

Fall *Municipal Government Act* amendments – details of Legislative Changes

| Decision                                       | Rationale   | Current  | Proposed   | Implications   |
|--|---|--|--|--|
| <b>Intermunicipal Collaboration Frameworks</b> |   |  |  |  |
| Simplify reporting requirements                | Streamlines the ICF process by simplifying administrative tasks for municipalities as well as the province. | Once an ICF is completed a municipality must provide a copy to the Minister within 90 days.  | Once an ICF is completed a municipality must confirm completion by notifying the Minister.   | Reduces administrative burden on municipalities and the ministry regarding the filing and submission of ICFs.<br><br>The Ministry may still request a copy of the ICF at any time. |
| Adoption by resolution                         | Provides flexibility for how councils can adopt an ICF.   | Councils must pass matching bylaws to adopt an ICF.  | Councils may adopt ICFs through resolution or bylaw.   | Provides greater flexibility and simplifies the process of two municipalities simultaneously adopting ICFs.  |
| Simplify contents                              | Provides greater flexibility on the contents of the ICFs, by focusing on intermunicipal services only.      | An ICF must include detailed information regarding all municipal services, as well as future service sharing agreements, including implementation timelines.         | An ICF must include details regarding intermunicipal services only, and may include additional information regarding the intent to share new services in the future. | Municipalities can more swiftly and efficiently develop ICFs, without precluding consideration of future services and other details.   |
| Limited scope of arbitration                   | Ensures arbitration is focused on mutual disagreements which streamlines and simplifies the process.        | An arbitrator has authority over all parts of the ICF, including areas where no disagreement exists. The arbitrator is enabled to rewrite any part or all of an ICF. | An arbitrator's authority is limited to only areas of disagreement.  | Simplifies and condenses the arbitration process to focus on key areas of disagreement, which encourages a shorter and more efficient arbitration process.                         |

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| Alignment with <i>Arbitration Act</i>                              | Simplifies the arbitration process by aligning with existing legislation.  | The <i>Municipal Government Act (MGA)</i> provides a unique arbitration process that does not reference the <i>Arbitration Act</i> .                               | ICF arbitration will be subject to the <i>Arbitration Act</i> , with only minor amending provisions to limit liability.   | Increases the number of arbitrators who are qualified to arbitrate the ICF process, and would enable repealing of the Intermunicipal Collaboration Framework Regulation.                          |
| Streamlining of Intermunicipal Development Plan (IDP) requirements | Reduces administrative burden on municipalities with limited population growth, and allow ICFs to be completed without IDPs. | All municipalities are required to complete an IDP with neighbouring municipalities.   | An IDP exemption is now available to all municipalities by mutual agreement.<br><br>Any municipality can revoke its agreement by written notice, in which case the municipalities are required to adopt an IDP within one year. | Ensures efficiency by limiting requirements to municipalities that will see the most benefit from completing IDPs with their neighbours.<br><br>Will include the ability to rescind an exemption. |
| <b>Streamlining – Clarifications</b>                               |  |  |   |   |
| Incorrect assessment information                                   | Provides greater clarity as to the original intent of the legislation.   | Assessment Review Boards (ARB) may adjudicate complaints where the property owner states that the information they provided is correct and the assessor disagrees. | Will clarify that the assessor is not required to use information provided by the property owner where that information is incorrect.   | Reduces the risk of misinterpretation and time spent resolving ARB complaints.  |
| Assessment of improvements   | Addresses inequities resulting from ARB misinterpretation of the legislation.  | Improvements may be considered non-assessable, even if only a small portion of that improvement is used in   | Will clarify that a property is assessable if improvements are not primarily used for   | Typically only applies to buildings currently under construction with machinery and equipment components  |

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|                                  |   | connection with manufacturing or processing.   | manufacturing or processing operations.   | and therefore has minimal impact on property owners.  |
| Assessment increases             | Provides clarity for ARBs and property owners, and ensures fairness and equity of assessments.  | Bill 8 clarified that an assessor may, in appropriate circumstances, request an assessed value be increased but does not speak to potential decreases.   | Make explicitly clear that an ARB has the ability to increase or decrease an assessment based on evidence provided by the assessed person and the assessing body, and that the ARB cannot alter any assessment that the ARB considers to be a reasonable approximation of market value. | Clarifies the duties of the ARB relative to increasing and decreasing assessments, and is expected to lead to more fair and equitable ARB hearing processes.        |
| Environmental reserve assessment | Provides fiscal certainty for both the municipality and the property owner.   | There is some confusion about when property designated as environmental reserve should receive a property tax exemption.   | Will clarify that environmental reserve is assessed on a vacant parcel at the time of subdivision.  | Reduces confusion for municipalities and property owners.   |
| City Charters posting period     | Clarifies the intent of the posting requirements for City Charters by enabling changes to be made because of feedback received during public posting, and to limit the requirement to post non-substantive changes such as correcting typos or updating legislative references. | The legislation requires that any changes to the City Charters must be re-posted. This negates the intent of a posting period by not allowing any feedback to be incorporated without an additional 60-day posting period, and creates additional administrative burden to publicly post non-substantive corrections or other edits. | Will clarify that changes resulting from input receiving during a posting period can be made without holding a subsequent 60-day posting period. In addition, specify that minor (non-substantive) changes to the regulations do not require public posting.                            | Improves ability to incorporate public feedback to facilitate transparency and citizen engagement, and streamlines the process for updating and making corrections. |

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| Recording names in closed meetings                    | Including the names of those that attend closed meetings may indicate what confidential matter is being discussed.   | Municipalities are required to record the names of those that attend closed meetings in the meeting minutes. | Removes the requirement to include the names of those who attend closed meetings in the meeting minutes. | Will maintain the confidentiality of closed meetings.  |
| Meeting minutes                                       | Meeting minutes being recorded with comments is a frequent non-compliance issue that does not give councils reasonable discretion for minute-taking.             | Meeting minutes are required to be recorded without note or comment.   | Removes the requirement for meeting minutes to be recorded without note or comment.                      | Council has greater control over the style of their meeting minutes and eliminates a common but low-risk non-compliance issue. Allowing notes or comments may provide greater transparency for the public. |
| Assessment Review Board (ARB) clerk                   | The designated officer role does not provide any enhanced authority, making this requirement unnecessary.  | ARB clerk must be a designated officer, which is done through bylaw.   | Remove requirement for ARB clerk to be a designated officer.   | Eliminates impractical administrative burden for municipalities.   |
| Subdivision Development and Appeal Board (SDAB) clerk | The designated officer role does not provide any enhanced authority, making this requirement unnecessary.  | SDAB clerk must be a designated officer, which is done through bylaw.  | Remove requirement for SDAB clerk to be a designated officer.  | Eliminates impractical administrative burden for municipalities.   |
| Closed council meeting regulation                     | The Council and Council Committee Meetings (Ministerial) Regulation repeats <i>MGA</i> sections and does not provide any added clarification for municipalities. | Regulation defines meetings by referring to sections 192, 193 and 194 of the <i>MGA</i> .                    | Repeal regulation and the applicable regulation-making authority within the <i>MGA</i> .                 | No impacts are foreseen, as this regulation does not provide additional information or guidance to municipalities.   |
| By-election timeline                                  | The requirement to hold a by-election within 90 days   | Requires by-elections to be on or before 90 days after a   | Increase the timeline from 90 days to 120 days.  | This would reduce the number of rush requests to   |

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|  | can be challenging and has resulted in a number of rush applications from municipalities requesting a Ministerial Order (MO) to grant an extension.         | council vacancy (some exceptions exist depending on proximity to a general election)  |   | the Minister for extensions while ensuring vacancies are filled with reasonable expediency.   |
| <b>Streamlining – Reduced requirements</b> |   |   |   |   |
| Electronic notices                         | Reduces administrative burden and mailing costs.  | Municipalities and citizens must send and receive physical school support declaration forms, and it is unclear if single web portals can be used to send electronic assessment and tax notices. | Enable electronic school support declarations, and confirm that municipalities can send documents, and disclose evidence and information electronically including through a single web portal if citizens opt-in. | Municipalities will continue to be required to use traditional means of distribution if citizens do not provide consent to receive electronic documents, mitigating concerns by those who prefer mail or do not have internet access. |
| Annual bylaw requirement                   | Reduces administrative and council burden of passing these bylaws annually even though the content is static.   | Supplementary assessment and tax, sub-class and business assessment and tax bylaws must be passed annually even though they are routine and standard, and the content rarely changes.           | Councils may choose to make these bylaws continuous until repealed by council or amended.   | Bylaws remain unchanged from year to year, and this would not impact property and business owners. New bylaws, or amendments to the bylaws would still have to be passed by council.  |
| Council delegations                        | Provides additional flexibility to delegate work that is better conducted by non-council organizations or individuals, such as expert advice, collection of | Council can delegate duties only to a council committee, chief administrative officer, or designated officer.   | Provide councils with the authority to delegate powers, duties or functions unless an enactment or bylaw provides otherwise.  | Reduces administrative burden on councils and allows them to focus on higher priority matters. Key restrictions will continue to apply: councils may not delegate bylaw-making  |

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|  | information, or oversight of a specific issue or work.   |   |   | authority, appointment of the Chief Administrative Officer, adoption of budget, or setting of tax rates.  |
| Tax rate bylaw changes   | Ministerial Order (MO) is required for a municipality to adjust their tax rates, delaying the municipalities' ability to send out revised notices, with these adjustments typically being made to address administrative errors. | MO is required for municipalities to revise the tax rate bylaw and issue revised tax notices if errors are discovered after tax notices have been sent. | Remove requirement for an MO to issue revised notice when a change is made to correct an error. | Eliminates unnecessary Municipal Affairs involvement in correcting administrative errors and enables municipalities to correct the errors in a timelier manner. |
| <b>Joint Use and Planning Agreement Provisions</b>                 |  |   |   |   |
| <i>An Act to Strengthen Municipal Government (ASMG) amendments</i> | Need to align joint use and planning agreement provisions in the ASMG with recent changes that repealed the <i>School Act</i> and replaced it with an updated <i>Education Act</i> .   | The ASMG currently references the <i>School Act</i> .   | Update references to refer to the new <i>Education Act</i> and relevant section numbers.        | Prepares the joint use and planning agreement provisions with the ASMG to be proclaimed at a future date.   |
| City Charter Regulations amendments                                | Need to align joint use and planning agreement provisions in the City Charters with recent changes that repealed the <i>School Act</i> and replaced it with an updated <i>Education Act</i> .                                    | The City Charter Regulations currently reference the <i>School Act</i> .  | Update references to refer to the new <i>Education Act</i> and relevant section numbers.        | Ensures the joint use and planning agreement provisions in effect for the two cities continue to be valid.  |