

Summary of Changes to Intermunicipal Collaboration Framework (ICF) and Intermunicipal Development Plan (IDP) Requirements, and Q&A Reference

Recently announced changes to ICF and IDP legislation will streamline and simplify the requirements. This summary is intended to provide information about the changes and how the requirements will apply going forward. The information is intended to describe the general nature of the most significant changes, but municipalities should refer to the *Municipal Government Act (MGA)* as amended for complete specifics.

The changes will simplify reporting to the province, allow municipalities to adopt an ICF by council resolution, simplify the ICF content requirements, streamline the *MGA*-prescribed arbitration process that applies when municipalities cannot reach agreement, limit the scope of arbitration to issues of disagreement, and exempt municipalities from the IDP requirement where both municipalities agree.

Comparative Summary of the Changes

Requirement / Process	Previously	Now
Municipal neighbours that must adopt an IDP	<p>An IDP exemption was available to municipalities with boundaries composed of crown land by mutual agreement.</p> <p>Agreement was to be made by council resolution, and copies of the resolutions were to be filed with the Minister.</p>	<p>An IDP exemption is now available to all municipalities by mutual agreement.</p> <p>There is no requirement to file copies of the council resolutions with the Minister.</p> <p>Any municipality can revoke its agreement by written notice, in which case the municipalities are required to adopt an IDP within one year.</p>

Summary of Changes to ICF and IDP Requirements

Requirement / Process	Previously	Now
Contents of an ICF	ICFs were previously required to list all services provided by each municipality; identify how each of those services were best provided, delivered, funded, or discontinued; and set time frames for implementation.	<p>The ICF must now describe the services that benefit residents in more than one of the municipalities.</p> <p>The ICF must identify which municipality is responsible for providing these services and how the service will be delivered and funded.</p> <p>Other services that do not benefit residents in more than one of the municipalities do not have to be listed or addressed in the ICF.</p>
Listed services to be addressed in an ICF	ICFs were required to address a specific list of services which included transportation, water and wastewater, solid waste, emergency services, and recreation.	There is now no requirement to address listed services; just the general requirement above to describe services that benefit residents in more than one of the municipalities.
Method of creating an ICF	ICFs were required to be adopted by bylaw.	ICFs can now be adopted by bylaw or resolution.
Relationship of ICF to IDP	An ICF was not complete until an IDP was also adopted.	The completion of an ICF is now independent of the IDP process. An ICF can be completed before an IDP is completed, or in the absence of an IDP.
Filing an ICF and IDP with the Minister	A copy of the ICF and IDP was required to be filed with the Minister.	There is now no requirement to file copies of the ICF or IDP with the Minister. However, the Minister must be notified that the ICF is completed.
Arbitration process for ICFs	<p>The <i>MGA</i> and ICF Regulation previously set out a detailed arbitration process that applied where municipalities are not able to create a framework or where a dispute is not resolved within one year.</p> <p>The <i>Arbitration Act</i> did not apply to these arbitrations.</p>	Arbitration still applies where municipalities are not able to create a framework or where a dispute is not resolved within one year. However, the <i>Arbitration Act</i> now applies to the arbitration, except as modified by the <i>MGA</i> .

Summary of Changes to ICF and IDP Requirements

Requirement / Process	Previously	Now
Arbitration process for IDPs	The ICF arbitration process applied to IDPs.	Where municipalities are not able to agree on an IDP by the due date, the Minister will now refer the matter to the Municipal Government Board for recommendations. The Minister may subsequently order the municipalities to establish an IDP in accordance with the Minister's order.
Role of the arbitrator	The arbitrator was required to create the ICF.	The arbitrator is now required to make an award that resolves the issues in dispute. The municipal parties will have the responsibility to create and adopt the ICF in accordance with the arbitrator's award.

Questions and Answers

Why were the requirements for ICFs changed?

- The original ICF content requirements were very prescriptive; the changes simplify the process and allow municipalities to focus on results that will benefit residents and businesses.
- The original ICF rules set out a complete arbitration process, even though the province already has an established process in the *Arbitration Act*. To be consistent and avoid duplication, ICF arbitrations will follow the *Arbitration Act* process except as modified by the *MGA*.

Are the ICF requirements still mandatory for all municipalities?

- Municipalities are still required to complete ICFs.
- It is in the best interest of municipalities across the province to work together to reduce duplication of services and infrastructure by creating ICFs.

What will happen to ICFs that have been completed, or that are almost completed, using the old rules?

- No new requirements have been added, so ICFs that have been completed following the previous rules will meet the requirements under the new rules.
- Municipalities that are still in the process of negotiating their ICFs should continue on as scheduled, since any results that meet the current requirements will more than meet the new requirements.

Do ICFs address revenue sharing?

- ICFs are only required to address the sharing of costs for services that are intermunicipally delivered or that are provided by one municipality and utilized by the residents of one or more other municipalities.
- ICFs are to be negotiated in good faith based on sharing of costs.
- Municipalities have the autonomy to negotiate revenue sharing agreements on a voluntary basis, but these agreements are not part of the ICF process.

Under the revised requirements, when do we have to complete our ICFs?

- The April 1, 2020 deadline to complete ICFs remains in effect.
- This reflects the priority the Government of Alberta places on intermunicipal cooperation, as a means of ensuring that all Albertans benefit from the efficient delivery of local services.
- Changes to the ICF requirements will streamline the process, which may support earlier completion.
- A one-year extension continues to be available for ICFs between municipal districts and improvement districts; between growth management board members; and between a municipality that is a growth management board member and a municipality within its boundary. This extension is available on the condition that all parties agree by resolution and file copies of the resolutions with the Minister within 90 days of passage.
- The Minister of Municipal Affairs has the authority to authorize additional time extensions; however, the Minister has been very clear that he does not intend to approve extensions except in exceptional circumstances.

What happens if we can't come to an agreement with our municipal neighbour on our ICF?

- If the ICF is not completed by the required date, the municipalities involved must refer the matter to an arbitrator.
- A list of private sector arbitrators is available at <https://www.alberta.ca/mediator-and-arbitrator-rosters.aspx> . The roster is not a certification of competency or a credentialing process. It is intended to provide municipalities with a list of arbitrators who have relevant training and experience and who have expressed an interest in intermunicipal arbitration.
- The arbitrator has one year to make an award that resolves the issues in dispute.
- The municipal parties are bound by the arbitrator's award, and must adopt an ICF in accordance with the award.

Where can we get more information or resources to assist with the changes?

- For more information,

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