

## Sturgeon County Submission on Round Two *Modernized Municipal Government Act* Regulations Review

Topic	Proposed Change	Sturgeon County's Position	Explanation
<b><i>Governance and Administration Regulations</i></b>			
Intermunicipal Collaboration Framework – New	<p>The <i>MMGA</i> added a requirement for municipalities with a common border to create Intermunicipal Collaboration Frameworks (ICFs) with one another, within two years of the <i>MMGA</i> coming into effect. The Regulation:</p> <ul style="list-style-type: none"> <li>• Outlines the arbitration and dispute resolution process, and clarifies that all municipal bylaws impacted by the ICF must be amended within two (2) years of adoption of the ICF, for consistency.</li> </ul>	Support—in principle	<p>While generally supportive, Sturgeon County reiterates that the feasibility of completing upwards of sixteen (16) ICFs and corresponding IDPs within a two-year timeframe is extremely ambitious, even though many of the requirements of an ICF are likely already in place, given pre-existing intermunicipal agreements and partnerships.</p>
Code of Conduct for Elected Officials – New	<p>The Regulation:</p> <ul style="list-style-type: none"> <li>• Establishes the requirements for and prescribes the content of a code of conduct that will apply directly to elected officials;</li> <li>• Establishes who may make a complaint and how complaints are submitted and verified;</li> <li>• Establishes the types of sanctions that may be used for violation of the code of conduct bylaw such as a letter of reprimand, requirement to attend training, suspension or removal of appointments to committees;</li> <li>• A council must have a code of conduct within 270 days of proclamation of the Act, and that the Code of Conduct Bylaw needs reviewed every four years.</li> </ul>	Support—in principle	<p>While generally supportive, there are a few items for clarity, specifically around Administration's role in investigating and sanctioning the Code of Conduct. The Province should ensure both roles are filled by external, neutral parties—potentially the Provincial Ombudsman.</p> <p>There should be clear definitions for what terms like “improper use of influence” mean, to provide additional clarity.</p> <p>The Regulation should also delineate between Councillor “duties” and “personal conduct.”</p> <p>It is possible that sanctions may not have the correct level of authority to address serious breaches.</p>

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Council and Council Committee Meetings – New	The <i>MMGA</i> intended to clarify what is and is not considered a Council meeting, to ensure public transparency. The Regulation points back to the Act in order to define a Council or Council Committee Meeting, and under what circumstances they must remain public.	Support—in principle	While supportive of the intent to clarify what is and is not a Council meeting, more clarity may be required, in specific regards to strategic planning sessions, inter-municipal deliberations, and education/training.
Crowsnest Pass - Updated	The regulation has been renewed to 2020, and includes a section for the determination of population relative to the Municipality of Crowsnest Pass.	No comment	This regulation does not apply to Sturgeon County.
Determination of Population - Updated	The Regulation specifies the rules for municipalities to abide by when conducting a municipal census. The regulation provides: <ul style="list-style-type: none"> <li>• Definitions for private and non-contacted dwellings;</li> <li>• Options to reduce overlap between federal and municipal census activities;</li> <li>• Clarity that oaths or affirmations by census workers are in force in perpetuity; and,</li> <li>• Information on individuals who refuse to participate in the census.</li> </ul>	Support—in principle	<p>We are pleased to see adjusting timeline opportunities, as this ensures there is limited overlap between federal and municipal censuses.</p> <p>There may need to be some further clarification around ‘usual residence’ and the linkage to the address on a person’s Drivers License. For example, some Drivers Licenses may specify a Hamlet within the County, and not the County itself (Section 3a). So long as the intent is met that all County residents are counted, this should not be a major issue.</p>
<b><i>Planning and Development Regulations</i></b>			
Off-site Levies – New (Repeal and Replace)	The <i>MMGA</i> enables off-site levies to include community recreation facilities, libraries, fire halls, and police stations; the new Regulation: <ul style="list-style-type: none"> <li>• Updates general principles for identifying, consulting on, funding and coordinating infrastructure needs;</li> <li>• Creates additional principles for new facilities/infrastructure eligible for levies;</li> </ul>	Support—in principle	<p>Sturgeon County is appreciative of the increased clarity provided in the new Off-Site Levy Regulation. We would suggest further consideration be given to the following:</p> <ul style="list-style-type: none"> <li>• 3(3): The definition of ‘beneficiary’ should be clarified, and ‘beneficiaries’ should have a</li> </ul>

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	<ul style="list-style-type: none"> <li>Updated criteria/requirements for developing levy formulas, how a levy is calculated, consultation and reporting, and appeal requirements.</li> </ul>		<p>participatory role in the development of a levy that may impact them, or that they may benefit from;</p> <ul style="list-style-type: none"> <li>4(1) &amp; 5(1): The separation of Methodology Principles and Criteria for Levy Costs may be redundant;</li> <li>11(d): It should be clarified how long the MGB can stay an appeal, to ensure that processes are not unduly prolonged;</li> <li>12(1): It should be clarified how long the MGB has to render a decision, to ensure timeliness</li> <li>12(2): To be consistent in language, this section should be re-worded from “each type of facility” to read “each type of facility <i>and infrastructure</i>”</li> </ul>
Subdivision and Development Appeal Board - New	The <i>MMGA</i> added provisions for mandatory training for SDAB members. The Regulation essentially regulates the eligibility of qualifications and training programs.	Support	Sturgeon County supports the general changes, but requests further clarity around what training would be acceptable to the Minister, and that training occur every 3-years (similar to Assessment Review Board), as every 2 years is quite onerous.
Subdivision and Development Regulation and Subdivision and Development Forms Regulation – Updated	The <i>MMGA</i> added a new provision for determining when a subdivision application is complete; the corresponding Regulation provides the requirements and checkpoints that are necessary.	Further clarity required	While generally supportive of the changes, Sturgeon County requires further information to provide informed feedback on this Regulation. It is believed that as presented, the Regulation will require municipal process changes that would

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			<p>delay when an application is deemed complete. Specific uncertainties include:</p> <ul style="list-style-type: none"> <li>• 4(2): Many municipalities utilize their own form; is Form 1 now a requirement?</li> <li>• 4(d.1): Sturgeon County questions the purpose of agreeing to Environmental Reserve (ER) prior to reviewing a Subdivision Application, as the supporting documents of an Application typically determine the requirements for ER;</li> <li>• 4(g): The applicant should be responsible for confirming the absence of any active wells, batteries, processing plants, or pipelines (if applicable).</li> </ul>
Canmore Undermining Review Regulation – Updated	This regulation ensures due process of compliance and land analysis/certification is followed before developing on undermined properties in the Town of Canmore.	No comment	This regulation does not apply to Sturgeon County.
Canmore Undermining Exemption from Liability Regulation – No Change	No change.	No comment	This regulation does not apply to Sturgeon County.
Community Aggregate Payment Levy Regulation - Updated	The maximum levy rate has been increased from \$0.25/tonne to \$0.40/tonne of shipped sand and gravel; the Regulation expiry date has been extended to December 31, 2022.	Support—in principle	Sturgeon County is pleased to see a slight increase to the maximum levy rate, and that municipalities will be the entity that continues to collect the levy. The revised rate gives greater flexibility for Councils, more closely aligned with inflation rates since the levy rate was last updated.

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			Council would support the addition that clear public reporting should be mandatory on how CAP Levy funds are allocated, as to ensure transparency and to showcase industry's contributions to community.
<b>Assessment and Taxation Regulations</b>			
Matters Relating to Assessment Sub-classes Regulation - New	<p>The <i>MMGA</i> provides the Minister with the ability to establish assessment sub-classes for non-residential properties.</p> <p>The Regulation provides:</p> <ul style="list-style-type: none"> <li>• Three options for sub-classes, including: vacant non-residential; small business; and other non-residential;</li> <li>• Councils to apply different tax rates for each sub-class; and,</li> <li>• Sets a maximum allowable difference between tax rates applied to each sub-class: <ul style="list-style-type: none"> <li>○ That small-business tax rate must not be less than 75% of the lowest rate for "other non-residential property;" and</li> <li>○ The small-business tax rate must not be greater than highest tax rate for "other non-residential property."</li> </ul> </li> </ul>	Non-support, until further consideration is given	<p>While appreciative of the Government's intent to provide increased municipal flexibility through the creation of Assessment Sub-Classes, the Regulation is too narrow in its focus, in specific regards to the "small business" definition.</p> <p>For example, many municipalities do not issue business licenses, and therefore certain aspects of the "small business" portion of the Regulation may not apply. Further, while some small businesses may technically have fewer than 50 FTEs, many industries in Alberta are seasonal, and the ignorance of part-time positions means that there may be an expectation that some organizations are termed "small-business" under the Regulation's provisions, where in actuality, the scope and impact on municipal services may be much larger in scope.</p> <p>The Regulation should instead allow Municipalities to establish individual definitions and criteria for each sub-class through municipal bylaw.</p>

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Community Organization Property Tax Exemption Regulation – New (Repealed and Replaced)	This Regulation sets out the conditions and qualifications for property tax exemptions for non-profit organizations that carry out a charitable or benevolent purpose for the benefit of the general public.	Support—in principal	While supportive of this Regulation, Sturgeon County is unsure of potential unintended inequities established between the proposed City Charter Regulation, and this Regulation, where for instance, 13(3) states that a municipality may not waive the application requirement for more than 3 consecutive taxation years whereas the City Charters allot for 5 years.
Matters Relating to Assessment and Taxation Regulation – Updated	This is the primary Regulation for property assessment and taxation, and now includes a list of Major Plants to be included as part of Centralized Industrial Assessment, with the costs of centralizing assessment to be recovered from the property owners of the Major Plants. The Regulation also established that any appeals on Major Plants will be heard by the MGB.	Support—in principle;  Excluding the Railway portion—Non-support	<p>While Sturgeon County generally supports the Regulation overall, there are several comments and suggestions we wish to provide:</p> <ul style="list-style-type: none"> <li>• Agricultural Land (1.1. d) iv.): further definition is required around what ‘stripped’ land refers to, outside of a woodlot context and there may be some grey areas with other developments such as marijuana facilities;</li> <li>• Railway (1.1. j): Sturgeon County does not support the current version of this portion since all rail regardless of where it is located or who owns it is now ‘railway’, to be assessed at a regulated rate, and there is no provision in the Act to allow separate assessment rolls for the rail portions of each of these properties. From the revised definition, Sturgeon County stands to lose an estimated \$30 million in non-residential assessment (unless</li> </ul>

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			<p>the current regulated railway rates are revised annually to reflect current cost or market value)</p> <ul style="list-style-type: none"> <li>• Well Standardization: Sturgeon County cautions that standardization needs to also reflect the diversity in well scope and development on a site to site basis.</li> <li>• Market value on well sites should be compensated for location not just zones. There is a vast change in value in proximity to urban centres. Sturgeon County stands to lose \$32 million in assessment.</li> </ul>
Matters Relating to Assessment Complaints Regulation - Updated	<p>This Regulation is the primary regulation for the property assessment complaint process. Changes include:</p> <ul style="list-style-type: none"> <li>• ARBs will hear complaints about business taxes;</li> <li>• Assessors will be able to make corrections to assessments under complaint without needing ratification from the ARB or having the complaint withdrawn first; and</li> <li>• ARB decisions may be appealed through the Court of Queen's Bench through judicial review only.</li> </ul>	Support—in principle	<p>Sturgeon County is supportive of the changes to the regulation, primarily by reducing the possibility of a prolonged process through increased access to information.</p>