September 21, 2017

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

Dear Minister Anderson:

Over the past several years, AUMA has worked closely with the Government of Alberta to assist in renewing the Municipal Government Act in a manner that best enables municipalities to provide high quality governance and services to Albertans. As part of this process, we have undertaken an extensive member engagement process to provide feedback on the regulations posted for comment in July 2017.

Pursuant to this process, we have identified a number of required changes in the attached submission to ensure that the regulations can be effectively applied. Of specific importance are the following key recommendations:

- Provisions related to property assessment and taxation should be updated to enable municipalities to assess and tax marijuana grow operations at fair market value, as these sites represent considerable municipal servicing costs.
- All municipalities should be enabled to set non-residential property assessment subclasses for brownfield sites, and these subclasses should be explicitly enabled to fall outside the 5:1 link to effectively enable the redevelopment of derelict and contaminated sites.
- The proposed Intermunicipal Collaboration Framework Regulation should explicitly outline a requirement for cost-sharing in order to reflect the intention set out in the proposed legislation to "steward scare resources efficiently" and to "ensure municipalities contribute funding to services that benefit their residents".
    - The principle for sharing costs associated with the arbitration process in section 708.41(2) of the Bill 21 Modernized Municipal Government Act is an effective model that should be expanded to cost-sharing in general under Intermunicipal Collaboration Frameworks.
- The proposed Code of Conduct Regulation requires significant amendments to ensure that complaints are investigated and decided upon fairly and impartially, and sanctions are sufficient to effectively enforce the Code of Conduct.
- The proposed Determination of Population Regulation requires significant amendments to reflect the reality of shadow populations in Alberta.

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- Further work is needed to address concerns raised by municipalities and the development industry related to off-site levies for provincial highway connections and requirements for review of proposed subdivisions adjacent to highways by Alberta transportation.

As AUMA has strongly expressed the need for several of these recommendations to be acted upon throughout the Municipal Government Act review process, we are concerned that they have been omitted in the proposed regulations, and are requesting clarification as to why these important elements have not been included.

We look forward to working with the Government further over the coming months to ensure that the amended Municipal Government Act legislation and regulations can be effectively completed and implemented.

Sincerely,

Lisa Holmes
AUMA President

Enclosure

cc: The Honourable Brian Mason, Minister of Transportation
The Honourable Kathleen Ganley, Minister of Justice and Solicitor General
Al Kemmere, President, Alberta Association of Municipal Districts and Counties

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AUMA Submission on July 2017 MGA Regulations

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Code of Conduct for Elected Officials Regulation

Key Elements	Overview	AUMA Comments
Matters the Code of Conduct Must Address	- The Code of Conduct must be consistent with the municipal purposes and general duties of councillors set out in sections 3 and 153 of the MGA, and must include the following topics at a minimum: o representing the municipality; o communicating on behalf of the municipality; o respecting the decision-making process; o adherence to policies, procedures and bylaws; o respectful interactions with councillors, staff, the public and others; o confidential information; o conflicts of interest; o improper use of influence; o use of municipal assets and services; and o orientation and other training attendance.	- **The regulation should clearly delineate between the duties and personal conduct of elected officials in matters that must be included in the Codes.** - **There is a lack of clarity as to what constitutes "improper use of influence", "interactions with councillors, staff, the public, and others", and "communication on information".** - **Additional clarity is needed on provision 1(j) regarding training attendance as to which training, specifically, the provision is referring to. As some Councils are provided funding to attend training programs of their choice, this provision may confuse some readers.**
Complaints Process	- The complaints process is left up to municipalities. - Municipalities must establish a process to address complaints including who may make a complaint, how complaints are to be made, the process to determine the validity of complaints, and the process to determine sanctions.	- **The complaint process should explicitly define who can make a complaint and how complaints come forward, or exactly what constitutes a breach.** - **Municipal administrators should be excluded from conducting the complaints review process.** - **A process is needed to enable municipalities to filter out spurious complaints.** - **Municipalities should be enabled to refuse complaints from frequent repeat complainers, as incidences of disgruntled individuals may result in constant unnecessary investigations.** - **Clear parameters are necessary regarding how complaints are reviewed and sanctions are applied.** o **A potential avenue some municipalities may wish to take is a regional complaint review board composed of councillors from area municipalities. This should explicitly**

		enabled to ensure municipalities can utilize this approach.
Sanctions	- Municipalities may choose to implement sanctions for councillors failing to adhere to the code of conduct including: - A letter of reprimand to the councillor or requesting the councillor to issue a letter of apology, which may also be published along with the councillor's response; - A requirement to attend training; - Suspension or removal of the appointment of a councillor as the chief elected official, deputy chief elected official or acting chief official; - Suspension or removal of the chief elected official's presiding duties from all council committees and bodies to which council has the right to appoint members; - Suspension or removal from some or all council committees and bodies to which council has the right to appoint members; and, - Reduction or suspension of remuneration corresponding to a reduction in duties, excluding allowances for attendance at council meetings.	- **The decision-making/sanctioning role should be clearly separated from the investigative role, and could potentially be handled by the Provincial Ethics Commissioner.** - **A third party position such as an integrity commissioner position is required, to conduct the complaint review process as a quasi-judicial review with defined timelines, evidentiary standards, burden of proof, or right to appeal.** - **The application of sanctions should take place through a resolution at council.** - **The regulation should clearly establish the right to appeal.** - **Possible sanctions may not be severe enough to address serious breaches. The potential sanctions as written may not have a deterrent effect on serious or repeated breaches.** - **Additional sanctions are specifically required in case of instances where councillors refuse to change behavior or accept sanctions.** - **A formal process should be established to escalate breaches to the Minister of Municipal Affairs in the case of councillors refusing to accept sanctions. This process should explicitly include an avenue for council to pass a resolution requesting the Minister to remove the councillor from office.**
Review Process	- Municipalities must review its code of conduct and related bylaws at least once every four years.	- **AUMA supports the proposed review period, as it falls at least once within each council term.**

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Community Aggregate Payment Levy Regulation

Key Elements	Overview	AUMA Comments
Updated Rate	- The maximum levy rate has been increased from $0.25 per tonne of sand and gravel to $0.40 per tonne. - The proposed regulation is set to be reviewed at the latest date of December 31, 2022, when the regulation expires.	- **The maximum levy increase represents an increase of roughly 60 per cent versus the consumer price index inflation rate of 26.73 per cent over the same period.**
Expiry Date	- The expiry date of the regulation has been updated from December 31, 2017 to December 31, 2022.	- **The new rate should be regularly reviewed to ensure that it is in line with the cost of associated road maintenance.**
Levy Formula	- No change	- **AUMA supports the continued use of a transparent, simple levy formula process.**
Use of Funds	- No change	- **The regulation should be updated to define the scope or nature of projects that can be funded through the levy.** - **Public reporting should be required on how funds collected through the levy are used.** - **The regulation should be updated to allow municipalities to use the levy if they are impacted by the transportation of aggregate from a neighbouring municipality, and if they own or lease a pit in another municipality.**

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Community Organization Property Tax Exemption Regulation

Key Elements	Overview	AUMA Comments
Principles	- A preamble has been added to establish principles to guide the exemptions set out in the regulation including: o Advancement of public benefit, in terms of charitable and benevolent purposes, community games, sports, athletics, recreation and educational purposes; o Recognition of the volunteer contribution and fund raising component that most often characterizes not for profit status organizations; o Advancement of youth programs and community care for the disadvantaged; o Appropriate access to non-profit facilities and programs.	
Definitions	- Updates to a number of definitions have been made including: o "Charitable or benevolent purpose" (to note that this definition includes "any other purpose that is advantageous, favourable or helpful to the general public" – in effect a broadening of the definition) o "General public" (to make it pertain to 'some or all' individuals rather than all, in recognition that some community organizations target a subset of the population such as women's shelters) o "Professional sports franchise"	- **Some definitions are still ambiguous such as "charitable or benevolent purpose", "general public", "held by", "community", and "used in connection with".** - **Clarification is required regarding the treatment of bingo associations, which are non-profit, versus the for-profit businesses that operate within bingo halls.**
Alignment	- A section on exemptions for properties that restrict usage to certain individuals has been updated to align to the Alberta Human Rights Act	
Conditions for Exemptions	- Municipalities will now be able to determine deadlines for organizations to apply for exemptions. - Municipalities will now be able to permit exemptions to be implemented in current tax years.	- **AUMA supports the amendments to allow municipalities greater flexibility in determining dates by which organizations must apply for exemptions, and to enable exemptions to be implemented in current tax years.** - **The proposed regulation maintains an exclusion from exemption on properties that**

		have restricted use for certain classes of people more than 30 per cent of the time. This provision is not adequately defined and may be very difficult to determine. - **The 30 per cent exemption requirement should be reviewed to ensure it does not have unintended repercussions (e.g. barring women's shelters or youth facilities, which restrict access over 30 per cent of the time).**
Restructuring	- The proposed regulation re-organizes sections into four parts to address unique characteristics for different types of properties: general rules, non-residential property exemptions, residential property exemptions, and resident's association exemptions.	
Subsidized Housing	- Additional clarity has been provided to ensure that market-rate units in buildings that have a mix between market-rate and subsidized units are taxed at market rates.	- **Additional clarity is required regarding subsidized housing requirements to ensure that affordable housing units are not excluded from the exemption.** - **Additional clarity is required around how seniors' housing is to be classified.**
Resident's Associations	- Amenities provided by resident's associations will now need to meet rules regarding access by the general public in order to be eligible for exemptions. - No changes have been made to enable municipalities to exempt resident's association properties that are already being taxed as a portion of the value of the resident's property.	- **Municipalities should be enabled to exempt resident's association properties that are already being taxed as a portion of the value of the resident's property.**
Application	- The proposed COPTER will apply to taxation in 2018 and later years.	- **The January 1, 2018 application date should be delayed for at least one taxation year given the administrative changes necessary to the assessment system to address the regulatory amendments and additions.**

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Council and Council Committee Meetings Regulation

Key Elements	Overview	AUMA Comments
Definitions	- Meeting" has been defined as: o Where used in a reference to a council, means a meeting under section 192, 193 or 194 of the Act or, - Where used in reference to a council committee, means a meeting under section 195 of the Act.	- **AUMA supports the clarified definitions as they effectively address concerns that other informal councillor actions such as having a conversation in a coffee shop, sitting together at a convention, or having a meal together could be construed as a "council meeting" and thus fall under restrictions for closed meetings.** o **Additional communications are required to illustrate to municipalities when the clarified definitions of meetings apply.**

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Determination of Population Regulation

Key Elements	Overview	AUMA Comments
Definitions	- Add definitions for 'non-contacted dwelling' and 'private dwellings' in DPR and Census Forms. - The proposed regulation does not include amendments to the definition of "usual residence".	- **Provisions for the residency of students should be amended to allow students to determine which municipality they are considered to be a resident of. The current provisions are not consistent with the Local Authorities Election Act.** - **The current "usual residence" definition also fails to provide appropriate residence provisions for those in rural communities or with P.O. boxes, as residence in these cases is determined based on the address shown on driver's licenses.**
Shadow Populations	- The proposed regulation does not include amendments to the section on shadow population. - No changes have been made to the minimum number and percentage to apply to the minister to for inclusion of shadow population in the census, or the timing of the enumeration of shadow population.	- **The regulation should be updated to allow the counting of additional types of shadow populations including:** o **Companies that fill rooms in a hotel for more than 30 days straight, but with different people residing in the room at different times.** o **Hotels that are continuously occupied with different people.** - **Section 2.1(2) currently prevents municipalities from counting the shadow population, which is a requirement in order to determine whether a census of the shadow population can be carried out. This section should be removed so that municipalities are enabled to carry out a census of the shadow population at their own discretion.** - **The requirement for the shadow population to be either greater than 1,000 persons or 10 per cent of the population to be included as part of the official municipal census should be made more flexible.** - **The timing of the enumeration of the shadow population should be at the determination of the municipality and prorated or weighted for the year.**
Census Processes	- No changes have been made to the legislated time period to conduct a municipal census apart from years in which it falls at the same time as the federal census, or the date by which	- **The census process needs to be streamlined, including a delegation of authority for the Ministry to handle requests to deviate from**

	municipalities must submit results to Municipal Affairs. - Municipalities will be enabled additional flexibility to conduct the census either between March 1 and May 31, or May 1 and July 31 for years in which a federal and municipal census occur during the same time.	**standard methodologies rather than a requirement for the Minister to sign off.** - **The submission deadline for census results should be moved to September 30 to allow municipalities to address potential challenges with collecting and processing data.** - **Municipal Affairs should update the training manual to reflect online processes to streamline quality assurance checks.** - **The required assurance checks should be reduced to 500 or 5 per cent of dwellings, where information has been collected by an enumerator at the door.** - **AUMA supports the flexibility to conduct the census during additional time periods for years when a federal and municipal enumeration occur during the same time.**
Section Moved to Crowsnest Pass Regulation	- Move the determination of population provisions under Section 6 of the Police Act for Crowsnest Pass to the Crowsnest Pass Regulation.	
Census Coordinator Oaths	- Keep the oaths for Census Coordinator and Enumerator in effect in perpetuity. - Allow a person taking the oath to include the municipal office address on Municipal and Shadow Population Forms.	- **AUMA supports the amendment updating the description of oaths for census coordinators and enumerators to make it explicitly clear that oaths and statements are in effect for life, rather than during the time of employment.**
Expiry Date	- Remove the expiry date.	

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Intermunicipal Collaboration Framework Regulation

Key Elements	Overview	AUMA Comments
General Comments	- The ICF regulation does not provide additional clarity regarding what must or may be included in the ICF, or direction on how to develop an ICF. Rather, the regulation focuses on the arbitration process. Municipal Affairs communicated that this is the case to provide flexibility in how ICFs are formed, and to deal with the powers of the arbitrator that go beyond normal arbitration (i.e., the ability to create an ICF rather than just handle negotiations). - Municipalities are required to amend their bylaws to align with the ICF within two years, with the exception of land use bylaws. - The proposed regulation does not mention three and five year financial plans.	- **Municipalities should be required to reference three and five year financial plans in ICFs.** - **Further clarity is required regarding the relationship between an order of the Municipal Government Board and ICFs.** - **As there is no specific provision for public participation in the creation and adoption of ICFs, the extent of engagement may be inconsistent across the province. This may cause difficulties when the public participation policies of municipalities in negotiations require different levels of engagement.**
Exemptions	- Exempt three Improvement Districts from the ICF requirements: ID 13 (Elk Island); ID 24 (Wood Buffalo); and ID 25 (Willmore Wilderness).	
Basic ICF Negotiation Requirements	- Supplement the current requirements set out in the MGA with the following key overarching requirements: o set out a duty to negotiate in good faith, and provide clarity about what that duty consists of; o establish clear requirements relating to when a municipality wishes to propose an additional service for inclusion in an ICF; o require that all local bylaws must align with the framework, other than land use bylaws, within two years; and o set out minimum notice requirements for when a municipality wishes to amend an ICF.	- **The requirement for municipal representatives in negotiations to be a "senior representative" is unclear. This requirement should be structured to require both an elected official and administrative official in attendance from all involved parties.** - **The regulation should clarify that parties to an Intermunicipal Collaboration Framework are enabled to engage in dispute resolution to consider the addition of a new regional service to the ICF.**
Powers of an Arbitrator	- Confirm the duties and powers of an arbitrator to create an ICF or resolve a dispute when municipalities have not completed an ICF by the required deadline. Key elements include: o An arbitrator must be independent and impartial, and must disclose to the parties any circumstance of which they	- **The proposed regulation does not appear to allow for the selection of a panel of arbitrators, as it solely refers to the arbitrator position in the singular. Municipalities should have the option of selecting a panel to ensure a variety of viewpoints.** - **Arbitrators should be required to consider the parties' ability to pay for services and**

	are aware that might create a reasonable apprehension of bias. o The Minister is authorized to set the arbitrator's rates and payments, where the Minister appoints the arbitrator o Provides broad authority for the arbitrator to determine how he/she believes is most appropriate, but requires the arbitrator to convene a preliminary meeting within 21 days of their appointment. o Clarifies that the arbitrator has the power to determine the admissibility, relevance and weight of any evidence brought forward. o Authorizes the arbitrator to require the parties to produce any documents that the party possesses that the arbitrator believes may be relevant. o Clarifies the potential scope of an arbitrator's order o Requires the arbitrator to produce a record of proceedings and share it with each party. - Arbitrators will use the criteria set out in the legislation to inform their decision-making. This does not include the municipality's ability to pay. (i.e. the future land use of the area, the manner of and the proposals for future development in the area, the provision of transportation systems for the area, proposals for the financing and programming of Intermunicipal infrastructure for the area, the co-ordination of intermunicipal programs relating to the physical, social and economic development of the area, environmental matters within the area, the provision of Intermunicipal services and facilities, and any other matter related to the physical, social, or economic development of the area).	**infrastructure in their decision. The principle established for sharing the cost of an arbitrator should be expanded for all services determined under an ICF.**
Public Participation in Arbitration	- Public participation in arbitration is subject to the discretion of the arbitrator. This includes arbitration in the creation of an ICF and arbitration to resolve a dispute once the ICF is implemented, as outlined in the default dispute resolution process	
Dispute Resolution Process	- Outline requirements for a dispute resolution process within an ICF. Key elements of that process must include:	

	o how notice of the dispute is to be given and to who; o when the parties are to meet and the process they will follow to resolve the dispute, including, without limitation, negotiation, facilitation and mediation; o how a decision maker will be chosen and what powers, duties and functions they will have; o the decision maker's practice and procedures; o a binding dispute resolution mechanism; o how dispute resolution process costs are to be shared; o how records are maintained; o how parties and/or public are identified; and o if and how parties and/or public, will be notified and engaged in the dispute resolution process.	
Default Dispute Resolution Process	- Establishes a default dispute resolution process for situations where the municipalities have been unable to agree on one, or would prefer to use the default process. - The process outlines a series of escalating dispute resolution steps – from negotiation, to mediation, and finally to arbitration. - The process also provides operational details, including: o providing notice of a dispute; o appointment of a representative to participate in one or more meetings to negotiate a resolution of the dispute; and o appointment of a mediator if the dispute cannot be resolved.	- **The proposed default dispute resolution process effectively includes a staged process through negotiation, mediation, and arbitration.**
Appointment of an Arbitrator	- The ability of the Minister to appoint an arbitrator under the regulation is to be delegated under the Government Organization Act.	
Judicial Review of Arbitrator Decisions	- Establishes that an arbitrator's order is final and binding on all parties, and may only be appealed to the Court of Queen's Bench on a question of jurisdiction.	

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Matters Relating to Assessment and Taxation Regulation

Key Elements	Overview	AUMA Comments
Definitions	- The following definitions have been updated to enhance clarity: o Electric distribution system o Electric generation system o Electric power system o Electric transmission system o Farm building o Farming Operations o Machinery and Equipment o Operator o Pipeline o Railway Property o Street Lighting Systems o Telecommunications Systems o Well - Definitions as to how and when a property is to be considered "operational" have been updated for enhanced clarity.	- **Marijuana grow operations should be explicitly defined in order to allow their assessment and taxation at market value.**
Valuation Standards	- Valuation standards for regulated properties have been tied to the following associated ministerial guidelines in the regulation: o Alberta Linear Property Assessment Minister's Guidelines o Alberta Machinery and Equipment Assessment Minister's Guidelines o Alberta Railway Property Assessment Minister's Guidelines - Valuation standards for land and buildings related to machinery and equipment have been tied to the Alberta Machinery and Equipment Assessment Minister's Guidelines. - No changes have been made to enable abandoned wells to be assessed and taxed in the same manner as other vacant properties.	- **Abandoned well sites should be assessed and taxed in a manner consistent with other vacant property.**
Farm Building Assessment	- Provisions have been established for a five year phase-out of farm building taxation (currently, 50 per cent of the assessment of farm buildings is tax-free) in urban and specialized municipalities under the following scheme: o 60 per cent of the assessment will be tax-exempt for the 2018 taxation year; o 70 per cent of the assessment will be tax-exempt for the 2019 taxation year;	- **AUMA does not support the tax exemption for farm buildings. Farm buildings in urban areas should not be exempt as they consume municipal services such as roads, sewer, water, policing, and fire, and these costs will have to be borne by other property owners which is unfair.**

	o 80 per cent of the assessment will be tax-exempt for the 2020 taxation year; o 90 per cent of the assessment will be tax-exempt for the 2021 taxation year; and, o 100 per cent of the assessment will be tax-exempt for the 2022 taxation year. - No exception has been made to enable municipalities to assess and tax marijuana grow operations despite continual AUMA advocacy on the issue. - Farming operations have been expanded to include the production and sale of sod, as well as commercial wood lots.	- **The sale and production of sod is a commercial use and should not be considered a farming operation.** - **Marijuana grow operations, greenhouses, and intensive agricultural operations should be given a separate classification so they are not exempted.** - **New provisions are required to separate out greenhouse components of horticultural and commercial space so that the commercial space can be taxed appropriately.**
Application	- A date for coming into force of January 1, 2018, establishing that the 2018 taxation year will fall under the updated MRAT regulation.	- **The January 1, 2018 application date should be delayed for at least one taxation year given the administrative changes necessary to the assessment system to address the regulatory amendments and additions.**

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Matters Relating to Assessment Complaints Regulation

Key Elements	Overview	AUMA Comments
Definitions	- Various definitions have been updated, added or removed including o "Clerk" **(removed as this is located in the MGA)** o "Agent" and "Complaint form" **(to acknowledge that complaints can be heard by a panel)** o "Presiding officer" o "Panel" in reference to panels created by the Municipal Government Board.	
Panels	- Wording and definitions have been updated throughout the MRAC Regulation to acknowledge that complaints can be heard by "a panel of an assessment review board" rather than just the board.	
Alignment with MGA Changes	- The section regarding failure to disclose information (i.e. the exclusion of boards from hearing information that was not previously disclosed) has been amended to bring it into line with changes in the MGA. o The effect of the changes is to prevent the complainant and the assessor from using the access to information process to prolong the complaints process or gain an unfair advantage. o Similar amendments have been made to the same effect for hearings before the Municipal Government Board, and one-member assessment review boards. - The section regarding matters before the Municipal Government Board has been amended to reference changes in the MGA regarding designated industrial property (e.g. to make linear property fall under designated industrial property). - The attached schedules (forms) have been updated to be in alignment with the MGA regarding the complaint process, appeals regarding exemptions for brownfields, designated industrial properties, and the centralized assessment of industrial property.	

Private Hearings	- The proposed regulation will allow parties to request the record be sealed prior to the disclosure process.	
Agent Authorization Forms	- Clarity has been added that agent authorization forms are required to be submitted prior to an agent contacting an assessment review board or the Municipal Government Board on behalf of a complainant.	- **AUMA supports the requirement that the Complaint Form should be amended to require that a completed Agent Authorization Form be filed with the Complaint Form at the time of complaint filing.**
Training	- Additional training requirements have been added for the chair and any delegate of the chair of the Municipal Government Board.	- **Additional training is required for board members in some locations to teach board members what a tribunal should do, and what their roles and responsibilities are.**
Application	- The existing regulation (prior to January 1, 2018) will continue to apply for complaints regarding taxation years between 2010 and 2017. - The proposed regulation will apply to the 2018 taxation year and all years thereafter.	
Review	- The expiry date has been removed from the regulation.	

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Matters Relating to Assessment Subclasses Regulation

Key Elements	Overview	AUMA Comments
Creation of Sub-Classes	- The proposed non-residential sub-classes to be prescribed in the regulation are: o Other non-residential (all properties not classed as "vacant non-residential" or "small business" including all Designated Industrial Property) o Vacant non-residential (all properties that do not have any improvements) o Small business (all properties used by businesses employing less than a specific number of employees) - Municipalities will set by bylaw the number of employees qualifying a business as "small" so long as the number is less than 50 and a municipal business license specifying the number of employees is issued. - Municipal councils are not enabled to define further subclasses. - There is no break between light and heavy industrial sites. - Marijuana grow operations are not specifically defined, meaning that they remain classified as farming operations. - The regulation does not enable municipalities to establish sub-classes for brownfield properties.	- **Municipalities should have the flexibility to determine subclasses based on local conditions and needs.** - **As marijuana grow operations require significant municipal costs related to water, roads, and emergency services provision, they should be excluded from the farm operations exemption and taxed at a fair market rate.** - **Municipalities should have the option of establishing sub-classes for brownfield operations, and these sub-classes should be permitted to exceed the 5:1 link in order to stimulate brownfield development.** - **Municipalities should have the option of distinguishing between light and heavy industrial sites in separate subclasses.** - **Additional clarity is required on what constitutes a "small business" apart from the number of employees. The current definition may be confusing in same cases (e.g. a local bank branch that has less than 50 employees, but is part of a much larger provincial or national entity).** - **In addition, not all municipalities issue business licenses** - **Municipalities are concerned that section 2(2)(a) will heavily encourage part-time/contract employees rather than full time by creating an artificial incentive for businesses to have fewer full-time employees that are paid less and receive fewer benefits.**
Linking Within Sub-Classes	- Councils will be permitted to set different tax rates for each sub-class; however, the "small business" tax rate must be between 0.75 and 1 times the "other non-residential" tax rate.	- **No further links should be established between property tax classes or subclasses.**
Maintaining the Existing Tax Incentives	- The "machinery and equipment" tax rate will be required to be equal to the "other non-residential" tax rate.	

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Off-Site Levies Regulation

Key Elements	Overview	AUMA Comments
General Principles	- The municipality is responsible for addressing and defining existing and future infrastructure and facility requirements. - The municipality must consult in good faith with affected stakeholders in accordance with the consultation section of this regulation. - 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 the neighbouring municipality.	
Determination of Methodology	- A municipality has the flexibility to determine the methodology upon which to base the calculation of the levy, provided that the methodology: o takes into account criteria such as the area, density, or intensity of use; o recognizes variation among infrastructure types; o is consistent across the municipality for that type of infrastructure or facility; and, o is clear. - The methodology for determining a levy for fire halls, police stations, libraries and recreation facilities may be distinct and unique from the methodology used to calculate any other levy established by the municipality.	- **The term "levy costs" should be clarified, as it may be construed as either the cost of infrastructure or the cost of administering a levy.**
Determination of Levy Costs	- The municipality may establish the levy in a manner that involves or recognizes the unique or special circumstances of the municipality. - In determining the basis upon which the levy is calculated, the municipality must at a minimum consider: o a description of the specific infrastructure and facilities; o a description of the benefitting areas and how those areas were determined; and	- **Additional clarity is required on what the correlation between the levy and the benefit of a new development should be, how it is calculated, and who should be making the decision, as well as whether the correlation is related to proximity, population base, or taxes.**

	o supporting technical data and analysis, and estimated costs and mechanisms to address variations in cost over time. - The information used to calculate the levy must be kept current. - The municipality must include a requirement for a periodic review of the calculation of the levy in the bylaw imposing the levy. - There is to be a correlation between the levy and the benefits of new development. - The proposed regulation does not specify that the levy calculation must be directly proportional to the increase in services, rather, it requires that there be a correlation between the levy and the benefits of new development and leaves the determination of the levy up to the municipality.	
Additional Principles and Criteria for the expanded scope (fire halls, police stations, libraries and recreation facilities)	- Additional criteria are required when determining a levy for the expanded scope of facilities. - The calculation of the levy for the purposes of the expanded scope of facilities must also include supporting statutory plans, policies or agreements that identify: o the need for, and benefits from, the new facilities; o the anticipated growth horizon; and o the portion of the estimated cost of the facilities that is proposed to be paid by the municipality, the revenue raised by the levy, and other sources of revenue (i.e. provincial grants). - The municipality has the discretion to establish service levels, minimum building and base standards for the proposed facilities. - The proposed regulation does not allow for redevelopment levies, however, levies for the new services (fire halls, recreation facilities, police stations, libraries) can be to "expand" the facilities. - The proposed regulation does not enable municipalities to utilize off-site levies for services or programming.	- **Offsite levies would be more effective and usable for municipalities if they could be applied to redevelopment and utilized to fund increased service provision on top of capital investments.** - **No further criteria are necessary for the new levy provisions under section 648(2.1), as the principles for levies under 648(2) are sufficient.**
Consultation Requirements	- The municipality must consult in good faith with affected stakeholders in defining and addressing existing and future infrastructure and facility requirements.	- **Municipal Affairs has communicated that the extent of "consultation" and the breadth of "affected stakeholders" will be determined as municipalities develop bylaws and policies. However, there may be a risk that municipal**

	- The municipality must consult in good faith with affected stakeholders when determining the methodology upon which to base the levy costs. - Prior to passing or amending a bylaw imposing a levy, the municipality must consult in good faith on the calculation of the levy with affected stakeholders in the benefitting area where the levy will apply.	**decisions get challenged on the basis of consultation not being done to a strong enough level, or "affected stakeholders" not including certain parties. These terms should be explicitly clarified to address these concerns.**
Reporting Requirements	- The municipality must provide full and open disclosure of all the levy costs and payments. - The municipality shall report on the levy annually, and include in the report the details of all levies received and utilized for each type of facility and infrastructure. - Any report referred to in this regulation must be in writing and be publicly available in its entirety.	- **AUMA supports the requirement for municipalities to undertake annual public reporting including the details of all levies received and utilized for each type of facility and infrastructure.**
Off-Site Levy Bylaw Appeal Requirements	- An appeal must be submitted to the MGB no later than 30 days after the bylaw imposing the levy has been passed. - If a notice of appeal does not comply with this regulation, the MGB must reject it and dismiss the appeal. - Where there are two or more appeals commenced in accordance with this regulation, the MGB may consolidate the appeals, hear the appeals at the same time, hear the appeals consecutively, or stay the determination of the appeals until the determination of any other appeal. - Submitting a notice of appeal under section 10 does not operate to stay the imposition and collection of a levy. - Any levy that is received by the municipality during the appeal period or while an appeal of the levy is still to be determined by the MGB, must be held in a separate account for each type of facility, and the municipality shall refrain from the use of such levies received until the appeal has been determined	- **While AUMA does not support the ability to appeal to the MGB outlined in the Act, AUMA does appreciate that the appeal window has been made short. Many municipalities update their bylaws annually in good faith. The new requirements would open up these municipalities to appeal every year. The appeal provision should be reviewed to ensure it is not unnecessarily burdensome in these cases.** - **It is unclear whether an amendment to a bylaw would open up the entire bylaw to appeal, or just the part that was amended.**

Updated September 6, 2017

Subdivision and Development Appeal Board Regulation

Key Elements	Overview	AUMA Comments
Training Requirements	- Designated SDAB officers and board members must, before being appointed as a clerk, complete a training program. - SDAB board members must, before participating in any hearing, complete a training program. - Officers and board members must complete refresher training every two years. - Existing officers and board members must complete training within 6 months of the regulation coming into force.	- **AUMA supports:** o **the firm requirement for board members and officers to take training;** o **the 6 month transition period for existing SDAB clerks and board members; and,** o **the requirement for refresher training every two years.** o **Minimum requirements for the training program for SDAB clerks should be consistent across the province, and include administrative law elements specific to their role.** o **Matters in training programs for SDAB board members should build on existing training and include increased components on provisions related to the MGA.** - **Additional clarity is required as to whether SDAB board members and clerks will have the option of attending regional training.** - **Additional clarity is required as to whether municipalities will have the option to institute additional training or requirements through a bylaw.** - **SDAB clerks should be required to take a standard provincial test to ensure that minimum standards are met.** - **SDAB board members should be required to sign a declaration that includes a checklist acknowledging their understanding of their role, the role of the clerk, and the general appeal process.** - **Until the Minister approves the training program, it is not clear who can deliver the training, what the cost of attendance will be, and whether there is sufficient training course capacity to meet the deadlines in the regulation. The regulation should not come into force until these matters are addressed.** - **Section 2 will have a significant impact on smaller municipalities who may have**

		difficulties affording the course attendance fees and maintaining certification when appeals may not be heard for several months or even years.
Reporting	- Municipalities must provide a report to the Minister noting the number of board members and clerks in their SDAB, and how many of them have either completed or are enrolled in training under the regulation.	- **The reporting requirement timeline should be clearly established in the regulation, and could align with the 2 year timeframe for refresher training.** - **Municipal Affairs should provide a roster of qualified SDAB members to municipalities.** - **The requirement for smaller municipalities with infrequent appeals to report on training will be unnecessarily burdensome.**
Application	- The regulation also applies to intermunicipal SDABs.	

Updated September 6, 2017

Subdivision and Development Regulation

Key Elements	Overview	AUMA Comments
General	- The Subdivision and Development Regulation and the Subdivision and Development Forms Regulation have been combined into a single "Subdivision and Development Regulation".	
Interpretation	- The definition of "food establishment" has been updated to reference that the Food Regulation does not apply when a subdivision and development authority is making its decision.	- **The definition of "food establishment" needs to be clarified for uses such as drug stores or convenience stores relative to setback distances from landfills and wastewater treatment facilities.** - **The setback requirements may be challenging where previously unknown abandoned landfills are discovered.**
Subdivision Applications	- Wording has been amended to incorporate the Subdivision and Forms Regulation into the Subdivision and Development Regulation. - Wording has been updated to reflect changes in definitions (e.g. "Environment and Sustainable Resource Development" to "Environment and Parks", "river, stream, watercourse" to "body of water"). - Wording has been added to clarify that a copy of agreements regarding Environmental Reserve land between municipalities and landowners must be provided to the subdivision authority as part of applications. - Wording has been added to clarify that information from the Alberta Energy Regulator including the location of active wells, batteries, processing plants or pipelines within the proposed subdivision are provided with applications. - Subdivision authorities will be required to send copies of applications for review under the Highways Development and Protection Act for all proposed subdivisions adjacent to or within 0.8km of a highway, whereas previously this was only required for highways with a speed over 80km/h. - Additional clarity has been added as to when subdivision authorities are required to refer applications to the Ministry of Culture and Tourism.	- **AUMA supports the changes to the definitions of "body of water" and "conservation reserve"** - **Further changes are required to ensure that environmental reserve provisions can be applied to wetlands and aquifer discharge and recharge areas.** - **The exemption for highways under 80 km/h in Section 5(5)(d) should not be removed. As an alternative, this speed limit exemption could be reduced from 80 km/h to 60 km/h. Failing this, the province should ensure that there is sufficient administrative capacity in Alberta Transportation to manage the resultant large increase in referrals from the change in order to avoid unnecessary delays in approvals.** - **Set timelines are required for the processing of applications referred to Alberta Transportation.** - **The wording in section 14 restricting subdivision approval next to highways is unclear as to when prior approval of an Area Structure Plan is sufficient to not require a referral. This provision will require more referrals than previously and creates confusion over the status of Area Structure Plans.** - **The list of historical resources referred to in section (5)(5)(j)(i) is described in terms of**

	- Additional clarity has been added that municipalities that set their own decision-making timelines are required to adhere to said timelines.	**range/township/quarter section/LSD and is roughly 1500 pages long. This will require careful analysis by municipal subdivision authorities to determine whether a referral is required, resulting in potential delays and workload increases.** - **The requirement in section 10(1) to refer applications to the AER regarding permanent dwellings, unrestricted country residential, or public facilities within 1500m of a sour gas facility does not align with AER bulletin 2013-03, which only requires referrals for permanent dwellings within 100 metres, unrestricted country residential within 500 metres, new urban density development or a proposed public facility within 1500 metres of a sour gas facility. This misalignment will result in unnecessary referrals and some missed referrals.**
Subdivision and Development Conditions	- Definitions have been updated to align with other legislation, regulations, and documents. - Additional clarity has been added on how to determine setbacks from operating wastewater treatment plants and landfills.	
Registration and Endorsement	- Wording has been added to require conservation reserves to be identified as "CR" in plans of subdivision.	
Provincial Appeals	- The distance has been updated in reference to appeals of subdivision decisions to the MGB for lands within a certain proximity of historical sites.	
Application	- The proposed regulation will come into force on October 1, 2017. - The proposed regulation is set to expire on June 30, 2022.	- **Section 26 provides that the regulation comes into force on October 1, 2017. This would seem to require that the corresponding provision of the MGA must be proclaimed October 1, 2017. Additional clarity is needed as to when the Act will be proclaimed.**

Updated September 6, 2017

Canmore Undermining Exemption from Liability Regulation

Key Elements	Overview	AUMA Comments
No Change	- This regulation has been posted, but there is no change to its contents.	

Updated September 6, 2017

Canmore Undermining Review Regulation

Key Elements	Overview	AUMA Comments
Undermining Reports	- Clarifying provisions have been added to ensure that: o Reports are to be conducted at the developer's expense. o Reports are prepared by professional engineers in accordance with Ministerial guidelines. - Report compliance certificates are completed by and obtained from professional engineers.	
Selection of Engineering Firms	- Provisions have been added to ensure that the Town of Canmore has a role in the selection of engineering firms.	

Updated September 6, 2017

Crowsnest Pass Regulation

Key Elements	Overview	AUMA Comments
Extension	- Renew the regulation until 2020.	
Add Sections of the Determination of Population Regulation	- A section of the Determination of Population Regulation relates to the Crowsnest Pass and is being moved into the Crowsnest Pass Regulation: o Wording outlining special provisions for counting the municipality's population, with specific respect to responsibility for policing costs. (see Determination of Population Regulation Chart for details)	