TOPICS FOR DISCUSSION—HOW ARE MUNICIPALITIES EMPOWERED TO GOVERN?

COLLABORATION WITH INDIGENOUS COMMUNITIES

BACKGROUND:
The *MMGA* proposed the concept of intermunicipal collaboration frameworks (ICFs). These frameworks are intended to ensure ongoing collaboration between municipalities, including coordinated land use planning, regional service delivery and cost sharing. In addition, the *MMGA* also proposed the requirement for municipalities to offer orientation training for municipal councillors.
The *MGA* does not apply to First Nations lands (federal legislation applies), and the planning and development components of the *MGA* do not apply to Metis Settlements; however, Indigenous groups intersect with municipalities through regular interactions for a variety of reasons, such as utility service delivery.

CONTEXT OF TOPIC:
The Province is committed to implementing the principles of the United Nations Declaration on the Rights of Indigenous Peoples, and, as such, it is important to encourage the province's municipalities to continue to take meaningful and reasonable steps to understand and engage with neighbouring Indigenous communities and citizens in a respectful and culturally appropriate manner, particularly with respect to land use planning and service delivery. Taking these steps also responds to First Nation and Metis concerns with respect to the degree of Indigenous involvement in the municipal land use planning process

POTENTIAL AMENDMENTS FOR DISCUSSION:

Topic	Current Status	Proposed Changes	AUMA Perspective
Agreements with Indigenous Communities	The *MGA* is currently silent on the relationship between municipalities and Indigenous communities.	Add a provision to the proposals in the *MMGA* to clarify that a municipality may invite Indigenous communities to participate in an Intermunicipal Collaboration Framework (ICF) or any sub-agreement that is part of an ICF.	• It would be more effective for collaboration to be initially advanced through a Memorandum of Understanding than through an ICF given that the ICF process and format will take significant time and effort to develop between municipalities and introducing other parties to this process would be disruptive to the change management process. As well, ICFs are expected to have governance and funding components that are not relevant or appropriate for a non-municipal party. • Over time and with greater clarity on the following issues, an ICF could be reconsidered as an optional collaboration and engagement mechanism: ○ The legislation must address outstanding jurisdiction and enforceability matters before full membership in ICFs and growth management boards (GMB) could be considered. This includes clarifying the relationship between federal

Topic	Current Status	Proposed Changes	AUMA Perspective
			and provincial legislation and their associated precedence in the event of variation. ○ There should be an appropriate dispute resolution process in place. ○ 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. • Regardless of whether the engagement occurs through a Memorandum or an ICF, the following definitions need to be clarified: ○ the use of terms such as "neighbouring", "community", and "adjacent"; ○ the definition of areas (e.g. Treaties, Reserves, Metis Settlements etc.); and ○ the definition of the traditional Indigenous land uses that would be applicable.
Orientation Training for Municipal Councillors	The *MMGA* (s. 201.1(2)) indicates what topics would have to be included in the proposed mandatory offering of orientation training for councillors, such as, the role of municipalities, roles and responsibilities of council and councillors, public participation, etc.	Add Indigenous Awareness Training to the list of topics councillors would be offered as part of their orientation training.	• AUMA is supportive of this amendment as it will better prepare municipal councillors for their role but suggests broader language such as "Cultural Awareness" training so that it encompasses the diverse citizenship in Alberta and is not exclusive to Indigenous cultures. • Training could be offered through the Elected Officials Education Program (EOEP) to all municipalities and could also include protocols, etiquette, history, and how effective governance is to be accomplished given federal and provincial legislation. Individual municipalities could supplement this training as appropriate through local Indigenous community leaders who could provide a local perspective. • Municipalities should be able to target their orientation topics to ensure that they are suited to their local needs.

Topic	Current Status	Proposed Changes	AUMA Perspective
Statutory Plan Preparation	The *MGA* (s.636) deals with notifications with respect to statutory plans and the provision of opportunities for providing representations and suggestions regarding those plans during the development of the plans. The *MGA* currently exempts Metis Settlements from the Planning and Development portion of the Act (Part 17).	Require municipalities to implement policies with respect to how they will keep neighbouring Indigenous communities informed during the development of statutory plans and require municipalities to inform Indigenous communities that share a common boundary with two-week's notice of a public hearing for statutory plans including notice information (i.e. statement of purpose, date, time, and address of the meeting).	• AUMA supports a provision to inform Indigenous communities during the development of statutory plans. The province will need to specify which groups should be informed (e.g. Treaties, Reserves, Metis Settlements, etc.) and provide clarity regarding the term "common boundary". • The provisions should also explicitly state that it is a requirement only where shared boundaries exist and that it is a duty to inform and not a duty to consult. The legislation must not only define that it is a duty to inform, but specifically state that it is not a duty to consult. • Clarification needs to be provided on which statutory plans are required for notification as a municipality may prepare hundreds of documents (e.g. new or revised Area Structure Plans or variances on their land-use bylaws) over the course of the year, many of which an Indigenous community may have no interest. Due of the volume of documents, Indigenous communities should have the ability to select, or opt out of receiving, all notification if they so choose. • Further, 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.

ENFORCEMENT OF MINISTERIAL ORDERS

BACKGROUND:
Currently, the Minister of Municipal Affairs may issue directives to ensure accountable and responsive local government under very specific circumstances. Directives may currently only be issued flowing from an inspection of a municipality where the inspection finds that the municipality has been governed or managed in an irregular, improvident or improper manner. In rare and extreme cases, where Directives resulting from a municipal inspection are not carried out to the Minister's satisfaction, the Minister may take actions such as removing councillors or Chief Administrative Officers (CAOs).

CONTEXT OF TOPIC:
Currently, the *MGA* does not give the courts direction on how to consider Ministerial orders and directives. This has created challenges in enforcing Ministerial orders and directives intended to address local governance concerns. Throughout the *MGA* Review process, Albertans and many municipal officials have expressed that it is important for there to be processes in place that hold councils accountable for their actions and promote a high standard of local governance.

Proposed changes would not allow the Minister to act arbitrarily, but would ensure proper authority exists to address significant concerns, and to provide more tools to ensure municipal compliance with Ministerial Orders.

POTENTIAL AMENDMENTS FOR DISCUSSION:

Topic	Current Status	Proposed Changes	AUMA Perspective
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.	Allow 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;	• As municipal autonomy remains a core foundation of local governance in Alberta, these Ministerial powers should only be deployed as a matter of last resort and under extraordinary circumstances. • 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).

Topic	Current Status	Proposed Changes	AUMA Perspective
		• remove a suspension of resolution or bylaw-making authority, with or without conditions; and, • withhold money otherwise payable by the Government to the municipality pending compliance with an order of the Minister.	○ 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).
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, nor is there an 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, follow the convention that an individual is innocent until proven guilty. 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

BACKGROUND:
Currently, municipal councils can pass a resolution excusing a councillor from council meetings for a period exceeding 8 consecutive weeks, but there is no specific reference to parental leave in the *MGA*.

CONTEXT OF TOPIC:
Throughout the summer of 2016, various stakeholders expressed an interest in opening the discussion around parental leave for municipal councillors by specifically allowing municipalities to create policies on parental leave. Under the approach being explored, if a municipality chose not to allow for parental leave, the existing leave provisions in the *MGA* (up to 8 weeks) would still apply. The contents of a parental leave policy would be established by each municipality based on the needs of that municipality; however, if the policy allowed for extended parental leave, it would also be required to address how the constituents in that councillor's ward would be represented during the councillor's leave.
Providing for this kind of change would give municipalities the opportunity to take steps to make political life more family-friendly and accessible for women seeking office.

POTENTIAL AMENDMENTS FOR DISCUSSION:

Topic	Current Status	Proposed Changes	AUMA Perspective
Parental Leave Policy	The *MGA* is silent on this matter.	Enable councils, by bylaw, to create a policy respecting 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.	• The amendment needs to clarify how a parental leave policy will differ from existing provisions that enable Council to grant a leave. • While it would be beneficial to make a parental leave policy mandatory, the specific provisions must be set by each municipality in accordance with their capacity to accommodate (e.g. full leave vs. partial leave, scope of duties required/permitted during leave such as community events or committee participation, time period of leave, compensation during leave, etc.) • The policy must outline how constituents will be represented when their elected official is on leave and how quorum will be achieved at council meetings. • As well, the policy should specify that an elected official on approved leave is not required to vote on matters during this period.

Topic	Current Status	Proposed Changes	AUMA Perspective
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 supports the clarification but 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

BACKGROUND:
Traditionally, municipal purposes have been defined as providing good governance; providing services, facilities and other things necessary or desirable for the municipality; and developing and maintaining safe and viable communities.

CONTEXT OF TOPIC:
During the summer 2016 discussions, some stakeholders expressed concern that municipalities lack explicit authority to incorporate environmental stewardship considerations in their operational and land-use decision making processes.

Explicitly including environmental stewardship as a municipal purpose would give municipalities authority to cite environmental consideration in a range of operational and growth decisions. It would also allow municipalities to fully embrace a leadership role in environmental stewardship and more actively participate in moving toward the goals in Alberta's Climate Leadership Plan.

Municipalities would not be permitted to take responsibility for areas covered under provincial legislation, such as the *Water Act* or the *Environmental Protection and Enhancement Act*, nor would they be authorized to take land for environmental stewardship considerations without compensation. The reserve land provisions in Part 17 of the *MGA,* including the proposed new conservation reserve provisions, would continue to apply.

POTENTIAL AMENDMENTS FOR DISCUSSION:

Topic	Current Status	Proposed 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. The *MMGA* proposes also including the following as a municipal purpose:	Include consideration of the stewardship of the environment as a municipal purpose.	• AUMA does not support including environmental stewardship as a municipal purpose without a comprehensive review to confirm that responsibility is aligned with legislative authority and/or resources. • In the interim, this responsibility could be considered for inclusion in city charters where this is appropriate and agreeable to the cities. • Another alternative is to expand the duty of a councilor to consider the welfare of the environment and/or to expand the definition of safe communities to include an environmental aspect. • Consideration could also be given to the inclusion of environmental plans in ICFs. • Any further changes would require clarification of the associated funding and environmental monitoring and reporting responsibilities. Specifically: ○ expectations on municipalities and municipal services (e.g. if this provision would potentially require a municipality to convert municipal services that are carbon intensive to greener options, regardless of cost or burden);

Topic	Current Status	Proposed Changes	AUMA Perspective
	• to work collaboratively with neighbouring municipalities to plan, deliver and fund intermunicipal services.		○ how the province will provide funding for municipalities to cover the additional costs incurred by municipalities in order to incorporate provincial responsibilities as a core purpose; ○ if this provision would enable an appeal of any decision by council on the grounds of environmental impact or concern; and ○ what level of precedence environmental stewardship has compared to a municipality's other purposes (e.g. how development and expansion are weighed against the purpose of being an environmental steward and what takes precedence).

NOTIFICATION OF AMALGAMATIONS AND ANNEXATIONS

BACKGROUND:
Some local authorities, such as school boards, have expressed concern that they are not always notified of proposed annexations or amalgamations, which can affect the jurisdiction in which students go to school.

CONTEXT OF TOPIC:
Currently, by definition, a "local authority" includes municipalities, regional health authorities, regional services commissions, and school boards. Any change would ensure that all local authorities in the area are notified of a proposed annexation or amalgamation.

The *MMGA* has removed the Deputy Minister of Municipal Affairs as the Administrator of the Municipal Government Board, and replaced that position with a Chair of the Board. As a result, whereas the previous notification provision would result in the Ministry being notified via the Deputy Minister, this will no longer be the case. A separate provision is needed to maintain the notification to the Ministry.

POTENTIAL AMENDMENTS FOR DISCUSSION:

Topic	Current Status	Proposed 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 that operate or provide services in the affected municipalities, and include proposals for consultation with local authorities 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 is supportive of 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. • 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 that operate or provide services in one or both of the affected municipalities be notified.	• AUMA is supportive of a requirement to notify local authorities, as it will ensure that the Minister and local service providers are aware of the intended annexation. • The local authorities that need to be notified would need to be clarified, and clearly defined, so as to ensure consistency.

TOPICS FOR DISCUSSION—HOW DO MUNICIPALITIES WORK TOGETHER AND PLAN FOR GROWTH?
MUNICIPAL COLLABORATION WITH SCHOOL BOARDS

BACKGROUND:
As part of the subdivision application approval process, a municipality may require a portion of the land in a subdivision to be dedicated for a public benefit such as a park or school. Such lands are called reserve land. A municipality may require up to 10 per cent of the lands from a subdivision area to be dedicated as municipal reserve (MR), school reserve (SR), or municipal and school reserve (MSR) lands.

Joint Use Agreements (JUAs) between schools and municipalities have been in existence since the late 1950s, and outline how MR, MSR and SR lands will be allocated between the municipality and each school board within its boundary. In the absence of a JUA, the needs of municipality and the school board(s) are determined at subdivision. Many municipalities within the province have developed JUAs with local school boards to provide clarity on the use, development, and disposal of school facilities and land.

CONTEXT OF TOPIC:
During the *MGA* Review's 2016 summer engagements, municipalities and school boards expressed frustration with the reserve land assembly process. Both advocated for a new approach when acquiring land for sites that exceed the amount of reserve land available through the subdivision process. In addition, many municipalities and school boards advocated for legislative amendments to mandate the establishment of Joint Use Agreements as a normal course of business.

Benefiting Area Contribution
The assembly of land for larger parks and school sites can be difficult under the current reserve land process. A solution that has been discussed over the course of the *MGA* Review is allowing reserve land contributions through a benefitting area contribution structure. This structure could be used to support land dedication and development of parks and school sites, and would allow the impact on developers in the area to be distributed more evenly.

This structure would give municipalities the ability to define a geographical area in a developing area that will benefit from larger assembly of land sites, such as the catchment area for children attending a high school. This benefitting area will typically have more than one developer involved in developing the land. Once the benefiting area is defined, municipalities would identify which developers' subdivision will contain the reserve land site. The municipality would then be enabled to collect up to half of the other developers' maximum 10% contribution in funds rather than in lands, and the resulting funds could be used to compensate the developer where the site is located (for the additional land required for the site above and beyond the normal 10% dedication).

The benefiting area contribution structure would be different from the existing money-in-place of MR, SR and MSR structure as it would include the costs required for the assembly and servicing of the reserve sites, thereby promoting an equitable distribution of costs required to assemble and service the sites.

Joint Use Agreements

The *MGA* provides the flexibility for municipalities to enter into JUAs with school boards, but they are not mandatory. Stakeholders expressed during the summer engagement that there is a need for a more efficient and effective use and development of school facilities and sites to better address the goals of integrated planning, more livable communities, and more efficient and cost effective funding.

Making JUAs mandatory would support collaboration between school boards and municipalities, and ensure municipal reserves are used efficiently and effectively. This change would lead to coordinated decision-making in the use, development, and disposal of school facilities and sites.

POTENTIAL AMENDMENT FOR DISCUSSION:

Topic	Current	Proposed 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.	Provide 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.	• 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%. • 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

Topic	Current	Proposed Changes	AUMA Perspective
			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. • One positive aspect of the benefiting area contribution structure is that it includes the costs required for the assembly and servicing of the reserve sites. This acknowledges the municipal costs associated with developing school sites. • 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.	Require 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. The contents of a JUA would include: • the process for acquiring and disposing of land and associated servicing standards for the schools; • a process for enabling and developing long term and integrated planning for school sites/facilities; • a process for determining access agreements for facilities and playing	• 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. • 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

Topic	Current	Proposed Changes	AUMA Perspective
		fields, including matters related to any maintenance, liabilities and fees; • a dispute resolution mechanism agreed to by both the municipality and the school boards; • a process for determining ancillary reserve use to complement or enhance the primary school uses for reserve land outlined in the MGA and that have a public benefit; • a time frame and mechanism for regular review of the joint use agreement. Consequential amendments may be required to the *School Act* and the *Education Act.*	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. • Provisions should be made to require a Joint Use Agreement to address how reserves collected in the municipality will be used to contribute to school site acquisition and development in any other municipality to which that municipality sends its students. • 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. • Consideration should be given to municipalities where there are multiple school boards (e.g. Public, Catholic, Francophone, Charters, etc.) as this will increase the complexity of these agreements. • 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

BACKGROUND**:**
Municipalities can collect off-site levies from new developments within their boundaries to pay for servicing upgrades related to water, sanitary sewage, storm sewer drainage, and municipal roads. Through the *MMGA,* it is proposed to expand this levy to include fire halls, police stations, libraries, and community recreation facilities.

CONTEXT OF AMENDMENTS:
During the summer, stakeholders brought forward additional issues related to off-site levies.

Provincial Transportation Systems
A levy system could be implemented to fund provincial highway improvements that service a new development upon its completion (for example, highway overpasses and interchanges); this would support the creation of more comprehensively planned communities. Approval by the Minister of Transportation would be required to ensure the levy costs align with Alberta Transportation's projected costs for the construction of the infrastructure. Alberta Transportation would also have an opportunity to review and comment on any proposed new development and its impacts on Provincial highway infrastructure when statutory plans are created.

Inter-municipal Off-site Levies
Stakeholders indicated that, in some instances, off-site infrastructure or the benefit of additional off-site infrastructure may extend into developments in another municipality. It was proposed that municipalities should have the ability to levy for off-site infrastructure across municipal borders. This is consistent with the strong intermunicipal collaboration focus of the *MMGA,* enabling intermunicipal off-site levies would be an additional tool to increase regional collaboration.

In this model, when new or expanded off-site infrastructure is located in one municipality, but the benefitting area extends to one or more other municipalities, off-site levies could be charged to developments in either municipality benefiting from the infrastructure.

Validating Existing Off-site Levy Bylaws
Some municipalities have existing bylaws and agreements in place, and the proposed new off-site levy provisions may create legal challenges for some of these off-site levy bylaws or agreements. Validating existing off-site levy bylaws and agreements would ensure off-site levy bylaws and development agreements created before a specific date would remain valid until such time as the agreement expires or the bylaw is amended.

Education
In some situations, off-site levies may be applied to school developments. School Boards have requested that they be exempted from the application of off-site levies for school site projects given that new schools provide a public benefit within communities. It is proposed that school boards be exempt from paying off-site levies on developments related to school board purposes.

POTENTIAL AMENDMENT DISCUSSION:

Topics	Current Status	Proposed 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.	Enable off-site levies, by bylaw, to be charged for provincial transportation projects that serve the new or expanded developments. Require approval of the Minister of Transportation before this type of levy can be collected. 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.	• AUMA does not support municipalities collecting offsite levies to pay for the provincial transportation system. The 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. • If this provision goes forward, it needs to be at the discretion of individual municipalities as to whether to use this tool and it may be better advanced through city charters or growth management boards.
Intermunicipal Off-Site Levies	The legislation does not currently allow for intermunicipal off-site levies.	Enable 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).	• AUMA is supportive of 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. • This provision should specifically allow municipalities to charge an offsite levy to support a facility in a neighbouring municipality and transfer the funds to that municipality where the facility is supported by appropriate studies and either a separate agreement in respect of cost sharing or as part of an ICF, or IDP. Having a clear agreement in place would provide clear reporting requirements, financial obligations etc., and ensure that risks and responsibilities are shared appropriately. • Consideration must also be given to how an appeal would function for an intermunicipal levy, the process in cases where a

Topics	Current Status	Proposed Changes	AUMA Perspective
			municipality does not wish to contribute/participate, and the mechanisms each municipality has in order to access appeals. • 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, state 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.	Exempt school boards from paying off-site levies on non-reserve lands that are developed for school board purposes.	• AUMA is not in support of this amendment as it relates to any "school board purpose". This is too broad of a classification because a "school board purpose" may include a broad array of land uses, many of which should be levy able. • AUMA would be in support of this provision if it was to specifically exclude "schools" rather than "school board purpose" from the payment of offsite levies.

CONSERVATION RESERVE

BACKGROUND:
As part of the subdivision application approval process, a municipality may require a portion of the land to be dedicated for a public benefit such as a park or school. Such lands are called reserve land. The *MGA* requires municipalities to follow a public process when removing the reserve designation from most municipal, community services, and school reserve lands. Lands designated as environmental reserve cannot have the reserve designation removed, but the use of this land can be altered through a council bylaw process.

Under the *MMGA* a new type of reserve land designation, conservation reserve, was proposed. Under this model conservation reserve would be collected during the subdivision application process and used to protect environmentally significant areas. The conservation reserve land assembly process would ensure owners of land taken as conservation reserve are appropriately compensated. Should land be dedicated as conservation reserve, the dedication could not be removed.

CONTEXT OF TOPIC:
During the summer, stakeholders indicated that further clarity is required with respect to how conservation reserves should be identified, transferred between municipalities, and protected.
Stakeholders are seeking clarity and predictability within the land designation process and in order for municipalities and landowners to make more informed land-use planning decisions. Stakeholders were also interested in whether the conservation reserve land designation could be removed on lands that have lost their conservation significance (e.g. flood, fire).

POTENTIAL AMENDMENTS FOR DISCUSSION:

Topic	Current Status	Proposed Changes	AUMA Perspective
Transfer of conservation reserve	The *MGA (s.127)* identifies what an order to annex lands may require.	Require 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 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

Topic	Current Status	Proposed Changes	AUMA Perspective
			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 proceeds of the sale or money received must be paid to the new municipal authority by the old municipal authority.	Specifically state 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.
Identification of conservation reserve	The *MGA* outlines what a Municipal Development Plan (MDP) must and may contain (s.632(3))	Clarify 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. • 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.

Topic	Current Status	Proposed Changes	AUMA Perspective
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 state 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 is 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).	Exempt 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 the *MMGA* do not address removal of the conservation reserve designation or sale of conservation reserve lands.	Allow 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.	• 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 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.

TOPICS FOR DISCUSSION—HOW ARE MUNICIPALITIES FUNDED?

COMPLIANCE WITH THE LINKED TAX RATE RATIO

BACKGROUND:
Municipalities currently have the ability to distribute property taxes between non-residential and residential property owners however they wish. In some municipalities, this has led to non-residential tax rates increasing much faster than residential tax rates. In some cases, non-residential property tax rates are more than 10 times higher than the residential property tax rates. The *MMGA* proposed a maximum ratio of 5:1 between the highest non-residential property tax rate and the lowest residential property tax rate. Under this proposal, municipalities that had higher tax rate ratios would be able to maintain their ratio from year to year, but would not be permitted to increase it.

CONTEXT OF TOPIC:
Feedback from stakeholders over the summer indicated that further consultation was required to determine whether municipalities currently outside of the proposed 5:1 ratio should be required to come into compliance with the maximum ratio within an established timeframe rather than have their ratios maintained at current levels.

POTENTIAL AMENDMENTS FOR DISCUSSION:

Topic	Current Status	Proposed Changes	AUMA Perspective
Compliance Timeframe	No required compliance date has been proposed for municipalities outside of the proposed ratio.	Add a provision requiring municipalities to comply with the proposed maximum tax rate ratio. Allow the Minister to set a schedule 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. Add a provision giving the Minister authority to exempt a municipality from any aspect of the proposed compliance schedule if and when they consider it appropriate.	• 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. • 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. • 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. • Further authority should be given to allow a municipality to specify a subclass to be exempt from

Topic	Current Status	Proposed Changes	AUMA Perspective
			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

BACKGROUND:
Intensive agricultural operations are large-scale farming operations that take place on a relatively small land area, often with extensive use of farm buildings and improvements such as structures, fencing, and lighting. Farm buildings and improvements are currently exempt from property taxation in rural municipalities and, due to changes proposed through the *MMGA*, may soon be exempt from property taxation in all municipalities. The result could be that intensive agricultural operations, which have large investments in farm buildings and improvements, may pay about the same amount of property tax as non-intensive farms of similar land area.

CONTEXT OF TOPIC:
Intensive agricultural operations generally move large volumes of animals or agricultural products which can cause significant wear and tear on municipal infrastructure such as roads and bridges. This can result in high maintenance costs for municipalities. Throughout the *MGA* Review there has been consistent conversation about how to ensure that these operations contribute funds to their municipalities commensurate with their impact on municipal infrastructure and services.

Should such a change be included in the *MGA*, discussion with stakeholders would be required to get input and perspective on regulatory requirements.

POTENTIAL AMENDMENTS FOR DISCUSSION:

Topic	Current Status	Proposed Changes	AUMA Perspective
Levy on Intensive Agriculture	There are no specific provisions for intensive agriculture operations	Explicitly authorize municipalities to pass a bylaw imposing a levy on intensive agricultural operations. Also authorize the creation of regulations respecting the intensive agricultural operations levy including: • the definition of intensive agricultural operations; • the calculation of the levy; • the purposes for which funds collected through the levy may be used; and, • any other matter necessary or advisable to carry out the intent and purpose of the levy.	• AUMA is supportive of this change 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. • There are several changes that should be considered for agriculture operations and buildings, such as: ○ enabling the assessment of farm buildings, which are currently exempt, given that many are commercial in nature. ○ agriculture facilities such as marijuana grow operations, greenhouses, or hemp industry require a classification that would enable a municipality to tax them. ○ commercial spaces attached to agriculture operations need to be able to be split to assess them as commercial operations and not agricultural ones.

ACCESS TO ASSESSMENT INFORMATION

BACKGROUND:

The *MMGA* proposed consolidating several industrial property types (major plants; facilities regulated by the Alberta Energy Regulator, Alberta Utilities Commission and National Energy Board; railway properties; and linear property) under a new classification of Designated Industrial Property (DIP) which will all be assessed centrally by the Province.

CONTEXT OF TOPIC:

Property owners and municipalities both have a stake in ensuring that assessments prepared for these properties are accurate, which is why both parties would have the ability to file complaints about assessments prepared by the province. Property owners would have a legislated right to request information sufficient to show how the assessor prepared their assessment, but as the proposed legislation is currently drafted, municipalities would not have a similar right.

Some of the information that would be used to prepare DIP assessments is considered confidential by industrial property owners. This information may be necessary for a municipality to understand how the assessment was prepared, but it should not be shared or used for purposes outside of this process.
Any amendments to the proposals in the *MMGA* would provide municipalities with the right to access the information used to prepare an assessment of DIP property within their jurisdiction in order to understand how the assessment was prepared, but would also protect confidential information about the industrial property in question.

POTENTIAL AMENDMENTS FOR DISCUSSION:

Topic	Current Status	Proposed Changes	AUMA Perspective
Access to DIP Assessment Information	The *MMGA* as written would not allow municipalities access to information regarding how a DIP assessment was prepared.	Include provisions in the proposed new legislation 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 proposal, 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	• 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. • However, 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”

Topic	Current Status	Proposed Changes	AUMA Perspective
		the assessment is prepared correctly, if a complaint is warranted; and to prepare a case.	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 state 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. • However, 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

BACKGROUND:

It is not sufficiently clear when assessment complaint periods begin and end due to ambiguity regarding when documents are understood to be sent and received.

CONTEXT OF TOPIC:

Stakeholders expressed that it is important to remove ambiguity about the complaint period for assessment notices.

POTENTIAL AMENDMENTS FOR DISCUSSION:

Topic	Current Status	Proposed 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 proposed *MMGA* 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 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.	• 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. • However, 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 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. • As a note of clarification, this amendment should specify that it is regarding the "date the assessment notice is sent", not the "notice of assessment date".

CLARITY REGARDING TAX EXEMPTIONS

BACKGROUND:
Any Crown interest in property is exempt from taxation under the *MGA*. This includes Provincial agencies as defined under the *Financial Administration Act.*

CONTEXT OF TOPIC:
While any Crown interest is exempt from taxation, the government recognizes that it is fair and appropriate to compensate municipalities for the services the municipality provides to these properties (such as water, sewer, and fire protection).

The provincial government has the discretion to pay municipalities a grant up to the amount the municipality would collect in property taxes if a Crown property were not exempt from taxation. In other cases, where the government leases property, the lease agreement often means that the property owner pays property taxes on behalf of the government. Given the wide range of leasing and accommodations arrangements by provincial government entities, greater clarity is being sought by stakeholders regarding the responsibility of Crown agencies to pay property taxes.

The definition of "Provincial agencies" in the *Financial Administration Act* specifically excludes Alberta Health Services and housing management bodies established under the *Alberta Housing Act*. The *Municipal Government Act* (section 362) also specifically exempts schools, colleges and universities from property taxes. Any proposed amendment would not affect the tax status of Alberta Health Services properties, social housing, schools or universities.

POTENTIAL AMENDMENT FOR DISCUSSION:

Topic	Current	Proposed Changes	AUMA Perspective
Taxation of Provincial Agencies	Under the MGA, any property interest held by a Provincial agency is exempt from taxation.	Specifically state that properties owned, leased and held by provincial agencies (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). • However, 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

Topic	Current	Proposed Changes	AUMA Perspective
			Agencies, Boards and Commissions review, or future reviews or name changes, etc.

CORRECTIONS TO ASSESSMENTS UNDER COMPLAINT

BACKGROUND:
The *MGA* (as amended by the *MMGA*) would allow an assessor to revise an assessment, even if the assessment is under complaint; however, the current framework for assessment complaints does not include a suitable process for the assessor to revise assessments that are under complaint.

CONTEXT OF TOPIC:
Until recently, assessors' authority to revise assessments was limited to correcting minor technical errors. A recent ruling from the Supreme Court of Canada has re-interpreted the *MGA* to expand assessors' authority to revise assessments, including the ability to increase assessments. The combination of expanding the type of revisions that an assessor can make and allowing assessors to revise assessments that are under complaint has implications for the assessment complaint framework.

The proposed amendments are intended to provide a suitable process whereby the assessor can revise assessments during the complaint process, but fully maintain the property owner's rights to review their assessment and file a complaint.

POTENTIAL AMENDMENT FOR DISCUSSION:

Topic	Current Status	Proposed Changes	AUMA Perspective

Changes to Assessments under complaint	Under the *MGA* as amended by the *MMGA*, assessors would be permitted to revise an assessment even after a complaint has been filed on the assessment.	Establish the following process for revising an assessment that is under complaint:
		• Require 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).
		• Require 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.
		• Do 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.
			• However, 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.

Topic	Current Status	Proposed Changes	AUMA Perspective
			under section 299 where it resets the 60 day appeal period). Or, the owner should have the option of overruling the complaint so that the complaint period is not reset unnecessarily.)

GENERAL TECHNICAL AMENDMENTS - GOVERNANCE

Current	Proposed	Rationale	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.	Clarify that the inclusion of witness affidavits is required upon submission of a petition.	The absence of affidavits makes it difficult to determine the validity of signatures, and therefore the overall sufficiency of a petition. The inclusion of an explicit provision requiring affidavit submission will assist in either compelling their submission or finding the petition to be insufficient.	• AUMA is supportive of this amendment so that municipal petitions are consistent with provincial rules and requirements for petitions. • The MGA should maintain the requirement that all sheets of a petition containing signatures must indicate the topic of the petition. • 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.	Add 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) or a revenue sharing agreement.	This amendment would ensure that funding obligations under proposed ICFs would be addressed, and will also continue the provisions in a soon-to-expire regulation governing the sharing of revenue from Improvement District 349 in the Bonnyville-Cold Lake region (ID 349 Revenue Sharing Regulation).	• 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. • Additionally, this provision should be extended to include reference to a municipality's capital plan as an ICF 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.	Repeal subsection (2)(c), repeal the reference to it in s.606.1(4) and repeal the additional notice requirement in s.606(6)(e) that relates only to notification given on a website under subsection (2)(c).	Some stakeholders raised concerns with the potential lack of transparency that could result. 606(2)(d) and 606.1 allow for the same form of notification while including additional transparency and accountability measures if a council wants to use such alternative notification methods. In practice, this means that a municipality could still use their website as a means of satisfying public notification requirements, but only if a bylaw had been passed,	• 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.

Current	Proposed	Rationale	AUMA Perspective
		following a public hearing, to enable this approach.	The MGA should enable municipalities to post information online in the most cost-effective manner.
FOIPP and Closed Council meetings **s.197** Indicates when a meeting may be closed with reference to the *Freedom of Information and Protection of Privacy Act* (FOIPP).	Remove the direct reference to the FOIPP provisions. This matter will be addressed by directly referencing the allowable exceptions within a proposed regulation.	The Privacy Commissioner has identified that the reference to the exceptions from FOIPP should be replaced by specific provisions in the *MGA* or associated regulations. This change would allow the description of the exceptions to be clearer by framing them in the context of meetings. The exceptions will be incorporated into the proposed Closed Council Meetings Regulation.	• AUMA would be in support of this amendment if the provisions included in the MGA included, at a minimum, all of the applicable provisions currently present in FOIPP. • Further, the MGA should allow for the ability to close a meeting for education or training, plans that are of a long-range or strategic nature, joint intermunicipal discussions, and discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report. • The MGA should also allow a councillor to abstain from voting on a matter that was discussed in a closed council meeting when they did not take part and do not have the information to vote knowledgably.
Form of Nomination **The *Local Authorities Elections Act (LAEA)* (s.27(1))** includes the requirement that each candidate must provide a written acceptance, which includes the statements that the candidate is eligible to be elected and will accept the office if elected.	Add a new provision to the *LAEA* to require candidates to acknowledge the requirement to read and comply with the municipality's code of conduct if elected.	This is consistent with the intent of requiring all municipalities to have a code of conduct in the 2015 *MGAA.*	• AUMA is supportive of this provision as it will ensure consistency for councillors across the province. • 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.

Current	Proposed	Rationale	AUMA Perspective
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.	Add 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.	Stakeholders have expressed a need to clarify the process for correcting minor errors to bylaws.	• 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.	Clarify that this section operates despite the provisions in s.191, which deals with the power to amend or repeal a bylaw.	Stakeholders have expressed a need to clarify the process for correcting minor errors to bylaws.	• AUMA is supportive of this change as fixing minor errors or omissions should not need to be subject to a rigorous bylaw approval process.

GENERAL TECHNICAL AMENDMENTS—PLANNING AND DEVELOPMENT

Current	Proposed	Rationale	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.
	Change the reference from swamp to wetland.	Changing swamp to wetland will modernize the language in the *MGA* and harmonize the legislation with the wetland policy that was developed by Environment and Parks.	• AUMA is supportive of this amendment as it will bring the MGA in line with Alberta's wetland policy, which is important for clarity and consistency due to the expanded definition of "wetlands".
			• Further, a definition of "wetlands" should be included in the MGA to be consistent with that contained in the wetland policy.
			• AUMA remains concerned about the reduced applicability of environmental reserve due to the narrower provisions contained in the MMGA. Further consideration is required around:
			  ○ The ability to protect some lands from development (e.g. setbacks from a stream) without compensating for them.
			  ○ Clarify jurisdiction on lands, such as beds and shores, adjacent to bodies of water.

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.	Add a requirement that area structure plans with a provincial highway component will need to be referred to Alberta Transportation.	Alberta Transportation has indicated that this will assist with their long-range planning.	• 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.	Ensure that the appeal period is the same for posted, advertised or mailed notices.	Development permit decisions can be posted, advertised or mailed, depending on a municipalities land use bylaw. Maintaining this provision, as is, would mean that mailed notices would have 21 days to file an appeal, but that	• AUMA is supportive of this administrative change as it provides consistency for appeal periods regardless of how the notification is posted or delivered.

Current	Proposed	Rationale	AUMA Perspective
		published or advertised notices would only have 14 days. An amendment to adjust this section to make the appeal period the same for posted, advertised and mailed and published notices was not possible through house amendment.	

GENERAL TECHNICAL AMENDMENTS—ASSESSMENT AND TAXATION

Current	Proposed	Rationale	AUMA Perspective
New Extension of Linear Property Regulation	Exclude 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	This regulation treats electric power generation plants that have the ability to sell power as linear property for assessment and taxation purposes. The Extension of Linear Property Regulation is a section 603 made regulation that expires June 30, 2017. There is a need to have the regulation remain until the matter is dealt with in the Matters Relating to Assessment & Taxation Regulation (MRAT)	• 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	Elevate 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.	The regulation enables the making of a Ministerial Order to exempt components used for or in the generation of electricity of 'electric power systems' from paying education property taxes. The Electric Energy Exemption Regulation first came into effect January 1, 2001 to provide for the consistent property assessment of all types electric power generating systems, to provide for a tax incentive that would attract industry investment, and to mitigate any adverse financial impacts for certain municipalities in a deregulated market environment for electric power generation. This regulation expires on June 30, 2017 and cannot be renewed under s.603 which provides time-limited regulation-making authority. The *Municipal Government Amendment Act* (2015) saw the elevation of other s.603 regulations in the Act; for others, new regulation-making authority was created.	• 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**	Clarify the legislation so that the purposes for which assessors are permitted to inspect	Information should only be used for the purpose for which it was collected. Aligning the purposes for which an assessor may request information and perform an inspection would mean that all	• AUMA is supportive of this change as it ensures assessors have the necessary information for which to do their job.

Current	Proposed	Rationale	AUMA Perspective
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*.	properties are aligned with the right of assessors to request information to carry out their duties under Parts 9-12 of the *MGA.*	information in the assessors' possession can be used for the same purpose (i.e. to carry out their duties and responsibilities under the *MGA*).	This provision is needed to ensure that this remains the case. • The MGA will need to 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 *MMGA* 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 has filed a complaint about their assessment and the issue has not been resolved. Under the *MMGA* proposals, 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.	Clarify 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. The assessor may still request information or compel the property owner to provide records relative to the upcoming assessment year.	This amendment would create a better balance between the access to information rights of property owners and assessors. It would mean that while a complaint is active, both parties are only obliged to share information as part of the complaint process.	• AUMA is not supportive of this amendment as it appears to limit information requests from owners regarding information for the current year. • This provision needs to enable the processes of assessments while one is under complaint for 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	Clarify that assessors would only be required to apply non-residential sub-classes in the assessment process if	Applying non-residential sub-classes to property assessments would require additional work and investment in information technology infrastructure for most municipalities. This amendment would allow municipalities to avoid	• AUMA is supportive of this amendment as many municipalities will not be able to, or have no need to, implement non-residential subclasses.

Current	Proposed	Rationale	AUMA Perspective
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.	council chooses to tax the sub-classes differently.	these expenses if they choose not to use non-residential sub-classes.	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)).	Remove the requirement to include a liability code on assessment rolls and notices.	This code was required because provincial auditors made use of it when auditing municipal assessments – it is not meaningful for property owners or municipalities. It is no longer required for the audit program.	• AUMA supports this administrative change.
Receipts Municipalities are required to provide a receipt when taxes are paid (section 342).	Clarify that municipalities will be required to provide a receipt when taxes are paid, unless otherwise advised by the property owner.	Costs associated with issuing receipts (usually by mail) may be unnecessary if property owners do not wish to receive a receipt.	• AUMA is supportive of this amendment, however we feel it does not go far enough. • AUMA recommends that the MGA require that municipalities should provide a receipt on request. However, the default should be to not provide a receipt unless there is an error in the payment, or the bill is not fully paid, etc.

Additional Recommendations

There are numerous issues that are still unresolved despite AUMA's submissions to the province during the MGA review process. We urge the province to address these matters through the spring 2017 Bill as they will otherwise impair the governance and sustainability of municipalities.

Consultation with Municipalities

The MGA should specify that the Government of Alberta must engage in meaningful consultation with municipalities regarding any legislative or regulatory change with a substantial municipal impact. As well, the legislation should specify that a minimum three year notice to municipalities be provided on any reduced funding or policy change. This includes the need to:

- Create a legislated requirement that any statutory, regulatory, or policy change to municipal duties, powers, or functions only be considered after consultation and engagement with municipalities.
- Where changes to roles and responsibilities are initiated by either the province or municipalities, provide a clear framework for agreed upon roles and responsibilities.
- Where municipalities have the capacity and willingness to undertake or share provincial responsibilities, provide for incentives and with a clear formula for funding that is indexed for change.
- Require meaningful municipal engagement in the planning and operation of provincial infrastructure.
- 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.

Joint and Several Liability

Legislative changes are required in order to protect municipalities from liability for damages caused by a municipality responding in good faith to emergencies or providing services to its region unless the municipality is grossly negligent.

Amendments required:

- Protect municipalities from liability for damages caused by a municipality acting in good faith to provide infrastructure and services unless the municipality is grossly negligent.
- Provide a limitation period for any person claiming compensation arising from a road closure.
- Reform joint and several liability, particularly in the areas of contribution shortfall and the creation of a minimum threshold of liability prior to the application of joint and several liability principles.

Municipal Sustainability and Viability
The MGA should state that there will be predictable, long-term funding so that sufficient resources are available for municipalities to carry out their core responsibilities and be sustainable and viable. In addition, AUMA recommends that the funding sources should be legislated and indexed, along the lines of the federal Gas Tax Fund.

Municipal Taxation Powers
Municipalities require expanded revenue capacity through a wider variety of taxes and levies as well as increased flexibility in the current tools available to municipalities so that they can manage growth pressures and unique challenges in their communities. In addition, with respect to increasing the flexibility of current revenue tools, AUMA recommends that:

- Municipalities should be enabled to establish bylaws on the scope of local improvement taxes so that they may include items such as potable water systems, and renewable energy systems.
- Some current provincial revenue streams should be shifted to municipalities (e.g.., hotel and gas taxes).
- Business licensing fees should be allowed to be utilized in a manner that compensates municipalities for the services that the business and its operation cost the municipality (e.g. allow levies and fees to hotels to compensate for costs to municipalities from shadow populations).

Expand Municipal Revenue Base
AUMA is seeking the following changes:

- Provide municipalities with a share of provincial revenues.
- Provide municipalities with the ability to increase their revenue generating authority.
- Ensure municipality can establish fees and charges through local bylaws and without provincial interference.
- Provide the ability for municipalities to charge offsite levies more than once on a parcel of land that is being redeveloped for another use or developed in stages.
- Lift suspension of Community Revitalization Levies and allow municipalities to pass CRL bylaws without provincial oversight.

Stabilize Municipal Grants
AUMA is seeking the following changes:

- Make core provincial grants and transfers statutory and index them for growth so that they are stable and reliable, allowing for multi-year planning. Engage municipal associations in the determination of appropriate allocation formulas, ensuring that there is not a sole focus on per capita allotment.

Property Assessment and Taxation Reforms
AUMA is seeking the following changes:

- Implement the property assessment and taxation reforms recommended by AUMA in 2010 and 2012.
- Eliminate education property taxes as property taxes should be used exclusively for the funding of municipal services associated with the ownership of property.

- In the alternative, a direct link should be established between the amount of Municipal Sustainability Initiative funding allocated and education property taxes collected.
- Provide greater flexibility in the requirements for property assessment and tax notices, reducing the prescriptive and highly detailed nature of these sections of the MGA.
- Allow municipalities to initiate the tax recovery process one year after the date that the tax was imposed.

Oversight of Code of Conduct

AUMA is requesting that the province revisit the code of conduct provision put forward in Bill 20. The amendment was incomplete and needs to be revised to outline the following oversight provisions:

- Provide for an independent oversight body (e.g. Integrity Commissioner), or require the Provincial Ethics Commissioner to have an oversight role.

Provincial Oversight via Ombudsman

AUMA does not support the expanded oversight of the Alberta Ombudsman; however, if this amendment is to remain, the associations are seeking the following changes:

- Include additional parameters in a Ministerial Guideline on what is in and out of scope regarding an issue of administrative fairness.
- Include a 3-year review of these provisions as a trial period.
- Require annual reporting to the public on all matters brought forward to the Ombudsman (including complaints that were not investigated and those where no recommendations were made).
- Require the Ombudsman to notify the affected municipality and CAO in the event of all complaints (even those not investigated).
- Require the complainant to attempt to work with the municipality to resolve the complaint before an investigation begins.
- The Public Participation Regulation and the new Duty of a Councillor (Section 153 (a.1)) should be specifically exempt from complaints or oversight by the Ombudsman, along with Code of Conduct matters.
- Provide clear direction to municipalities about how to identify when councils may have no choice but to operate outside of existing municipal policies to deal with unexpected or unique municipal issues.
- In addition, AUMA recommends requiring the Ombudsman's office to provide annual reporting to the public on:
    - the additional costs to the Province and estimated costs to municipalities for the Ombudsman's investigations of municipal matters; and
    - how many of the Ombudsman's investigations led to a new recommendation.

Elected Official Training

AUMA supports the amendments that require the offering of training for municipal councillors following elections and by-elections and are seeking the following additional requirements:

- The LAEA should be amended to also require mandatory orientation be completed before a candidate can file a nomination form. As well, the form should have an acknowledgment that the candidate has read and understood the council code of conduct.
- In addition, AUMA recommends that the MGA should specify sanctions if training is not completed within the required time.

Intermunicipal Collaboration

AUMA supports the requirement for ICFs and is seeking the following amendments regarding boundaries:

- Amend Section 708.28(2) so that municipalities must be party to an ICF agreement where they share services and infrastructure.
- Specify that ICFs are mandatory for a shared service area (rather than only within the context of municipalities that share a boundary), unless all parties in an area determine that they would prefer to do individual ICFs.
- Expand the scope in section 708.27, 708.28, 708.29, 708.29(2) to specify that ALL services AND infrastructure that provide benefits to residents in other municipalities are required to be considered as part of the ICF.
- The purpose of ICFs from 708.27 needs to cascade into the implementation and contents of ICFs (708.28, 708.29), which currently only references provision of service, not benefit of service.
- Provide definitions for:
  - intermunicipal infrastructure (631(b)(a)(iv));
  - intermunicipal infrastructure and intermunicipal programs part of IDPs 631(b)(a)(iv-v);
  - regional services in GMBs (708.02(2)(j)); and
  - intermunicipal services (708.27(a)) (should be consistent with regional services above).
- As part of services and infrastructure, explicitly include full lifecycle costs, including operating and capital, interest payments for existing and new services and infrastructure (708.29(1)(b)(i-iii)).
- Services and infrastructure should also include economic development, as well as properties exempt under COPTER.
- Consider using formulas or consistent processes to determine how to cost-share services and infrastructure (e.g. how lifecycle costs are calculated).
- Non-legislative templates and tools should be provided by Municipal Affairs to offer some guidance.
- Outline a shared governance structure for cost-shared services and infrastructure, whereby municipalities that contribute above a certain threshold have some decision-making authority about the services and infrastructure.
- Arbitration is binding for the five-year period as specified by the legislation, unless both parties want to open it up before those five years.
- Include a provision that allows arbitrators to consider impacted municipalities' collective ability to pay in the development of the ICF.
- Arbitration should be carried out by a panel of arbitrators so that appropriate skillsets and understanding of municipal issues and the legislation are brought into the decision.

Municipal Development Plans

AUMA supports the requirement for all municipalities to have an MDP and is seeking the following changes:

- Municipalities should have up to five years to complete their MDP.
- The province should fund AAMDC and AUMA in developing additional resources and templates to assist those municipalities with capacity challenges.

Conservation Reserve

AUMA supports the creation of the conservation reserves as a voluntary tool for municipalities if the following changes are made:

- Specify that lands identified as CR are included and are not subtracted out of the base lands for the purposes of calculating MR.

- Specify that municipalities have the ability to utilize land use bylaws to reach environmental and conservation outcomes.
- Include a provision that lands identified as CR in a Statutory Plan be kept in a natural state prior to being provided to the municipality. In conjunction with that protection, substantial enforcement powers should be provided.
- Specify that compensation should be required at subdivision and that the manner of calculating compensation should be clearly outlined.
- The CR process will require an efficient dispute resolution mechanism to resolve any disagreement between the municipal planning authority and the developer with respect to the reserve boundaries.
- Clarification and definitions are provided with respect to the term 'natural state'.

Environmental Reserves and Body of Water

AUMA supports the definitions and purpose of Environmental Reserves (ER) and is seeking the following changes:

- Provide a broader definition of environmental reserves to protect significant lands that have a provincial benefit.
- Provide for the ability to protect some lands from development (e.g. setbacks from a stream) without compensating for them.
- Clarify jurisdiction on lands, such as beds and shores, adjacent to bodies of water.

Municipal and School Reserves

AUMA is asking that this matter be included in the MGA amendments and is seeking the following changes to how municipal and school reserves are administered, including expanding the range of allowable uses to increase flexibility in the use of those lands:

- Enable municipalities to take up to 15 per cent reserve or provide for the option of cash-in-lieu.
- In instances of significant redevelopment, municipalities should have the ability to rededicate reserve lands.
- Replace multiple reserve designations with a single, flexible designation with a range of uses (schools, parks, daycares, affordable housing, etc.) that can be adapted to meet local needs.

Transparency of Non-statutory Planning Documents

AUMA supports a clear hierarchy of plans that is logical and provides clarity to ratepayers and those seeking development within a municipality and is seeking the following changes:

- Clarify scope of "non-statutory policies" (i.e. planning documents, transportation documents, visioning documents etc.).
- Clarify 638.2(2)(c), as it is unclear what kind of information is required in summarizing how the policies relate to one another.

Linking Residential and Non-residential tax rates

AUMA does not support the linkage between residential and non-residential tax rates.

If the province will not remove this amendment, then AUMA suggests the following revisions:

- The linkage should not apply to urban municipalities.
- Allow for some subclasses to be excluded from the 5:1 linkage (e.g., brownfields, affordable housing and vacant non-residential property).

- Amend the regulated assessment rates.

Property Tax Recovery Tools:
AUMA is seeking changes to expand property tax recovery tools for municipalities (e.g., province pays taxes on crown lands if lease holder does not).

Delinquent Education Property Taxes:
AUMA is requesting that the MGA specify that municipalities are exempt from paying for the education property tax requisition on unpaid property taxes.

Funding following Dissolution
AUMA is calling for the MGA to specify that the province, under the case of dissolution, fund all of the costs of the infrastructure deficit and liabilities of the absorbed municipality and provide such funds to the receiving municipality.

Municipally Controlled Corporations
AUMA supports the amendments with respect to municipally controlled corporations and are seeking the following changes:

- Expand to encompass corporations owned by multiple municipalities and not just corporations owned by a single municipality.
- Allow new and existing Regional Services Commissions to have the same ability to form and to be amended without requiring permission from the Minister.

Municipal Structure
AUMA is seeking the following changes:

- Review and rationalize the alignment, type and number of municipalities, and incentivize a shift to match modern communities' dynamics and to align with regionalization, population shifts, urbanization, trade and industry, natural environments, and transportation infrastructure.
- Incent specialized municipalities.
- Review the process for municipalities to pursue status changes (e.g. village to town) or change boundaries (e.g. annexation) to provide maximum legislative clarity and an ability to respond to growth within a fixed time period defined in the legislation.

Municipal Purposes
AUMA is seeking the following changes:

- Expand the scope of municipal bylaws to include any municipal purposes.

Citizen Engagement and Public Participation
AUMA is seeking the following changes:

- Empower the Chief Administrative Officer to examine the affiant on petition witness affidavits.

Land Use Planning
AUMA is seeking the following changes:

- Allow municipalities to define municipal purposes through bylaw in order to provide greater flexibility on land use.
- Clarify which classes of wetland are eligible to be designated as environmental reserves and clarify that setbacks for bodies of water applies to wetlands.
- Increase the per cent amount of reserves (municipal, school, environmental, etc.) that a municipality may require of a developer, and permit the subdivision of those lands prior to transfer if necessary.
- Permit municipalities to acquire limited interests in land required for that municipality to carry out operations in another municipality. For example, utility rights of way for utilities provided to another municipality and interests in land related to interests in mines and minerals held by a municipality should be exempt from the requirements of Sec. 72.
- Amend the MGA to specify where resource extraction cannot occur and enable municipalities to determine appropriate and compatible land uses with respect to resource extraction.

Relationship to Existing Bylaws

AUMA is seeking the following changes:

- Repeal MGA Section 13.
- If there is an inconsistency between the newly enacted MGA or other provincial legislation and pre-existing bylaws, the bylaws shall not be affected by the law.

Revised Bylaws

AUMA is seeking the following changes:

- Allow for the revision of bylaws without a bylaw specifically adopting them, in cases where the revision is to correct clerical errors or to make minor changes.

Voluntary Amalgamation

AUMA is seeking the following changes:

- Amend the legislation to reflect that two or more municipalities may jointly initiate a voluntary amalgamation. If those municipalities agree to an amalgamation then the Minister must recommend that amalgamation to the Lieutenant Governor in Council.
- Include a financial and infrastructure evaluation of the municipalities involved in the amalgamation.
- Clarify responsibility for financial and/or infrastructure deficits and provide formal policies on when and how the province will provide financial assistance.
- Provide that the affected municipalities will determine the process for dissolving existing councils and creating an interim council and provide the process for creating a new amalgamated municipality.
- Provide that the affected municipalities will determine how to appoint an interim CAO for the amalgamated municipality.
- Review the necessity for Minister initiated amalgamations. If not warranted, eliminate this action from legislation. If retained in legislation, clarify that public input from affected citizens is required.

Annexation

AUMA is seeking the following changes:

- Adopt an approach that provides urban municipalities with the same opportunity as their rural counterparts to attract all types of development, including industrial development which requires significant areas of land historically not available in urban areas.
- Require that an initiating municipality and a municipality which has been served a written notice meet and proceed in good faith to prepare a study to identify the reason for and impacts of the proposed annexation, including proposals for public consultation.
- Require that negotiations regarding annexation be made in good faith and allow either party to request that the minister appoint a mediator if no agreement is reached within 180 days.
- Provide an opportunity for affected municipalities to submit written submissions after the minister has recommended an annexation to the Lieutenant Governor in Council.

Regional Service Commissions

AUMA is seeking the following changes:

- Exclude regional service commissions who have not commenced substantial operations and whose annual budgets are under $50,000 from Financial Information Return and audited financial statement reporting obligations.

Public Works Affecting Adjacent Land

AUMA is seeking the following changes:

- Restrict provisions for compensation for municipal public work to a narrow category of public works. Enable municipalities to set notification provisions in their bylaws.

Ministerial Inspection and Inquiry Regarding Local Governance

AUMA is seeking the following changes:

- Require that a terms of reference be created for every inspection initiated by the minister or by the council of the municipality. Allow for an inspection to be initiated on petition by the citizens of the municipality.
- Require that the inspector or the person appointed to conduct an inquiry be independent and qualified to do so through an appropriate certification.
- Prescribe a uniform reporting format for inspectors through regulation.
- Clarify definition of “irregular, improper or improvident manner.”
- Legislate that, if an Inspector’s Report recommends the dismissal of all or part of a council, the citizens shall vote on the recommendation with the Ministry of Municipal Affairs bearing the cost of the vote.
- If a councillor or council is dismissed and an election to replace them is held within a year of the next municipal election, provide that the election may serve as the upcoming general election.
- Repeal the subsection that allows the minister to appoint a new CAO and designate remuneration payable to the officer.

Zoning and Municipal Building Standards

AUMA is seeking the following changes:

- Clarify that when a development authority grants a variance to a “non-conforming” building, the “non-conforming” designation is removed.

- Municipalities should have the ability to require more stringent standards than national or provincial building codes.

Mutual Access Agreements

AUMA is seeking the following changes:

- Require direct road access for all subdivisions, rather than the current system of voluntary agreements for mutual access.