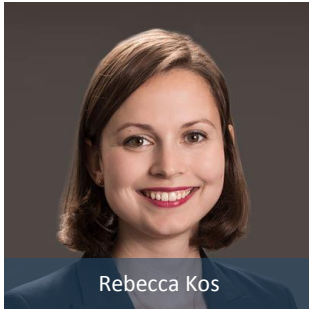




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THE CHANGES KEEP COMING

BILL 8 – AN ACT TO STRENGTHEN MUNICIPAL GOVERNMENT



Rebecca Kos

Once again, the Legislature has introduced further amendments to the *Municipal Government Act* (the “MGA”). Bill 8 – *An Act to Strengthen Municipal Government* received third reading on May 17, 2017, **but has not yet been proclaimed into force.**

It is expected that these amendments, along with accompanying regulations, will be in force in advance of the municipal elections this coming fall. This is in addition to the amendments contained in Bill 20 – *Municipal Government Amendment Act* and Bill 21 – *Modernized Municipal Government Act*.

Bill 8 contains a number of updates to the current *MGA*. What follows is a brief overview of some of the key provisions that will impact municipalities. We have not covered every amendment contained in Bill 8. We will continue to provide updates on these changes and associated regulations as more information becomes available over the coming months.

MUNICIPAL PURPOSES

- *Environment*: Section 3 of the *MGA* sets out the purposes of a municipality. Bill 21 introduced the addition of a further purpose, namely to work collaboratively with neighbouring municipalities to plan, deliver and fund intermunicipal services. Bill 8 adds a further purpose, that being to foster the well-being of the environment.

AMALGAMATION AND ANNEXATION

- *Notification*: The changes in Bill 8 require a municipality initiating an amalgamation or annexation to notify all local authorities operating or providing services within the affected municipalities, rather than just those local authorities that the municipality considers affected by the proposed amalgamation or annexation.

COUNCILLOR MATERNITY AND PATERNAL LEAVE

- *Bylaw Authority*: The amendments give councils the authority to pass bylaws with respect to whether councillors are entitled to take leave prior to or after the birth or adoption of their child. The amendments require that such bylaws contain provisions:
 - (a) respecting the length of the leave and terms and conditions of the leave entitlement; and
 - (b) addressing how the municipality will be represented during periods of leave.

Additionally, further changes have been included to allow councillors to be absent from regular council meetings if they are absent in accordance with a bylaw respecting councillor maternity and parental leave.



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ASSESSMENT AND TAXATION

- *Access to Municipal Assessment Record:* Where a complaint has been made, the municipality is not required to respond to a section 299 request for information from a property owner until the complaint has been heard and decided by the assessment review board.
- *Corrections to Assessments Subject to Complaint:* Where a complaint has been made and a hearing has yet to be heard regarding the complaint, the amendments allow an assessor to revise an assessment. When the assessor sends an amended assessment notice and accompanying rationale for the amendments to the assessment review board or Municipal Government Board, the original complaint will be cancelled and the complainant has a new right of complaint in respect of the amended assessment notice.
- *Designated Industrial Property Assessments:* One of the changes proposed in Bill 21 was the centralized assessment of designated industrial property by the Province. Municipalities have a right to appeal such assessments under Bill 21. Bill 8 adds provisions respecting information that must be disclosed to municipalities. In particular, Bill 8 provides the Minister with authority to pass regulations respecting a required confidentiality agreement between the provincial assessor and municipality with respect to such information and the terms and conditions of such an agreement.
- *Provincial Corporations:* The amendments clarify that property held by a Provincial corporation, as defined in the *Financial Administration Act*, is subject to property taxation and is not exempt under section 362(1)(a) of the *MGA*.
- *Notice of Assessment Date:* The amendments require municipal assessors to establish a “notice of assessment date” between January 1 and July 1 and then mail assessment notices seven days prior to this date. The deadline for filing a complaint is then 60 days from the set “notice of assessment date”. A complaint filed after that date is invalid.
- *Tax Receipts:* The amendments change the requirement that tax receipts be provided to all taxpayers, such that a receipt will only have to be provided when requested by the assessed person.
- *Maximum Tax Rate Ratio:* Bill 21 proposed the introduction of a maximum tax rate ratio of 5:1. Non-conforming municipalities were grandfathered at the tax rate ratio in effect in 2016. However, Bill 8 makes it clear that this grandfathering is only temporary. Non-conforming municipalities must reduce their tax ratios going forward in accordance with forthcoming regulations. The regulations are expected to establish one or more ranges of tax ratios that will have to be reduced to 5:1 within a specified period.

MINISTERIAL POWERS

- *Enforcement Powers:* The amendments expand on the Minister’s enforcement powers where there is a failure to comply with a Ministerial order. Presently, the Minister’s authority in these circumstances is limited to dismissing the council or any member of it or the chief administrative officer. The amendments expand this authority to include, amongst other things: suspending the authority of the council to make bylaws; exercising bylaw making authority in respect of matters for which bylaw making authority for the council is suspended; withholding money otherwise payable by the Government; repealing, amending and making policies and procedures for the municipal authority; or suspending the authority of a development or subdivision authority and providing for a person to act in its place.



INDIGENOUS COMMUNITIES

- *New MDPs and ASPs:* Pursuant to the amendments, municipalities will be required to notify the Indian band of any adjacent Indian reserve, or any adjacent Metis settlement, of new municipal development plans and area structure plans. The Indian band or Metis settlement will then be provided opportunities to make suggestions and representations regarding the new plans.
- *Intermunicipal Collaboration Framework:* Municipalities may also invite an Indian band or Metis settlement to participate in the delivery and funding of services covered by an Intermunicipal Collaboration Framework (a new intermunicipal document first introduced in Bill 21).

OFF-SITE LEVIES

- *Connection to Provincial Highways:* The amendments allow an off-site levy to be used to pay for all or part of the capital cost of new or expanded transportation infrastructure required to connect (or improve a connection of) municipal roads to provincial highways which are required as a result of subdivision or development. Further details regarding this option will be provided in the regulations.
- *School Boards:* Off-site levies may not be imposed on land owned by a school board that is to be developed for a school building project.
- *Intermunicipal:* The amendments allow for 2 or more municipalities to provide for an off-site levy on an intermunicipal basis. This allows a benefiting area to extend across more than one municipality.

SECTION 645 STOP ORDERS AND DEVELOPMENT PERMIT APPEALS

- *Extended Deadlines:* The Bill 8 amendments extend the appeal timeline for decisions related to Stop Orders issued under section 645 from 14 days to 21 days. This extended deadline also applies to decisions with respect to appeals for decisions on an application for a development permit.
- *Additional Requirements:* Further requirements for Stop Orders issued under section 645 and decisions of a development authority on an application for a development permit may be included in upcoming regulations. Bill 8 requires that section 645 Stop Orders and decisions of development authorities on applications for development permits specify the date on which the order or decision is made and be given or sent to the persons referred to in the Stop Order or the applicant for the permit on the same day the decision is made.

JOINT USE AND PLANNING AGREEMENTS – SCHOOL BOARDS

- *Mandatory Requirement:* The Bill 8 amendments will make joint use and planning agreements mandatory between municipalities and school boards. That is, municipalities will have 3 years from the date the new section 670.1 comes into force to enter into agreements with school boards operating within the municipal boundaries of the municipality. This obligation will exist for school boards that commence operations in the future as well. Amongst other requirements, this agreement will be required to include provisions: establishing a process for discussing various matters between the municipality and school board; respecting how the two bodies will work collaboratively; establishing a dispute resolution procedure; and establishing a time frame for regular review of the agreement. Further details regarding these agreements may be set out in the regulations, as well as amendments to the *School Act* and regulations under that legislation.



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Who to Contact

If you have any questions with respect to this bulletin or would like more detailed information on any of the Bill 8 updates, please contact Rebecca Kos by [email](#) or by phone at 780-497-4846 or any member of our Municipal Team at 780-497-4800.

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