

AAMDC Briefing on MGA Regulations – Batch One

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Partners in Advocacy & Business

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INTRODUCTION

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

The regulations are open to public comment for a 60-day period starting on January 30th, 2017 and ending March 31st, 2017.

The following regulations and associated information is adopted largely from the Alberta Municipal Affairs *Municipal Government Act* Review [webpage](#). For each regulation, there is a survey available that provides feedback directly to Alberta Municipal Affairs. The purpose of this document is for the AAMDC to provide additional context and a rural municipal perspective to the regulations where applicable.

GOVERNANCE AND ADMINISTRATION REGULATIONS

Municipal Corporate Planning Regulation – *NEW*

The *Municipal Government Amendment Act* (2015) added in a requirement to adopt a written three-year financial (operating) plan and five-year capital plan that must be updated annually. The new regulation was drafted to accompany that requirement and proposes to:

- establish a minimum standard for the content of written three-year financial (operating) plans and five-year capital plans;
- set out that the minimum standard for the financial plan must include total revenues and expenses by major category, the annual surplus or deficit, and the accumulated surplus or deficit;
- set out that the minimum standard for the capital plan must include planned capital property additions and allocated or anticipated funding sources; and
- establish that municipalities must prepare the plans in the beginning of the second year after the MGA is proclaimed.

For a full text of the Municipal Corporate Planning Regulation, click [here](#).

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

AAMDC Perspective: The AAMDC has anticipated this new policy to be a precursor to more rigorous asset management requirements and at this stage, has not identified any significant concerns with the specific details of the regulation. The regulation outlines base requirements but is appropriately adaptable to a number of different circumstances across municipalities. It should be emphasized that the three and five year plans are

plans and not a strict budget to which municipalities must strictly adhere. Should financial conditions change for a municipality, there is a reasonable expectation that the three year and five year plans would change accordingly.

The primary concern for the AAMDC is not with the specific details of the regulation but instead, the inconsistency in provincial and federal grant funding which have a significant impact on municipal finances. It is difficult for municipalities to plan three and five years into the future when a significant portion of their revenue is unknown.

Public Participation Policy Regulation - *NEW*

The *Municipal Government Amendment Act* requires municipalities to establish a public participation policy. This new regulation requires municipalities to:

- establish a standard for the content of public participation policies;
- set out the requirements for how municipal stakeholders will be engaged and the circumstances in which the municipality will engage municipal stakeholders;
- require the policy to be made available to the public and clarify that it may be posted to a municipality's website;
- establish that the policy be reviewed, at a minimum, every three years; and
- establish that a municipality must have a public participation policy within 270 days of proclamation of the MGA.

For a full text of the Public Participation Policy Regulation, click [here](#).

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

AAMDC Perspective: The AAMDC has supported the implementation of public participation policies in municipalities as a means to ensure accountability and transparency. The regulation outlined above provides minimum standards which are not so prescriptive that municipalities cannot create a public participation policy that is unique to their local circumstances.

The AAMDC, the AUMA, and Alberta Municipal Affairs are in discussions currently about how to prepare tools and resources for municipalities on a number of MGA related topics. The intention is to ease the transition for municipalities to align with the new Act.

Municipal Gas Systems Core Market Regulation – *Updated*

This regulation was initially developed in 1995 by Alberta Energy to allow customer choice for non-industrial gas consumers and applies to municipally-owned gas utilities. It defines the roles and responsibilities of natural gas consumers, municipal governments and natural gas marketers (including gas co-operatives) within a municipal setting. The updated changes to this regulation include:

- Amending the expiry date from July 21, 2018 to July 31, 2020 to ensure there will be time for any potential review of this regulation.

For a full text of the Municipal Gas Systems Core Market Regulation, click [here](#).

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

AAMDC Perspective: The AAMDC has no concerns with this regulation as only the expiry date has been revised and no previous concerns have been identified.

MuniSERP Investment Regulation – Updated

This regulation provides municipalities, through the Alberta Municipal Services Corporation, with additional investment flexibility for funds allocated to the MuniSERP retirement plan. The updated changes to this regulation include:

- Removal of the expiry date. This will still allow the regulation to be reviewed periodically or upon stakeholder requests.

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

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

AAMDC Perspective: The AAMDC has no concerns with this regulation as only the expiry date has been revised and no previous concerns have been identified.

PLANNING AND DEVELOPMENT REGULATIONS

Aeronautics Act Agreement Regulation – No Change

This regulation allows the federal government to delegate its authority for land-use planning in the vicinity of the Medicine Hat Regional Airport in order to ensure that planned development around the airport is consistent with the safe and economical operation of the airport. The updated changes to this regulation include:

No amendment is being proposed to this regulation as part of the MGA Review.

For a full text of the Aeronautics Act Agreement Regulation, click [here](#).

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

AAMDC Perspective: The AAMDC has no concerns with this regulation.

Crown Land Area Designation Regulation – Updated

This regulation exempts a designated area of Crown land in a municipal district or specialized municipality from Part 17 (Planning) of the MGA. The updated changes to this regulation include:

- Removal of the expiry date. This will still allow the regulation to be reviewed periodically or upon stakeholder requests.

For a full text of the Crown Land Area Designation Regulation, click [here](#).

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

AAMDC Perspective: The AAMDC has no concerns with this regulation as only the expiry date has been revised and no previous concerns have been identified.

Calgary Airport Vicinity Protection Area Regulation – Updated

This regulation controls, regulates or prohibits uses or development on lands within the vicinity of the Calgary International Airport. The updated changes to this regulation include:

- Clarifying that secondary suites are allowable in existing structures in older residential areas that predate the regulation;
- Specifying that when a municipality applies to the Minister for an amendment to the regulation, the application must include a resolution of the council that the council supports the proposed amendment.
- Removing the expiry date which will still allow the regulation to be reviewed periodically or upon stakeholder requests.

For a full text of the Calgary Airport Vicinity Protection Area Regulation, click [here](#).

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

AAMDC Perspective: The AAMDC has no concerns with this regulation as it does not adversely impact an rural municipalities and is specific to the area in the direct vicinity of the Calgary Airport.

Edmonton International Airport Vicinity Protection Area Regulation – Updated

This regulation controls, regulates or prohibits uses or development on lands within the vicinity of the Edmonton International Airport. The updated changes to this regulation include:

- Updating and aligning definitions with the Calgary Airport Vicinity Protection Regulation.
- Clarifying that the Protection Area does not include the Airport Lands.
- Clarifying that when a municipality applies to the Minister for an amendment to the AVPA Regulation, the application must include a resolution of the council that the council supports the proposed amendment. Remove the expiry date. This will still allow the regulation to be reviewed periodically or upon stakeholder requests.

For a full text of the Edmonton Airport Vicinity Protection Area Regulation, click [here](#).

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

AAMDC Perspective: The AAMDC has no identified concerns with this regulation.

Planning Exemption Regulation – Updated

This regulation identifies lands from within municipal boundaries that are exempt from the Part 17 – Planning provisions of the *MGA*, as well as site-specific case by case exemptions for unique circumstances and/or developments that do not conform to a municipality's land-use bylaw. The updated change to this regulation involves:

- Removing the exemption for the Land Use Bylaw notification for the City of Calgary, including Schedule 6, which is no longer required; and extend the expiry date to from June 30, 2020 to October 31, 2021.

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

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

AAMDC Perspective: The AAMDC has no concerns with the revised regulation.

ASSESSMENT AND TAXATION REGULATIONS

Qualifications of Assessor Regulation – Updated

This regulation establishes qualification criteria for individuals to hold the position of designated assessors. The updated change to this regulation involves:

- Clarifying that the assessor is responsible for the annual return declaration and cannot delegate that duty.
- Removing the expiry date. This will still allow the regulation to be reviewed periodically or upon stakeholder requests.

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

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

AAMDC Perspective: The AAMDC has no concerns with the revised regulation.