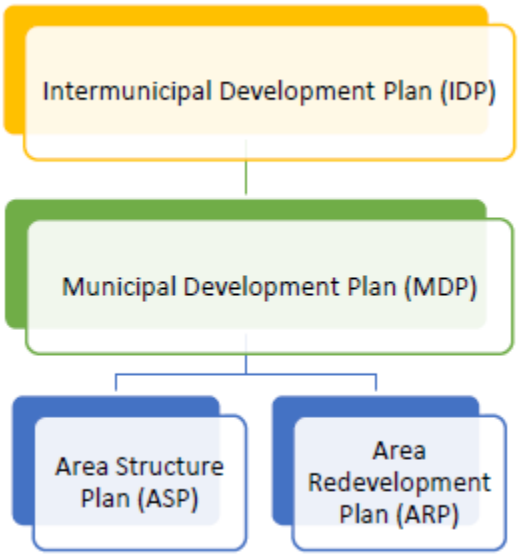
What's changed?

Municipalities will continue to have the same types of statutory plans and continue to align their statutory plans with *ALSA* and/or growth management plans that apply to them. The *MGA* identifies the hierarchy and relationship of statutory plans, so that each plan will be consistent with the plans above it and, in the event of an inconsistency, which provisions in what plan will prevail.

What do municipalities need to know?

Hierarchy of Plans

- Municipalities, except those that are members of a growth management board, must have an Intermunicipal Collaboration Framework (ICF) and each ICF must include an IDP.
- Municipalities that are members of a growth management board are required to create an ICF with other growth management board members only in respect of those matters that are not addressed in a the growth management plan and must create an ICF with those municipalities with which they have a common boundaries that are not members of that growth management board.
- IDPs are at the top of the hierarchy, where all other statutory plans relating to the area that an IDP covers must be consistent with the IDP. If there is a conflict or inconsistency with another statutory plan, the IDP prevails to the extent of the conflict or inconsistency. s.638(1)
- An MDP must be consistent with any IDP that may be in effect for lands identified in both plans. s.632(4)
- An ASP must be consistent with any IDP and MDP that is in effect for the lands identified in the plans. s.633(3)
- An ARP must be consistent with any IDP and MDP that is in effect for the lands identified in the plans. s.634(2)



Subdivision Authority

- A subdivision authority is bound by the hierarchy of statutory plans when reviewing an application for a subdivision. If a subdivision authority is of the opinion that there may be a conflict or inconsistency between statutory plans, then it is bound by the hierarchy and relationship of plans in making its decision. s.654(1)(b)

Appeals

- The Municipal Government Board or the subdivision and development appeal board (SDAB) is bound by the hierarchy of statutory plans when hearing a subdivision appeal and rendering a decision. S. 680(2)
- The SDAB is bound by the hierarchy of statutory plans when hearing a development permit appeal and rendering a decision. s.687(3)

When does this change take place?

- These sections come into force October 26, 2017.

Impartiality of Appeal Boards

Legislation	*Municipal Government Act (MGA)*
Regulation	None
Category	Planning and Development, and Assessment and Taxation
Section Numbers	s. 1(f), s. 454, s. 454, s. 454.1, s. 454.11, s. 454.2, s. 454.21, s. 454.3, s. 527, s. 627 and s. 628.

Previous *MGA* requirement:

- Under the previous *MGA*, rules about councillor representation on local appeal boards differed between Assessment Review Boards (ARBs) and Subdivision and Development Appeal Boards (SDABs).
    - A municipal council could form a majority on local assessment appeal boards ruling on those appeal decisions.
    - A municipal council could not form a majority on SDABs.

What's changed?

Under the amended *MGA*, rules around councillor representation on assessment appeal boards will be aligned with the existing rules for council representation on SDABs. Municipal councillors are no longer able to form the majority of any legislated appeal board hearing panel. s.454.11(2.1), s.454.21(2.1), s.627(3)

Clarification was also added that ARBs and SDABs are not considered council committees, in order to ensure councils can continue to create and form a majority on council committees. Provisions were also added to clarify that SDAB members are not liable for decisions made in good faith to ensure that SDAB decisions are not influenced by potential legal action. s.1(f), s.628(2), s.628.1

What do municipalities need to know?

Assessment Review Board Changes

- In order to facilitate the change in ARB membership structures, the following process updates were made:
    - Where a hearing is to be held in respect of an assessment complaint, the chair of the local assessment review board must convene a panel of three (3) of its members, only one of whom may be a councillor to hear the complaint. s.454.11
    - A local assessment review board may consist of only one (1) member, provided that member is not a councillor. s.454.11(2), s.454.11(2.1)(b)
    - When a panel consists of three (3) members, the panel members must choose a presiding officer. s.454.11(3) When the panel only has one member, that member is the presiding officer. s.454.11(4)
    - The Minister may issue an order that the one councillor restriction does not apply (e.g. for some municipalities it is very challenging to get panel members who are not municipal councillors).
    - To avoid affecting complaint hearings that are midway through completion, a transition clause specifies that the new legislative changes do not apply to existing hearing panels.

SDAB Changes

- The *MGA* was clarified to ensure:
  - Members of an SDAB are not personally liable for anything done or omitted to be done in good faith in the exercise or purported exercise of a power, duty or function. s.628.1(1)
  - No member of an SDAB is liable for costs because or in respect of an application for permission to appeal or an appeal under Part 17. s.628.1(2)

When does this change take place?

- These sections come into force January 1, 2018

Intermunicipal Collaboration Frameworks

Legislation	*Municipal Government Act (MGA)*
Regulation	Intermunicipal Collaboration Framework Regulation
Category	Planning and Development
Section Number	s. 631, s. 708.27, s. 708.28, s. 708.29, s. 708.3, s. 708.31, s. 708.32, s.708.321, s. 708.33, s. 708.45

Previous *MGA* requirements:

The *MGA* gives municipalities the option to engage in cooperative initiatives with neighbouring municipalities through mechanisms such as intermunicipal agreements, mutual aid agreements, and regional services commissions. Additionally, the *MGA* allows, two or more municipalities to voluntarily collaboratively plan for future growth and development through intermunicipal development plans which are passed by bylaws by each participating municipal council.

What's changed?

- All municipalities will be required to adopt an intermunicipal collaboration framework (ICF) with each municipality they share a common border with by April 1, 2020. s.708.28

What do municipalities need to know?

Purpose of an ICF

- To provide for integrated and strategic planning, delivery and funding of intermunicipal services.
- To steward scarce resources efficiently in providing local services.
- To ensure municipalities contribute funding to services that benefit their residents. s.708.27

What is an ICF?

- An ICF is a framework adopted by municipal councils who are part of the framework passing matching bylaws that:
    - lists services currently provided by each municipality; services being shared on an intermunicipal basis by the municipalities; and services provided by third parties;
    - identifies how each of these services would be best delivered;
        - municipalities are not required to provide an intermunicipal service if they agree that the service is better provided on their own; s.708.29(1), 708.33(1)
        - an intermunicipal service can be provided in all or a part of a municipality; and s.708.29(3)
    - outlines how intermunicipal services will delivered and funded.
        - The framework may reference, alter, or rescind existing intermunicipal agreements. .708.31
- The framework must address the following services: s.708.29(2)
    - transportation;
    - water and wastewater;
    - solid waste;
    - emergency services;
    - recreation; and

  - any other services that benefit residents in more than one of the municipalities that are parties to the framework.
- The ICF must also include:
  - a time frame for implementing intermunicipal services; s.708.29(1)(d)
  - an intermunicipal development plan unless the municipalities have separately adopted one; and s. 631, s.708.3
  - provisions for a binding dispute resolution process to resolve implementation disputes. s.708.45
    - Where a framework does not identify a binding dispute resolution, the model provisions identified in the regulation apply. s.708.45(2)
- The ICF may contain:
  - details required to implement intermunicipal services; and s.708.29(1)(e)
  - provisions for developing infrastructure for common benefit. s.708.29(1)(f)

Parties to an ICF

- Municipalities with a common boundary must create a framework. s.708.28(1)
  - For an urban municipality, the framework would be created with the rural municipality in which it is located.
  - For a rural municipality, the framework would be created with each urban municipality within its boundary, and with any other rural municipality that it shares a boundary with.
- Other municipalities that do not have a common boundary may be a party to a framework. s.708.28(2)
  - For example, a rural municipality and all of the urban municipalities within its boundary could choose to create a single framework.
- Municipalities that are parties to a framework may invite an Indian band or Métis settlement to participate in the delivery and funding of services to be provided under a framework. s.708.321
- Municipalities that are members of a growth management board are not required to create a framework with other growth management board members, to the extent that required ICF components are addressed by the growth management board; however, a growth management board member is still required to create a framework with a non-member municipality that it shares a boundary with. s.708.28(4)(a)
- The Minister may order exempt one or more municipalities from the requirement to create an ICF. s.708.28(4)(b)

Creating an ICF

- In creating or reviewing the ICF, municipalities must negotiate in good faith. s.708.33(3) The parties must:
  - act honestly, respectfully and reasonably; ○ regard the legitimate interests of each party; ○ have an appropriate communication approach;
  - look for the potential for joint benefit of all parties;
  - disclose to each other information that is necessary to understand a position or formulate an intelligent response;
  - meet through representatives who are equipped and fully authorized to engage in rational discussion; and
  - be willing and prepared to explore the issues presented by all parties and explain the rationale for their positions.
- Municipalities may voluntarily enter mediation at any point during the two-year timeframe to develop an ICF.
- A copy of the framework must be filed with the Minister within 90 days of its creation. s.708.33(4)

- All parties must align their bylaws (except their land-use bylaws) with the framework within two (2) years after the bylaw to create the framework is adopted. Regulation s.5

Regular Review of the ICF

- Municipalities that are a part of the ICF must review the framework at least every five (5) years after the creation of the framework, or within a shorter period as provided for in the framework. s.708.32(1)
    - If during the review, the municipalities no longer agree that the framework continues to serve the interest of the municipalities, the municipalities must create a replacement framework. s.708.32(2)

When does this change take place?

- These sections come into force April 1, 2018.
- Municipalities must establish an ICF by April 1, 2020 (within two (2) years of the sections coming into force on April 1, 2018); an extra year is allowed for arbitration if required. s.708.28(1)
- Intermunicipal Development Plans must be adopted by April 1, 2020 (within two (2) years of the sections coming into force on April 1, 2018).

Intermunicipal Collaboration Frameworks - Arbitration

Legislation	*Municipal Government Act (MGA)*
Regulation	Intermunicipal Collaboration Frameworks Regulation
Category	Planning and Development
Section Number	s.708.4, s.708.5, s.708.28, s. 708.34, s.708.35, s.708.36, s.708.38

Previous *MGA* requirements:

The *MGA* gives municipalities the option to engage in cooperative initiatives with neighbouring municipalities through mechanisms such as intermunicipal agreements, mutual aid agreements, and regional services commissions. Additionally, the *MGA* allows two or more municipalities to voluntarily, collaboratively plan for future growth and development through intermunicipal development plans passed by bylaws by each participating municipal council.

What's changed?

- All municipalities will be required to adopt an intermunicipal collaboration framework (ICF) with each municipality they share a common border with by April 1, 2020. s.708.28
- Arbitration applies to municipalities who are unable to create or review the framework by April 1, 2020. s.708.34

What do municipalities need to know?

When Does Arbitration Apply?

- Where municipalities are not able to create the framework by April 1, 2020, the dispute must be referred to an arbitrator. s.708.35(1)
    - The arbitrator must be chosen by the municipalities, or if they cannot agree, by the Minister. s.708.35(2)
    - Arbitration ends if municipalities create a framework by agreement. s.708.35(4)
    - The *Arbitration Act* does not apply to an ICF arbitration. s.708.5

The Arbitrators Role

- The arbitrator must, by order, create a framework for the municipalities by April 1, 2021. s.708.36(1)
- The arbitrator must be independent and impartial and not act as an advocate for any party. Regulation s.8
- The arbitrator may conduct the arbitration in any manner that the arbitrator considers appropriate to facilitate the just and timely resolution of the disputed issues. Regulation s.11
- The arbitrator may, as part of the arbitration process, attempt mediation with the municipalities. s.708.36(2)
- The arbitrator must consider the services and infrastructure provided for in other frameworks to which the municipalities are parties; the consistency of services provided to residents; equitable sharing of costs among municipalities; environmental concerns within the municipalities; and the public interest. s.708.38

The Arbitration Process

- An arbitrator must convene a preliminary meeting within 21 days of the selection or appointment of the arbitrator. Regulation s.12
- Unless the arbitrator decides otherwise, the parties must identify facts they do not dispute. Regulation s.15
- A party must provide to the arbitrator and to the other parties a copy of all documents it intends to rely on in the arbitration. Regulation s.16(1)

- The arbitrator may order a party to produce documents the arbitrator considers to be relevant. Regulation s.16(2)
- The arbitrator may appoint one or more experts to report on specific issues. Regulation s.17
- An arbitrator may solicit written submissions from the public. Regulation s.18
- Subject to the arbitrator's discretion, hearings are open to the public. Regulation s.19
- The arbitrator is required to make an order as soon as possible after the conclusion of the arbitration and provide it to the parties and the Minister. Regulation s.20
- Where the framework is created by the arbitrator, the parties to the framework must amend their bylaws to be consistent with the framework. s.708.4

Arbitration Costs

- Subject to an order of the arbitrator or an agreement of the parties, the costs of an arbitrator must be paid in proportion to each municipality's equalized assessment. s.708.41

When does this change take place?

- These sections come into force April 1, 2018.
- Municipalities must establish an ICF by April 1, 2020 (within two (2) years of the sections coming into force April 1, 2018); an extra year is allowed for arbitration if required. s.708.28(1)

Land-Use Policies

Legislation	*Municipal Government Act (MGA)*
Regulation	None
Category	Planning and Development
Section Numbers	s. 622

Previous *MGA* requirement:

The existing land-use policies under the *MGA* were established in 1996 to help municipalities coordinate municipal land-use decisions with provincial objectives. In 2009, the *MGA* was amended to specify that these land-use policies would no longer apply in any region where a regional land-use plan has been adopted under the *Alberta Land Stewardship Act (ALSA).*

The intent of the 2009 amendment to the *MGA* was to ensure *ALSA* regional plans act as the guiding document municipalities consider when making land-use decisions.

What's changed?

In recent years it has become evident that some policy gaps could occur if a regional land-use plan does not fully address the matters identified in the 1996 *MGA's* land-use policies. The recent amendments to the *MGA* allow for this situation to be resolved by providing the Lieutenant Governor in Council with the authority, through regulation, to create land-use policies for municipal planning matters that are not included in a regional plan under the *ALSA*. s.622(2)

The ministry's intent is to monitor the development of *ALSA* regional plans and, where it is felt a gap may exist, ensure provincial direction can be put in place to help municipalities coordinate their land-use decisions with provincial objectives.

What do municipalities need to know?

- Regional land-use plans that have been created under *ALSA* may contain policy gaps if they do not adequately address the municipal matters currently within the *MGA* land-use policies.
- The recent *MGA* amendments will ensure the province and the municipalities have the tools they need to address any of these policy gaps in the future.
- The existing land-use policies under the *MGA* (i.e. those established in 1996) continue to remain in effect in regions that do not have an *ALSA* regional plan in place.
- *ALSA* regional plans are intended to:
    - integrate existing provincial policies at a regional level;
    - identify regional land-use objectives;
    - provide context for land-use decision making within the region; and
    - reflect the uniqueness and priorities of each region.

- The existing land use policies address:
    - The planning process (i.e. engagement, application review, development context and impacts);
    - Planning cooperation (i.e. intermunicipal coordination of land-uses and development);
    - Land Use Patterns (i.e. efficient use of land, infrastructures, services and facilities); and

- The natural environment (i.e. maintenance and enhancement of natural environments).

When does this change take place?

- These sections come into force October 26, 2017.

Linking Residential and Non-Residential Tax Rates

Legislation	*Municipal Government Act (MGA)*
Regulation	*A regulation will be developed to require non-conforming municipalities to comply with the tax ratio over time.*
Category	Assessment and Taxation
Section Numbers	s. 357, and s. 358

Previous *MGA* requirement:

Municipalities are free to set non-residential and residential tax rates independent of one another. Prior to the recent amendments to the *MGA*, there was no limitation on the extent to which a municipality's rates could differ for the taxation of non-residential and residential property.

What's changed?

The *MGA* has been amended so that the highest non-residential tax rate can be no more than five times the lowest residential tax rate. Within this 5:1 ratio, municipalities will continue to be able to set their own tax rates.

What do municipalities need to know?

A "Non-conforming" Municipality

- A "non-conforming municipality" is a municipality that has a tax ratio greater than 5:1 as calculated using the property tax rates set out in its most recently enacted property tax bylaw as of May 31, 2016. Those municipalities with tax rate variations that do not currently comply with the 5:1 ratio cannot increase their ratio and are expected to bring their rates into line with the new legislation over time.
- A non-conforming municipality shall not in any year have a tax ratio that is greater than the tax ratio as calculated using the property tax rates set out in its most recently enacted property tax bylaw. s.358.1(3)
- If a non-conforming municipality has a tax ratio that is less than the tax ratio it had previously, but is greater than 5:1, it shall not in any subsequent year have a tax ratio that is greater than its new tax ratio. s.358.1(4)
- Non-conforming municipalities will be required to reduce their ratio over time in accordance with a forthcoming regulation that will be developed in collaboration with stakeholders.
- No municipality other than a non-conforming municipality shall in any year have a tax ratio greater than 5:1. s.358.1(1)(2)

Other Legislative Provisions

- Where an order to annex land to a municipality contains provisions respective of the tax rate or rates that apply to the annexed land, the tax rate or rates shall not be considered for the purposes of determining the municipality's tax ratio. s.358.1(6) The purpose of this provision is to avoid drastic changes in tax rates for land owners in the annexed area and to ensure a municipality does not become non-conforming through annexation.
- The tax rate that a municipality sets for the collection of money to pay provincially mandated transfers, like the education property tax requisition, shall not be considered for determining a municipality's tax ratio. s.358.1(7) The purpose of this provision is to ensure municipalities maintain autonomy over the setting of municipal property tax rates and do not need to adjust their tax rates based on provincially mandated transfers.

When does this change take place?

- The requirement came into effect on May 31, 2016.

Listing and Publishing of Policies

Legislation	*Municipal Government Act (MGA)*
Regulation	None
Category	Planning and Development
Section Number	s.638.2

Previous *MGA* requirement:

Many municipalities adopt a variety of policies to assist staff, council, planning committees and appeal boards in making planning decisions. Examples might be Bicycle Route Transportation Plan, Urban Design Guidelines or Agricultural Land Preservation Policy. The current *MGA* does not require municipalities to make public a list of these policies or explain how these policies relate to statutory plans (intermunicipal and municipal development plans, area structure and are redevelopment plans).

What's changed?

Every municipality must compile and keep updated a list of any policies that may be considered in making planning decisions (decisions made under Part 17 of the *MGA*). This includes policies that have been approved by council by bylaw or resolution or policies that have been made by a person or body to whom powers duties or functions have been delegated by council or the chief administrative officer (i.e. a development officer or municipal planning commission). s.638.2(1)

What do municipalities need to know?

- Municipalities are required to publish on their website the list of their policies, the policy itself, a summary of the policies and how they relate to each other and to any statutory plan or bylaw passed in accordance with Part 17 of the *MGA*. s.638.2(2)
- A development authority, subdivision authority, subdivision and development appeal board, the Municipal Government Board or a court shall not have regard to any policy unless the policy is listed and published by the municipality. s.638.2(3)

When does this change take place?

- These provisions are in force now and all planning policy documents must be listed and published by January 1, 2019. s.638.2(4)

Municipal Corporate Planning

Legislation	*Municipal Government Act (MGA)*
Regulation	Municipal Corporate Planning Regulation
Category	Governance
Section Number	s. 283.1

Previous *MGA* requirement:

Municipalities were permitted to determine their own financial management practices for long-term financial planning. The *MGA* requires that each municipality adopt an operating budget and a capital budget, or an annual budget for each calendar year.

What's changed?

- Municipalities are required to adopt, as a minimum standard, a written three-year financial plan and five-year capital plan in addition to the annual budget. s.283.1(2), s.283.1(3)

What do municipalities need to do?

- Council must review and update financial and capital plans annually. s.283.1(6)
- Council may elect to include more than three (3) years in its financial plan, or more than five (5) financial years in its capital plan. s.283.1(5)
- Financial plans must include:
    - anticipated total revenues and total expenditures by major category;
    - anticipated annual surplus or deficit; and
    - anticipated accumulated surplus or deficit. Regulation s.2
- Capital plans must include:
    - planned capital property additions; and
    - allocated or anticipated funding sources. Regulation s.3

When does this change take place?

- The regulation stipulates that the first financial year to be reflected in the plans is the 2020 financial year.
- The *MGA* requires the plans to be prepared in the year before the period to be reflected in the plans.
- Therefore, the first financial/operating plan will need to be prepared by the end of 2019 and cover the 2020-22 period.
- The first capital plan will also need to be prepared by the end of 2019, and cover the 2020-24 period.

Municipal Development Plan (MDP)

Legislation	*Municipal Government Act (MGA)*
Regulation	None
Category	Planning and Development
Section Number	*MGA* s. 632

Previous *MGA* requirement:

Municipal Development Plans (MDPs) identify future development patterns within municipal boundaries, and facilitate local planning and economic growth. These plans provide citizens and businesses information on how the municipality will address the current and future needs of the community, including land use, transportation systems, municipal services and environmental considerations. Previously under the *MGA*, the creation of MDPs was mandatory only for municipalities with a population of 3,500 or greater.

What's changed?

- All municipalities, no matter their population, are now required to create an MDP. s.632(1)

What do municipalities need to know?

- An MDP must address matters such as:
  - the future land use within the municipality; the manner of and the proposals for future development in the municipality;
  - the provision of the required transportation systems either generally or specifically within the municipality and in relation to adjacent municipalities; and
  - the provision of municipal services and facilities either generally or specifically.

- They must also contain policies that:
  - are compatible with the subdivision and development regulations to provide guidance on the type and location of land uses adjacent to sour gas facilities;
  - respecting the provision of municipal, school or municipal and school reserves, including but not limited to the need for, amount of and allocation of those reserves and the identification of school requirements in consultation with affected school boards; and
  - respecting the protection of agricultural operations.

- An MDP may also address:
  - proposals for the financing and programming of municipal infrastructure;
  - the coordination of municipal programs relating to the physical, social and economic development of the municipality;
  - environmental matters within the municipality;
  - conservation reserves;
  - the financial resources of the municipality;
  - the economic development of the municipality; and
  - any other matter relating to the physical, social or economic development of the municipality.
- An MDP may also contain statements regarding the municipality's development constraints and goals, objectives, targets, planning policies and corporate strategies. s.632(3)

- If a municipality wishes to provide for conservation reserves the taking of the land as conservation reserve must be consistent with the municipality's municipal development plan. 664.2(1)(a) to (d). s.632(3)(g)
- An MDP must be consistent with an intermunicipal development plan with respect to any lands that are included in both plans. s.632(4)
- A municipality must review an existing MDP to ensure consistency with an intermunicipal development plan as required by section 632(3).

When does this change take place?

- The amendments come into force on April 1, 2018 and municipalities that currently do not have an MDP must, by bylaw adopt an MDP by April 1, 2021 (three (3) years after the amendments come into force).

Off-site Levies

Legislation *Municipal Government Act (MGA)*

Regulation Off-site Levies Regulation

Category Planning and Development

Section Numbers *MGA* s. 616, s. 648, s. 648.01, s. 648.1, 688(1)(b)(ii) and s. 694(4)

Previous *MGA* requirements:

The *MGA* sets out the types of infrastructure where levies or fees can be collected by municipalities from developers in accordance with a municipal off-site levy bylaw. The *MGA* indicates that off-site levies can only be used to build or expand roads, sanitary sewer systems, storm sewers, water systems and land connected to these types of infrastructure.

What's changed?

- Municipalities may collect off-site levies to cover all or part of the capital cost of new or expanded community facilities, including the following:
    - community recreation facilities ("Community recreation facilities" is defined as: indoor municipal facilities used primarily by members of the public to participate in recreational activities conducted at the facilities) s.616(a.11);
    - fire halls;
    - police stations; and
    - libraries. s.648(2.1)
- A municipality may collect off-site levies to pay for new or expanded transportation infrastructure required to connect or improve the connection of municipal roads to provincial highways. s.648(2)(c.2)
- School boards are exempt from paying off-site levies on the construction of public school building projects. s.648(1.1)
- The Act enables neighbouring municipalities to collaborate with one another to impose intermunicipal off-site levies. s.648.01
    - Where there is an appeal on an intermunicipal off-site levy bylaw related to the expanded scope of facilities (libraries, police stations, fire halls, community recreation facilities), the bylaw for each municipality is considered to be under appeal. s.694(4)(f)
- An off-site levy bylaw regarding the expanding scope of facilities (s.648(2.1)) may be appealed to the Municipal Government Board. s.648.1(1), s.688(1)(b)(iii), s.694(4)(d)

What do municipalities need to know?

- Off-site levies can be collected on an expanded scope of facilities and infrastructure including community recreation facilities, fire halls, police stations, libraries and transportation infrastructure to connect to provincial highways. Off-site levies may also be imposed on an intermunicipal basis.
- The Off-Site Levies Regulation has been amended to include principles and criteria to guide municipalities in their calculation process for the original uses of off-site levies and the degree of benefit for the additional uses, as well as require increased transparency on how the levies have been used.

- All beneficiaries of development are to be given the opportunity to participate in the cost of providing and installing infrastructure and facilities in the municipality on an equitable basis related to the degree of benefit.
- Where necessary and practicable, the municipality is to coordinate infrastructure and facilities provisions and services with neighbouring municipalities.

Intermunicipal Infrastructure & Facilities Regulation s.7

- Each participating municipality must use consistent methodology to calculate the levy.
- Each bylaw imposing the levy must:
  - identify the same specific infrastructure and facilities;
  - identify the same benefitting area across each participating municipality for the specific infrastructure and facilities; and
  - identify the portion of benefit attributed to each participating municipality within that benefitting area.

Consultation

- "Stakeholder" is defined as any person that will be required to pay the levy when the bylaw is passed, or any other person the municipality considers affected. Regulation s.1
- The municipality must consult in good faith with affected stakeholders prior to making a final determination on defining and addressing existing and future infrastructure and facility requirements; and the methodology upon which to base the levy costs and on how the levy was calculated. Regulation s.8

Annual Report

- The municipality must provide full and open disclosure of all the levy costs and payments. Regulation s.9

Appeals

- Any person who is directly affected by a bylaw imposing a levy for facilities under s.648(2.1) may submit a notice of appeal. Regulation s.10
- An appeal must be submitted to the Municipal Government Board not later than 30 days after the bylaw imposing the levy has been passed. Regulation s.11

Sale of facilities

- The municipality must engage in public consultation prior to the sale of any facilities constructed using levy funds. Regulation s.15
- The proceeds of the sale of a facility using levy funds must be used for the purpose the levy was originally collected. Regulation s.16

When does this change take place?

- These sections and the Off-Site Levies Regulation come into force October 26, 2017.
- Amendments related to transportation infrastructure connections to provincial highways will come into force on April 1, 2018.

Ombudsman

Legislation	*Ombudsman Act*
Regulation	None
Category	Governance
Section Numbers	*Ombudsman Act* s. 1, s. 12, s. 16, s. 18, s. 21, , s.21.1, s. 26, and s.28

Previous requirements:

Prior to the recent legislative revisions, the Alberta Ombudsman had no responsibility or authority to investigate complaints about municipalities. The Ombudsman's authority only extended over provincial government departments, agencies, boards, commissions, and certain professional organizations.

What's changed?

The mandate of the Alberta Ombudsman has been expanded to include municipalities under Section 12(1) of the *Ombudsman Act*. This section sets out the functions and duties of the Ombudsman. Once the legislation comes into effect, the Ombudsman will be able to investigate complaints to determine whether a municipality acted fairly and reasonably, and whether its actions and decisions were consistent with relevant legislation, policies and procedures.

What do municipalities need to know?

- The process for a complaint concerning a municipality will be the similar to the process the Ombudsman's office currently uses for addressing complaints concerning a provincial government department.
- The Ombudsman's work will focus on issues of procedural fairness, and as such will not replace the existing provisions for municipal audits, inspections and inquiries; the ministry will continue to use these provisions where appropriate.
- The Ombudsman cannot overturn a municipal policy decision, but may review the process that led to that decision.
- The Ombudsman has no direct role in a municipality's complaint process under a code of conduct. However, the Ombudsman could review the process used by a municipality to receive a complaint, the process used by a municipality to determine a complaint's validity, or the process used by a municipality to impose sanctions.
- Making a complaint to the Ombudsman is an option of last resort. Complainants must go through any relevant appeal processes before the Ombudsman will consider an investigation.
- The Ombudsman is an impartial and neutral organization, and does not advocate for either the municipality or the complainant.

When does this change take place?

- The Ombudsman will start reviewing municipal complaints as of April 1, 2018.

Orientation Training

Legislation	*Municipal Government Act (MGA)*
Regulation	None
Category	Governance
Section Number	s. 201.1

Previous *MGA* requirement:

The *MGA* did not require municipalities to offer orientation training sessions to newly elected councillors following a municipal election.

What's changed?

- Municipalities are required to offer orientation training within 90 days after each councillor takes the oath of office. s.201.1(1)
- The following topics must be addressed in the orientation training: s.201.1(2)
    - role of municipalities in Alberta; ○ municipal organization and functions;
    - key municipal plans, policies and projects;
    - roles and responsibilities of council and councillors;
    - the municipality's code of conduct;
    - roles and responsibilities of the chief administrative officer and staff;
    - budgeting and financial administration; and
    - public participation.
- The new orientation training requirement came into effect on July 1, 2017, and will therefore apply where councillors take the oath of office following the 2017 general municipal elections.

What do municipalities need to do?

- Ensure that orientation training is offered to all councillors following a municipal election to better equip the elected officials to undertake their role in municipal governance.
- The municipality may use internal and/or external resources (for example, "Munis 101" Program) to deliver the training.
- Each municipality may include additional topics in its curriculum to reflect local circumstances as it considers appropriate.

When does this change take place?

- The new orientation training requirement came into effect on July 1, 2017.
- Municipalities are required to offer orientation training to be held within 90 days after each councillor takes the oath of office. s.201.1(1)

Preamble

Legislation	*Municipal Government Act (MGA)*
Regulation	None
Category	Governance

Previous *MGA* Requirement:

The *MGA* did not previously contain a preamble, but described the purpose of municipalities in Alberta.

What's changed?

- A preamble has been incorporated into the *MGA* to describe the role of municipalities in relation to the Province of Alberta, their varying interests, capacity levels, and the importance of working together to advance the interests of all Albertans.

What do municipalities need to know?

- A preamble is an introductory statement used to explain the purpose of a document, set context and describe relationships. It serves to add clarity on the relationship between municipalities and the province, including the roles and responsibilities of each.
- While a preamble may give guidance when interpreting provisions in the *MGA,* it does not on its own place additional responsibilities on municipalities or the province.

When does this change take place?

- This comes into force on October 26, 2017.
- *Modernized Municipal Government Act, 2016*

Public Participation Policy

Legislation	*Municipal Government Act (MGA)*
Regulation	Public Participation Policy Regulation
Category	Governance
Section Number	s. 216

Previous *MGA* requirement:

The *MGA* did not require municipal public participation policies.

What's changed?

- Municipalities are required to adopt a public participation policy. s.216.1(1)

What do municipalities need to know?

- The new requirements clarify how each municipality approaches public engagement, and will provide citizens and stakeholders with an understanding of when and how they will be engaged.
- Ensure that any existing or newly created public participation policy meets the new requirements:
    - the policy must identify the types or categories of approaches the municipality will use to engage municipal stakeholders, and the types or categories of circumstances in which the municipality will engage municipal stakeholders;
    - make the policy available for public inspection, which may include posting it on the municipality's website; and
    - review the policy at least once every four (4) years.

When does this change take place?

- These sections come into force October 26, 2017.
- Municipalities must establish a public participation policy by July 23, 2018 (270 days - 9 months) from the date it came into force.

Role of Administration

Legislation	*Municipal Government Act (MGA)*
Regulation	None
Category	Governance
Section Numbers	s. 208, s. 268.1, s. 270, and s. 272

Previous *MGA* requirement:

The *MGA* required councils to be responsible for making sure that the powers, duties and functions of the municipality are appropriately carried out, but also required the chief administrative officer (CAO) to ensure that the policies and programs of the municipality are implemented. The *MGA* also sets out other responsibilities and duties of the CAO, and provides that any of these can be delegated to a designated officer or employee of the municipality.

What's changed?

- To ensure that the responsibility for implementation of municipal functions is clearly placed on administration, the provision in s.201(1)(b) which also placed this responsibility on council has been removed.
- A corresponding council responsibility has been added to ensure that the CAO appropriately performs the assigned CAO duties and functions. s.205(4)

What do municipalities need to know?

- The change provides clarity on the administrative duties and the chief administrative officer's ability to delegate.
- CAO duties that are corporate or financial in nature have been relocated into Part 8 of the *MGA* (Financial Administration) and will not be general municipal responsibilities:
    - accurate financial records and accounts are kept; s.268.1(a)
    - financial reports are made to council; s.268.1(b)
    - revenues are collected, controlled, and receipted; s.268.1(c)
    - monies are deposited and held in a financial institution; and s.270(2)
    - the corporate seal is kept safe. s.272(2)

When does this change take place?

- These sections come into force October 26, 2017.

Sub-classing the Non-Residential Property Class

Legislation	*Municipal Government Act (MGA)*
Regulation	Matters Related to Assessment Sub-Classes (MRAS) Regulation
Category	Assessment and Taxation
Section Number	*MGA* s. 297, and s. 354(3.1)

Previous *MGA* requirement:

Previously under the *MGA*, a council was able to divide non-residential property into only two sub-classes – "improved" and "vacant" – for the purpose of applying different municipal tax rates to each sub-class. Generally speaking, for municipal taxation purposes, non-residential property refers to properties that are used for industrial or commercial purposes. (This class of property does not include land used for farming or residential purposes.)

What's changed?

- The *MGA* has been amended to enable the splitting of the municipal non-residential class into sub-classes which are defined in the MRAS Regulation. These subclasses are:
  - vacant non-residential property;
  - small business property;
  - other non-residential property. s.297
- The regulation was created with input from municipalities, assessors, and non-residential property owners to determine how the division of the non-residential assessment class should be implemented to best enable a fair distribution of municipal non-residential property taxes.
- The sub-classes established under this provision are subject to the newly legislated 5:1 maximum ratio between non-residential tax rates as compared to residential tax rates.
- Tax rates for machinery and equipment, and non-residential property must be set in accordance with the regulations to ensure provincial policies for taxation of machinery and equipment continue. s.354(3.1)

What do municipalities need to know?

- Municipalities are enabled to create a "small business" sub-class within the non-residential class of property.
  - Small business properties are those which are used by a business that employs less than 50 full-time employees in Canada, or a lesser number of employees as set out in the municipality's bylaw.
- A municipality's bylaw for the purposes of assessment sub-classing must make reference to the number of fulltime employees that will be employed by the business
  - Municipalities are permitted to set the number of employees that would qualify a business as 'small' through bylaw, as long as the number of employees they choose is less than 50.
- Municipalities may develop additional processes to administer this bylaw such as a method for determining and counting full-time employees.
- The tax rate set for the "small business property" sub-class cannot be greater than the tax rate set for the "other non-residential property" sub-class or less than 75 per cent of the tax rate set for the "other non-residential property" sub-class.

When does this come into effect?

- The amendments to the *MGA* come into force January 1, 2018.
- The Matters Related to Assessment Sub-classes Regulation comes into force January 1, 2018.
- The coming-into-force date is to coincide with the municipal fiscal year for assessment and taxation.

Subdivision and Development Appeal Board (SDAB) Training Requirements

Legislation	*Municipal Government Act (MGA)*
Regulation	Subdivision and Development Appeal Board Regulation
Category	Planning and Development
Section Numbers	s. 627.1, s. 627.2 and s.627.3

Previous *MGA* requirement:

Prior to the recent amendments to the *MGA*, SDAB members were able to voluntarily access training when available, however, were not required to do so.

What's changed?

SDAB members and clerks will be required to undergo mandatory training based on a standard training program to be approved by the Minister of Municipal Affairs. Training may be delivered locally, regionally or by the province.

SDAB training will ensure that hearing practices are consistent across the province, and board members have a complete understanding of their role and the appeal process.

What do municipalities need to know?

SDAB Clerk

- A council that establishes an SDAB must appoint one or more clerks. Clerks of an SDAB or an intermunicipal SDAB must be appointed as a designated officer, and they are not eligible for appointment if the training requirements are not successfully met. s.627.1(1), s.627.1(4)
- A clerk can serve as both the clerk of an SDAB and the clerk of an Assessment Review Board. s.627.1(3)
- The SDAB clerk role is different from that of an SDAB member. The SDAB clerk administers and oversees the scheduling and recording of SDAB hearings. The training requirements and qualifications for SDAB clerks differ from the training requirements for SDAB members based on their different roles. SDAB clerks must take a refresher on the SDAB training every three (3) years to stay current with the roles and responsibilities of the position.
- The training for SDAB clerks may address topics such as the clerk's roles and administrative responsibilities.

SDAB Member

- A member of any SDAB must not participate in a hearing unless the member has successfully completed a training program. s.627.2
- SDAB members must take a refresher course every three (3) years to stay current on appeal matters (such as changes in law, planning and/or administration).
- The training for SDAB members may address matters such as the board member's roles and responsibilities, and hearing processes.

Reporting

- Each municipality must submit an annual report containing information on the number of SDAB clerks and members they have appointed, and those who have completed and enrolled in the required SDAB training.

When does this change take place?

- These sections come into force April 1, 2018
- All SDAB members and clerks must successfully complete the SDAB training as approved by the Minister by April 1, 2019 (one (1) year from the sections coming into force).