

**MACKENZIE COUNTY
COMMITTEE OF THE WHOLE MEETING**

**Tuesday, August 22, 2017
10:00 a.m.**

**Fort Vermilion Council Chambers
Fort Vermilion, Alberta**

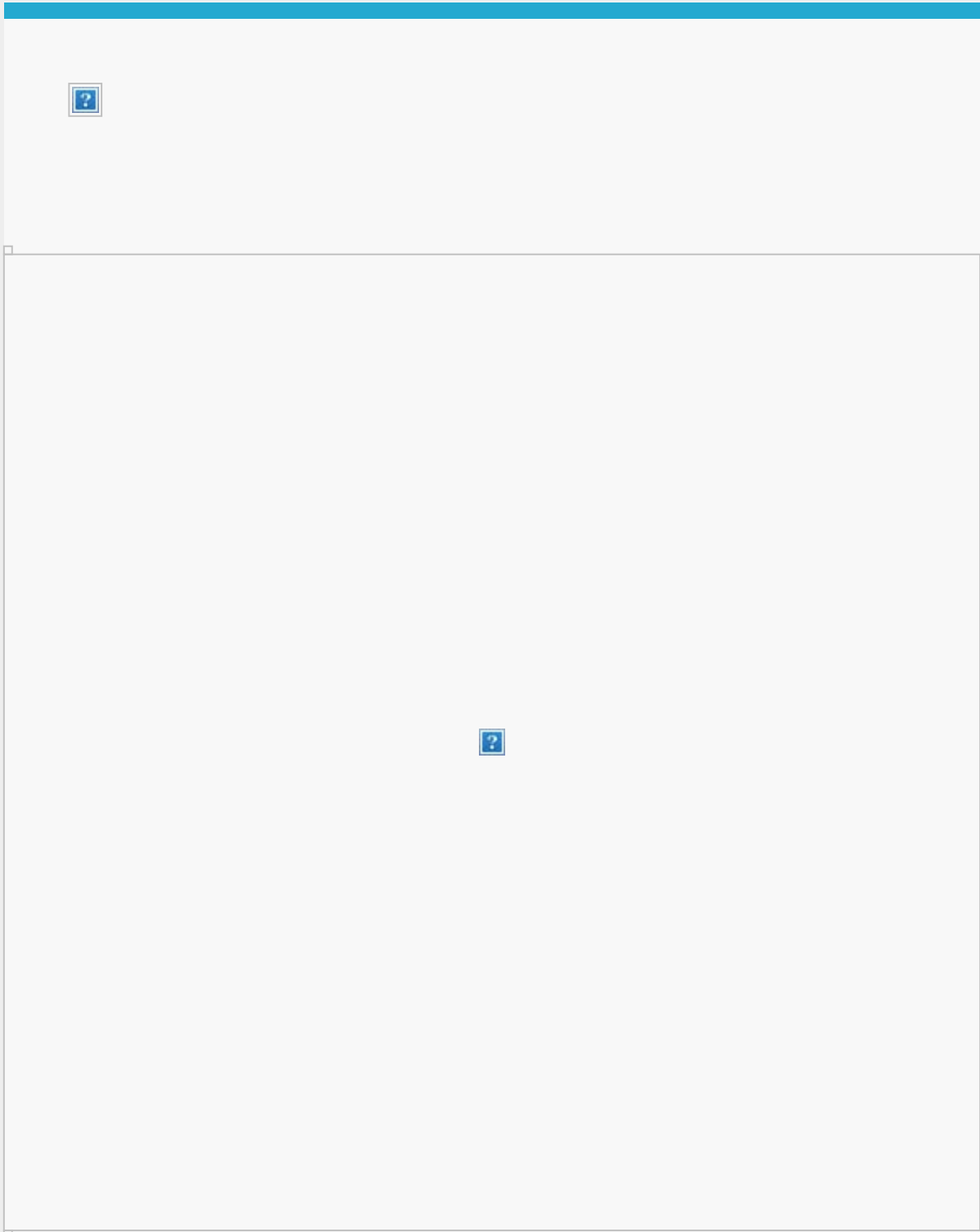
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From: [Alberta Municipal Affairs - MGA Review Office](#)
To: [Alberta Municipal Affairs - MGA Review Office](#)
Subject: Minister message - Regulation Review - Group 2 Posting
Date: July-24-17 3:07:21 PM

A message from the Minister of Municipal Affairs to share the latest information on the *MGA* Review.

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Second Group of Draft Regulations Posted for Feedback

See the Draft Regulations

As part of the *Municipal Government Act (MGA)* Review, all related regulations will be reviewed to support a modernized *MGA* and to ensure alignment with the amendments approved by the Legislature. Today, I am happy to announce that the second group of draft *MGA* regulations for public feedback has been made available online.

Given the complexity of the regulations yet to be posted for public review and comment, we are staggering the posting of those regulations to ensure Albertans are provided sufficient time to review and provide feedback the changes in those regulations. The majority of the regulations were posted today with the remaining two regulations to be posted in the coming months. We are posting these regulations until September 22, 2017 to ensure Albertans are provided sufficient time to review and provide feedback the changes in those regulations.

The regulations posted today fall under the following three broad policy themes:

Governance and Administration

- Intermunicipal Collaboration Framework Regulation **New**
- Council and Council Committee Meetings Regulation **New**
- Code of Conduct for Elected Officials Regulation **New**
- Crowsnest Pass Regulation
- Determination of Population Regulation

Planning and Development

- Off-site Levies Regulation
- Subdivision and Development Appeal Board Regulation
- Subdivision and Development Regulation

- Subdivision and Development Forms Regulation
- Canmore Undermining Review Regulation
- Canmore Undermining Exemption from Liability Regulation
- Community Aggregate Payment Levy Regulation

Assessment and Taxation

- Matters Relating to Assessment Sub-Classes Regulation ****New****
- Community Organization Property Tax Exemption Regulation
- Matters Relating to Assessment and Taxation Regulation and Preliminary List of Major Plants
- Matters Relating to Assessment Complaints Regulation

[Check out the full draft regulations on the MGA Review website](#), along with descriptions of what is proposed. You are welcomed to [give your feedback](#) by September 22, 2017 on this second group of regulations.

I am proud of the extensive stakeholder engagement already done in development of this group of draft regulations. More than 50 key stakeholder groups were engaged, including the Alberta Urban Municipalities Association, the Alberta Association of Municipal Districts and Counties, business and industry associations, and community and non-profit organizations.

The *MGA* impacts every single person in our province, so it's important that we continue to engage Albertans every step of the way. I am looking forward to seeing the feedback from the public on these regulations and to working collaboratively to complete the *MGA* to make it the best piece of legislation possible.

We are working closely with municipalities and stakeholders to develop a change management plan to support making the changes and identify resources to assist in the implementation of the new policies as they come into effect over the next few years.

Thank you for participating in the *MGA* Review. Your input is key to making sure the modernized *MGA* supports strong communities across our province.



Honourable Shaye Anderson
Minister of Municipal Affairs

[Forward to Friend](#)

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You are receiving this email because we wish to consult with you on the Municipal Government Act. There are several ways that you could have been added to this list, including attending a consultation, being involved with a municipality or stakeholder organization, sending input submissions, subscribing for updates, or contacting us about the MGA Review.

Our mailing address is:
Government of Alberta Municipal Affairs
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AAMDC Briefing on MGA Regulations – Batch Two

July 2017



Partners in Advocacy & Business

Prepared by the Alberta Association of Municipal Districts and Counties
2017

INTRODUCTION

As part of the ongoing review of the *Municipal Government Act* (MGA), the following regulations have been released for public comment. These regulations are the result of legislative changes brought forward through the *Municipal Government Amendment Act* (2015) and the *Modernized Municipal Government Act* (2016). As shown below, there are a number of regulations which are newly developed while others are simply updated to reflect legislatively required changes or expiry dates. The regulations are broken into three sections: Governance and Administration, Planning and Development, and Taxation and Assessment.

The regulations are open to public comment for a 60-day period starting on **July 24th 2017 and ending September 22, 2017**.

The following regulations and associated information is adopted largely from the Alberta Municipal Affairs *Municipal Government Act* Review [webpage](#). The AAMDC will provide additional analysis over the 60-day public comment period.

For each regulation, there is a survey available that provides feedback directly to Alberta Municipal Affairs. The purpose of this document is for the AAMDC to provide additional context and a rural municipal perspective to the regulations where applicable.

The following regulations have been developed or updated. For additional information, see the content below.

Governance and Administration Regulations

- Intermunicipal Collaboration Framework Regulation - *New*
- Code of Conduct for Elected Officials Regulation - *New*
- Council and Council Committee Meetings Regulation - *New*
- Crowsnest Pass Regulation - *Updated*
- Determination of Population Regulation - *Updated*

Planning and Development Regulations

- Off-site Levies Regulation – *New* (Repeal and Replace)
- Subdivision and Development Appeal Board Regulation – *New*
- Subdivision and Development Regulation and Subdivision and Development Forms Regulation – *Updated*
- Canmore Undermining Review Regulation – *Updated*
- Canmore Undermining Exemption from Liability Regulation – *No Change*
- Community Aggregate Payment Levy Regulation – *Updated*

Assessment and Taxation Regulations

- Matters Relating to Assessment Sub-classes Regulation – *New*

- Community Organization Property Tax Exemption Regulation – *New (Repealed and Replaced)*
- Matters Relating to Assessment and Taxation Regulation – *Updated*
- Matters Relating to Assessment Complaints Regulation – *Updated*

GOVERNANCE AND ADMINISTRATION REGULATIONS

Intermunicipal Collaboration Framework Regulation – *NEW*

The *Modernized Municipal Government Act (MMGA)* added in the requirement for municipalities with a common border to create Intermunicipal Collaboration Frameworks (ICF) with each other, within two years of the *MMGA* coming into force. ICFs will address the sharing of services on an intermunicipal basis and outline how municipalities work together to coordinate regional growth and development, and the delivery of services. ICFs can be created by two neighbouring municipalities or multiple municipalities within a region.

This new regulation establishes the requirements for adopting, implementing and amending an ICF.

Key elements include:

- the basic ICF negotiation requirements including the need to negotiate in good faith;
- a dispute resolution process requirements for ICF negotiations;
- a dispute resolution process for ICF agreements;
- the appointment of an arbitrator;
- an arbitrator's powers;
- public participation in the arbitration process; and
- judicial review of arbitrator powers.

For a full text of the Intermunicipal Collaboration Framework Regulation, click [here](#).

To complete the Alberta Municipal Affairs survey on this regulation, click [here](#).

AAMDC Perspective: The AAMDC supports regional collaboration between municipal neighbors and recognizes the need for municipalities to work collaboratively to plan, fund and deliver services. Where possible, this should be done through local decision making. The requirement for ICFs and IDPs presents a balance between local decision making and mandatory inter-municipal collaboration by requiring municipalities to develop agreements.

At first glance, the regulation does not outline how an agreement must be reached but instead, focuses heavily on the dispute and arbitration mechanisms for instances where municipal neighbours are in disagreement or have failed to reach an agreement.

The AAMDC, along with Alberta Municipal Affairs and the Alberta Urban Municipalities Association are preparing tools and resources to assist municipalities in developing ICFs.

Code of Conduct Regulation - *NEW*

The *Municipal Government Amendment Act* added in the requirement for councils to establish a Code of Conduct for councillors to ensure elected officials govern in an ethical and businesslike manner. The new *MGA* and new codes of conduct will help elected officials do the best job they can to keep Alberta municipalities strong and vibrant. This new regulation was drafted to accompany the requirement above and proposes to:

- establish the requirements for and prescribe the content of a code of conduct that will apply directly to elected officials;
- establish minimum requirements for matters that the code of conduct must address such as representing the municipality, communicating on behalf of the municipality, adherence to policies, procedures and bylaws, respectful interactions with councillors, staff, the public and others, and conflict of interest;
- establish who may make a complaint and how complaints are submitted;
- establish a process used to determine the validity of the complaint;
- establish the types of sanctions that may be used for violation of the code of conduct bylaw such as a letter of reprimand, requirement to attend training, suspension or removal of appointments to committees;
- establish that a council must have a code of conduct within 270 days of proclamation of the Act; and
- establish that the code of conduct and any related bylaw be reviewed every four years.

For a full text of the Code of Conduct Regulation, click [here](#).

To complete the Alberta Municipal Affairs survey on this regulation, click [here](#).

AAMDC Perspective: The AAMDC supports the idea of a municipal council code of conduct that has sufficient enforcement mechanisms to allow municipal councils to correct violations in the code of conduct. The current regulation outlines a number of sanctions that may incentivize proper conduct but does not include the ability to remove a councillor from a council. It has been the ongoing position of the AAMDC that code of conducts be developed locally and this is realized in both the legislation and this regulation.

The AAMDC, along with Alberta Municipal Affairs and the Alberta Urban Municipalities Association are preparing tools and resources to assist municipalities in developing Council Codes of Conduct.

Council and Council Committee Meetings Regulation – New

The *Municipal Government Amendment Act* added in authority to make regulations defining “meeting” and additional classes of matters for which a meeting may be closed to the public to ensure transparency and hold municipal councils accountable. This new regulation was drafted to accompany that requirement and proposes to:

- establish a definition of a council or council committee meeting.

For a full text of the Council and Council Committee Meetings Regulation, click [here](#).

To complete the Alberta Municipal Affairs survey on this regulation, click [here](#).

AAMDC Perspective: The AAMDC has supports the proposed changes to the opening and closing of council meetings as featured in the *Municipal Government Amendment Act* (2015). This regulation aligns with good governance practices that require decision making and official council business to take place in council meetings and committee meetings, and not in other non-official gatherings of municipal councillors. The regulation also allows councils to conduct training and education outside of official council meetings which aligns with the AAMDC position on this issue.

Crowsnest Pass Regulation – Updated

This regulation provides for special rules regarding the Municipality of Crowsnest Pass which date back to 1979 and were incorporated into the current legislative framework by way of regulation.

- Renew the regulation until 2020 and include the section of the Determination of Population Regulation related to the Municipality of Crowsnest Pass into the regulation.

For a full text of the Crowsnest Pass Regulation, click [here](#).

To complete the Alberta Municipal Affairs survey on this regulation, click [here](#).

AAMDC Perspective: The AAMDC has no current concerns or comments with this regulation.

PLANNING AND DEVELOPMENT REGULATIONS

Off-Sites Levies Regulation – New (*Repealed and Replaced*)

This regulation outlines the principles and criteria a municipality must follow when negotiating, determining and calculating off-site levies for facility and infrastructure requirements; appeals for off-site levies and transparency provisions on how the levies are calculated, collected and reported.

The *Modernized Municipal Government Act (MMGA)* enabled off-site levies to include community recreation facilities, libraries, fire halls and police stations to empower

municipalities to work in partnership with developers and ensure Albertans and their families have access to these facilities. This new regulation was drafted to accompany that requirement and proposes to:

- Update general principles for identifying, consulting on, funding and coordinating infrastructure needs;
- Create additional principles for the new expanded scope (i.e. fire halls, police stations, libraries and recreation facilities)
- Identify criteria for developing levy formulas;
- Identify considerations upon which a levy is calculated;
- Update consultation requirements;
- Update reporting requirements; and
- Update Off-site Levy bylaw appeal requirements

For a full text of the Off-site Levies Regulation, click [here](#).

To complete the Alberta Municipal Affairs survey on this regulation, click [here](#).

AAMDC Perspective: The AAMDC supports the expansion of the scope of offsite levies to include the land and buildings for community recreation facilities, fire halls, police stations and libraries, and in general, supports the notion that those who benefit from a facility or service should pay for that service in a manner that is proportional to their benefit. The AAMDC will further analyze this regulation.

Subdivision and Development Appeal Board Regulation – New

The *Municipal Government Amendment Act* added in the requirement for mandatory training of both Subdivision and Development Appeal Board members and clerks to help them make the best decisions for Albertans. This new regulation was drafted to accompany that requirement and proposes to:

- control and regulate the requirement for mandatory training of members and clerks of a SDAB, and
- control and regulate the qualifications and training programs.

For a full text of the Subdivision and Development Appeal Board Regulation, click [here](#).

To complete the Alberta Municipal Affairs survey on this regulation, click [here](#).

AAMDC Perspective: The AAMDC has supported training for SDAB members and will be looking to the province to provide supports in the provision of this training.

Subdivision and Development Regulation and Subdivision Development Form Regulation – *Combined and Updated*

This regulation specifies the requirements for subdivision applications, subdivision and development conditions, and the registration and endorsement of subdivision applications.

The *Modernized Municipal Government Act (MMGA)* added a new provision for determining when a subdivision application is complete to ensure all reviews and decisions are fair and accurate. This regulation was drafted to accompany that process and proposes to:

- align the definition of “food establishment” with the *Food Regulation*;
- align the regulation with the term ‘body of water’ used in the *MMGA*;
- clarify that all highways can be reviewed from a highway vicinity management perspective, regardless of the posted speed limit;
- clarify when the subdivision authority must send application to Alberta Transportation or the Ministry of Culture and Tourism for referral purposes;
- clarify how to determine setbacks from operating waste treatment plants;
- ensure the subdivision authority is informed of environmental reserve agreements and any active wells, batteries, processing plants or pipelines within a proposed subdivision;
- ensure a subdivision authority does not make a decision on lands until Alberta Transportation is satisfied with an area structure plan at the time of the application of subdivision;
- ensure that municipalities that decide to set their own decision making timelines adhere to their specified time; and
- incorporate the Subdivision and Development Forms Regulation into this regulation.

For a full text of the Subdivision and Development Regulation, click [here](#).

To complete Alberta Municipal Affairs survey on this regulation, click [here](#).

AAMDC Perspective: The AAMDC will further analyze this regulation to assess the impact on member municipalities.

Canmore Undermining Review Regulation – *Updated*

This regulation ensures due process of compliance and land analysis/certification is followed before developing on undermined properties in the Town of Canmore.

This regulation ensures due process of compliance and land analysis/certification is followed before developing on undermined properties in the Town of Canmore.

For a full text of the Canmore Undermining Regulation, click [here](#).

To complete the Alberta Municipal Affairs survey on this regulation, click [here](#).

AAMDC Perspective: The AAMDC has no identified concerns with this regulation as it is specific to the Town of Canmore.

Canmore Undermining Exemption from Liability Regulation – No Change

This regulation provides that the Town of Canmore and Canmore's agents are not liable for any third party loss or damage that arises during development or from the use of the designated land, or is directly or indirectly caused by undermining and related conditions in respect of the designated land.

For a full text of the Canmore Undermining Exemption from Liability Regulation, click [here](#).

To complete the Alberta Municipal Affairs survey on this regulation, click [here](#).

AAMDC Perspective: The AAMDC has no identified concerns with this regulation as it is specific to the Town of Canmore.

Community Aggregate Payment Levy Regulation – Updated

This regulation enables municipalities to voluntarily pass Community Aggregate Payment Levy (CAPL) bylaws to impose a levy on shipments of sand and gravel (aggregate) operations in a municipality. This regulation is relevant only in municipalities where aggregate operations take place and enables municipalities to adopt a bylaw to collect a levy to offset the impacts of aggregate operations such as those associated with road infrastructure, or towards other community benefit projects, as determined by municipal councils.

- Increase the maximum levy rate from \$0.25 to \$0.40 per tonne of shipped sand and gravel, keeping the rate in line with inflation and helping municipalities maintain the safety of roads and bridges impacted by heavy industry. Also extend the expiry date by five years to December 31, 2022.

For a full text of the Community Aggregate Payment Levy Regulation, click [here](#).

To complete Alberta Municipal Affairs survey on this regulation, click [here](#).

AAMDC Perspective: The AAMDC surveyed members in 2016 about the future of the CAPL which formed the AAMDC's position. It has been the AAMDC's position that the maximum CAPL rate should be modernized to account for inflation and increased municipal costs. This regulation does raise the maximum levy to \$0.40.

The AAMDC will further analyze this regulation for its impact on AAMDC members.

ASSESSMENT AND TAXATION REGULATIONS

Matters Relating to Assessment of Sub-Classes Regulation – *New*

The *Modernized Municipal Government Act (MMGA)* provides the Minister with the authority to make regulations related to the creation and application of property tax sub-classes for non-residential properties. This new regulation was drafted to accompany that process and proposes to:

- define the sub-classes that municipalities may apply;
- allow councils to apply different property tax rates to each sub-class; and
- set a maximum difference between the property tax rates applied to each sub-class.

For a full text of the Matters Relating to Assessment of Sub-Classes Regulation, click [here](#).

To complete Alberta Municipal Affairs survey on this regulation, click [here](#).

AAMDC Perspective: The AAMDC has supported greater flexibility within the non-residential property class to distinguish between large and small businesses which is achieved within this regulation. The AAMDC will further analyze this regulation for its impact on AAMDC members.

Community Organization Property Tax Exemption Regulation – *New (Repealed and Replaced)*

This regulation sets out the conditions and qualifications for property tax exemptions for non-profit organizations that carry out a charitable or benevolent purpose for the benefit of the general public.

Repeal and replace the regulation with a re-organized and amended version to improve its usability and ensure transparent, fair and consistent property tax exemptions for non-profit organizations that carry out charitable, valuable work to the general public and vulnerable populations. The new version of Community Organization Property Tax Exemption Regulation (COPTER) would include the following amendments:

- re-organize the regulation into four parts;
- revise four definitions: “charitable and benevolent purpose”, “general public”, “minor fee”, and “professional sports franchises”;
- update the General Rules restrictions to reflect current Alberta Human Rights legislation;
- simplify approach for organizations to demonstrate that a service is being provided to the targeted segments of the general public;
- exempt Class A bingo facilities;

- align the subsidized accommodation model currently in place for lodges for other similar subsidized residential accommodations operated by non-profits to ensure equitable treatment;
- create a separate part in COPTER for Residential Associations;
- increase administrative flexibility by granting municipalities the authority to set their own administration deadlines to meet local needs; and
- remove the existing expiry date on the regulation.

For a full text of the Community Organization Property Tax Exemption Regulation, click [here](#).

To complete Alberta Municipal Affairs survey on this regulation, click [here](#).

AAMDC Perspective: The AAMDC will further analyze this regulation to assess the impact on member municipalities.

Matters Relating to Assessment and Taxation Regulation – Updated

This regulation is the primary regulation for property assessment and property taxation, which. The regulation:

- defines several important terms related to property assessment;
- provides a broad range of rules for assessing properties, requesting information pertaining to property and property assessments, and levying property taxes; and
- provides assessment and tax exemptions for farm residences and farm buildings, describes the process for preparing equalized assessment, and authorizes assessment audits.

The changes made through the *Modernized Municipal Government Act (MMGA)*:

- define designated industrial property as major plants, properties regulated by provincial and federal regulators, linear property, and rail property;
- centralize the assessment of all designated industrial property within Municipal Affairs with costs associated with centralizing assessment being recovered from designated industrial property owners;
- establish that all appeals related to designated industrial property will be heard by the Municipal Government Board;
- establish that all farm buildings in urban and rural municipalities will not be assessed or charged municipal or education property taxes;
- establish provisions to phase in farm building exemptions in urban municipalities over five years; and

- establish that farmland will continue to be assessed as farmland until it is no longer used for farming operations, which will be clarified in regulations associated with the *MGA*.

This regulation was drafted to accompany the above processes and proposes to:

- reference a [List of Major Plants \(click here to view\)](#) to be considered Designated Industrial Property;
- update several definitions related to industrial property and include some definitions currently found in the *MGA*;
- update the definition of 'farming operations';
- establish a valuation standard for land and buildings on Designated Industrial Property sites; and
- remove the existing expiry date on the regulation.

For a full text of the Matters Relating to Assessment and Taxation Regulation, click [here](#).

To complete the Alberta Municipal Affairs survey on this regulation, click [here](#).

AAMDC Perspective: The AAMDC will further analyze this regulation to assess the impact on member municipalities.

Matters Relating to Assessment Complaints Regulation – Updated

This regulation is the primary regulation for the property assessment complaint process.

The *Modernized Municipal Government Act (MMGA)* establishes that:

- composite Assessment Review Boards will hear complaints about business taxes, as well as levies on business improvement areas, and award costs to participants when appropriate;
- assessors will be able to make corrections to assessments under complaint without needing ratification from the assessment review board or having the complaint withdrawn first; and
- Assessment Review Board decisions may be appealed at Court of Queen's Bench by judicial review only.

This regulation was drafted to accompany that process and meet the needs of municipalities, industry and all Albertans when they have concerns about assessments.

This regulation proposes to:

- repeal provisions that limit Assessment Review Boards from hearing evidence in some circumstances;

- allow parties to a hearing to request that the record be sealed prior to the disclosure process;
- clarify the process for filing agent authorization forms;
- add a filing fee for assessment complaints regarding major plants; and
- change references to 'linear property' to 'designated industrial property.'

For a full text of the Matters Relating to Assessment Complaints Regulation, click [here](#).

To complete the Alberta Municipal Affairs survey on this regulation, click [here](#).

AAMDC Perspective: The AAMDC will further analyze this regulation to assess the impact on member municipalities.



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AUMA Summary of July 2017 MGA Regulations

For Discussion Purposes Only

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Code of Conduct for Elected Officials Regulation

Key Elements	Overview	AUMA Comments
Matters the Code of Conduct Must Address	<ul style="list-style-type: none"> - The Code of Conduct must be consistent with the municipal purposes and general duties of councillors set out in sections 3 and 153 of the MGA, and must include the following topics at a minimum: <ul style="list-style-type: none"> o representing the municipality; o communicating on behalf of the municipality; o respecting the decision-making process; o adherence to policies, procedures and bylaws; o respectful interactions with councillors, staff, the public and others; o confidential information; o conflicts of interest; o improper use of influence; o use of municipal assets and services; and o orientation and other training attendance. 	<ul style="list-style-type: none"> - The regulation should clearly delineate between the duties and personal conduct of elected officials in matters that must be included in the Codes. - There is a lack of clarity as to what constitutes “improper use of influence”, “interactions with councillors, staff, the public, and others”, and “communication on information”.
Complaints Process	<ul style="list-style-type: none"> - The complaints process is left up to municipalities. - Municipalities must establish a process to address complaints including who may make a complaint, how complaints are to be made, the process to determine the validity of complaints, and the process to determine sanctions. 	<ul style="list-style-type: none"> - The complaint process should explicitly define who can make a complaint and how complaints come forward, or exactly what constitutes a breach. - Municipal administrators should be excluded from conducting the complaints review process.
Sanctions	<ul style="list-style-type: none"> - Municipalities may choose to implement sanctions for councillors failing to adhere to the code of conduct including: <ul style="list-style-type: none"> - A letter of reprimand to the councillor or requesting the councillor to issue a letter of apology, which may also be published along with the councillor’s response; - A requirement to attend training; - Suspension or removal of the appointment of a councillor as the chief elected official, deputy chief elected official or acting chief official; 	<ul style="list-style-type: none"> - The decision-making/sanctioning role should be clearly separated from the investigative role, and could potentially be handled by the Provincial Ethics Commissioner. - A third party position such as an integrity commissioner position is required, to conduct the complaint review process as a quasi-judicial review with defined timelines, evidentiary standards, burden of proof, or right to appeal. - Possible sanctions may not be severe enough to address serious breaches.

Summary of July 2017 MGA Regulations – For Discussion Purposes Only





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	<ul style="list-style-type: none"> - Suspension or removal of the chief elected official's presiding duties from all council committees and bodies to which council has the right to appoint members; - Reduction or suspension of remuneration corresponding to a reduction in duties, excluding allowances for attendance at council meetings. 	
Review Process	<ul style="list-style-type: none"> - Municipalities must review its code of conduct and related bylaws at least once every four years. 	<ul style="list-style-type: none"> - The review period has been adjusted so that it falls at least once within each Council term, which is aligned with AUMA advocacy.

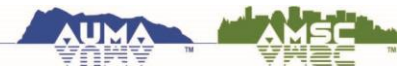
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Community Aggregate Payment Levy Regulation

Key Elements	Overview	AUMA Comments
Updated Rate	<ul style="list-style-type: none"> - The maximum levy rate has been increased from \$0.25 per tonne of sand and gravel to \$0.40 per tonne. - The proposed regulation is set to be reviewed at the latest date of December 31, 2022, when the regulation expires. 	<ul style="list-style-type: none"> - The maximum levy increase represents an increase of roughly 60 per cent versus the consumer price index inflation rate of 26.73 per cent over the same period.
Expiry Date	<ul style="list-style-type: none"> - The expiry date of the regulation has been updated from December 31, 2017 to December 31, 2022. 	<ul style="list-style-type: none"> - The new rate should be indexed to inflation and subject to regular reviews, rather than be reviewed at five year intervals.
Levy Formula	<ul style="list-style-type: none"> - No change 	<ul style="list-style-type: none"> - The updated regulation retains the same transparent, simple levy formula process.
Use of Funds	<ul style="list-style-type: none"> - No change 	<ul style="list-style-type: none"> - The regulation should be updated to define the scope or nature of projects that can be funded through the levy. - Public reporting should be required on how funds collected through the levy are used. - The regulation should be updated to allow municipalities to use the levy if they are impacted by the transportation of aggregate from a neighbouring municipality, and if they own or lease a pit in another municipality.

Summary of July 2017 MGA Regulations – For Discussion Purposes Only





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Community Organization Property Tax Exemption Regulation

Key Elements	Overview	AUMA Comments
Principles	<ul style="list-style-type: none"> - A preamble has been added to establish principles to guide the exemptions set out in the regulation including: <ul style="list-style-type: none"> o Advancement of public benefit, in terms of charitable and benevolent purposes, community games, sports, athletics, recreation and educational purposes; o Recognition of the volunteer contribution and fund raising component that most often characterizes not for profit status organizations; o Advancement of youth programs and community care for the disadvantaged; o Appropriate access to non-profit facilities and programs. 	
Definitions	<ul style="list-style-type: none"> - Updates to a number of definitions have been made including: <ul style="list-style-type: none"> o “Charitable or benevolent purpose” (to note that this definition includes “any other purpose that is advantageous, favourable or helpful to the general public” – in effect a broadening of the definition) o “General public” (to make it pertain to ‘some or all’ individuals rather than all, in recognition that some community organizations target a subset of the population such as women’s shelters) o “Professional sports franchise” 	<ul style="list-style-type: none"> - Some definitions are still ambiguous such as “charitable or benevolent purpose”, “general public”, “held by”, “community”, and “used in connection with”.
Alignment	<ul style="list-style-type: none"> - A section on exemptions for properties that restrict usage to certain individuals has been updated to align to the Alberta Human Rights Act 	
Conditions for Exemptions	<ul style="list-style-type: none"> - Municipalities will now be able to determine deadlines for organizations to apply for exemptions. - Municipalities will now be able to permit exemptions to be implemented in current tax years. 	<ul style="list-style-type: none"> - AUMA supports the amendments to allow municipalities greater flexibility in determining dates by which organizations must apply for exemptions, and to enable exemptions to be implemented in current tax years.

Summary of July 2017 MGA Regulations – For Discussion Purposes Only

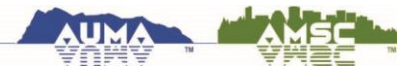




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		<ul style="list-style-type: none"> - The proposed regulation maintains an exclusion from exemption on properties that have restricted use for certain classes of people more than 30 per cent of the time. Concerns have been raised that the time limit is not clearly defined and may be very difficult to determine.
Restructuring	<ul style="list-style-type: none"> - The proposed regulation re-organizes sections into four parts to address unique characteristics for different types of properties: general rules, non-residential property exemptions, residential property exemptions, and resident's association exemptions. 	
Subsidized Housing	<ul style="list-style-type: none"> - Additional clarity has been provided to ensure that market-rate units in buildings that have a mix between market-rate and subsidized units are taxed at market rates. 	
Resident's Associations	<ul style="list-style-type: none"> - Amenities provided by resident's associations will now need to meet rules regarding access by the general public in order to be eligible for exemptions. - No changes have been made to enable municipalities to exempt resident's association properties that are already being taxed as a portion of the value of the resident's property. 	<ul style="list-style-type: none"> - Municipalities should be enabled to exempt resident's association properties that are already being taxed as a portion of the value of the resident's property.
Application	<ul style="list-style-type: none"> - The proposed COPTER will apply to taxation in 2018 and later years. 	

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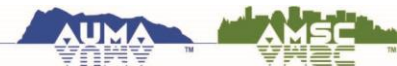




Council and Council Committee Meetings Regulation

Key Elements	Overview	AUMA Comments
Definitions	<ul style="list-style-type: none"> - Meeting” has been defined as: <ul style="list-style-type: none"> o Where used in a reference to a council, means a meeting under section 192, 193 or 194 of the Act or, - Where used in reference to a council committee, means a meeting under section 195 of the Act. 	<ul style="list-style-type: none"> - AUMA supports the clarified definitions as they effectively address concerns that other informal councillor actions such as having a conversation in a coffee shop, sitting together at a convention, or having a meal together could be construed as a “council meeting” and thus fall under restrictions for closed meetings. - The proposed regulation is considerably less comprehensive than was originally expected, given that section 19(7) of Bill 20 (amending section 197 of the MGA) states that the Minister may make regulations prescribing or describing classes of matters for closing meetings. - Given wording in the legislation, it appears that the only reason meetings can be closed will remain restricted to matters under an exception in the Freedom of Information and Privacy Act. <ul style="list-style-type: none"> o The legislation only offers two reasons why a meeting can be closed: matters under an exception to disclose in the FOIP Act and matters prescribed in the regulation, and the regulation does not prescribe any matters. - The regulation should be expanded to provide the ability to close a meeting for: <ul style="list-style-type: none"> o Education or training; o Long-range or strategic planning; o Joint discussions regarding Intermunicipal planning; and, o Discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report.

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Determination of Population Regulation

Key Elements	Overview	AUMA Comments
Definitions	<ul style="list-style-type: none"> - Add definitions for 'non-contacted dwelling' and 'private dwellings' in DPR and Census Forms. - The proposed regulation does not include amendments to the definition of "usual residence". 	<ul style="list-style-type: none"> - Provisions for the residency of students should be amended to allow students to determine which municipality they are considered to be a resident of. The current provisions are not consistent with the Local Authorities Election Act. - The current "usual residence" definition also fails to provide appropriate residence provisions for those in rural communities or with P.O. boxes, as residence in these cases is determined based on the address shown on driver's licenses.
Shadow Populations	<ul style="list-style-type: none"> - The proposed regulation does not include amendments to the section on shadow population. - No changes have been made to the minimum number and percentage to apply to the minister to for inclusion of shadow population in the census, or the timing of the enumeration of shadow population. 	<ul style="list-style-type: none"> - The current definition is restrictive and does not capture types of shadow populations including: <ul style="list-style-type: none"> ○ Companies that fill rooms in a hotel for more than 30 days straight, but with different people residing in the room at different times. ○ Hotels that are continuously occupied with different people. - The requirement for a shadow population to be either greater than 1,000 persons or 10 per cent of the population is too stringent and should be flexible so that a municipality can determine for itself whether it is worth it to do a census of the shadow population, rather than requiring certain thresholds. - The timing of the enumeration of the shadow population should be at the determination of the municipality and prorated or weighted for the year.
Census Processes	<ul style="list-style-type: none"> - No changes have been made to the legislated time period to conduct a municipal census, or the date by which municipalities must submit results to Municipal Affairs. 	<ul style="list-style-type: none"> - The census process needs to be streamlined, including a delegation of authority for the Ministry to handle requests to deviate from standard methodologies rather than a requirement for the Minister to sign off.

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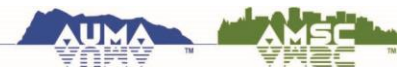




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		<ul style="list-style-type: none"> - The submission deadline for census results should be moved to September 30 to allow municipalities to address potential challenges with collecting and processing data. - Municipal Affairs should update the training manual to reflect online processes to streamline quality assurance checks. - The required assurance checks should be reduced to 500 or 5 per cent of dwellings, where information has been collected by an enumerator at the door.
Section Moved to Crowsnest Pass Regulation	<ul style="list-style-type: none"> - Move the determination of population provisions under Section 6 of the Police Act for Crowsnest Pass to the Crowsnest Pass Regulation. 	
Census Coordinator Oaths	<ul style="list-style-type: none"> - Keep the oaths for Census Coordinator and Enumerator in effect in perpetuity. - Allow a person taking the oath to include the municipal office address on Municipal and Shadow Population Forms. 	<ul style="list-style-type: none"> - The proposed regulation updates the description of oaths for census coordinators and enumerators to make it explicitly clear that oaths and statements are in effect for life, rather than during the time of employment. AUMA supports this amendment.
Expiry Date	<ul style="list-style-type: none"> - Remove the expiry date. 	

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Intermunicipal Collaboration Framework Regulation

Key Elements	Overview	AUMA Comments
General Comments	<ul style="list-style-type: none"> - The ICF regulation does not provide additional clarity regarding what must or may be included in the ICF, or direction on how to develop an ICF. Rather, the regulation focuses on the arbitration process. Municipal Affairs communicated that this is the case to provide flexibility in how ICFs are formed, and to deal with the powers of the arbitrator that go beyond normal arbitration (i.e., the ability to create an ICF rather than just handle negotiations). - Municipalities are required to amend their bylaws to align with the ICF within two years, with the exception of land use bylaws. - The proposed regulation does not mention three and five year financial plans. 	<ul style="list-style-type: none"> - The province intends to adhere to the requirement to create ICFs in provincially-administered areas that are not exempted (e.g. Improvement Districts, Special Areas). - Municipalities should be required to reference three and five year financial plans in ICFs. - AUMA had advocated that municipalities be required to amend their bylaws to align with ICFs within two years. - AUMA had recommended that there should be a requirement within the legislative framework governing ICFs that three and five year financial plans be referenced.
Exemptions	<ul style="list-style-type: none"> - Exempt three Improvement Districts from the ICF requirements: ID 13 (Elk Island); ID 24 (Wood Buffalo); and ID 25 (Willmore Wilderness). 	
Basic ICF Negotiation Requirements	<ul style="list-style-type: none"> - Supplement the current requirements set out in the MGA with the following key overarching requirements: <ul style="list-style-type: none"> - set out a duty to negotiate in good faith, and provide clarity about what that duty consists of; - establish clear requirements relating to when a municipality wishes to propose an additional service for inclusion in an ICF; - require that all local bylaws must align with the framework, other than land use bylaws, within two years; and - set out minimum notice requirements for when a municipality wishes to amend an ICF. 	
Powers of an Arbitrator	<ul style="list-style-type: none"> - Confirm the duties and powers of an arbitrator to create an ICF or resolve a dispute when municipalities have not 	<ul style="list-style-type: none"> - The proposed regulation does not appear to allow for the selection of a panel of arbitrators, as it solely refers to the arbitrator position in the singular. Municipalities should

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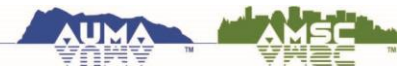
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	<p>completed an ICF by the required deadline. Key elements include:</p> <ul style="list-style-type: none"> ○ An arbitrator must be independent and impartial, and must disclose to the parties any circumstance of which they are aware that might create a reasonable apprehension of bias. ○ The Minister is authorized to set the arbitrator's rates and payments, where the Minister appoints the arbitrator ○ Provides broad authority for the arbitrator to determine how he/she believes is most appropriate, but requires the arbitrator to convene a preliminary meeting within 21 days of their appointment. ○ Clarifies that the arbitrator has the power to determine the admissibility, relevance and weight of any evidence brought forward. ○ Authorizes the arbitrator to require the parties to produce any documents that the party possesses that the arbitrator believes may be relevant. ○ Clarifies the potential scope of an arbitrator's order ○ Requires the arbitrator to produce a record of proceedings and share it with each party. <p>- Arbitrators will use the criteria set out in the legislation to inform their decision-making. This does not include the municipality's ability to pay. (i.e. Section 631(1) in Bill 21: the future land use of the area, the manner of and the proposals for future development in the area, the provision of transportation systems for the area, proposals for the financing and programming of Intermunicipal infrastructure for the area, the co-ordination of intermunicipal programs relating to the physical, social and economic development of the area, environmental matters within the area, the provision of</p>	<p>have the option of selecting a panel to ensure a variety of viewpoints.</p> <ul style="list-style-type: none"> ○ The proposed regulation does allow the arbitrator to appoint one or more experts to report to the arbitrator on specific issues.
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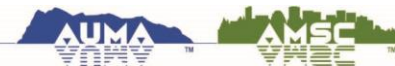
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	Intermunicipal services and facilities, and any other matter related to the physical, social, or economic development of the area).	
Public Participation in Arbitration	- Public participation in arbitration is subject to the discretion of the arbitrator. This includes arbitration in the creation of an ICF and arbitration to resolve a dispute once the ICF is implemented, as outlined in the default dispute resolution process	
Dispute Resolution Process	- Outline requirements for a dispute resolution process within an ICF. Key elements of that process must include: <ul style="list-style-type: none"> o how notice of the dispute is to be given and to who; o when the parties are to meet and the process they will follow to resolve the dispute, including, without limitation, negotiation, facilitation and mediation; o how a decision maker will be chosen and what powers, duties and functions they will have; o the decision maker's practice and procedures; o a binding dispute resolution mechanism; o how dispute resolution process costs are to be shared; o how records are maintained; o how parties and/or public are identified; and o if and how parties and/or public, will be notified and engaged in the dispute resolution process. 	
Default Dispute Resolution Process	- Establishes a default dispute resolution process for situations where the municipalities have been unable to agree on one, or would prefer to use the default process. - The process outlines a series of escalating dispute resolution steps – from negotiation, to mediation, and finally to arbitration. - The process also provides operational details, including: <ul style="list-style-type: none"> o providing notice of a dispute; 	- The proposed default dispute resolution process effectively includes a staged process through negotiation, mediation, and arbitration.

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	<ul style="list-style-type: none"> ○ appointment of a representative to participate in one or more meetings to negotiate a resolution of the dispute; and ○ appointment of a mediator if the dispute cannot be resolved. 	
Appointment of an Arbitrator	- The ability of the Minister to appoint an arbitrator under the regulation is to be delegated under the Government Organization Act.	
Judicial Review of Arbitrator Decisions	- Establishes that an arbitrator's order is final and binding on all parties, and may only be appealed to the Court of Queen's Bench on a question of jurisdiction.	

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Matters Relating to Assessment and Taxation Regulation

Key Elements	Overview	AUMA Comments
Definitions	<ul style="list-style-type: none"> - The following definitions have been updated to enhance clarity: <ul style="list-style-type: none"> o Electric distribution system o Electric generation system o Electric power system o Electric transmission system o Farm building o Farming Operations o Machinery and Equipment o Operator o Pipeline o Railway Property o Street Lighting Systems o Telecommunications Systems o Well - Definitions as to how and when a property is to be considered “operational” have been updated for enhanced clarity. 	<ul style="list-style-type: none"> - Marijuana grow operations should be explicitly defined in order to allow their assessment and taxation at market value.
Valuation Standards	<ul style="list-style-type: none"> - Valuation standards for regulated properties have been tied to the following associated ministerial guidelines in the regulation: <ul style="list-style-type: none"> o Alberta Linear Property Assessment Minister’s Guidelines o Alberta Machinery and Equipment Assessment Minister’s Guidelines o Alberta Railway Property Assessment Minister’s Guidelines - Valuation standards for land and buildings related to machinery and equipment have been tied to the Alberta Machinery and Equipment Assessment Minister’s Guidelines. 	<ul style="list-style-type: none"> - Abandoned well sites should be assessed and taxed in a manner consistent with other vacant property.

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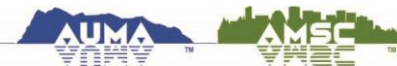




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	<ul style="list-style-type: none"> - No changes have been made to enable abandoned wells to be assessed and taxed in the same manner as other vacant properties. 	
Farm Building Assessment	<ul style="list-style-type: none"> - Provisions have been established for a five year phase-out of farm building assessment (which currently has a 50 per cent assessment exemption) in urban and specialized municipalities under the following scheme: <ul style="list-style-type: none"> o 60 per cent assessment reduction for the 2018 taxation year; o 70 per cent assessment reduction for the 2019 taxation year; o 80 per cent assessment reduction for the 2020 taxation year; o 90 per cent assessment reduction for the 2021 taxation year; and, o 100 per cent assessment exemption for the 2022 taxation year. - No exception has been made to enable municipalities to assess and tax marijuana grow operations despite continual AUMA advocacy on the issue. - Farming operations have been expanded to include the production and sale of sod, as well as commercial wood lots. 	<ul style="list-style-type: none"> - The sale and production of sod is a commercial use and should not be considered a farming operation.
Application	<ul style="list-style-type: none"> - A date for coming into force of January 1, 2018, establishing that the 2018 taxation year will fall under the updated MRAT regulation. 	

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Matters Relating to Assessment Complaints Regulation

Key Elements	Overview	AUMA Comments
Definitions	<ul style="list-style-type: none"> - Various definitions have been updated, added or removed including <ul style="list-style-type: none"> o "Clerk" (removed as this is located in the MGA) o "Agent" and "Complaint form" (to acknowledge that complaints can be heard by a panel) o "Presiding officer" o "Panel" in reference to panels created by the Municipal Government Board. 	
Panels	<ul style="list-style-type: none"> - Wording and definitions have been updated throughout the MRAC Regulation to acknowledge that complaints can be heard by "a panel of an assessment review board" rather than just the board. 	
Alignment with MGA Changes	<ul style="list-style-type: none"> - The section regarding failure to disclose information (i.e. the exclusion of boards from hearing information that was not previously disclosed) has been amended to bring it into line with changes in the MGA. <ul style="list-style-type: none"> o The effect of the changes is to prevent the complainant and the assessor from using the access to information process to prolong the complaints process or gain an unfair advantage. o Similar amendments have been made to the same effect for hearings before the Municipal Government Board, and one-member assessment review boards. - The section regarding matters before the Municipal Government Board has been amended to reference changes in the MGA regarding designated industrial property (e.g. to make linear property fall under designated industrial property). - The attached schedules (forms) have been updated to be in alignment with the MGA regarding the complaint process, appeals regarding exemptions for brownfields, 	

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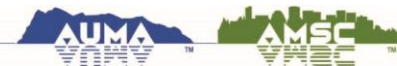




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	designated industrial properties, and the centralized assessment of industrial property.	
Private Hearings	- The proposed regulation will allow parties to request the record be sealed prior to the disclosure process.	
Agent Authorization Forms	- Clarity has been added that agent authorization forms are required to be submitted prior to an agent contacting an assessment review board or the Municipal Government Board on behalf of a complainant.	- This provision appears to be consistent with recommendations by AUMA stating that the Complaint Form should be amended to require that a completed Agent Authorization Form be filed with the Complaint Form at the time of complaint filing.
Training	- Additional training requirements have been added for the chair and any delegate of the chair of the Municipal Government Board.	- Additional training is required for board members in some locations. A potential solution would be to add the “Foundation of Administrative Justice” as a required starting point in order to teach board members what a tribunal should do, and what their roles and responsibilities are.
Application	- The existing regulation (prior to January 1, 2018) will continue to apply for complaints regarding taxation years between 2010 and 2017. - The proposed regulation will apply to the 2018 taxation year and all years thereafter.	
Review	- The expiry date has been removed from the regulation.	

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Matters Relating to Assessment Subclasses Regulation

Key Elements	Overview	AUMA Comments
Creation of Sub-Classes	<ul style="list-style-type: none"> - The proposed non-residential sub-classes to be prescribed in the regulation are: <ul style="list-style-type: none"> o Other non-residential (all properties not classed as “vacant non-residential” or “small business” including all Designated Industrial Property) o Vacant non-residential (all properties that do not have any improvements) o Small business (all properties used by businesses employing less than a specific number of employees) - Municipalities will set bylaw the number of employees qualifying a business as “small” so long as the number is less than 50 and a municipal business license specifying the number of employees is issued. - Municipal councils are not enabled to define further subclasses. - There is no break between light and heavy industrial sites. - Marijuana grow operations are not specifically defined, meaning that they remain classified as farming operations. - Brownfield sites are not defined, and no mention is made to enabling municipalities to allow them to fall outside the 5:1 link. 	<ul style="list-style-type: none"> - Municipalities should have the flexibility to determine subclasses based on local conditions and needs. - As marijuana grow operations require significant municipal costs related to water, roads, and emergency services provision, they should be excluded from the farm operations exemption and taxed at a fair market rate. - Municipalities should have the option of establishing subclasses for brownfield operations that exceed the 5:1 link in order to stimulate their development. - Municipalities should have the option of distinguishing between light and heavy industrial sites in separate subclasses.
Linking Within Sub-Classes	<ul style="list-style-type: none"> - Councils will be permitted to set different tax rates for each sub-class; however, the “small business” tax rate must be between 0.75 and 1 times the “other non-residential” tax rate. 	<ul style="list-style-type: none"> - No further links should be established between property tax classes or subclasses.
Maintaining the Existing Tax Incentives	<ul style="list-style-type: none"> - The “machinery and equipment” tax rate will be required to be equal to the “other non-residential” tax rate. 	

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Off-Site Levies Regulation

Key Elements	Overview	AUMA Comments
General Principles	<ul style="list-style-type: none"> - The municipality is responsible for addressing and defining existing and future infrastructure and facility requirements. - The municipality must consult in good faith with affected stakeholders in accordance with the consultation section of this regulation. - All beneficiaries of development are to be given the opportunity to participate in the cost of providing and installing infrastructure and facilities in the municipality on an equitable basis related to the degree of benefit. - Where necessary and practicable, the municipality is to coordinate infrastructure and facilities provisions and services with the neighbouring municipality. 	
Determination of Methodology	<ul style="list-style-type: none"> - A municipality has the flexibility to determine the methodology upon which to base the calculation of the levy, provided that the methodology: <ul style="list-style-type: none"> o takes into account criteria such as the area, density, or intensity of use; o recognizes variation among infrastructure types; o is consistent across the municipality for that type of infrastructure or facility; and, o is clear. - The methodology for determining a levy for fire halls, police stations, libraries and recreation facilities may be distinct and unique from the methodology used to calculate any other levy established by the municipality. 	
Determination of Levy Costs	<ul style="list-style-type: none"> - The municipality may establish the levy in a manner that involves or recognizes the unique or special circumstances of the municipality. - In determining the basis upon which the levy is calculated, the municipality must at a minimum consider: 	<ul style="list-style-type: none"> - AUMA's earlier advocacy stated that the calculation of levies should be directly proportional to the increase in service requirements from development. The provisions in the regulation with respect to having a

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	<ul style="list-style-type: none"> ○ a description of the specific infrastructure and facilities; ○ a description of the benefitting areas and how those areas were determined; and ○ supporting technical data and analysis, and estimated costs and mechanisms to address variations in cost over time. <ul style="list-style-type: none"> - The information used to calculate the levy must be kept current. - The municipality must include a requirement for a periodic review of the calculation of the levy in the bylaw imposing the levy. - There is to be a correlation between the levy and the benefits of new development. - The proposed regulation does not specify that the levy calculation must be directly proportional to the increase in services, rather, it requires that there be a correlation between the levy and the benefits of new development and leaves the determination of the levy up to the municipality. 	<p>“correlation” between levy and benefit of new development seems aligned with this concept.</p>
<p>Additional Principles and Criteria for the expanded scope (fire halls, police stations, libraries and recreation facilities)</p>	<ul style="list-style-type: none"> - Additional criteria are required when determining a levy for the expanded scope of facilities. - The calculation of the levy for the purposes of the expanded scope of facilities must also include supporting statutory plans, policies or agreements that identify: <ul style="list-style-type: none"> ○ the need for, and benefits from, the new facilities; ○ the anticipated growth horizon; and ○ the portion of the estimated cost of the facilities that is proposed to be paid by the municipality, the revenue raised by the levy, and other sources of revenue (i.e. provincial grants). 	<ul style="list-style-type: none"> - Offsite levies would be more effective and usable for municipalities if they could be applied to redevelopment and utilized to fund increased service provision on top of capital investments.

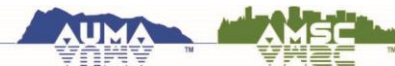
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	<ul style="list-style-type: none"> - The municipality has the discretion to establish service levels, minimum building and base standards for the proposed facilities. - The proposed regulation does not allow for redevelopment levies, however, levies for the new services (fire halls, recreation facilities, police stations, libraries) can be to “expand” the facilities. - The proposed regulation does not enable municipalities to utilize off-site levies for services or programming. 	
Consultation Requirements	<ul style="list-style-type: none"> - The municipality must consult in good faith with affected stakeholders in defining and addressing existing and future infrastructure and facility requirements. - The municipality must consult in good faith with affected stakeholders when determining the methodology upon which to base the levy costs. - Prior to passing or amending a bylaw imposing a levy, the municipality must consult in good faith on the calculation of the levy with affected stakeholders in the benefitting area where the levy will apply. 	<ul style="list-style-type: none"> - Municipal Affairs has communicated that the extent of “consultation” and the breadth of “affected stakeholders” will be determined as municipalities develop bylaws and policies. However, there may be a risk that municipal decisions get challenged on the basis of consultation not being done to a strong enough level, or “affected stakeholders” not including certain parties. A potential solution for this is to clearly define these terms.
Reporting Requirements	<ul style="list-style-type: none"> - The municipality must provide full and open disclosure of all the levy costs and payments. - The municipality shall report on the levy annually, and include in the report the details of all levies received and utilized for each type of facility and infrastructure. - Any report referred to in this regulation must be in writing and be publicly available in its entirety. 	<ul style="list-style-type: none"> - Aligned with AUMA’s advocacy, the proposed regulation requires municipalities to undertake annual public reporting including the details of all levies received and utilized for each type of facility and infrastructure.
Off-Site Levy Bylaw Appeal Requirements	<ul style="list-style-type: none"> - An appeal must be submitted to the MGB no later than 30 days after the bylaw imposing the levy has been passed. - If a notice of appeal does not comply with this regulation, the MGB must reject it and dismiss the appeal. - Where there are two or more appeals commenced in accordance with this regulation, the MGB may consolidate the appeals, hear the appeals at the same 	<ul style="list-style-type: none"> - While AUMA does not support the ability to appeal to the MGB outlined in the Act, AUMA did say that if it moves forward that the appeal window should be short. The new appeal provisions set out in the proposed regulation are consistent with this, in that appeals are required to be submitted to the Municipal Government Board within 30 days.

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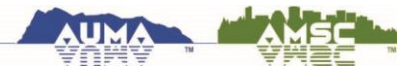




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	<p>time, hear the appeals consecutively, or stay the determination of the appeals until the determination of any other appeal.</p> <ul style="list-style-type: none"> - Submitting a notice of appeal under section 10 does not operate to stay the imposition and collection of a levy. - Any levy that is received by the municipality during the appeal period or while an appeal of the levy is still to be determined by the MGB, must be held in a separate account for each type of facility, and the municipality shall refrain from the use of such levies received until the appeal has been determined 	<ul style="list-style-type: none"> ○ If an appeal is filed, the municipality may still impose and collect the levy, but must hold the funds in a separate account until the appeal has been determined. ○ There are no set timelines in the proposed regulation for the Municipal Government Board to complete appeals, and multiple appeals may be consolidated and heard at the same time. <ul style="list-style-type: none"> - It is unclear whether an amendment to a bylaw would open up the entire bylaw to appeal, or just the part that was amended.
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Subdivision and Development Appeal Board Regulation

Key Elements	Overview	AUMA Comments
<p>Training Requirements</p>	<ul style="list-style-type: none"> - Designated SDAB officers and board members must, before being appointed as a clerk, complete a training program. - SDAB board members must, before participating in any hearing, complete a training program. - Officers and board members must complete refresher training every two years. - Existing officers and board members must complete training within 6 months of the regulation coming into force. 	<ul style="list-style-type: none"> - Several matters included in the regulation match earlier AUMA recommendations including: <ul style="list-style-type: none"> ○ the firm requirement for board members and officers to take training; ○ the 6 month transition period for existing SDAB clerks and board members; and, ○ the requirement for refresher training every two years. - The proposed regulation requires training in a program “set or approved by the Minister”, but does not elaborate on what the mandatory training program will entail. <ul style="list-style-type: none"> ○ AUMA had recommended that minimum requirements for the training program for SDAB clerks be made consistent across the province, and include administrative law elements specific to their role. ○ AUMA had recommended that matters in training programs for SDAB board members should build on existing training and include increased components on provisions related to the MGA. - It is unclear given the wording of the proposed regulation whether SDAB board members and clerks will have the option of attending regional training. - It is unclear given the wording of the proposed regulation whether municipalities will have the option to institute additional training or requirements through a bylaw. - AUMA had recommended that SDAB clerks be required to take a standard provincial test to ensure that minimum standards are met, and that SDAB board members be required to sign a declaration that includes a checklist acknowledging their understanding of their role, the role of the clerk, and the general appeal process. Neither of these recommendations is reflected in the proposed regulation.

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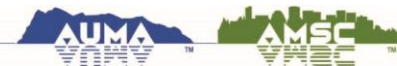




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Reporting	<ul style="list-style-type: none"> - Municipalities must provide a report to the Minister noting the number of board members and clerks in their SDAB, and how many of them have either completed or are enrolled in training under the regulation. 	<ul style="list-style-type: none"> - The proposed regulation states that the report must be provided “in the form and manner and at the times required by the Minister”, however no times are noted. It is unclear if this is a regular reporting requirement and how often municipalities will have to provide a report. - AUMA had recommended that Municipal Affairs provide a roster of qualified SDAB members to municipalities. While this is not referenced in the proposed regulation, the reporting requirements could conceivably be used to develop a roster.
Application	<ul style="list-style-type: none"> - The regulation also applies to intermunicipal SDABs. 	

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Subdivision and Development Regulation

Key Elements	Overview	AUMA Comments
General	<ul style="list-style-type: none"> - The Subdivision and Development Regulation and the Subdivision and Development Forms Regulation have been combined into a single "Subdivision and Development Regulation". 	
Interpretation	<ul style="list-style-type: none"> - The definition of "food establishment" has been updated to reference that the Food Regulation does not apply when a subdivision and development authority is making its decision. 	
Subdivision Applications	<ul style="list-style-type: none"> - Wording has been amended to incorporate the Subdivision and Forms Regulation into the Subdivision and Development Regulation. - Wording has been updated to reflect changes in definitions (e.g. "Environment and Sustainable Resource Development" to "Environment and Parks", "river, stream, watercourse" to "body of water"). - Wording has been added to clarify that a copy of agreements regarding Environmental Reserve land between municipalities and landowners must be provided to the subdivision authority as part of applications. - Wording has been added to clarify that information from the Alberta Energy Regulator including the location of active wells, batteries, processing plants or pipelines within the proposed subdivision are provided with applications. - Subdivision authorities will be required to send copies of applications for review under the Highways Development and Protection Act for all proposed subdivisions adjacent to or within 0.8km of a highway, whereas previously this was only required for highways with a speed over 80km/h. 	<ul style="list-style-type: none"> - Changes to wording, processes, and definitions such as "body of water" and "conservation reserve" reflect earlier AUMA recommendations to ensure that the Subdivision and Development Regulation aligns with the amended MGA. - Further changes are required to ensure that environmental reserve provisions can be applied to wetlands and aquifer discharge and recharge areas.

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	<ul style="list-style-type: none"> - Additional clarity has been added as to when subdivision authorities are required to refer applications to the Ministry of Culture and Tourism. - Additional clarity has been added that municipalities that set their own decision-making timelines are required to adhere to said timelines. 	
Subdivision and Development Conditions	<ul style="list-style-type: none"> - Definitions have been updated to align with other legislation, regulations, and documents. - Additional clarity has been added on how to determine setbacks from operating wastewater treatment plants and landfills. 	
Registration and Endorsement	<ul style="list-style-type: none"> - Wording has been added to require conservation reserves to be identified as "CR" in plans of subdivision. 	
Provincial Appeals	<ul style="list-style-type: none"> - The distance has been updated in reference to appeals of subdivision decisions to the MGB for lands within a certain proximity of historical sites. 	
Application	<ul style="list-style-type: none"> - The proposed regulation will come into force on October 1, 2017. - The proposed regulation is set to expire on June 30, 2022. 	

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Canmore Undermining Exemption from Liability Regulation

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

***Note: This regulation likely does not warrant AUMA response given that it is confined to one municipality.**

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Canmore Undermining Review Regulation

Key Elements	Overview	AUMA Comments
Undermining Reports	<ul style="list-style-type: none"> - Clarifying provisions have been added to ensure that: <ul style="list-style-type: none"> o Reports are to be conducted at the developer's expense. o Reports are prepared by professional engineers in accordance with Ministerial guidelines. - Report compliance certificates are completed by and obtained from professional engineers. 	
Selection of Engineering Firms	<ul style="list-style-type: none"> - Provisions have been added to ensure that the Town of Canmore has a role in the selection of engineering firms. 	

***Note: This regulation likely does not warrant AUMA response given that it is confined to one municipality.**

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Crowsnest Pass Regulation

Key Elements	Overview	AUMA Comments
Extension	- Renew the regulation until 2020.	
Add Sections of the Determination of Population Regulation	<ul style="list-style-type: none"> - A section of the Determination of Population Regulation relates to the Crowsnest Pass and is being moved into the Crowsnest Pass Regulation: <ul style="list-style-type: none"> o Wording outlining special provisions for counting the municipality's population, with specific respect to responsibility for policing costs. <p>(see Determination of Population Regulation Chart for details)</p>	

***Note: This regulation likely does not warrant AUMA response given that it is confined to one municipality.**

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