THE CITY OF Red Deer

# *CITY COUNCIL*

# *AGENDA*

Monday, September 18, 2017 – Council Chambers, City Hall

| | |
|---|---|
| Call to Order: | 2:30 PM |
| Recess: | 5:00 PM to 6:00 PM |
| Public Hearing(s): | 6:00 PM |

## 1. IN CAMERA

1.1. Motion to In Camera - Financial Matter (FOIP 24(1)(a))

1.2. Motion to Revert to Open Meeting

## 2. MINUTES

2.1. Confirmation of the Minutes of the September 5, 2017 Regular Council Meeting

(Agenda Pages 1 – 19)

## 3. POINTS OF INTEREST

## 4. REPORTS

4.1. Community Housing Advisory Board - Outreach and Support Services (OSSI) Recommendations for Funding Allocations

(Agenda Pages 20 – 23)

4.2. City of Red Deer Parking Strategy and Purpose Statement - Integrated and Accessible Transportation (PS-A-2.2)

(Agenda Pages 24 – 41)

4.3. MGA Regulations

(Agenda Pages 42 – 277)

4.4. Municipal Government Act: City Charters

(Agenda Pages 278 – 282)

## 5. BYLAWS

5.1. Emergency Management Bylaw 3468/A-2017

(Agenda Pages 283 – 293)

5.1.a. Consideration of First Reading of the Bylaw

## 6. ADJOURNMENT

THE CITY OF Red Deer

**UNAPPROVED - M I N U T E S**

**of the Red Deer City Council Regular Meeting**
**held on, Tuesday, September 05, 2017**
**commenced at 2:34 P.M.**

**PRESENT:** Mayor Tara Veer
Councillor Buck Buchanan
Councillor Tanya Handley
Councillor Paul Harris
Councillor Ken Johnston
Councillor Lawrence Lee
Councillor Lynne Mulder
Councillor Frank Wong
Councillor Dianne Wyntjes

City Manager, Craig Curtis
Director of Communications & Strategic Planning, Julia Harvie-Shemko
Acting Director of Community Services, Shelley Gagnon
Director of Corporate Services, Lisa Perkins
Director of Development Services, Kelly Kloss
Director of Human Resources, Kristy Svoboda
Director of Planning Services, Tara Lodewyk
Director of Protective Services, Paul Goranson
City Clerk, Frieda McDougall
Deputy City Clerk, Samantha Rodwell
Council Meeting Support, Kaitlin Bishop
Senior Planner, Orlando Toews
Chief Financial Officer, Dean Krejci

## 1. IN CAMERA

### 1.1. Motion to In Camera - Legal Matter (FOIP 23(1)(a))

Moved by Councillor Lawrence Lee, seconded by Councillor Frank Wong

Resolved that Council of The City of Red Deer hereby agrees to enter into an In-Camera meeting of Council on Tuesday, September 5, 2017 at 2:32 p.m. and hereby agrees to exclude the following:

- All members of the media; and
- All members of the public.

to discuss a Legal Matter as protected under the Freedom of Information & Protection of Privacy Act, Section 23(1)(a).

**IN FAVOUR:** Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Paul Harris, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

### 1.2. Motion to Revert to Open Meeting

Moved by Councillor Ken Johnston, seconded by Councillor Tanya Handley

Resolved that Council of The City of Red Deer hereby agrees to enter into an open meeting of Council on Tuesday, September 5, 2017 at 3:31 p.m.

**IN FAVOUR:** Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Paul Harris, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

## 2. MINUTES

### 2.1. Confirmation of the Minutes of the August 21, 2017 Council Meeting.

Moved by Councillor Lawrence Lee, seconded by Councillor Buck Buchanan

Resolved that Council of The City of Red Deer hereby approves the Minutes of the August 21, 2017 Council Meeting as transcribed.

**IN FAVOUR:** Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Paul Harris, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

### 2.2. Confirmation of the Minutes of the August 22, 2017 Mid-Year Budget Meeting.

Moved by Councillor Lynne Mulder, seconded by Councillor Tanya Handley

Resolved that Council of The City of Red Deer hereby approves the Minutes of the August 22, 2017 Mid-Year Budget Meeting as transcribed.

**IN FAVOUR:** Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Paul Harris, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

## 3. ADDITIONAL AGENDA

### 3.1. Asooahum Crossing Update

Council accepted this report as information.

## 4. REPORTS

### 4.1. Approval of Council Meeting Dates for 2018

Moved by Councillor Dianne Wyntjes, seconded by Councillor Tanya Handley

Resolved that Council of The City of Red Deer having considered the report from Legislative Services dated August 15, 2017 re: Approval of Council Meeting Dates for 2018 hereby approves the Council meeting dates for 2018 as follows:

Council Meeting Dates

| | | | |
|---|---|---|---|
| Monday | January 8, 2018 | Regular Council Meeting | 2:30 P.M. |
| Tuesday | January 9, 2018 | Operating Budget Meeting | 1:00 – 5:00 P.M. |
| Wednesday | January 10, 2018 | Operating Budget Meeting | 1:00 – 5:00 P.M. |
| Thursday | January 11, 2018 | Operating Budget Meeting | 1:00 – 5:00 P.M. |
| Friday | January 12, 2018 | Operating Budget Meeting | 1:00 – 5:00 P.M. |
| Monday | January 15, 2018 | Operating Budget Meeting | 1:00 – 5:00 P.M. |
| Tuesday | January 16, 2018 | Operating Budget Meeting | 1:00 – 5:00 P.M. |
| Wednesday | January 17, 2018 | Operating Budget Meeting | 1:00 – 5:00 P.M. |
| Thursday | January 18, 2018 | Operating Budget Meeting | 1:00 – 5:00 P.M. |
| Friday | January 19, 2018 | Operating Budget Meeting | 1:00 – 5:00 P.M. |
| Monday | January 22, 2018 | Regular Council Meeting | 2:30 P.M. |
| Monday | February 5, 2018 | Regular Council Meeting | 2:30 P.M. |
| Tuesday | February 20, 2018 | Regular Council Meeting | 2:30 P.M. |
| Monday | March 5, 2018 | Regular Council Meeting | 2:30 P.M. |
| Monday | March 19, 2018 | Regular Council Meeting | 2:30 P.M. |
| Tuesday | April 3, 2018 | Regular Council Meeting | 2:30 P.M. |
| Monday | April 16, 2018 | Regular Council Meeting | 2:30 P.M. |
| Monday | April 30, 2018 | Regular Council Meeting | 2:30 P.M. |
| Monday | May 14, 2018 | Regular Council Meeting | 2:30 P.M. |
| Monday | May 28, 2018 | Regular Council Meeting | 2:30 P.M. |
| Monday | June 11, 2018 | Regular Council Meeting | 2:30 P.M. |
| Monday | June 25, 2018 | Regular Council Meeting | 2:30 P.M. |
| Monday | July 9, 2018 | Regular Council Meeting | 2:30 P.M. |

| | | | |
|---|---|---|---|
| Monday | July 23, 2018 | Regular Council Meeting | 2:30 P.M. |
| Monday | August 20, 2018 | Regular Council Meeting | 2:30 P.M. |
| Tuesday | August 21, 2018 | Mid-Year Budget Review | 9:00 A.M. |
| Tuesday | September 4, 2018 | Regular Council Meeting | 2:30 P.M. |
| Monday | September 17, 2018 | Regular Council Meeting | 2:30 P.M. |
| Monday | October 1, 2018 | Regular Council Meeting | 2:30 P.M. |
| Monday | October 15, 2018 | Regular Council Meeting | 2:30 P.M. |
| Monday | October 29, 2018 | Organizational Meeting & Regular Council Meeting | 2:30 P.M. |
| Tuesday | November 13, 2018 | Regular Council Meeting | 2:30 P.M. |
| Monday | November 26, 2018 | Regular Council Meeting | 2:30 P.M. |
| Monday | December 10, 2018 | Regular Council Meeting | 2:30 P.M. |

**IN FAVOUR:** Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Paul Harris, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

### 4.2. HAVOC Fighting Event

Moved by Councillor Lynne Mulder, seconded by Councillor Ken Johnston

Resolved that Council of The City of Red Deer, having considered the report from Legislative Services, dated August 18, 2017 re: Request Regarding Combative Sport Event – December 8, 2017 hereby provides no objection to the Central Combative Sports Commission oversight of the HAVOC FC Fighting Championships event in the city of Red Deer on December 8, 2017.

**IN FAVOUR:** Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Paul Harris, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

### 4.3. 2016 Operating Budget Variance Report

Council accepted this report as information with the corrections as noted and as updated in the agenda.

### 4.4. 2015 Capital Budget Information Report

Moved by Councillor Paul Harris, seconded by Councillor Lawrence Lee

Resolved that Council of The City of Red Deer having considered the report from Financial Services dated August 14, 2017 re: 2015 Capital Budget Information Report hereby approves the over expenditures as outlined in Table 6 – Overspent Projects.

**Table 6 – OVERSPENT PROJECTS**

| Department | Projects | Budget Approved | Actual Expenditures | Overspent | Funding Sources |
|---|---|---|---|---|---|
| ELP | 2011 Private Residential Subdivision | $710,700 | $868,462 | $157,762 | Customer contributions |
| ELP | 2011 U/G & O/H Commercial & Industrial Services | 650,000 | 707,110 | 57,110 | Customer contributions |
| ELP | 2012 Private Subdivision | 1,138,000 | 1,634,951 | 496,951 | Customer contributions |
| ELP | 2012 CONVERT 4K TO 25KV-SUBDIV 2 | 1,405,166 | 2,427,381 | 1,022,215 | Customer contributions |
| ELP | 2015 DIGITAL METER UPGR | | 138,863 | 138,863 | Operating |
| ENV | 2013 DA 6020 67 ST | | 26,564 | 26,564 | Customer contributions |
| RPC | 2012 SPRAY PARK DEVELOPMEN T | 1,211,000 | 1,221,700 | 10,700 | Operating |
| ENV | 2014 SERVICE | | 828,385 | 828,385 | Customer |

| | | | | | |
|---|---|---|---|---|---|
| Note: see Table 7 for transfer details | APPS (PARENT) | | | | contributions & from other capital jobs |
| ENV Note: see Table 8 for transfer details | 2012 WW 55 ST 48 AV TO 49A | 577,000 | 9,286,208 | 8,709,208 | Transfers from other ENV jobs |
| | | | | | |
| **Total** | | **$5,691,866** | **$17,830,162** | **$12,138,296** | |

**IN FAVOUR:** Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Paul Harris, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

Moved by Councillor Buck Buchanan, seconded by Councillor Ken Johnston

Resolved that Council of The City of Red Deer having considered the report from Financial Services dated August 14, 2017 re: 2015 Capital Budget Information Report hereby approves the transfer of funds to the 2014 Service Apps project as outlined in Resolved that Council of The City of Red Deer having considered the report from Financial Services dated August 14, 2017 re: 2015 Capital Budget Information Report hereby approves the transfer of funds to the 2014 Service Apps project as outlined in Table 7 – 2014 Apps.

**Table 7 – 2014 SERVICE APPS (Job 80704)**

| Job# | Project | Amount |
|---|---|---|
| 80699 | 2014 STORM INFRASTRUCTURE PRGM | $157,500 |
| 80702 | 2014 WW INFRASTR (PARENT) | 157,500 |
| 80700 | 2014 WATER INFRASTR (PARENT) | 157,500 |
| **Total** | | **$472,500** |

**IN FAVOUR:** Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Paul Harris, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

Moved by Councillor Ken Johnston, seconded by Councillor Lynne Mulder

Resolved that Council of The City of Red Deer having considered the report from Financial Services dated August 14, 2017 re: 2015 Capital Budget Information Report hereby approves the transfer of funds to the 55 St – 48 Ave to 49A Ave project as outlined in Table 8 – 55 St – 48 Ave to 49A Ave.

**Table 8 – 55 ST – 48 AVE to 49A AVE (Job 80593)**

| Job# | Project | Amount |
|---|---|---|
| 80555 | 2012 WW MAIN PRGM (PARENT) | $615 |
| 80641 | 2013 WW INFRASTR (PARENT) | 1,899,385 |
| 80257 | 2009 WW MAIN PROGRAM (PARENT) | 59,989 |
| 80333 | 2010 WATER MAIN PRGM (PARENT) | 66,525 |
| 80340 | 2010 WW MAIN PRGM (PARENT) | 138,135 |
| 80240 | 2009 WATER MAIN PRGRM (PARENT) | 444,577 |
| 80632 | 2013 STORM INFRASTRUCTURE PRGM | 466,731 |
| 80554 | 2012 WATER INFRASTR (PARENT) | 1,001,719 |
| 80444 | 2011 WATER MAIN PRGM (PARENT) | 1,707,923 |
| 80654 | 2013 WW MAIN RIVERSIDE DR | 2,157,527 |
| 80700 | 2014 WATER INFRASTR (PARENT) | 638,159 |
| 80788 | 2015 STORM INFRASTRUCTURE | 142,612 |
| 80786 | 2015 WW INFRAS (PARENT) | (189,771) |
| 80781 | 2015 WATER INFRA (PARENT) | 175,081 |
| **Total** | | **$8,709,208** |

**IN FAVOUR:** Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Paul Harris, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor

Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

### 4.5. 2016 Capital Budget Information Report

Moved by Councillor Lynne Mulder, seconded by Councillor Dianne Wyntjes

Resolved that Council of The City of Red Deer having considered the report from Financial Services dated August 14, 2017 re: 2016 Capital Budget Information Report hereby approves the over expenditures as outlined in Table 5.

**Table 5 – OVERSPENT PROJECTS**

| Department | Projects | Budget Approved | Actual Expenditures | Overspent | Funding Sources |
|---|---|---|---|---|---|
| ELP | CS 2012 - COMMERCIAL CUST | $750,000 | $1,240,147 | $490,147 | Customer Contributions |
| ELP | CS-RESID CUST 2013 | $105,000 | $394,772 | $289,772 | Customer Contributions |
| ELP | CS-COMMERCL CUST 2013 | $787,000 | $948,910 | $161,910 | Customer Contributions |
| ELP | CS-RESIDENTIAL CUST 2014 | $105,000 | $498,775 | $393,775 | Customer Contributions |
| ELP | CS-2015-RESIDENTIAL CUSTOMERS | $97,195 | $305,966 | $208,771 | Customer Contributions |
| ELP | CS-2015-COMMERCIAL/INDUSTRIAL | $1,040,000 | $1,413,400 | $373,400 | Customer Contributions |

**IN FAVOUR:** Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Paul Harris, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

### 4.6. 2016 Reserve Report

Moved by Councillor Lynne Mulder, seconded by Councillor Ken Johnston

Resolved that Council of The City of Red Deer having considered the report from Financial Services dated August 14, 2017 re: 2016 Reserve Report to Council hereby approves a transfer, effective January 1, 2017, of the growth related component of the Fleet Reserve in the amount of $5,640,090 to the following reserves and in the following amounts:

- Capital Projects Reserve $3,321,894
- EL&P Capital Reserve $2,164,735
- Water Capital Reserve $56,490
- Wastewater Capital Reserve $96,971

**IN FAVOUR:** Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Paul Harris, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

## 5. BYLAWS

### 5.1. Dynamic Sign Site Exceptions

Moved by Councillor Dianne Wyntjes, seconded by Councillor Frank Wong

Resolved that Council of The City of Red Deer hereby agrees to lift from the table consideration of Dynamic Sign Exceptions Bylaws 3357/E-2017, 3357/F-2017, 3357/G-2017 and 3357/H-2017.

**IN FAVOUR:** Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Paul Harris, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION TO LIFT FROM THE TABLE CARRIED

Moved by Councillor Lawrence Lee, seconded by Councillor Buck Buchanan

Resolved that Council of The City of Red Deer having considered the report from Legislative Services dated August 23, 2017 re: Dynamic Sign Exceptions Bylaws 3357/E-2017, 3357/F-2017, 3357/G-2017 and 3357/H-2017 Request to Table hereby agrees to table consideration of Land Use Bylaw Amendments 3357/E-2017, 3357/F-2017, 3357/G-2017 and 3357/H-2017 until up to December 31, 2017 to allow Administration time to complete Land Use regulations in regards to signage.

**IN FAVOUR:** Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Paul Harris, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION TO TABLE CARRIED

### 5.2. Proposed Disposal and Redesignation of Municipal Reserve Bylaw 3357/BB-2017 and Council Resolution

Mayor Tara Veer declared a conflict of interest as the applicant contacted her on this matter outside of Council's formal process. Mayor Tara Veer left chambers at 4:14 p.m. and Councillor Lawrence Lee assumed the chair.

Moved by Councillor Ken Johnston, seconded by Councillor Dianne Wyntjes

Resolved that Council of The City of Red Deer having considered the report from the Planning Department dated August 23, 2017 re: Proposed Disposition and Redesignation of Municipal Reserve Bylaw 3357/BB-2017 and Council Resolution hereby agrees that the following resolution be considered at the Council Meeting of Monday, October 2, 2017:

> Resolved that Council of The City of Red Deer having considered the report from the Planning Department dated August 23, 2017 re: Proposed Disposition and Redesignation of Municipal Reserve Bylaw 3357/BB-2017 and Council Resolution hereby agrees to the Disposal of Municipal Reserve lands described as:
>
> "a +968m2 Part of Lot 58MR, Block 5, Plan 812 3053"

**IN FAVOUR:** Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Paul Harris, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

**ABSENT:** Mayor Tara Veer

MOTION CARRIED

Moved by Councillor Paul Harris, seconded by Councillor Lynne Mulder

FIRST READING: That Bylaw 3357/BB-2017 (a Land Use Bylaw Amendment for the disposition and rezoning of a +968 m2 portion of a municipal reserve (MR) parcel at 2099-50 Avenue (Part of Lot 58MR, Block 5, Plan 812 3053), from P1 – Parks and Recreation District to C4 – Commercial (Major Arterial) District) be read a first time.

**IN FAVOUR:** Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Paul Harris, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

**ABSENT:** Mayor Tara Veer

MOTION CARRIED

Councillor Lawrence Lee left the Chair at 4:23 p.m. and Mayor Tara Veer assumed the Chair at 4:24 p.m.

### 5.3. Proposed Amendment of Municipal Development Plan - Bylaw 3404/A-2017
### North of 11A Major Area Structure Plan - Bylaw 3554/B-2017
### Land Use Bylaw Amendment - Bylaw 3357/Z-2017

Councillor Paul Harris left Council Chambers at 4:25 p.m. and returned at 4:27 p.m.

Moved by Councillor Ken Johnston, seconded by Councillor Dianne Wyntjes

| | |
|---|---|
| FIRST READING: | That Bylaw 3357/Z-2017 (a Land Use Bylaw Amendment to redesignate a +2.43 hectare portion of the SE ¼ Sec 3; 39-27-W4 from I1-Industrial (Business Service) District to R1E – Residential Estate District) be read a first time. |

Councillor Lynne Mulder left Council Chambers at 4:28 p.m. and returned at 4:29 p.m.

**IN FAVOUR:** Councillor Tanya Handley, Councillor Ken Johnston, Councillor Frank Wong

**OPPOSED:** Mayor Tara Veer, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Dianne Wyntjes

MOTION DEFEATED

Moved by Councillor Dianne Wyntjes, seconded by Councillor Ken Johnston

| | |
|---|---|
| FIRST READING: | That Bylaw 3554/B-2017 (an amendment to the North of 11A Major Area Structure Plan to identify a +2.43 hectare portion of the SE ¼ Sec 3; 39-27-W4 for residential use) be read a first time. |

**IN FAVOUR:** Councillor Tanya Handley, Councillor Ken Johnston

**OPPOSED:** Mayor Tara Veer, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION DEFEATED

Moved by Councillor Buck Buchanan, seconded by Councillor Tanya Handley

| | |
|---|---|
| FIRST READING: | That Bylaw 3404/A-2017 (an amendment to the Municipal Development Plan to identify a +2.43 hectare portion of the SE |

¼ Sec 3; 39-27-W4 for residential use) be read a first time.

**IN FAVOUR:** Councillor Tanya Handley, Councillor Ken Johnston

**OPPOSED:** Mayor Tara Veer, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION DEFEATED

## 6. NOTICES OF MOTION

### 6.1. Notice of Motion Submitted by Councillor Buck Buchanan Re: Response to Property Offences

Moved by Councillor Buck Buchanan, seconded by Councillor Dianne Wyntjes

Whereas a Supreme Court of Canada ruling, known as the Jordan decision, places new limits on how long accused people must wait for their matters to go to trial; and

Whereas Court of Queen's Bench case trials must now be concluded within 30 months, and provincial court matters within 18 months, with an extension to 30 months if the case includes a preliminary inquiry; and

Whereas since October 2016, Alberta lawyers have filed 67 Jordan applications. Of those, 14 applications are pending, 18 have been dismissed and six have been granted; the remaining applications were abandoned by the defense (14), stayed by the Crown (6), or resolved (9); one application has been appealed by the Crown; and

Whereas Alberta Justice and Solicitor General has adopted a Prosecution Service Practice Protocol which is designed to provide a standardized method for prosecutors to assess and review files to determine which files can proceed where resources are not adequate to prosecute all otherwise viable charges; it is designed to ensure a principled and proportionate approach to criminal cases; and

Whereas crimes against property are the fastest growing category of crime but will fall

in priority to more serious and violent crimes, in accordance with the above-noted protocol, and will result in less prosecutions and more property crimes being dismissed resulting in there being no actual deterrent against property crimes; and

Whereas there are currently specific court remedies to respond to specific offenses such as Traffic Courts, Disclosure & Early Resolution Courts, Domestic Violence Courts, etc. and this may be an option for dealing with property crimes;

Therefore be it resolved that The City of Red Deer advocate to Alberta Justice and Solicitor General and K Division to engage with other policing stakeholders to explore alternate solutions to property crimes, such as dedicated courts, so that enforcement is not impeded by systems and processes that apply priority based on the type of crime; and

Further be it Resolved that The City of Red Deer request that the Federation of Canadian Municipalities accept this as an advocacy priority on behalf of municipalities across the country.

References:
https://www.justice.alberta.ca/programs_services/criminal_pros/Pages/Triage.aspx

Councillor Handley left Council Chambers at 5:15pm and returned at 5:17 p.m.

**IN FAVOUR:** Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Paul Harris, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

### 6.2. Notice of Motion Submitted by Councillor Paul Harris Re: Vacant and Derelict Properties

Moved by Councillor Paul Harris, seconded by Councillor Ken Johnston

Whereas the Municipal Government Act states that one of the purposes of a municipality is "to develop and maintain safe and viable communities" (s.3(c)) and a Councillor has a duty "to consider the welfare and interests of the municipality as a whole and to bring to council's attention anything that would promote the welfare and interests of the municipality" (s.153(a)); and

Whereas vacant and derelict properties have negative influences on neighbourhoods as they become rundown, create health hazards, attract crime and trespassers and decrease the viability of the neighbourhood development and redevelopment ; and

Whereas, the field of criminology links derelict properties and incivility within a community to subsequent serious crime; and

Whereas, Red Deer City Council is actively exploring ways to decrease crime in the downtown; and

Whereas vacant and derelict properties have both a the short term and long term financial implications which not only affect neighbourhood development but also the city's operating budget, tax rate, and civic financial sustainability; and

Whereas the neighbours, the community and The City have few mechanisms to deal with vacant and derelict properties effectively, as the Municipal Government Act (MGA) only allows for such properties to be boarded but does not enable demolition until the structure becomes a safety issue; and

Whereas having appropriate methods to handle vacant and derelict properties will improve economic development by attracting residents, business and developers; and

Whereas a property that is vacant or derelict is not the highest or best use of the property;

Therefore be it Resolved that administration be directed to explore all options, including changes to our community standards bylaw and enforcement practices, that will allow The City to use mechanisms such as condemning, expropriating or removing vacant and derelict properties; and

Further be it resolved that Council request the Ministers of Municipal Affairs and Economic Development to revise legislation such as the Municipal Government Act to enable municipalities to deal with vacant and derelict properties.

References

1.City of Toronto (2015) Staff Report Action Required: Resolving Vacant-Derelict Properties – Framework and Consultation Plan

**IN FAVOUR:** Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Paul Harris, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

### 6.3. Notice of Motion Submitted by Councillor Paul Harris Re: Reconsideration of Second Reading of Bylaw 3357/U-2017 a Land Use Bylaw Amendment for a site exception at 5334-54 Ave in the Woodlea Neighbourhood

In accordance with the Municipal Government Act, Councillor Dianne Wyntjes abstained from voting on this item as she was not part of the Public Hearing process and left Council Chambers at 5:42 p.m.

Moved by Councillor Paul Harris, seconded by Councillor Lynne Mulder

Whereas on June 26, 2017 Council of The City of Red Deer, held a public hearing for Bylaw 3357/U-2017 (an amendment to the Land Use Bylaw for a site exception for 5334 – 43 Avenue in the Woodlea Neighbourhood); and

Whereas during the Public Hearing Council was presented with additional submissions made by interested parties; and

Whereas much of the material presented was irrelevant to planning principles and the

application for Council's consideration, and

Whereas Council takes its governance role, as outlined in the Municipal Governance Act, very seriously, and may have given some material presented inappropriate consideration; and

Whereas Council did not have enough time to fully review and consider the new information presented, or its relevance; and

Whereas subsequent to the Public Hearing Council defeated second reading of Bylaw 3357/U-2017;

Therefore Be It Resolved that Council of The City of Red Deer consider the preceding as extenuating circumstances that justify the reconsideration of the June 26, 2017 decision to defeat second reading of Bylaw 3357/U-2017 and require the scheduling and re-advertising of a new Public Hearing to be held in this regard.

The following tabling motion was then introduced.

Moved by Councillor Paul Harris, seconded by Councillor Lynne Mulder

Resolved that Council of The City of Red Deer hereby agrees to table consideration of the Notice of Motion Submitted by Councillor Paul Harris re: Reconsideration of Second Reading of Bylaw 3357/U-2017 a Land Use Bylaw Amendment for a site exception at 5334-43 Avenue in the Woodlea Neighbourhood until November 14, 2017 Council Meeting to allow administration further time to explore broader governance issues related to public hearings.

**IN FAVOUR:** Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Paul Harris, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong

**ABSENT:** Councillor Dianne Wyntjes

MOTION TO TABLE CARRIED

## 7. ADJOURNMENT

Moved by Councillor Buck Buchanan, seconded by Councillor Lynne Mulder

Resolved that Council of The City of Red Deer hereby agrees to adjourn the Tuesday, September 5, 2017 Regular Council Meeting of Red Deer City Council at 5:44 p.m.

**IN FAVOUR:** Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Paul Harris, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong

**ABSENT:** Councillor Dianne Wyntjes

MOTION CARRIED

MAYOR

CITY CLERK

# Community Housing Advisory Board: Outreach and Support Services (OSSI) Recommendations for Funding Allocations

Social Planning

## Report Summary & Recommendation:

The Community Housing Advisory Board (CHAB) received notice on June 13, 2017 from The Province of Alberta that the OSSI grant would be increasing by an additional $125,000/year. On June 27, we received notice that Alberta Health through the OSSI grant agreement would be increasing Red Deer's allocation by $170,000/year. The total amount of OSSI funding will now be $3,835,000/year.

Upon reviewing the budget, Administration also determined that there is an additional one time amount of $56,000 available to allocate when taking into account interest earned on the grant and some carry forward funds that had not yet been allocated.

CHAB took this information into consideration and issued an RFP for an Aboriginal Intensive Case Management project on July 18, 2017 in the amount of $646,000 for the time period of October 1, 2017 to June 30, 2019. The activities outlined within this RFP support *Red Deer's System Framework for Housing and Supports,* and *EveryOne's Home Plan to End Homelessness.*

The Community Housing Advisory Board following review of the proposals submitted under the RFP, has proposed a recommendation for Council's consideration. The RFP followed all current procurement processes. Administration supports the endorsement submitted by CHAB.

## City Manager Comments:

Council's direction is requested.

Craig Curtis
City Manager

## Proposed Resolution

The resolution of the Community Housing Advisory Board will be provided to Council at the September 18, 2017 meeting of City Council.

THE CITY OF Red Deer

## Report Details

## Background:

CHAB, on behalf of City Council, currently oversees two grant programs; the Homelessness Partnering Strategy (HPS) grant from the Government of Canada and the Outreach and Support Services Initiative (OSSI) grant from the Province of Alberta. Both grants support individuals who are experiencing homelessness with the goal of assisting those individuals into stable housing. Each grant has slightly different eligibility requirements for different client groups, mandated outcomes and reporting structures.

The City of Red Deer received notice on June 13, 2017 that our community would be receiving an additional $125,000/year in provincial OSSI funding. On June 27, 2017 another notice was received that Alberta Health, through the OSSI grant agreement would be increasing Red Deer's grant allocation by $170,000/year. The Alberta Health funds are to support health, mental health and addictions issues. The total amount of OSSI funding will now be $3,835,000/year.

Upon reviewing the budget, Administration also determined that there was an additional one time amount of $56,000 is available to be allocated when taking into account interest earned on the grant and carry forward that had not been allocated. These funds could also be put towards a project.

The total amount available to be allocated for a new project between October 1, 2017 to June 30, 2019 is $646,000; the end date determined to coincide with the other OSSI projects set to expire on June 30, 2019. Pending funding availability through the Government of Canada and the Province of Alberta, a new RFP for all components within the *system framework* is anticipated prior to July 1, 2019.

The OSSI funding targets individuals and families experiencing chronic or episodic homelessness using a Housing First approach. The OSSI outcomes are as follows:

- Those persons housed in the program will remain stably housed.
- Those persons housed in the program will show a reduction in use of the public systems.
- Those persons accepted in the program will demonstrate improved self-sufficiency.
- Those persons accepted into the program will demonstrate engagement in mainstream services.

The Community Housing Advisory Board reviewed several potential project concepts for these funds at their June 27, 2017 meeting and through their consensus model chose to focus on an Aboriginal Intensive Case Management (ICM) program with the following parameters:

- The program would be specific for Aboriginal individuals and families experiencing chronic and episodic homelessness.
- The program would provide intensive case management and housing support for 12-18 months using a Housing First approach with no conditions (e.g. sobriety). This is

a scattered site model accessing housing units in the regular market. The program would include cultural supports as part of its structure.

CHAB considered these points in making their decision.

- Through the coordinated access process (CAP) on June 21, 2017, 68 clients on the prioritization list were waiting to be matched to a Housing First program. 52 (76%) of those clients had a SPDAT score in the range that requires an Intensive Case Management program or Permanent Supportive Housing program. The demand for Intensive Case Management programs is very high compared to the available program spaces.
- The ethnicity of clients active on the CAP prioritization list is 57.6% Caucasian, 39.4% Aboriginal and 3.0% other.
- The Point in Time Count completed on October 16, 2016 indicated that Aboriginal people make up 40% of Red Deer's homeless population. Aboriginal residents constitute only 5.2% of Red Deer's overall resident population.
- These concerns were raised through the mid-year review of the System Framework:
    - The staff in the Indigenous Cultural Supports program are not available to meet the demand for cultural services for all clients within the Housing First programs. This is due to the nature of the clients' needs with complex, co-occurring issues that it requires a significant amount of time to provide the necessary supports that best meet these client's needs.
    - During an in-person meeting with all Housing First service providers, it was identified that housing and culture not being together for Aboriginal clients is a challenge for client housing stability.

## Discussion:

The recommended project meets the OSSI grant requirement of targeting individuals and families experiencing chronic homelessness using a Housing First approach. Information received through current statistical analysis as well as feedback from the Housing First service providers was used in determining what additional component should be added to *Red Deer's System Framework for Housing and Supports.* The project also honours and supports Priority #1 and 2 as outlined in the 2016 document *Red Deer's System Framework for Housing and Supports.* Those priorities being:

**Priority 1**: House 115 of the longest-term shelter stayers to bring the average length of stay in shelters down to 4 days.
**Priority 2**: House 43 rough sleepers who are not connected to shelter, eliminating street homelessness.

## Analysis:

Overall, the project aligns within the *System Framework* and will be one of the components that form a chain of support for individuals experiencing homelessness that will continue the work of meeting the following definition as outlined in *EveryOne's Home: Red Deer's Five Year Plan to End Homelessness 2014-2018* which states:

> *"…we will be successful in ending homelessness in Red Deer when we have a system of care that can effectively and efficiently:*
> - *Prevent/divert vulnerable individuals from becoming homeless, or*
> - *Ensure those who are homeless have permanent, appropriate housing and the supports they require within 28 days of presenting for services within the system."*

August 28, 2017

# City of Red Deer Parking Strategy and Purpose Statement Amendment – Integrated and Accessible Transportation (PS-A-2.2)

Planning Services Division / Planning Services Directorate

## Report Summary

Purpose Statements provide instructions to the City Manager and the organization. An amendment to Purpose Statement A-2.2: "Integrated and Accessible Transportation" is proposed to integrate parking within overall transportation planning.

In May, 2016, Council adopted the *Downtown Investment Attraction Plan*(DIAP) as a corporate planning tool. In the implementation of this document, Administration worked with Council to develop overarching parking principles and objectives to guide implementation. These are contained in the attached *Parking Management Strategy*. Subsequent Council and Corporate Administrative policies will be developed to provide staff with specific directions in support of this strategy.

On August 23, 2017, the Governance and Policy Committee endorsed the amendment to the Purpose Statement and Parking Management Strategy. It is now being forwarded to Council for consideration.

## Recommendation

1. That Council approves the amendment to Purpose Statement A-2.2: "Integrated and Accessible Transportation".

2. That Council accept *The City of Red Deer Parking Management Strategy* in alignment with the revised Purpose Statement A-2.2, as a guide for future Council and Corporate Administrative policy development.

## City Manager Comments

I support the recommendation of Administration.

Craig Curtis
City Manager

## Proposed Resolution

Resolved that Council of The City of Red Deer, having considered the report from the Planning Services Division, dated August 28, 2017, re: City of Red Deer Parking Strategy and Amendment to Purpose Statement A-2.2, hereby approves the amended Purpose Statement PS-A-2.2 Integrated & Accessible Transportation.

Resolved that Council of The City of Red Deer, having considered the report from the Planning Services Directorate, dated August 28, 2017 re: City of Red Deer Parking Management Strategy and Amendment to Purpose Statement A-2.2, hereby accepts The City of Red Deer Parking Management Strategy, in alignment with the revised Purpose Statement A-2.2, as a guide for future Council and Corporate Administrative policy development.

## Rationale for recommendation

Administration supports the recommendations based on the following rationale:

1. **This supports the integration of parking within overall transportation planning.** This is stated in the Municipal Development Plan policy 16.2 and *Downtown Red Deer's Investment Attraction Plan* (DIAP).

2. **This fills an existing policy gap.** The Purpose Statement and *Parking Management Strategy* provide direction for future policies and the implementation of principles and objectives.

## Discussion

### Existing Policy

There is little formal policy related to parking and its management. Parking management has not been explored in a holistic manner where The City formally identifies parking's relationship to other city principles such as economic development or transportation planning.

The amendment to the Purpose Statement and the identification of principles and objectives in the strategy allows policies and procedures to be developed that are rooted in overarching Council direction.

### Policy Direction

The *Municipal Development Plan* (Policy 16.2) states that The City needs to integrate parking within overall transportation planning.

In May, 2016, Red Deer City Council adopted the *Downtown Red Deer's Investment Attraction Plan* (DIAP) as a corporate planning tool. The DIAP includes a *Parking Study* component along with recommended short, medium and long-term actions to improve parking management activities throughout the downtown.

To guide the prioritization and implementation of these DIAP parking recommendations, Administration worked with Council in 2016 to develop parking management principles. These principles are intended to ensure integrated parking management policies and procedures, and to support balanced implementation moving forward. The principles and corresponding objectives are included in *The City of Red Deer Parking Management Strategy* attached (Appendix B).

**Parking Management Strategy**

The 2017 *Parking Management Strategy* (Appendix B) strives to achieve efficient and effective parking management practices while supporting business vitality and sustainable transportation policies. The principles and objectives within will inform parking operations and budgeting decisions, and will support alignment with other municipal priority areas moving forward.

Administration is asking that Council accept this strategy in alignment with the revised Purpose Statement A-2.2 (Appendix A) as a guide for future Council and Corporate Administrative policy development.

## Appendices

*Appendix A – Draft Amended Purpose Statement A-2.2 "Integrated and Accessible Transportation"*
*Appendix B –City of Red Deer Parking Management Strategy (2017)*

THE CITY OF Red Deer

**Council Policy**

# Integrated & Accessible Transportation

Policy Type: PURPOSE STATEMENT | PS-A-2.2

The Community has access to an Integrated and Accessible transportation network

1 Citizens have alternatives for movement throughout the city
- (1) Routes are conducive to motorized vehicles
- (2) Routes are conducive to pedestrians and self-propelled transportation
- (3) Mass transit is an attractive alternative to single occupant vehicles

2 Citizens have a safe, integrated and accessible transportation network
- (1) Citizens can access connections to trails, parks, and other public spaces
- (2) Citizens can access connections to regional, provincial and national transportation systems
- (3) Citizens can access parking options which support business vitality and sustainable transportation

3 Routes enable safe mobility throughout the city
- (1) Roads are passable for emergency services vehicles
- (2) Roads are in good repair
- (3) Within the context of a normal snowfall event, the following service levels will be targeted:
  - (a) The following are priorities among roads:
    - (i) Highest priority **(Purple)**: hills, bridges, overpasses, high hazard locations and hospital accesses, are plowed and enable adequate traction within 8 hours of 5 cm snow accumulation. In the above areas with limited snow storage space and/or where there is on-street parking, no windrows 0.5 m high or greater will remain for more than 48 hours after second priority roads are plowed.
    - (ii) Second priority **(Red)**: arterials with high collision intersections are plowed and enable adequate traction within 72 hours of 8 cm snow accumulation. In the above areas with limited snow storage space, no windrows 1.0 m high or greater will remain for more than 48 hours after second priority roads are plowed.
    - (iii) Third priority **(Blue)**: downtown roads are plowed within 4 days of 10 cm snow pack.
    - (iv) Fourth priority **(Green)**: collectors, transit routes and residential streets adjacent to schools are plowed within 15 days of 10 cm snow pack.
    - (v) Fifth priority **(Orange)**: roads serving industrial and commercial areas are plowed within 5 days of a 15 cm snow pack. Snow plowing may occur prior to reaching this level.
    - (vi) Sixth priority **(Grey)**: roads in residential areas are plowed to a pack of 5 cm within 15 days of a 10 cm snow pack.

THE CITY OF Red Deer

**Council Policy**

# Integrated & Accessible Transportation

Policy Type: PURPOSE STATEMENT | PS-A-2.2

(A) Windrows will be cleared from driveways facing onto a street or roadway with snow from driveways added to existing on street windrows.

(B) Lanes are plowed on request to provide access by Emergency Services and City vehicles.

(b) Public walkways on at least one side of any street, corridor, or any area designated for pedestrian movement are plowed and enable adequate traction within 3 days of a snowfall event.

(c) Public trails commonly used for winter activities are plowed and enable adequate traction.

(i) Select Waskasoo Park trails are plowed to a pack of 2.5 cm within 4 days of 5 cm of accumulation.

(ii) Park trails formally used for cross-country skiing are exempt from snow clearing.

(d) Bike lanes are plowed and enable adequate traction.

(i) Bike lanes are plowed to the same level as the associated roadway.

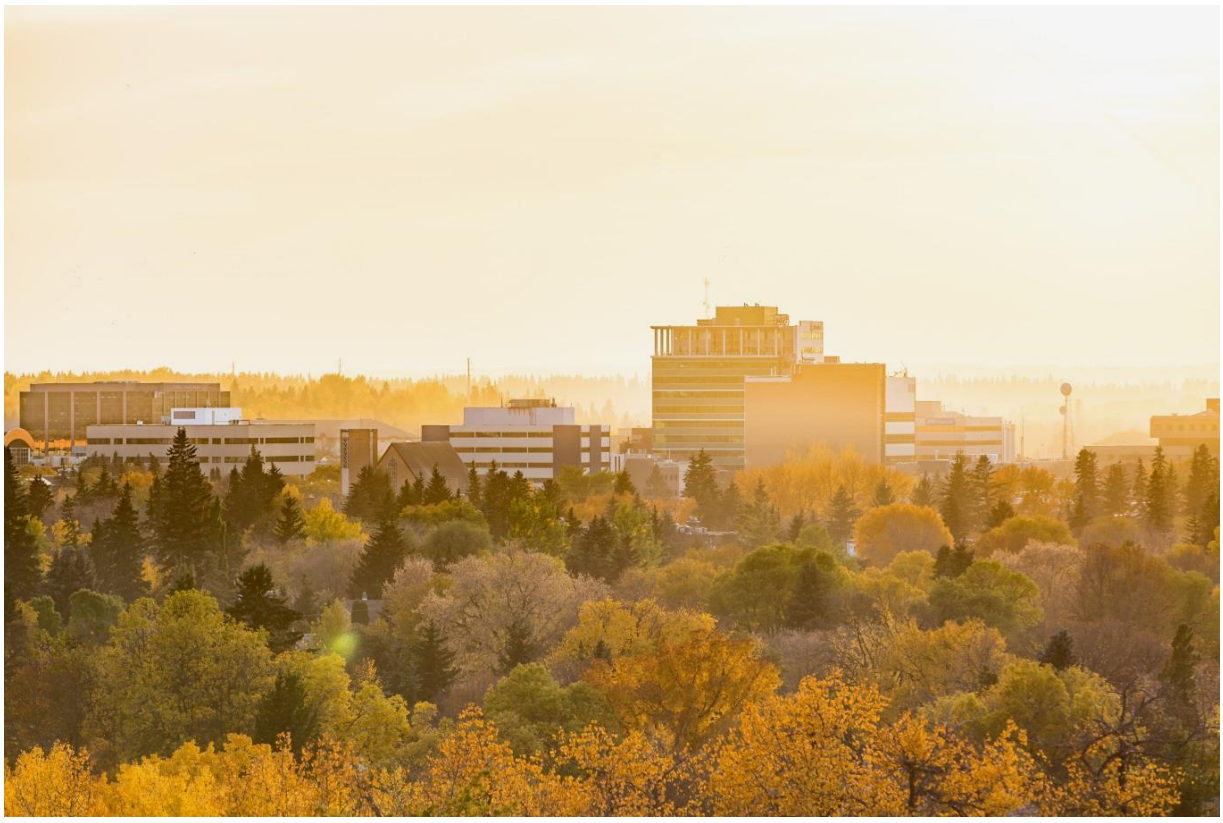
(ii) Other bike lanes are plowed in accordance with service requests.

(e) Within 10 days of the conclusion of a snow fall event, transit stops are plowed and enable adequate traction.

(4) When the snowfall accumulation is in excess of a normal snowfall event, appropriate operational adjustments will be made to ensure public roads are sufficiently plowed to enable adequate traction.

**Document History:**

| | |
|---|---|
| Policy Adopted | September 3, 2013 |
| Policy Revised and Adopted | October 14, 2014 |
| Policy Revised and Adopted | September 28, 2015 |

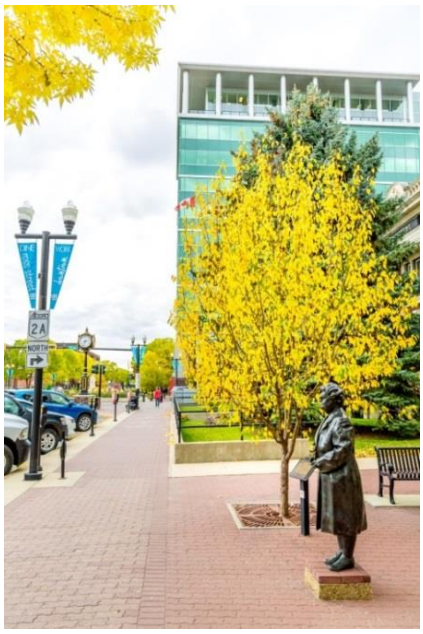


THE CITY OF Red Deer

# The City of Red Deer
# Parking Management Strategy

August, 2017

## Executive Summary



Recognizing that public parking is a community asset, The City of Red Deer has been in the parking business since 1939. A municipality's parking infrastructure investments can play an important role in supporting economic and socio-cultural activity, and can have impacts on other community objectives, such as multimodal transportation choices, optimization of land use, and economic and environmental sustainability.

This *Parking Management Strategy* strives to achieve efficient and effective parking management while supporting business vitality and sustainable transportation policies.

In May, 2016, Red Deer City Council adopted the *Downtown Red Deer's Investment Attraction Plan* (DIAP) as a corporate planning tool. The DIAP includes a *Parking Study* component along with recommended short, medium and long-term actions to improve parking management activities.

To guide in the prioritization and implementation of these parking actions, Administration worked with Council in 2016 to develop parking management principles intended to ensure integrated parking management policies and procedures, and support balanced implementation moving forward.

These four principles will inform operational and budgeting decisions, while supporting other municipal objectives:

1. ***Customer Focus:*** *"Provide and maintain an appropriate supply of affordable, secure, accessible, convenient and appealing public parking".*

2. ***Economic Development:*** *"Provide and promote affordable short-term parking services, and fair and consistent enforcement services, that support local businesses, institutions and tourism".*

3. ***Multimodal Transportation:*** *"Promote, establish and maintain programs and facilities that encourage the use of alternative modes of transportation including public transit, car/van pooling, taxis, auto-sharing, cycling and walking".*

4. ***Financial Sustainability:*** *"Ensure the revenues generated by the parking program are sufficient to wholly recover all related operating and life-cycle maintenance expenditures; contribute to a reserve fund to finance future parking system development, operation, and*

*promotion; and then assist in the funding of related initiatives to encourage the use of alternative modes of transportation".*

Under each of these principles, you will find objectives that guide operations. These objectives are reflective of the DIAP *Parking Study* recommendations, promising practice, and Administrative expertise.

## How will this Strategy be used by the Public?

Those who use the city's on-street and off-street parking areas will experience the results of this strategy. This strategy provides the 'why' and rationale behind the user experiences.

Based on the context and scope of the program change or project, an appropriate dialogue process will occur with the public.

## How will this Strategy be used by Council?

This strategy sets the overall direction for Council in making decisions related to parking.

City Council will continue as the approving authority for decisions related to Council policies, budgeting including the parking reserve, bylaws, and capital infrastructure.

## How will this Strategy be used by Administration?

This strategy provides Administration guidance in making informed and integrated decisions related to public parking management. Administration will continue to be responsible for developing appropriate administrative policies and procedures for day-to-day operations and facility management. Administration will also recommend bylaws, pricing changes, and budgets to Council.

# Public Parking in Red Deer – A Look Back[1]

One of the first moves by The City of Red Deer to create regulated parking occurred on May 22, 1939, when parking lines were painted on the asphalt of the main streets downtown for the 'economizing of parking spaces'. On September 25, 1939, a decision was made to extend the parking lines onto the sidewalks in order to make the spaces clearer to those parking their vehicles.

Parking lots west side of downtown - 1950

Immediately after the end of the Second World War (1946-1947), Red Deer began considering the installation of parking meters. The model Red Deer looked at was the one adopted by the City of Vancouver; however, Red Deer decided to postpone such a move at the time.

Nevertheless, on April 12, 1948, Red Deer decided to proceed with the designation of permanent parking areas (i.e. parking lots). To fit them into the existing municipal legal framework, they were considered to be an extension of the public streets.

Three major municipal parking lots were created over the next few years – south of the Post Office (north west corner of 49th Avenue and 49 Street [today P4]), by Builders Hardware (east of 51 Avenue, on the south side of 52 Street [today P2]) and south of the Phelan/Valley Hotel (east side of Gaetz Avenue, by 48 Street [today P3]).

With the city beginning to grow very rapidly in the 1950's, in August, 1952, The City decided to install parking meters under Bylaw 1671. The meters were purchased and leased from the Twin Meter Company of Montreal.

In December 1952, The City decided to further regularize the location and operation of parking lots under revisions to the Zoning By-law.

Parking lot west side of 49 ave – 1951 (today P4)

[1] Adapted from correspondence with Michael Dawe, Archives Specialist, City of Red Deer

Originally, the operations and maintenance of the parking lots and parking meters fell under the Red Deer Policing Committee; however, in the mid-1950's, a Traffic and Parking Committee was created, and it originally reported to the Red Deer Policing Committee.

Both Committees were appointed by City Council.

By 1960-1961, The City created two new major parking lots: one south of the old City Hall on 49th Street (now the site of the Public Library). As well, the C.P.R. Station Park was turned into a parking lot south east of the CPR train station.

'Cushman' Parking Attendant Vehicle – 1983 (Red Deer Advocate)

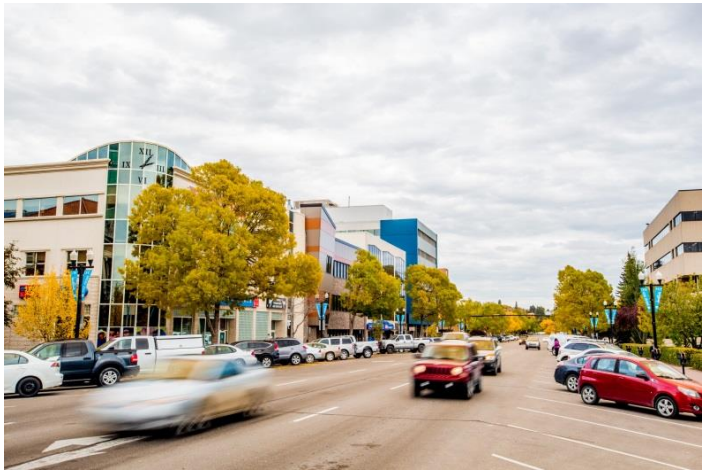
Today, The City of Red Deer operates 1,878 parking stalls in the Greater Downtown Area, including 1,150 on-street parking stalls, and 728 off-street options.

CPR Station Parking Lot, 1977 (Today P2)

# City of Red Deer Parking Management Principles, Objectives, and Standards

**Principle 1 – Customer Service**

*"Provide and maintain an appropriate supply of affordable, secure, accessible, convenient and appealing public parking".*



In order to attain this principle, The City of Red Deer must work collaboratively with stakeholders and the public to continually review and improve how we provide and manage public parking inventory. Public parking is an important part of the daily lives of citizens and visitors whether as customers, students, employees, visitors, or otherwise. Recognizing this, there are inherent contradictions in providing public parking that is affordable and convenient to all, but which at the same time avoids contradicting the community's alternative transportation or environmental objectives, or our ability to encourage the highest and best use of land and resources.

Objectives:

- Affordable, convenient, easy-to-locate, and easy-to-use parking options will be available through ongoing supply monitoring for on and off-street parking inventory, based on demand and relevant area/district characteristics.

- Parking utilization rates, pricing, and time restrictions will be managed to promote customer choice and to incent turnover in high-use areas, and longer stays in surface lots adjacent to areas with lower utilization rates.

- Crime Prevention through Environmental Design (CPTED) reviews of public and private parking inventory, annual safety reviews, and incident reporting processes will help to ensure a secure and appealing parking experience.

- Policies to guide the incorporation of public art into City parking facilities, and Land Use Bylaw design standards for parking facilities will contribute to the supply of appealing parking options.

- City-managed parking facilities, lots and spaces will be maintained to promote an appealing, safe and accessible parking experience.

- Wayfinding will be provided, as appropriate, to highlight connections between parking and key destinations.

- A range of payment options will be provided for users, which may include cash, credit card, parking cards, mobile apps or any future means of payment.

- Accessible parking stalls will be provided, monitored and managed so that all citizens are able to access the parking facilities they require.

**Principle 2 – Economic Development**

*"Provide and promote affordable short-term parking services, and fair and consistent enforcement services, that support local businesses, institutions and tourism".*

Parking management has become an important component of the economic development and business retention and attraction landscape in communities around the world. Businesses considering whether or not to remain or establish themselves in a given district often bear in mind parking requirements and parking options for both customers and staff when forming a decision to locate. The DIAP notes that current parking supply, parking and density requirements, and setbacks are having an impact on the feasibility of development projects, and reviewing these in a "holistic manner…is an important step toward providing more flexible and higher density mixed-use development"[2]. As we seek to draw more businesses, residents and visitors into the Greater Downtown Area, intentional parking management practices and the provision of a range of parking options will help contribute to successful retention of local businesses, and future investment.

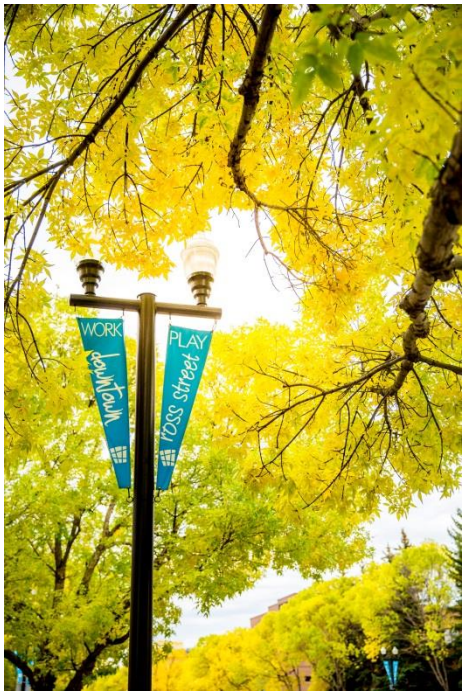

Objectives:

- Parking spaces devoted to taxis, transit and charter buses will complement local and regional tourism initiatives designed to attract visitors, businesses and other patrons to our Downtown and city.

- Pricing and time restrictions make on-street space available as a convenient option for customers, visitors and business clients with short-stay needs. Long-stay parking needs will be directed to off-street facilities.

[2] DIAP pg. 6

- Concerted marketing and promotion of parking options and information related to key changes to public parking management will be made available to affected partiesand the public, and will be designed to integrate and reflect strategic synergies with other initiatives.



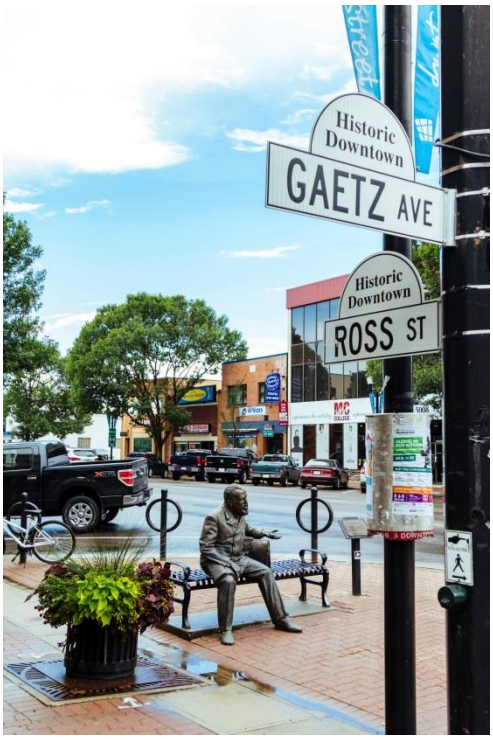

- Customer service and enforcement practices will accommodate fairness and equity, while incenting compliance and early payment.

- Opportunities to support special events, local businesses and tourism will be tracked ongoing, while also making sure that parking operations and reserves continue to be self-supporting and sustainable into the future.

- Both private and public parking management activities impact supply and demand. Therefore, relationships between public and private providers need to be maintained. Monitoring of both private and public inventory will need to occur annually

**Principle 3 – Multimodal Transportation**

*"Promote, establish and maintain programs and facilities that encourage the use of alternative modes of transportation including public transit, car/van pooling, taxis, auto-sharing, cycling and walking".*




Parking management also affects resident, employee and visitor transportation activity in a given area. Maximizing public parking inventory, and particularly free or low cost parking, can have unintended impacts on a transportation system by inadvertently discouraging alternative transportation choices, such as transit, cycling and walking. The ability to adapt to technological changes and consumer demands will play an important role in encouraging and inviting a range of transportation options. The intentionality and continued integration of parking management and multimodal planning will be critical to success.

Objectives:

- Consideration will be given toward increasing parking options, such as bicycle and motorcycle parking, which will help diversify and attract a variety of transportation mode users to our Downtown.

- Changes and trends such as ride/auto-sharing will be incorporated into our parking management policies to ensure we are responding to customer and citizen preferences.

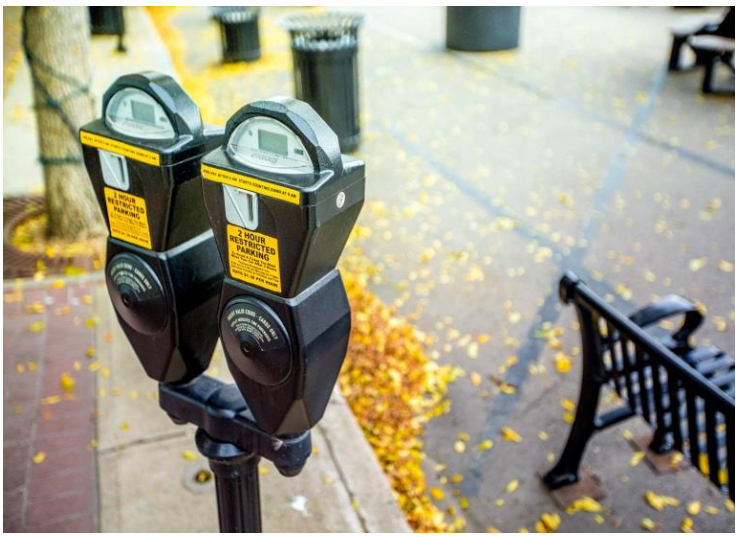
- Annual cross-departmental meetings between key areas such as Transit, Engineering, Parks, and Parking administration will occur to promote integrated transportation options.

- The City will explore options to invest and save for parking infrastructure. Options may include a fee-in-lieu program for new developments, where no minimum commercial parking provision is required.

- How The City issues special parking passes will be reviewed regularly to minimize pressures on public parking inventory, and to incent other transportation options.

**Principle 4 – Financial Sustainability**

*"Ensure the revenues generated by the parking program are sufficient to wholly recover all related operating and life-cycle maintenance expenditures; contribute to a reserve fund to finance future parking system development, operation, and promotion; and then assist in the funding of related initiatives to encourage the use of alternative modes of transportation".*




The reality of parking is that it costs money to provide in terms of both capital and operating expenses, whether supplied by private entities or provided publicly. These costs are ultimately paid by taxpayers or customers and tenants of developments and businesses that need to pass down the costs of providing parking. As an example, the *Downtown Investment Attraction Plan* identifies that the median cost of surface parking is $10,000 per stall, and roughly $60,000 per stall for underground parking[3].

Utilization of public parking primarily as a revenue generator can lead to increased parking inventory supply to maximize revenue. However, an oversupply of parking inventory can lead to a prevalence of low-density developments which may impact the density requirements that businesses need to remain viable, having an impact on economy, transportation and environment-related goals. As well, tourism and business vitality can be negatively impacted by revenue-centric parking policies.

The City's aim is to manage public parking operations and parking reserves to be self-supporting over the long-term, and to generate sufficient revenues to minimize draws from other reserves required to cover existing infrastructure costs. The goal is for parking operations and reserves to return to being financially whole and revenue-generating.

Here again, ongoing monitoring, integrated decision making, and innovation will be required to attain a desirable balance between each of the guiding principles and related objectives.

[3] DIAP Case Study, pg. 8

Objectives:

- In support of organizational goals related to *Financial Leadership*, parking demand will be leveraged as a modest revenue generation tool for the municipality, with parking supply and pricing reflective of market demand and desired utilization targets.

- In order to encourage turnover, time restrictions and pricing are necessary to maintain parking spaces at 85% occupancy.

- Policies will be developed to establish criteria and processes for parking discounts or subsidization, and provision of term-based off-street parking agreements.

- There will be a fair, equitable and transparent provision of staff parking passes to ensure The City leads by example and to minimize the impact to the Parking Reserve.

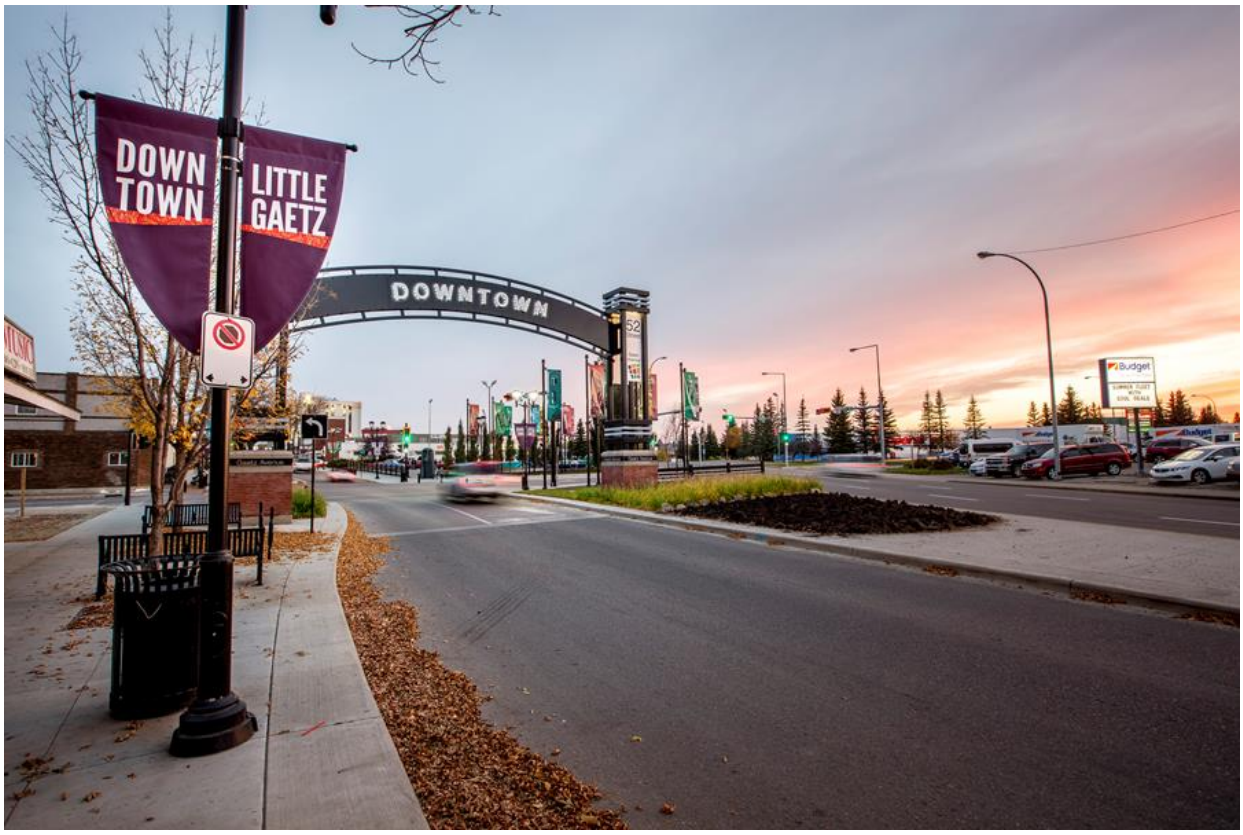
- Pricing based on season, time of day, location, etc., may be deployed to increase utilization.

- Any residential on-street parking program will be cost/revenue neutral with a charge to residents to wholly recover all operating expenses related to the implementation of the program.

- Pricing will be reviewed annually, as part of budget, based on the previous year's occupancy.

- The addition of new surface parking lots in the Downtown will be based on demand to maintain the appropriate balance of long-term and short-term parking inventory, and consideration will be given to possible impacts on the Reserve.

- Long-stay parking will be encouraged off-street, rather than on-street, in the Downtown during weekdays through time restrictions and pricing.


DOWN TOWN
LITTLE GAETZ
DOWNTOWN
Budget

THE CITY OF Red Deer

September 5, 2017

# Municipal Government Act Regulations

Legislative Services

## Report Summary & Recommendation:

The Government of Alberta has been working on amendments to the Municipal Government Act since 2013. In the spring of 2015 the Government announced the first round of changes to the MGA as part of Bill 20. These amendments included areas that were agreed to by the Government, AUMA, AAMDC, and other AAMDC, and other stakeholders.

On May 31, 2016 the Government announced the second round of amendments in Bill 21. This bundle was meant to include amendments and changes in policy direction that may not have been unanimously supported by those same groups.

The City has been a participant throughout the process and on July 18, 2016 Council adopted The City's approach to the changes proposed to the Municipal Government Act (MGA) attached as Appendix C (Page 238).

The Government had indicated that over the next year, up to 100 regulations were to be developed to provide the required clarity to the Act. However, it now appears that it will be just over 30 regulations in total that will be adopted, many of which our purely administrative in nature.

In 2016 Council contributed to dialogue on the following draft regulations via the Government's discussion guide process:

- Code of Conduct Regulation
- Public Participation
- Municipally Controlled Corporations
- Financial Planning
- Meetings

The Government of Alberta has now released a set of proposed regulations and has provided 60 days in which to comment. A copy of the draft regulations (with the exception of three which relate to specific municipalities) is attached as Appendix B (Page 85).

Attached for Councils consideration is administrations evaluation and recommendations with respect to the draft regulations released – Appendix A (Page 47). Note that the Alberta Urban Municipalities Association (AUMA) has provided a commentary which is reflected in the analysis provided.

## City Manager Comments:

The review of the Municipal Government Act was originally proposed as a complete rewrite. However, the final result is a series of amendments – some positive and some lacking clarification. The major concerns relate to the ambiguity regarding community property for exemption and the Intermunicipal Collaboration Frameworks (ICF's). There is no clear direction or vision in regard to what ICF's are

intended to achieve beyond the overall notion of collaboration. Without a clear vision these frameworks may merely become political compromises on service delivery.

It is recommended that Council adopt the proposed response to the regulations as outlined by Administration and pursue advocacy on the critical issues.

Craig Curtis
City Manager

## Proposed Resolutions:

Resolved that Council of The City of Red Deer, having considered the report dated September 5, 2017 re: Municipal Government Act Regulations hereby endorses the report as presented as The City's formal response to the MGA Regulations, and provides the basis for advocacy efforts to be undertaken in responding to these regulations, and directs that it be submitted to Municipal Affairs and the Alberta Urban Municipalities Association (AUMA).

# Report Details

## Background:

The Government previously indicated that much of the detail being requested by municipalities pertaining to changes to the MGA would be found in regulations expected to be released in the spring of 2017. When the legislation was introduced (Bill 20 and 21) to modernize the Municipal Government Act (MGA) they anticipated that between 60 and 100 regulations would be developed and reviewed. These regulations, minus two, are the last ones that will be drafted bringing the total to 25. This is significantly less than what the province had recently anticipated.

Administration has been providing input on draft regulations through participation in AUMA and professional associations. The review of these regulations was done based on Council's MGA review policy and other feedback we have provided to Municipal Affairs. The regulatory review process has been challenging given that smaller municipalities may favour many and detailed regulations, while larger cities such as Red Deer may wish to have more flexibility in the approach to complying with the legislation.

## Analysis:

The following is an overview of the regulations from the perspective of its alignment with Council's policy. A summary of the key issues are attached in Appendix A.

1. **Shared Responsibility:** Provincial and local governments have responsibilities to create a strong Alberta. The Act should be clear about authority and responsibility for each order of government, how they work together and when the roles are distinct. Achieving the right balance between

municipal autonomy and provincial oversight must be reached to ensure municipalities are vibrant and able to embrace new opportunities and challenges

**Response**:
Overall clarity has been provided with respect to roles and jurisdiction. AUMA's recommendation of a third party, such as the Provincial Ethic's Commissioner, is not supported as this would not be in alignment with the principle. The CoRD position is consistent with the practice of our larger counterparts who have internal processes and staff in place to assume this function versus handing off oversight to the Province. As noted in the comments, "a full and complete understanding of the local situation is critical to council conduct matters." If a third party is required it should be up to the local government to determine how this would occur.

2. **Flexibility:** Municipalities are unique and have different needs, different opportunities and different capacities. The MGA should be flexible by defining outcomes, and not the means of achieving them.

**Response:**
The regulations as presented provide a balance between being prescriptive enough to provide guidance while still allowing local autonomy in decision making.

3. **Enabling:** Municipalities are local orders of government and are accountable to their constituents. It is important for the review to continue with natural person powers which give a municipality the freedom of restraint within the law.

**Response:**
The regulations provide a layer of clarity to the MGA amendments that do not hinder municipal accountability to constituents.

4. **Governance:** Municipalities are responsible and responsive order government. They need to be transparent and accountable in the manner in which they conduct their affairs, thereby inspiring confidence in their electorate. Municipalities are accountable to their electorate and are responsible to provide direction to the administration of their organization.

**Response:**

- In prior input to the Council and Council Committee Meetings Regulation it had been suggested that education, training, strategic planning, information sharing/ receiving sessions and Council orientation should be identified as not being meetings. This level of clarity is absent from the regulation and is therefore less transparent than would be desirable.
- If there is no clear direction as to what must be included in an ICF it is entirely inappropriate, and contrary to the principle of municipal governance, that arbitrators are given broad powers and can draft ICF for municipalities; this is a municipal function. This would undermine positions that the City/County have adopted/grandfathered through the IDP process.
- No changes have been made to exclude Cannabis Grow-Ops from the definition of farming operations. These are businesses and should be assessed and taxed in some form beyond this definition.

5. **Resources:** Municipalities need flexible tools to be financially sustainable, including the ability to access predictable revenue streams (revenue authorities). They must have access to revenue streams that enable them to fulfill their responsibilities.

**Response:**

- Implementation timelines on some of the regulations are extremely aggressive and may be challenging to meet dependent on available resources.
- Many of the changes increase administration which equates to additional cost and/or reduced service levels.

6. **Sustainability:** In planning and service delivery it is important that the areas of economy, social, culture and environment be considered to ensure the best quality of life for current and future citizens.

**Response:**

- Because of ambiguity in the definitions related to the Community Property Tax Exemption Regulations (COPTR), there is a potential for more properties to become exempt from municipal property taxes. This shifts the burden from the province paying (or giving these organizations grants to pay us).
  - Changes to this regulation may result in reduced taxation revenues from some farm buildings, housing units (including subsidized housing and condominium boards), and not for profit agencies.
  - Additional tax exemptions result in a reduced tax base and increases for remaining taxable property owners.
  - The new Subclass Regulation creates little flexibility other than allowing Council to identify a 'small business' category. Tax relief provided to this class results in increased tax burden for larger businesses and/or residential taxpayers.
  - The assessment of private railway should be left in the municipal assessor's jurisdiction (Matters Relating to Assessment and Taxation Regulation) as this has the potential to adversely impact future revenues through the move to a regulated rate.
  - Further, some of the impacts are still unknown as the detail is contained in yet to be released Guidelines. Proposed implementation of these Regulations for 2018 would be extremely difficult, and costly to achieve in a transparent and responsible manner.
- With respect to the Determination of Population Regulation, clarity needs to be provided to ensure that the calculation of shadow populations is applied consistently across the province including the use of shadow populations (workforce, students) in the determination of population based grant funding.
  - The current status results in an inequity in the reporting of population and a potential greater inequity in the allocation of grant funding.
- With respect to Offsite Levies – provincial highway levies should not be excluded as this has the potential to adversely impact the local offsite levy structure.

We appreciate the increased flexibility provided in some of the regulations but need to understand in our implementation that the tax burden could shift; Council will need to carefully consider this balance.

7. **Collaborative:** With clear, focused mandates and responsibilities for each type of municipality, collaborative relationships between rural and urban, large and small, local and provincial governing bodies will be enabled. Where it is reasonable, a regional approach to service delivery should be encouraged recognizing that citizens may live and work in neighbouring municipalities.

**Response:**
The establishment of ICFs points to a collaborative future and is in alignment with Council's position.

The major concerns relate to the ambiguity regarding community property for exemption and the Intermunicipal Collaboration Frameworks (ICF's). There is no clear direction or vision in regard to what ICF's are intended to achieve beyond the overall notion of collaboration. Without a clear vision these frameworks may merely become political compromises on service delivery.

8. **Fairness:** Historically, funding mechanisms and planning considerations have led to a competitive disadvantage between urban and rural when it comes to development. Equity and fairness lead to better planning outcomes and more inter-municipal cooperation.

**Response:**
The draft City Charter contains a number of changes that would be beneficial to Red Deer in terms of increasing flexibility and effectiveness. A separate report will be provided for Council's direction.

Appendix A

# Summary of July 2017 MGA Regulations

Contents



**Note** – items below highlighted in red text are those that may be of specific interest to Council

**Code of Conduct for Elected Officials Regulation**

| Key Elements | Overview of Regulations as provided by Municipal Affairs | AUMA Comments | City of Red Deer Comments |
|---|---|---|---|
| Matters the Code of Conduct Must Address | - The Code of Conduct must be consistent with the municipal purposes and general duties of councillors set out in sections 3 and 153 of the MGA, and must include the following topics at a minimum:<br>o representing the municipality;<br>o communicating on behalf of the municipality;<br>o respecting the decision-making process;<br>o adherence to policies, procedures and bylaws;<br>o respectful interactions with councillors, staff, the public and others;<br>o confidential information;<br>o conflicts of interest;<br>o improper use of influence;<br>o use of municipal assets and services; and<br>o orientation and other training attendance. | - The regulation should clearly delineate between the duties and personal conduct of elected officials in matters that must be included in the Codes.<br>- 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". | - Required elements set out are not onerous; gives each municipality room to adopt appropriate levels of guidance whether by bylaw or policy. |
| Complaints Process | - The complaints process is left up to municipalities.<br>- Municipalities must establish a process to address complaints including who may make a complaint, how complaints are to be made, the process to determine the validity of complaints, and the process to determine sanctions. | - The complaint process should explicitly define who can make a complaint and how complaints come forward, or exactly what constitutes a breach.<br>- Municipal administrators should be excluded from conducting the complaints review process. | - For consistency in practice there would be value in clarifying administration's role in how complaints come forward; not convinced municipal administrators should be excluded – why? |
| Sanctions | - Municipalities may choose to implement sanctions for councillors failing to adhere | - The decision-making/sanctioning role should be clearly separated from the | - Disagree with AUMA that an Ethics Commissioner should |

| Key Elements | Overview of Regulations as provided by Municipal Affairs | AUMA Comments | City of Red Deer Comments |
|---|---|---|---|
| | to the code of conduct including:<br>- 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;<br>- A requirement to attend training;<br>- Suspension or removal of the appointment of a councillor as the chief elected official, deputy chief elected official or acting chief official;<br>- 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;<br>- Reduction or suspension of remuneration corresponding to a reduction in duties, excluding allowances for attendance at council meetings. | investigative role, and could potentially be handled by the Provincial Ethics Commissioner.<br>- 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.<br>- Possible sanctions may not be severe enough to address serious breaches. | handle sanctions but agree that each municipality should have in place arms-length processes for an investigation. This is consistent with the practice of our larger counterparts who have internal processes and staff in place to assume this function versus handing off oversight to the Province.<br>- A full and complete understanding of the local situation may be critical to council conduct matters and Council should not hand off this very public/political function. |
| Review Process | - Municipalities must review its code of conduct and related bylaws at least once every four years. | - The review period has been adjusted so that it falls at least once within each Council term, which is aligned with AUMA advocacy. | - We agree with the timelines as proposed by the AUMA. |

**Community Aggregate Payment Levy Regulation**

| Key Elements | Overview | AUMA Comments | City of Red Deer Comments |
|---|---|---|---|
| Updated Rate | - The maximum levy rate has been increased from $0.25 per tonne of sand and gravel to $0.40 per tonne.<br>- The proposed regulation is set to be reviewed at the latest date of December 31, 2022, when the regulation expires. | - The maximum levy increase represents an increase of roughly 60 per cent versus the consumer price index inflation rate of 26.73 per cent over the same period. | - Not of specific concern to the CoRD |
| Expiry Date | - The expiry date of the regulation has been updated from December 31, 2017 to December 31, 2022. | - The new rate should be indexed to inflation and subject to regular reviews, rather than be reviewed at five year intervals. | - Not of specific concern to the CoRD |
| Levy Formula | - No change | - The updated regulation retains the same transparent, simple levy formula process. | - Not of specific concern to the CoRD |
| Use of Funds | - No change | - The regulation should be updated to define the scope or nature of projects that can be funded through the levy.<br>- Public reporting should be required on how funds collected through the levy are used.<br>- 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. | - Not of specific concern to the CoRD |

**Community Organization Property Tax Exemption Regulation**

| Key Elements | Overview | AUMA Comments | City of Red Deer Comments |
|---|---|---|---|
| Principles | - A preamble has been added to establish principles to guide the exemptions set out in the regulation including:<br>o Advancement of public benefit, in terms of charitable and benevolent purposes, community games, sports, athletics, recreation and educational purposes;<br>o Recognition of the volunteer contribution and fund raising component that most often characterizes not for profit status organizations;<br>o Advancement of youth programs and community care for the disadvantaged;<br>o Appropriate access to non-profit facilities and programs. | | - The specific changes listed here only serve to make things more ambiguous along with previous definitions such as "charitable or benevolent purpose", "general public", "held by", "community", and "used in connection with". There is a very real potential for more property to become exempt within the municipality and would be a financial sustainability concern.<br>- Very difficult to establish market rent creating the potential for additional appeals and tax losses.<br>- A possible solutions would be an updated property tax exemption guide for clarity of changes and previous concerns with definitions |
| Definitions | - Updates to a number of definitions have been made including:<br>o "Charitable or benevolent purpose" (to note that this definition includes "any other purpose that is advantageous, favourable or helpful to the | - Some definitions are still ambiguous such as "charitable or benevolent purpose", "general public", "held by", "community", and "used in connection with". | - Updates to a number of definitions have been made including:<br>- "Charitable or benevolent purpose" (to note that this definition includes "any other purpose that is advantageous, |

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| | general public" – in effect a broadening of the definition)<br>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)<br>o "Professional sports franchise" | | favorable or helpful to the general public" – in effect a broadening of the definition)<br>- "minor fee" means an entrance, rent or service fee that is more than a comparable municipal or provincial fee for a similar property or service. (Is it comparable only in the municipality where it is located? Or to any municipality? If it is only within the municipality the property is located, what happens if there is no municipal or provincial fee for that service to benchmark from?)<br>- "General public" means pertaining to some or all individuals in a municipality, other than a group with limited membership or a group of business associates (What is "some"? 5? 18?100?)<br>- 21(3)(b)(i)"rental accommodation where the rent is 75% of market value (should be rent) |
| Alignment | - A section on exemptions for properties that restrict usage to certain individuals has been updated to align to the Alberta Human Rights Act | | - Added to this section is the specific addition of gender identity, gender expression and sexual orientation |
| Conditions for Exemptions | - Municipalities will now be able to determine deadlines for organizations to apply for exemptions. | - AUMA supports the amendments to allow municipalities greater flexibility in determining dates by which | |

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| | - Municipalities will now be able to permit exemptions to be implemented in current tax years. | organizations must apply for exemptions, and to enable exemptions to be implemented in current tax years.<br>- 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 | - 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. | | - Provides clarity to existing regulations |
| Subsidized Housing | - Additional clarity has been provided to ensure that market-rate units in buildings that have a mix between market-rate and subsidized units are taxed at market rates. | | - Additional options have been included to allow for certain subsidized residential rental accommodations similar to subsidized lodge accommodation. A regulated (government set rates) and non-regulated housing development @75% or less of market are exempt from taxation.<br>- Opens up residential housing to wide array of possible exemptions<br>- Loss in taxable assessment, increased administration and |

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| | | | unclear definition to meet criteria (i.e. "75% or less of the market value")<br>- Very difficult to establish market rent creating the potential for additional appeals and tax losses.<br>- Requires clarity on changes of wording to the regulation |
| Resident's Associations | - Amenities provided by resident's associations will now need to meet rules regarding access by the general public in order to be eligible for exemptions.<br>- No changes have been made to enable municipalities to exempt resident's association properties that are already being taxed as a portion of the value of the resident's property. | - Municipalities should be enabled to exempt resident's association properties that are already being taxed as a portion of the value of the resident's property. | - There are currently no properties that would be affected by this regulation change. |
| Application | - The proposed COPTER will apply to taxation in 2018 and later years. | | - The application date and coming into force seem to be in direct conflict<br>• Applies to the 2018 tax year, but does not come into force until Jan 1, 2018<br>- Municipalities will be (or are already) sending out communications for exemption applications in the short term. By the contradiction above they will need to communicate, review, and approve / deny those applications based on a regulation that hasn't come |

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| | | | into force yet (and certainly will not be finalized before the communications send out)<br>- It would be desirable to ask the Provincial government to change regulation so that it applies to the 2019 tax year, and comes into force Jan 1, 2018 |

**Council and Council Committee Meetings Regulation**

| Key Elements | Overview | AUMA Comments | City of Red Deer Comments |
|---|---|---|---|
| Definitions | - Meeting" has been defined as:<br>  o Where used in a reference to a council, means a meeting under section 192, 193 or 194 of the Act or,<br>- Where used in reference to a council committee, means a meeting under section 195 of the Act. | - AUMA supports the clarified definitions as they effectively address concerns that other informal councillor actions such as having a conversation in a coffee shop, sitting together at a convention, or having a meal together could be construed as a "council meeting" and thus fall under restrictions for closed meetings.<br>- 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.<br>- 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.<br>  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.<br>- The regulation should be expanded to provide the ability to close a meeting for:<br>  o Education or training;<br>  o Long-range or strategic planning; | - Council in its discussion guide submission expressly recommended that the regulation not be prescriptive<br>- It was suggested that education, training, strategic planning, information sharing/receiving sessions and Council orientation should be identified as NOT being formal meetings. This level of clarity is absent from the regulation. |

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| | | ○ Joint discussions regarding Intermunicipal planning; and,<br>○ Discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report. | |

**Determination of Population Regulation**

| Key Elements | Overview | AUMA Comments | City of Red Deer Comments |
|---|---|---|---|
| Definitions | - Add definitions for 'non-contacted dwelling' and 'private dwellings' in DPR and Census Forms.<br>- The proposed regulation does not include amendments to the definition of "usual residence". | - Provisions for the residency of students should be amended to allow students to determine which municipality they are considered to be a resident of. The current provisions are not consistent with the Local Authorities Election Act.<br>- 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. | - Disagree with the AUMA's position as the definition of student residency appears to be consistent with s.48 of the LAEA.<br>- No substantive issues with this regulation |
| Shadow Populations | - The proposed regulation does not include amendments to the section on shadow population.<br>- No changes have been made to the minimum number and percentage to apply to the minister to for inclusion of shadow population in the census, or the timing of the enumeration of shadow population. | - The current definition is restrictive and does not capture types of shadow populations including:<br>o Companies that fill rooms in a hotel for more than 30 days straight, but with different people residing in the room at different times.<br>o Hotels that are continuously occupied with different people.<br>- 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.<br>- The timing of the enumeration of the shadow population should be at the determination of | - Clarity needs to be provided to ensure that the calculation of shadow populations is applied consistently across the province including the use of shadow populations (workforce, students) in the determination of population based grant funding.<br>- The current status results in an inequity in the reporting of population and a potential greater inequity in the allocation of grant funding. |

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| | | the municipality and prorated or weighted for the year. | |
| Census Processes | - No changes have been made to the legislated time period to conduct a municipal census, or the date by which municipalities must submit results to Municipal Affairs. | - 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.<br>- The submission deadline for census results should be moved to September 30 to allow municipalities to address potential challenges with collecting and processing data.<br>- Municipal Affairs should update the training manual to reflect online processes to streamline quality assurance checks.<br>- 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. | - In 2016, both federal and municipal census was conducted, and in 2017 there was no census conducted. The regulation doesn't really clarify which census is being used by the Minister and, depending on the results from either, may impact government resources determined by census results. It may be in the Minister's best interest to use the lower of the two, whereas it might be in the municipality's best interest to use the higher of the two. This regulation suggests that it's up to the Minister's discretion. Should that be further clarified in the regulation? |
| Section Moved to Crowsnest Pass Regulation | - Move the determination of population provisions under Section 6 of the Police Act for Crowsnest Pass to the Crowsnest Pass Regulation. | | |
| Census Coordinator Oaths | - Keep the oaths for Census Coordinator and Enumerator in effect in perpetuity.<br>- Allow a person taking the oath to include the municipal office address on Municipal and Shadow Population Forms. | - 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 | - Remove the expiry date. | | |

**Intermunicipal Collaboration Framework Regulation**

| Key Elements | Overview | AUMA Comments | City of Red Deer Comments |
|---|---|---|---|
| General Comments | - The ICF regulation does not provide additional clarity regarding what must or may be included in the ICF, or direction on how to develop an ICF. Rather, the regulation focuses on the arbitration process. Municipal Affairs communicated that this is the case to provide flexibility in how ICFs are formed, and to deal with the powers of the arbitrator that go beyond normal arbitration (i.e., the ability to create an ICF rather than just handle negotiations).<br>- Municipalities are required to amend their bylaws to align with the ICF within two years, with the exception of land use bylaws.<br>- The proposed regulation does not mention three and five year financial plans. | - 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).<br>- Municipalities should be required to reference three and five year financial plans in ICFs.<br>- AUMA had advocated that municipalities be required to amend their bylaws to align with ICFs within two years.<br>- AUMA had recommended that there should be a requirement within the legislative framework governing ICFs that three and five year financial plans be referenced. | - AUMA and MA are working on a guide to help municipalities understand what is possible; we are not looking for prescriptive regulations but would value the consistent guide<br>- City should ensure negotiation of ICF is top priority and clarity provided as to whether this will require reconsideration of the IDP<br>- Note: all bylaws and contracts that do not align with ICF will be read down to ensure compliance. City needs to review all regional service agreements and all agreements with county as part of ICF process. |
| Exemptions | - Exempt three Improvement Districts from the ICF requirements: ID 13 (Elk Island); ID 24 (Wood Buffalo); and ID 25 (Willmore Wilderness). | | |
| Basic ICF Negotiation Requirements | - Supplement the current requirements set out in the MGA with the following key overarching requirements:<br>  - set out a duty to negotiate in good faith, and provide clarity about what that duty consists of; | | |

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| | establish clear requirements relating to when a municipality wishes to propose an additional service for inclusion in an ICF;<br>- require that all local bylaws must align with the framework, other than land use bylaws, within two years; and<br>- set out minimum notice requirements for when a municipality wishes to amend an ICF. | | |
| Powers of an Arbitrator | - Confirm the duties and powers of an arbitrator to create an ICF or resolve a dispute when municipalities have not completed an ICF by the required deadline. Key elements include:<br>o 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.<br>o The Minister is authorized to set the arbitrator's rates and payments, where the Minister appoints the arbitrator<br>o Provides broad authority for the arbitrator to determine how he/she believes is most appropriate, but requires the arbitrator to convene a preliminary meeting within 21 days of their appointment.<br>o Clarifies that the arbitrator has the power to determine the admissibility, relevance and | - The proposed regulation does not appear to allow for the selection of a panel of arbitrators, as it solely refers to the arbitrator position in the singular. Municipalities should have the option of selecting a panel to ensure a variety of viewpoints.<br>o The proposed regulation does allow the arbitrator to appoint one or more experts to report to the arbitrator on specific issues. | - If there is no clear direction as to what must be included in an ICF it is entirely inappropriate that arbitrators are given broad powers and can draft ICF for municipalities; this is a municipal function.<br>- Also undermines positions that City/County have adopted/grandfathered through the IDP process |

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| | weight of any evidence brought forward.<br>o Authorizes the arbitrator to require the parties to produce any documents that the party possesses that the arbitrator believes may be relevant.<br>o Clarifies the potential scope of an arbitrator's order<br>o Requires the arbitrator to produce a record of proceedings and share it with each party.<br>- 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 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 | | |

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| | 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:<br>o how notice of the dispute is to be given and to who;<br>o when the parties are to meet and the process they will follow to resolve the dispute, including, without limitation, negotiation, facilitation and mediation;<br>o how a decision maker will be chosen and what powers, duties and functions they will have;<br>o the decision maker's practice and procedures;<br>o a binding dispute resolution mechanism;<br>o how dispute resolution process costs are to be shared;<br>o how records are maintained;<br>o how parties and/or public are identified; and<br>o if and how parties and/or public, will be notified and engaged in the dispute resolution process. | | - Binding Dispute Resolution process – City should adopt policy to inform our approach (e.g. who our rep should be, etc.)<br>- Previously stated - undermines positions that City/County have adopted/grandfathered through the IDP 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.<br>- The process outlines a series of escalating dispute resolution steps – from negotiation, to mediation, and finally to arbitration. | - The proposed default dispute resolution process effectively includes a staged process through negotiation, mediation, and arbitration. | |

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| | - The process also provides operational details, including:<br>  ○ providing notice of a dispute;<br>  ○ appointment of a representative to participate in one or more meetings to negotiate a resolution of the dispute; and<br>  ○ 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. | | - Previously stated - undermines positions that City/County have adopted/grandfathered through the IDP process |
| 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. | | |

**Matters Relating to Assessment and Taxation Regulation**

| Key Elements | Overview | AUMA Comments | City of Red Deer Comments |
|---|---|---|---|
| Definitions | - The following definitions have been updated to enhance clarity:<br>o Electric distribution system<br>o Electric generation system<br>o Electric power system<br>o Electric transmission system<br>o Farm building<br>o Farming Operations<br>o Machinery and Equipment<br>o Operator<br>o Pipeline<br>o Railway Property<br>o Street Lighting Systems<br>o Telecommunications Systems<br>o Well<br>- Definitions as to how and when a property is to be considered "operational" have been updated for enhanced clarity. | - Marijuana grow operations should be explicitly defined in order to allow their assessment and taxation at market value. | - Positive change: added to 1(f) "farming operations" definition - a clause that excludes any operation or activity on land that has been stripped for the purposes of (or in a manner that leaves the land more suitable for) future development<br>- Removes the requirement to assess stripped land at regulated farmland rates if farming is still occurring<br>- Recommend that the government strengthen by adding additional clause that upon stripping and zoning change, property cannot revert back even if topsoil is reintroduced. May require Case Law (decisions) to properly define. |
| Valuation Standards | - Valuation standards for regulated properties have been tied to the following associated ministerial guidelines in the regulation:<br>o Alberta Linear Property Assessment Minister's Guidelines<br>o Alberta Machinery and Equipment Assessment Minister's Guidelines<br>o Alberta Railway Property | - Abandoned well sites should be assessed and taxed in a manner consistent with other vacant property. | - Partial DIP list for the Province was released. Only includes Alberta Energy regulated Properties at this point.<br>- Administration of last minute changes to the Provincial DIP |

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| | Assessment Minister's Guidelines<br>- Valuation standards for land and buildings related to machinery and equipment have been tied to the Alberta Machinery and Equipment Assessment Minister's Guidelines.<br>- No changes have been made to enable abandoned wells to be assessed and taxed in the same manner as other vacant properties. | | properties could be very difficult.<br>- Affect to municipality assessment base and to who will ultimately be responsible for the assessment<br>- Immediate finalization is required of properties on the list<br>- All railways on private land will be reverting to DIP and regulated values with the provincial government ultimately responsible for assessment. (Thousands across the province)<br>- Municipalities will be responsible for setting up additional/separate accounts<br>- Will no longer be at market value, will now be regulated and at lower values<br>- Additional properties with both a market and a regulated component; affecting sales analysis of these types of properties.<br>- Leave assessment of private railway in the assessors jurisdiction<br>- Private railway is part of the assessment and tax base and is valued presently at market value. Regular CN and CP lines are at regulated rates so |

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| | | | in effect assessed at a fraction of their market value (similar to farmland). Not only will the private rail be going to this regulated rate but administratively we will have to separate the ones we have from the present property and report them as separate roll numbers to Municipal Affairs. |
| Farm Building Assessment | - 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:<br>o 60 per cent assessment reduction for the 2018 taxation year;<br>o 70 per cent assessment reduction for the 2019 taxation year;<br>o 80 per cent assessment reduction for the 2020 taxation year;<br>o 90 per cent assessment reduction for the 2021 taxation year; and,<br>o 100 per cent assessment exemption for the 2022 taxation year.<br>- No exception has been made to enable municipalities to assess and tax marijuana grow operations despite continual AUMA advocacy on the issue.<br>- Farming operations have been expanded to include the production and sale of sod, as well as commercial wood lots. | - The sale and production of sod is a commercial use and should not be considered a farming operation. | - The 5 year phase out of the assessment on farm buildings from the present 50% has little impact on The City of Red Deer<br>- No changes have been made to exclude Cannabis Grow-Ops from definition of farming operations. Legal grow operations should be assessed and taxed in some form beyond being classified as a farm operation. With farm buildings being phased out totally from assessment and tax, they would pay next to nothing in tax, yet potentially require additional municipal services (eg policing). Even with all the feedback received by Municipal Affairs there was no changes and they |

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| | | | presently will be treated as a farming operation with all the associated assessment and tax perks.<br>- Coupled with the 100% exemption of Farm Buildings in Urban municipalities, this will mean Cannabis Grow-Ops would be assessed at a very low amount, and taxed at the Farm Land rate for the municipality<br>- Lobby the provincial government to add an exclusionary clause in the regulation |
| Application | - A date for coming into force of January 1, 2018, establishing that the 2018 taxation year will fall under the updated MRAT regulation. | | |

**Matters Relating to Assessment Complaints Regulation**

| Key Elements | Overview | AUMA Comments | City of Red Deer Comments |
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| Definitions | - Various definitions have been updated, added or removed including<br>o "Clerk" (removed as this is located in the MGA)<br>o "Agent" and "Complaint form" (to acknowledge that complaints can be heard by a panel)<br>o "Presiding officer"<br>o "Panel" in reference to panels created by the Municipal Government Board. | | |
| Panels | - Wording and definitions have been updated throughout the MRAC Regulation to acknowledge that complaints can be heard by "a panel of an assessment review board" rather than just the board. | | |
| Alignment with MGA Changes | - The section regarding failure to disclose information (i.e. the exclusion of boards from hearing information that was not previously disclosed) has been amended to bring it into line with changes in the MGA.<br>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.<br>o Similar amendments have been made to the same effect for | | - Positive change that will no longer fetter assessors at hearings based on previous 299/300 requested information<br>- Complainants (specifically tax agents) will no longer be able to have Respondent evidence submissions thrown out because they contain information not disclosed under 299/300<br>- New information not previously disclosed to the |

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| | hearings before the Municipal Government Board, and one-member assessment review boards.<br>- 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).<br>- The attached schedules (forms) have been updated to be in alignment with the MGA regarding the complaint process, appeals regarding exemptions for brownfields, designated industrial properties, and the centralized assessment of industrial property. | | City under 294/295 could arise during the complaint process, either at the initial Complainant disclosure or rebuttal |
| 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. | |

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| Application | - The existing regulation (prior to January 1, 2018) will continue to apply for complaints regarding taxation years between 2010 and 2017.<br>- The proposed regulation will apply to the 2018 taxation year and all years thereafter. | | |
| Review | - The expiry date has been removed from the regulation. | | |

**Matters Relating to Assessment Subclasses Regulation**

| Key Elements | Overview | AUMA Comments | City of Red Deer Comments |
|---|---|---|---|
| Creation of Sub-Classes | - The proposed non-residential sub-classes to be prescribed in the regulation are:<br>o Other non-residential (all properties not classed as "vacant non-residential" or "small business" including all Designated Industrial Property)<br>o Vacant non-residential (all properties that do not have any improvements)<br>o Small business (all properties used by businesses employing less than a specific number of employees)<br>- Municipalities will set by bylaw the number of employees qualifying a business as "small" so long as the number is less than 50 and a municipal business license specifying the number of employees is issued.<br>- Municipal councils are not enabled to define further subclasses.<br>- There is no break between light and heavy industrial sites.<br>- Marijuana grow operations are not specifically defined, meaning that they remain classified as farming operations.<br>- Brownfield sites are not defined, and no mention is made to enabling | - Municipalities should have the flexibility to determine subclasses based on local conditions and needs.<br>- 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.<br>- Municipalities should have the option of establishing sub-classes for brownfield operations that exceed the 5:1 link in order to stimulate their development.<br>- Municipalities should have the option of distinguishing between light and heavy industrial sites in separate subclasses. | - Allows municipalities to explore additional sub-classes (specifically Small versus Big Business) under specifically prescribed definitions<br>- Small business definition tied to business licenses<br>- Unknown/unintended consequences of incorporating these changes<br>- Unclear definition of "50 employees" criteria for small or big business classification<br>- Small business class must be applied even if tax rate remains the same resulting in additional administrative burden<br>- Requires annual business licenses for all businesses which City does not currently have<br>- Nearly impossible to administrate and keep current based on present definition of small business.<br>- Could change to definition of small and big business to be based on assessed value (e.g. change to assessed value level; $10 Million) or completely eliminate. |

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| | municipalities to allow them to fall outside the 5:1 link. | | |
| Linking Within Sub-Classes | - Councils will be permitted to set different tax rates for each sub-class; however, the "small business" tax rate must be between 0.75 and 1 times the "other non-residential" tax rate. | - No further links should be established between property tax classes or subclasses. | |
| Maintaining the Existing Tax Incentives | - The "machinery and equipment" tax rate will be required to be equal to the "other non-residential" tax rate. | | |
| | - | | - Timeline for ability to apply subclasses (via bylaw) unclear<br>- Only mention of time is when the regulation comes into force (Jan 1, 2018)<br>- Timeline of January 1, 2018 implementation too tight – advocate that the Provincial Government include a reasonable timeline for implementation<br>- Regulation does not specify which assessment and which tax year this starts in |

**Off-Site Levies Regulation**

| Key Elements | Overview | AUMA Comments | City of Red Deer Comments |
|---|---|---|---|
| General Principles | - The municipality is responsible for addressing and defining existing and future infrastructure and facility requirements.<br>- The municipality must consult in good faith with affected stakeholders in accordance with the consultation section of this regulation.<br>- 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.<br>- Where necessary and practicable, the municipality is to coordinate infrastructure and facilities provisions and services with the neighbouring municipality. | | |
| Determination of Methodology | - A municipality has the flexibility to determine the methodology upon which to base the calculation of the levy, provided that the methodology:<br>o takes into account criteria such as the area, density, or intensity of use;<br>o recognizes variation among infrastructure types;<br>o is consistent across the municipality for that type of infrastructure or facility; and,<br>o is clear. | | |

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| | - The methodology for determining a levy for fire halls, policy 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 | - The municipality may establish the levy in a manner that involves or recognizes the unique or special circumstances of the municipality.<br>- In determining the basis upon which the levy is calculated, the municipality must at a minimum consider:<br>  o a description of the specific infrastructure and facilities;<br>  o a description of the benefitting areas and how those areas were determined; and<br>  o supporting technical data and analysis, and estimated costs and mechanisms to address variations in cost over time.<br>- The information used to calculate the levy must be kept current.<br>- The municipality must include a requirement for a periodic review of the calculation of the levy in the bylaw imposing the levy.<br>- There is to be a correlation between the levy and the benefits of new development.<br>- The proposed regulation does not specify that the levy calculation must be directly proportional to the increase in services, rather, it requires that there | - 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 "correlation" between levy and benefit of new development seems aligned with this concept. | - We agree that the calculation of levies should be directly proportional to the increase in service requirements from development.<br>- The removal of the 30% benefit is positive<br>- Provincial highway levies should not be excluded as this has a huge potential impact to our offsite levy structure |

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| | be a correlation between the levy and the benefits of new development and leaves the determination of the levy up to the municipality. | | |
| Additional Principles and Criteria for the expanded scope (fire halls, police stations, libraries and recreation facilities) | - Additional criteria are required when determining a levy for the expanded scope of facilities.<br>- 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:<br>o the need for, and benefits from, the new facilities;<br>o the anticipated growth horizon; and<br>o the portion of the estimated cost of the facilities that is proposed to be paid by the municipality, the revenue raised by the levy, and other sources of revenue (i.e. provincial grants).<br>- The municipality has the discretion to establish service levels, minimum building and base standards for the proposed facilities.<br>- 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.<br>- The proposed regulation does not | - 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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| | enable municipalities to utilize off-site levies for services or programming. | | |
| Consultation Requirements | - The municipality must consult in good faith with affected stakeholders in defining and addressing existing and future infrastructure and facility requirements.<br>- The municipality must consult in good faith with affected stakeholders when determining the methodology upon which to base the levy costs.<br>- 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. | - 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 | - The municipality must provide full and open disclosure of all the levy costs and payments.<br>- 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.<br>- Any report referred to in this regulation must be in writing and be publicly available in its entirety. | - 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 | - An appeal must be submitted to the MGB no later than 30 days after the bylaw imposing the levy has been passed.<br>- If a notice of appeal does not comply with this regulation, the MGB must reject it and dismiss the appeal. | - 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 | |

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| | - Where there are two or more appeals commenced in accordance with this regulation, the MGB may consolidate the appeals, hear the appeals at the same time, hear the appeals consecutively, or stay the determination of the appeals until the determination of any other appeal.<br>- Submitting a notice of appeal under section 10 does not operate to stay the imposition and collection of a levy.<br>- 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 | required to be submitted to the Municipal Government Board within 30 days.<br>o 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.<br>o 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.<br>- It is unclear whether an amendment to a bylaw would open up the entire bylaw to appeal, or just the part that was amended. | |

**Subdivision and Development Appeal Board Regulation**

| Key Elements | Overview | AUMA Comments | City of Red Deer Comments |
|---|---|---|---|
| Training Requirements | - Designated SDAB officers and board members must, before being appointed as a clerk, complete a training program.<br>- SDAB board members must, before participating in any hearing, complete a training program.<br>- Officers and board members must complete refresher training every two years.<br>- Existing officers and board members must complete training within 6 months of the regulation coming into force. | - Several matters included in the regulation match earlier AUMA recommendations including:<br>o the firm requirement for board members and officers to take training;<br>o the 6 month transition period for existing SDAB clerks and board members; and,<br>o the requirement for refresher training every two years.<br>- 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.<br>o 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.<br>o 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.<br>- It is unclear given the wording of the proposed regulation whether SDAB board members and clerks will have the option of attending regional training. | - We have no issue with the requirement for the Designated Officer, Board members and Clerks to be trained; this is consistent with the requirements relating to Assessment Review Boards |

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| | | - 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.<br>- 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. | |
| Reporting | - Municipalities must provide a report to the Minister noting the number of board members and clerks in their SDAB, and how many of them have either completed or are enrolled in training under the regulation. | - The 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.<br>- 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 | - The regulation also applies to intermunicipal SDABs. | | |

**Subdivision and Development Regulation**

| Key Elements | Overview | AUMA Comments | City of Red Deer Comments |
|---|---|---|---|
| General | - The Subdivision and Development Regulation and the Subdivision and Development Forms Regulation have been combined into a single "Subdivision and Development Regulation". | | |
| Interpretation | - The definition of "food establishment" has been updated to reference that the Food Regulation does not apply when a subdivision and development authority is making its decision. | | |
| Subdivision Applications | - Wording has been amended to incorporate the Subdivision and Forms Regulation into the Subdivision and Development Regulation.<br>- 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").<br>- 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. | - 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.<br>- 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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| | - 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.<br>- 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.<br>- Additional clarity has been added as to when subdivision authorities are required to refer applications to the Ministry of Culture and Tourism.<br>- 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 | - Definitions have been updated to align with other legislation, regulations, and documents.<br>- Additional clarity has been added on how to determine setbacks from operating wastewater treatment plants and landfills. | | |

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| Registration and Endorsement | - Wording has been added to require conservation reserves to be identified as "CR" in plans of subdivision. | | |
| Provincial Appeals | - The distance has been updated in reference to appeals of subdivision decisions to the MGB for lands within a certain proximity of historical sites. | | |
| Application | - The proposed regulation will come into force on October 1, 2017.<br>- The proposed regulation is set to expire on June 30, 2022. | | |

APPENDIX B

# Summary of July 2017 MGA Regulations

**CONTENTS:**

*NEW REGULATION

**FOR DISCUSSION PURPOSES ONLY**

# CODE OF CONDUCT FOR ELECTED OFFICIALS REGULATION

*Table of Contents*





Sets out the minimum requirements for matters that a municipality's code of conduct must address. Provides individual municipalities with discretion to supplement the minimum standard.

**Code of conduct contents**

**1** The code of conduct each council is required to establish governing the conduct of its councillors pursuant to section 146.1 of the Act must be consistent with the Act and any regulations made under the Act and, at a minimum, include the following topics:

(a) representing the municipality;

(b) communicating on behalf of the municipality

(c) respecting the decision-making process;

(d) adherence to policies, procedures and bylaws;

(e) respectful interactions with councillors, staff, the public and others;

(f) confidential information;

(g) conflicts of interest;

(h) improper use of influence;

(i) use of municipal assets and services; and

(j) orientation and other training attendance.

Establishes a process used to determine the validity of the complaint. Provides councils with flexibility in determining who can make a complaint and how complaints are submitted.

**Complaints**

**2** A code of conduct must establish a complaint system including

(a) who may make a complaint alleging a breach of the code of conduct,

(b) the method by which a complaint may be made,

(c) the process to be used to determine the validity of a complaint, and

(d) the process to be used to determine how sanctions are imposed if a complaint is determined to be valid.

If a municipality has already addressed a topic in a bylaw, it can be incorporated into the code of conduct by reference.

**Bylaws**

**3** If any matter required to be included in a code of conduct is addressed in a separate bylaw, the contents of that bylaw shall be incorporated by reference into the code of conduct.

Any codes must be consistent with the municipal purposes and general duties of councillors set out in the *MGA*.

**Establishing code of conduct**

**4(1)** When establishing a code of conduct, council shall consider sections 3 and 153 of the Act.

Transitional provision to set timeline for establishing first code of conduct that complies with new requirements.

**(2)** A council must establish a code of conduct within 270 days from the date section 16 of the *Municipal Government Amendment Act, 2015* comes into force.

Provides a list of sanctions that councils may consider; however, does not preclude councils from using other types of sanctions.

**Sanctions for breaching code of conduct**

**5** If a councillor has failed to adhere to the code of conduct, sanctions may be imposed including any of the following:

(a) a letter of reprimand addressed to the councillor;

(b) requesting the councillor to issue a letter of apology;

(c) publication of a letter of reprimand or request for apology and the councillor's response;

(d) a requirement to attend training;

(e) suspension or removal of the appointment of a councillor as the chief elected official under section 150(2) of the Act;

(f) suspension or removal of the appointment of a councillor as the deputy chief elected official or acting chief elected official under section 152 of the Act;

(g) suspension or removal of the chief elected official's presiding duties under section 154 of the Act;

(h) suspension or removal from some or all council committees and bodies to which council has the right to appoint members;

(i) reduction or suspension of remuneration as defined in section 275.1 of the Act corresponding to a reduction in duties, excluding allowances for attendance at council meetings.

Consistent with the *MGA* limitation that a councillor must not be disqualified or removed from office for a breach of the code.

**Requirement to fulfil duties**

**6** A code of conduct or any sanctions imposed under a code of conduct must not prevent a councillor from fulfilling the legislated duties of a councillor.

Aligns with the municipal election cycle so that the code of conduct is reviewed following each municipal election.

**Review of code of conduct**

**7** Each council must review and update its code of conduct and any related bylaws that have been incorporated by reference into the code of conduct in accordance with section 3, every 4 years starting from the date when the code of conduct is passed.

Indicates when the regulation comes into force.

**Coming into force**

**8** This Regulation comes into force on the coming into force of section 16 of the *Municipal Government Amendment Act, 2015*.

*UPDATES TO AN EXISTING REGULATION

**FOR DISCUSSION PURPOSES ONLY**

**COMMUNITY AGGREGATE PAYMENT LEVY REGULATION**

*Table of Contents*





**Definitions**

**1** In this Regulation,

(a) "Act" means the *Municipal Government Act*;

(b) "Crown" means the Crown in right of Alberta or Canada;

(c) "levy" means community aggregate payment levy;

(d) "sand and gravel operator" means a person engaged in extracting sand and gravel for shipment;

(e) "shipment" means a quantity of sand and gravel hauled from the pit from which it was extracted.

**General application of Regulation**

**2** This Regulation applies to all municipalities that have passed a community aggregate payment levy bylaw.

**Community aggregate payment levy bylaw**

**3(1)** A community aggregate payment levy bylaw must

**FOR DISCUSSION PURPOSES ONLY**

(a) state when sand and gravel operators must report shipments, in tonnes,

(b) state the date or dates on which the municipality will send out levy notices, and the date by which the levy is payable,

(c) require the tonnage of sand and gravel in an operator's shipment to be recorded on a sand and gravel shipped tonnage roll,

(d) specify that the shipped tonnage roll is based on the tonnage of sand and gravel in an operator's shipment, as reported by the operator,

(e) set the uniform levy rate to be applied throughout the municipality, subject to the maximum levy rate, and

(f) set the uniform conversion rate of

(i) 1 cubic metre = 1.365 tonnes, for sand, and

(ii) 1 cubic metre = 1.632 tonnes, for gravel

where 1 cubic metre is equal to 1.308 cubic yards.

**(2)** Where a sand and gravel operator is unable to provide a measurement of weight for the amount of sand and gravel in a shipment, the operator must use the conversion rates set out under subsection (1)(f) to record shipments, in tonnes, for the purposes of reporting under subsection (1)(d).

**(3)** A community aggregate payment levy bylaw may require that the community aggregate payment levy be paid monthly or by quarterly payments in the year in which a shipment occurs.

**Amount of levy**

**4** The amount of levy to be imposed in respect of a sand and gravel operator is calculated by multiplying the number of tonnes of sand and gravel recorded on the sand and gravel shipped tonnage roll referred to in section 3(1)(c) for that operator by the levy rate.

The levy rate is increasing to account for inflation, the costs of over time to repair and maintain municipal infrastructure damaged by aggregate operations, as well as to contribute towards projects identified by Council that benefit the community.

**Levy rate**

**5(1)** The levy rate is set by the municipality and is subject to the maximum levy rate established under subsection (2).

**(2)** The maximum levy rate is ~~$0.25~~ $0.40 per tonne of sand and gravel.

**FOR DISCUSSION PURPOSES ONLY**

**(3)** A municipality must set a uniform levy rate to be applied throughout the municipality.

**Exemptions from levy**

**6(1)** No levy may be imposed on the following classes of shipments of sand and gravel:

(a) a shipment from a pit owned or leased by the Crown for a use or project that is being undertaken by or on behalf of the Crown;

(b) a shipment from a pit owned or leased by a municipality for a use or project that is being undertaken by or on behalf of a municipality;

(c) a shipment from a pit owned or leased by the Crown or a municipality for a use or project that is being undertaken by or on behalf of the Crown or a municipality.

**(2)** No levy may be imposed on shipments of sand and gravel that are subject to another tax, levy or payment that is established by and payable to a municipality.

**(3)** No levy may be imposed on shipments of sand and gravel that are required pursuant to a road haul agreement or a development agreement for construction, repair or maintenance of roads identified in the agreement, that is necessary to provide access to the pit from which the sand and gravel is extracted.

**Person liable to pay levy**

**7** For the purposes of section 409.2 of the Act, a person who purchases a sand and gravel business or in any other manner becomes liable to be shown on the sand and gravel shipped tonnage roll as liable to pay a levy must give the municipality written notice of a mailing address to which notices under Division 7.1 of Part 10 of the Act may be sent.

**Application of Act**

**8** Except as modified by this Regulation, Parts 10 to 12 of the Act apply in respect of a community aggregate payment levy and a community aggregate payment levy bylaw, and for that purpose a reference in those Parts

(a) to a tax includes a community aggregate payment levy,

(b) to a tax bylaw or a tax rate bylaw includes a community aggregate payment levy bylaw, and

**FOR DISCUSSION PURPOSES ONLY**

(c) to a tax roll includes a sand and gravel shipped tonnage roll.

**Effective date of community aggregate payment levy bylaw**

**9** A community aggregate payment levy bylaw has no effect before January 1, 2006.

**Expiry**

Amend the expiry date to December 31, 2022 to ensure a scheduled review.

**10** For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on December 31, ~~2017~~ 2022.

AR 263/2005 s10;187/2010;175/2015

**Coming into force**

**11** This Regulation comes into force on January 1, 2006.

*NEW REGULATION

(THIS REGULATION REPLACES THE COMMUNITY ORGANIZATION PROPERTY TAX EXEMPTION REGULATION)

**FOR DISCUSSION PURPOSES ONLY**

# COMMUNITY ORGANIZATION PROPERTY TAX EXEMPTION REGULATION

*Table of Contents*

**FOR DISCUSSION PURPOSES ONLY**

## Part 5
## Repeal and Coming into Force



Incorporate a preamble to ensure easier applicability of the rules in COPTER to the various property types.

**Principles**

**1** Property tax exemptions granted under this Regulation shall be guided by the following principles:

(a) advancement of public benefit, in terms of charitable and benevolent purposes, community games, sports, athletics, recreation and educational purposes;

(b) recognition of the volunteer contribution and fund raising component that most often characterizes not for profit status organizations;

(c) advancement of youth programs and community care for the disadvantaged;

(d) appropriate access to non-profit facilities and programs.

Definitions from original regulation, incorporates all the terms and definitions from section 13 (except "residents association") of original regulation. Some amendments to the definitions to provide clarity.

**Interpretation**

**2(1)** In this Regulation,

(a) "Act" means the *Municipal Government Act*;

(b) "arts" means theatre, literature, music, painting, sculpture or graphic arts and includes any other similar creative or interpretive activity;

(c) "chamber of commerce" means a chamber of commerce that is a non-profit organization and is a member of the Alberta Chamber of Commerce;

Provide clarity and direction for assessing whether the organization aligns with the principles of COPTER and provides value to the general public within the municipality to warrant property tax exemption.

(d) "charitable or benevolent purpose" means the relief of poverty, the advancement of education, the advancement of religion or any other purpose that is advantageous, favourable or helpful to the general public;

(e) "ethno-cultural association" means an organization formed for the purpose of serving the interests of a community defined in terms of the racial, cultural, ethnic, national or linguistic origins or interests of its members;

**FOR DISCUSSION PURPOSES ONLY**

Provide clarity that the nature of the benefit provided would be used by individuals that require the benefit, not the public or community as a whole (for example, woman's emergency shelter).

(f) "general public" means pertaining to some or all individuals in a municipality, other than a group with limited membership or a group of business associates;

(g) "linguistic organization" means an organization formed for the purpose of promoting the use of English or French in Alberta;

Provide clarity on a minor fee charged by non-profits to users of their facilities or services.

(h) "minor fee" means an entrance, rent or service fee that is no more than a comparable municipal or provincial fee for a similar property or service;

(i) "museum" means a facility that is established for the purpose of conserving, studying, interpreting, assembling and exhibiting, for the instruction and enjoyment of the general public, art, objects or specimens of educational and cultural value or historical, technological, anthropological, scientific or philosophical inventions, instruments, models or designs;

Provide a general definition for the application of the regulation to prevent professional sports franchises from receiving a property tax exemption.

(j) "professional sports franchise" means a team that

(i) is owned by a corporation with shareholders,

(ii) operates in a sports league that plays baseball, football, hockey, lacrosse or soccer, and

(iii) pays its athletes who play in the sports league for their services;

(k) "retail commercial area" means property used to sell food, beverages, merchandise or services;

(l) "sheltered workshop" means a facility designed to provide an occupation for and to promote the adjustment and rehabilitation of persons who would otherwise have difficulty obtaining employment because of physical, mental or developmental disabilities;

(m) "taxation" means taxation under Division 2 of Part 10 of the Act;

(n) "thrift shop" means a retail outlet operated for a charitable or benevolent purpose that sells donated clothing, appliances, furniture, household items and other items of value at a nominal cost to people in need.

**(2)** For the purposes of the Act and this Regulation, "community association" means an organization where membership is voluntary, but restricted to residents of a specific area, and that is formed for the purpose of

(a) enhancing the quality of life for residents of the area or enhancing the programs, public facilities or services provided to the residents of the area, or

(b) providing non-profit sporting, educational, social, recreational or other activities to the residents of the area.

**(3)** For the purposes of this Regulation, "residents association" means a non-profit organization that requires membership for residential property owners in a specific development area, that secures its membership fees by a caveat or encumbrance on each residential property title and that is established for the purpose of

(a) managing and maintaining the common property, facilities and amenities of the development area for the benefit of the residents of the development area,

(b) enhancing the quality of life for residents of the development area or enhancing the programs, public facilities or services provided to the residents of the development area, or

(c) providing non-profit sporting, educational, social, recreational or other activities to the residents of the development area.

**(4)** The definitions in sections 1 and 284 of the Act apply to this Regulation.



Part 1 provides the general rules regarding property tax exemptions for property owned or held by non-profit organizations. All organizations must meet the conditions and qualifications of the General Rules to be considered for property tax exemption.

## Part 1
## General Rules

### Application

**3** This Regulation applies to taxation in 2018 and later years.

### Non-profit organization

Formerly section 6.

**4** When section 362(1)(n)(i) to (v) of the Act or this Regulation requires property to be held by a non-profit organization, a community association or a residents association for the property to be exempt from taxation, the property is not exempt unless

(a) the organization or association is a society incorporated under the *Societies Act* or, in the case of a property referred to in section 362(1)(n)(v), a society as defined in the *Agricultural Societies Act*;

(b) the organization or association is

(i) a corporation incorporated in any jurisdiction, or

(ii) any other entity established under a federal law or law of Alberta

that is prohibited, by the laws of the jurisdiction governing its formation or establishment, from distributing income or property to its shareholders or members during its existence.

This section did not change from the section in the current COPTER.

**Holding property**

**5** When section 362(1)(n)(i) to (v) of the Act or this Regulation requires property to be held by a non-profit organization, a society or a community association for the property to be exempt from taxation, the property is not exempt unless

(a) the organization, society or association is the owner of the property and the property is not subject to a lease, licence or permit, or

(b) the organization, society or association holds the property under a lease, licence or permit.

Formerly section 3.

**Part of a property**

**6** An exemption under section 362(1)(n)(i) to (v) of the Act or this Regulation applies only to the part of a property that qualifies for the exemption.

Formerly sections 10 and 15(1)(b). Non-profit organizations exemptions should be based on use of resources for those properties held by non-profit organizations.

**Use of resources**

**7** Property held by a non-profit organization, a community association or a residents association is not exempt from taxation under section 362(1)(n)(i) to (v) of the Act or this Regulation unless

(a) the funds of the non-profit organization, society or association are chiefly used for the purposes of the non-profit organization, society or association and not for the sole benefit of the directors and employees of the

non-profit organization, society or residents association, and

(b) for property described

(i) in section 362(1)(n)(i) and (ii) of the Act, the resources of the non-profit organization, society or association that hold the property are devoted chiefly to the purposes of the non-profit organization, society or association, or

(ii) in section 362(1)(n)(iii) to (v) of the Act, the resources of the non-profit organization, society or association that holds the property are devoted chiefly to the charitable or benevolent purpose for which the property is used.

Formerly section 4.

**Primary use of property**

**8(1)** Property is not exempt from taxation under section 362(1)(n)(iii), (iv) or (v) of the Act or this Regulation unless the property is chiefly used for the purpose or use described in those provisions.

**(2)** For the purposes of this Regulation, a property is chiefly used for a purpose or use if the property is used for the specified purpose or use a majority of the time that the property is in use.

Formerly section 7, amended to ensure alignment with the Alberta Human Rights Act.

**Restricted use of property**

**9(1)** Property is not exempt from taxation under section 362(1)(n)(i) to (v) of the Act or this Regulation if, for more than 30% of the time that the property is in use, the use of the property is restricted on any basis, including a restriction based on

(a) race, colour, ancestry, place of origin, religious beliefs, gender, gender identity, gender expression, sexual orientation, physical disability, mental disability, age, marital status, source of income or family status,

(b) the ownership of property,

(c) the requirement to pay fees of any kind, other than minor fees, or

(d) the requirement to become a member of an organization.

**FOR DISCUSSION PURPOSES ONLY**

**(2)** The requirement to become a member of an organization does not make the use of the property restricted if

(a) membership in the organization is not restricted on any basis, other than the requirement to fill out an application and pay a minor membership fee, and

(b) membership occurs within a short period of time after any application or minor fee requirement is satisfied.

**(3)** Not permitting an individual to use a property

(a) for safety or liability reasons,

(b) for the protection of privacy,

(c) for the confidentiality of business, financial or personal information, or

(d) because the individual's use of the property would contravene a law

does not make the use of the property restricted.

**(4)** Restricting the use of a property to one or more groups of individuals on a ground referred to in subsection (1)(a) does not make the property or any part of it restricted within the meaning of this section if there is a connection between those individuals and the nature of the service or benefit provided on the property.



Formerly section 8. Amended to ensure Class B bingo facilities are not exempted and that Class A bingo facilities receive the tax exemption. Class A bingo facilities are run by non-profits through an umbrella non-profit bingo association.

**Gaming and liquor licences**

**10(1)** For the purposes of section 365(2) of the Act, property described in section 362(1)(n) of the Act and this Regulation in respect of which a bingo licence, casino licence, pull ticket licence, Class C liquor licence or a special event licence is issued under the *Gaming and Liquor Regulation* (AR 143/96) is exempt from taxation if the requirements of section 362(1)(n) and this Regulation in respect of the property are met.

**(2)** Despite subsection (1), property in respect of which a bingo Class B facility licence or casino facility licence is issued is not exempt from taxation.

Formerly section 18.

**Retail commercial areas**

**11(1)** A retail commercial area that is located within an exempt facility is exempt from taxation if

**FOR DISCUSSION PURPOSES ONLY**

(a) the non-profit organization, society, community association or residents association that holds the exempt facility also holds and operates the retail commercial area, and

(b) the net income from the retail commercial area is used

(i) to pay all or part of the operational or capital costs of the exempt facility, or

(ii) to pay all or part of the operational or capital costs of any other facility

that is held by the non-profit organization, society, community association or residents association and that is exempt from taxation under section 362(1)(n)(i) to (v) of the Act or this Regulation.

**(2)** For the purposes of subsection (1), "exempt facility" means a facility or part of a facility

(a) that is held by a non-profit organization, a society as defined in the *Agricultural Societies Act* or a community association and that is exempt from taxation under section 362(1)(n)(i) to (v) of the Act or this Regulation, or

(b) that is owned and held by a residents association and that is exempt from taxation under this Regulation.

Formerly section 16. Amended to enable municipalities to set their own deadlines and permit exemptions to be implemented in current tax years.

**Conditions for exemption**

**12(1)** A municipality must grant a non-profit organization, a society as defined in the *Agricultural Societies Act*, a community association or a residents association an exemption from taxation in a taxation year in accordance with this Regulation if

(a) the non-profit organization, society or association makes an application for an exemption to the municipality by the deadline set by the municipality and supplies the municipality with

(i) any information the municipality requires to determine if the organization, society or association meets the conditions for the exemption, and

(ii) a description of any retail commercial areas in the facility,

and

(b) the facility on the property is one of the facilities described in sections 18 and 23 and the non-profit organization, society or association operates the facility on a non-profit basis.

**(2)** If a municipality grants an exemption to a non-profit organization, a society as defined in the *Agricultural Societies Act*, a community association or a residents association and later determines that the organization, society or association did not meet the conditions that applied to the organization, society or association for the exemption for all or part of the taxation year, the municipality may in the taxation year cancel the exemption for all or part of the taxation year, as the case may be, and require the organization, society or association to pay property tax in respect of the property for the period that the exemption is cancelled.

Formerly section 17. Amended to indicate that if an application was waived, there is still a requirement to notify municipalities of any changes that may affect exemption status.

**Waiver of application requirement**

**13(1)** If a municipality has granted a non-profit organization, a society as defined in the *Agricultural Societies Act*, a community association or a residents association an exemption from taxation in respect of a property, the municipality may grant the non-profit organization, society or association an exemption from taxation in the following taxation year in respect of the same property without requiring the organization, society or association to apply for the exemption.

**(2)** A municipality that has waived an application requirement under subsection (1) in respect of a property for a taxation year may

(a) require the non-profit organization, society or association that holds the property to provide any information that the organization, society or association may be required to provide if it was applying for an exemption, and

(b) if the non-profit organization, society or association does not provide the information, cancel in that taxation year the exemption for all or part of that taxation year and require the organization, society or association to pay property tax in respect of the property for the period that the exemption is cancelled.

**FOR DISCUSSION PURPOSES ONLY**

**(3)** A municipality may not waive the application requirement under subsection (1) in respect of a property for more than 3 consecutive taxation years.

There are unique characteristics when dealing with non-residential vs residential vs residents association so the separation of these types of properties allows for specific conditions and qualifications that relate to their purpose while better aligning with the principles of COPTER. They have been separated into different Parts in this regulation.

Part sets out conditions and qualifications that non-residential property exemptions must meet. All provisions in this new Part are from various parts of the current regulation.

## Part 2
## Non-residential Property Exemptions

**Definition**

**14** In this Part, "non-residential property" means non-residential property as defined in section 297(4)(b) of the Act.

**Application of Part**

**15** This Part applies to exemptions for non-residential property under section 362(1)(n)(ii) to (v) of the Act and this Regulation.

**Exemption**

**16(1)** The following non-residential property is not exempt from taxation:

(a) property to the extent that it is used in the operation of a professional sports franchise;

(b) property that is used solely for community games, sports, athletics or recreation if, for the majority of the time the property is in use, services offered do not give priority to children, youth, senior citizens or the disadvantaged;

(c) property in Calgary or Edmonton that is held by and used in connection with a community association if the association is not a member of the Federation of Calgary Communities or the Edmonton Federation of Community Leagues.

**(2)** Notwithstanding subsection (1)(c), property held by a community association referred to in that provision is exempt from taxation under section 362(1)(n)(v) of the Act where that community association was a member of the Federation of Calgary

Communities or the Edmonton Federation of Community Leagues on January 1, 1999 but cancelled its membership after that date.

**(3)** Subsection (2) applies with respect to 2004 and subsequent years.

**Restricted use**

**17(1)** Non-residential property is not exempt if the property is restricted within the meaning of section 9.

**(2)** For the purposes of subsection (1), limiting the participation in activities held on a property to persons of a certain age does not make the use of the property restricted.

**Exemption for other non-residential property**

**18(1)** A non-profit organization that holds property on which any of the following facilities are operated may apply to the municipality within whose area the property is located for an exemption from taxation under section 362(1)(n) of the Act:

(a) a facility used for the arts or a museum;

(b) a program premises as defined in the *Child Care Licensing Regulation* (AR 143/2008);

(c) a facility used by a linguistic organization if

(i) the use of the property by the general public is actively encouraged, and

(ii) a sign is prominently posted in the facility indicating the hours that the whole or part of the facility is accessible to the public;

(d) a facility used by an ethno-cultural association for sports, recreation or education or for charitable or benevolent purposes if

(i) the use of the property by the general public is actively encouraged, and

(ii) a sign is prominently posted in the facility indicating the hours that the whole or part of the facility is accessible to the public;

**FOR DISCUSSION PURPOSES ONLY**

(e) a non-residential facility in a municipality operated and used by an organization for a charitable or benevolent purpose where the majority of the organization's beneficiaries do not reside in the municipality;

(f) a facility used as a thrift shop;

(g) a facility used as a sheltered workshop;

(h) a facility operated and used by a chamber of commerce;

(i) a non-residential facility used for a charitable or benevolent purpose that is for the benefit of the general public if

(i) the charitable or benevolent purpose for which the facility is primarily used is a purpose that benefits the general public in the municipality in which the facility is located, and

(ii) the resources of the non-profit organization that holds the facility are devoted chiefly to the charitable or benevolent purpose for which the facility is used.

**(2)** Before granting an exemption for any of the facilities referred to in subsection (1) in respect of a property that is held by a non-profit organization, the municipality may require that an agreement between the organization and the municipality be in force that sets out that

(a) the organization will provide the municipality with a report by a time and in a manner specified in the agreement that sets out the information the municipality requires to determine if the organization met the conditions for the exemption during the taxation year, and

(b) if the organization does not comply with the provisions referred to in clause (a), the organization will pay the municipality an amount equivalent to the property taxes that would be payable in respect of the property for the taxation year if the property was not exempt.

**(3)** Before granting an exemption for any of the facilities in subsection (1) in respect of a property that is owned by a non-profit organization, the municipality may require that an agreement

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between the organization and the municipality be in force that sets out that

(a) no disposition of the property may be made without the approval of the municipality, and

(b) if the organization is being wound-up and dissolved, the organization must, if required by the municipality, transfer the property to the municipality.

Part sets out conditions and qualifications that residential property exemptions must meet. All provisions in this new Part are from various parts of the current regulation.

## Part 3
## Residential Property Exemptions

**Definition**

**19** In this Part, "residential property" means

(a) residential property as defined in section 297(4)(c) of the Act, or

(b) non-residential property as defined in section 297(4)(b) of the Act, but used for temporary living accommodation.

**Application of Part**

**20** This Part applies to exemptions for residential property under section 362(1)(n)(iii) to (v) of the Act and this Regulation.

Provide clarity that the subsidized accommodation model in the current regulation aligns with the general principles and ensures that full market units within a mixed market housing development are subject to property tax for both regulated and non-regulated subsidized units.

**Subsidized units**

**21(1)** An exemption for residential property applies only to the subsidized units of the property.

**(2)** Subsidized units may be regulated or unregulated.

**(3)** For the purposes of subsection (1),

(a) regulated subsidized units are

(i) rental accommodation where the Government of Alberta sets the rent at a maximum amount, sets the rent at a percentage of household income or provides the facility with ongoing operating funds,

(ii) rent to own units where the Government of Alberta sets the rent at a percentage of income or sets the rent at a maximum amount, and

(iii) accommodation where the Government of Alberta sets the mortgage payments as a percentage of income;

(b) non-regulated subsidized units are

(i) rental accommodation where the rent is 75% or less of the market value,

(ii) rental accommodation where the rent is an offering by the person using the unit.

**(4)** Residential property with non-regulated rent is not exempt from taxation unless

(a) the property provides subsidized accommodation and related services to children, senior citizens or the disadvantaged, and

(b) there is 24/7 onsite support for the care, safety and security of those using the services provided.

**Restricted use**

**22(1)** Residential property is not exempt if the property is restricted within the meaning of section 9.

**(2)** For the purposes of subsection (1), limiting the participation in activities held on a property to persons of a certain gender, gender identity, gender expression, sexual orientation, physical disability, mental disability or age does not make the use of the property restricted.

**Exemption for other residential property**

**23(1)** A non-profit organization that holds property on which any of the following facilities are operated may apply to the municipality within whose area the property is located for an exemption from taxation under section 362(1)(n) of the Act:

(a) a facility used by an ethno-cultural association for charitable or benevolent purposes if

(i) the use of the property by the general public is actively encouraged, and

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(ii) a sign is prominently posted in the facility indicating the hours that the whole or part of the facility is accessible to the public;

(b) a facility used for a charitable or benevolent purpose that is for the benefit of the general public if

(i) the charitable or benevolent purpose for which the facility is primarily used is a purpose that benefits the general public in the municipality in which the facility is located, and

(ii) the resources of the non-profit organization that holds the facility are devoted chiefly to the charitable or benevolent purpose for which the facility is used.

**(2)** Before granting an exemption for any of the facilities in subsection (1) in respect of a property that is held by a non-profit organization, the municipality may require that an agreement between the organization and the municipality be in force that sets out that

(a) the organization will provide the municipality with a report by a time and in a manner specified in the agreement that sets out the information the municipality requires to determine if the organization met the conditions for the exemption during the taxation year, and

(b) if the organization does not comply with the provisions referred to in clause (a), the organization will pay the municipality an amount equivalent to the property taxes that would be payable in respect of the property for the taxation year if the property was not exempt.

**(3)** Before granting an exemption for any of the facilities in subsection (1) in respect of a property that is owned by a non-profit organization, the municipality may require that an agreement between the organization and the municipality be in force that sets out that

(a) no disposition of the property may be made without the approval of the municipality, and

(b) if the organization is being wound-up and dissolved, the organization must, if required by the municipality, transfer the property to the municipality.

**FOR DISCUSSION PURPOSES ONLY**

Part sets out conditions and qualifications that residents association exemptions must meet. To receive a property tax exemption, amenities will need to meet general rules including access by the general public.

## Part 4
## Residents Association Exemptions

**Application of Part**

**24(1)** This Part applies to property that is owned and held by and used in connection with a residents association that is exempt from taxation under section 362(1)(n) of the Act.

**(2)** Property owned and held by and used in connection with a residents association is exempt from taxation except

(a) property to the extent that it is used in the operation of a professional sports franchise, and

(b) property that is used solely for community games, sports, athletics or recreation if, for the majority of the time the property is in use, services offered do not give priority to children, youth, senior citizens or the disadvantaged.

**Restricted access**

**25(1)** Property owned and held by and used in connection with a residents association is not exempt if the property is restricted within the meaning of section 9.

**(2)** For the purposes of subsection (1), limiting the participation in activities held on a property to persons of a certain age does not make the use of the property restricted.



## Part 5
## Repeal and Coming into Force

This regulation replaces the current Community Organization Property Tax Exemption Regulation.

**Repeal**

**26** The *Community Organization Property Tax Exemption Regulation* (AR 281/98) is repealed.

Indicates when the regulation comes into force.

**Coming into force**

**27** This Regulation comes into force on January 1, 2018.

*NEW REGULATION

**FOR DISCUSSION PURPOSES ONLY**

# COUNCIL AND COUNCIL COMMITTEE MEETINGS (MINISTERIAL) REGULATION

**Definition of Act**

**1** In this Regulation, "Act" means the *Municipal Government Act*.

**Definition of meeting**

**2(1)** For the purposes of the Act, "meeting"

(a) where used in reference to a council, means a meeting under section 192, 193 or 194 of the Act, or

(b) where used in reference to a council committee, means a meeting under section 195 of the Act.

Clarifies what types of gatherings constitute a meeting. There will be a continuing obligation of councils to ensure that the business or decision-making of the local government is not substantially advanced at gatherings that are not meetings under this definition.

**Coming into force**

**3** This Regulation comes into force on the coming into force of section 2(b) of the *Municipal Government Amendment Act, 2015*.

Indicates when the regulation comes into force.

*UPDATES TO AN EXISTING REGULATION

**FOR DISCUSSION PURPOSES ONLY**

**Municipal Government Act**

**DETERMINATION OF POPULATION REGULATION**

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**Interpretation**

**1(1)** In this Regulation, “municipal census” means, in respect of a municipal authority, a population count, conducted in accordance with sections 3 and 3.1, of the total number of individuals whose usual residence is in that municipal authority.

**(2)** For the purposes of this Regulation, “usual residence” is determined in accordance with the following rules:

(a) a person can have only one place of usual residence;

(a.1) if a person has more than one residence in Alberta, that person shall, in accordance with subsection (3), designate one place of residence as the person’s usual residence;

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(b) a person's usual residence is the place where the person lives and sleeps and to which, when the person is absent from it, the person intends to return;

(c) a student who

(i) is in attendance at an educational institution within or outside Alberta,

(ii) temporarily rents accommodation for the purpose of attending an educational institution, and

(iii) has family members who are usually resident in Alberta and with whom the student usually resides when not in attendance at an educational institution

is deemed to reside with those family members;

(d) the usual residence of a person who has been in an institution, such as a correctional institution or hospital, for less than 6 months is deemed to be the person's usual place of residence before the person entered the institution.

**(3)** For the purposes of subsection (2)(a.1), a person shall designate the person's usual residence in accordance with the following factors in the following order of priority:

(a) the address shown on the person's driver's licence or motor vehicle operator's licence issued by or on behalf of the Government of Alberta, or on an identification card issued by or on behalf of the Government of Alberta;

(b) the address to which the person's income tax correspondence is addressed and delivered;

(c) the address to which the person's mail is addressed and delivered.

**(4)** In this Regulation, "shadow population" means, in respect of a municipal authority, the temporary residents of a municipality who are employed by an industrial or commercial establishment in the municipality for a minimum of 30 days within a municipal census year.

AR 63/2001 s1;17/2006;10/2013

To provide clarity on the definitions, Statistics Canada's definitions of "private dwelling" and "non-contacted dwelling" are used.

**(5)** For the purposes of this Regulation, "private dwelling" means a separate set of living quarters designed for or

**FOR DISCUSSION PURPOSES ONLY**

converted for human habitation in which a person or group of persons could reside and that

(a) has a source of heat or power, and

(b) is in an enclosed space that provides shelter from the elements, as evidenced by complete and enclosed walls and a roof, and by doors and windows that provide protection from wind, rain and snow.

**(6)** For the purposes of this Regulation, a "refusal" is determined when a household refuses to participate in a census.

**(7)** For the purposes of this Regulation, "non-contacted dwellings" means a dwelling where a census worker has not been able to make contact with a member of the household and the census worker believes that the dwelling was occupied by usual residents on census day.

**Determination of population**

**2** For the purposes of the Act, the population of a municipal authority is the population determined under section 4.

**Shadow population**

**2.1(1)** A municipal authority may apply to the Minister to have the shadow population included as part of the municipal census if the shadow population in a municipality is

(a) greater than 1000 persons, or

(b) less than 1000 persons but greater in number than 10% of the permanent population.

**(2)** An application under subsection (1) must be made prior to the municipal authority conducting the municipal census.

**(3)** The shadow population for a municipal authority must be verified every 3 years by a count held in the period starting on April 1 and ending on June 30 of the same year.

**(4)** The Minister shall determine whether the shadow population may be included as part of the municipal authority's municipal census.

**(5)** If the Minister permits a municipal authority to use the shadow population as part of the municipal census, the municipal authority must submit the results of the count of the shadow population, in the form set out in Schedule 3, to

**FOR DISCUSSION PURPOSES ONLY**

the Minister before September 1 of the year in which the municipal census is conducted.

AR 10/2013 s3

**When census must be conducted**

**3(1)** A municipal authority that wishes to conduct a municipal census must do so in the period starting on April 1 and ending on June 30 of the same year.

**(2)** The Minister may determine the manner in which a municipal census must be conducted.

**(3)** A municipality must choose as a census date a date within the time period referred to in subsection (1) that is either

(a) the date on which enumeration begins, or

(b) a date prior to enumeration.

AR 63/2001 s3;17/2006;10/2013

To assist municipalities in planning their census in a federal census year and reduce confusion for residents when a federal and municipal enumeration occur during same time.

**Federal census in same year**

**3.01** Notwithstanding the time period set out in section 3, if a federal census is conducted in the same year that a municipal authority wishes to conduct a municipal census, the municipal authority may conduct the municipal census either in the period

(a) starting on March 1 and ending on May 31 of the same year, or

(b) starting on May 1 and ending on July 31 of the same year.

**Conduct of census**

**3.1(1)** Subject to subsection (2), a municipal authority must conduct a municipal census in accordance with the Municipal Census Manual approved by the Minister and published by the department in January 2013, as amended from time to time.

**(2)** If a municipal authority wishes to conduct a municipal census that is not in accordance with this Regulation or the Municipal Census Manual referred to in subsection (1), the municipal authority must obtain the written approval of the Minister prior to conducting the municipal census.

AR 10/2013 s5

**FOR DISCUSSION PURPOSES ONLY**

**Oath**

**3.2(1)** Every census co-ordinator must swear an oath, in the form set out in Schedule 1, prior to conducting a municipal census.

**(2)** Every census enumerator must make the statement, in the form set out in Schedule 2, prior to conducting a municipal census.

AR 10/2013 s5

To ensure all census workers are aware they cannot discuss any information obtained during their work with the census that could potentially identify an individual, business or organization, and that this oath or affirmation is in perpetuity.

**(3)** An oath or statement made under Schedule 1 or Schedule 2 is valid for the lifetime of the person making the oath or statement.

**Duty to submit results**

**4(1)** On completing a municipal census, the municipal authority must

(a) submit the results of the municipal census in the form set out in Schedule 4, and

(b) if the Minister has determined under section 2.1 that the shadow population may be included as part of the municipal authority's municipal census, submit the results of the count of the shadow population in the form set out in Schedule 3

to the Minister before September 1 of the year in which the municipal census is conducted.

**(2)** If the results are accepted by the Minister, those results, subject to subsection (4), constitute the population of that municipal authority.

**(3)** If no municipal census has been conducted in a year or the results of a municipal census are not submitted to the Minister within the time set out in subsection (1) or are not accepted by the Minister, the Minister may use whatever information that is available to determine the population of the municipal authority.

**(4)** If the municipal authority changes its boundaries after June 30 in a year in which it has conducted a municipal census, the Minister may require the municipal authority to update the results of the census and to submit the updated results to the Minister.

AR 63/2001 s4;10/2013

**FOR DISCUSSION PURPOSES ONLY**

All special provisions for the Municipality of Crowsnest Pass is contained in the *Crowsnest Pass Regulation*. This section is now in the *Crowsnest Pass Regulation.*

~~**Population of Municipality of Crowsnest Pass**~~

~~**4.1(1)** Notwithstanding section 4, for the purpose of the determination of population under section 6 of the *Police Act*, the area of the Municipality of Crowsnest Pass, instead of being treated as an entity, shall be treated as if it were the following 6 separate areas:~~

~~(a) the following 4 former municipalities as they existed as of January 1, 1979, being the date of their amalgamation as the Municipality of Crowsnest Pass:~~

~~(i) the Town of Blairmore;~~

~~(ii) the Town of Coleman;~~

~~(iii) the Village of Bellevue;~~

~~(iv) the Village of Frank;~~

~~(b) the part of former Improvement District No. 5 that was included in the Municipality of Crowsnest Pass as of January 1, 1979;~~

~~(c) the part of former Improvement District No. 6 that is now included in the Municipality of Crowsnest Pass, as it existed as of January 1, 1996, being the date of its amalgamation with the Municipality of Crowsnest Pass.~~

~~**(2)** For the purpose of reporting population to the Minister under this section, the form set out in the Schedule may be adapted to list separately the population of each of the 6 areas referred to in subsection (1).~~

~~**(3)** This section ceases to apply when the population attributed under subsection (1) to any of the areas referred to in subsection (1)(a), (b) or (c) exceeds 5000.~~

~~AR 71/2006 s2~~



**Lloydminster official census**

**5** The municipal census for the City of Lloydminster must relate only to the portion of that City that is in Alberta.

AR 63/2001 s5;10/2013

**Repeal**

**6** The *Determination of Population Regulation* (AR 371/94) is repealed.

**FOR DISCUSSION PURPOSES ONLY**

Removing the expiry date enables future reviews as they are needed.

~~**Expiry**~~

~~**7** For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on January 31, 2018.~~

~~AR 63/2001 s7;17/2006;189/2010;10/2013~~

## Schedule 1

### Oath of Census Co-ordinator

MUNICIPAL AUTHORITY: _____, PROVINCE OF ALBERTA

MUNICIPAL CENSUS DATE: _____

I, _(name of person taking oath)_, of _(residential address)_, appointed census co-ordinator for _(name of municipality)_, solemnly swear (affirm)

THAT I will act diligently, faithfully and to the best of my ability in my capacity as census co-ordinator;

THAT I will not, without authority, disclose or make known any information that comes to my knowledge by reason of my activities as a census co-ordinator; and

THAT I will supervise the municipal census and all census enumerators to the best of my ability and in accordance with the Municipal Census Manual approved by the Minister and published by the department.

SWORN (AFFIRMED) BEFORE ME )
at the _____ of _____, in the Province )
of Alberta, this ____ day of _____,)
(signature of person taking oath)
20_____. )
_____)
(signature of Commissioner for Oaths)

**IT IS AN OFFENCE TO SIGN A FALSE AFFIDAVIT**

NOTE:
The personal information that is being collected under the authority of the *Municipal Government Act* will be used for the purposes of that Act. It is protected by the privacy provisions of the *Freedom of Information and Protection of Privacy Act*.

**FOR DISCUSSION PURPOSES ONLY**

If you have any questions about the collection, contact

(title and business phone number of the responsible official)

AR 10/2013 Sched. 1

**Schedule 2**

**Statement of Census Enumerator**

MUNICIPAL AUTHORITY: _____, PROVINCE OF ALBERTA

MUNICIPAL CENSUS DATE: _____

I, (name of person taking ~~oath~~ statement), of (residential address), appointed census enumerator for (name of municipality), solemnly state

THAT I will act diligently, faithfully and to the best of my ability in my capacity as census enumerator;

THAT I will not, without authority, disclose or make known any information that comes to my knowledge by reason of my activities as a census enumerator; and

THAT I will carry out the census of the area to which I have been assigned to the best of my ability and in accordance with the Municipal Census Manual approved by the Minister and published by the department.

(date) (signature of census enumerator)

~~**IT IS AN OFFENCE TO SIGN A FALSE AFFIDAVIT**~~

NOTE:
The personal information that is being collected under the authority of the *Municipal Government Act* will be used for the purposes of that Act. It is protected by the privacy provisions of the *Freedom of Information and Protection of Privacy Act*.

If you have any questions about the collection, contact

(title and business phone number of the responsible official)

AR 10/2013 Sched. 2

**FOR DISCUSSION PURPOSES ONLY**

**Schedule 3**

**Shadow Population Verification Form**

MUNICIPAL AUTHORITY: _____, PROVINCE OF ALBERTA

The individual is signing the form as a designated officer and as such it makes more sense for them provide the address for their place of employment rather than their personal place of residence.

MUNICIPAL CENSUS DATE: _____

I, (name of person taking oath), of (~~residential address~~ municipal office address), appointed designated officer for (name of municipality), solemnly swear (affirm)

THAT I am the (designated officer) of the municipality of _____.

THAT the date chosen as the municipal census date for this municipality was the _____ day of _____, 20___.

THAT a count of the shadow population completed on the _____ day of _____, 20___ discloses that the total number of temporary residents who are employed by an industrial or commercial establishment in the municipality for a minimum of 30 days within the municipal census year is (total shadow population).

SWORN (AFFIRMED) BEFORE ME )
at the _____ of _____, in the Province )
of Alberta, this ____ day of _____,) (designated officer)
20_____. )
_____)
(signature of Commissioner for Oaths)

AR 10/2013 Sched. 3

**Schedule 4**

**Municipal Census Form**

MUNICIPAL AUTHORITY: _____, PROVINCE OF ALBERTA

The individual is signing the form as a designated officer and as such it makes more sense for them provide the address for their place of employment rather than their personal place of residence.

MUNICIPAL CENSUS DATE: _____

I, (name of person taking oath), of (~~residential address~~ municipal office address), appointed designated officer for (name of municipality), solemnly swear (affirm)

THAT I am the designated officer of the municipality of (name of municipality).

**FOR DISCUSSION PURPOSES ONLY**

To clarify the intent that municipalities include the completion date of enumeration, not the date of the census.

THAT the date chosen as the municipal census date for this municipality was the ____ day of _____, 20___.

~~THAT a municipal census completed~~ THAT a municipal census enumeration completed on the ____ day of _____, 20___ discloses that the total number of individuals whose usual residence is in this municipality is __(total population)__.

THAT the Municipal Census Field Report attached below is accurate and complete to the best of my knowledge.

SWORN (AFFIRMED) BEFORE ME )
at the _____ of _____, in the Province )
of Alberta, this ____ day of _____,) ___(designated officer)___
20_____. )
_____)
(signature of Commissioner for Oaths)

**Municipal Census Field Report**

| ~~Field Report for the (year) census of (municipality)~~ | |
|---|---|
| ~~Total population~~ | |
| ~~Total count of dwellings~~ | |
| ~~Total number of non-contacted dwellings~~ | |

~~AR 10/2013 Sched. 4~~

Census refusals will now be tracked ensuring the data being collected is more accurate.

| | |
|---|---|
| Total count of usual residents | |
| Total count of private dwellings | |
| Total number of non-contacted dwellings | |
| Total number of refusals | |

*NEW REGULATION

**FOR DISCUSSION PURPOSES ONLY**

# INTERMUNICIPAL COLLABORATION FRAMEWORK REGULATION

*Table of Contents*

**FOR DISCUSSION PURPOSES ONLY**

## Part 4
## Coming into Force

**30** Coming into force

Schedule

**Definitions**

**1** In this Regulation,

To clarify what is intended by these terms wherever they occur in the Regulation.

(a) "party" means a municipality that creates a framework with one or more other municipalities;

(b) "representative" means a person selected by a party who

(i) holds a senior position with the party, and

(ii) has authority to negotiate for or settle a dispute on behalf of the party;

(c) "service" includes any program, facility or infrastructure necessary to provide a service.

**Exemptions**

These Improvement Districts (ID's) have no significant assets or tax revenue. ID 13 and 24 are strictly national parks and only coordinate services within the park.

**2** The following improvement districts are exempt from Part 17.2 of the Act:

(a) Improvement District No. 13 (Elk Island);

(b) Improvement District No. 24 (Wood Buffalo);

(c) Improvement District No. 25 (Willmore Wilderness).

**Duty to act in good faith**

Provides clarity on what constitutes good faith when municipalities are creating or amending a framework.

**3(1)** In creating or amending a framework, the parties must

(a) act honestly, respectfully and reasonably,

(b) have regard to the legitimate interests of each party,

(c) have an appropriate communication approach,

(d) look for the potential for joint benefit of all parties,

(e) disclose to each other information that is necessary to understand a position or formulate an intelligent response,

(f) meet through representatives who are equipped and fully authorized to engage in rational discussion, and

(g) be willing and be prepared to explore the issues presented by all parties and explain the rationale for their positions.

**(2)** In creating or amending a framework, the parties must not

(a) act in a manner that is arbitrary, capricious or intended to cause harm to any of the parties,

(b) make improper demands, or

(c) engage in a process that is intended to avoid reaching any agreement.

If a municipality feels a service can benefit members of the ICF, it must provide rationale to help guide discussions on the framework, and for possible arbitration.

**Proposal for other services**

**4(1)** When a party proposes that a framework address a service referred to in section 708.29(2)(f) of the Act, the party must provide to the other parties a rationale as to why that service has a benefit to residents in the affected municipalities.

**(2)** In providing a rationale under subsection (1), the party must have regard to Part 17.2 of the Act.

Clarifies that all bylaws must align with the framework, other than land use bylaws, within two years.

**Other bylaws must align with framework**

**5(1)** For the purposes of section 708.4 of the Act, the parties must align their bylaws, other than their land use bylaws, with the framework within 2 years after the bylaw to create the framework is adopted.

**(2)** If there is a conflict or inconsistency between a bylaw and the framework, the framework prevails to the extent of the conflict or inconsistency.

Provides for consideration of proposed amendments through a notice.

**Notice of amendment to framework**

**6** If a party wishes to amend the framework, the party must give 30 days' written notice to the other parties.

## Part 1
## Arbitration Process for Creating Framework

**Application of Part**

**7** This Part applies to Division 3 of Part 17.2 of the Act.

**FOR DISCUSSION PURPOSES ONLY**

Ensures equity and fairness in the treatment of parties and process. Municipalities may hire an individual who is impartial, as long as all parties agree to hire that individual,

**Arbitrator must be independent and impartial**

**8(1)** Unless the parties agree otherwise, an arbitrator must be independent of the parties and impartial as between the parties in respect of the process for creating the framework.

**(2)** An arbitrator must not act as an advocate for any party.

An arbitrator is typically impartial and independent of the parties to ensure fair treatment as per the *Arbitration Act.* The arbitrator would be required to disclose information on potential conflicts of interest, at the appointment or preliminary hearing, whichever comes first.

**Disclosure of reasonable apprehension of bias**

**9(1)** Before accepting an appointment as arbitrator, the person must disclose to the parties any circumstances of which that person is aware that may give rise to a reasonable apprehension of bias.

**(2)** An arbitrator who, during arbitration, becomes aware of circumstances that may give rise to a reasonable apprehension of bias must promptly disclose the circumstances to the parties.

Addresses potential issues with payment of arbitrators, the Minister may set the fees of an arbitrator appointed by the Minister.

**Minister-appointed arbitrator's rates and payments**

**10** If, under section 708.35(2) of the Act, the Minister chooses the arbitrator, the Minister may specify the arbitrator's rates and payments by agreement with the arbitrator.

Ensures procedural fairness and is consistent with the *Arbitration Act.*

**Conduct of the arbitration**

**11(1)** Subject to this Part, the arbitrator may conduct the arbitration in any manner that the arbitrator considers appropriate to facilitate the just and timely resolution of the disputed issues.

**(2)** Without limiting the generality of subsection (1), the arbitrator may conduct the arbitration on the basis of documents, or he or she may hold a hearing for the presentation of evidence, including a full arbitration hearing with witnesses, expert testimony and oral argument.

**(3)** If the arbitrator holds a hearing, the arbitrator must give the parties sufficient notice of the hearing and any deadlines for the submission of evidence and written argument.

**(4)** Each party must be given an opportunity to present a case and to respond to the other parties' cases.

**(5)** The arbitrator may conduct the arbitration and make a decision based on the evidence presented if a party fails, without reasonable excuse in the sole discretion of the arbitrator,

(a) to appear at a scheduled oral hearing, or

(b) to produce evidence.

**FOR DISCUSSION PURPOSES ONLY**

The initial meeting is for the arbitrator to gain understanding of the dispute and the parties. Ensures all parties are aware of what is expected and to hear from the parties on what process they would prefer the arbitrator to use. The arbitrator is not bound by the requests of the parties.

**Preliminary meeting**

**12(1)** The arbitrator must convene a preliminary meeting, in person or by electronic means, with the parties within 21 days of the selection or appointment of the arbitrator

(a) to discuss the reports provided to the arbitrator by the parties in accordance with section 708.37(1)(a) of the Act, and to identify the disputed issues,

(b) to discuss the process and procedures to be followed,

(c) to set time periods within which specified actions must be taken, and

(d) to discuss other matters that the arbitrator believes will facilitate the arbitration in an efficient and timely manner.

**(2)** The arbitrator must give the parties a written summary of the matters discussed at the preliminary meeting as soon as possible after the preliminary meeting.

Provides the arbitrator to state if evidence must be sworn on, if professional designations are required for input. Allows the arbitrator to accept evidence from the parties deemed appropriate without being bound to the *Rules of Evidence.*

**Arbitrator not bound by rules of evidence**

**13** The arbitrator is not bound by the rules of evidence or any other law applicable to court proceedings, and has the power to determine the admissibility, relevance and weight of any evidence.

Witnesses must be sworn in/affirm the evidence provided is the truth. Witnesses who have provided written information may be required to participate in an oral hearing.

**Witnesses**

**14(1)** Unless the arbitrator decides otherwise, a witness's evidence must be presented orally or by a written statement or declaration affirmed or sworn for its truth.

**(2)** If evidence is not delivered orally, the arbitrator may order that the witness be present at an oral hearing for cross-examination.

Parties are required to identify areas and/or facts not in dispute to expedite the arbitration process.

**Agreed statement of facts**

**15** Unless an arbitrator decides otherwise, the parties must identify facts they do not dispute, and deliver an agreed statement of facts to the arbitrator.

Ensures the arbitrator has the information required to make a decision or develop a framework.

**Production of documents**

**16(1)** A party must provide to the arbitrator and to the other parties a copy of all documents it intends to rely on in the arbitration and allow the parties to make representations in respect to those documents.

**FOR DISCUSSION PURPOSES ONLY**

**(2)** The arbitrator may order a party to produce, within a specified time, documents that

(a) the party has in its care, custody or control, and

(b) the arbitrator considers to be relevant.

**(3)** The arbitrator must not rely on any document of which the parties have not been provided a copy.

**(4)** If the arbitrator conducts independent information gathering, including written submissions from the public, regarding one or more of the disputed issues, the arbitrator must share that information with the parties and allow the parties to make representations in respect of that information.

**(5)** The arbitrator may require the parties to enter into a confidentiality agreement with respect to the sharing of confidential information for the purpose of arbitration.

Enables the arbitrator to hire experts to aid in the resolution of the dispute or the creation of a framework.

**Appointment of experts**

**17(1)** An arbitrator may appoint one or more experts to report to the arbitrator on specific issues.

**(2)** The arbitrator may require the parties to give the expert any relevant information or to allow the expert to inspect property or documents.

**(3)** If the arbitrator holds a hearing, the expert, after making the report, must participate in the hearing, and the parties may question the expert and present the testimony of another expert on the subject-matter of the report.

**(4)** The remuneration for an expert is to be paid in a like manner as an arbitrator in accordance with section 708.41 of the Act.

Any public input must be considered in rendering a final order.

**Submissions from public**

**18(1)** An arbitrator may solicit written submissions from the public.

**(2)** If the arbitrator solicits written submissions from the public, the arbitrator must take into consideration any written submissions received.

**FOR DISCUSSION PURPOSES ONLY**

Provides arbitrator discretion in how public input is received.

**Hearings open to public**

**19** Subject to the arbitrator's discretion, hearings are open to the public.

**Arbitrator's order**

The arbitrator is required to file an order as soon as possible. No order will be filed if parties resolve the dispute on their own, though the framework will be filed with the Minister.

**20(1)** Unless the parties resolve the disputed issues during the arbitration, the arbitrator must make an order as soon as possible after the conclusion of the arbitration.

**(2)** The arbitrator's order must

(a) be in writing,

(b) be signed and dated,

(c) state the reasons on which it is based,

(d) if the arbitrator has created a framework, include the timelines for each party to pass a bylaw adopting the framework, and

(e) specify all expenditures incurred in the arbitration process for payment under section 708.41 of the Act.

Ensures all municipalities receive a copy of the order issued by the arbitrator.

**(3)** In addition to filing the order with the Minister in accordance with section 708.42 of the Act, the arbitrator must provide a copy of the order to each party.

Provides general restrictions on an arbitrator.

**(4)** An arbitrator must not make an order

(a) that has the effect of granting, varying or otherwise affecting any licence, permit or approval that is subject to the Act or any other enactment,

(b) on any matter that is subject to the exclusive jurisdiction of the Municipal Government Board,

(c) that is contrary to the *Alberta Land Stewardship Act* or any ALSA regional plan,

(d) that is contrary to a growth plan made pursuant to section 708.02(2) of the Act,

(e) that directs a municipality to raise revenue by imposing a specific tax rate, offsite levy or other rate, fee or charge, or

(f) that directs a municipality to transfer revenue to another municipality unless the revenue transfer is directly related to services provided by a municipality that the revenue transferring municipality derives benefit from, and it is equitable to do so.

**Amendment or variance of arbitrator's order**

Provides for minor amendments, as required, without penalty.

**21** The arbitrator may amend or vary the arbitrator's order to correct

(a) a clerical, mathematical or typographical error, or

(b) an omission or other similar mistake.

Ensures that the records used in the arbitration are available to the parties as these records may be needed in future disputes. Records would be subject to FOIP and handled by the municipalities.

**Record of proceeding**

**22** On conclusion of the arbitration and issuance of an order, the arbitrator must proceed to compile a record of the arbitration and give a copy of the record to each of the parties.

## Part 2
## Dispute Resolution Process

**Application of Part**

**23** This Part applies to Division 4 of Part 17.2 of the Act.

Provides the requirements for a municipality created dispute resolution process to ensure the municipalities create functional dispute resolution processes.

**Requirements**

**24(1)** A dispute resolution process under Division 4 of Part 17.2 of the Act must contain or address the following matters:

(a) how notice of the dispute will be given and to whom;

(b) when the parties are to meet and the process they will follow to resolve the dispute, including, without limitation, negotiation, facilitation and mediation;

(c) how a decision maker will be chosen and what powers, duties and functions the decision maker will have;

(d) the decision maker's practice and procedures;

(e) a binding dispute resolution mechanism;

(f) how any costs incurred as part of the dispute resolution process are to be shared among the parties;

(g) how records of the dispute resolution process are maintained, and who maintains the records;

(h) how parties or the public, or both, are identified;

(i) when parties or the public, or both, may be notified of the dispute;

(j) if and how parties or the public, or both, will be engaged in the dispute resolution process.

**(2)** If the dispute resolution process is not completed within one year from the date the notice of the dispute is given, any party may request the Minister to appoint an arbitrator pursuant to section 6(2) of the Schedule.

Provides a default dispute resolution mechanism.

**Model provisions**

**25** For the purposes of section 708.45(2) of the Act, the model dispute resolution provisions are those set out in the Schedule.

Ensures a framework remains in force during the dispute.

**Framework remains in force**

**26** During a dispute in respect of a framework, the parties must continue to perform their obligations under the framework.

## Part 3
## Judicial Review

To ensure judicial review is limited and disputes are resolved outside of the courts.

**Arbitrator's order is final**

**27** Except as provided in this Part, every order of an arbitrator is final and binding on all parties to the order and shall not be questioned, reviewed or restrained by any proceeding in the nature of an application for judicial review or otherwise in any court.

This section intends to limit the review of an arbitrator's order to natural justice or where the arbitrator commits fraud.

**Judicial review of order**

**28(1)** An order of an arbitrator may be reviewed by the Court of Queen's Bench on a question of jurisdiction only.

**(2)** For the purposes of a judicial review, the arbitrator is considered to be an expert decision-maker in relation to all matters over which the arbitrator has jurisdiction.

Arbitrator must be notified if their order is under judicial review.

**Notice of application to arbitrator**

**29** Where an order of an arbitrator is the subject of any application to the Court of Queen's Bench under section 28, the

person making the application must give the arbitrator notice of the application.

## Part 4
## Coming into Force

**Coming into force**

Indicates when the regulation comes into force.

**30** This Regulation comes into force on the coming into force of section 131 of the *Modernized Municipal Government Act*.

### Schedule

### Model Default Dispute Resolution Provisions

To clarify what is intended by these terms wherever they occur in the Schedule.

**Definitions**

**1** In this Schedule,

(a) "initiating party" means a party who gives notice under section 2 of this Schedule;

(b) "mediation" means a process involving a neutral person as a mediator who assists the parties to a matter and any other person brought in with the agreement of the parties to reach their own mutually acceptable settlement of the matter by structuring negotiations, facilitating communication and identifying the issues and interests of the parties;

(c) "mediator" means the person or persons appointed to facilitate by mediation the resolution of a dispute between the parties.

The initiating party is the party that raises the dispute. The initial notice starts the timelines for next steps and overall timeline to resolve the dispute.

**Notice of dispute**

**2** When a party believes there is a dispute under a framework and wishes to engage in dispute resolution, the party must give written notice of the matters under dispute to the other parties.

To ensure that municipalities continue to meet the framework timelines and that the process for appointing representatives.

**Negotiation**

**3** Within 14 days after the notice is given under section 2 of this Schedule, each party must appoint a representative to participate in one or more meetings, in person or by electronic means, to attempt to negotiate a resolution of the dispute.

Sets out the powers and procedures of mediation and the role of the mediator. In most cases, the role of a mediator will be a Municipal Affairs mediator.

**Mediation**

**4(1)** If the dispute cannot be resolved through negotiations, the representatives must appoint a mediator to attempt to resolve the dispute by mediation.

**(2)** The initiating party must provide the mediator with an outline of the dispute and any agreed statement of facts.

**(3)** The parties must give the mediator access to all records, documents and information that the mediator may reasonably request.

**(4)** The parties must meet with the mediator at such reasonable times as may be required and must, through the intervention of the mediator, negotiate in good faith to resolve their dispute.

**FOR DISCUSSION PURPOSES ONLY**

**(5)** All proceedings involving a mediator are without prejudice, and, unless the parties agree otherwise, the cost of the mediator must be shared equally between the parties.

Sets out the requirements for a report that provides an arbitrator, and potentially the Minister, with critical information about the dispute.

**Report**

**5(1)** If the dispute has not been resolved within 6 months after the notice is given under section 2 of this Schedule, the initiating party must, within 21 days, prepare and provide to the other parties a report.

**(2)** Without limiting the generality of subsection (1), the report must contain a list of the matters agreed on and those on which there is no agreement between the parties.

**(3)** Despite subsection (1), the initiating party may prepare a report under subsection (1) before the 6 months have elapsed if

(a) the parties agree, or

(b) the parties are not able to appoint a mediator under section 4 of this Schedule.

Sets out the process for appointing an arbitrator.

**Appointment of arbitrator**

**6(1)** Within 14 days of a report being provided under section 5 of this Schedule, the representatives must appoint an arbitrator and the initiating party must provide the arbitrator with a copy of the report.

**(2)** If the representatives cannot agree on an arbitrator, the initiating party must forward a copy of the report referred to in section 5 of this Schedule to the Minister with a request to the Minister to appoint an arbitrator.

**(3)** In appointing an arbitrator under subsection (2), the Minister may place any conditions on the arbitration process as the Minister deems necessary.

Sets out the overall powers, duties and procedures used by an arbitrator and the arbitration process used for dispute resolution.

**Arbitration process**

**7(1)** Where arbitration is used to resolve a dispute, the arbitration and arbitrator's powers, duties, functions, practices and procedures shall be the same as those in Division 3 of Part 17.2 of the Act and Part 1 of this Regulation.

**(2)** In addition to the arbitrator's powers under subsection (1), the arbitrator may do the following:

(a) require an amendment to a framework;

(b) require a party to cease any activity that is inconsistent with the framework;

(c) provide for how a party's bylaws must be amended to be consistent with the framework;

(d) award any costs, fees and disbursements incurred in respect of the dispute resolution process and who bears those costs.

Sets out the maximum time (1 year) for a resolution following the initial notice. If the arbitrator fails to resolve the dispute, the Minister may appoint a new arbitrator with any conditions necessary to resolve the dispute (consistent to *MGA*, section 570).

**Deadline for resolving dispute**

**8(1)** The arbitrator must resolve the dispute within one year from the date the notice of dispute is given under section 2 of this Schedule.

**FOR DISCUSSION PURPOSES ONLY**

**(2)** If an arbitrator does not resolve the dispute within the time described in subsection (1), the Minister may grant an extension of time or appoint a replacement arbitrator on such terms and conditions that the Minister considers appropriate.

Sets out the process for an arbitrator's order.

**Arbitrator's order**

**9(1)** Unless the parties resolve the disputed issues during the arbitration, the arbitrator must make an order as soon as possible after the conclusion of the arbitration proceedings.

**(2)** The arbitrator's order must

(a) be in writing,

(b) be signed and dated,

(c) state the reasons on which it is based,

(d) include the timelines for the implementation of the order, and

(e) specify all expenditures incurred in the arbitration process for payment under section 708.41 of the Act.

**(3)** The arbitrator must provide a copy of the order to each party.

**(4)** If an order of the arbitrator under section (2) is silent as to costs, a party may apply to the arbitrator within 30 days of receiving the order for a separate order respecting costs.

The costs of arbitration for the creation of a framework have been taken from *MMGA*. Ensures payment of a mediator.

**Costs of arbitrator**

**10(1)** Subject to an order of the arbitrator or an agreement by the parties, the costs of an arbitrator under this Schedule must be paid on a proportional basis by the municipalities that are to be parties to the framework as set out in subsection (2).

**(2)** Each municipality's proportion of the costs must be determined by dividing the amount of that municipality's equalized assessment by the sum of the equalized assessments of all of the municipalities' equalized assessments as set out in the most recent equalized assessment.

*UPDATES TO AN EXISTING REGULATION

**FOR DISCUSSION PURPOSES ONLY**

# MATTERS RELATING TO ASSESSMENT AND TAXATION REGULATION

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**FOR DISCUSSION PURPOSES ONLY**

## Part 5
## Property Tax Exemption for Residences and Farm Buildings



## Part 5.1
## Assessment Information



## Part 6
## Repeal, Expiry and Coming into Force





**Definitions**

**1** In this Regulation,

(a) "Act" means the *Municipal Government Act*;

(b) "agricultural use value" means the value of a parcel of land based exclusively on its use for farming operations;

(c) "assessment level" means, for the property assessment class, the overall ratio of assessments to indicators of market value;

(d) repealed AR 307/2006 s2;

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(e) "assessment ratio" means the ratio of the assessment to an indicator of market value for a property;

(f) "assessment year" means the year prior to the taxation year;

(g) "coefficient of dispersion" means the average percentage deviation of the assessment ratios from the median assessment ratio for a group of properties;

~~(h) "farm building" means any improvement other than a residence, to the extent it is used for farming operations;~~

~~(i) "farming operations" means the raising, production and sale of agricultural products and includes~~

~~(i) horticulture, aviculture, apiculture and aquaculture,~~

~~(ii) the production of horses, cattle, bison, sheep, swine, goats, fur-bearing animals raised in captivity, domestic cervids within the meaning of the *Livestock Industry Diversification Act*, and domestic camelids, and~~

~~(iii) the planting, growing and sale of sod;~~

~~(j) "machinery and equipment" means materials, devices, fittings, installations, appliances, apparatus and tanks other than tanks used exclusively for storage, including supporting foundations and footings and any other thing prescribed by the Minister that forms an integral part of an operational unit intended for or used in~~

~~(i) manufacturing,~~

~~(ii) processing,~~

~~(iii) the production or transmission by pipeline of natural resources or products or by-products of that production, but not including pipeline that fits within the definition of linear property in section 284(1)(k)(iii) of the Act,~~

~~(iv) the excavation or transportation of coal or oil sands as defined in the *Oil Sands Conservation Act*,~~

~~(v) a telecommunications system, or~~

~~(vi) an electric power system other than a micro-generation generating unit as defined in the *Micro-Generation Regulation* (AR 27/2008),~~

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~~whether or not the materials, devices, fittings, installations, appliances, apparatus, tanks, foundations, footings or other things are affixed to land in such a manner that they would be transferred without special mention by a transfer or sale of the land;~~

(k) "mass appraisal" means the process of preparing assessments for a group of properties using standard methods and common data and allowing for statistical testing;

(l) "median assessment ratio" means the middle assessment ratio when the assessment ratios for a group of properties are arranged in order of magnitude;

(l.1) "Minister's Guidelines" means the Minister's Guidelines established by the Minister, including the following:

(i) Alberta Assessment Quality Minister's Guidelines;

(ii) Alberta Farm Land Assessment Minister's Guidelines;

(iii) Alberta Linear Property Assessment Minister's Guidelines;

(iv) Alberta Machinery and Equipment Assessment Minister's Guidelines;

(v) Alberta Railway Property Assessment Minister's Guidelines;

(vi) any of the above guidelines that are referred to in

(A) the *Matters Relating to Assessment and Taxation Regulation* (AR 289/99), and

(B) the *Standards of Assessment Regulation* (AR 365/94);

(vii) the 2005 Construction Cost Reporting Guide established by the Minister and any previous versions of the Construction Cost Reporting Guide established by the Minister;

(m) "overall ratio" means the weighted ratio for a group of properties, calculated using the median assessment ratios for subgroups of properties within that group;

(n) "regulated property" means

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(i) land in respect of which the valuation standard is agricultural use value,

~~(ii) a railway,~~

(iii) linear property, or

(iv) machinery and equipment.

AR 220/2004 s1;307/2006;245/2008

**Interpretation provisions for Parts 9 to 12 of the Act**

**1.1(1)** For the purposes of Parts 9 to 12 of the Act and this Regulation,

(a) "electric distribution system" means

(i) a system, works, plant, equipment or service for the delivery, distribution or furnishing, directly to consumers, of electric energy for which rates are regulated by the Alberta Utilities Commission, or

(ii) a system, works, plant, equipment or service for the delivery, distribution or furnishing, directly to consumers, of electric energy by a rural electrification association under the *Rural Utilities Act*,

but does not include land, buildings or an electric generation system or an electric transmission system;

(b) "electric generation system" means a system used or intended to be used for the generation and gathering of electric energy from any source, including all machinery, installations, materials, devices, fittings, apparatus, appliances and equipment that form part of the system, but subject to an order under section 1.2 does not include

(i) a system owned or operated by a person generating or proposing to generate electricity solely for the person's own use,

(ii) a micro-generation generating unit as defined in the *Micro-generation Regulation* (AR 27/2008), or

(iii) land or buildings;

(c) "electric power system" means an electric distribution system, an electric generation system or an electric transmission system;

Aligns with the policy in the *Extension of Linear Property Regulation* that will be repealed once this amendment regulation comes into force. Clarifies and updates by distinguishing components of generation, transmission and distribution for the purposes of designated industrial property assessment going forward.

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(d) "electric transmission system" means a system or arrangement of lines of wire or other conductors and transformation equipment situated wholly in Alberta whereby electric energy, however produced, for which rates are regulated by the Alberta Utilities Commission is transmitted in bulk, and includes

(i) transmission circuits composed of the conductors that form the minimum set required to transmit electric energy,

(ii) insulating and supporting structures,

(iii) substations, and

(iv) operational and control devices,

but does not include land, buildings, an electric generation system or an electric distribution system;

(e) "farm building" means any improvement other than a residence, to the extent it is used for farming operations;

Amended to provide clarity for livestock. Include new clauses to address woodlot operations and that farming operations does not include stripped land for future development.

(f) "farming operations" means the raising, production and sale of agricultural products and includes

(i) horticulture, aviculture, apiculture and aquaculture,

(ii) the production, raising and sale of

(A) horses, cattle, bison, sheep, swine, goats or other livestock,

(B) fur-bearing animals raised in captivity,

(C) domestic cervids within the meaning of the *Domestic Cervid Industry Regulation* (AR 188/2014), or

(D) domestic camelids,

(iii) the planting, growing and sale of sod, and

(iv) an operation on a parcel of land for which a woodland management plan has been approved by the Woodlot Association of Alberta or a forester registered under *Regulated Forestry Profession Act* for the production of timber primarily marketed as whole logs, seed clones or Christmas trees,

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but does not include any operation or activity on land that has been stripped for the purposes of, or in a manner that leaves the land more suitable for, future development;

(g) "machinery and equipment" means materials, devices, fittings, installations, appliances, apparatus and tanks, other than tanks used exclusively for storage, including supporting foundations, footings and any other thing prescribed by the Minister that forms an integral part of an operational unit intended for or used in

(i) manufacturing,

(ii) processing,

(iii) the production or transmission by pipeline of natural resources or products or by-products of that production, but not including pipeline as defined in clause (i),

(iv) the excavation or transportation of coal or oil sands as defined in the *Oil Sands Conservation Act*,

(v) a telecommunications system, or

(vi) an electric power system, other than a micro-generation generating unit that is the subject of an order under section 1.2,

whether or not the materials, devices, fittings, installations, appliances, apparatus, tanks, foundations, footings or other things are affixed to land in such a manner that they would be transferred without special mention by a transfer or sale of the land;

Aligns with the *MMGA* to include "operator" definition in the regulation as a component of the overall policy of centralization. The definition is the same as previously provided in the *MGA*.

(h) "operator", in respect of designated industrial property, means

(i) the licensee, as defined in the *Pipeline Act*,

(ii) the licensee, as defined in the *Oil and Gas Conservation Act*, or

(iii) the person who has applied in writing to and been approved by the Minister as the operator,

or, where none of subclauses (i), (ii) or (iii) applies, the owner;

Aligns with the *MMGA* to include "pipeline" definition in the regulation as a component of the overall policy of centralization. Clearly defines pipelines by separating it from wells. Aligns with industry's definition of pipelines.

(i) "pipeline" means any continuous string of pipe, including loops, bypasses, cleanouts, distribution meters, distribution regulators, remote telemetry units, valves,

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fittings and improvements for the protection of pipelines used or intended for use in gathering, conveying, transporting, distributing or disposal of any substance or combination of substances, but does not include

(i) a pipe used or intended for use to convey water, other than in connection with

(A) a facility, scheme or other matter authorized under the *Oil and Gas Conservation Act* or the *Oil Sands Conservation Act*, or

(B) a coal processing plant or other matter authorized under the *Coal Conservation Act*,

(ii) a regulating or metering station or the inlet valve or outlet valve in any processing, refining, manufacturing, marketing, transmission line pumping, heating, treating, separating or storage facility or any installation, material, device, fitting, apparatus, appliance, machinery or equipment between those valves,

(iii) a pipe, installation, material, device, fitting, apparatus, appliance, machinery or equipment between valves referred to in subclause (ii), or

(iv) land or buildings;

Aligns with the *MMGA* to include "railway" definition in the regulation as a component of the overall policy of centralization.

(j) "railway property" means

(i) the continuous strip of land owned or occupied by a person as a right-of-way for trains leading from place to place in Alberta, but does not include

(A) land outside the right-of-way, or

(B) land used by the person for purposes other than the operation of trains,

(ii) grading, ballasts or improvements located within or outside a right-of-way for trains and used in the operation of trains, and

(iii) the improvements that form part of a telecommunications system used or intended for use in the operation of trains,

but does not include any part of an amusement railway, heritage railway or public railway as defined in the *Railway (Alberta) Act*;

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Aligns with the *MMGA* to include "street lighting systems" definition in the regulation as a component of the overall policy of centralization.

(k) "street lighting systems" includes structures, installations, fittings and equipment used to supply light, but does not include land or buildings;

Aligns with the *MMGA* to include "telecommunications" definition in the regulation as a component of the overall policy of centralization.

(l) "telecommunications systems" includes

(i) a system used or intended to be used for the transmission, emission, reception, switching, storage, compilation, transformation or manipulation of information or intelligence of any nature by cable distribution undertakings and telecommunication carriers that are subject to the regulatory authority of the Canadian Radio-television and Telecommunications Commission or any successor of the Commission, and

(ii) the items listed in the Minister's guidelines under section 322(2) of the Act as components of a system referred to in subclause (i),

but does not include a private system to which the public is not intended to have access, a radio communications system intended for direct reception by the public or any land or buildings;

Was defined indirectly in the definition of pipelines in the *MGA*. Separating "well" from "pipeline" aligns with industry definitions and provides clarity to assessors. Improves consistency for annual property assessments of well properties. Captures ancillary improvements and land for the purpose of annual property assessment.

(m) "well" includes

(i) any pipe in a well that is used or intended for use in

(A) obtaining gas or oil, or both, or any other mineral,

(B) injecting or disposing of water, steam, salt water, glycol, gas or any other substance to an underground formation,

(C) supplying water for injection to an underground formation, or

(D) monitoring or observing performance of a pool, aquifer or an oil sands deposit,

(ii) well head installations or other improvements located at a well site used or intended for use for any of the purposes described in subclause (i) or for the protection of the well head installations,

(iii) the land that forms the site of a well used for any of the purposes described in subclause (i) if it is by way of a lease, licence or permit from the Crown,

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(iv) a building at a well site that contains machinery and equipment related to the well.

**(2)** Subsection (1)(a) to (e) do not apply in respect of section 360 of the Act.

**(3)** Property is to be considered operational

Stipulates when described individual property types are operational and thus assessable for the first time. This will be used for preparing supplementary assessments of these properties. The current practice of assessing buildings based on percentage completed at year end will be maintained.

(a) in the case of linear property referred to in section 291(2)(a) of the Act

(i) that is an electric power system, on and after

(A) the date specified in the energization certificate issued by the Alberta Electric System Operator operating as the Independent System Operator under the *Electric Utilities Act*,

(B) if there is no energization certificate, the date on which, according to written information from the Alberta Electric System Operator operating as the Independent System Operator under the *Electric Utilities Act*, the system commences operating, or

(C) if there is no energization certificate and the written information referred to in paragraph (B) is unavailable, the date on which the system commences operating, as confirmed in writing by the owner of the system,

(ii) that is a pipeline, on and after

(A) the date on which the pipeline is placed in service, as confirmed in writing by the Alberta Energy Regulator, or

(B) if confirmation of the date referred to in paragraph (A) is unavailable from the Alberta Energy Regulator, the date on which, according to written information from the National Energy Board, leave to open the pipeline is granted under the *National Energy Board Act* (Canada), or

(C) if confirmation of the date referred to in paragraph (A) is unavailable from the Alberta Energy Regulator and the written information referred to in paragraph (B) is unavailable, the date on which the pipeline commences

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operating, as confirmed in writing by the owner of the pipeline,

(iii) that is a telecommunications system, on and after the date on which the system commences operating, as confirmed in writing by the owner of the system,

(iv) that is a well, on and after

(A) the finished drilling date for the well according to the records of the Alberta Energy Regulator, as confirmed in writing by the Regulator, or

(B) if confirmation of the finished drilling date referred to in paragraph (A) is unavailable from the Alberta Energy Regulator, the finished drilling date as confirmed in writing by the owner of the well,

(b) in the case of machinery and equipment that

(i) is a new improvement referred to in section 291(2)(b) or (d) of the Act, or

(ii) is referred to in section 314 of the Act,

on and after the date, as confirmed in writing by the operator, on which the machinery or equipment commences operating for its intended purpose,

(c) in the case of a new designated industrial property improvement referred to in section 291(2)(c) or (e) of the Act that is designated as a major plant in the Alberta Machinery and Equipment Assessment Minister's Guidelines, on and after the date, as confirmed in writing by the operator, on which the major plant commences operating for its intended purpose, and

(d) in the case of new designated industrial property referred to in section 314.1 of the Act, other than linear property referred to in clause (a), on and after the date , as confirmed in writing by the operator, on which the designated industrial property commences operating for its intended purpose.

Aligns with the *MMGA* that proposes designated industrial property includes property designated as major plants by the regulations.

**Deeming order**

**1.2** The Minister may, by order, direct that a system referred to in section 1.1(1)(b)(i) or a micro-generation generating unit referred to in section 1.1(1)(b)(ii) that is specified in the order is an electric power system for the purposes of the Act.

Provides the Minister with the ability to by order deem an electric power generation system defined in the regulation and repeal the *Extension of Linear Property Regulation* once this amendment regulation comes into force.

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# Part 1
# Standards of Assessment

**Mass appraisal**

**2** An assessment of property based on market value

(a) must be prepared using mass appraisal,

(b) must be an estimate of the value of the fee simple estate in the property, and

(c) must reflect typical market conditions for properties similar to that property.

**Valuation date**

**3** Any assessment prepared in accordance with the Act must be an estimate of the value of a property on July 1 of the assessment year.

**Valuation standard for a parcel of land**

**4(1)** The valuation standard for a parcel of land is

(a) market value, or

(b) if the parcel is used for farming operations, agricultural use value.

**(2)** In preparing an assessment for a parcel of land based on agricultural use value, the assessor must follow the procedures set out in the Alberta Farm Land Assessment Minister's Guidelines.

**(3)** Despite subsection (1)(b), the valuation standard for the following property is market value:

(a) a parcel of land containing less than one acre;

(b) a parcel of land containing at least one acre but not more than 3 acres that is used but not necessarily occupied for residential purposes or can be serviced by using water and sewer distribution lines located in land that is adjacent to the parcel;

(c) an area of 3 acres located within a larger parcel of land where any part of the larger parcel is used but not necessarily occupied for residential purposes;

(d) an area of 3 acres that

(i) is located within a parcel of land, and

(ii) can be serviced by using water and sewer distribution lines located in land that is adjacent to the parcel;

(e) any area that

(i) is located within a parcel of land,

(ii) is used for commercial or industrial purposes, and

(iii) cannot be serviced by using water and sewer distribution lines located in land that is adjacent to the parcel;

(f) an area of 3 acres or more that

(i) is located within a parcel of land,

(ii) is used for commercial or industrial purposes, and

(iii) can be serviced by using water and sewer distribution lines located in land that is adjacent to the parcel.

**(4)** An area referred to in subsection (3)(c), (d), (e) or (f) must be assessed as if it is a parcel of land.

**(5)** The valuation standard for strata space, as defined in section 86 of the *Land Titles Act*, is market value.

AR 220/2004 s4;307/2006

**Valuation standard for improvements**

**5(1)** The valuation standard for improvements is

(a) the valuation standard set out in section 7, 8 or 9 or 9.1, for the improvements referred to in those sections, or

(b) for other improvements, market value.

**(2)** For the purposes of section 298(1)(y) of the Act, an assessment must be prepared for any farm building located in a city, town, village or summer village.

**(3)** In preparing an assessment for a farm building, the assessor must determine its value based on its use for farming operations.

**Valuation standard for a parcel and improvements**

**6(1)** When an assessor is preparing an assessment for a parcel of land and the improvements to it, the valuation standard for the land

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and improvements is market value unless subsection (2) or (3) applies.

**(2)** If the parcel of land is located in a city, town, village or summer village, is used for farming operations and has a farm building located on it, the valuation standard in section 4(1)(b) applies to the land and the ~~exemption in~~ applicable exemption under section 22(c) applies to the farm building.

**(3)** If the parcel of land is located in a county, municipal district, improvement district or special area, is used for farming operations and has a farm building located on it, the valuation standard in section 4(1)(b) applies to the land and section 5(3) applies in respect of the farm building.

**(4)** If the improvement is railway property, linear property or machinery and equipment, the valuation standard is as set out in section 7, 8 or 9 or 9.1, as the case may be.

~~**Valuation standard for railway**~~

~~**7(1)** The valuation standard for railway is that calculated in accordance with the procedures referred to in subsection (2).~~

~~**(2)** In preparing an assessment for railway, the assessor must follow the procedures set out in the Alberta Railway Assessment Minister's Guidelines.~~

Railway components of designated industrial properties will continue to be assessed according to the standard in the regulation so that similar property is assessed using the same standard throughout the province.

**Valuation standard for railway**

**7(1)** The valuation standard for railway property is that calculated in accordance with the procedures set out in the Alberta Railway Property Assessment Minister's Guidelines.

(2) In preparing an assessment for railway property, the assessor must follow the procedures referred to in subsection (1).

AR 220/2004 s7;307/2006

**Valuation standard for linear property**

**8(1)** The valuation standard for linear property is that calculated in accordance with the procedures ~~referred to in subsection (2)~~set out in the Alberta Linear Property Assessment Minister's Guidelines.

Linear property components of designated industrial properties will continue to be assessed according to the standard in the regulation so that similar property is assessed using the same standard throughout the province.

**(2)** In preparing an assessment for linear property, the assessor must follow the procedures ~~set out in the Alberta Linear Property Assessment Minister's Guidelines~~ referred to in subsection (1).

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**(3)** For the purposes of section 298(1)(z) of the Act, an assessment must be prepared for machinery and equipment that is part of linear property as described in section 284(1)(k) of the Act, and the assessment must reflect 100% of its value.

AR 220/2004 s8;307/2006

**Valuation standard for machinery and equipment**

Machinery & equipment components of designated industrial properties will continue to be assessed according to the standard in the regulation so that similar property is assessed using the same standard throughout the province.

**9(1)** The valuation standard for machinery and equipment is that calculated in accordance with the ~~procedures referred to in subsection (2)~~applicable procedures set out in the Alberta Machinery and Equipment Assessment Minister's Guidelines.

**(2)** In preparing an assessment for machinery and equipment, the assessor must follow the procedures ~~set out in the Alberta Machinery and Equipment Assessment Minister's Guidelines~~ applicable procedures referred to in subsection (1).

**(3)** For the purposes of section 298(1)(z) of the Act, an assessment must be prepared for machinery and equipment that is not part of linear property as described in section 284(1)(k) of the Act, and the assessment must reflect 77% of its value.

AR 220/2004 s9;307/2006

**Valuation standard for designated industrial property - land and buildings**

Land and buildings at property designated as major plants will be assessed using regulated procedures.

**9.1(1)** The valuation standard for land and buildings that are part of any designated industrial propertyis that calculated in accordance with the applicable procedures set out in the Alberta Machinery and Equipment Assessment Minister's Guidelines.

**(2)** In preparing an assessment for facilities, land, improvements and other property referred to in subsection (1), the assessor must follow the applicable procedures set out in the Alberta Machinery and Equipment Assessment Minister's Guidelines.

**Quality standards**

**10(1)** In this section, "property" does not include regulated property.

**(2)** In preparing an assessment for property, the assessor must have regard to the quality standards required by subsection (3) and must follow the procedures set out in the Alberta Assessment Quality Minister's Guidelines.

**(3)** For any stratum of the property type described in the following table, the quality standards set out in the table must be met in the preparation of assessments:

| Property Type | Median | Coefficient of |
|---|---|---|

| | Assessment Ratio | Dispersion |
|---|---|---|
| Property containing 1, 2 or 3 dwelling units | 0.950 - 1.050 | 0 - 15.0 |
| All other property | 0.950 - 1.050 | 0 - 20.0 |

**(4)** The assessor must, in accordance with the procedures set out in the Alberta Assessment Quality Minister's Guidelines, declare annually that the requirements for assessments have been met.

**(5)** Repealed AR 307/2006 s6.

AR 220/2004 s10;307/2006

**When permitted use differs from actual use**

**11** When a property is used for farming operations or residential purposes and an action is taken under Part 17 of the Act that has the effect of permitting or prescribing for that property some other use, the assessor must determine its value

(a) in accordance with its residential use, for that part of the property that is occupied by the owner or the purchaser, or the spouse or adult interdependent partner or dependant of the owner or purchaser, and is used exclusively for residential purposes, or

(b) based on agricultural use value, if the property is used for farming operations, unless section 4(3) applies.



## Part 2
## Recording and Reporting Property Information

**Duty to record information**

**12** The assessor must, in accordance with the procedures set out in the Alberta Assessment Quality Minister's Guidelines, maintain as a record information about each property that is required for the preparation of the assessment roll in respect of those properties.

AR 220/2004 s12;307/2006;330/2009

Liability code was removed from the *MGA* and is removed from the regulation.

~~**Liability code**~~

~~**13** For the purpose of section 303(f.1) of the Act, the liability code for each assessed property must be assigned by the assessor in accordance with the procedures set out in the Alberta Assessment Quality Minister's Guidelines.~~

AR 220/2004 s13;307/2006

**Duty to provide information to the Minister**

**14(1)** The assessor must provide the information required by the Minister under section 293(3) of the Act in accordance with the procedures set out in the Alberta Assessment Quality Minister's Guidelines.

**(2)** The assessor must prepare and provide the return referred to in section 319 of the Act to the Minister in accordance with the procedures set out in the Alberta Assessment Quality Minister's Guidelines.

AR 220/2004 s14;307/2006;330/2009

**Corrections or changes**

**15** For the purposes of section 305.1 of the Act, corrections or changes to an assessment roll must be reported by the assessor in accordance with the procedures set out in the Alberta Assessment Quality Minister's Guidelines.

AR 220/2004 s15;307/2006

## Part 3
## Equalized Assessment

**Information provided by municipality under section 319(1) of Act**

**16(1)** On receiving information from a municipality pursuant to section 319(1) of the Act, the Minister must assess the information and determine if the information is acceptable.

**(2)** The information provided pursuant to section 319(1) of the Act must include information to determine assessment levels.

**(3)** If the Minister determines that the information is acceptable, the Minister may use and rely on the information when preparing the equalized assessment for the municipality.

**(4)** If the Minister determines that the information is not acceptable, the Minister must prepare the equalized assessment using whatever information the Minister considers appropriate.

**Preparation of equalized assessment**

**17(1)** In preparing the equalized assessment for a municipality,

(a) the assessments for regulated property that have been valued in accordance with this Regulation require no adjustment, and

(b) the assessments for property other than regulated property must be adjusted to reflect an assessment level of 1.000 using the assessment levels determined by the Minister.

**(2)** The total equalized assessment for residential property is calculated in accordance with the following formula:

| | | |
|---|---|---|
| Assessments for residential property | x | 1 / assessment level for residential property |

**(3)** The total equalized assessment for non-residential property other than regulated property is calculated in accordance with the following formula:

| | | |
|---|---|---|
| Assessments for non-residential property | x | 1 / assessment level for non-residential property |

**Limit on increases in equalized assessments**

**18** Pursuant to section 325 of the Act, the Minister may, by order, limit the amount by which equalized assessments for any class of property listed in section 297 of the Act may increase from one year to the next.

**City of Lloydminster**

**19** The equalized assessment for the portion of the City of Lloydminster that is in Alberta must reflect assessments as if they were prepared in accordance with the Act and this Regulation.

## Part 4
## Assessment Audits

**Assessment audits**

**20(1)** The Minister may, from time to time,

(a) require annual or detailed audits of assessments, or both, to be performed, and

(b) appoint one or more auditors for the purpose of carrying out those audits.

**(2)** An auditor

(a) may require the attendance of any officer of a municipality or any other person whose presence the auditor considers necessary during the course of an audit, and

(b) has the same powers, privileges and immunities as a commissioner under the *Public Inquiries Act*.

**(3)** When required to do so by an auditor, the chief administrative officer of a municipality must produce for examination and inspection all books and records of the municipality.

**(4)** When required to do so by an auditor, an assessor must, in accordance with the procedures set out in the Alberta Assessment Quality Minister's Guidelines, provide the auditor with any assessment-related information in the assessor's custody and control.

**(5)** Audits under this section must be carried out in accordance with the procedures set out in the Alberta Assessment Quality Minister's Guidelines.

AR 220/2004 s20;307/2006

## Part 5
## Property Tax Exemption for Residences and Farm Buildings

**Definitions**

**21** In this Part,

(a) "farm unit" means any number of parcels of land or parts of parcels, or both, that are

(i) owned by a farm unit operator,

(ii) held by that farm unit operator under a lease, licence or permit from the Crown or a municipality, or

(iii) occupied by that farm unit operator with the consent of a person holding the parcels under a lease, licence or permit from the Crown or a municipality

on December 31 of the year preceding the year in which the exemption in section 22 applies;

(b) "farm unit operator" means

(i) the person who is registered under the *Land Titles Act* as the owner of the fee simple estate in a farm unit, or the spouse or adult interdependent partner of that person,

(ii) a person who holds a farm unit under a lease, licence or permit from the Crown or a municipality, or a person who occupies the farm unit with the consent of that holder, and

(iii) a person who is purchasing a farm unit from the person referred to in subclause (i).

**Exemptions from property tax**

**22** The following are exempt from taxation under Division 2 of Part 10 of the Act:

(a) one residence in a farm unit, if the residence is

(i) situated in a county, municipal district, improvement district or special area, and

(ii) situated on a parcel of not less than one acre,

to the extent of the assessment, based on agricultural use value, for the land in the farm unit, to a maximum of $61 540;

(b) each additional residence in the farm unit, if the residence is

(i) situated in a county, municipal district, improvement district or special area, and

(ii) used chiefly in connection with farming operations,

to the extent of the assessment, based on agricultural use value, for the land in the farm unit that remains after the exemption is made under clause (a), to a maximum of $30 770 for each additional residence;

~~(c) any farm building in a city, town, village or summer village, to the extent of 50% of its assessment.~~

(c) any farm building in a city, town, village or summer village, to the extent of

(i) 60% of its assessment for the 2018 taxation year,

(ii) 70% of its assessment for the 2019 taxation year,

(iii) 80% of its assessment for the 2020 taxation year,

(iv) 90% of its assessment for the 2021 taxation year, and

(v) 100% of its assessment for the 2022 taxation year and all subsequent taxation years.

Provide a 5 year phase out of the assessment of farm buildings in urban municipalities as they were exempted in the *MMGA*.

**FOR DISCUSSION PURPOSES ONLY**

**Exemptions-Strathcona County**

**23** The following are exempt from taxation under Division 2 of Part 10 of the Act:

(a) one residence in a farm unit, if the residence is

(i) situated in the rural service area of the specialized municipality of Strathcona County, and

(ii) situated on a parcel of not less than one acre,

to the extent of the assessment, based on agricultural use value, for the land in the farm unit, to a maximum of $61 540;

(b) each additional residence in the farm unit, if the residence is

(i) situated in the rural service area of the specialized municipality of Strathcona County, and

(ii) used chiefly in connection with farming operations,

to the extent of the assessment, based on agricultural use value, for the land in the farm unit that remains after the exemption is made under clause (*a*), to a maximum of $30 770 for each additional residence.

AR 220/2004 s23;330/2009

**Exemptions-Wood Buffalo**

**24** The following are exempt from taxation under Division 2 of Part 10 of the Act:

(a) one residence in a farm unit, if the residence is

(i) situated in the rural service area of the specialized municipality of the Regional Municipality of Wood Buffalo, and

(ii) situated on a parcel of not less than one acre,

to the extent of the assessment, based on agricultural use value, for the land in the farm unit, to a maximum of $61 540;

(b) each additional residence in the farm unit, if the residence is

(i) situated in the rural service area of the specialized municipality of the Regional Municipality of Wood Buffalo, and

(ii) used chiefly in connection with farming operations,

to the extent of the assessment, based on agricultural use value, for the land in the farm unit that remains after the exemption is made under clause (a), to a maximum of $30 770 for each additional residence.

AR 220/2004 s24;330/2009

**Exemptions-Mackenzie County**

**25** The following are exempt from taxation under Division 2 of Part 10 of the Act:

(a) one residence in a farm unit, if the residence is

(i) situated in the specialized municipality of Mackenzie County, and

(ii) situated on a parcel of not less than one acre of land,

to the extent of the assessment, based on agricultural use value, for the land in the farm unit, to a maximum of $61 540;

(b) each additional residence in the farm unit, if the residence is

(i) situated in the specialized municipality of Mackenzie County, and

(ii) used chiefly in connection with farming operations,

to the extent of the assessment, based on agricultural use value, for the land in the farm unit that remains after the exemption is made under clause (a), to a maximum of $30 770 for each additional residence.

AR 220/2004 s25;330/2009

**Exemptions-Jasper**

**26** The following are exempt from taxation under Division 2 of Part 10 of the Act:

(a) one residence in a farm unit, if the residence is

(i) situated outside of the town of the specialized municipality of the Municipality of Jasper, and

(ii) situated on a parcel of not less than one acre,

to the extent of the assessment, based on agricultural use value, for the land in the farm unit, to a maximum of $61 540;

(b) each additional residence in the farm unit, if the residence is

(i) situated outside of the town of the specialized municipality of the Municipality of Jasper, and

(ii) used chiefly in connection with farming operations,

to the extent of the assessment, based on agricultural use value, for the land in the farm unit that remains after the exemption is made under clause (a), to a maximum of $30 770 for each additional residence.

AR 220/2004 s26;330/2009

**Exemptions-farm buildings**

**27** The following are exempt from taxation under Division 2 of Part 10 of the Act:

(a) any farm building located in the specialized municipality of Mackenzie County;

~~(b) any farm building in the urban service area of the specialized municipality of Strathcona County, to the extent of 50% of its assessment;~~

~~(c) any farm building in the urban service area of the specialized municipality of the Regional Municipality of Wood Buffalo, to the extent of 50% of its assessment;~~

~~(d) any farm building in the town of the specialized municipality of the Municipality of Jasper, to the extent of 50% of its assessment;~~

~~(e) any farm building in a city, town, village or summer village, to the extent of 50% of its assessment.~~

Provide a 5 year phase out of the assessment of farm buildings in urban municipalities as they were exempted in the *MMGA*.

(b) any farm building in the urban service area of the specialized municipality of Strathcona County, to the extent of

(i) 60% of its assessment for the 2018 taxation year,

(ii) 70% of its assessment for the 2019 taxation year,

(iii) 80% of its assessment for the 2020 taxation year,

(iv) 90% of its assessment for the 2021 taxation year, and

(v) 100% of its assessment for the 2022 taxation year and all subsequent taxation years;

(c) any farm building in the urban service area of the specialized municipality of the Regional Municipality of Wood Buffalo, to the extent of

(i) 60% of its assessment for the 2018 taxation year,

(ii) 70% of its assessment for the 2019 taxation year,

(iii) 80% of its assessment for the 2020 taxation year,

(iv) 90% of its assessment for the 2021 taxation year, and

(v) 100% of its assessment for the 2022 taxation year and all subsequent taxation years;

(d) any farm building in the town of the specialized municipality of the Municipality of Jasper, to the extent of

(i) 60% of its assessment for the 2018 taxation year,

(ii) 70% of its assessment for the 2019 taxation year,

(iii) 80% of its assessment for the 2020 taxation year,

(iv) 90% of its assessment for the 2021 taxation year, and

(v) 100% of its assessment for the 2022 taxation year and all subsequent taxation years;

(e) any farm building in a city, town, village or summer village, to the extent of

(i) 60% of its assessment for the 2018 taxation year,

(ii) 70% of its assessment for the 2019 taxation year,

(iii) 80% of its assessment for the 2020 taxation year,

(iv) 90% of its assessment for the 2021 taxation year, and

(v) 100% of its assessment for the 2022 taxation year and all subsequent taxation years.

AR 220/2004 s27;330/2009

**FOR DISCUSSION PURPOSES ONLY**

# Part 5.1
# Assessment Information

**Definitions**

**27.1** In this Part,

(a) "coefficient" means a number that represents the quantified relationship of each variable to the assessed value of a property when derived through a mass appraisal process;

(b) "factor" means a property characteristic that contributes to a value of a property;

(c) "valuation model" means the representation of the relationship between property characteristics and their value in the real estate marketplace using a mass appraisal process;

(d) "variable" means a quantitative or qualitative representation of a property characteristic used in a valuation model.

AR 330/2009 s5

**Assessment record**

**27.2** For the purposes of section 299 of the Act, the assessment of a person's property is limited to the assessment for the current taxation year.

AR 330/2009 s5

**Key factors and variables of valuation model**

**27.3(1)** For the purposes of sections 299(1.1)(b) and 300(1.1)(d) of the Act, the key factors and variables of the valuation model applied in preparing the assessment of a property include

(a) descriptors and codes for variables used in the valuation model,

(b) where there is a range of descriptors or codes for a variable, the range and what descriptor and code was applied to the property, and

(c) any adjustments that were made outside the value of the variables used in the valuation model that affect the assessment of the property.

**(2)** Despite subsection (1), information that is required to be provided under section 299 or 300 of the Act does not include coefficients.

AR 330/2009 s5

**Access to assessment record**

**27.4(1)** For the purposes of section 299 of the Act, a municipality must, subject to subsection (4), provide the assessed person with the information described in section 299(1.1) of the Act in one of the following manners:

(a) in hard-copy form with the assessment notice for the property;

(b) in hard-copy form without the assessment notice for the property;

(c) through an internet website that is readily accessible to the assessed person.

**(2)** A municipality must provide the assessed person with the information described in section 299(1.1) of the Act within 15 days of receiving a request for the information.

**(3)** A municipality that provides the information in a manner set out in subsection (1)(a) or (c) is deemed to have met the requirements of subsection (2).

**(4)** A municipality that does not provide the information described in section 299(1.1) of the Act in a manner set out in subsection (1) must make reasonable arrangements to let the assessed person see the information at the municipality's office within 15 days of the request.

AR 330/2009 s5

**Access to summary of assessment**

**27.5(1)** For the purposes of section 300 of the Act, a municipality must, subject to subsection (4), provide the assessed person with a summary of the assessment for an assessed property in one of the following manners:

(a) in hard-copy form with the assessment notice for the property;

(b) in hard-copy form without the assessment notice for the property;

(c) through an internet website that is readily accessible to the assessed person.

**(2)** A municipality must provide the assessed person with a summary of the assessment for an assessed property within 15 days of receiving a request for the information.

**(3)** A municipality that provides a summary of the assessment for an assessed property in a manner set out in subsection (1)(a) or (c) is deemed to have met the requirements of subsection (2).

**(4)** A municipality that does not provide a summary of the assessment for an assessed property in a manner set out in subsection (1) must make reasonable arrangements to let the assessed person see the summary at the municipality's office within 15 days of the request.

**(5)** The 15-day period referred to in subsection (2) applies only in respect of a summary of the assessment for the first 5 assessed properties requested by an assessed person in any given year.

AR 330/2009 s5

**Compliance review**

**27.6(1)** In this section, "compliance review" means a review by the Minister to determine if a municipality has complied with an information request under section 299 or 300 of the Act and this Part.

**(2)** An assessed person may make a request to the Minister, in the form and manner required by the Minister, for a compliance review if the assessed person believes that a municipality has failed to comply with that person's request under section 299 or 300 of the Act.

**(3)** A request for a compliance review must be made within 45 days of the assessed person's request under section 299 or 300 of the Act.

**(4)** If, after a compliance review, the Minister determines that a municipality has failed to comply with a request under section 299 or 300 of the Act, the Minister may impose a penalty for non-compliance against the municipality in accordance with the Schedule.

AR 330/2009 s5

**Contents of assessment notice**

**27.7** In addition to the information described in section 309 of the Act, the following information must be contained on or attached to an assessment notice or an amended assessment notice:

(a) a statement specifying where copies of the complaint form and the assessment complaints agent authorization form

set out in Schedules 1 and 4, respectively, of the *Matters Relating to Assessment Complaints Regulation* may be found;

(b) a statement

(i) indicating that an assessed person is entitled to see or receive sufficient information about the person's property in accordance with section 299 of the Act or a summary of an assessment in accordance with section 300 of the Act, or both, and

(ii) specifying the procedures and timelines to be followed by an assessed person to request the information or summary.

AR 330/2009 s5

**Transition**

**27.8** This Part applies only to information with respect to assessments prepared in respect of the 2010 and subsequent taxation years.

AR 330/2009 s5

## Part 6
## Repeal, Expiry and Coming into Force

**Repeal**

**28** The *Matters Relating to Assessment and Taxation Regulation* (AR 289/99) is repealed.

**~~Expiry~~**

Removing the expiry date enables future reviews as they are needed.

~~**29** For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repealed in its present or an amended form following a review, this Regulation expires on November 30, 2018.~~

AR 220/2004 s29;257/2009;330/2009;184/2012

Indicates when the regulation comes into force.

**Coming into force**

**30** This Regulation comes into force on ~~December 1, 2004~~ January 1, 2018.

### Schedule

### Penalty for Non-Compliance

| Action | Penalties* |
|---|---|

**FOR DISCUSSION PURPOSES ONLY**

| | |
|---|---|
| Non-compliance with section 299 (the assessed person's property). | Up to $100 per day after the 15-day period for providing the information, to a maximum of $2500. |
| Non-compliance with section 300 (properties other than the assessed person's property): | |
| (a) for similar classes of property having comparable characteristics to the assessed person's property (relevant information); | Up to $100 per day after the 15-day period for providing the information, to a maximum of $2500. |
| (b) for dissimilar classes of property or property having non-comparable characteristics to the assessed person's property (non-relevant information). | $0. |

* Penalties are not applicable for multiple requests for information on the same property by the same assessed person during the same taxation year.

AR 330/2009 s7

*UPDATES TO EXISTING REGULATION

**FOR DISCUSSION PURPOSES ONLY**

# MATTERS RELATING TO ASSESSMENT COMPLAINTS REGULATION

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**FOR DISCUSSION PURPOSES ONLY**

**FOR DISCUSSION PURPOSES ONLY**





**Definitions**

**1(1)** In this Regulation,

(a) "Act" means the *Municipal Government Act*;

(b) "agent" means a person who, for a fee or potential fee, acts for an assessed person or a taxpayer during the assessment complaint process or at a hearing before a panel of an assessment review board or the Municipal Government Board;

~~(c) "clerk" means the designated officer appointed by a council under section 455 of the Act;~~

The term "clerk" is defined in the *Modernized Municipal Government Act* (*MMGA)* and has the same meaning in the regulation.

**FOR DISCUSSION PURPOSES ONLY**

(d) "complaint" means a complaint under Part 11 or 12 of the Act;

(e) "complaint form" means,

(i) in the case of a complaint to be heard by a panel of an assessment review board, the form set out in Schedule 1;

(ii) in the case of a complaint to be heard by the Municipal Government Board, the form containing the information referred to in section 19.

Provides clarity regarding who a presiding officer is on an assessment review board and aligns with the term in the *MMGA*.

(f)"presiding officer"

(i) in respect of a local assessment review board panel, means the presiding officer referred to in section 454.11(4) or (5) of the Act, as the case may be, or

(ii) in respect of a composite assessment review board panel, means the presiding officer referred to in section 454.21(5) of the Act;

Provides clarity that the Municipal Government Board includes any panel of the Board.

**(1.1)** In this Regulation, a reference to the Municipal Government Board includes any panel of the Board.

**(2)** ~~A word that is defined in Parts 9 to 12 of the Act has the same meaning when used in this Regulation~~. A term that is defined in Part 9, 10, 11 or 12 of the Act has the same meaning when used in this Regulation.



## Part 1
## Matters before Assessment Review Board

**Documents to be filed by complainant**

Provides clarity that hearings are before assessment review board panels.

**2(1)** If a complaint is to be heard by a panel of an assessment review board, the complainant must

(a) complete and file with the clerk a complaint in the form set out in Schedule 1, and

(b) pay the appropriate complaint fee set out in Schedule 2 at the time the complaint is filed if, in accordance with section 481 of the Act, a fee is required by the council.

**(2)** If a complainant does not comply with subsection (1),

(a) the complaint is invalid, and

(b) the ~~assessment review board~~ panel must dismiss the complaint.

## Division 1
## Hearing before Local Assessment Review Board Panel

**Scheduling and notice of hearing**

**3** If a complaint is to be heard by a local assessment review board panel, the clerk must

(a) provide, no later than the date the notice of hearing is provided to the complainant, written acknowledgement to the complainant that the complaint has been received,

(b) schedule a hearing date, and

(c) after a copy of the complaint form has been provided to the municipality in accordance with section 462(1) of the Act, notify the municipality, the complainant and any assessed person or taxpayer other than the complainant who is affected by the complaint of the date, time and location of the hearing and the requirements and timelines for disclosure of evidence not less than 35 days before the hearing date.

**Disclosure of evidence**

**4(1)** In this section, "complainant" includes an assessed person or taxpayer who is affected by a complaint who wishes to be heard at the hearing.

**(2)** If a complaint is to be heard by a local assessment review board panel, the following rules apply with respect to the disclosure of evidence:

(a) the complainant must, at least 21 days before the hearing date,

(i) disclose to the respondent and the local assessment review board the documentary evidence, a summary of the testimonial evidence, including any signed witness reports, and any written argument that the complainant intends to present at the hearing in sufficient detail to allow the respondent to respond to or rebut the evidence at the hearing, and

(ii) provide to the respondent and the local assessment review board an estimate of the amount of time necessary to present the complainant's evidence;

(b) the respondent must, at least 7 days before the hearing date,

(i) disclose to the complainant and the local assessment review board the documentary evidence, a summary of the testimonial evidence, including any signed witness reports, and any written argument that the respondent intends to present at the hearing in sufficient detail to allow the complainant to respond to or rebut the evidence at the hearing, and

(ii) provide to the complainant and the local assessment review board an estimate of the amount of time necessary to present the respondent's evidence;

(c) the complainant must, at least 3 days before the hearing date, disclose to the respondent and the local assessment review board the documentary evidence, a summary of the testimonial evidence, including any signed witness reports, and any written argument that the complainant intends to present at the hearing in rebuttal to the disclosure made under clause (b) in sufficient detail to allow the respondent to respond to or rebut the evidence at the hearing.

**Failure to disclose**

**5** ~~**(1)** A local assessment review board must not hear any matter in support of an issue that is not identified on the complaint form.~~

~~**(2)** A local assessment review board must not hear any evidence that has not been disclosed in accordance with section 4.~~

~~**(3)** A local assessment review board must not hear any evidence from a complainant relating to information that was requested by the assessor under section 294 or 295 of the Act but was not provided to the assessor.~~

~~**(4)** A local assessment review board must not hear any evidence from a municipality relating to information that was requested by a complainant under section 299 or 300 of the Act but was not provided to the complainant.~~

Ensures alignment with the changes in the *MGA* regarding the complaint process no longer being linked to the access to information process. Neither the complainant or the assessor can use the access to information process to prolong the complaints process or create an unfair advantage.

A local assessment review board panel must not hear

(a) any matter in support of an issue that is not identified on the complaint form, or

(b) any evidence that has not been disclosed in accordance with section 4.

**FOR DISCUSSION PURPOSES ONLY**

**Abridgment or expansion of time**

**6(1)** A local assessment review board panel may at any time, with the consent of all parties, abridge the time specified in section 3(c).

**(2)** Subject to the timelines specified in section 468 of the Act, a local assessment review board panel may at any time by written order expand the time specified in section 4(2)(a), (b) or (c).

**(3)** A time specified in section 4(2)(a), (b) or (c) for disclosing evidence or other documents may be abridged with the written consent of the persons entitled to the evidence or other documents.

## Division 2
## Hearing before Composite Assessment Review Board Panel

**Scheduling and notice of hearing**

**7** If a complaint is to be heard by a composite assessment review board panel, the clerk must

(a) provide, no later than the date the notice of hearing is provided to the complainant, written acknowledgement to the complainant that the complaint has been received,

(b) provide the Minister with a copy of the complaint form at the same time that the municipality is provided with a copy,

(c) schedule a hearing date, and

(d) after a copy of the complaint form has been provided to the municipality in accordance with section 462(2) of the Act and to the Minister in accordance with clause (b), notify the municipality, the complainant and any assessed person other than the complainant who is affected by the complaint of the date, time and location of the hearing and the requirements and timelines for disclosure of evidence not less than 70 days before the hearing date.

**Disclosure of evidence**

**8(1)** In this section, "complainant" includes an assessed person who is affected by a complaint who wishes to be heard at the hearing.

**FOR DISCUSSION PURPOSES ONLY**

**(2)** If a complaint is to be heard by a composite assessment review board panel, the following rules apply with respect to the disclosure of evidence:

(a) the complainant must, at least 42 days before the hearing date,

(i) disclose to the respondent and the composite assessment review board the documentary evidence, a summary of the testimonial evidence, including a signed witness report for each witness, and any written argument that the complainant intends to present at the hearing in sufficient detail to allow the respondent to respond to or rebut the evidence at the hearing, and

(ii) provide to the respondent and the composite assessment review board an estimate of the amount of time necessary to present the complainant's evidence;

(b) the respondent must, at least 14 days before the hearing date,

(i) disclose to the complainant and the composite assessment review board the documentary evidence, a summary of the testimonial evidence, including a signed witness report for each witness, and any written argument that the respondent intends to present at the hearing in sufficient detail to allow the complainant to respond to or rebut the evidence at the hearing, and

(ii) provide to the complainant and the composite assessment review board an estimate of the amount of time necessary to present the respondent's evidence;

(c) the complainant must, at least 7 days before the hearing date, disclose to the respondent and the composite assessment review board the documentary evidence, a summary of the testimonial evidence, including a signed witness report for each witness, and any written argument that the complainant intends to present at the hearing in rebuttal to the disclosure made under clause (b) in sufficient detail to allow the respondent to respond to or rebut the evidence at the hearing.

**FOR DISCUSSION PURPOSES ONLY**

~~**Failure to disclose**~~

~~**9(1)** A composite assessment review board must not hear any matter in support of an issue that is not identified on the complaint form.~~

~~**(2)** A composite assessment review board must not hear any evidence that has not been disclosed in accordance with section 8.~~

~~**(3)** A composite assessment review board must not hear any evidence from a complainant relating to information that was requested by the assessor under section 294 or 295 of the Act but was not provided to the assessor.~~

~~**(4)** A composite assessment review board must not hear any evidence from a municipality relating to information that was requested by a complainant under section 299 or 300 of the Act but was not provided to the complainant.~~

Ensures alignment with the changes in the *MGA* regarding the complaint process no longer being linked to the access to information process. Neither the complainant or the assessor can use the access to information process to prolong the complaints process or create an unfair advantage.

**Issues and evidence before panel**

**9** A composite assessment review board panel must not hear

(a) any matter in support of an issue that is not identified on the complaint form, or

(b) any evidence that has not been disclosed in accordance with section 8.

**Abridgment or expansion of time**

**10(1)** A composite assessment review board panel may at any time, with the consent of all parties, abridge the time specified in section 7(d).

**(2)** Subject to the timelines specified in section 468 of the Act, a composite assessment review board may at any time by written order expand the time specified in section 8(2)(a), (b) or (c).

**(3)** A time specified in section 8(2)(a), (b) or (c) for disclosing evidence or other documents may be abridged with the written consent of the persons entitled to the evidence or other documents.

## Division 3
## General Procedural Matters

**Complaint fees**

**11(1)** The fees payable by persons wishing to make a complaint or be involved as a party in a hearing by an assessment review board are those fees set out in Schedule 2.

**FOR DISCUSSION PURPOSES ONLY**

**(2)** If a complainant withdraws a complaint on agreement with the assessor to correct any matter or issue under complaint, any complaint filing fee must be refunded to the complainant.

**Joint jurisdiction**

**12** If a property is used or designated for multiple purposes in circumstances where both a local assessment review board and a composite assessment review board have jurisdiction to hear a complaint with respect to the property, the complaint must be heard by the composite assessment review board.

**Decision of assessment review board panel**

~~**13(1)** For the purposes of section 468 of the Act, a decision of an assessment review board must include~~

~~(a) a brief summary of the matters or issues contained on the complaint form,~~

~~(b) the board's decision in respect of each matter or issue,~~

~~(c) the reasons for the decision, including any dissenting reasons, and~~

~~(d) any procedural or jurisdictional matters that arose during the hearing, and the board's decision in respect of those matters.~~

~~**(2)** The clerk of composite assessment review board must, within 7 days of a composite assessment review board rendering a decision, provide the Minister with a copy of that decision.~~

~~**(3)** A municipality must retain a record of all decisions of a local assessment review board for at least 5 years.~~

Provides clarity that hearings are before assessment review board panels.

**13(1)** For the purposes of section 468 of the Act, a decision of a panel of an assessment review board must include

(a) a brief summary of the matters or issues contained on the complaint form,

(b) the panel's decision in respect of each matter or issue,

(c) the reasons for the decision, including any dissenting reasons, and

(d) any procedural or jurisdictional matters that arose during the hearing, and the panel's decision in respect of those matters.

**FOR DISCUSSION PURPOSES ONLY**

**(2)** The clerk of a composite assessment review board must, within 7 days after a composite assessment review board panel renders a decision, provide the Minister with a copy of the decision.

**(3)** A municipality must retain a record of all decisions of a local assessment review board panel for at least 5 years.

~~**Record of hearing**~~

**14(1)** ~~An~~ A clerk of an assessment review board must make and keep a record of each hearing in accordance with subsection (2).

**(2)** ~~A record~~ Subject to section 464.1 of the Act, a record of a hearing must include

(a) the complaint form,

(b) all documentary evidence filed in the matter,

(c) a list of witnesses who gave evidence at the hearing,

(d) a transcript or recording of the hearing or, in the absence of a transcript or recording, a summary of all testimonial evidence given at the hearing,

(e) all written arguments presented at the hearing,

(f) a written list that is prepared at the end of the hearing that identifies those matters or issues from the complaint form about which evidence was given or argument was made at the hearing, and

(g) the decision of the panel of the assessment review board referred to in section 13.

**(3)** If evidence given at a hearing is recorded by means of a sound-recording machine, a party to a hearing may request a copy of the sound recording or the transcript of the sound recording if the party pays for the cost of preparing the copy or transcript.

**(4)** Subsection (3) does not apply in respect of

(a) a sound recording or transcript, or any part of a sound recording or transcript, from a private hearing conducted under section 464.1 of the Act, or

(b) a transcript, or any part of a transcript, that is excluded from the public record under section 464.1 of the Act.

**FOR DISCUSSION PURPOSES ONLY**

**Form of undertaking respecting private hearing**

**14.1** An undertaking under section 464.1(3) of the Act must be given in a form acceptable to the presiding officer.

**Postponement or adjournment of hearing**

**15(1)** Except in exceptional circumstances as determined by a panel of an assessment review board, ~~an assessment review board~~ the panel may not grant a postponement or adjournment of a hearing.

**(2)** A request for a postponement or an adjournment must be in writing and contain reasons for the postponement or adjournment, as the case may be.

**(3)** Subject to the timelines specified in section 468 of the Act, if a panel of an assessment review board grants a postponement or adjournment of a hearing, the ~~assessment review board~~ panel must schedule the date, time and location for the hearing at the time the postponement or adjournment is granted.

**Personal attendance not required**

**16(1)** Parties to a hearing before a panel of an assessment review board may attend the hearing in person or may, instead of attending in person, file a written presentation with the clerk ~~of the assessment review board~~.

**(2)** A party who files a written presentation under subsection (1) must provide a copy of it to the other parties,

(a) in the case of a hearing before a local assessment review board panel, at least 3 days before the hearing;

(b) in the case of a hearing before a composite assessment review board, at least 7 days before the hearing.

**Independent legal advice**

**17** ~~An~~ A panel of an assessment review board may only seek legal advice from a lawyer who is independent from the parties to a hearing.

**FOR DISCUSSION PURPOSES ONLY**

# Part 2
# Matters before Municipal Government Board

**Documents to be filed by complainant**

**18(1)** If a complaint is to be heard by the Municipal Government Board, the complainant must

(a) complete and file with the ~~administrator~~ chair a complaint containing the information set out in section 19, and

(b) pay the appropriate complaint fee set out in Schedule 2 at the time the complaint is filed.

**(2)** If a complainant does not comply with subsection (1),

(a) the complaint is invalid, and

(b) the Municipal Government Board must dismiss the complaint.

**Form of complaint**

**19** For the purposes of section 491(1) of the Act, the form of complaint must be in writing and contain the information described in section 491(2) of the Act and,

(a) in respect of a complaint about linear property,

(i) the name of the assessed person as shown on the assessment notice,

(ii) the complainant's name if different from the assessed person,

(iii) the contact information for the complainant,

~~(iv) the Linear Property Assessment Unit Identification number for the linear property under complaint,~~

(iv) the Designated Industrial Property Assessment Unit Identification number for the designated industrial property under complaint,

(v) the municipality in which the ~~linear property~~ designated industrial property under complaint is located,

(vi) the matter for complaint as described in section 492(1) of the Act,

Ensures alignment with the changes in the *MGA* regarding the centralized assessment of industrial property. Linear property is now a subsidiary of designated industrial property.

(vii) what information used in the ~~linear property~~ designated industrial property assessment calculation process prescribed by the Minister's Guidelines is incorrect,

(viii) in what respect that information is incorrect,

(ix) what the correct information is to be used in the ~~linear property~~ designated industrial property assessment calculation process,

(x) the source of that information,

(xi) the requested assessed value, if the complaint relates to an assessment, and

(xii) the specific issues related to the incorrect information that are to be decided by the Municipal Government Board, and the reasons in support of the complainant's position on those issues,

and

(b) in respect of a complaint about the amount of an equalized assessment,

(i) the information described in section 491(4) of the Act, and

(ii) the specific issues related to the incorrect information that are to be decided by the Municipal Government Board, and the reasons in support of the complainant's position on those issues.

## Division 1
## Hearing before Municipal Government Board

**Scheduling and notice of hearing**

**20** If a complaint is to be heard by the Municipal Government Board, the ~~administrator~~ chair must

Ensures alignment with the changes in the *MGA* regarding the centralization and the provincial assessor.

(a) within 7 days of receiving a complaint, provide the ~~assessor designated by the Minister~~ provincial assessor with a copy of the complaint form,

(b) schedule a hearing date, and

(c) ~~after a copy of the complaint form has been provided to the municipality in accordance with section 494 of the Act~~

**FOR DISCUSSION PURPOSES ONLY**

~~and to the assessor designated by the Minister in accordance with clause (a), notify the municipality, the assessor designated by the Minister, the complainant and any assessed person other than the complainant who is affected by the complaint of the date, time and location of the hearing not less than 70 days before the hearing date.~~

not less than 70 days before the scheduled hearing date, give the notifications required by section 494(1)(b) of the Act.

**Disclosure of evidence**

**21(1)** In this section, "complainant" includes an assessed person who is affected by a complaint who wishes to be heard at the hearing.

**(2)** If a complaint is to be heard by the Municipal Government Board, the following rules apply with respect to the disclosure of evidence:

(a) the complainant must, at least 42 days before the hearing date,

(i) disclose to the respondent and the Municipal Government Board the documentary evidence, a summary of the testimonial evidence, including a signed witness report for each witness, and any written argument that the complainant intends to present at the hearing in sufficient detail to allow the respondent to respond to or rebut the evidence at the hearing, and

(ii) provide to the respondent and the Municipal Government Board an estimate of the amount of time necessary to present the complainant's evidence;

(b) the respondent must, at least 14 days before the hearing date,

(i) disclose to the complainant and the Municipal Government Board the documentary evidence, a summary of the testimonial evidence, including a signed witness report for each witness, and any written argument that the respondent intends to present at the hearing in sufficient detail to allow the complainant to respond to or rebut the evidence at the hearing, and

**FOR DISCUSSION PURPOSES ONLY**

(ii) provide to the complainant and the Municipal Government Board an estimate of the amount of time necessary to present the respondent's evidence;

(c) the complainant must, at least 7 days before the hearing date, disclose to the respondent and the Municipal Government Board the documentary evidence, a summary of the testimonial evidence, including a signed witness report for each witness, and any written argument that the complainant intends to present at the hearing in rebuttal to the disclosure made under clause (b) in sufficient detail to allow the respondent to respond to or rebut the evidence at the hearing.

~~**Failure to disclose**~~

~~**22(1)** The Municipal Government Board must not hear any matter in support of an issue that is not identified on the complaint form.~~

~~**(2)** The Municipal Government Board must not hear any evidence that has not been disclosed in accordance with section 21.~~

~~**(3)** The Municipal Government Board must not hear any evidence from a complainant relating to information that was requested by the assessor under section 292, 294 or 295 of the Act but was not provided to the assessor.~~

~~**(4)** The Municipal Government Board must not hear evidence from a complainant relating to information that was requested by the Minister under section 319 of the Act or required to be reported under the Minister's Guidelines but was not provided or reported to the Minister.~~

Ensures alignment with the changes in the *MGA* regarding the complaint process no longer being linked to the access to information process. Neither the complainant or the assessor can use the access to information process to prolong the complaints process or create an unfair advantage.

**Issues and evidence before the Board**

**22** The Municipal Government Board must not hear

(a) any matter in support of an issue that is not identified on the complaint form,

(b) any evidence that has not been disclosed in accordance with section 21, or

(c) evidence from a complainant relating to information that was requested by the Minister under section 319 of the Act or required to be reported under the Minister's Guidelines but was not provided or reported to the Minister.

**Abridgment or expansion of time**

**23(1)** The Municipal Government Board may at any time, with the consent of all parties, abridge the time specified in section 20(c).

**(2)** Subject to the timelines specified in section 500 of the Act, the Municipal Government Board may at any time by written order expand the time specified in section 21(2)(a), (b) or (c).

**(3)** A time specified in section 21(2)(a), (b) or (c) for disclosing evidence or other documents may be abridged with the written consent of the persons entitled to that evidence or documents.

## Division 2
## General Procedural Matters

**Complaint fees**

**24(1)** The fees payable by a person wishing to make a complaint or to be involved as a party or intervener in a hearing by the Municipal Government Board in respect of ~~linear property~~ designated industrial property or an equalized assessment are those fees set out in Schedule 2.

**(2)** If

(a) a complainant withdraws a complaint on agreement with the ~~assessor designated by the Minister~~ provincial assessor or the Minister, as the case may be, to correct any matter or issue under complaint,

(b) the Municipal Government Board makes a decision in favour of the complainant, or

(c) the Municipal Government Board makes a decision that is not in favour of the complainant, but on appeal the Court of Queen's Bench makes a decision in favour of the complainant,

any complaint filing fee must be refunded to the complainant.

**Decision of Municipal Government Board**

**25** For the purposes of section 500 of the Act, a decision of the Municipal Government Board must include

(a) a brief summary of the matters and issues contained on the complaint form,

(b) the Municipal Government Board's decision in respect of each matter or issue,

(c) the reasons for the decision, including any dissenting reasons, and

(d) any procedural or jurisdictional matters that arose during the hearing, and the Municipal Government Board's decision in respect of those matters.

**Record of hearing**

**26(1)** The Municipal Government Board must make and keep a record of each hearing in accordance with subsection (2).

**(2)** ~~A record~~ Subject to section 525.1 of the Act, a record of a hearing must include

(a) the complaint form,

(b) all documentary evidence filed in the matter,

(c) a list of witnesses who gave evidence at the hearing,

(d) a transcript or recording of the hearing or, in the absence of a transcript or recording, a summary of all testimonial evidence given at the hearing,

(e) all written arguments presented at the hearing,

(f) a written list that is prepared at the end of the hearing that identifies those matters or issues from the complaint form about which evidence was given or argument was made at the hearing, and

(g) the decision of the Municipal Government Board referred to in section 25.

**(3)** If evidence given at a hearing is recorded by means of a sound-recording machine, a party to a hearing may request a copy of the sound recording or the transcript of the sound recording, if the party pays for the cost of preparing the copy or transcript.

**(4)** Subsection (3) does not apply in respect of

(a) a sound recording or transcript, or any part of a sound recording or transcript, from a private hearing conducted under section 525.1 of the Act, or

(b) a transcript, or any part of a transcript, that is excluded from the public record under section 525.1 of the Act.

**FOR DISCUSSION PURPOSES ONLY**

**Form of undertaking respecting private hearing**

**26.1** An undertaking under section 525.1(3) of the Act must be given in a form acceptable to the chair.

**Postponement or adjournment of hearing**

**27(1)** Except in exceptional circumstances as determined by the Municipal Government Board, the Municipal Government Board may not grant a postponement or adjournment of a hearing.

**(2)** A request for a postponement or an adjournment must be in writing and contain reasons for the postponement or adjournment, as the case may be.

**(3)** Subject to the timelines specified in section 500 of the Act, if the Municipal Government Board grants a postponement or adjournment, the Municipal Government Board must schedule the date, time and location for the hearing at the time the postponement or adjournment is granted.

**Personal attendance not required**

**28(1)** Parties to a hearing before the Municipal Government Board may attend the hearing in person or may, instead of attending in person, file a written presentation with the administrator of the Municipal Government Board.

**(2)** A party who files a written presentation under subsection (1) must provide a copy of it to the other parties at least 7 days before the hearing.

**Independent legal advice**

**29** The Municipal Government Board may only seek legal advice from a lawyer who is independent from the parties to a hearing.

**FOR DISCUSSION PURPOSES ONLY**

# Part 3
# ~~One-member Assessment Review Board and Municipal Government Board Panel~~

This Part is amended so that one-member assessment review boards refer to one-member assessment review board panels. One-member boards no longer hear complaints, but rater panels which reduces administrative burden on municipalities.

## One-member Panel

### Division 1
### One-member Local Assessment Review Board Panel

~~**One-member local assessment review board**~~

~~**30(1)** Pursuant to section 454.1(2) of the Act, a council may establish a local assessment review board consisting of only one member.~~

~~**(2)** A one-member local assessment review board may hear and decide one or more of the following matters:~~

~~(a) a complaint about a matter shown on a tax notice, other than a property tax notice;~~

~~(b) a complaint about a matter shown on an assessment notice, other than an assessment;~~

~~(c) a procedural matter, including, without limitation, the scheduling of a hearing, the granting or refusal of a postponement or adjournment, an expansion of time and an issue involving the disclosure of evidence;~~

~~(d) an administrative matter, including, without limitation, an invalid complaint;~~

~~(e) any matter, other than an assessment, where all of the parties consent to a hearing before a one-member assessment review board.~~

**One-member local assessment review board panel**

**30** A one-member local assessment review board panel may hear and decide one or more of the following matters but no other matter:

(a) a complaint about a matter shown on a tax notice, other than a property tax notice;

(b) a complaint about a matter shown on an assessment notice, other than an assessment;

(c) a procedural matter, including, without limitation, the scheduling of a hearing, the granting or refusal of a postponement or adjournment, an expansion of time and an issue involving the disclosure of evidence;

(d) an administrative matter, including, without limitation, an invalid complaint;

(e)any matter, other than an assessment, where all of the parties consent to a hearing before a one-member local assessment review board panel.

**Part 1 applies**

**31** Subject to this Division, Part 1 applies to a one-member local assessment review board panel.

~~**Notice of hearing**~~

~~**32** If a complaint is to be heard by a one-member local assessment review board, the clerk must, after a copy of the complaint has been provided to the municipality, notify the municipality, the complainant and any assessed person or taxpayer other than the complainant who is affected by the complaint of the date, time and location of the hearing not less than 15 days before the hearing date.~~

**Notice of hearing before one-member panel**

**32** If a complaint is to be heard by a one-member local assessment review panel, the clerk must give the notifications required by section 462(1) of the Act not less than 15 days before the hearing date that is scheduled under section 3.

**Disclosure of evidence**

**33(1)** In this section, "complainant" includes an assessed person or taxpayer who is affected by a complaint who wishes to be heard at the hearing.

**(2)** If a complaint is to be heard by a one-member local assessment review board panel, the following rules apply with respect to the disclosure of evidence:

(a) the complainant must, at least 7 days before the hearing date,

(i) disclose to the respondent and the one-member local assessment review board the documentary evidence, a summary of the testimonial evidence, including any signed witness reports, and any written argument that the complainant intends to present at the hearing in

**FOR DISCUSSION PURPOSES ONLY**

sufficient detail to allow the respondent to respond to or rebut the evidence at the hearing, and

(ii) provide to the respondent and the one-member local assessment review board an estimate of the amount of time necessary to present the complainant's evidence;

(b) the respondent must, at least 7 days before the hearing date,

(i) disclose to the complainant and the one-member local assessment review board the documentary evidence, a summary of the testimonial evidence, including any signed witness reports, and any written argument that the respondent intends to present at the hearing in sufficient detail to allow the complainant to respond to or rebut the evidence at the hearing, and

(ii) provide to the complainant and the one-member local assessment review board an estimate of the amount of time necessary to present the respondent's evidence.

~~**Failure to disclose**~~

~~**34(1)** A one-member local assessment review board must not hear any matter in support of an issue that is not identified on the complaint form.~~

~~**(2)** A one-member local assessment review board must not hear any evidence that has not been disclosed in accordance with section 33.~~

~~**(3)** A one-member local assessment review board must not hear any evidence from a complainant relating to information that was requested by the assessor under section 294 or 295 of the Act but was not provided to the assessor.~~

~~**(4)** A one-member local assessment review board must not hear any evidence from a municipality relating to information that was requested by a complainant under section 299 or 300 of the Act but was not provided to the complainant.~~

Ensures alignment with the changes in the *MGA* regarding the complaint process no longer being linked to the access to information process. Neither the complainant or the assessor can use the access to information process to prolong the complaints process or create an unfair advantage.

**Issues and evidence before one-member panel**

**34** A one-member local assessment review board panel must not hear

(a) any matter in support of an issue that is not identified on the complaint form, or

(b) any evidence that has not been disclosed in accordance with section 33.

**Abridgment or expansion of time**

**35(1)** A one-member local assessment review board panel may at any time, with the consent of all parties, abridge the time specified in section 32.

**(2)** Subject to the timelines specified in section 468 of the Act, a one-member local assessment review board panel may at any time by written order expand the time specified in section 33(2)(a) or (b).

**(3)** A time specified in section 33(2)(a) or (b) for disclosing evidence or other documents may be abridged with the written consent of the persons entitled to the evidence or other documents.

## Division 2
## One-member Composite Assessment Review Board Panel

~~**One-member composite assessment review board**~~

~~**36(1)** Pursuant to section 454.2(3) of the Act, a council may establish a composite assessment review board consisting of only one member.~~

~~**(2)** A one-member composite assessment review board may hear and decide one or more of the following matters:~~

~~(a) a complaint about a matter shown on an assessment notice, other than an assessment;~~

~~(b) a procedural matter, including, without limitation, the scheduling of a hearing, the granting or refusal of a postponement or adjournment, an expansion of time and an issue involving the disclosure of evidence;~~

~~(c) an administrative matter, including, without limitation, an invalid complaint;~~

~~(d) any matter, other than an assessment, where all of the parties consent to a hearing before a one-member composite assessment review board.~~

**One-member composite assessment review board panel**

**36** A one-member composite assessment review board panel may hear and decide one or more of the following matters but no other matter:

(a) a complaint about a matter shown on an assessment notice, other than an assessment;

(b) a procedural matter, including, without limitation, the scheduling of a hearing, the granting or refusal of a postponement or adjournment, an expansion of time and an issue involving the disclosure of evidence;

(c) an administrative matter, including, without limitation, an invalid complaint;

(d) any matter, other than an assessment, where all of the parties consent to a hearing before a one-member composite assessment review board panel.

**Part 1 applies**

**37** Subject to this Division, Part 1 applies to a one-member composite assessment review board panel.

~~**Notice of hearing**~~

~~**38** If a complaint is to be heard before a one-member composite assessment review board, the clerk must, after a copy of the complaint has been provided to the municipality, notify the municipality, the complainant and any assessed person other than the complainant who is affected by the complaint of the date, time and location of the hearing not less than 15 days before the date of the hearing is scheduled.~~

**Notice of hearing before one-member panel**

**38** If a complaint is to be heard by a one-member composite assessment review panel, the clerk must give the notifications required by section 462(2) of the Act not less than 15 days before the hearing date that is scheduled under section 3.

**Disclosure of evidence**

**39(1)** In this section, "complainant" includes an assessed person who is affected by a complaint who wishes to be heard at the hearing.

**(2)** If a complaint is to be heard by a one-member composite assessment review board panel, the following rules apply with respect to the disclosure of evidence:

(a) the complainant must, at least 7 days before the hearing date,

(i) disclose to the respondent and the one-member composite assessment review board the documentary

evidence, a summary of the testimonial evidence, including a signed witness report for each witness, and any written argument that the complainant intends to present at the hearing in sufficient detail to allow the respondent to respond to or rebut the evidence at the hearing, and

(ii) provide to the respondent and the one-member composite assessment review board an estimate of the amount of time necessary to present the complainant's evidence;

(b) the respondent must, at least 7 days before the hearing date,

(i) disclose to the complainant and the one-member composite assessment review board the documentary evidence, a summary of the testimonial evidence, including a signed witness report for each witness, and any written argument that the respondent intends to present at the hearing in sufficient detail to allow the complainant to respond to or rebut the evidence at the hearing, and

(ii) provide to the complainant and the one-member composite assessment review board an estimate of the amount of time necessary to present the complainant's evidence.

~~**Failure to disclose**~~

~~**40(1)** A one-member composite assessment review board must not hear any matter in support of an issue that is not identified on the complaint form.~~

~~**(2)** A one-member composite assessment review board must not hear any evidence that has not been disclosed in accordance with section 39.~~

~~**(3)** A one-member composite assessment review board must not hear any evidence from a complainant relating to information that was requested by the assessor under section 294 or 295 of the Act but was not provided to the assessor.~~

~~**(4)** A one-member composite assessment review board must not hear any evidence from a municipality relating to information that was requested by a complainant under section 299 or 300 of the Act but was not provided to the complainant.~~

Ensures alignment with the changes in the *MGA* regarding the complaint process no longer being linked to the access to information process. Neither the complainant or the assessor can use the access to information process to prolong the complaints process or create an unfair advantage.

**Issues and evidence before one-member panel**

**40** A one-member composite assessment review panel must not hear

(a) any matter in support of an issue that is not identified on the complaint form, or

(b) any evidence that has not been disclosed in accordance with section 39.

**Abridgment or expansion of time**

**41(1)** A one-member composite assessment review board panel may at any time, with the consent of all parties, abridge the time specified in section 38.

**(2)** Subject to the timelines specified in section 468 of the Act, a one-member composite assessment review board panel may at any time by written order expand the time specified in section 39(2)(a) or (b).

**(3)** A time specified in section 39(2)(a) or (b) for disclosing evidence or other documents may be abridged with the written consent of the persons entitled to the evidence or other documents.

## Division 3
## One-member Municipal Government Board Panel

**One-member Municipal Government Board panel**

**42(1)** One member of the Municipal Government Board may sit as a panel of the Municipal Government Board to hear and decide on one or more of the following matters but no other matter:

(a) a complaint about a matter shown on an assessment notice, other than an assessment;

(b) a procedural matter, including, without limitation, the scheduling of a hearing, the granting or refusal of a postponement or adjournment, an expansion of time and an issue involving the disclosure of evidence;

(c) an administrative matter, including, without limitation, an invalid complaint;

(d) any matter where all of the parties consent to a hearing before a one-member Municipal Government Board panel.

**Part 2 applies**

**43** Subject to this Division, Part 2 applies to a one-member Municipal Government Board panel.

~~**Notice of hearing**~~

~~**44** If a complaint is to be heard before a one-member Municipal Government Board panel, the administrator must, after a copy of the complaint form has been provided to the municipality and to the assessor designated by the Minister in accordance with section 20(a), notify the assessor designated by the Minister, the municipality, the complainant and any assessed person other than the complainant who is affected by the complaint of the date, time and location of the hearing not less than 15 days before the date of the hearing is scheduled.~~

**Notice of hearing before one-member panel**

**44** If a complaint is to be heard before a one-member Municipal Government Board panel, the chair must give the notifications required by section 494(1)(b) of the Act not less than 15 days before the date that is scheduled under section 20.

**Disclosure of evidence**

**45(1)** In this section, "complainant" includes an assessed person who is affected by a complaint who wishes to be heard at the hearing.

**(2)** If a complaint is to be heard by a one-member Municipal Government Board panel, the following rules apply with respect to the disclosure of evidence:

(a) the complainant must, at least 7 days before the hearing date,

(i) disclose to the respondent and the one-member Municipal Government Board panel the documentary evidence, a summary of the testimonial evidence, including a signed witness report for each witness, and any written argument that the complainant intends to present at the hearing in sufficient detail to allow the respondent to respond to or rebut the evidence at the hearing, and

(ii) provide to the respondent and the one-member Municipal Government Board panel an estimate of the amount of time necessary to present the complainant's evidence;

(b) the respondent must, at least 7 days before the hearing date,

(i) disclose to the complainant and the one-member Municipal Government Board panel the documentary evidence, a summary of the testimonial evidence, including a signed witness report for each witness, and any written argument that the respondent intends to present at the hearing in sufficient detail to allow the complainant to respond to or rebut the evidence at the hearing, and

(ii) provide to the complainant and the one-member Municipal Government Board panel an estimate of the amount of time necessary to present the respondent's evidence.

~~**Failure to disclose**~~

~~**46(1)** A one-member Municipal Government Board panel must not hear any matter in support of an issue that is not identified on the complaint form.~~

~~**(2)** A one-member Municipal Government Board panel must not hear any evidence that has not been disclosed in accordance with section 45.~~

~~**(3)** A one-member Municipal Government Board panel must not hear any evidence from a complainant relating to information that was requested by the assessor under section 292, 294 or 295 of the Act but was not provided to the assessor.~~

Ensures alignment with the changes in the *MGA* regarding the complaint process no longer being linked to the access to information process. Neither the complainant or the assessor can use the access to information process to prolong the complaints process or create an unfair advantage.

**Issues and evidence before one-member panel**

**46** A one-member Municipal Government Board panel must not hear

(a) any matter in support of an issue that is not identified on the complaint form, or

(b) any evidence that has not been disclosed in accordance with section 45.



**Abridgment or expansion of time**

**47(1)** A one-member Municipal Government Board panel may at any time, with the consent of all parties, abridge the time specified in section 44.

**(2)** Subject to the timelines specified in section 500 of the Act, a one-member Municipal Government Board panel may at any time by written order expand the time specified in section 45(2)(a) or (b).

**(3)** A time specified in section 45(2)(a) or (b) for disclosing evidence or other documents may be abridged with the written consent of the persons entitled to the evidence or other documents.

## Part 4
## Provincial Member

**Appointment of provincial member**

**48(1)** When a council has established a composite assessment review board, the municipality must, within 30 days, provide written notice of that fact to the Minister.

**(2)** The Minister ~~may~~ must, after receiving written notice from the municipality that the council has established a composite assessment review board, appoint a provincial member to the composite assessment review board.

**(3)** Repealed AR 215/2012 s2.

**(4)** The Minister may only appoint as a provincial member a current member of the Municipal Government Board.

AR 310/2009 s48;215/2012

## Part 5
## Training and Qualifications

**Training requirements**

**49(1)** Every clerk ~~and administrator~~ must

(a) successfully complete a training program set or approved by the Minister, and

(b) every 3 years successfully complete a refresher training program set by the Minister.

**(1.1)** The chair of the Municipal Government Board and any delegate of the chair must

(a) successfully complete a training program set or approved by the Minister, and

(b) periodically, as required by the Minister, successfully complete a refresher training program set by the Minister.

Ensures alignment with the *MMGA* regarding complaints filed with the chair of the Municipal Government Board.

**(2)** In order for a member ~~an assessment review board or a panel of the Municipal Government Board~~ of a panel of an assessment review board or of the Municipal Government Board to be qualified to participate in a hearing, the member must

(a) successfully complete a training program set or approved by the Minister, and

(b) every 3 years successfully complete a refresher training program set by the Minister.

AR 310/2009 s49;215/2012

**Ineligibility**

**50** A person may not be a member of an assessment review board or the Municipal Government Board if the person

(a) is an assessor,

(b) is an employee of the municipality for which the assessment review board is established, or

(c) is an agent.

## Part 6
## General Matters

**Agent authorization**

Provide clarity that the requirement that the agent authorization form is to be submitted prior to an agent contacting an assessment review board or the Municipal Government Board on behalf of a complainant.

**51** An agent may not file a complaint or act for an assessed person or taxpayer at a hearing unless the assessed person or taxpayer has prepared and filed ~~with the clerk or administrator an assessment complaints agent authorization form set out in Schedule 4.~~ an assessment complaints agent authorization form set out in Schedule 4 with the clerk of the assessment review board or the chair of the Municipal Government Board, as the case may be.

**Costs**

**52(1)** Any party to a hearing before a composite assessment review board panel or the Municipal Government Board may make an application to the composite assessment review board or the Municipal Government Board, as the case may be, at any time, but no later than 30 days after the conclusion of the hearing, for an award of costs in an amount set out in Schedule 3 that are directly and primarily related to matters contained in the complaint and the preparation of the party's submission.

**(2)** In deciding whether to grant an application for the award of costs, in whole or in part, the composite assessment review board panel or the Municipal Government Board may consider the following:

(a) whether there was an abuse of the complaint process;

(b) whether the party applying for costs incurred additional or unnecessary expenses as a result of an abuse of the complaint process.

**(3)** A composite assessment review board panel or the Municipal Government Board may on its own initiative and at any time award costs.

**(4)** Any costs that the ~~composite assessment review board or the Municipal Government Board award~~ composite assessment review board panel or the Municipal Government Board awards are those set out in Schedule 3.

**(5)** If the complainant is

(a) the assessed person or the taxpayer of the property under complaint,

(b) an employee or representative of that assessed person or taxpayer, or

(c) an agent for that assessed person or taxpayer,

the assessed person or the taxpayer is responsible for any costs awarded by a composite assessment review board panel.

**(6)** If the complainant is

(a) the assessed person or the taxpayer of property other than the property under complaint,

(b) an employee or representative of that assessed person or taxpayer, or

(c) an agent for that assessed person or taxpayer,

the complainant is responsible for any costs awarded by a composite assessment review board panel.

**(7)** If the complainant is

(a) the assessed person ~~of linear property~~ in respect of designated industrial property under complaint,

(b) an employee or representative of that assessed person, or

(c) an agent for that assessed person,

the assessed person is responsible for any costs awarded by the Municipal Government Board.

**(8)** The municipality in which the property under complaint is located is responsible for any costs awarded by a composite assessment review board panel against an employee or representative of the municipality.

**(9)** The municipality that files a complaint about an equalized assessment or ~~linear property~~ designated industrial property is responsible for any costs awarded by the Municipal Government Board against an employee or representative of the municipality.

**(10)** The Minister is responsible for any costs awarded by the Municipal Government Board against an employee or representative of the Minister.

**Supplementary assessment notice, amended assessment notice or any amended tax notice other than a property tax notice**

**53** For the purposes of section 468(2) of the Act, a panel of an assessment review board must render its decision and provide reasons for that decision, including any dissenting reasons,

(a) in the case of a hearing before a local assessment review board panel

(i) within 160 days from the date that a complaint was filed, or

(ii) before the end of the taxation year to which the complaint that is the subject of the hearing applies,

whichever is later,

(b) in the case of a hearing before a composite assessment review board panel,

(i) within 210 days from the date that a complaint was filed, or

(ii) before the end of the taxation year to which the complaint that is the subject of the hearing applies,

whichever is later, or

(c) in the case of a hearing before ~~one-member assessment review board~~ a one-member panel of an assessment review board,

(i) within 110 days from the date that a complaint was filed, or

(ii) before the end of the taxation year to which the complaint that is the subject of the hearing applies,

whichever is later.

AR 310/2009 s53;215/2012

**Complaint form must be available**

**54** A municipality must ensure that copies of the complaint form set out in Schedule 1 and the assessment complaints agent authorization form set out in Schedule 4 are readily available to the public.

## Part 7
## Transitional Provisions, Repeals, Expiry and Coming into Force

**Transitional**

**55(1)** Despite the repeal of the *Assessment Complaints and Appeals Regulation* (AR 238/2000) and the *Assessment Complaints Fee Regulation* (AR 243/2008), those regulations continue to apply to all appeals and complaints filed with respect to the 2009 taxation year and previous taxation years.

~~**(2)** This Regulation applies to complaints with respect to the 2010 and subsequent taxation years.~~

**(2)** This Regulation as it read immediately before January 1, 2018, applies to complaints with respect to the 2010 taxation year and subsequent taxation years up to and including the 2017 taxation year.

**(2.1)** This Regulation as it reads after January 1, 2018, applies with respect to the 2018 taxation year and subsequent taxation years.

**(3)** Notwithstanding anything in this Regulation, where a person has made a complaint under section 460 or 491 of the *Municipal Government Act*, RSA 2000 cM-26, before this subsection comes into force and the complaint process has not been concluded by the time this subsection comes into force, the complaint must continue to be dealt with in accordance with the *Municipal Government Act* and the regulations under the *Municipal Government Act* as they read immediately before the coming into force of this subsection.

AR 310/2009 s55;215/2012

**Repeals**

**56** The following regulations are repealed:

(a) *Assessment Complaints and Appeals Regulation* (AR 238/2000);

(b) *Assessment Complaints Fee Regulation* (AR 243/2008).

**FOR DISCUSSION PURPOSES ONLY**

Removing the expiry date enables future reviews as they are needed.

~~**Expiry**~~

~~**57** For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on September 30, 2018.~~

AR 310/2009 s57;215/2012

Indicates when the regulation comes into force.

**Coming into force**

**58** This Regulation comes into force on January 1, 2018~~2010~~.



## Schedule 1

**Government of Alberta** ■

**Assessment Review Board Complaint**

| Municipality Name (as shown on your assessment notice or tax notice) | Tax Year |
|---|---|

**Section 1 — Notice Type**

Assessment notice:
- ☐ Annual Assessment
- ☐ Amended Annual Assessment
- ☐ Supplementary Assessment
- ☐ Amended Supplementary Assessment

Tax Notice:
- ☐ Business Tax
- ☐ Other Tax (excluding property tax and business tax) _____ Name of Other Tax

**Section 2 — Property Information**

Assessment Roll or Tax Roll Number

Property Address

Legal Land Description (i.e. Plan, Block, Lot or ATS 1/4 Sec-Twp-Rng-Mer)

Property Type (check all that apply)
- ☐ Residential property with 3 or fewer dwelling units
- ☐ Residential property with 4 or more dwelling units
- ☐ Farm land
- ☐ Non-residential property
- ☐ Machinery and equipment

| Business Name (if pertaining to business tax) | Business Owner(s) |
|---|---|

**Section 3 — Complainant Information**

Is the complainant the assessed person or taxpayer for the property under complaint?

☐ Yes ☐ No

Note: If this complaint is being filed on behalf of the assessed person or taxpayer by an agent for a fee, or a potential fee, the Assessment Complaints Agent Authorization form must be completed by the assessed person or taxpayer of the property and must be submitted with this complaint form.

| Complainant Name (if the complainant, assessed person or taxpayer is a company, enter the complete legal name of the company) | | | |
|---|---|---|---|
| Mailing Address (if different from above) | City/Town | Province | Postal Code |
| Telephone number (include area code) | Fax Number (include area code) | | Email Address |
| If applicable, please indicate any dates you are not available for a hearing | | | |

## FOR DISCUSSION PURPOSES ONLY

Ensures alignment with the changes in the *MGA* regarding the complaint process.

**Section 4 — Complaint Information**

**Check the matter(s) that apply to the complaint (see reverse for coding)**

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10

**Note: Some matters or information may be corrected by contacting the municipal assessor prior to filing a formal complaint.**

~~If information was requested from the municipality pursuant to section 299 or 300 of the *Municipal Government Act*, was the information provided? ☐ Yes ☐ No~~

**Section 5 — Reason(s) for Complaint**

**Note: An assessment review board panel must not hear any matter in support of an issue that is not identified on the complaint form**

A complainant must

- indicate what information shown on an assessment notice or tax notice is incorrect,
- explain in what respect that information is incorrect,
- indicate what the correct information is, and
- identify the requested assessed value, if the complaint relates to an assessment.

Requested assessed value: ☐

**Section 6 — Complaint Filing Fee**

If the municipality has set filing fees payable by persons wishing to make a complaint, the filing fee must accompany the complaint form or the complaint will be invalid and returned to the person making the complaint.

If the assessment review board panel makes a decision in favour of the complaint, or if all issues under complaint are corrected by agreement between the complainant and the assessor, and the complaint is withdrawn prior to the hearing, the filing fee will be refunded.

**Section 7 — Complainant Signature**

Signature _____ Printed name of signatory person and title _____ Date (mm/dd/yyyy) _____

**Important Notice: Your completed complaint form and any supporting attachments, the agent authorization form and the prescribed filing fee must be submitted to the person and address with whom a complaint must be filed as shown on the assessment notice or tax notice prior to the deadline indicated on the assessment notice or tax notice. Complaints with an incomplete form, complaints submitted after the filing deadline or complaints without the required filing fee are invalid.**

**Assessment Review Board Clerk Use Only**

| | | | |
|---|---|---|---|
| Was the complaint filed on time? | ☐ Yes | ☐ No | |
| Is the required information included on or with the complaint form? | ☐ Yes | ☐ No | |
| Was the required filing fee included? | ☐ Yes | ☐ No | ☐ N/A |
| Was a properly completed agent authorization form attached? | ☐ Yes | ☐ No | ☐ N/A Date Received _____ |
| Complaint to be heard by: | ☐ LARB panel | ☐ CARB panel | |

## MATTERS FOR A COMPLAINT

~~A complaint to the assessment review board may be about any of the following matters shown on an assessment notice or on a tax notice (other than a property tax notice).~~

A complaint to the assessment review board may be about

- any of the following matters, as shown on an assessment or tax notice:

1 the description of the property or business
2 the name or mailing address of an assessed person or taxpayer
3 an assessment amount
4 an assessment class
5 an assessment sub-class
6 the type of property
7 the type of improvement
8 school support
~~9 whether the property or business is assessable~~
~~10 whether the property or business is exempt from taxation~~

9 whether the property is assessable
10 whether the property or business is exempt from taxation under Part 10, but not if the exemption is given by an agreement under section 364.1(11) that does not expressly provide for the right to make the complaint
11 any extent to which the property is exempt from taxation under a bylaw under section 364.1 of the Act
12 whether the collection of tax on the property is deferred under a bylaw under section 364.1 of the Act

Aligns with the *MMGA* regarding brownfields and the subsequent inclusion of brownfield appeals.

- a designated officer's refusal to grant an exemption or deferral under a bylaw under section 364.1 of the Act

**Note:** To eliminate the need to file a complaint, some matters or information shown on an assessment notice or tax notice may be corrected by contacting the municipal assessor. It is advised to discuss any concerns about the matters with the municipal assessor prior to filing this complaint.
If a complaint fee is required by the municipality, it will be indicated on the assessment notice. Your complaint form will not be filed and will be returned to you unless the required complaint fee indicated on your assessment notice is enclosed.

## ASSESSMENT REVIEW BOARD PANELS

A ~~Local Assessment Review Board~~ local assessment review board panel will hear complaints about residential property with 3 or less dwelling units, farm land or matters shown on a tax notice (other than a property tax notice).
A ~~Composite Assessment Review Board~~ composite assessment review board panel will hear complaints about residential property with 4 or more dwelling units or non-residential property.

## DISCLOSURE

**Disclosure must include:**
All relevant facts supporting the matters of complaint described on this complaint form.
All documentary evidence to be presented at the hearing.
A list of witnesses who will give evidence at the hearing.
A summary of testimonial evidence.
The legislative grounds and reason for the complaint.
Relevant case law and any other information that the complainant considers relevant.

## FOR DISCUSSION PURPOSES ONLY

**Disclosure timelines:**

For a complaint about any matter other than an assessment, the parties must provide full disclosure at least 7 days before the scheduled hearing date.

For a complaint about an assessment - ~~Local Assessment Review Board~~ local assessment review board:

Complainant must provide full disclosure at least 21 days before the scheduled hearing date.
Respondent must provide full disclosure at least 7 days before the scheduled hearing date.
Complainant must provide rebuttal at least 3 days before the scheduled hearing data.

For a complaint about an assessment - ~~Composite Assessment Review Board~~ composite assessment review board panel:

Complainant must provide full disclosure at least 42 days before the scheduled hearing date.
Respondent must provide full disclosure at least 14 days before the scheduled hearing date.
Complainant must provide rebuttal at least 7 days before the scheduled hearing date.

### DISCLOSURE RULES

Timelines for disclosure must be followed.
Information that has not been disclosed will not be heard by an assessment review board panel.
Disclosure timelines can be reduced if the disclosure information is provided at the time the complaint form is filed.
Both the complainant and the assessor must agree to reduce the timelines.

### PENALTIES

A ~~Composite Assessment Review Board~~ composite assessment review board panel may award costs against any party to a complaint that has not provided full disclosure in accordance with the regulations.

### IMPORTANT NOTICES

Your completed complaint form and any supporting attachments, the agent authorization form and the prescribed filing fee must be submitted to the person and address with whom a complaint must be filed as shown on the assessment notice or tax notice, prior to the deadline indicated on the assessment notice or tax notice. Complaints with an incomplete complaint form, complaints submitted after the filing deadline or complaints without the required filing fee are invalid.

An assessment review board panel must not hear any matter in support of an issue that is not identified on the complaint form.
The ~~assessment review board~~ clerk will notify all parties of the hearing date and location.
For more details about disclosure please see the *Matters Relating to Assessment Complaints Regulation.*
To avoid penalties, taxes must be paid on or before the deadline specified on the tax notice even if a complaint is filed.

The personal information on this form is being collected under the authority of the *Municipal Government Act*, section 460, as well as the *Freedom of Information and Protection of Privacy Act*, section 33(c). The information will be used for administrative purposes and to process your complaint. For further information, contact your ~~Local Assessment Review Board~~ local assessment review board.

AR 310/2009 Sched. 1;215/2012

**FOR DISCUSSION PURPOSES ONLY**

## Schedule 2

### ~~Complaint Fees~~

| ~~Category of Complaint~~ | ~~Complaint Fee~~ | |
|---|---|---|
| ~~Residential 3 or fewer dwellings and farm land~~ | ~~Up to~~ | ~~$ 50~~ |
| ~~Residential 4 or more dwellings~~ | ~~Up to~~ | ~~$650~~ |
| ~~Non-residential~~ | ~~Up to~~ | ~~$650~~ |
| ~~Business tax~~ | ~~Up to~~ | ~~$ 50~~ |
| ~~Tax notices (other than business tax)~~ | ~~Up to~~ | ~~$ 30~~ |
| ~~Linear property–power generation~~ | ~~Flat fee~~ | ~~$650 per facility~~ |
| ~~Linear property–other~~ | ~~Flat fee~~ | ~~$ 50 per LPAUID *~~ |
| ~~Equalized assessment~~ | ~~Flat fee~~ | ~~$650~~ |

~~* Linear Property Assessment Unit Identification~~

Major plant and facility are subsidiaries of designated industrial property. Proposed fee is similar to the fee charged for non-residential complaints.

### Complaint Fees

| Category of Complaint | Complaint Fee | |
|---|---|---|
| Residential 3 or fewer dwellings and farm land | Up to | $ 50 |
| Residential 4 or more dwellings | Up to | $650 |
| Non-residential | Up to | $650 |
| Business tax | Up to | $ 50 |
| Tax notices (other than business tax) | Up to | $ 30 |
| Linear property — power generation | Flat fee | $650 per facility |
| Linear property — other | Flat fee | $ 50 per DIPAUID * |
| Designated industrial property — major plant or facility | Up to | $650 |
| Equalized assessment | Flat fee | $650 |

* Designated Industrial Property Assessment Unit Identification



## Schedule 3

### Table of Costs

Where the conduct of the offending party warrants it, a composite assessment review board panel or the Municipal Government Board may award costs up to the amounts specified in the appropriate column in Part 1.

Where a composite assessment review board panel or the Municipal Government Board determines that a hearing was required to determine a matter that did not have a reasonable chance of success, it may award costs, up to the amounts specified in the appropriate column in Part 2 or 3, against the party that unreasonably caused the hearing to proceed.

**FOR DISCUSSION PURPOSES ONLY**

| | Assessed Value | | | |
|---|---|---|---|---|
| **Category** | **Up to and including $5 million** | **Over $5 million up to and including $15 million** | **Over $15 million up to and including $50 million** | **Over $50 million** |
| **Part 1 — Action committed by a party** | | | | |
| Disclosure of irrelevant evidence that has resulted in a delay of the hearing process. | $500 | $1000 | $2000 | $5000 |
| A party attempts to present new issues not identified on the complaint form or evidence in support of those issues. | $500 | $1000 | $2000 | $5000 |
| A party attempts to introduce evidence that was not disclosed within the prescribed timelines. | $500 | $1000 | $2000 | $5000 |
| A party causes unreasonable delays or postponements. | $500 | $1000 | $2000 | $5000 |
| At the request of a party, ~~a board expands~~ an assessment review board panel or the Municipal Government Board, as the case may be, expands the time period for disclosure of evidence that results in prejudice to the other party. | $500 | $1000 | $2000 | $5000 |
| **Part 2 — Merit Hearing** | | | | |
| Preparation for hearing | $1000 | $4000 | $8000 | $10 000 |
| For first 1/2 day of hearing or portion thereof. | $1000 | $1500 | $1750 | $2000 |
| For each additional 1/2 day of hearing. | $500 | $750 | $875 | $1000 |
| Second counsel fee for each 1/2 day or portion thereof ~~(when allowed by a board)~~ (when allowed by an assessment review board panel or the Municipal Government Board, as the case may be). | $250 | $500 | $750 | $1000 |
| **Part 3 — Procedural Applications** | | | | |
| Contested hearings (for first 1/2 day or portion thereof).(i.e. request for adjournment) | $1000 | $1500 | $1750 | $2000 |
| Contested hearings (for each additional 1/2 day or portion thereof). | $500 | $750 | $875 | $1000 |

AR 310/2009 Sched. 3;215/2012



## Schedule 4

## Assessment Complaints Agent Authorization

Ensures alignment with the changes in the *MGA* regarding the centralized assessment of industrial property.

**Government of Alberta**

| **Section 1 — Assessed Person/Taxpayer Information** | Tax Year | |
|---|---|---|
| Assessed Person(s) or Taxpayer(s) (if the assessed person or taxpayer is a company, enter the complete legal name of the company) | | |

**FOR DISCUSSION PURPOSES ONLY**

| Business Name (if pertaining to business tax) | Business Owner(s) |
|---|---|
| **Section 2 — Municipal and Property Information** | (for designated industrial property ~~linear property~~ go to Section 3) |
| Municipality Name (as shown on your assessment notice or tax notice) | Assessment Roll or Tax Roll Number |
| Property Address | Legal Land Description (i.e. Plan, Block, Lot or ATS 1/4 Sec-Twp-Rng-Mer) |

Property Type (check all that apply)
- ☐ Residential property with 3 or less dwelling units
- ☐ Residential property with 4 or more dwelling units
- ☐ Farm land
- ☐ Non-residential property
- ☐ Machinery and equipment

**Section 3 — Agent Information**

Note: Agent means a person or company who for a fee or potential fee acts for an assessed person or taxpayer during the assessment complaint process or at a hearing before a panel of an assessment review board or the Municipal Government Board.

| Agent Name | Contact Name (if different) and Position Held | | |
|---|---|---|---|
| Mailing Address (if different from above) | City/Town | Province | Postal Code |
| Telephone number (include area code) | Fax Number (include area code) | Email Address | |

**Section 4 — Acknowledgment and Certification**

**By signing below, I acknowledge and certify that:**

1 I am the assessed person or taxpayer identified in section 1, or a legally authorized officer of the assessed person or taxpayer.

2 To initiate the processing of this agent authorization, I am attaching this agent authorization form to

(a) the complaint form if the agent is authorized to file the complaint on my behalf, or

(b) a letter, signed by me on my personal or company letterhead, and the letter is submitted to the municipality's assessment review board clerk or to the chair of the Municipal Government Board ~~administrator~~, as the case may be, before the hearing of the complaint.

3 I provide authority to the agent, as identified in section 3, to represent the assessed person or taxpayer, identified in section 1, to

(a) file a complaint on behalf of the assessed person or taxpayer for the property described on this form,

(b) discuss the issues or matters of the complaint with the municipal assessor (~~municipality's assessor (or the assessor designated by the Minister, in the case of linear property,~~ or the provincial assessor, in the case of designated industrial property)

(c) prepare and submit disclosure regarding the complaint,

(d) represent the assessed person or taxpayer at hearings ~~) before the assessment review board (or before the Municipal Government Board, in the case of linear property)~~ before a panel of the assessment review board (or before the Municipal Government Board, in the case of designated industrial property,

(e) reach an agreement with the assessor to correct a matter under complaint, and

(f) withdraw the complaint at any time.

4 I understand that the assessed person or taxpayer continues to be subject to all ~~provisions required by the *Municipal Government Act* and its attendant regulations, and any authorization of agency is not a substitute for any of those provisions~~ applicable

**FOR DISCUSSION PURPOSES ONLY**

provisions of the *Municipal Government Act* and the regulations under that Act, despite any authorization of agency -.

5 I understand that this document does not act as an authorization of agency for the purposes of section 299 or 300 of the *Municipal Government Act*.

6 I understand that the assessed person or taxpayer is liable for any costs awarded against the agent by an assessment review board (~~or by the Municipal Government Board, in the case of linear property~~ or by the Municipal Government Board, in the case of designated industrial property) or for any change in assessment that may result from a hearing.

7 I understand that this authorization is only applicable to the tax year entered on this form.

8 The agent has disclosed the qualifications, professional designations, certifications or affiliations of the agent, if any, with respect to property assessment or appraisal.

9 I may revoke authorization at any time in writing to the ~~assessment review board clerk or the Municipal Government Board administrator~~ clerk of the assessment review board or the chair of the Municipal Government Board, as the case may be.

_____

Signature of the Assessed Person or Taxpayer

_____ _____

Printed name of signatory person and title Date (mm/dd/yyyy)

*NEW REGULATION

**FOR DISCUSSION PURPOSES ONLY**

# MATTERS RELATING TO ASSESSMENT SUB-CLASSES REGULATION

**Definition**

**1** In this Regulation, "Act" means the *Municipal Government Act*.

**Prescribed sub-classes**

Provides municipal councils the ability to set different tax rates for different types of non-residential property. This will provide municipal councils flexibility to meet local needs.

**2(1)** For the purposes of section 297(2.1) of the Act, the following sub-classes are prescribed for property in class 2:

(a) vacant non-residential property;

(b) small business property;

(c) other non-residential property.

Allows municipal councils the ability to define "small businesses" for their municipality and provide a different tax rate to support those businesses. Number of employees is consistent with Economic Development and Trade definition that small businesses are those which employ 1-49 people.

**(2)** For the purposes of subsection (1)(b), "small business property" means property in a municipality, other than designated industrial property, that is owned or leased by a business operating under a business licence issued by the municipality that states that the business has fewer than

(a) 50 full-time employees, or

(b) a lesser number of employees as set out in the municipality's business licence bylaw,

as at December 31 of the year to which the licence relates.

**(3)** For the purposes of subsection (2), a property that is leased by a business is not a small business property if the business has subleased the property to someone else.

**Tax rates**

The *Modernized Municipal Government Act* (*MMGA*) repealed the section that governs that the tax rate for Machinery & Equipment (M&E) is to be equal to the tax rate set for class 2 – non-residential. In order for the tax rate for M&E to be equal to the tax rate set for class 2 – non-residential to continue, it must be set out in the regulation.

**3(1)** For the purposes of section 354(3.1) of the Act, the tax rate set for section 297(1)(d) of the Act to raise the revenue required under section 353(2)(a) of the Act must be equal to the tax rate set for property described in section 2(1)(c) to raise revenue for that purpose.

**FOR DISCUSSION PURPOSES ONLY**

Provides municipalities the ability to set a non-residential tax rate for small business that is less than the tax rate set out for other non-residential sub-classes.

**(2)** The tax rate set for property referred to in section 2(1)(b)

(a) must not be less than 75% of the lowest tax rate for property referred to in section 2(1)(c), and

(b) must not be greater than the highest tax rate for property referred to in section 2(1)(c).

Sets out when the regulation will come into force.

**Coming into force**

**4** This Regulation comes into force on January 1, 2018.

*NEW REGULATION
(THIS REGULATION REPLACES THE PRINCPLES AND CRITERIA FOR OFF-SITE LEVIES REGULATION)

**FOR DISCUSSION PURPOSES ONLY**

# OFF-SITE LEVIES REGULATION

*Table of Contents*





**Definitions**

**1** In this Regulation,

Links the term facilities to the expanded facilities (community recreation facilities, police stations, fire halls, libraries) that were included in the *Modernized Municipal Government Act* (*MMGA*).

(a) "facilities" includes the facility, the associated infrastructure, the land necessary for the facility and related appurtenances referred to in section 648(2.1) of the Act;

Links the term infrastructure to the infrastructure that is in the *MGA*.

(b) "infrastructure" includes the infrastructure, facilities and the land necessary for the infrastructure or facilities referred to in section 648(2) of the Act;

References the section on off-site levies within the *MGA*.

(c) "levy" means an off-site levy referred to in section 648(1) of the Act.

**Application generally**

**2** A municipality, in establishing an off-site levy,

**FOR DISCUSSION PURPOSES ONLY**

Provides clarity on the principles and criteria that municipalities must apply when determining levies for either the existing infrastructure or the expanded facilities of the *MMGA*.

(a) for the purposes of section 648(2) of the Act, shall apply the principles and criteria specified in sections 3, 4 and 5, and

(b) for the purposes of section 648(2.1) of the Act, shall apply the principles and criteria specified in sections 3, 4, 5 and 6.

Principles adjusted from the Principles and Criteria for Off-Site Levies Regulation.

**General principles**

Provide clarity that this refers to municipal responsibility to plan infrastructure needs.

**3(1)** The municipality is responsible for addressing and defining existing and future infrastructure and facility requirements.

Provide clarity that there needs to be meaningful consultation between municipalities and developers when determining costs.

**(2)** The municipality must consult in good faith with affected stakeholders in accordance with section 7.

This principle did not change from the original regulation.

**(3)** 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.

This principle did not change from the original regulation.

**(4)** Where necessary and practicable, the municipality is to coordinate infrastructure and facilities provisions and services with neighbouring municipalities.



**Off-site Levy Bylaws**

**Principles and criteria for determining methodology**

Provides increased flexibility for municipalities on how they arrive at the levy, and introduces that the levy can be established by other means but not limited to geographical areas. Flexibility is required when calculating the levy related to expanded facilities in *MMGA*.

**4(1)** A municipality has the flexibility to determine the methodology upon which to base the calculation of the levy, provided that such methodology

(a) takes into account criteria such as area, density or intensity of use,

(b) recognizes variation among infrastructure types,

(c) is consistent across the municipality for that type of infrastructure or facility, and

(d) is clear.

**(2)** Notwithstanding subsection (1)(c), the methodology for determining a levy for the purposes of section 648(2.1) may be distinct and unique from the methodology used to calculate any other levy established by the municipality.

**FOR DISCUSSION PURPOSES ONLY**

**Principles and criteria for determining levy costs**

This principle did not change from the original regulation but is separated from the negotiating piece as this statement pertains to determining the levy cost.

**5(1)** The municipality may establish the levy in a manner that involves or recognizes the unique or special circumstances of the municipality.

**(2)** In determining the basis upon which the levy is calculated, the municipality must at a minimum consider

This criteria did not change from the original regulation. It requires that the municipality both describe and justify how it arrives at calculating benefiting areas accrued to new development. Addresses flexibility and acknowledges construction costs may change over time.

(a) a description of the specific infrastructure and facilities,

(b) a description of the benefitting areas and how those areas were determined,

(c) supporting technical data and analysis, and

(d) estimated costs and mechanisms to address variations in cost over time.

This criteria did not change from the original regulation.

**(3)** The information used to calculate the levy must be kept current.

Provides for review periods to determine if calculations remain relevant. No specific timeframe is set as it may vary between municipalities of various sizes depending on scope and complexity.

**(4)** The municipality must include a requirement for a periodic review of the calculation of the levy in the bylaw imposing the levy.

This criteria did not change from the original regulation.

**(5)** There is to be a correlation between the levy and the benefits of new development.

**Additional principles and criteria to apply to section 648(2.1) facilities**

Section provides for the new principles and criteria related to the off-site levy costs for the expanded facilities in the *MMGA.* Recognizes that methodology for these facilities is unique from the other infrastructure in the *MGA.*

**6(1)** In addition to the principles and criteria set out in sections 3, 4 and 5, the additional criteria set out in subsection (2) shall apply when determining a levy for the facilities referred to in section 648(2.1) of the Act.

**(2)** The calculation of the levy for the purposes of section 648(2.1) must also include supporting statutory plans, policies or agreements that identify,

(a) the need for and benefits from the new facilities,

(b) the anticipated growth horizon,

(c) the portion of the estimated cost of the facilities that is proposed to be paid by

(i) the municipality,

(ii) the revenue raised by the levy, and

(iii) other sources of revenue.

**(3)** The municipality has the discretion to establish service levels, minimum building and base standards for the proposed facilities.

Section provides clarity on what consultation means, who must be consulted with during the bylaw making process and when determining methodology to base costs for the existing and future infrastructure and facility requirements.

**Consultation**

**7(1)** The municipality must consult in good faith with affected stakeholders prior to making a final determination on defining and addressing existing and future infrastructure and facility requirements.

**(2)** The municipality must consult in good faith with affected stakeholders when determining the methodology upon which to base the levy costs.

**(3)** 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.

Section provides direction and clarity to ensure increased accountability and transparency in the levy collection and reporting.

**Annual report**

**8(1)** The municipality must provide full and open disclosure of all the levy costs and payments.

**(2)** 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.

**(3)** Any report referred to in subsection (2) must be in writing and be publicly available in its entirety.

## Off-site Levy Bylaw Appeals

Section supports provisions in the *MMGA* for appeal of matters related to an off-site levy bylaw.

**Appeal period**

**9** An appeal must be submitted to the Municipal Government Board not later than 30 days after the bylaw imposing the levy has been passed.

**FOR DISCUSSION PURPOSES ONLY**

Section supports provisions in the *MMGA* for appeal of matters related to an off-site levy bylaw.

**Form of appeal**

**10(1)** A notice of appeal must,

(a) identify the municipality that passed the bylaw which is objected to,

(b) set out the grounds on which the appeal is made,

(c) contain a description of the relief requested by the appellant,

(d) where the appellant is an individual, be signed by the appellant or the appellant's lawyer,

(e) where the appellant is a corporation, be signed by a duly authorized director or officer of the corporation or by the corporation's lawyer, and

(f) contain an address for service for the appellant.

**(2)** If a notice of appeal does not comply with subsection (1), the Municipal Government Board must reject it and dismiss the appeal.

Section supports provisions in the *MMGA* for appeal of matters related to an off-site levy bylaw.

**Consolidation of appeals**

**11** Where there are 2 or more appeals commenced in accordance with section 10, the Municipal Government Board may

(a) consolidate the appeals,

(b) hear the appeals at the same time,

(c) hear the appeals consecutively, or

(d) stay the determination of the appeals until the determination of any other appeal.

Section supports provisions in the *MMGA* for appeal of matters related to an off-site levy bylaw.

**No stay of levy**

**12(1)** Submitting a notice of appeal under section 10 does not operate to stay the imposition and collection of a levy.

**(2)** 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 Municipal Government Board, 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 by the Municipal Government Board.

**FOR DISCUSSION PURPOSES ONLY**

This regulation replaces the Principles and Criteria for Off-Site Levies Regulation.

**Repeal**

**13** The *Principles and Criteria for Off-site Levies Regulation* (AR 48/2004) is repealed.

*NEW REGULATION

**FOR DISCUSSION PURPOSES ONLY**

# SUBDIVISION AND DEVELOPMENT APPEAL BOARD REGULATION

**Definitions**

**1** In this Regulation,

(a) "Act" means the *Municipal Government Act*;

(b) "clerk" means a designated officer appointed as a clerk under section 627.1 of the Act;

(c) "subdivision and development appeal board" includes an intermunicipal subdivision and development appeal board.

Ensures that the curriculum for SDAB training the clerk/designated officer and members of an SDAB take will be a consistent, standardized training program across the province.

**Training requirements**

**2(1)** A designated officer must

(a) before being appointed as a clerk, successfully complete a training program set or approved by the Minister, and

(b) every 2 years successfully complete a refresher training program set or approved by the Minister.

**(2)** A member of a subdivision and development appeal board must

(a) before participating in any hearing as a member of a panel of the board, successfully complete a training program set or approved by the Minister, and

(b) every 2 years successfully complete a refresher training program set or approved by the Minister.

The transition period will enable municipalities to plan and enroll their appointed SDAB members and clerks in the SDAB training program and successfully complete their training within a reasonable timeline of 6 months.

**(3)** An individual who holds an appointment as a clerk or member of a subdivision and development appeal board when this section comes into force must complete the training program requirement in subsection (1)(a) or (2)(a), whichever is applicable, within 6 months after this section comes into force.

**FOR DISCUSSION PURPOSES ONLY**

**Report to Minister**

**3** A municipality must report to the Minister, in the form and manner and at the times required by the Minister,

This would ensure that training is being completed. Municipalities would not be required to report the names of the individual members.

(a) the number of members appointed to the municipality's subdivision and development appeal board,

(b) the number of members who, at the time the report is made, have successfully completed the training required under this Regulation,

(c) the number of members who, at the time the report is made, are enrolled in training required under this Regulation,

(d) the number of clerks appointed to the board,

(e) the number of clerks who, at the time the report is made, have successfully completed the training required under this Regulation,

(f) the number of clerks who, at the time the report is made, are enrolled in training required under this Regulation, and

(g) any other matter, as required by the Minister, respecting the subdivision and development appeal board.



Indicates when the regulation comes into force.

**Coming into force**

**4** This Regulation comes into force on the day that section 61 of the *Municipal Government Amendment Act, 2015* comes into force.

*UPDATES TO AN EXISTING REGULATION (NOW INCLUDES THE SUBDIVISION AND DEVELOPMENT FORMS REGULATION)

**FOR DISCUSSION PURPOSES ONLY**

# SUBDIVISION AND DEVELOPMENT REGULATION

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**FOR DISCUSSION PURPOSES ONLY**



**Interpretation**

**1(1)** In this Regulation,

(a) repealed AR 254/2007 s34;

(a.1) "abandoned well" means an abandoned well as defined by the AER;

(a.2) "AER" means the Alberta Energy Regulator;

(b) "building site" means a portion of the land that is the subject of an application on which a building can or may be constructed;

(b.1) repealed AR 89/2013 s22;

(c) ~~"food establishment" means food establishment as defined in the *Food Regulation* (AR 31/2006);~~

"food establishment" means food establishment as defined in the *Food Regulation* (AR 31/2006), but does not include a food establishment to which that Regulation does not apply pursuant to section 2(2) of that Regulation;

Reflects the Food Regulation which specifies situations where the regulation does not apply. Clarifies situations that do not apply when a subdivision and development authority is making its decision.

(d) "hazardous waste management facility" means hazardous waste management facility as defined in the *Waste Control Regulation* (AR 192/96);

(e) "landfill" means landfill as defined in the *Waste Control Regulation* (AR 192/96);

(f) "rural municipality" means a municipal district, improvement district, special area or the rural service area of a specialized municipality;

(g) "sour gas" means gas containing hydrogen sulphide in concentrations of 10 or more moles per kilomole;

(h) "sour gas facility" means

(i) any of the following, if it emits, or on failure or on being damaged may emit, sour gas:

(A) a gas well as defined in the *Oil and Gas Conservation Rules* (AR 151/71);

(B) a processing plant as defined in the *Oil and Gas Conservation Act*;

(C) a pipeline as defined in the *Pipeline Act*;

(ii) anything designated by the AER as a sour gas facility pursuant to section 3;

(i) "storage site" means a storage site as defined in the *Waste Control Regulation* (AR 192/96);

(j) "unsubdivided quarter section" means

(i) a quarter section, lake lot, river lot or settlement lot that has not been subdivided except for public or quasi-public uses or only for a purpose referred to in section 618 of the Act, or

(ii) a parcel of land that has been created pursuant to section 86(2)(d) of the *Planning Act* RSA 1980 on or before July 6, 1988, or pursuant to section 29.1 of the *Subdivision Regulation* (AR 132/78), from a quarter section, lake lot, river lot or settlement lot if that parcel of land constitutes more than 1/2 of the area that was constituted by that quarter section, lake lot, river lot or settlement lot;

(k) "wastewater collection system" means a wastewater collection system as defined in the *Wastewater and Storm Drainage Regulation* (AR 119/93);

(l) "wastewater treatment plant" means a wastewater treatment plant as defined in the *Wastewater and Storm Drainage Regulation* (AR 119/93);

(m) "water distribution system" means a water distribution system as defined in the *Environmental Protection and Enhancement Act*;

(n) "well licensee" means a licensee as defined in the *Oil and Gas Conservation Act*.

**(2)** The definitions in Part 17 of the Act and section 1 of the Act, to the extent that they do not conflict with Part 17, apply to this Regulation.

AR 43/2002 s1;254/2007;160/2012;89/2013;119/2014

**Bylaw, plan prevails**

**2** Nothing in this Regulation may be construed to permit a use of land unless that use of land is provided for under a statutory plan or is a permitted or discretionary use under a land use bylaw.

**AER designations**

**3(1)** The AER may designate any well, battery, processing plant or pipeline, as defined in the *Oil and Gas Conservation Act*, not included in section 1(1)(h)(i) as a sour gas facility for the purpose of this Regulation, if it emits, or on failure or on being damaged may emit, sour gas or gas containing hydrogen sulphide in concentrations of less than 10 moles per kilomole.

**(2)** The AER may designate as a sour gas facility for the purpose of this Regulation

(a) a well for which a well licence has been issued under the *Oil and Gas Conservation Act*,

(b) a battery as defined in the *Oil and Gas Conservation Act* the location and construction of which has been approved by the AER,

(c) a processing plant as defined in the *Oil and Gas Conservation Act* forming part of a gas processing scheme approved by the AER under that Act, or

(d) a pipeline for which a permit has been issued under the *Pipeline Act*,

if the operation of the well, battery, processing plant or pipeline has not commenced at the time the designation is made and the AER is satisfied that when it is in operation it will emit, or on failure or on being damaged may emit, sour gas or gas containing hydrogen sulphide in concentrations of less than 10 moles per kilomole.

**(3)** The AER must furnish a copy of each designation and each revocation of a designation made by it under this section to the municipality where the affected sour gas facility is or is to be located.

AR 43/2002 s3;254/2007;89/2013

## Part 1
## Subdivision Applications

**Application**

**4(1)** The owner of a parcel of land, or a person authorized by the owner of a parcel of land, may apply for subdivision of that parcel of land by submitting a complete application for subdivision to the appropriate subdivision authority.

Aligns with the amendment in the *Modernized Municipal Government Act (MMGA)* that outlines the process of determining a complete subdivision application.

**(2)** ~~A~~ Subject to section 653.1 of the Act, a complete application for subdivision consists of

(a) a completed application for subdivision in the form set out in ~~the *Subdivision and Development Forms Regulation*~~ Form 1 of the Schedule,

The Subdivision and Development Forms Regulation is now incorporated into this Regulation.

(b) a proposed plan of subdivision or other instrument that effects a subdivision,

(c) the required fee,

(d) a copy of the current land title for the land that is the subject of an application, ~~and~~

A new subsection is required to ensure that when an agreement(s) respecting Environmental Reserve land is made between a municipality and the owner of the subject land, that a copy is provided to the subdivision authority as part of a complete application.

(d.1) a copy of any agreement made under section 664.1 of the Act, and

(e) at the discretion of the subdivision authority, the information required under subsections (3) and (4).

**(3)** The applicant must submit the number of sketches or plans of the proposed subdivision that the subdivision authority requires, drawn to the scale that the subdivision authority requires,

(a) showing the location, dimensions and boundaries of

(i) the land that is the subject of the application,

(ii) each new lot to be created,

(iii) any reserve land,

(iv) existing rights of way of each public utility, and

(v) other rights of way,

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(b) clearly outlining the land that the applicant wishes to register in a land titles office,

(c) showing the location, use and dimensions of buildings on the land that is the subject of the application and specifying those buildings that are proposed to be demolished or moved,

(d) showing the approximate location and boundaries of the bed and shore of any river, stream, watercourse, lake or other body of water that is contained within or bounds the proposed parcel of land,

(e) if the proposed lots or the remainder of the titled area are to be served by individual wells and private sewage disposal systems, showing

(i) the location of any existing or proposed wells, and

(ii) the location and type of any existing or proposed private sewage disposal systems,

and the distance from these to existing or proposed buildings and property lines, and

(f) showing the existing and proposed access to the proposed parcels and the remainder of the titled area.

**(4)** The applicant must submit

(a) if a proposed subdivision is not to be served by a water distribution system, a report that meets the requirements of section 23(3)(a) of the *Water Act*,

(b) an assessment of subsurface characteristics of the land that is to be subdivided including but not limited to susceptibility to slumping or subsidence, depth to water table and suitability for any proposed on site sewage disposal system,

(c) if a proposed subdivision is not to be served by a wastewater collection system, information supported by the report of a person qualified to make it respecting the intended method of providing sewage disposal facilities to each lot in the proposed subdivision, including the suitability and viability of that method,

(d) a description of the use or uses proposed for the land that is the subject of the application,

(e) information provided by the AER as set out in AER Directive 079, *Surface Development in Proximity to*

*Abandoned Wells*, identifying the location or confirming the absence of any abandoned wells within the proposed subdivision, ~~and~~

(f) if an abandoned well is identified in the information submitted under clause (e),

(i) a map showing the actual wellbore location of the abandoned well, and

(ii) a description of the minimum setback requirements in respect of an abandoned well in relation to existing or proposed building sites as set out in AER Directive 079, *Surface Development in Proximity to Abandoned Wells*.

Ensures an applicant submits information from the AER identifying the location of any active wells, batteries, processing plants or pipelines within proposed subdivision. This information is critical for considering setback distances from these facilities.

(g) information provided by the AER identifying the location of any active wells, batteries, processing plants or pipelines within the proposed subdivision.

**(4.1)** Subsection (4)(e) does not apply in respect of an application for subdivision solely in respect of a lot line adjustment.

**(4.2)** Subsection (4)(e) does not apply if the information to be provided under subsection (4)(e) was previously provided to the appropriate subdivision authority within one year prior to the application date.

**(5)** The subdivision authority may require an applicant for subdivision to submit, in addition to a complete application for subdivision, all or any of the following:

(a) a map of the land that is the subject of the application showing topographic contours at not greater than 1.5 metre intervals and related to the geodetic datum, where practicable;

(b) if the land that is the subject of an application is located in a potential flood plain and flood plain mapping is available, a map showing the 1:100 flood;

(c) information respecting the land use and land surface characteristics of land within 0.8 kilometres of the land that is the subject of the application;

(d) if any portion of the parcel of land that is the subject of the application is situated within 1.5 kilometres of a sour gas facility, information provided by the AER regarding the location of the sour gas facility;

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(e) a conceptual scheme that relates the application to future subdivision and development of adjacent areas;

(f) any additional information required by the subdivision authority to determine whether the application meets the requirements of section 654 of the Act.

AR 43/2002 s4;254/2007;160/2012;89/2013;119/2014

**Application referrals**

**5(1)** For the purposes of subsection (5)(d)(i) and (5)(i), "adjacent" means contiguous or would be contiguous if not for a river, stream, railway, road or utility right of way or reserve land.

**(2)** For the purposes of subsection (5)(e)(i), "adjacent" means contiguous or would be contiguous if not for a railway, road or utility right of way or reserve land.

**(3)** For the purposes of subsection (5)(m), "adjacent land" means land that is contiguous to the land that is the subject of the application and includes

(a) land that would be contiguous if not for a highway, road, river or stream, and

(b) any other land identified in a land use bylaw as adjacent land for the purpose of notifications under section 692 of the Act.

**(4)** For the purposes of subsection (5)(e)(ii), the Deputy Minister of the Minister responsible for administration of the Public Lands Act may, in an agreement with a municipality, further define the term "body of water" but the definition may not include dugouts, drainage ditches, man made lakes or other similar man made bodies of water.

Ensures due process of determining a complete subdivision application is undertaken as per the *MMGA.*

Aligns with the terms used in the *MGA.*

**(5)** ~~On receipt of a complete application for subdivision~~ On an application for subdivision being determined or deemed under section 653.1 of the Act to be complete, the subdivision authority must send a copy to

(a) each school ~~authority~~ board that has jurisdiction in respect of land that is the subject of the application, if the application may result in the allocation of reserve land or money in place of reserve land for school ~~purposes~~ board purposes;

(b) the Deputy Minister of ~~Environment and Sustainable Resource Development~~ Environment and Parks if any of the land that is the subject of the application is within the distances referred to in section 12 or 13;

(c) if the proposed subdivision is to be served by a public utility, as defined in the *Public Utilities Act*, the owner of that public utility;

(d) the Deputy Minister of the ~~Transportation~~ Minister responsible for administration of the *Highways Development and Protection Act* if the land that is the subject of the application is not in a city and

Any application can be reviewed from a highway vicinity management perspective and not just those highways which have a posted speed over 80km/hr.

(i) is adjacent to a highway ~~where the posted speed limit is less than 80 kilometres per hour~~, or

(ii) is within 0.8 kilometres of the centre line of a highway right of way ~~where the posted speed limit is 80 kilometres per hour or greater~~, unless a lesser distance is agreed to by the Deputy Minister of ~~Transportation~~ Minister responsible for administration of the *Highways Development and Protection Act* and the municipality in which the land that is the subject of the application is located;

(e) the Deputy Minister of the Minister responsible for administration of the *Public Lands Act* if the proposed parcel

Aligns with the term "body of water" in the *MMGA*.

(i) is adjacent to the bed and shore of a ~~river, stream, watercourse, lake or other~~ body of water, or

(ii) contains, either wholly or partially, the bed and shore of a ~~river, stream, watercourse, lake or other~~ body of water;

(f) the Deputy Minister of the Minister responsible for the administration of the *Public Lands Act*, if the land that is the subject of the application is within the Green Area, being that area established by Ministerial Order under the *Public Lands Act* dated May 7, 1985, as amended or replaced from time to time except that for the purposes of this Regulation, the Green Area does not include,

(i) land within an urban municipality, and

(ii) any other land that the Deputy Minister of the Minister responsible for the administration of the *Public Lands Act* states, in writing, may be excluded;

(g) the AER, in accordance with section 10(1);

(g.1) if an abandoned well is identified on a proposed subdivision, the well licensee of the abandoned well;

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(h) the Deputy Minister of ~~Environment and Sustainable Resource Development~~ Environment and Parks if any of the land that is the subject of the application is situated within a Restricted Development Area established under Schedule 5 of the *Government Organization Act*;

(i) the Deputy Minister of ~~Environment and Sustainable Resource Development~~ Environment and Parks, if any of the land that is the subject of the application is adjacent to works, as defined in the *Water Act*, that are owned by the Crown in right of Alberta;

(j) the Deputy Minister of the Minister responsible for the administration of the *Historical Resources Act* if

(i) ~~the Deputy Minister has supplied the subdivision authority with a map showing, or the legal description of,~~

~~(A) the location of each Registered Historic Resource and Provincial Historic Resource under the *Historical Resources Act* or other significant historic site or resource identified by the Deputy Minister, and~~

~~(B) the public land set aside for use as historical sites under the *Public Lands Act*,~~

~~within the jurisdiction of the subdivision authority, and the land that is the subject of the application is within a rural municipality and 0.8 kilometres of a site referred to in paragraph (A) or (B), or is within an urban municipality and 60 metres of a site referred to in paragraph (A) or (B), or~~

any of the land that is the subject of the application is adjacent to or contains, either wholly or partially,

(A) land identified on the *Listing of Historic Resources* maintained by the Minister responsible for the administration of the *Historical Resources Act*, or

(B) the public land set aside for use as historical resources under the *Public Lands Act*,

or

(ii) the Deputy Minister and the municipality have agreed in writing to referrals in order to identify and

Provides clarity for subdivision authorities as to when they shall refer an application to the Ministry of Culture and Tourism. Will make the referral process more effective for municipalities and the Ministry when review on subdivision applications from a historical and cultural perspectives.

protect historical sites and resources within the land that is the subject of the application;

(k) if the land is situated within an irrigation district, the board of directors of the district;

(l) the municipality within which the land that is the subject of the application is located if the council, municipal planning commission or a designated officer of that municipality is not the subdivision authority for that municipality;

(m) each municipality that has adjacent land within its boundaries, unless otherwise provided for in the applicable municipal or intermunicipal development plan;

(n) any other persons and local authorities that the subdivision authority considers necessary.

**(6)** Notwithstanding subsection (5), a subdivision authority is not required to send an application for a subdivision described in section 652(4) of the Act to any person referred to in subsection (5).

**(7)** Notwithstanding subsection (5), a subdivision authority is not required to send a complete copy of an application for subdivision to any person referred to in subsection (5) if the land that is the subject of the application is contained within

(a) an area structure plan, or

(b) a conceptual scheme described in section 4(5)(e)

that has been referred to the persons referred to in subsection (5).

AR 43/2002 s5;105/2005;196/2006;254/2007; 68/2008;31/2012;160/2012;170/2012;89/2013

**Decision time limit**

**6** ~~A~~ Subject to section 640.1 of the Act, a subdivision authority must make a decision on an application for subdivision within

Ensures that municipalities that set their own decision making timelines must adhere to their specified time. Municipalities that do not set their decision making timelines can follow the existing provisions in the regulation.

(a) 21 days from the date of ~~receipt of the completed application~~ an application being determined or deemed under section 653.1 of the Act to be complete-in the case of ~~a completed application~~ an application for a subdivision described in section 652(4) of the Act if no referrals were made pursuant to section 5(6),

(b) 60 days from the date of ~~receipt of any other completed application under section 4(1)~~an application under section

4(1) being determined or deemed under section 653.1 of the Act to be complete, or

(c) the time agreed to pursuant to section 681(1)(b) of the Act.

**Relevant considerations**

**7** In making a decision as to whether to approve an application for subdivision, the subdivision authority must consider, with respect to the land that is the subject of the application,

(a) its topography,

(b) its soil characteristics,

(c) storm water collection and disposal,

(d) any potential for the flooding, subsidence or erosion of the land,

(e) its accessibility to a road,

(f) the availability and adequacy of a water supply, sewage disposal system and solid waste disposal,

(g) in the case of land not serviced by a licensed water distribution and wastewater collection system, whether the proposed subdivision boundaries, lot sizes and building sites comply with the requirements of the *Private Sewage Disposal Systems Regulation* (AR 229/97) in respect of lot size and distances between property lines, buildings, water sources and private sewage disposal systems as identified in section 4(4)(b) and (c),

(h) the use of land in the vicinity of the land that is the subject of the application, and

(i) any other matters that it considers necessary to determine whether the land that is the subject of the application is suitable for the purpose for which the subdivision is intended.

**Reasons for decision**

**8** The written decision of a subdivision authority provided under section 656 of the Act must include the reasons for the decision, including an indication of how the subdivision authority has considered

(a) any submissions made to it by the adjacent landowners, and

(b) the matters listed in section 7.

## Part 2
## Subdivision and Development Conditions

**Road access**

**9** Every proposed subdivision must provide to each lot to be created by it

(a) direct access to a road, or

(b) lawful means of access satisfactory to the subdivision authority.

Aligns with the wording in Alberta Energy Regulator (AER) Bulletin 2013-03 which mandates subdivision and development application referrals, setback requirements from oil and gas facilities and summarizes the AER's processes for responding to setback related referral requests/inquires.

**Sour gas facilities**

**10(1)** A subdivision authority must send a copy of a subdivision application and a development authority must send a copy of a development application for a development that results in a ~~permanent additional overnight accommodation or public facility~~ permanent dwelling, public facility or unrestricted country residential development, as defined by the AER, to the AER if any of the land that is subject to the application is within 1.5 kilometres of a sour gas facility or a lesser distance agreed to, in writing, by the AER and the subdivision authority.

**(2)** If a copy of a subdivision application or development application is sent to the AER, the AER must provide the subdivision authority or development authority with its comments on the following matters in connection with the application:

(a) the AER's classification of the sour gas facility;

(b) minimum development setbacks necessary for the classification of the sour gas facility.

**(3)** A subdivision authority and development authority shall not approve an application that does not conform to the AER's setbacks unless the AER gives written approval to a lesser setback distance.

**(4)** An approval under subsection (3) may refer to applications for subdivision or development generally or to a specific application.

AR 43/2002 s10;254/2007;89/2013

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Aligns with the wording in Alberta Energy Regulator (AER) Bulletin 2013-03 which mandates subdivision and development application referrals, setback requirements from oil and gas facilities and summarizes the AER's processes for responding to setback related referral requests/inquires.

**Gas and oil wells**

**11(1)** A subdivision application or a development application shall not be approved if it would result in a ~~permanent additional overnight accommodation or public facility~~ permanent dwelling, public facility or unrestricted country residential development, as defined by the AER, being located within 100 metres of a gas or oil well or within a lesser distance approved in writing by the AER.

**(2)** For the purposes of this section, distances are measured from the well head to the building or proposed building site.

**(3)** In this section, "gas or oil well" does not include an abandoned well.

**(4)** An approval of the AER under subsection (1) may refer to applications for subdivision or development generally or to a specific application.

AR 43/2002 s11;254/2007;160/2012;89/2013

**Application for development permit must include location of any abandoned wells**

**11.1(1)** An application for a development permit

(a) in respect of a new building that will be larger than 47 square metres, or

(b) in respect of an addition to or an alteration of an existing building that will result in the building being larger than 47 square metres

must include information provided by the AER identifying the location or confirming the absence of any abandoned wells within the parcel on which the building is to be constructed or, in the case of an addition, presently exists.

**(2)** Subsection (1) does not apply if the information to be provided under subsection (1) was previously provided to the subdivision or development authority within one year prior to the application date.

AR 160/2012 s6;89/2013

**Setback requirements in respect of abandoned wells**

**11.2(1)** Subject to section 11.3, an application for

(a) a subdivision, other than a subdivision solely in respect of a lot line adjustment, or

(b) a development permit in respect of a building referred to in section 11.1(1)(a) or (b)

made on or after the coming into force of this section shall not be approved if it would result in the building site or building being located within the minimum setback requirements in respect of an abandoned well as set out in AER Directive 079, *Surface Development in Proximity to Abandoned Wells*.

**(2)** For the purposes of this section, distances are measured from the wellbore to the building site.

AR 160/2012 s6;89/2013;119/2014

**Transitional**

**11.3(1)** In this section, "existing building" means a building that exists on the date that this section comes into force.

**(2)** An application for a development permit in respect of

(a) an addition to or an alteration of

(i) an existing building that is larger than 47 square metres, or

(ii) an existing building that will result in the building being larger than 47 square metres,

or

(b) a repair to or the rebuilding of an existing building larger than 47 square metres that is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation

shall not be approved if it would result in the building being located within the minimum setback requirements in respect of an abandoned well as set out in AER Directive 079, *Surface Development in Proximity to Abandoned Wells* unless with respect to that building the development authority varies those minimum setback requirements after consulting with the well licensee, and the building will not encroach further onto the abandoned well.

AR 160/2012 s6;89/2013;119/2014

**Distance from wastewater treatment**

**12(1)** In this section, "working area" means those areas of a parcel of land that are currently being used or will be used for the processing of wastewater.

**(2)** ~~Subject to subsection (5), a subdivision authority shall not approve an application for subdivision for school, hospital, food establishment or residential use unless, on considering the matters referred to in section 7, each proposed lot includes a suitable~~

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~~building site for school, hospital, food establishment or residential use that is 300 metres or more from the working area of an operating wastewater treatment plant.~~

Subject to subsection (5), a subdivision authority shall not approve an application for subdivision for school, hospital, food establishment or residential use unless

(a) the property line of the proposed lot for school, hospital, food establishment or residential use is 300 metres or more from the working area of an operating wastewater treatment plant, or

(b) on considering the matters referred to in section 7, each proposed lot includes a suitable building site for school, hospital, food establishment or residential use that is 300 metres or more from the working area of an operating wastewater treatment plant.

Provide clarity on how to determine setbacks from operating waste treatment plants for subdivision authorities when they are making a decision on a proposed subdivision.

**(3)** Subject to subsection (5), a development authority shall not issue a development permit for a school, hospital, food establishment or residence within 300 metres of the working area of an operating wastewater treatment plant nor may a school, hospital, food establishment or residence be constructed if the building site is within 300 metres of the working area of an operating wastewater treatment plant.

**(4)** ~~Subject to subsection (5), a subdivision authority shall not approve an application for subdivision for the purposes of developing a wastewater treatment plant and a development authority may not issue a permit for the purposes of developing a wastewater treatment plant unless the working area of the wastewater treatment plant is situated at least 300 metres from any school, hospital, food establishment or residence or building site for a proposed school, hospital, food establishment or residence.~~

Subject to subsection (5),

(a) a subdivision authority shall not approve an application for subdivision for the purposes of developing a wastewater treatment plant unless the working area of the wastewater treatment plant is situated at least 300 metres from the property line of an existing or a proposed lot for any school, hospital, food establishment or residential use, and

(b) a development authority shall not issue a permit for the purposes of developing a wastewater treatment plant unless the working area of the wastewater

Provide clarity on how to determine setbacks from operating waste treatment plants for subdivision authorities when they are making a decision on a proposed subdivision.

treatment plant is situated at least 300 metres from the building site for an existing or a proposed school, hospital, food establishment or residence.

**(5)** The requirements contained in subsections (2) to (4) may be varied by a subdivision authority or a development authority with the written consent of the Deputy Minister of Environment and Sustainable Resource Development.

**(6)** A consent under subsection (5) may refer to applications for subdivision or development generally or to a specific application.

AR 43/2002 s12;31/2012;170/2012

**Distance from landfill, waste sites**

**13(1)** In this section,

(a) "disposal area" means those areas of a parcel of land

(i) that have been used and will not be used again for the placing of waste material, or

(ii) where waste processing or a burning activity is conducted in conjunction with a hazardous waste management facility or landfill;

(b) "working area" means those areas of a parcel of land

(i) that are currently being used or that still remain to be used for the placing of waste material, or

(ii) where waste processing or a burning activity is conducted in conjunction with a hazardous waste management facility, landfill or storage site.

**(2)** Subject to subsection (5), a subdivision authority shall not approve an application for subdivision for school, hospital, food establishment or residential use if the application would result in ~~the creation of a building site~~ a property line of a lot created by subdivision for any of those uses being located

Provide clarity on how to determine setbacks from operating waste treatment plants for subdivision authorities when they are making a decision on a proposed subdivision.

(a) within 450 metres of the working area of an operating landfill,

(b) within 300 metres of the disposal area of an operating or non-operating landfill,

(c) within 450 metres of the ~~disposal area~~ working area or disposal area of a non-operating hazardous waste management facility, ~~or~~

Provide clarity and guidance to subdivision authorities that they shall not approve subdivisions which are within 450 metres of the working area or disposal area of an operating hazardous waste management facility.

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(c.1) within 450 metres of the working area or disposal area of an operating hazardous waste management facility, or

(d) within 300 metres of the working area of an operating storage site.

**(3)** Subject to subsection (5), a development authority shall not issue a development permit for a school, hospital, food establishment or residence, nor may a school, hospital, food establishment or residence be constructed if the building site

(a) is within 450 metres of the working area of an operating landfill,

(b) is within 300 metres of the disposal area of an operating or non-operating landfill,

(c) is within 450 metres of the of the working area or disposal area of a non-operating hazardous waste management facility~~, or~~

(c.1) within 450 metres of the working area or disposal area of an operating hazardous waste management facility, or

(d) is within 300 metres of the working area of an operating storage site.

**(4)** Subject to subsection (5), a subdivision authority shall not approve an application for subdivision, and a development authority shall not issue a permit, for the purposes of developing a landfill, hazardous waste management facility or storage site unless

(a) the working area of a landfill is situated at least 450 metres,

(b) the disposal area of a landfill is situated at least 300 metres,

(c) the working or disposal area of a hazardous waste management facility is situated at least 450 metres, and

(d) the working area of a storage site is situated at least 300 metres

from the property line of a school, hospital, food establishment or ~~residence or~~ residential use or building site proposed for a school, hospital, food establishment or residence.

Provides clarity that the setback distance is based on the property line and that one of the uses is "residential use".

**(5)** The requirements contained in subsections (1) to (4) may be varied by a subdivision authority or a development authority with the written consent of the Deputy Minister of Environment and Sustainable Resource Development.

**(6)** A consent under subsection (5) may refer to applications for subdivision or development generally or to a specific application.

AR 43/2002 s13;31/2012;170/2012

**Distance from highway**

Provides clarity when subdivision authority must send applications to Alberta Transportation for referral purposes.

**14** Subject to section 16, a subdivision authority shall not in a municipality other than a city approve an application for subdivision if the land that is the subject of the application is within 0.8 kilometres of the centre line of a highway right of way ~~where the posted speed limit is 80 kilometres per hour or greater~~ unless

(a) the land is to be used for agricultural purposes on parcels that are 16 hectares or greater,

(b) a single parcel of land is to be created from an unsubdivided quarter section to accommodate an existing residence and related improvements if that use complies with the land use bylaw,

(c) an undeveloped single residential parcel is to be created from an unsubdivided quarter section and is located at least 300 metres from the right of way of a highway if that use complies with the land use bylaw,

(d) the land is contained within an area where the municipality and the Minister of Transportation have a highway vicinity management agreement and the proposed use of the land is permitted under that agreement, or

Ensures that a subdivision authority does not make a decision on lands unless an Area Structure Plan (ASP) is satisfactory to Alberta Transportation and that the ASP is reflective of current situation for the lands, not old data.

(e) the land is contained within an area structure plan satisfactory to the Minister of Transportation at the time of the application for subdivision and the proposed use of the land is permitted under that plan.

AR 43/2002 s14;105/2005;68/2008

**Service roads**

**15(1)** In this section, "provide" means dedicate by caveat or by survey or construct, as required by the subdivision authority.

**(2)** Subject to section 16, if the land that is the subject of an application for subdivision is within an area described in section 5(5)(d), a service road satisfactory to the Minister of Transportation must be provided.

**(3)** Subsection (2) does not apply if the proposed parcel complies with section 14 and access to the proposed parcel of land and remnant title is to be by means other than a highway.

AR 43/2002 s15;105/2005;68/2008

**FOR DISCUSSION PURPOSES ONLY**

**Waiver**

**16(1)** The requirements of sections 14 and 15 may be varied by a subdivision authority with the written approval of the Minister of Transportation.

**(2)** An approval under subsection (1) may refer to applications for subdivision generally or to a specific application.

AR 43/2002 s16;105/2005;68/2008

**Additional reserve**

**17(1)** In this section, "developable land" has the same meaning as it has in section 668 of the Act.

**(2)** The additional municipal reserve, school reserve or school and municipal reserve that may be required to be provided by a subdivision authority under section 668 of the Act may not exceed the equivalent of

(a) 3% of the developable land when in the opinion of the subdivision authority a subdivision would result in a density of 30 or more dwelling units per hectare of developable land but less than 54 dwelling units per hectare of developable land, or

(b) 5% of the developable land when in the opinion of the subdivision authority a proposed subdivision would result in a density of 54 or more dwelling units per hectare of developable land.

**Security conditions**

**18(1)** A development authority may

(a) require an applicant for a development permit to provide information regarding the security and crime prevention features that will be included in the proposed development, and

(b) attach conditions to the development permit specifying the security and crime prevention features that must be included in the proposed development.

**(2)** Subsection (1) applies even if the land use bylaw does not provide for those conditions to be attached to a development permit.

**Approval by council not part of development permit application**

**18.1** A development authority may not require, as a condition of a completed development permit application, the submission to and approval by council of a report regarding the development.

AR 193/2010 s2

## Part 3
## Registration, Endorsement

**Registration**

**19** On a proposed plan of subdivision,

(a) environmental reserve must be identified by a number with the suffix "ER";

(b) municipal reserve must be identified by a number with the suffix "MR";

(c) school reserve must be identified by a number with the suffix "SR";

(d) municipal and school reserve must be identified by a number with the suffix "MSR";

(e) a public utility lot must be identified by a number with the suffix "PUL".

(f) a conservation reserve must be identified by a number with the suffix "CR".

Aligns with the new Conservation Reserve provisions in the *MMGA*.

**Deferral**

**20** If a subdivision authority orders that the requirement to provide all or part of municipal reserve, school reserve or municipal and school reserve be deferred, the caveat required to be filed under section 669 of the Act must be in the deferred reserve caveat form set out in Form 2 of the Schedule ~~the *Subdivision and Development Forms Regulation.*~~

Incorporates the Subdivision and Development Forms into the regulation.

**Endorsement**

**21** When a subdivision authority endorses an instrument pursuant to section 657 of the Act, the endorsement must contain at least the following information:

(a) the percentage of school reserve or municipal reserve or municipal and school reserve required to be provided under the Act, if any;

(b) the percentage of money required to be provided in place of all or part of the reserve land referred to in clause (a), if any;

(c) the percentage of reserve land referred to in clause (a) ordered to be deferred, if any;

(d) the area covered by an environmental reserve easement, if any.

## Part 4
## Provincial Appeals

**MGB distances**

**22(1)** The following are the distances for the purposes of section 678(2)(a) of the Act with respect to land that is subject to an application for subdivision:

(a) the distance with respect to a body of water described in section 5(5)(e);

(b) the distance, from a highway, described in section 14 or the distance, from a highway, described in an agreement under section 5(5)(d)(ii);

(c) the distance, described in section 12, from a wastewater treatment plant;

(d) the distances, described in section 13, from the disposal area and working area of a waste management facility.

(e) the distance with respect to

(i) a historical site, or

(ii) a historical site or a historical resource described in an agreement under section 5(5)(j)(ii).

Aligns with the addition of historic sites or resource as set out in the *MMGA.*

**(2)** For the purposes of this section,

(a) "wastewater treatment plant" means a sewage treatment facility;

(b) "waste management facility" means a landfill, hazardous waste management facility or storage site.

Aligns with the addition of historic sites or resource as set out in the *MMGA.*

**(3)** For the purposes of section 678(2)(a)(ii) of the Act and subsection (1)(e)(i), "historical site" means land identified on the *Listing of Historic Resources* maintained by the Minister responsible for the administration of the *Historical Resources Act*.

## Part 5
## Transitional Provisions, Repeal, Expiry and Coming into Force

**Transitional**

**23** An application for subdivision made under the *Subdivision and Development Regulation* (AR 212/95) and received by the appropriate subdivision authority on or before June 30, 2002 shall be continued to its conclusion under that Regulation as if that Regulation had remained in force and this Regulation has not come into force.

**Repeal**

**24** The *Subdivision and Development Regulation* (AR 212/95) is repealed.

**Expiry**

Amend the expiry date to June 30, 2022 to maintain the regulation.

**25** For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on June 30, ~~2019~~ 2022.

AR 43/2002 s25;126/2007;144/2009;51/2011;119/2014

Indicates when the regulation comes into force.

**Coming into force**

**26** This Regulation comes into force on ~~July 1, 2002~~ October 1, 2017.

**FOR DISCUSSION PURPOSES ONLY**

Incorporates the Subdivision and Development Forms into the regulation.

## Schedule

## Form 1

## (section 4)

## Application for Subdivision

DATE of receipt of completed Form _____

FILE NO._____

Fee Submitted:

THIS FORM IS TO BE COMPLETED IN FULL WHEREVER APPLICABLE BY THE REGISTERED OWNER OF THE LAND THAT IS THE SUBJECT OF THE APPLICATION OR BY A PERSON AUTHORIZED TO ACT ON THE REGISTERED OWNER'S BEHALF

1. Name of registered owner of land to be subdivided: _____
   Address, postal code and phone no.:_____

2. Name of agent (person authorized to act on behalf of registered owner), if any:_____
   Address, postal code and phone no.: _____

3. LEGAL DESCRIPTION AND AREA OF LAND TO BE SUBDIVIDED

   All/part of the _ 1/4 sec. _ twp. _ range _ west of _ meridian being all/parts of lot _ block _ Reg. Plan No. _ C.O.T. No _ Area of the above parcel of land to be subdivided ___ hectares

   Municipal address (if applicable) _____

4. LOCATION OF LAND TO BE SUBDIVIDED
   a. The land is situated in the municipality of _____

   b. Is the land situated immediately adjacent to the municipal boundary?
      Yes___ No___
      If "yes", the adjoining municipality is _____

   c. Is the land situated within 0.8 kilometres of the centre line of a highway right of way?
      Yes___ No___ If "yes", the highway is No. _____

   d. Does the proposed parcel contain or is it adjacent to a river, stream, lake or other body of water or by a drainage ditch or canal?
      Yes___ No___ If "yes", state its name _____

   e. Is the proposed parcel within 1.5 kilometres of a sour gas facility?
      Yes___ No___

5. EXISTING AND PROPOSED USE OF LAND TO BE SUBDIVIDED
   Describe:
   a. Existing use of the land _____

b. Proposed use of the land _____

c. The designated use of the land as classified under a land use bylaw

_____

6. PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED (WHERE APPROPRIATE)

a. Describe the nature of the topography of the land (flat, rolling, steep, mixed) _____

b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, etc., — sloughs, creeks, etc.)

_____

c. Describe the kind of soil on the land (sandy, loam, clay, etc.)

_____

7. EXISTING BUILDINGS ON THE LAND TO BE SUBDIVIDED

Describe any buildings and any structures on the land and whether they are to be demolished or moved _____

8. WATER AND SEWER SERVICES

If the proposed subdivision is to be served by other than a water distribution system and a wastewater collection system, describe the manner of providing water and sewage disposal:_____

9. REGISTERED OWNER OR PERSON ACTING ON THE REGISTERED OWNER'S BEHALF

I _____ (full name) _____ hereby certify that

☐ I am the registered owner, or

☐ I am the agent authorized to act on behalf of the registered owner

and that the information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application for subdivision.

Address _____(Signed) _____

Phone No. _____Date _____

FURTHER INFORMATION MAY BE PROVIDED BY THE APPLICANT ON THE REVERSE OF THIS FORM.



## Form 2

## (section 20)

## Deferred Reserve Caveat

TAKE NOTICE that the __(name of municipality)__ has an estate or interest in the nature of municipal reserve, school reserve or municipal and school reserve under section 669 of the *Municipal*

**FOR DISCUSSION PURPOSES ONLY**

*Government Act* by virtue of the decision of the __(name of subdivision authority)__

dated the ____ day of _____, 20__ in _____ acres of the lands described as follows:

standing in the register in the name(s) of _____ and the caveator forbids the registration of any person as transferee or owner of, or any instrument affecting, the said estate or interest, unless the instrument or certificate of title, as the case may be, is expressed to be subject to my claim.

I APPOINT

as the place at which notices and proceedings relating hereto may be served.

DATED this ___ day of ____, 20__

(Signed)
_____
(Title of person acting on behalf of subdivision authority)

AFFIDAVIT IN SUPPORT OF CAVEAT

I make oath and say as follows:

1 I am the agent for the caveator.

2 I believe the caveator has a good and valid claim on the land and say that this caveat is not being filed for the purpose of delaying or embarrassing any person interested in or proposing to deal with it.

SWORN BEFORE ME at the _____ of )
_____, in the Province of Alberta, the )
____ day of _____, _____.)

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APPENDIX C
Originally Submitted to the July 18, 2016 Council Meeting.

July 20, 2016
Municipal Government Act (MGA) – City of Red Deer Response
Office of the City Manager

**Report Summary & Recommendation:**

On May 31, 2016 the Government announced the second round of amendments in Bill 21. This bundle was meant to include amendments and changes in policy direction that may not be unanimously supported by those same groups.

According to the Minister of Municipal Affairs, the purpose of this round of MGA changes (Bill 21) was to:

1. Enhance partnerships between provinces and municipalities
2. Strengthen accountability mechanisms
3. Increase intermunicipal collaboration

The balance of changes proposed to the MGA as part of Bill 21 maintain the progressive aspects of this legislation primarily due to its grounding in natural person powers. Maintaining this foundation is critical in ensuring municipalities continue to be strong partners in the continued prosperity of the province.

The following is a review of the MGA from the perspective of its alignment with Council's policy, a summary of key issues, as well as a table outlining all of the changes as a reference document. It highlights areas of concern that need to be communicated to the Government and part of additional advocacy strategies as required.

Given that the Government has indicated that any parts of Bill 21 may be changed depending on the feedback received, our advocacy strategy should continue to be outcomes or policy based which will give The City the opportunity to be responsive and nimble to additional changes or opportunities as they present themselves.

This report would be submitted to Municipal Affairs and to the Alberta Urban Municipalities Association (AUMA) as our initial response to Bill 21. It would form the basis of future input and advocacy opportunities.

The Government's work on Bill 21 is still ongoing and a revised Bill 21 with amendments will be brought forward this fall. This report would be a reference point for comments on the revisions, the big city charters and our input into regulations as they are developed over the next year.

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**City Manager Comments:**

I support the advocacy position.

Craig Curtis
City Manager

**Proposed Resolution**

Resolved that Council of The City of Red Deer, having considered the report from the Office of the City Manager dated July 20, 2016 re: Municipal Government Act (MGA) – City of Red Deer Response hereby endorses the report as presented at The City's formal response to the MGA amendments and as the basis for any advocacy efforts to be undertaken in responding to these amendments and regulations.

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Report Details

**Background:**

The Government of Alberta has been working on amendments to the Municipal Government Act since 2013. In the spring of 2015 the Government announced the first round of changes to the MGA as part of Bill 20. These amendments included areas that were agreed to by the Government, AUMA, AAMDC, and other stakeholders. Regulations on these changes are still being developed.

On May 31, 2016 the Government announced the second round of amendments in Bill 21. This bundle was meant to include amendments and changes in policy direction that may not be unanimously supported by those same groups.

According to the Minister the purpose of this round of MGA changes (Bill 21) was to:

1. Enhance partnerships between provinces and municipalities
2. Strengthen accountability mechanisms
3. Increase intermunicipal collaboration

The Government has committed that all changes, including regulations, will be in place prior to the municipal elections set for the fall of 2017.

The timelines are as follows:

- May 31: Announcement of Bill 21
- June – July 2016: Public Consultation Sessions
- Fall 2016: introduce amendments to Bill 21 and pass the legislation
- Winter/Spring 2017: development and approval of regulations

The Charters for Calgary and Edmonton currently in development will provide Calgary and Edmonton will distinct tools/rights from other cities. They will be released in the fall for public consultation/feedback.

As Alberta's third largest city, The City of Red Deer has advocated for its own form of a Charter. Locally, The City of Red Deer and many of the medium sized regional cities such as Lethbridge and Grande Prairie, face the same social, economic and environmental challenges as the larger centres and being left out of the Charter process puts Red Deer at a competitive disadvantage. With our position on the QEII corridor between the two metropolitan areas, we may also find ourselves at a disadvantage or legislatively isolated depending on what the Charters include. We will continue to monitor these Charters with the expectation that the creation of them serves as the foundation for a similar conversation for Red Deer.

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The Government indicates that much of the detail being requested by municipalities pertaining to Bill 21 will be found in regulations which we will not see until the spring of 2017. They have committed to providing us with two months for providing comments on the regulations once they are released, and it is expected that there may be over 100 regulations to review. The ongoing regulatory review process creates uncertainty in that The City may not appreciate the full impact of the proposed changes until the regulations are developed. Smaller municipalities may favour many and detailed regulations, while larger cities such as Red Deer may wish to have more flexibility in the approach to complying with the legislation. This will be another matter to consider and is related to the Charters which will likely provide greater flexibility to Calgary and Edmonton.

**Discussion & Analysis:**

On March 11, 2014 Council of The City of Red Deer passed a policy document that has guided The City's response to the Government's changes. The following is a summary of how the proposed legislation aligns with Council's policy position, and The City's perspective on the major points found in Bill 21.

The City has been very active in the MGA review process through submissions to Government, working with the Alberta Urban Municipalities Association (AUMA), participating in the review with professional associations such as the Provincial Assessors Association and regular meetings with our MLAs and other Government Ministers.

The following is a review of the MGA from the perspective of its alignment with Council's policy, a summary of key issues, as well as a table outlining all of the changes as a reference document. It highlights areas of concern that need to be communicated to the Government and part of additional strategies as required.

Given that the Government has indicated that any parts of Bill 21 may be changed depending on the feedback received, our advocacy strategy should continue to be outcomes or policy based which will give The City the opportunity to be responsive and nimble to additional changes or opportunities as they present themselves.

1. Shared responsibility: Provincial and local governments have responsibilities to create a strong Alberta. The Act should be clear about authority and responsibility for each order of government, how they work together and when the roles are distinct. Achieving the right balance between municipal autonomy and provincial oversight must be reached to ensure municipalities are vibrant and able to embrace new opportunities and challenges.

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The proposed preamble to the MGA in Bill 21 affirms the role of municipalities and the "importance of working together…in a spirit of partnership to co-operatively and collaboratively advance the interest of Albertans generally" (MGA Bill 21 sec 2). The Act does not contain a detailed list of responsibilities for each order of government. There is some concern that certain changes like the one to include inclusionary housing may be the start of the downloading of provincial responsibility; in this case provision of housing to municipalities without the means or resources to pay.

3. Flexibility: Municipalities are unique and have different needs, different opportunities and different capacities. The MGA should be flexible by defining outcomes, and not the means of achieving them.

In the preamble of the proposed changes, the Government acknowledges that "Alberta's municipalities have varying interests and capacity levels that require flexible approaches". At the public consultation sessions, the Government has indicated that municipalities can expect 100 regulations to be drafted based on the changes in Bill 20 and 21. Generally, legislation will decrease the ability of individual municipalities to respond to local conditions however, for smaller municipalities regulations provide certainty where capacity may be different than for larger municipalities such as Red Deer.

7. Enabling: Municipalities are local orders of government and are accountable to their constituents. It is important for the review to continue with natural person powers which give a municipality the freedom of restraint within the law.

The natural persons power of the MGA will continue to allow municipalities the freedom of restraint under the law.

5. Governance: Municipalities are responsible and responsive order of government. They need to be transparent and accountable in the manner in which they conduct their affairs, thereby inspiring confidence in their electorate. Municipalities are accountable to their electorate and are responsible to provide direction to the administration of their organization.

The Government of Alberta has maintained the authority to conduct municipal viability and sustainability reviews. In Bill 21, the power of the Provincial Ombudsman is expanded to include the review of administrative decisions of

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municipalities. This may be viewed as a duplicate function for municipalities who have appeal boards in place, or diminishing a municipality's governance role.

9. Resources: Municipalities need flexible tools to be financially sustainable, including the ability to access predictable revenue streams (revenue authorities). They must have access to revenue streams that enable them to fulfill their responsibilities.

The proposed revised MGA does not expand the financial tools available to municipalities, however it did expand the definition of off site levies as well as introduce other tools such as an ability to split the non-residential tax as well as incentives for brownfields.

The Government of Alberta, while acknowledging that Alberta municipalities have expressed concerns regarding financial sustainability, states that "No new taxes are proposed through the MGA Review. Municipalities will continue to work within the existing taxation and provincial grant framework to collect the required operating revenues." It is unfortunate that this review was not seen as an opportunity to revisit the funding model for municipalities as partners in building the province.

11. Sustainability: In planning and service delivery it is important that the areas of economy, social, culture and environment be considered to ensure the best quality of life for current and future citizens.

The pillars of sustainability (social, cultural, economic, and environmental and governance) are not specifically referenced in the MGA, however some of the identified changes address these pillars. For example:

- The definition of off site levies has been expanded to include recreation and cultural facilities.
- The addition of the new 'conservation reserve' will give a municipality the ability to conserve sensitive environmental areas but they will have to compensate the developer.
- In response to the need for affordable housing the MGA introduces 'inclusionary housing.' This will allow municipalities, if they chose, to require affordable housing in developments however municipalities will have to provide compensation to developers.
- Under the proposed changes to the MGA, municipalities will be able to establish these for-profit corporations without the requirement for ministerial approval making it easier to set up a for-profit corporation (like Enmax).

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Many of these provisions may not meet the intended sustainability outcome because they present their own challenges. For example, while the concept of a conservation reserve is correct, the rules around compensation and the permanency of the designation would make it challenging to use.

13. Collaborative: With clear, focused mandates and responsibilities for each type of municipality, collaborative relationships between rural and urban, large and small, and local and provincial governing bodies will be enabled. Where it is reasonable, a regional approach to service delivery should be encouraged recognizing that citizens may live and work in neigbhouring municipalities.

Bill 21 introduces the requirement for municipalities who share boundaries to enter into Intermunicipal Development Plans (IDPs) as well as Intermunicipal Collaboration Frameworks (ICFs). Alternatively, municipalities may request the establishment of a regional growth board similar to that for the Capital and Calgary regions.

The requirement for municipalities to cooperate is positive and in Red Deer we have a progressive IDP in place as well as many service agreements with neigbhouring municipalities.

15. Fairness: Historically, funding mechanisms and planning considerations have led to a competitive disadvantage between urban and rural when it comes to development. Equity and fairness lead to better planning outcomes and more intermunicipal cooperation.

The MGA does not address the funding inequality between rural and urban municipalities nor provide clarity to their respective roles. Linear taxation was also removed from consideration. The Province has left municipalities to determine or clarify these roles through the IDP/ICF process. While encouraging regional collaboration, The Act does not address the concern of fairness between rural and urban areas when it comes to funding which may work against the intent of cooperation.

**In Conclusion**

The balance of changes proposed to MGA changes as part of Bill 21 maintain the rogressive aspects of this legislation primarily due to its grounding in natural person powers. Maintaining this foundation is critical in ensuring municipalities continue to be strong partners in continued prosperity of The Province.

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The proposed changes are not as broad or modernizing as municipalities may have preferred, and indeed some of the proposed changes pose some challenges and invite more questions. Given that the legislation must apply to all municipalities, regardless of size or capacity, tailoring The Act to meet the exact needs and requests of any one municipality would be challenging. The balance of the proposed changes provide The City with more tools and options to effectively provide local government.

Much of The Act is subject to the development of the regulations which will contain the details that will assist municipalities understand the impact of a change. At the public consultation sessions many questions were answered by the Government representatives with "It will be in the regulations". Regulations provide further clarity, however, they can also reduce flexibility and ability to respond to local contexts and priorities. Larger municipalities like Red Deer, Calgary and Edmonton have capacity to develop our own regulations and policies that would meet the legislative requirement in The Act while responding to the local context.

Given that the Charters for Calgary and Edmonton will address some of the gaps and challenges The City is identifying, continuing to advocate for a Charter is likely in Red Deer's interest. The Big City Charters will be released in the fall.

Many of the impacts of the proposed changes will not be known or well understood until the regulations are released in the spring of 2017, or the Big City Charters are released in the fall of 2016. The City should request it be directly consulted on the development of the regulations as they can have can have a significant administrative impact depending on how they are written.

The following two sections outline the specifics of the proposed legislation and Administration's perspective on what is being proposed and a summary of the changes (Appendix A). Administration's evaluation is grounded in the MGA review policy approved by Council. As the Government is still making changes we propose that that this report and the appendices be sent to the Government of Alberta as our response to the MGA and that as changes are contemplated different advocacy strategies be developed in response.

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## City of Red Deer's Perspective on Bill 21

The following is a summary of key issues in in the proposed legislation for The City of Red Deer

### Intermunicipal Collaboration

Bill 21 requires all municipalities outside a growth management area to develop an Intermunicipal Development Plan (IDP) and an Intermunicipal Collaboration Framework (ICF) with all municipalities that touch its borders.

In Red Deer, we have an IDP with Red Deer County that includes many of the required elements. The City also has many service agreements with adjacent municipalities as well as non-adjacent for services such as water or transit. Regional service delivery may provide The City with many more opportunities to provide services within Central Alberta.

The City has a long history of working collaboratively with our region through our IDP and we want to continue building on this success. Red Deer has a very successful IDP and how it will treated in this new framework still needs to be determined.

At the recent AUMA Mayors' Caucus there was considerable discussion on proper order of these planning documents: IDP or ICF first. Should the availability of services (ICF) determine land use (ICF first) or the land use plans (IDP) determine what services would be required regionally (IDP first). The general consensus was that the IDP should likely come first so as to encourage urban development in urban areas.

Depending on the details related to the IDP or ICF, The City may wish to consider Regional Growth Management Board as an alternative. It is not clear if that is a preferred option given many of the details regarding the IDP and ICF are yet to be provided likely through regulations.

**Recommendation:**

- The City of Red Deer request further clarification on the IDP and ICF including how agreements with non-adjacent municipalities will be treated
- The City of Red Deer request that our current IDP with The County is the foundation and remains in force. Any additional requirements from Bill 21 would be considered as additions to the current IDP.
- The City of Red Deer request that the IDP be the basis for the ICF agreement for adjacent municipalities. Statutory plans should form the basis for operational agreements. There is further clarity required on how the IDP and ICFs will be

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linked when there are regional services that go beyond areas covered through and IDP.

## Revenue and Taxation

The proposed changes in Bill 20 and 21 do not address the identified challenges of sustainable funding sources for municipalities or increased revenue generating powers however there are some changes that may, depending on how they are regulated and implemented, provide greater flexibility to municipalities. Any additional revenue powers may come in the Charters which will be introduced this fall.

The City should request it be directly consulted on the development of the regulations as changes to the assessment and taxation legislation are very technical and can have can have a high administrative impact depending on how they are written.

Municipalities have long advocated for access to sustainable, predictable, and progressive sources of revenue to fund the services and maintain the infrastructure that makes communities safe, livable, and vibrant. The property tax system that municipalities rely on is a regressive form of taxation that does not charge more (or less) according to income or the ability to pay.

While it is unfortunate that this review was not seen as an opportunity to revisit the funding model for municipalities as partners in building the province, the Government of Alberta acknowledges that Alberta municipalities have expressed concern and has stated that "No new taxes are proposed through the MGA Review. Municipalities will continue to work within the existing taxation and provincial grant framework to collect the required operating revenues."

### Linking the Non-Residential and Residential Tax Rate (Ratio)

The linking of non-residential and residential tax ratios to 5:1 is for Red Deer not a concern given our current ratios.

**Recommendation:**

- The City of Red Deer support this recommended change.

### Splitting the Non-Residential Property Class:

Bill 21 proposes to split the NR tax class into subclasses and it is expected that regulations will prescribe how this will be done. Municipalities may benefit from additional autonomy and flexibility however there will be increased administrative costs and the subclass will be subject to the property assessment appeal process. Subclasses established under these provisions will be subject to the new ratio limits of NR tax rate being no greater than 5 times the residential tax rate.

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**Recommendation:**

- The City of Red Deer support the ability to split the non-residential tax rate and requests that regulation be written to allow for maximum flexibility to local economic conditions.
- The City of Red Deer request the ability to further split the residential tax rate to provide The City with another financial lever in meeting our sustainability goals.

**Clarity on Exemptions**

The City was also seeking further clarity on the property tax exemptions portion of the MGA for properties such as affordable housing and seniors facilities. Clarity is required to meet the principles of a sound assessment and tax system and create transparency.

**Recommendation:**

- The City of Red Deer request additional clarity on exemptions.

**Brownfields**

Municipalities will be able to grant multi-year tax exemptions, deferrals or reductions to incentivize clean up and redevelopment. The property tax incentives related to contaminated sites or brownfields will potentially assist in the development of these underutilized sites in Red Deer. This allows for their cleanup and redevelopment to encourage maximum potential development. Because this will be a tax exemption, the rules around assessment and appeals will apply, which has raised a concern that this may increase the level of work in administration and the appeal process. The City would recommend the Government look for processes that are more facilitative and less administrative/regulated.

AUMA has presented a variety of options to address brownfield and incent development of underutilized sites. The multi-year tax exemption is one tool but The City would encourage the Province to include additional options.

**Recommendation:**

- The City of Red Deer support this recommended change as another tool to incent development of brownfields and underutilized sites.
- The City of Red Deer recommend that the complaint process related to brownfields be separated from the assessment process as it could create a second appeal on the assessment of property within the same tax year.
- The City of Red Deer recommend that the Government examine and implement other options address brownfield and development of underutilized sites as set out in the AUMA report.

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**Grants in Lieu**
Absent from the proposed changes is the issue on the elimination of Grants in Lieu of Taxes on Provincially owned properties that has been taking place which is resulting in erosion of the overall taxable assessment and resulting in revenue reductions to municipalities.

**Recommendation:**
- The City of Red Deer continue to advocate for the restoration of the full Grants in Lieu of Taxes Program.

**Centralized Industrial Assessment**
The Provincial Government has indicated that the centralization of industrial assessment is being proposed based on the current inconsistencies in assessment of industrial property. Based on our understanding of the proposed changes this does not currently impact Red Deer directly but there is a concern from the assessment community that this change may signal a desire to centralize all assessment. Instead of proposing centralized assessment, The City of Red Deer suggests that the regulations and requirements related to industrialized assessment be made clearer.

**Recommendation:**
- The City of Red Deer does not have current concerns with this change but would recommend that that the legislation and the regulations for industrialized assessment be made clearer to increase consistency.

**Assessment on Farm Buildings:**
All farm buildings would be exempt under proposed Bill 21. This has not been identified as a concern for Red Deer.

**Recommendation:**
- The City of Red Deer does not have any current concerns with this change.

**Assessment on Farm Land Intended for Development:**
Farm land would be assessed at market value once the land is no longer used for farming operations. The proposed changes would define farming operations through regulation to include triggers that indicate when land is no longer farmed. The Province and The City do not want to create a disincentive for farming the land and keeping it in agricultural production.

**Recommendation:**
- The City of Red Deer does not have any current concerns with this change.

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**Access to Information for Assessors and Property Owners**
The information sharing requirements for both assessors and property owners will be clarified in Bill 21. There is need for additional clarification within the upcoming regulations for orderly, fair and efficient exchange of information.

**Recommendation:**

- The City of Red Deer has no concerns with this change but request that more clarity be provided in regulations as outlined above.

**Assessment Complaints:**
Bill 21changes the appeal process for Assessment Review Board (ARB) decisions from the Court of Queen's Bench to a judicial review. While an appeal focuses on whether the decision itself is correct or incorrect, judicial review focuses on whether the decision maker conformed with statutory or common law powers conferred on the decision maker.

**Recommendation:**

- The City of Red Deer has concerns with this change and request that more clarity be provided in regulations around the standard of review and the addition of a privative clause which would clarify the grounds for appeal.

**Off Site Levies:**
Changes to the off site levies, or development fees, allows for The City to charge developers for the cost of police stations, fire stations, and other community amenities in new neighbourhoods. This could allow The City to plan for amenities to be in a neighbourhood when residents move in.

The scope of off site Levies has expanded to include community recreation facilities, fire halls, police stations and libraries. The collection and spending can only happen when at least 30% of the benefit from the facility accuses to the new development. The expanded scope is positive.

The current method of calculating off site levies requires the municipality to demonstrate how and what portion of the hard infrastructure costs would be borne by the development. The inclusion of the 30% cap for the amenities portion should follow the same logic and not be limited by what appears to be, at this point, an arbitrary number.

Community amenities may benefit a particular neighbourhood, a whole community or be regional in scope. When we currently collect an off site levy under the current legislation The City must be able to prove how and what portion of the development costs can be charged to the levy. The same methodology and standard

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that is currently applied to off site levy calculations should apply to the expanded definition.

**Recommendation:**

- The City of Red Deer support the broadened definition of off site levies but request the removal of the 30% cap and the expanded scope be applied in the same manner as current off site levies.
- In support of funding regional collaboration, The City of Red Deer request that municipalities be provided the flexibility to use off sites to fund regional initiatives. For example if The City was building a regional recreation facility, our neighbouring municipalities could choose to contribute their portion of the capital through their own municipal off site levy. It would provide municipalities with another financing lever.

## Governance

In the Governance section of the MGA the most significant change is in the expanded role of the Alberta Ombudsman to include municipalities. According to staff from Municipal Affairs, the focus of the ombudsman will be on administrative fairness. It is not clear how the Alberta Ombudsman will relate to locally established municipal appeal boards such as Red Deer's.

### Expanded Role of the Provincial Ombudsman

The focus of the Ombudsman will be on administrative fairness and not on the quality of decisions made by a Council. The City of Red Deer has established the Red Deer Appeal and Review Board to hear appeals related to a number of city bylaws and it is unclear how the role of the Provincial Ombudsman will relate to the work of this review board or any other mechanisms a municipality has for administrative review.

**Recommendation:**

- The City of Red Deer request that the proposed legislation be amended to indicate that any expansion to the role of the Provincial Ombudsman serve as a complimentary not competitive or duplicate role for municipalities with their own appeal and review processes.
- The City of Red Deer request further clarity on the role of the Ombudsman related to Council's governance and fiduciary responsibility to ensure administrative fairness of their organization.
- The City of Red Deer does not support any additional costs for this provincial service be charged to municipalities.

### Council Orientation

Bill 21 requires Administration to provide an orientation for Council, but Council is not required to attend.

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**Recommendation:**

- The City of Red Deer support this change and request that it be amended to include the requirement that attendance be mandatory with the exception of valid absences set out by Council such as illness.

**Municipally controlled for profit corporations**

Bill 21 as proposed would offer greater flexibility for municipally controlled for-profit corporations with the regulations to outline the scope and transparency.

**Recommendation:**

- The City of Red Deer support this recommended change.

**Impartiality of Appeal Boards**

Municipal Councillors will be prohibited from forming the majority of any MGA-referenced municipal appeal board or individual hearing panel. The City already complies with this proposed change so we anticipate no impact.

**Recommendation:**

- The City of Red Deer support this recommended change.

## Planning

**Conservation Reserve**

A new category for a 'conservation reserve' is proposed to protect environmentally significant lands such as wildlife corridors, significant tree stands, and other significant environmental features. This designation of Conservation Reserve is not included when calculating Municipal Reserve and the designation cannot be removed even if the environmental feature has been changed or damaged e.g. a tree stand that is unfortunately destroyed by fire. Municipalities will have to provide compensation to the developers and at this time it appears that this would be done at full market value.

If a developer and a municipality do not agree on the compensation, the process of appeal can take five to seven years. This makes land use and financial planning for a municipality very challenging and we would request that a more streamlined approach to address compensation disputes be developed.

Currently our Parks Department already identifies natural areas to be preserved outside of Municipal Reserve and negotiates the purchase of the lands. Given municipalities have the ability to expropriate land without the added burden of the permanent restriction on land use, it is not clear as to how this new provision will benefit municipalities and may not be well used.

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The definition and purpose of Environmental Reserve will be clarified to include land unsuitable for development and could be further expanded to include environmentally significant features such as wetlands and escarpment.

**Recommendation:**

- The City of Red Deer not support the current change as presented. The conservation reserve as currently outlined does not meet the needs of the municipality in preserving environmentally sensitive areas due to the compensation and restriction on changing the designation.

**Inclusionary Housing**

Municipalities have considerable challenges in creating affordable housing opportunities for residents. With this change, municipalities will have the flexibility to allow inclusionary housing as an option within their Land Use Bylaws however, they will have to compensate developers. Given that housing is a Provincial responsibility, it should be the Province compensating developers for the land. At this time it is unclear how this may be tied to housing grants to communities and municipalities in the future.

**Recommendation:**

- The City of Red Deer is supportive of changes that would encourage the provision of more affordable housing in a community.
- The City has concerns that the proposed legislation may be tied to the allocation of housing grants to municipalities. If this compensation required cannot be funded through Provincial housing grants, it may result in a download of cost to the municipality for a Provincial responsibility. It may serve to reduce the amount of affordable housing in a community which is not the intended outcome of this change.
- The City of Red Deer request clarity regarding the timelines of an inclusionary zoning designation. If compensation has occurred, does the zoning remain in perpetuity?

**High School Sites**

High School sites are requiring larger parcels than we have available using Municipal Reserve and this is not addressed in the legislation. Municipal Affairs did indicate that there are discussions with some of the larger school boards on this matter scheduled over the summer.

**Recommendation:**

- The City of Red Deer will review this amendment once it is provided.

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**Municipal Development Plans (MDP)**
Bill 21 will require all municipalities to develop and approve a Municipal Development Plan (MDP). The City already complies with this proposed change in legislation so there is no impact.

**Recommendation:**
- The City of Red Deer support this change.

**Transparency of Non-Statutory Planning Documents:**
Municipalities will be required to list and publish all non-statutory planning documents and describe how they relate to each other and the statutory plans. Red Deer publishes most of its planning documents and we expect the regulations to articulate the exact requirements and scope.

**Recommendation:**
- The City of Red Deer support this change but request further clarity on the exact requirements and scope and timing.

**Decision Making Timelines for Development Permits.**
Cities and specialized municipalities will be able to create bylaws to set their own timelines for when an application must be complete and when an application decision must be made.

**Recommendation:**
- That The City of Red Deer support this change.

**Land Use Policies:**
Current MGA land use policies will continue to be phased out of forces as new regional plans under the Alberta Land Stewardship Act (ALSA) come into force. The MGA will be amended to provide the Minister with the authority, through the regulations, to create land sue policies for municipal planning matters that are not included in a regional plan under the ALSA. Red Deer's portion of the South Saskatchewan Regional Land Use Plan has not yet been started.

**Recommendation:**
- The City of Red Deer support this change.

**Next Steps:**
This report would be submitted to Municipal Affairs and to the Alberta Urban Municipalities Association (AUMA) as our initial response to Bill 21. It would form the basis of future input and advocacy opportunities.

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The Government's work on Bill 21 is still ongoing and a revised Bill 21 with amendments will be brought forward this fall. This report would be a reference point for comments on the revisions, the big city charters and our input into regulations as they are developed over the next year.

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## Appendix A
## MGA Amendment Analysis – Bill 20 & Bill 21

| Section | Revision/Impact |
|---|---|
| New Preamble (Bill 21) | Establishes a preamble recognizing municipal purposes and roles – includes working collaboratively with neighbouring municipalities |
| 1(1)(f) (Bill 21) | Clarifies that SDABS and ARBs are not council committees |
| 1(1)(z.1) (Bill 21) | Adds definition of summer village residence |
| 1(1)(bb.1) (Bill 21) | Adds definition of water body - clarifying it is naturally occurring water |
| 1(2.1) (Bill 21) | Clarifies that summer village residence does not include a tent |
| 1, 50, 51, 53 (Bill 20) | Changes in definitions<br>The Minister may make regulations defining "meeting" for the purposes of one or more provisions of this Act and the regulations<br>This may mean restrictions to when and how we can meet with Council such as workshops.<br>Regulations are not expected till next year.<br>Bylaws and policies will need to reflect the new terminology |
| 101, 102, 105, 106 (Bill 20) | 106.1 (1) The Minister may make regulations for the purpose of municipalities to jointly initiate an amalgamation…<br>These sections deal with amalgamations and generally seem to clean up the language. The section 106.1 indicates we will get regulations on joint amalgamation. This has been the subject of resolutions and discussion at AUMA as to how the government can incentive voluntary amalgamation. Regulations are coming. |
| 2.1 (Bill 21) | Clarifies that no municipality can include Indian Reserve land under the Indian Act (Canada) |
| 3(d) (Bill 21) | Adds a fourth municipal purpose of working collaboratively with neighbouring municipalities |
| 14(1)(d) (Bill 21) | Changes the language to reflect new controlled corporation provisions |
| Heading before 47 and 47.1 (Bill 21) | Repealed |
| 54 (Bill 21) | Repealed and replaced<br>Permits municipalities to provide services outside their municipality, even outside Alberta, but requires consent of that |

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| Section | Revision/Impact |
|---|---|
| | local authority |
| 55(1)(b) (Bill 21) | Change to reflect changes in School Act from s. 163 to s. 179 |
| 60(1) (Bill 21) | Changes to reflect new definition of water body |
| 73 (Bill 21) | Controlled corporation section repealed |
| 75.1 (Bill 21) | New provisions dealing with Controlled corporations. Requires due diligence study and business plan (like for community revitalization levies). No longer require the Minister's approval. Municipalities may own a controlling position. Preconditions and reporting |
| 75.2 (Bill 21) | Financial statements to be submitted to council |
| 75.3 (Bill 21) | Material changes require notice to municipal residents |
| 75.4 (Bill 21) | A controlled corporation can provide utility services |
| 75.5 (Bill 21) | Power of Minister to make regulations for controlled corporations |
| 130(2)(b) (Bill 21) | Strikes out "a majority of the electors of the summer village" and substitutes "a number of the electors of the summer village equal to at least 50% of the summer village residences in the summer village." |
| 146.1 (Bill 20) | Codes of Conduct established by bylaw<br>The Minister may make regulations will provide mandatory content.<br>Council may establish by bylaw a code of conduct for members of council committees and other bodies established by bylaw. |
| 153 (Bill 20) | Councils must adhere to the Codes of conduct established |
| **New** 153(a.1) (Bill 21) | Added duty of councillors to promote intermunicipal land use and service delivery |
| 153.1 (Bill 20) | Information must be provided to all other councillors as soon as is practicable |
| 197 (Bill 20) | Changes to meetings and closed meetings<br>2.01 is a new section which suggests new regulations may be added enabling closed meetings beyond those permitted under FOIP |

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| Section | Revision/Impact |
|---|---|
| | Only the person taking minutes, and presumably the CM, are allowed to stay unless there is a specific reason for their attendance – must for allowing must be recorded in minutes |
| 201.1 (Bill 21) | New obligation for council orientation training within 90 days after a councillor has been elected |
| 201(1)(b), 205(5) (Bill 20) | Repeals: making sure that the powers, duties and functions of the municipality are appropriately carried out<br>Added: must ensure the CAO appropriately performs the duties. |
| 208 (Bill 20) | Revisions (primarily reordering) of major administrative duties<br>The financial sections are removed and added to a different section<br>Just a reordering of sections |
| 216.1 (Bill 20) | Public Participation policy<br>Must have a policy and the Minister may make regulations that would include mandatory content |
| 223(2)(b) (Bill 21) | Strikes out "10% of the electors of the summer village" and substitutes "a number of the electors of the summer village equal to at least 20% of the number of summer village residences in the summer village." |
| 224(2)(c.1) (Bill 20) | Addition of petitioner's phone number and email address |
| 226(1), 226.1, 226.2 (Bill 20) | Increases petition requirement from 30 to 45 days<br>Provides for Council to reduce by bylaw the percentage required for petitions<br>Requires protection of contents of petitions but the inadvertent disclosure that occurs in the course of collecting signatures is not a breach |
| 230 (Bill 20) | Clarifying that a public hearing must be held in accordance with s606 |
| 232(2) (Bill 21) | Repealed and replaced – wording clarity |
| 241 (Bill 20) | Definitions for accounting standards, amortization, tangible capital assets, annual budget |
| 241(d) (Bill 21) | Strikes out "corporation controlled by a municipality" and substitutes "controlled corporation as defined in section 75.1." |
| 243 (Bill 20) | Amendments related to 241 |
| 244 (Bill 20) | Requirement to resolve shortfalls – balanced budgets |
| 248.1 (Bill 20) | Annual Budget provisions |

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| Section | Revision/Impact |
|---|---|
| 250(2.1) (Bill 21) | Investment provisions do not apply to controlled corporations |
| 250(3) (Bill 21) | Strikes out "and a municipality may not acquire shares of a corporation under subsection (2)(e) if the acquisition would allow the municipality to control the corporation." |
| 268.1 (Bill 20) | Additional section regarding financial records and receipts |
| 270 (Bill 20) | Where municipal money may be held |
| 283.1 (Bill 20) | Capital and financial plans<br>3 years for operating and 5 for capital<br>Must be reviewed and updated by Council<br>Minister may make regulations respecting the form and contents of plans |
| 284(1)(d) (Bill 21) | Repealed and replaced – new definition of assessor |
| 284(1)(f.01) (Bill 21) | New definition of designated industrial property |
| 284(1)(g) (Bill 21) | Repealed |
| 284(1)(k) (Bill 21) | Repealed and replaced- new definition of linear property |
| 284(1)(n.3) (Bill 21) | New definition of municipal assessment roll |
| 284(1)(n.4) (Bill 21) | New definition of municipal assessor |
| 284(1)(o.1) (Bill 21) | New definition of operational |
| 284(1)(p) (Bill 21) | Repealed and replaced - new definition of operator |
| 284(1)(r.1) (Bill 21) | New definition of provincial assessment roll |
| 284(1)(r.2) (Bill 21) | New definition of provincial assessor |
| 284(1)(s) (Bill 21) | Repealed |
| 284(1)(t) (Bill 21) | Repealed |
| 284(1)(v) (Bill 21) | Repealed |
| 284(1)(w) (Bill 21) | Repealed |

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| Section | Revision/Impact |
|---|---|
| 284(2.1) (Bill 21) | Facility regulated by AER, AUC or NEB includes all components, including the land |
| 284.1 (Bill 21) | Repealed and replaced – new definition of assessor<br>Concerns re implementation - how will the new industrial assessment be funded – proportional? |
| 284.2 (Bill 21) | New section dealing with the role of the municipal assessor |
| 285 (Bill 21) | Strikes out "linear" wherever it occurs and substitutes "designated industrial". |
| 289(1) (Bill 21) | Repealed and replaced.<br>Municipal assessor prepares all assessments but designated industrial property |
| 289(2.1) (Bill 21) | If both provincial and municipal assessors assess property, the municipal assessment is to be rescinded. |
| 289(3) (Bill 21) | Repealed |
| 289(4) (Bill 21) | Repealed |
| 291(2) (Bill 21) | Repealed and replaced.<br>New rules dealing with non-operational linear and designated industrial properties |
| 291(3) (Bill 21) | Repealed |
| 291(4) (Bill 21) | Repealed |
| 291(5) (Bill 21) | Repealed |
| 292(1) (Bill 21) | Repealed and replaced |
| 292(2)(a) (Bill 21) | Strikes out "linear" and substitutes "designated industrial" |
| 292(2)(b) (Bill 21) | Repealed and replaced to reflect designated industrial property |
| 292(2.1) (Bill 21) | Addresses specification and characteristics of designated industrial property |
| 292(2.2) (Bill 21) | Information received from AER, AUC or NEB deemed to be correct for purposes of preparing assessments |
| 292(3) (Bill 21) | Repealed |
| 292(4) (Bill 21) | Repealed |
| 292(5) | Repealed |

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| Section | Revision/Impact |
|---|---|
| (Bill 21) | |
| 293(1) (Bill 21) | Strikes out "the assessor" and substitutes "an assessor". |
| 293(3) (Bill 21) | Repealed and replaced- clarifies responsibilities |
| 295(1) (Bill 21) | Repealed and replaced – changes to duties to provide information |
| 295(2) (Bill 21) | Repealed and replaced -clarifications regarding Safety Codes information |
| 295(4) (Bill 21) | Strikes "linear" and substitutes "designated industrial". |
| 295(5) (Bill 21) | Obligation to report information to Minister on request |
| 296(1) (Bill 21) | Strikes out "An assessor described in section 284(d)(i)" and substitutes "The provincial assessor". |
| 296(2)(b) (Bill 21) | Strikes out "to assist the assessor in preparing an assessment or determining if property is to be assess" and substitutes "under section 294 or 295" |
| 297(2) (Bill 21) | Repealed and replaced<br>Class 1 may be divided into sub-classes and assessor may assign one or more subclasses to property |
| 297(2.1) (Bill 21) | Assessor must assign the subclasses to Class 2 (non-residential) as set out in regulations |
| 298 (Bill 20) | Addition of no assessment needing to be prepared for linear property used for SuperNet purposes |
| 299 (Bill 21) | Repealed and replaced<br>Changes to request for information |
| 299.1 (Bill 21) | Additional section about access to provincial assessment record |
| 300 (Bill 21) | Repealed and replaced<br>Changes to access to municipal assessment information |
| 300.1 (Bill 21) | Additional section about access to provincial assessment record |
| 301(2) (Bill 21) | Provincial assessor may provide information if satisfied confidentiality will not be breached |
| 302 (Bill 21) | Repealed and replaced<br>Changes to preparation of roll to reflect municipal and provincial assessor |
| 303 (Bill 21) | Adds "prepared by a municipality" after "assessment roll". |
| 303(g.1) | Repealed |

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| Section | Revision/Impact |
|---|---|
| (Bill 21) | |
| 303(h) (Bill 21) | Adds "fully or partially" before "exempt". |
| 303(h.1) (Bill 21) | Assessment roll must reflect deferral of tax collection |
| 303(i) (Bill 21) | Adds "required" before" by the Minister". |
| 303.1 (Bill 21) | Addresses contents of provincial assessment roll |
| 304(3) (Bill 21) | Repealed and replaced – obliges tax payer to provide written notice of mailing address to which notice to be sent for Part 9 and 10 |
| 304(5) (Bill 21) | Repealed |
| 305(3) (Bill 21) | Strikes out "section 368" and substitutes "section 364.1 or 368". |
| 305(3) (Bill 20) | Clarifies correction for exempt property becoming taxable is for the current year only |
| 305(3.1) (Bill 21) | If tax collection deferred, or deferral cancelled, assessment roll to be corrected and notice sent to taxpayer |
| 305(5) (Bill 21) | Repealed |
| 305(6) (Bill 21) | Repealed |
| 307 (Bill 21) | Adds "municipal" before "assessment roll". |
| 308(1)(a) (Bill 21) | Strikes out "linear" and substitutes "designated industrial". |
| 308(2) (Bill 21) | Repealed and replaced. Provincial assessor to prepare assessment for designated industrial assessment |
| 308(3) (Bill 21) | Repealed |
| 308(5) (Bill 21) | Repealed |
| 309 (Bill 21) | Repealed and replaced<br>Updates contents of assessment notice |
| 310(2)(b) (Bill 21) | Strikes out "assessor designated by the Minister" and substitutes "provincial assessor". |
| 311(3) (Bill 21) | Repealed and replaced<br>Provincial assessor to publish in Alberta Gazette notice that designated industrial property notices sent |
| 311(4) (Bill 21) | Strikes out "linear" and substitutes "designated industrial". |

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| Section | Revision/Impact |
|---|---|
| 313(4) (Bill 21) | Strikes out "linear" wherever it occurs and substitutes "designated industrial". |
| 314(1) (Bill 21) | Adds "municipal" before "assessor". Strikes out "completed or begin to operate" and substitutes |
| 314(2) (Bill 21) | Adds "municipal" before "assessor". |
| 314(2.1) (Bill 21) | Adds "municipal" before "assessor". |
| 314.1 (Bill 21) | Provisions dealing with supplementary assessment for designated industrial property |
| 315 (Bill 21) | Repealed and replaced |
| 316 (Bill 21) | Repealed and replaced |
| New 316.1 (Bill 21) | Updated contents of assessment notice |
| 317(b) (Bill 21) | Repealed |
| 317(c) | Change from Municipal Grants Act (Canada) to Payments in Lieu of Taxes Act (Canada) |
| 317(e) (Bill 21) | Strikes out "section 333.1 or 360" and substitutes "section 333.1, 360 or 264.1" |
| 322(1) | Amendments related to 298(3) Minister may make regulations respecting information to be provided and by whom for preparation of assessments |
| 322(1)(b) (Bill 21) | Repealed and replaced Powers of Minister to make regulations for definitions of "linear" property |
| 322(1)(d.1)-(d.3) (Bill 21) | Powers of Minister to make regulations for powers of assessors, designating designated industrial property and characteristics |
| 322(g.01) (Bill 21) | Powers of Minister to make regulations for s. 297(2) subclasses |
| 322(g.1) (Bill 21) | Strikes out "sections 299(1.1)(c)and 300(1.1)(e)" and substitutes "sections 295(1)(b), 299(1), 299.1(1), 300(2)(f) and 300.1(2)(c)" |
| 322(h.2)-(h.5) (Bill 21) | Powers of Minister to make regulations regarding information requests and assessments and supplementary assessments |
| 322(6)- (7) (Bill 21) | Expansion of Minister's powers regarding designated industrial property |
| 322(8) (Bill 21) | Limits on court action regarding designated industrial property |

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| Section | Revision/Impact |
|---|---|
| 326<br>(Bill 20) | Business does not include an MLA office |
| 326(1)(a)<br>(Bill 21) | Strikes out "or" at end of subclause (iii).<br>Adds "or" at end of subclause (v) |
| 326(1)(a)(vi)<br>(Bill 21) | Addition of definition of "requisition" |
| 329(g.1)<br>(Bill 21) | Addition of contents of tax roll |
| 334(3)<br>(Bill 21) | Strikes out "section 326(1)(ii)" and substitutes "section 326(1)(a)(ii) or (vi)". |
| 350<br>(Bill 21) | Strikes out "and" at the end of clause (a).<br>Adds "and" at the end of clause (b). |
| 350(c)<br>(Bill 21) | Adds requirement to show total amount of deferred tax to tax certificate |
| 354(3.1)<br>(Bill 21) | Repealed and replaced<br>Tax rate for s. 297(2) subclasses to be set in accordance with regulations |
| 357.1<br>(Bill 21) | Tax rate for s. 297(1) property must be greater than zero |
| 358<br>(Bill 21) | Repealed |
| 358.1<br>(Bill 21) | Provisions dealing with maximum tax ratio (5:1 – means the highest non-residential tax rate must not be more than 5 times |
| 359.1(2)<br>(Bill 21) | Strikes out "linear" wherever it occurs and substitutes "designated industrial". |
| 359.1(4)(c)<br>(Bill 21) | Strikes out "linear" wherever it occurs and substitutes "designated industrial". |
| 359.2(2)<br>(Bill 21) | Strikes out "linear" wherever it occurs and substitutes "designated industrial". |
| 359.2(4)(c)<br>(Bill 21) | Strikes out "linear" wherever it occurs and substitutes "designated industrial". |
| 359.3<br>(Bill 21) | Minister sets property tax rate for designated industrial property requisition -to be the same for all |
| 359.4<br>(Bill 21) | Minister can cancel or reduce the requisition under 32691)(a)(vi) |
| 364.1<br>(Bill 21) | Brownfield tax incentives<br>Designated officer declares; appeal to review board; contaminated, vacant or derelict – need legal interpretation; highest and best use; can be appealed; need to establish designated officer |
| 365(1) | Strikes out "sections 351(1)(b) and 361 to 364" and |

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| Section | Revision/Impact |
|---|---|
| (Bill 21) | substitutes<br>"sections 351(1)(b) and 361 to 364.1" |
| 369(2.01)<br>(Bill 21) | Addresses power of council to pass supplementary tax bylaw for designated industrial property |
| 370(b.1)<br>(Bill 21) | Power of Minister to make regulations to addresses tax rates from s. 354(3.1) |
| 370(c.2)<br>(Bill 21) | Power of Minister to make regulations regarding designated industrial property |
| 370(c.3)<br>(Bill 21) | Power of Minister to make regulations for tax exemptions and deferrals under s. 364.1 |
| 381<br>(Bill 20) | Changing Revitalization Zone to Improvement area |
| 397<br>(Bill 20) | Amendment re local improvements<br>Road to benefit Crown land – Minister responsible must approve bylaw |
| 423(1)<br>(Bill 20) | Addition clarifying that a caveat pursuant to the New Home Buyer Protection Act remains on land purchased at public auction |
| 467.1<br>(Bill 21) | Failure to grant exemption ca be appealed to CARB |
| 469<br>(Bill 21) | Strikes out "designated officer appointed under section 455" and substitutes "clerk". |
| 470<br>(Bill 21) | Repealed and replaced<br>Leave to appeal provisions gone<br>Replaced by judicial review<br>Specifies to whom notice to be given |
| 470.1<br>(Bill 21) | Repealed |
| 481(3)(b)<br>(Bill 21) | Strikes out "appeal" and substitutes "judicial review". |
| 483<br>(Bill 21) | Repealed and replaced<br>Certified decision of ARB does not require proof of appointment of clerk |
| 484<br>(Bill 21) | Repealed and replaced<br>ARB members immune from liability for good faith actions |
| 484.1(b)<br>(Bill 21) | Strikes out "provincial members and acting provincial members to composite assessment review boards" and substitutes "provincial members to panels of composite assessment review boards". |
| 484.1(c)<br>(Bill 21) | Strikes out "council may establish" and substitutes "chair may convene a panel of". |
| 484.1(d)<br>(Bill 21) | Strikes out "council may establish" and substitutes "chair may convene a panel of". |

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| Section | Revision/Impact |
|---|---|
| 484.1(e) (Bill 21) | Strikes out "persons appointed as designated officers under section 455" and substitutes "clerks". |
| 484.1(f) (Bill 21) | Strikes out "designated officer" and substitutes "clerk". |
| 484.1(h.1) (Bill 21) | Power of Minister to make regulations for replacement for ARB member |
| 484.1(i.1) (Bill 21) | Power of Minister to make regulations for ARB hearings held in private |
| 484.1(i.2) (Bill 21) | Power of Minister to make regulations for exclusion of documents from public record |
| 484.1(n.1) (Bill 21) | Power of Minister to make regulations for s. 465 applications |
| 484.1(p) (Bill 21) | Repealed and replaced<br>Power of Minister to make regulations for judicial review applications |
| 485(a) (Bill 21) | Repealed |
| 485(c) (Bill 21) | Definition of "chair" |
| 486(1.1) (Bill 21) | Lieutenant Governor in Council must designate Chair of MGB |
| 486(3) (Bill 21) | Repealed |
| 486(4) (Bill 21) | Repealed and replaced<br>Chair can delegate functions |
| 487 (Bill 21) | Strikes out "administrator" wherever it occurs and substitutes "chair". |
| 487.2 (Bill 21) | Specifically authorizes other staff to assist MGB |
| 488(1)(a) (Bill 21) | Strikes out "linear" and substitutes "designated industrial". |
| 488(1)(i) (Bill 21) | Strikes out "and" at the end.<br>Adds "and" to the end of clause (j). |
| 488(1)(k) (Bill 21) | Permits appeals under s. 648.1(off site levy appeals) |
| 488(3) (Bill 21) | Strikes out "(j)" and substitutes "(k)". |
| 488.1(2) (Bill 21) | MGB cannot hear complaints about the validity of regulation or guidelines under Act |
| 491(1) | Strikes out "Any matter" and substitutes "A complaint about |

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| Section | Revision/Impact |
|---|---|
| (Bill 21) | an assessment for designated industrial property or relating to the amount of an equalized assessment".<br>Strikes out "administrator" and substitutes "chair" |
| 491(1)(a)<br>(Bill 21) | Strikes out "linear" and substitutes "designated industrial". |
| New 491(1.1)<br>(Bill 21) | New form to be accompanied by fee |
| 491(3)<br>(Bill 21) | Strikes out "linear" and substitutes "designated industrial". |
| 492(1)<br>(Bill 21) | Strikes out "linear" wherever it occurs and substitutes "designated industrial". |
| 492(1)(c.1)<br>(Bill 21) | Adds "assessment class" |
| 492(1.1)<br>(Bill 21) | Strikes out "linear" and substitutes "designated industrial". |
| 493(1)<br>(Bill 21) | Strikes out "administrator" and substitutes "chair". |
| 493(2)<br>(Bill 21) | Repealed and replaced<br>Obligations of chair to advise provincial assessor about complaint for designated industrial property |
| 494(1)<br>(Bill 21) | Strikes out "administrator must" and substitutes "chair must". |
| 494(1)(b)<br>(Bill 21) | Repealed and replaced<br>Sets out obligations of notice |
| 499(1)(a)<br>(Bill 21) | Strikes out "linear" and substitutes "designated industrial". |
| 499(1)(d)<br>(Bill 21) | Sets out power of MGB on appeal for designed industrial property |
| 499(3)(a)<br>(Bill 21) | Strikes out "linear" and substitutes "designated industrial". |
| 500(1)<br>(Bill 21) | Strikes out "linear" wherever it occurs and substitutes "designated industrial". |
| 506<br>(Bill 21) | Repealed |
| 506.1<br>(Bill 21) | Repealed |
| 508.1<br>(Bill 21) | Provisions dealing with judicial review from MGB decision |
| 517(2)<br>(Bill 21) | Strikes out "linear" wherever it occurs and substitutes "designated industrial". |
| 525.1<br>(Bill 21) | Hearing to be open to public. Deals with manner of having in private hearing |

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| Section | Revision/Impact |
|---|---|
| 527.1(a) (Bill 21) | Strikes out "administrator" and substitutes "chair". Strikes out "administrator's" and substitutes "chair's". |
| 527.1(b) (Bill 21) | Strikes out "administrator" and substitutes "chair". |
| 527.1(d) (Bill 21) | Strikes out "administrator" and substitutes "chair". |
| 527.1(f.1) (Bill 21) | Power of the Minister to make regulations regarding having MGB hearing in private |
| 527.1(f.2) (Bill 21) | Power of the Minister to make regulations regarding exclusion of documents from public record |
| 527.1(j) (Bill 21) | Repealed and replaced Power of the Minister to make regulations regarding having MGB |
| 527.1(k) (Bill 21) | Strikes out "interveners" and substitutes "intervenors". |
| 571(1) (Bill 21) | Repealed and replaced New provisions dealing with Minister's inspection |
| 571(1.1) (Bill 21) | Defines "management, administration or operation of municipality" |
| 572(1) (Bill 21) | Repealed and replaced New provisions dealing with Minister's inquiry |
| 572(6) (Bill 21) | Strikes out "and, if there was a petition under subsection (1)(a), to the representative of the petitioners". |
| 574(1) (Bill 21) | Adds ", an investigation by the Ombudsman" after "an inquiry under section 572". |
| 594(1) (Bill 21) | Strikes out "linear" wherever it occurs and substitutes "designated industrial". |
| 594(2) (Bill 21) | Strikes out "linear" wherever it occurs and substitutes "designated industrial". |
| 594(3) (Bill 21) | Strikes out "linear" wherever it occurs and substitutes "designated industrial". |
| 602.02(2)(c) (Bill 21) | Strikes out "specify" and substitutes "include provisions respecting". |
| 602 .08 (Bill 20) | Reordered wording re closed meetings and requires public be notified once a closed meeting has ended; requires that where other beyond the board or committee attend a closed meeting the reason for their attendance be recorded |
| 606, 606.1 (Bill 20) | Allowing for advertisement on website Requires adoption of bylaw to outline method of notice |

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| Section | Revision/Impact |
|---|---|
| | Without an appropriate bylaw, the removal of the word 'or' it could be inferred all three methods of notice must be used |
| 607<br>(Bill 20) | Provides or service of a document on the municipality via electronic means if a bylaw is adopted providing for same |
| 608<br>(Bill 21) | Repealed and replaced<br>New provisions dealing with electronic sending of documents |
| 608<br>(Bill 20) | Provides for notification by electronic means<br>Requires recipient consent to receiving documents by electronic means<br>Outlines that document is presumed to have been received 7 days after it was sent<br>Appears to enable sending of electronic assessment and taxation notices |
| 615<br>(Bill 20) | Aeronautics Act (Canada) - minister may make regulations authorizing a municipality to enter into agreements |
| 616(a.II)<br>(Bill 21) | Defines community recreation facilities |
| 616(a.3)<br>(Bill 21) | Defines conservation reserve |
| 616(e)<br>(Bill 21) | Strikes out "by a subdivision authority or a municipality". |
| 616(h.1)<br>(Bill 21) | Defines inclusionary housing |
| 616(h.2)<br>(Bill 21) | Defines inclusionary housing regulation |
| 616(l)<br>(Bill 21) | Repealed and replaced<br>Defines land use policies |
| 616(z)<br>(Bill 21) | Need definitions of both; cannot dispose of CR; codifying overdedication<br>Adds", conservation reserve" after "environmental reserve". |
| 618.2<br>(Bill 21) | No Part 17 bylaws are valid unless passed in accordance with Part 17 |
| 622<br>(Bill 21) | Repealed and replaced<br>Updated provisions dealing with land use policies |
| 627.1<br>(Bill 20) | Council must appoint an SDAB Clerk who is a designated officer<br>Designated officer must successfully complete training |
| 627(3)<br>(Bill 21) | Repealed and replaced<br>Addresses role of councillors on SDAB |
| 627.2<br>(Bill 20) | SDAB members must be qualified as set out by regulations |
| 628(2)(a) | Strikes out "committees" and substitutes "panels". |

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| Section | Revision/Impact |
|---|---|
| (Bill 21) | |
| 628(2)(b) (Bill 21) | Strikes out "committees" and substitutes "panels". |
| 628(2)(c) (Bill 21) | Strikes out "committees" and substitutes "panels". |
| 628(2)(d) (Bill 21) | Strikes out "committee" and substitutes "panel". |
| New628.1 (Bill 21) | SDAB members immune from liability for good faith actions |
| 631(1), (1.1) and (1.2) (Bill 21) | Repealed and replaced<br>New IDP provisions - mandatory |
| 631(2)(a) (Bill 21) | Repealed and replaced<br>Updated provisions for IDP |
| 631(3) (Bill 21) | IDP required in 5 years |
| 631(4) (Bill 21) | Section 708-33-708.43 applies to disputes about IDPS |
| 632(1) (Bill 21) | Repealed and replaced<br>MOPs are mandatory |
| 632(2.1) (Bill 21) | MOP required within 3 years |
| 632,633, 634,638 (Bill 20) | Requirement for Plans to be consistent: MDP with IDP; ASPs with IDP and MDP; ARPs with IDP and MDP; IDPs prevail to extent of any inconsistency in Plans |
| 638.2 (Bill 21) | Policies not listed **cannot** be considered by the Development Authority, SDAB, MGB or the courts<br>Municipalities must publish all policies on web page<br>Sets out sanctions for failure to comply<br>Applies after January 1, 2019 |
| 640(4)(l)(ii) (Bill 21) | Strikes out "lake, river, stream or other body of water" and substitutes "water body or man-made body of water". |
| 640(4)(s) (Bill 21) | LUB may include provisions for inclusionary housing |
| 640.1 (Bill 21) | Provisions for alternate time periods for development permit applications and subdivision applications |
| 641(4) (Bill 20) | Repealed section re appeals on Direct Control<br>Moved to s685 with provisions unchanged |
| 642(1) and (2) | Repealed and replaced |

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| Section | Revision/Impact |
|---|---|
| (Bill 21) | Updated provisions dealing with permitted and discretionary uses |
| 644(3) (Bill 21) | 644(1) does not apply to conservation reserve |
| 648 (Bill 20) | Changes to off site levies<br>Allows for collection for each purpose and over time |
| 648(1) (Bill 21) | Strikes out "subsection (2)" and substitutes "subsection (2) and (2.1)". |
| 648(2.1) (Bill 21) | Off site levies can be imposed for Community recreation facilities Fire hall facilities; Police station facilities; Libraries<br>Links to Intermunicipal collaboration, e.g. arterial roads, regional growth; cost of housing will go up; should free up tax room – taxpayer and purchaser; appeal goes to MGB versus courts |
| 648(2.2) (Bill 21) | 648(2.1) applies only if 30% of the benefit of the purpose benefits the future occupants of the land on which the levy is imposed<br>how do you define 30% |
| 648(4) (Bill 21) | Adds "or 2.1" after "subsection (2)". |
| 648(5)(b) (Bill 21) | Adds "or (2.1)(a) to (d)" after "subsection 2(a) to (c.1)". |
| 648(8) (Bill 21) | Addresses previously imposed fees |
| 648.1 (Bill 21) | Permits appeals to MGB from off site levies and specifies grounds of appeal |
| 650 (Bill 20) | Clarification to public utility levies<br>Outlines utilities as per 616 that can be the responsibility of the developer |
| 650(1)(g) (Bill 21) | Adds inclusionary housing |
| 653(2.1) (Bill 21) | Provisions dealing with obligations to determine if subdivision application complete |
| 653(3) (Bill 21) | Repealed and replaced<br>Addresses obligations following complete subdivision application |
| 653(4) (Bill 21) | Repealed and replaced |
| 653(4.1) (Bill 21) | Strikes out "subsection (4)" and substitutes "subsection 3(b)". |
| 653(4.2) (Bill 21) | Strikes out "subsection (4)" and substitutes "subsection 3(b)". |

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| Section | Revision/Impact |
|---|---|
| 653(4.3) (Bill 21) | Strikes out "subsection (4)" and substitutes "subsection 3(b)". |
| 653(5) (Bill 21) | Strikes out "subsection (4)" and substitutes "subsection 3(b)". |
| 653.1 (Bill 21) | Addresses subdivision applications and timing of decision |
| 654(1) (Bill 21) | Repealed and replaced<br>Addresses subdivision approvals |
| 654(1.1) (Bill 21) | Requires subdivision authority to advise where appeal lies |
| 654(1.2) (Bill 21) | Section 638 applies if conflict or inconsistency in statutory plans |
| 655(1)(b)(vii) (Bill 21) | Subdivision authority can include inclusionary housing as condition of subdivision |
| 656(4) (Bill 21) | Limitations on subdivision authority |
| 658(4) (Bill 21) | Repealed and replaced<br>Addresses reserve lands on plan of subdivision |
| 661(a) (Bill 21) | Strikes out "roads, public utilities and environmental reserve, and" and substitutes "roads and public utilities". |
| 661(a.1) (Bill 21) | Land dedication to the provincial Crown |
| 661.1 (Bill 21) | Obligation on landowner to provide conservation reserve |
| 664(1) (Bill 21) | Strikes out "section 663" and substitutes "section 663 and subsection (2)". |
| 664(1)(c) (Bill 21) | Repealed and replaced<br>Revised wording for environmental reserve |
| 664(1.1) (Bill 21) | Provides further clarity for environmental reserve lands |
| 664(1.2) (Bill 21) | Defines bed and shore |
| 664.1 (Bill 21) | Provisions addressing agreement for environmental reserve |
| 664.2 (Bill 21) | Provisions regarding conservation reserve<br><br>Cannot dispose |
| 665(1) (Bill 21) | Adds", conservation reserve" after "environmental reserve". |
| 665(2)(c.1) | Conservation reserve identified by CR on title |

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| Section | Revision/Impact |
|---|---|
| (Bill 21) | |
| 665(3)<br>(Bill 21) | Adds", conservation reserve" after "environmental reserve". |
| 666(2)<br>(Bill 21) | Strikes out "the land required to be provided as environmental reserve and the land made subject" and substitutes "all land required to be provided as conservation reserve or environmental reserve or made subject". |
| 666(3)<br>(Bill 21) | Strikes out "the land required to be provided as environmental reserve and the land subject" and substitutes "all land required to be provided as conservation reserve or environmental reserve or made subject". |
| 666(3.1)<br>(Bill 21) | Provisions regarding calculation of reserves |
| 672(3)<br>(Bill 21) | Strikes out "school building envelope" wherever it occurs and substitutes "school building footprint". |
| 672(5)<br>(Bill 21) | Strikes out "school building envelope" wherever it occurs and substitutes "school building footprint". |
| 674.1<br>(Bill 21) | No disposal of conservation reserve |
| 678(2)(a)<br>(Bill 21) | Repealed and replaced<br>Subdivision appeal provisions |
| 678(3)<br>(Bill 21) | Strikes out "5 days" and substitutes "7 days". |
| 679(3.1)<br>(Bill 21) | Appeal does not apply to deemed refusal |
| 680(2)(a.2)<br>(Bill 21) | Inclusionary housing provisions included<br>"may"; links to Intermunicipal collaboration; will this tie to grants for housing; define collaboration |
| 680(2.1)<br>(Bill 21) | For deemed refusal, SDAB to determine if information provided |
| 680(2.2)<br>(Bill 21) | subsection 1(b) does not apply to deemed refusal appeal |
| 683.1<br>(Bill 21) | New provisions dealing with development applications; determine completeness within 20 days of application – can be extended |
| 684<br>(Bill 21) | Repealed and replaced<br>Deemed refusal provisions |
| 685<br>(Bill 20) | No change to current status |
| 685(3)<br>(Bill 21) | Repealed and replaced<br>Revised wording |

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| Section | Revision/Impact |
|---|---|
| 686(1.1) (Bill 21) | New provision dealing with notice (deemed 7 days from date of mailing) |
| 686(4.1) (Bill 21) | Provides for certain exclusions for deemed refusals |
| 687(3)(a.01) (Bill 21) | SDAB must comply with inclusionary housing provisions and regulations |
| 688(1) (Bill 21) | Strikes out "Despite section 506, an appeal" and substitutes "An appeal". |
| 688(1)(b) (Bill 21) | Repealed and replaced<br>Revised provisions dealing with appeals to Court of Appeal |
| s690 (Bill 20) | Intermunicipal Disputes<br>Includes obligations of mediation |
| 694(1)(b.1) (Bill 21) | Power of Minister to make regulations for Growth Management boards |
| 694(1)(b.2) (Bill 21) | Power of Minister to make regulations for specialized municipalities |
| 694(1)(h) (Bill 21) | Repealed and replaced<br>Power of Minister to make regulations for Growth Management boards |
| 694(1)(h.l) (Bill 21) | Power of Minister to make regulations defining historical site |
| 694(1)(h.2) (Bill 21) | Power of Minister to make regulations regarding s. 678(2)(a)(iii) |
| 694(1)(j) (Bill 21) | Power of Minister to make regulations for inclusionary housing |
| 694(4) (Bill 21) | Repealed and replaced<br>Power of Minister to make regulations for levies |
| 708.04, 708.09 (Bill 20) | Growth management boards<br>Requirement to provide annual report to Minister |
| 708.011 (Bill 21) | Repealed and replaced<br>Purpose of growth management boards<br>What is a our region? What is the role of Red Deer – do we want a growth board? What are the boundaries? Land Use Framework relationship? |
| 708.02(1.1) (Bill 21) | Growth management boards for Edmonton and Calgary |
| 708.02(1.2) (Bill 21) | Capital Region Board is growth management board for Edmonton area |
| 708.02(2) (Bill 21) | Strikes out "and" at the end of clause (b). |
| 708.02(2)(d)-(k) | Specifies contents of growth management board regulation |

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| Section | Revision/Impact |
|---|---|
| (Bill 21) | |
| 708.02(3)(f) (Bill 21) | Repealed |
| 708.02(3)(g) (Bill 21) | Repealed |
| 708.02(3)(h) (Bill 21) | Repealed |
| 708.02(3)(i) (Bill 21) | Repealed |
| 708.02(3)0) (Bill 21) | Repealed |
| 708.02(3)(k) (Bill 21) | Repealed |
| 708.02(3)(1) (Bill 21) | Repealed |
| 708.26 (Bill 21) | Definitions for intermunicipal collaboration<br>Like a service agreement with municipalities outside us; does it only apply to shared boundaries/roads: helps with equalization; review every 5 years |
| 708.27 (Bill 21) | Purpose of intermunicipal collaboration |
| 708.28 (Bill 21) | Mandatory framework |
| 708.29 (Bill 21) | Contents of framework |
| 708.3 (Bill 21) | Relationship to intermunicipal development plan |
| 708.31 (Bill 21) | Provisions dealing with conflict or inconsistency |
| 708.32 (Bill 21) | Term and review of framework |
| 708.33 (Bill 21) | Method of creating framework |
| 708.34 (Bill 21) | Application for arbitration |
| 708.35 (Bill 21) | Arbitration provisions |
| 708.36 (Bill 21) | Role of arbitrator |
| 708.37 (Bill 21) | Role of municipality in arbitration |
| 708.38 | Matters to be considered by arbitrator |

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| Section | Revision/Impact |
|---|---|
| (Bill 21) | |
| 708.39 (Bill 21) | Creation of framework by arbitrator |
| 708.4 (Bill 21) | Municipalities must amend bylaws |
| 708.41 (Bill 21) | Costs of arbitrator |
| 708.42 (Bill 21) | Order must be filed with Minister within 7 days |
| 708.43 (Bill 21) | Measures to ensure compliance with frameworks |
| 708.44 (Bill 21) | Definitions for resolving disputes under frameworks |
| 708.45 (Bill 21) | Binding dispute resolution process |
| 708.46 (Bill 21) | Enforcement of decision maker's orders |
| 708.47 (Bill 21) | Regulations act does not apply to a framework |
| 708.4B (Bill 21) | Jurisdiction of arbitrator |
| 708.49 (Bill 21) | Limitation period |
| 708.5 (Bill 21) | Arbitration Act does not apply to arbitration, except as allowed by regulations |
| 708.51 (Bill 21) | Part 17.2 paramount over parts 1, 2 3 5 6 7 8 or 17 |
| 708.52 (Bill 21) | Powers of minister to make regulations |
| **Transitional Rules** | |
| 133 (Bill 21) | Complete ARB hearings under old provisions |
| 134 (Bill 21) | Statutory appeals under s. 470 may continue under old provisions |
| 135 (Bill 21) | Minister may make regulations to deal with transition |
| **Ombudsman Act** | |
| 1(b)(i.4)- (i.6) and (g.1) (Bill 21) | Including references to municipalities (various forms) |
| 12(1) | Strikes out "or professional organization" wherever it appears |

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| Section | Revision/Impact |
|---|---|
| (Bill 21) | and substitutes", professional organization or municipality". |
| 12(3)(c) (Bill 21) | Strikes out "or professional organization" wherever it appears and substitutes", professional organization or municipality". |
| 16(1) (Bill 21) | Strikes out "or professional organization" wherever it appears and substitutes", professional organization or municipality". |
| 16(4) (Bill 21) | Strikes out "or professional organization" wherever it appears and substitutes", professional organization or municipality". |
| 18(1) (Bill 21) | Strikes out "or professional organization" wherever it appears and substitutes", professional organization or municipality". |
| 18(2) (Bill 21) | Strikes out "or professional organization" wherever it appears and substitutes", professional organization or municipality". Strikes out "professional organization or person" and substitutes ", professional organization, municipality or person". |
| 18(3)(a) (Bill 21) | Strikes out "or professional organization" wherever it appears and substitutes", professional organization or municipality". |
| 21(3) (Bill 21) | Adds "or municipality" after "professional organization": wherever it occurs. |
| 21(4) (Bill 21) | Adds "or municipality" after "professional organization": wherever it occurs. |
| 21(5) (Bill 21) | Adds "or municipality" after "of a professional organization". |
| Part 4.1 (Bill 20) | City Charters<br><br>It looks like any city could apply for a charter (there are no restrictions) and that the charter prevails. |
| Part 11 Division 1 (Bill 21) | Repealed and Replaced<br>Brand new provisions dealing with Assessment Review Boards, their members, appointment, training, Clerks, etc. |
| AR 214/2011 (Bill 20) | Repealed<br>Business Tax Exemption Regulation |
| AR 164/2014 (Bill 20) | Repealed<br>Local Improvement (Road) Tax Bylaw Regulation |
| AR 113/2012 (Bill 20) | Repealed<br>SuperNet Assessment Regulation |

September 5, 2017

# Municipal Government Act: City Charters Regulations

City Manager's Office

## Report Summary & Recommendation:

The Government of Alberta has been working on amendments to the Municipal Government Act since 2013. In the spring of 2015 the Government announced the first round of changes to the MGA as part of Bill 20. Throughout this process municipalities have heard of negotiations between the cities of Edmonton and Calgary for the establishment of unique City Charters that provide a broader suite of enabling legislation and autonomy.

On August 10, 2017, the Government of Alberta (Municipal Affairs) released a draft of the City Charters Regulation (City Charters) for public comment and administration has begun an initial analysis of both opportunities and challenges of this Regulation.

At present legislation only contemplates City Charters for Calgary and Edmonton; however, Charters provide a number of enabling provisions that may be desirable for other cities as well.

Overall, City Charters appear to provide potential increased powers flexibility to cities, which will allow for greater autonomy and efficiency in providing programs and services to citizens. However, these additional powers could overlap in areas that are typically provincial jurisdiction; this has the potential for the province to offload these costs with minimal or no compensation for the administration of programming and/or services. If Council chose to advocate for a City Charter these areas would need to be responded to within the process.

Council's direction is requested as to whether The City of Red Deer advocate for a City Charter consistent to the regulation set out for Calgary and Edmonton.

## City Manager Comments:

The initial analysis indicates that a number of the items in the charters will be of benefit to Edmonton and Calgary; however, the City of Red Deer has already been advocating for a number of these provisions throughout the update of the Municipal Government Act. The Province is therefore creating two tiers of municipal legislation which will be to the disadvantage of the City of Red Deer and other cities. Due to the inequity that these expanded powers will create, it is recommended that the City advocate that these provisions be extended beyond the two chartered cities.

Craig Curtis
City Manager

## Proposed Resolutions:

Resolved that Council of The City of Red Deer, having considered the report from the City Manager's Office dated September 5, 2017 re: Municipal Government Act: City Charters Regulations hereby

recognizes City Charters as a useful tool that should be available to all municipalities and requests that Municipal Affairs consider a broadening of this legislation to other larger municipalities; and

Further, that the Alberta Urban Municipalities Association (AUMA) and other mid and/or larger cities be asked to take an advocacy position in this regards.

## Report Details

### Background:

The City has been a participant throughout the process and on July 18, 2016 Council adopted The City's approach to the changes proposed to the Municipal Government Act (MGA) attached as Appendix B (Page 282).
The City has been a participant throughout the process and on July 18, 2016 Council adopted The City's approach to the changes proposed to the Municipal Government Act (MGA) attached as Appendix B.

Throughout this process municipalities have been aware of ongoing negotiations between the cities of Edmonton and Calgary and the Province with respect to the establishment of City Charters.

Community Charter legislation has been broadly used by the Province of British Columbia since 2003 and is intended to provide flexibility in order to allow municipalities to be innovative in serving the needs of their community.

### Analysis:

City of Red Deer administration has provided a high-level analysis of the Regulation as circulated, attached as Appendix A (Page 280) which outlines those clauses that would be desirable, undesirable, or unknown.

Both the cities of Edmonton and Calgary have participated in a collaborative, negotiated process in the establishment of the City Charters Regulation. The Regulation under consultation is representative of this process. Other municipalities should be allowed to engage in a similar, meaningful process to explore these opportunities.

There is very little contained in the City Charter that would not apply to The City of Red Deer and many of the elements in the City Charters will allow for changes that would improve efficiency and add tools that would provide programing flexibility. Components such as electronic notifications and the ability to supplement the Alberta Building Code to achieve environmental objectives are beneficial and/or easy to implement. Many items were changes that were desired in the MGA modernization.

The fact that only two municipalities have been enabled to have a City Charter creates an inherent inequity and lack of fairness and additionally may put Red Deer at a significant disadvantage; particularly with respect to taxation which may compromise equity in the assessment base.

Appendix A

**Administrative Analysis**

The following analysis should be considered in the context that there are elements in the draft regulations that are a directive and required, but many of the clauses are optional, allowing the cities the flexibility to implement those areas that are beneficial to their purposes.

**Desirable:**

Derelict and Contaminated Property – gives the cities the authority to define subclasses for contaminated and derelict properties. The vacant derelict and contaminated property piece should be expanded to include other municipalities.

Facility Setbacks – the City Charters will allow the ability to vary setbacks from landfills, which has been an advocacy position for The City of Red Deer for years. The 300m landfill setback is a deterrent to development, the City does assume the liability, however, the risk is low if due diligence is properly done.

Electronic Notices – could improve service and efficiencies for citizens and The City of Red Deer in many areas and adding to the electronic services already provided, such as utility billing through MyCity.

Housing – there are additional tools afforded in the City Charters that support affordable housing development, such as loans and long-term property agreements to ensure perpetuity. This would provide different/additional option that could help to address safety and social disorder.

Fines – the ability to increase maximum fines; could be good option in order to ensure compliance for bylaws that ensure the safety of citizens; the staggering liquor sale outlets would have numerous benefits notably, smoother less congestion and demand for transportation, less risks of confrontations, however, it may result in overcrowding in last one open.

Use of Affidavit Evidence – this option would provide benefits in reduced labour costs and/or allow for more productive time. This is strongly support this as a principle of administrative fairness/justice.

Loans for Energy Conservation – enable the City to give loans for energy conservation and can ensure loans stay with the benefitting property. This aligns with Council's Notices of Motion and provides municipal flexibility in incenting conservation.

Supplementary and Tax Bylaws to be Continuous – allows for continuous supplementary assessment, tax, sub-class and business assessment and tax bylaws which now must be done annually; this will be more efficient for administration and Council and easily implemented and thereby resulting in streamlining and the elimination of redundancy.

New Definitions – can be added by cities with respect to food establishment, school and hospital in SDAB regulations. Having their own definitions would give them authority to approve applications that normally have to be vetted by Alberta Environment; however it may also increase the City's liability risk, but this could be seen as a potential removal of red tape.

**Undesirable:**

Delegation of Authority Beyond CAO and Designated Officers – could be amended to allow Council to delegate to any person or individual beyond CAO and Designated Officers. At this stage in the growth for The City of Red Deer this provision could pose role confusion if Council decided to delegate beyond the CAO and Designated Officers. However, this is a provision in the City Charters that is optional by bylaw.

Consultation Period – proposed to allow Cities to decide if they would like to use a 30 day consultation period plus a 30 day complaint period instead of the 60 day complaint period in the MGA for non-res and res with more than 3 dwelling units. This could enable greater negotiation by assessors but may not be a benefit to the owner. Currently, assessment can 'consult' with property owners during the entire 60 day period. If the amendment was to prohibit assessment consulting during the latter 30 days, this this would not be desirable. It is our understanding that it is a struggle for assessment to meet with all the property owners who contact them after assessments are mailed within the existing 60 days. If the intent is to put the onus on property owners to have conversations early likely would be not effective. Ultimately, this would not stop property owners filing within the latter 30 days to 'hold their spot' or right to appeal. Additionally, having different standards and rules for the two cities would make it harder for the rest of the province.

**Unknown:**

Administrative Tribunal Systems – allows cities to establish administrative tribunal systems to manage transit and parking bylaw offenses. Moving some of these matters out of the Provincial system may help with capacity this potentially has great merit as it diverts these cases from the courts; however, the City is potentially accepting an off-loading of provincial responsibility. This could be a very resource intensive activity, and would require a full cost benefit analysis. Based on principle, it would be nice for municipalities to have more control over municipal ticket resolution process and get the province out of municipal business, but to truly realize this the province would have to let it go completely. There would be savings like legal fees in court but that would have to be weighed against staff time at a tribunal.

AR Regulation 310/2009 – additions of sections that ensure the complainant and the assessor have the same amount of time to prepare evidence for a hearing where more than the minimum time is available. This is one more consideration when scheduling – which already has a lot of moving pieces so we have a hard time supporting it; but we cannot argue the principle. However, there does not seem the need for different rules in Edmonton and Calgary and we do not believe that this should exclusive in the City Charters.

Appendix B
**The City of Red Deer Approach to the Municipal Government Act**
Adopted July 18, 2016

1. **Shared Responsibility:** Provincial and local governments have responsibilities to create a strong Alberta. The Act should be clear about authority and responsibility for each order of government, how they work together and when the roles are distinct. Achieving the right balance between municipal autonomy and provincial oversight must be reached to ensure municipalities are vibrant and able to embrace new opportunities and challenges

2. **Flexibility:** Municipalities are unique and have different needs, different opportunities and different capacities. The MGA should be flexible by defining outcomes, and not the means of achieving them.

3. **Enabling:** Municipalities are local orders of government and are accountable to their constituents. It is important for the review to continue with natural person powers which give a municipality the freedom of restraint within the law.

4. **Governance:** Municipalities are responsible and responsive order government. They need to be transparent and accountable in the manner in which they conduct their affairs, thereby inspiring confidence in their electorate. Municipalities are accountable to their electorate and are responsible to provide direction to the administration of their organization.

5. **Resources:** Municipalities need flexible tools to be financially sustainable, including the ability to access predictable revenue streams (revenue authorities). They must have access to revenue streams that enable them to fulfill their responsibilities.

6. **Sustainability:** In planning and service delivery it is important that the areas of economy, social, culture and environment be considered to ensure the best quality of life for current and future citizens.

7. **Collaborative:** With clear, focused mandates and responsibilities for each type of municipality, collaborative relationships between rural and urban, large and small, local and provincial governing bodies will be enabled. Where it is reasonable, a regional approach to service delivery should be encouraged recognizing that citizens may live and work in neighbouring municipalities.

8. **Fairness:** Historically, funding mechanisms and planning considerations have led to a competitive disadvantage between urban and rural when it comes to development. Equity and fairness lead to better planning outcomes and more inter-municipal cooperation.

August 25, 2017

# Emergency Management Bylaw 3468/A-2017

Protective Services

## Report Summary & Recommendation:

At the Thursday, August 24, 2017 Emergency Management Agency Meeting, the following resolution was passed:

> Resolved that the Emergency Management Agency, having considered the Emergency Management Bylaw 3468/2011, hereby endorses the Emergency Management Bylaw 3468/2011 as amended.

It is recommended that City Council consider giving first reading to the updated version of the Emergency Management Bylaw No. 3468/A-2017.

## City Manager Comments:

I support the recommendation of Administration. If first reading of Bylaw 3468/A-2017 is given, this bylaw will come back for consideration of second and third reading at the Monday, October 2, 2017 Council Meeting.

Craig Curtis
City Manager

## Proposed Resolution

That Bylaw 3468/A-2017 be read a first time.

THE CITY OF Red Deer

## Report Details

### Background:

In February 2011, Council requested that an Emergency Management bylaw be developed for The City of Red Deer. Emergency Management Bylaw No. 3468/2011 was adopted April 18, 2011.

This Bylaw was subsequently amended in December 2011 and October 2014 to amend language and complete minor administrative changes.

### Discussion:

In August 2017, administration drafted amendments to Emergency Management Bylaw No. 3468/A-2011 as follows:

1. Updated the document to remove the list of EMA members. This content was resulting in frequent amendments to the bylaw. The section now outlines that the Director of Emergency Management (DEM), as chairperson of the Emergency Management Agency (EMA), is responsible for determining the membership.

2. Removed references to "Assistant Deputy Director of Emergency Management" as it is not a position required under the *Emergency Management Act.*

3. Completed minor administrative changes to improve consistency of the bylaw.

THE CITY OF Red Deer

EMERGENCY MANAGEMENT AGENCY

DATE: August 24, 2017

TO: Paul Goranson, Director of Protective Services

FROM: Craig Curtis, Chair, Emergency Management Agency

SUBJECT: Decisions from the August 24, 2017 Emergency Management Agency Meeting

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At the August 24, 2017 meeting of the Emergency Management Agency, the following motion was introduced and passed:

> Resolved that the Emergency Management Agency, having considered the Emergency Management Bylaw 3468/2011, hereby endorses the Emergency Management Bylaw 3468/2011 as amended, and forwards this to Council for consideration.

The above is submitted for Council's consideration.

"Craig Curtis"

Craig Curtis, City Manager
Chair, Emergency Management Agency

c: Karen Mann, Emergency Management Coordinator
Brian Makey, Emergency Services Manager

DM 2069186

# BYLAW NO. 3468/A-2017

Being a Bylaw to amend Bylaw No. 3468/ 2011, The Emergency Management Bylaw, of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

Bylaw No. 3468/2017 is hereby amended as follows:

1. Under section 3, the definition of the Emergency Management Agency (EMA) is updated.

2. Section 16 content was removed as it was administrative in nature. Subsequent numbering has been adjusted.

3. Section 17 was re-ordered to section 16. Subsequent numbering has been adjusted.

4. Content was added at section 17 to reflect the role of the chairperson in determining EMA membership.

5. Section 26 is updated to remove the reference to Emergency Services as the Emergency Management Coordinator is no longer in that department.

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|---|---|---|
| READ A FIRST TIME IN OPEN COUNCIL this | day of | 2017. |
| READ A SECOND TIME IN OPEN COUNCIL this | day of | 2017. |
| READ A THIRD TIME IN OPEN COUNCIL this | day of | 2017. |
| AND SIGNED BY THE MAYOR AND CLERK this | day of | 2017. |

MAYOR

CITY CLERK

# BYLAW NO. 3468/2011

Being a bylaw to establish policies for Emergency Management in The City of Red Deer.

## COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

### Short Title

1. This Bylaw shall be known as the, "The Emergency Management Bylaw."

### Purpose

2. The purpose of this Bylaw is to establish authorities in relation to Emergency Management pursuant to the Emergency Management Act, RSA 2000 c. E-6.8 (herein referred to as "the Act") which states that the Council of a municipality is required or authorized to establish committees to declare local emergencies, develop emergency plans and direct emergency response.

### Definitions

3. In this bylaw the following terms have the meanings shown:

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| **All-Hazards:** | Emergency management best-practice that recognizes the actions required to address the effects of emergencies are the same, irrespective of the nature of the event, thereby permitting an optimization of scarce planning, response and support resources. |
| **Deputy Director of Emergency Management (DDEM):** | The Emergency Management Coordinator or designate. |
| **Director of Emergency Management (DEM):** | The City Manager or designate. |
| **Emergency:** | Any occasion or instance that warrants action to save lives and to protect property, public health and safety and the environment. |

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| **Emergency Management Agency (EMA):** | ~~The Director, Deputy Director and Assistant Deputy Director of Emergency Management as well as members of the Corporate Leadership Team.~~<br><br>Responsible for the direction and control of the City's response to emergencies including authorizing the taking of any action necessary to respond to an emergency event. |
| **Emergency Management Committee (EMC):** | The Mayor and two Councillors, as appointed by Council, or designates drawn from the remaining members of Council. The Mayor is the chairperson of the committee. |
| **Emergency Management:** | The development, coordination and execution of plans, measures and programs pertaining to mitigation, preparedness, response and recovery before, during and after an emergency event. |
| **Emergency Operations Centre (EOC):** | A protected site from which civic officials coordinate, monitor and direct emergency response and recovery activities during an emergency event. |

**Municipal Emergency Management Plan (MEMP):** The plan that outlines:

- How people and property will be protected in a real or imminent emergency situation;
- Who is responsible for carrying out specific actions before, during and/or after an emergency event;
- ~~The personnel, equipment, facilities, supplies and other resources available for use in responding to and/or recovering from an emergency;~~
- How emergency response and recovery actions will be coordinated.

**Emergency Management Committee (EMC)**

4. The Emergency Management Committee (EMC) is hereby established for The City of Red Deer within the meaning of section 11.1(1) of the Act.

5. The EMC will consist of the Mayor and two councillors appointed by Council. All remaining members of Council will be alternate members. In the absence of a member, the Deputy Mayor or alternate Deputy Mayor will act in place of the Mayor and may appoint any of the remaining members of Council to act in place of an absent appointed councillor.

6. The EMC will be chaired by the Mayor, or in the absence of the Mayor, by the Deputy Mayor or alternate Deputy Mayor.

7. In accordance with its authority to delegate as set out in section 203 of the *Municipal Government Act*, Council hereby delegates to EMC its powers and duties under section 21 of the Act, in particular the power to declare, renew and terminate a declaration of a State of Local Emergency.

**Emergency Management Committee (EMC) Meetings**

8. [1]The EMC shall meet annually or more frequently as required and may meet on less than 24 hours' notice.

9. Where in person meetings are not possible, the EMC may convene by telephone or electronic means of communication.

10. Where the EMC is not able to meet promptly, its powers may be exercised by the Mayor acting alone or, in the absence of the Mayor, by the Deputy Mayor or alternate Deputy Mayor.

**Duties of the Emergency Management Committee (EMC)**

11. The EMC shall be responsible to advise the City on the development of emergency management plans and programs.

12. The EMC may expend all sums required for the response to and recovery from an emergency event.

13. The EMC may enter into agreements with and make payments or grants, or both, to persons or organizations for the provision of services in the development or implementation of emergency management plans and programs.

**Emergency Management Agency (EMA)**

14. [1]In accordance with Section 11.2 (1) of the Act, The City of Red Deer will maintain an Emergency Management Agency to act as its agent in exercising the City's powers and duties under the Act.

15. There is hereby established an Emergency Management Agency (EMA).

~~16. [2]The EMA in The City of Red Deer shall consist of the following members or their designates:~~

~~a. City Manager;~~

~~b. Emergency Management Coordinator, Emergency Services;~~

~~c. Manager, Emergency Services;~~

~~d. Director of Corporate Services;~~

~~e. Director of Planning Services;~~

~~f. Director of Development Services;~~

~~g. Director of Community Services;~~

~~h. Director of Human Resources;~~

~~i. Director of Communications & Strategic Planning;~~

~~j. Director of Corporate Transformation;~~

The Director of Emergency Management shall serve as chairperson.

~~17. Others may be invited to participate in EMA meetings at the call of the Chairperson.~~

The chairperson is responsible for determining membership for the EMA.

~~18. The Director of Emergency Management will serve as Chairperson of the EMA.~~

Others may be invited to participate in EMA meetings at the call of the Chairperson.

**Emergency Management Agency (EMA) Meetings**

19. The EMA shall meet annually or more frequently as determined by the Director of Emergency Management and may meet on less than 24 hours' notice.

20. [3]When in person meetings are not possible, the EMA may convene by telephone or electronic means of communication.

**Duties of the Emergency Management Agency (EMA)**

21. The EMA shall be responsible for the direction and control of the City's response to emergencies. In particular, the EMA may authorize the taking of any action necessary to respond to and/or recover from an emergency event.

22. The EMA has the authority to exercise the City's powers under Section 24 of the Act and, in particular, on the declaration of a State of Local Emergency (SOLE) by the Emergency Management Committee (EMC):

    a. Shall cause any emergency plan or program to be put into operation; and

    b. May exercise or authorize any person to exercise any power given to the Minister under Section 19(1) of the Act in relation to the part of the City affected by the SOLE declaration.

**Director of Emergency Management**

23. The City Manager is hereby established as the Director of Emergency Management (DEM).

24. [1]The Director of Emergency Management (DEM) shall:

a. Appoint a person to act as the Director of Emergency Management (DEM) and Chairperson in the absence of the City Manager;

b. Determine the procedures to be followed by the Emergency Management Agency (EMA) in its deliberations;

c. [2]Ensure the preparation, coordination and approval of emergency management plans and programs, including, but not limited to the Municipal Emergency Management Plan (MEMP);

d. Ensure the submission of annual reports to the Emergency Management Committee (EMC) on the status of all emergency management plans and programs.

25. [3]The Director of Emergency Management (DEM) may delegate responsibilities to any member of the EMA to assist in the preparation, coordination and implementation of emergency management plans and programs.

26. [1]The Director of Emergency Management (DEM) may consult with or permit other stakeholders or interested parties who can advise or assist with emergency management activities to participate in meetings of the EMA or any subcommittees thereof.

**Deputy Director of Emergency Management**

27. [2]The Emergency Management Coordinator~~, Emergency Services,~~ is hereby designated as the Deputy Director of Emergency Management.

~~**Assistant Deputy Director of Emergency Management**~~

~~28. The Manager of Emergency Services, Development Services, is hereby designated as the Assistant Deputy Director of Emergency Management.~~

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|---|---|---|
| READ A FIRST TIME IN OPEN COUNCIL this | day of | 2017. |
| READ A SECOND TIME IN OPEN COUNCIL this | day of | 2017. |
| READ A THIRD TIME IN OPEN COUNCIL this | day of | 2017. |
| AND SIGNED BY THE MAYOR AND CITY CLERK this | day of | 2017. |

MAYOR

CITY CLERK