AUMA Analysis of Spring 2017 MGA Bill 8: An Act to Strengthen Municipal Government

Key elements of Bill 8 are as follows:

- **Indigenous Relations:** Requires municipalities to notify adjacent Indigenous communities of a new Municipal Development Plan or Area Structure Plan (this is a narrower application than originally proposed). Enables Indigenous communities to be included in an Intermunicipal Collaboration Framework (ICF) for regional infrastructure and services. Does not require Indigenous Awareness training (as was originally proposed).
- **General Minister Powers**: Provides the Minister with a suite of tools to enforce Ministerial Orders that resulted from an inspection of a municipality.
- **Parental leave policies:** Allows municipalities to develop parental leave policies to make political life more family-friendly and accessible for parents.
- **Environmental Stewardship as an Environmental Purpose**: Provides a new purpose of a municipality to "include consideration of the environmental well-being" (this is revised from the original proposed wording of "environmental stewardship as a municipal purpose").
- **Annexations and Amalgamations:** Adds requirements for additional notifications for municipalities initiating amalgamations and annexations.
- **Collaboration with School Boards**: Requires municipalities to enter into Joint Use Agreements with school boards and increases flexibility within "catchment area" to increase land dedicated for parks and school sites.
- **Offsite Levies:** Enables municipalities to collect offsite levies for municipal connection roads to provincial highways. Enables collaboration through inter-municipal offsite levies and exempts school boards from paying offsite levies on public school projects.
- **Conservation Reserve**: Provides clarification on the transfer and disposal of conservation reserve and exemption of conservation reserve from municipal property taxes.
- **Property Assessment and Taxation Changes**: Removes the ability of municipalities to grandfather in tax rates above the 5:1 linkage and allows the Minister to exempt or set a schedule for compliance. Provides additional access to assessment information for assessments made by the Provincial Assessor and provides additional general technical provisions.

While the Bill contains a number of promising policy changes, there is still some uncertainty on their applicability and feasibility since much of the detail is not yet known and, similar to other MGA Bills, will be specified in a future regulation. This is a concern as there has been a very lengthy delay with these regulations (e.g., it took almost two years for the March 2015 Bill 20 regulations on public participation and corporate planning to be released for consultation and we are still waiting for regulations on council code of conduct and elected official training). Many other regulations from Bills 20 and 21 have not yet been released for consultation.

Many of the provisions in the Bill respond to AUMA's call for intermunicipal offsite levies, mandatory joint use agreements for schools, and various technical amendments to property assessment and taxation. Further, due to AUMA's advocacy, the province adjusted its intended approach and has softened municipal responsibility for environmental stewardship to "consideration of environmental well-being", and has narrowed the scope of land use planning notification to Indigenous communities. As well, the province has clarified that school boards' offsite levy exemption applies only to school projects. The province has also simplified the receipt process for property taxes.

The province's depiction of this Bill as being the "finishing touches" before the municipal election is disappointing since many issues have not been resolved. AUMA's news release highlights the critical need for funding changes and for a minimum three years of notice of any significant change to municipal funding. We also require changes to provisions relating to municipal liability so municipalities only have to pay their fair share of a claim involving a municipal service or infrastructure. Other unresolved matters include affordable housing, municipal reserves and redevelopment levies. AUMA will be reminding the province that these important issues must be addressed at the earliest possible opportunity.

SUMMARY OF BILL 8 MGA AMENDMENTS

COLLABORATION WITH INDIGENOUS COMMUNITIES

Topic	Current Status	Bill 8 Changes	AUMA Comment
Agreements with Indigenous Communities	The *MGA* is currently silent on the relationship between municipalities and Indigenous communities.	Provides the opportunity for a municipality to invite a neighboring Indigenous community to participate in the delivery and funding of services to be provided under the Intermunicipal Collaboration Framework (ICF). Note: This change is part of the province's commitment to implement the principles of the United Nations Declaration on the Rights of Indigenous Peoples. The province wants to ensure that municipalities are taking reasonable and meaningful steps to understand and engage with neighboring Indigenous communities in a respectful and culturally appropriate manner, particularly with land use planning and service delivery.	While AUMA supports encouraging municipalities to seek new opportunities to work collaboratively with neighbouring Indigenous communities, the amendment could bring about several challenges. Though this change is written in a permissive manner and suggests that this is a voluntary action for municipalities, it is very possible that municipalities will be expected to make every effort to accommodate requests for Indigenous communities to be included in infrastructure and service delivery. This could be a challenge if municipalities lack the capacity or financial resources to develop these complex agreements within the two year deadline. AUMA had instead proposed that a Memorandum of Understanding (MOU) would be a more appropriate mechanism than an ICF to involve Indigenous communities in municipal planning and service delivery. **AUMA recommendations not yet addressed:** ○ The definition for the term "adjacent" needs to be clear and the process and the timeframe for notification of MDP and area structure plans need to be outlined. ○ The legislation must make it clear that it is optional. ○ Municipal Affairs will need to provide information regarding the difference between federal and provincial legislation and how it relates to these agreements, along with which legislation takes precedence in the event of variation. ○ Consideration should also be given to disputes among municipalities party to a multi-municipality ICF where one municipality disagrees with the inclusion of an Indigenous community. ○ Further consideration should be given to situations where an Indigenous community does not wish to participate in an ICF.

			AUMA recommends that the legislation must address outstanding jurisdiction and enforceability matters before membership in ICFs and growth management boards (GMB) could be evaluated. This includes clarifying the relationship between federal and provincial legislation and their associated precedence in the event of variation, as well as how related financial provisions will be addressed by the federal government for the Indigenous component of the regional service. There should be an appropriate dispute resolution process, and in the absence of this clarity, the participation of neighbouring Indigenous communities should be as a stakeholder, rather than as a full participant in an ICF or GMB. As the province indicates this is a "first step" to improving the Indigenous/municipal relationship, further information is being sought on future requirements.
Statutory Plan Preparation	The MGA does not outline any specific requirements for municipalities to notify or engage Indigenous communities in land use planning. The *MGA* currently exempts Metis Settlements from the Planning and Development portion of the Act (Part 17).	Requires municipalities to notify the "Indian band of any adjacent Indian reserve", or the adjacent "Metis settlement" of any new Municipal Development Plans (MDPs) or area structure plans. Municipalities will also need to provide opportunities to that Indian band or Metis settlement to make suggestions and representations. Note: This change is part of the province's commitment to implement the principles of the United Nations Declaration on the Rights of Indigenous Peoples. The province wants to ensure municipalities are taking reasonable and meaningful steps to understand and engage with neighboring Indigenous communities in a respectful and	AUMA is generally supportive of the notification to inform providing that this is not a full consultation and has some definitive scope. In response to our advocacy, the province outlined a narrower scope relating to MDPs and area structure plans. **AUMA recommendations not yet addressed:** • This notification requirement should not allow for further appeals over and above existing appeal mechanisms. • This provision may be better suited to being included in a municipality's public participation policy for consistency.

		culturally appropriate manner, particularly with land use planning and service delivery. *Note that this is revised from the discussion guide as statutory plans are specifically outlined and includes only those plans that are adjacent to an Indigenous community.	

Note: Although the province had originally intended to add Indigenous Awareness training to the scope of Bill 21's training requirements for municipal elected officials, they have not made this addition. However, it is expected that the need to notify Indigenous communities about land use planning matters will be part of the overall discussion on public participation.

ENFORCEMENT OF MINISTERIAL ORDERS

Topic	Current Status	Bill 8 Changes	AUMA Comment

General Minister Powers	Currently the Minister lacks adequate authority to enforce Ministerial orders that implement:
	• decisions of an official administrator; or
	• decisions that settle intermunicipal disagreements.
		Allows the Minister the same authority currently available with respect to the inspection process for situations where, in the Minister's opinion, a municipality has not complied with direction provided by an Official Administrator or by the Minister in respect of an intermunicipal disagreement.
		With this authority, the Minister could:
		• suspend the authority of a council to make resolutions or bylaws in respect of any matter specified in the order;
		• exercise resolution or bylaw-making authority in respect of all or any of the matters for which resolution or bylaw-making authority is suspended under the above measure;
		• remove a suspension of resolution or bylaw-making authority, with or without conditions;,
		• withhold money otherwise payable by the Government to the municipality pending compliance with an order of the Minister;
		• repeal, amend, and make policies and procedures with respect to the municipal authority;
		• suspend the authority of a development authority or subdivision authority and provide for a person to act in its place pending compliance with conditions specified in the order;
		• require or prohibit any other action as necessary to ensure an order is complied with; and,
		• dismiss the council or any member of it or the chief administrative officer.
			AUMA has sought that these Ministerial powers only be deployed as a matter of last resort and under extraordinary circumstances, as municipal autonomy remains a core foundation of local governance in Alberta.
			
			AUMA recommendations not yet addressed:
			• In an intermunicipal dispute, the Minister should not use these provisions to benefit one municipality over another and where appropriate should apply these provisions equally to all parties involved in the dispute.
			• The Minister should not be able to suspend authority to make bylaws/resolutions or withhold money from an entire council for the actions of an individual councillor.
			  ○ Suspending a council's authority to make resolutions or bylaws may be problematic when the council is unable to pass a bylaw that is necessary for the operation of the municipality (e.g. tax rate annual bylaw).
			  ○ Withholding money payable to a municipality may also be problematic when a municipality has contractual obligations that rely on grants to be funded, which may lead to legal or financial repercussions if funds are withheld.
			• To ensure continuity, the MGA needs to account for these situations (e.g. by determining where authority transfers or to whom it is delegated when a council is suspended).

		This provision also includes a series of tests to ensure that it is used as a last resort, including: • was a ministerial directive issued? • Is the situation improper, imprudent, and irregular? • Have all other reasonable efforts been attempted? • Require the Minister to provide the municipality with 14 days' notice prior to it taking effect. ***Note – this provision now includes a series of tests which was not included in the Nov 2016 Discussion Guide.**	
Judicial Review	Individuals have the constitutional right to apply for judicial review of Ministerial decisions.	Require 10-day notice be given to the Minister prior to applying for injunctive relief against a decision of the Minister. The Ministerial Order would remain in effect during an appeal of the Minister's decision.	**AUMA is not supportive of increasing the timeline for appeals as it adds an unnecessary time constraint to the process.** • As the Minister's decision is unilateral and without a court system, and as there is no ability for a councillor to defend themselves prior to the decision of the Minister, the elected official, or CAO, is essentially guilty until proven innocent. There either needs to be a process that mirrors how the court system operates, or alternatively, the convention that an individual is innocent until proven guilty needs to be followed. Therefore the Ministerial Order should not be required to remain in effect during an appeal. • This may be problematic for a council especially as it relates to the ability of the Minister to withhold money payable to the municipality.

PARENTAL LEAVE FOR MUNICIPAL COUNCILLORS

Topic	Current Status	Bill 8 Changes	AUMA Perspective
Parental Leave Policy	There are no specific provisions for parental leave. However, Council can approve extended absences for an elected official for a variety of reasons, including parental leave exceeding eight consecutive weeks, but there is no requirement to do so.	Enables councils to create a bylaw that outlines provisions for parental leave. The contents of the policy will be determined by each municipality in accordance with the needs of that municipality. If the municipality allows for parental leave, it must also then address how the constituents will be represented during the councillor's absence in addition to the length of leave and other terms and conditions.	**AUMA supports this change as it will allow municipalities to determine whether they want to have a parental leave policy and, if so, determine the provisions that are appropriate for their community.** **AUMA recommendations not yet addressed:** • The amendment needs to clarify how a parental leave policy will differ from existing provisions that enable Council to grant a leave. • As well, the policy should specify that an elected official on approved leave is not required to vote on matters during this period.
Reasons for Disqualification of Councillors	The *MGA* (s.174) sets out the disqualification provisions for municipal councillors, such as being ineligible for nomination, being absent from regular council meetings for 8 consecutive weeks, the councillor becoming an employee of the municipality, etc.	Specifically state that a councillor is not disqualified by being absent from regular council meetings under subsection (1)(d) if the absence meets the criteria set out in a parental leave policy bylaw.	**AUMA is supportive of this clarification.** **AUMA recommendation not yet addressed:** • There needs to be consideration regarding quorum so that it is clear when a councillor is absent from council meetings, how quorum will be maintained.

ENVIRONMENTAL STEWARDSHIP

Topic	Current Status	Bill 8 Changes	AUMA Perspective
Environmental Stewardship as a Municipal Purpose	The *MGA* identifies the following municipal purposes: • to provide good government; • to provide services, and • to develop and maintain safe and viable communities.	Adds to the existing purposes of a municipality to include a requirement to foster the well-being of the environment.	**AUMA is supportive of enabling municipalities to have a greater role in preserving the environment; however, this may be better served by being included in the preamble to the MGA.** • Further to this, municipalities require the regulatory and financial tools to be environmental stewards, which are not provided for under the current framework.

	Bill 21 provisions also include the following as a municipal purpose: • to work collaboratively with neighbouring municipalities to plan, deliver and fund intermunicipal services.	***Note – this provision stated consideration of the stewardship of the environment as a municipal purpose in the Nov 2016 Discussion Guide.**	• Municipalities should also be allowed to define their municipal purposes through bylaw in order to provide greater flexibility.

NOTIFICATION OF AMALGAMATIONS AND ANNEXATIONS

Topic	Current Status	Bill 8 Changes	AUMA Perspective
Amalgamations: Initiation by a Municipal Authority	The *MGA* (s.103 (1)) indicates who a municipal authority must notify when initiating an amalgamation.	Require that a municipality initiating an amalgamation must notify all local authorities having jurisdiction to operate or provide services in the initiating municipality or in any of the municipal authorities with which it proposes to amalgamate, and include proposals for consultation with local authorities and the public in the requirement for notice.	**AUMA is not supportive of the need for municipalities to include proposals for consultation with local authorities during an amalgamation. The decision to amalgamate should be the responsibility of the involved municipalities and should not require the agreement of local authorities.** **However, AUMA has advocated for a requirement for municipalities to notify local authorities as it will ensure that local authorities are aware of an impending amalgamation and can properly plan and prepare.** **Further AUMA recommendations not yet addressed:** • The local authorities that need to be notified would need to be clarified, and clearly defined, so as to ensure consistency.
Initiation of Annexation	The *MGA* (s.116) indicates who a municipal authority must notify of a proposed annexation.	Require that a municipality initiating an annexation must notify the Minister of Municipal Affairs and all local authorities having jurisdiction to operate or provide services in the initiating municipal authority or in any of the municipal authorities from which the land is to be annexed.	**AUMA is supportive for a requirement to notify local authorities, as it will ensure that the Minister and local service providers are aware of the intended annexation.** **AUMA recommendations not yet addressed:** • The local authorities that need to be notified would need to be clarified, and clearly defined, so as to ensure consistency.

MUNICIPAL COLLABORATION WITH SCHOOL BOARDS

Topic	Current	Bill 8 Changes	AUMA Perspective

Benefitting Area Contribution	The *MGA* authorizes the taking of reserve land by a subdivision authority (e.g. provision of land, provision of money in lieu of land, etc.), as well as restrictions on that authority (e.g. percentage of lands taken and percentage of money required to be paid). The *MMGA* proposes maintaining that same structure for Conservation Reserve.	Provides municipalities with increased flexibility to use a 'benefiting area contribution structure' that would support land dedication and development parameters with respect to assembly of parks and school sites. Cash taken in lieu can also be used for costs relating to servicing of the land.	**AUMA is supportive of increasing a municipality's ability to effectively take reserve land. However, 10% is too low to provide the appropriate size of site, particularly for high schools. AUMA recommends that the percentage be increased to 15%.**
			
			AUMA recommendations not yet addressed:
			• This benefitting contribution area mechanism would be very difficult to implement in all communities where development is slow and would not meet the criteria for the taking of reserve land from multiple developments.
			• Further, it has the potential to negatively impact urban design by increasing urban sprawl and the loss of local parks and green space by having all of the schools in one area and residential in another area.
			• If this mechanism is implemented, then it should be enabled to allow for subdivisions across a region to contribute to the land. This will allow this provision to be more useful for smaller municipalities and for municipalities that provide schools for their greater region.
			• The province should consider:
			  ○ when cash in lieu can be taken, given that it is to be different from the current basis for determining cash in lieu;
			  ○ if there will be an ability to charge the cash in lieu at the time the larger site is required; and
			  ○ when the developer will be paid for the extra land dedication. If the municipality is required to pay up-front (and the balance recovered from future developers), then this will place a large burden on municipalities and the province should provide bridge financing.
			  ○ The province and school boards need to be engaged with municipalities to ensure that planning is done in a strategic manner.

			• The MGA requires an amendment to allow for the taking of reserve land necessary due to significant redevelopment. This would address instances when there is significant redevelopment arising out of annexations (and the taking of cash in lieu for reserve lands prevents the annexing municipality that redevelops the land from taking reserve land.) Also, if the MGA does not allow for the retaking of reserve land, or cash in lieu, then developments under a certain density should not be allowed to take cash in lieu until the target density is reached.

Mandatory Joint Use Agreements	The *MGA* (s.670) enables Joint Use Agreements (JUA) as a voluntary agreement to address the allocation of municipal and school reserves.	Requires municipalities to enter into JUAs with school boards within their municipal boundaries and to collaborate with respect to addressing the effective and efficient use of municipal and school reserve lots within three years of the section coming into force.
		An agreement under this section must contain provisions:
		
		• Establishing a process for discussing matters relating to
		  ○ The planning, development and use of school sites on municipal reserves, school reserves and municipal and school reserves in the municipality,
		  ○ Transfers under section 672 or 673 of municipal reserves, school reserves and municipal and school reserves in the municipality,
		  ○ Disposal of school sites,
		  ○ The servicing of school sites, and
		  ○ The use of school facilities, municipal facilities and playing fields, including matters relating to the maintenance of the facilities and fields and the
			AUMA is supportive of this amendment as we have advocated to require greater cooperation between municipal authorities and school boards, particularly in regard to school reserves and the planning and servicing of schools and the disposition of school property and school reserves, as well as transparency as to future school site need.
			
			AUMA recommendations not yet addressed:
			• Terminology needs to be clear to differentiate between a joint use agreement (which speaks to the utilization of a facility) versus joint planning (which speaks to the issues identified here).
			• Parameters of Joint Use Agreement committee accountability and membership should be reviewed to ensure that the governance is appropriate and that there is appropriate municipal representation. For instance, the administration of the Joint Use Agreement itself should ensure that the responsibility of planning involvement is appropriately distributed so that authority is proportional to accountability for boards and the municipality.
			• This provision should also address a municipality's ability to repurpose surplus school sites as there have been instances where a municipality's access has been restricted.
			• Municipalities need to retain the authority to follow their own planning needs and a school board should not be able to impede a municipality's authority.

		payment of fees and other liabilities associated with them, • Respecting how the municipality and the school board will work collaboratively, • Establishing a process for resolving disputes, and • Establishing a time frame for regular review of the agreement, • And may contain any other provisions the parties consider necessary or advisable. More than one municipality may be a party to a joint use and planning agreement. Consequential amendments are also made to the *School Act* that enables the above amendments and provides for multiple school boards to be a party to a JUA.	• Further, a Joint Use Agreement is difficult to carry out unless the province is an active participant in the agreement, as they are central to the infrastructure decisions regarding school sites.

OFF-SITE LEVIES

Topics	Current Status	Bill 8 Changes	AUMA Perspective
Provincial Transportation Systems	The *MGA* (s.648) authorizes councils, by bylaw, to impose levies on land that is to be developed or sub-divided and sets out parameters for the imposition and collection of levies. The legislation does not currently allow for levies related to provincial infrastructure upgrades.	Enables off-site levies, by bylaw, to be charged for new, or expanded, provincial transportation infrastructure required to connect, or to improve the connection of, municipal roads to provincial highways resulting from a subdivision or development. Requires approval of the Minister of Transportation before this type of levy can be collected through regulation. Consequential amendment to the *Public Highways Development Act* may be required to authorize the Minister of Transportation to approve municipal off-site levy bylaws pertaining to provincial highway off-site levies.	**Although AUMA does not support requiring municipalities to pay for the provincial transportation system, this provision provides a mechanism whereby municipalities may charge the developer for these access improvements which is beneficial.** **The provincial transportation system should be funded through provincial revenues not local fees and charges.** • The levies may manipulate the prioritization of provincial infrastructure projects and distort property prices in some communities.
Intermunicipal Off-Site Levies	The legislation does not currently allow for intermunicipal off-site levies.	Enables municipalities to collaborate with one another on the sharing of intermunicipal off-site levies, including the expanded uses (libraries, police stations, fire halls, community recreation facilities). This amendment also clarifies that if a bylaw in one of the participating municipalities is appealed all bylaws in participating municipalities are deemed to also be appealed.	**AUMA has advocated for this change as it will allow for intermunicipal projects and will provide smaller municipalities the opportunity to utilize the new offsite levy powers.** • Permitting intermunicipal off-site levies between jurisdictions would allow for a more coordinated regional approach and allow neighbouring municipalities to share a common philosophy, and better support the development of projects. **AUMA recommendations not yet addressed:** • Consideration must also be given to how a disagreement would function for an intermunicipal levy, the process in cases where a municipality does not wish to contribute/participate, and the mechanisms each municipality has in order to access dispute resolution. • Also, this provision should include the opportunity for redevelopment levies in areas where new factors are introduced such as a significant increase in density where

			an original offsite levy no longer is sufficient to meet the needs of the area.
Validating Existing Off-Site Levy Bylaws	This item is not currently addressed in the legislation.	Specifically, states that any off-site levy fee or charge made by bylaw or agreement before November 1, 2016 is deemed to be valid.	**AUMA is supportive of this administrative clarification.**
Education	This item is not currently addressed in the legislation.	A bylaw may not impose an offsite levy on land owned by a school board that is to be developed for a school building project within the meaning of the *School Act*. ***Note- this provision stated an exemption for "school board purposes" in the Nov 2016 Discussion Guide.**	**AUMA is supportive of this provision to only apply to schools.**

CONSERVATION RESERVE

Topic	Current Status	Bill 8 Changes	AUMA Perspective
Transfer of conservation reserve	The *MGA (s.127)* identifies what an order to annex lands may require.	Requires the municipality receiving the annexed land to pay compensation to the other municipality for any conservation reserve lands within the annexed area in the amount that the municipality originally paid for the land.	**AUMA is supportive of this change as it will ensure that the municipality that derives benefit from conservation reserve lands are the ones who pay for it; however, limiting the amount to what the municipality originally paid for the land should be removed and municipalities should have the ability to negotiate remuneration.** **AUMA recommendations not yet addressed:** • AUMA is concerned that the conservation reserve provision may see limited use, as the province is downloading responsibility to municipalities to protect environmentally sensitive areas without providing adequate funding. • Consideration should be given to allowing conservation reserves to be taken in the form of a caveat as is provided for environmental reserves. Provisions should also be made to allow administration of the caveat to be delegated to a qualified third party (e.g. Ducks Unlimited). This provision may broaden the appeal of conservation reserves to developers and municipalities.
Transfer of conservation reserve	The *MGA* ensures that during formations, annexations, amalgamations, and dissolutions ownership of any land, or portion of land, designated as a public utility lot, environmental reserve, municipal and school reserve, transfers to the new municipal authority (s.135(1)(c), (2) and (2.1)). The *MGA* also indicates that if reserve lands are sold or money instead of land is received by the old municipality after notification of annexation or amalgamation, the	Specifically states that the proposed new Conservation Reserve designation is treated the same as these other categories of land and that the designation would remain on that land until such time as it is changed through any required processes.	**AUMA is supportive of this administrative change as it increases clarity and consistency regarding the new conservation reserve provisions.**

	proceeds of the sale or money received must be paid to the new municipal authority by the old municipal authority.		
Identification of conservation reserve	The *MGA* outlines what a Municipal Development Plan (MDP) must and may contain (s.632(3))	Clarifies that in addition to other types of reserve land that must be included in an MDP, a municipality may include policies addressing the proposed new conservation reserve designation, including types and locations of environmentally significant areas and the environmental purpose of conservation.	**AUMA is supportive of this change as it will enable a municipality to plan for their needs consistently through their statutory plans. This provision should remain optional.** **AUMA recommendations not yet addressed:** • It is not clear how this change will relate to proposed section 664.2(1)(d) requiring that the taking of a conservation reserve must be consistent with the municipality's MDP. • The MDP should require that land intended for a conservation reserve be kept in a natural state prior to being provided to the municipality.
Identification of conservation reserve	The *MGA* indicates that an Area Structure Plan may contain any other matters a council considers necessary (s.633(2)(b)).	Specifically states that municipalities may develop policies addressing reserve lands within their area structure plans. This would include identifying types and locations of environmentally significant areas and the environmental value of conservation.	**AUMA was supportive of this change as it provides a municipality the option of including conservation reserves in their Area Structure plans but does not require them to do so.**
Exempting conservation reserve lands from paying municipal property taxes.	The *MGA* exempts environmental reserves, municipal reserves, school reserves, municipal and school reserves and other undeveloped property reserved for public utilities from paying municipal property taxes (s.361.c).	Exempts land designated as conservation reserve under the proposed new provisions from paying municipal property taxes.	**AUMA is supportive of this change as it provides consistent rules for all reserve land and increases clarity.**

Disposal of conservation reserve	The proposals in Bill 21 do not address removal of the conservation reserve designation or sale of conservation reserve lands.	Allows municipalities to dispose of land designated as the proposed new conservation reserve when a substantive change outside of municipal control occurs to the feature being conserved, while ensuring the public process used to dispose of municipal reserve and school reserves is followed with the disposal of conservation reserve lands. Specifically state that any proceeds from the disposal of conservation reserve would have to be used for conservation purposes. Prior to the disposal of the conservation reserve lands the municipality must hold a public hearing and provide notices containing information required under section 606 to be posted on or near the conservation reserve. Also includes a provision that prevents a municipality from disposing of the land when an amalgamation, or annexation, is initiated.	**AUMA is supportive of this change as there may be circumstances where the specific conservation reserve land is no longer environmentally sensitive and there needs to be a mechanism for its disposal.** **AUMA recommendations not yet addressed:** • AUMA is concerned that the conservation reserve provision may see limited use, as the province is downloading responsibility to municipalities to protect environmentally sensitive areas without providing adequate funding. • Consideration should be given to allowing conservation reserves to be taken in the form of a caveat as is provided for environmental reserves. Provisions should also be made to allow administration of the caveat to be delegated to a qualified third party (e.g. Ducks Unlimited). This provision may broaden the appeal of conservation reserves to developers and municipalities.

COMPLIANCE WITH THE LINKED TAX RATE RATIO

Topic	Current Status	Bill 8 Changes	AUMA Perspective
Compliance Timeframe	No required compliance date has been proposed for municipalities outside of the proposed ratio.	Adds a provision requiring municipalities to comply with the proposed maximum tax rate ratio. Allow the Minister to set a schedule through regulation with progressively lower maximum tax ratios that municipalities exceeding the 5:1 ratio would have to meet in the intervening years. The Minister would have authority to set timeframes by which municipalities or groupings of municipalities would have to reach the 5:1 ratio, based upon how much their local ratio diverges from the legislated 5:1 ratio. Municipalities would always set their own tax rates, but within the ratios set out in the regulation.	**Although AUMA has advocated for the removal of the 5:1 ratio, we are supportive of this amendment as it will reduce the potential for inconsistencies across the province. Further, allowing for the Minister to set a schedule will account for lowering the tax rate ratio with local needs.** **AUMA also supports providing the Minister with the authority to exempt a municipality indefinitely from the 5:1 ratio as this would allow for specialized municipalities, such as Jasper, to be accommodated under the framework.** **AUMA recommendations not yet addressed:** • Consideration also needs to be given to how a timeline that brings a municipality in line with the 5:1 ratio impacts residential property taxes and assessments. • Further authority should be given to allow a municipality to specify a subclass to be exempt from the 5:1 ratio to accommodate property classes such as brownfields or vacant property where the municipality should have the authority to apply a tax rate that would exceed the 5:1 maximum link.

TAXATION OF INTENSIVE AGRICULTURAL OPERATIONS

Topic	Current Status	Bill 8 Changes	AUMA Perspective
Levy on Intensive Agriculture	There are no specific provisions for intensive agriculture operations	No change (status quo) *NOTE-The discussion document used as part of the province's Bill 8 consultations had included a provision to authorize municipalities to pass a bylaw imposing a levy on intensive agricultural operations. This provision was not included as part of Bill 8.	**AUMA was supportive of the proposed provision to enable the collection of a levy on intensive agricultural operations as municipal services are required to support intensive agriculture operations and they are different needs than that of conventional farms.**

ACCESS TO ASSESSMENT INFORMATION

Topic	Current Status	Bill 8 Changes	AUMA Perspective
Access to DIP Assessment Information	Bill 21 as written would not allow municipalities access to information regarding how a designated industrial property (DIP) assessment was prepared.	Includes provisions to allow a municipality to request information regarding assessments of designated industrial property in their jurisdiction. The provincial assessor would have to comply with this request except while there is an active complaint from the municipality on the property. Under this amendment, municipalities requesting information on provincially prepared assessments could be required to sign a standardized confidentiality agreement to ensure that information provided by property owners is only used to determine if the property is assessable, if the assessment is prepared correctly, if a complaint is warranted; and to prepare a case.	**AUMA is supportive of this provision as it will increase clarity and consistency for assessors and municipalities, and supports an efficient assessment process where the relevant information is accessible.** **AUMA recommendations not yet addressed:** • This provision does not go far enough. This Designated Industrial Properties (DIP) information should be automatically provided to the municipality and should not hinge on a request. Further, a municipality should have full access to all of the information that has been utilized to prepare the assessment of DIPs. • Municipalities should be considered "equal" partners (with Municipal Affairs) and not excluded from "privileged" information as they are already held to account by privacy rules. • Also, the requirements for accessing assessment records from the provincial assessor should not be substantially different for an assessed person than the requirements for a ratepayer to access information from a municipal assessor.

Providing the Information to Municipalities	The *MGA* is silent on this matter.	Specifically states that information provided to the province by property owners under sections 294 and 295 could be provided to municipalities upon request, subject to confidentiality requirements.	**AUMA is supportive of this provision as it will increase clarity and consistency for assessors and municipalities and supports an efficient assessment process where the relevant information is accessible.** **AUMA recommendations not yet addressed:** • There should not be a confidentiality clause required, and this information should be automatically provided to the municipality and should not hinge on a request. • The Act needs to set out that municipalities can use information deemed confidential in appeals. • Further, the provincial assessor should be required to copy the municipality on disclosure requests, disclosed documents, and any related correspondence. • An arm's length audit process should be required for the province to implement to verify and report that the assessments prepared for DIPs by the provincial assessor are correct and accurate. The auditor of the DIPs should be in addition to the Auditor General role of the government, as the Auditor General reviews broad processes but would not typically re-assess individual properties.

ASSESSMENT NOTICES

Topic	Current Status	Bill 8 Changes	AUMA Perspective
Notice of Assessment Date	Assessment notices must include the deadline for filing a complaint about the assessment, which must be 60 days from the date the assessment notice is sent.	Requires municipalities and, in the case of the Bill 21 provisions, the provincial assessor to set a "notice of assessment date" which would be required to be between January 1 and July 1. The notice of assessment date would be included on assessment notices, and assessment notices would be sent prior to the notice of assessment date. Enable municipalities and the proposed provincial assessor to establish additional	**AUMA is supportive of providing clarity regarding when documents are understood to be sent and received. The notification by the municipality of the date of assessment will assist property owners in determining their opportunity for filing a complaint.** **AUMA recommendations not yet addressed:** • The MGA will need to note that this provision applies notwithstanding the "7 days from the date of mailing" in the Interpretation Act. Specifically, Section 23(1) of the Interpretation Act states, "If an enactment authorizes or requires a document to be sent, given or served by mail and the document is properly

		notice of assessment dates for amended and supplementary assessment notices, which could occur at any time throughout the year. The deadline for filing a complaint about an assessment would be 60 days from the notice of assessment date.	addressed and sent by prepaid mail other than double registered or certified mail, unless the contrary is proved the service shall be presumed to be effected (a) 7 days from the date of mailing if the document is mailed in Alberta to an address in Alberta". As this could be in contradiction with the new provision, this will need to be clarified.

CLARITY REGARDING TAX EXEMPTIONS

Topic	Current	Bill 8 Changes	AUMA Perspective
Taxation of Provincial Agencies	Under the MGA, any property interest held by a Provincial agency is exempt from taxation.	Specifically states that properties held by a Provincial corporation (as defined in the *Financial Administration Act*) are taxable for the purposes of property taxation. This would not include Alberta Health Services, housing management bodies established under the *Alberta Housing Act*, schools, colleges and universities.	**AUMA is supportive of adding these properties to the municipal tax base to compensate municipalities for the services the municipality provides (such as water, sewer, and fire protection).** **AUMA recommendations not yet addressed:** • The property tax exemptions that are set out in the Financial Administration Act and the MGA (Alberta Health Services, housing management bodies, schools, colleges, and universities) should be removed (i.e. should be included in the tax base) as these properties utilize municipal services. • In order to increase clarity and longevity of the legislation, the MGA should specify those properties that are exempt from municipal property tax, and state that anything else is taxable. This would then include the majority of properties, regardless of whether they are in the Financial Administration Act and Alberta Public Agencies Governance Act, or part of the Agencies, Boards and Commissions review, or future reviews or name changes, etc.

CORRECTIONS TO ASSESSMENTS UNDER COMPLAINT

Topic	Current Status	Bill 8 Changes	AUMA Perspective

Changes to Assessments under complaint	Under the *MGA* as amended by Bill 21, assessors would be permitted to revise an assessment even after a complaint has been filed on the assessment.	Establishes the following process for revising an assessment that is under complaint:
		• Requires an amended assessment notice, along with written reasons for the changes to the assessment, to be sent to:
		  ○ the assessed person;
		  ○ the municipality (if the property is Designated Industrial Property);
		  ○ the complainant (if it is not the assessed person); and
		  ○ the assessment review board or Municipal Government Board (depending on the property type).
		• Requires the assessment review board or Municipal Government Board to cancel the complaint, notify the property owner of the cancellation, and refund the complaint fee.
		• An amended assessment notice is not required if an assessment is revised as a result of a complaint being withdrawn by agreement between the complainant and the assessor, except in the case of the proposed new Designated Industrial Property class.
		• An assessed person or a municipality would be able to file a complaint about the amended assessment notice within 60 days of the assessment notice date.
		• Does not permit an assessor to revise an assessment after an assessment review board or the Municipal Government Board has rendered a decision on a complaint regarding the assessment.
			AUMA is supportive of this provision as it allows for the efficient review and amendment of an assessment, regardless if it is under complaint or not. This will streamline the current process and still allow a property owner to retain their right to review their assessment, or to file a complaint.
			
			AUMA recommendations not yet addressed:
			
			• This provision needs to be used in good faith, so that it is not used to reset timing for an assessment appeal by a property owner (i.e. under section 299 where it resets the 60 day appeal period).

GENERAL TECHNICAL AMENDMENTS - GOVERNANCE

Current	Bill 8 Changes	AUMA Perspective
Other Requirements for a Petition **s.224 (MGA)** This section indicates that a witness to a petition signature must take an affidavit indicating the signatory to a petition is eligible to sign.	Clarifies that the inclusion of witness affidavits is required upon submission of a petition.	**AUMA is supportive of this amendment so that municipal petitions are consistent with provincial rules and requirements for petitions.** • The legislation should specify that Municipal Affairs must disclose to the municipality the subject of the petition, including the wording of the question.
Contents of an Operating Budget **s.243(1)** This indicates that a municipal operating budget must include the estimated amount of specific expenditures and transfers.	Adds a requirement to include the estimated amount of expenditures and transfers needed to meet the municipality's obligations for services funded under a proposed Intermunicipal Collaboration Framework (ICF), as a member of a Growth Management Board, or a revenue sharing agreement.	**AUMA is supportive of this amendment as it will improve transparency in financial planning by creating a connection between the operating plan agreements stemming from an ICF, or a GMB.** • Additionally, this provision should be extended to include reference to a municipality's capital plan as an ICF, or GMB, may also speak to the provision of infrastructure and this should also be properly accounted for.
Advertisement Bylaw **s.606(2)(c) (*MGAA, 2015*)** This section authorizes a municipality to advertise **only** on its website and without the requirement of a bylaw.	Repeals subsection (2)(c), repeal the reference to it in s.606.1(4) and repeals the additional notice requirement in s.606(6)(e) that relates only to notification given on a website under subsection (2)(c).	**AUMA would be supportive of including this provision in a municipality's public participation policy, (instead of a separate bylaw), in order to add clarity to a municipality's engagement with the public by including all information relating to public participation in one document.** • Albertans expect information to be available online and the legislation should be written in such a way that not only encourages this, but also enables a municipality to do so without undue inefficiencies. • Additionally, many Albertans do not have access to door-to-door mail delivery, or access to newspapers, and as such, rely on the internet for local information. The MGA should enable municipalities to post information online in the most cost-effective manner.
Form of Nomination **The *Local Authorities Elections Act (LAEA)* (s.27(1))** includes the requirement that each candidate must	Adds a new provision to the *LAEA* to require candidates to acknowledge the requirement	**AUMA is supportive of this provision as it will ensure consistency for councillors across the province.**

provide a written acceptance, which includes the statements that the candidate is eligible to be elected and will accept the office if elected.	to read and comply with the municipality’s code of conduct if elected.	• Additionally, there should be a code of conduct for all candidates, and not only elected officials. • The LAEA should include a provision that disqualifies a candidate if they do not comply. • Once a code of conduct is in place, this provision should require a candidate “to have read” the code of conduct, rather than requiring the candidate to read it in the future.
Revision Authorized **s.63 (*MGA*)** This section allows council, by bylaw, to authorize administration to revise a bylaw in accordance with a list of permitted revisions.	Adds a requirement to allow council, by resolution, to authorize the Chief Administrative Officer of a municipality to revise a bylaw in accordance with a list of permitted revisions.	**AUMA is supportive of this change as fixing minor errors or omissions should not need to be subject to a rigorous bylaw approval process.**
Requirements Relating to Substituted Bylaws **s.65 (*MGA*)** This section sets out deeming requirements for passing revised bylaws.	Clarifies that this section operates despite the provisions in s.191, which deals with the power to amend or repeal a bylaw.	**AUMA is supportive of this change as fixing minor errors or omissions should not need to be subject to a rigorous bylaw approval process.**
NEW	Provides the Minister with the ability to create a regulation to define the terms “held by” and “used in connection with” if required.	**AUMA is supportive of this change as it will allow the needed flexibility to meet unique and diverse situations.**

GENERAL TECHNICAL AMENDMENTS—PLANNING AND DEVELOPMENT

Current	Bill 8 Changes	AUMA Perspective
Environmental Reserve **s.664(1)(a)** This section identifies the types of land that can be dedicated as Environmental Reserve during subdivision application processes.	No change (status quo) *NOTE- The discussion document used as part of the province's Bill 8 consultations had included a provision to change the reference from swamp to wetland.	**AUMA had advocated for this amendment as it would bring the MGA in line with Alberta's wetland policy, which is important for clarity and consistency due to the expanded definition of "wetlands".**
Statutory Plans **s.636.1** The *MGA* addresses notifications with respect to statutory plans and the provision of opportunities for suggestions or representations regarding those plans.	Adds a requirement that area structure plans where the land that is the subject of the plan is within 1.6 kilometres of a provincial highway, notify the Minister responsible for the *Public Highways Development Act* of the plan preparation and provide opportunities for the Minister to make suggestions and representations.	**AUMA is supportive of requiring municipalities to circulate Area Structure Plans to Alberta Transportation to allow the department the opportunity to provide a comment on the suitability of the development. This should be done through the existing stakeholder process and would include authority for a municipality to include a deadline for input to be received from Alberta Transportation. In the absence of a response by this deadline, it should be assumed that there are no issues or impediments.**
Subdivision and Development Appeals **s. 686(1.1)** This section indicates the date of notification of an order, decision or development permit is deemed to be 7 days from the date mailed.	Ensures that the appeal period is the same for posted, advertised or mailed notices.	**AUMA is supportive of this administrative change as it provides consistency for appeal periods regardless of how the notification is posted or delivered.**

GENERAL TECHNICAL AMENDMENTS—ASSESSMENT AND TAXATION

Current	Bill 8 Changes	AUMA Perspective
New Extension of Linear Property Regulation	Excludes the Extension of Linear Property Regulation from s.603.1(3) and have it become repealed either upon the coming into force of a new regulation or on December 31, 2020	**AUMA is supportive of this administrative change, as it proposes a solution for a temporary regulation made under Section 603 so that it can be extended (and is not required to be repealed), and the matters can be revised within other regulation review.**
New Electric Energy Exemption Regulation Elevation	Elevates the policy of this s.603 regulation directly into the *MGA,* thereby enabling the Minister by Order to exempt certain components of properties from education property tax, where those components are used for or in the generation of electricity.	**AUMA is supportive of this administrative change, as it proposes a solution for a temporary regulation made under Section 603 by elevating the policy into the legislation.**
Right to enter on and inspect a property s. 294 Assessors have the right to enter and inspect property for the purpose of preparing an assessment or determining if a property is to be assessed (section 294 of the *MGA*). Assessors also have the right to compel people to provide any information necessary for the assessor to carry out their duties under the *MGA*.	Clarifies the legislation so that the purposes for which assessors are permitted to inspect properties are aligned with the right of assessors to request information to carry out their duties under Parts 9-12 of the *MGA.*	**AUMA is supportive of this change as it ensures assessors have the necessary information for which to do their job. This provision is needed to ensure that this remains the case.** • The MGA should clarify that the information can be used in the defense of assessments once a complaint has been filed.
Assessment information An assessed person may ask the municipality or, under the Bill 21 proposals, the provincial assessor for sufficient information to determine how the assessor prepared the assessment of that person's property. The municipality or proposed provincial assessor must comply unless the property owner	Clarifies that assessors may not compel a property owner to provide records during an inspection or respond to a request for information relative to the current assessment year if the property owner has filed a complaint about their assessment.	**AUMA is not supportive of an amendment as it appears to limit information requests from owners regarding information for the current year.**

has filed a complaint about their assessment and the issue has not been resolved. Under Bill 21, assessors could compel property owners to provide records during an inspection or respond to a request for information at any time, regardless of whether an assessment on the property is under complaint.	The assessor may still request information or compel the property owner to provide records relative to the upcoming assessment year.	
Subclasses Under the *MMGA* proposals, councils would be permitted to set different tax rates for sub-classes of non-residential property (as defined in the regulations). Assessors would be required to apply the sub-classes defined in the regulation to assessments even if council wishes to tax all sub-classes at the same rate.	Clarifies that assessors would only be required to apply non-residential sub-classes in the assessment process if council chooses to tax the sub-classes differently.	**AUMA is supportive of this amendment as many municipalities will not be able to, or have no need to, implement non-residential subclasses. As such, they should not undertake the sub-classing process if it is not needed.**
Liability Code Assessments rolls and notices are required to include a "liability code", which is assigned by the assessor (section 303(f.1)).	Removes the requirement to include a liability code on assessment rolls and notices.	**AUMA is supportive of this administrative change.**
Receipts Municipalities are required to provide a receipt when taxes are paid (section 342).	Clarifies that municipalities will not be required to provide a receipt when taxes are paid, unless otherwise requested by the property owner. ***Note- this is changed from the 2016 Discussion Guide where municipalities would have had to provide a receipt unless otherwise instructed by the property owner**	**AUMA is supportive of this amendment, as the default should be to not provide a receipt.**
***NEW* Business Improvement Area**	Allows a municipality to collect fees from property owners in a Business Improvement Area (BIA). This provision previously allowed the collection of levies from business owners exclusively.	**AUMA is supportive of this administrative amendment that allows for consistent application of measures to collect levies from the most appropriate party in a BIA.**

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