

Preliminary Analysis of Bill 20: Municipal Affairs Statutes Amendment Act, 2024



 **Alberta
Municipalities**
Strength
In Members

Published: May 3, 2024
Last update: May 10, 2024

Table of Contents

Introduction	4
Proposed changes to local election rules under the LAEA	4
Proposed changes to the MGA related to accountability	10
Proposed changes to the MGA related to housing development	14
Additional considerations regarding the proposed change to mandate orientation training for councillors.....	16

Version Control

Date Published	Update
May 3, 2024	
May 10, 2024	<ul style="list-style-type: none"> • Correct information on criminal record checks • Add information about income tax credit inequities on donations to candidates • Clarify position on vouching • Expand ABmunis' position on recall • Add information on potential costs associated with requiring municipalities to offer digital options for public hearings • Update position on fully exempting non-profit subsidized affordable housing from property taxes and the treatment of provincial property taxes • Clarify treatment of provincial property taxes if municipalities exercise the proposed change to enable multi-year residential property tax incentives.

Introduction

Bill 20 – Municipal Affairs Statutes Amendment Act, 2024

The following document represents Alberta Municipalities' preliminary analysis of Bill 20 and was prepared by ABmunis administration based on positions previously approved by the ABmunis Board and membership. This document has also been presented at a high level for discussion by ABmunis' Municipal Governance Committee. ABmunis is currently undertaking a more thorough legal review of the Bill to assess potential consequences - both intended and unintended. We welcome feedback from members on our analysis and will be engaging further to hear their thoughts. Our positions on details of the Act may evolve over time with further analysis and member engagement. However, our concerns with fundamental aspects of the bill, which we perceive as undermining local democracy, are unlikely to change.

Proposed changes to local election rules under the LAEA

According to the Government of Alberta's [Fact Sheet](#) on Bill 20, the purpose of the proposed changes to the Local Authorities Election Act (LAEA) is "to add greater transparency to and trust in local election processes." While we agree with the purpose statement, the way the government drafted Bill 20 lacked transparency and undermines trust. This is the second time in a row that changes to the LAEA have directly conflicted with feedback provided by Albertans.

In 2020, changes to the Act increased contribution limits even though Albertans clearly indicated in a provincial survey that contribution limits should be kept the same or reduced. The overarching message was that Albertans wanted to keep big money out of local politics. Now the province is pushing ahead with political parties despite the opposition of Albertans as again articulated in response to the provincial survey, the results of which were only made public thanks to a FOIP request by media.

ABmunis appreciates that amendments to the LAEA are needed. Since the Act was introduced in the 1990s, multiple legislative updates have created inconsistencies, resulting in a growing lack of clarity. ABmunis and RMA have previously called for a comprehensive review of the LAEA based on democratic principles and a jurisdictional scan of best practices and involving experts in local elections such as clerks and municipal lawyers.

Government of Alberta description of the proposed change	Government of Alberta description of the current status	ABmunis understanding of the rationale	ABmunis analysis and position
Align candidate eligibility criteria with councillor disqualification criteria in the MGA.	Candidates elected to council may face immediate disqualification due to misalignment with the MGA's criteria.	Municipalities and voters have expressed concern about the misalignment between the LAEA and MGA qualification criteria and the process for handling disqualification.	<p>Support in principle.</p> <ul style="list-style-type: none"> Greater alignment between the LAEA and MGA is beneficial in improving clarity of candidate eligibility. <p>Additional solutions needed. Municipal Affairs should engage ABmunis and other municipal associations to provide candidates and the public easily accessible information on:</p> <ul style="list-style-type: none"> Eligibility criteria. The process involved to determine if a candidate is eligible.

Government of Alberta description of the proposed change	Government of Alberta description of the current status	ABmunis understanding of the rationale	ABmunis analysis and position
			<ul style="list-style-type: none"> The process involved in disqualifying a candidate if they are deemed to be ineligible. <p>The process of disqualification needs further consideration and clarification.</p>
<p>Allow municipalities to require criminal record checks for candidates.</p>	<p>No provisions in place.</p>	<p>Concerns have been raised over the suitability of certain candidates/councillors due to past actions, criminal or otherwise.</p> <p>While the constitutional grounds for barring someone from running for office are limited, Municipal Affairs says its intention is to better inform voters prior to the election.</p>	<p>Support with qualification.</p> <ul style="list-style-type: none"> ABmunis supports that this provision allows as opposed to requires municipalities to conduct record checks. Our understanding is that the record check would become part of the nomination form and therefore available to the public upon request. One question is whether a candidate will be blocked from submitting their nomination if the RCMP were delayed in providing the criminal record check by the nomination deadline. Another consideration is how less severe criminal acts and acts that happened in the distant past would be handled. Bill 20 also does not specify how recent the criminal record check must be. Municipalities will need to weigh the pros/cons of requiring criminal record checks for all candidates. <p>ABmunis had suggested focusing on vulnerable sector checks instead of criminal record checks. However, we now understand that this would require broader legislative and procedural changes and would not capture things like financial crimes which could be considered relevant for positions on council.</p>
<p>Allow union and corporate donations to local candidates, with the same donation limits as individual donors (\$5,000 per municipality per year).</p>	<p>Unions and corporations were prohibited from donating to municipal campaigns in the 2021 campaign.</p>	<p>The Premier and Minister of Municipal Affairs have stated that despite the prohibition, donations are being made by corporations and unions.</p>	<p>Oppose.</p> <ul style="list-style-type: none"> The province's 2020 survey proved that Albertans do not want to see big money in local politics. \$5,000 is far greater than average Albertans can afford to donate. As an alternative solution, we recommended reducing donation limits to \$2,500 per municipality per year. A reduction in contribution limits will go a long way towards promoting fairness, increasing trust, and ensuring large donors, corporations, and unions don't drown out the voices of grassroots Albertans. Further research could have been conducted into contributions to better gauge how much individual Albertans contribute on average and a limit could have been set based on this evidence. ABmunis recommends reinstating the ability for municipalities with sufficient capacity to require candidates to file pre-election disclosure and make the disclosure publicly available.

Government of Alberta description of the proposed change	Government of Alberta description of the current status	ABmunis understanding of the rationale	ABmunis analysis and position
			<ul style="list-style-type: none"> ○ Allow municipalities to determine an approach that reflects their administrative capacity and input from local voters as to the disclosure limits (e.g., contributions over \$100 are disclosed). ● ABmunis has offered to work with the Municipal Affairs to develop simple tracking templates for candidates and guidance for municipalities. ● This requirement is not relevant in smaller communities where most candidates do not accept significant contributions or make significant campaign expenditures. ● ABmunis is also concerned about tax inequities as corporations can write off donations while individual donors won't receive a tax credit from donating to a municipal candidate.
<p>Allow donations outside the local election year and require annual reporting of donations.</p>	<p>Donations outside of the campaign period (previously defined as January 1 to December 31 in the year of a general election) were restricted to a maximum of \$5,000 per year.</p>	<p>Greater transparency in reporting. However, further analysis is required to understand the limits involved.</p>	<p>Questions/Oppose/Support.</p> <ul style="list-style-type: none"> ● ABmunis understands that candidates would need to file a notice of intent to run before collecting money. Our preliminary understanding is that funds can be raised to the same limits as in an election year, but further clarification is required. ● Our opposition remains that the amounts involved appear to be excessive. ● We support the annual reporting requirement.
<p>Require third-party advertisers interested in plebiscites to register and report finances. Only Albertans, Alberta companies, and Alberta unions can contribute to issues-based third-party advertisers, up to a maximum of \$5,000.</p>	<p>The LAEA only regulates third-party advertising for the promotion or opposition of a candidate during an election. There is no reference to issue-based advertising.</p>	<p>Create a more level playing field between issue-based third parties, candidate-based third parties, and candidates.</p>	<p>Support with qualification.</p> <ul style="list-style-type: none"> ● ABmunis supports provisions that provide a more level playing field between candidates and third parties. ● However, our understanding is that issue-based advertising was not regulated in the past because of free speech rules and challenges assessing what advertising is part of a long-standing campaign and what is targeted at a specific vote. Therefore, we have questions about how this provision will be enforced.
<p>Limit donations to third-party advertisers to \$5,000 per election period, which begins May 1 of the election year.</p>	<p>The current donation limit is \$30,000 for all individuals, unions, and corporations.</p>		<p>Support with qualification.</p> <ul style="list-style-type: none"> ● The reduction in donation limits is positive but still exceeds what an average individual Albertan can afford to contribute.

Government of Alberta description of the proposed change	Government of Alberta description of the current status	ABmunis understanding of the rationale	ABmunis analysis and position
<p>Enable regulation-making authority to define local political parties. This approach will be piloted in Calgary and Edmonton.</p>	<p>Provisions in place to regulate political parties at the local level.</p>	<p>Since floating the idea, the Premier and Minister of Municipal Affairs have stated evolving reasons:</p> <ul style="list-style-type: none"> • Make it easier to raise funds (even though Albertans are clear they want less money in politics not more). • Increase voter turnout at the local level (even though a review of cities with parties in other parts of Canada shows that voter turnout is similar to Calgary and Edmonton). • Regulate something that is happening already (even though Albertans don't want it and have a history of not electing slates). 	<p>Oppose.</p> <ul style="list-style-type: none"> • While political parties are an important part of the parliamentary system at the provincial and federal level, they are not a good fit with local government legislation and processes in Alberta, regardless of the size of municipality. • The cities of Edmonton and Calgary follow the same governance rules as other municipalities. • Caucus meetings and whipped votes go against rules set out by the province in the Municipal Government Act (MGA). • 81% of Albertans indicated they think elected officials who are part of a political party would vote along party lines and not necessarily in the best interest of the community. • To put political parties on the ballot would require a fundamental rethink of how municipalities in Alberta are governed. • 69% Albertans believe that parties would make municipal governments more divisive. • It is unclear how this “pilot” is going to be evaluated and the province has indicated that political parties could be expanded to all other municipalities in the 2029 municipal election. • It is unclear how much of the complex set of rules governing parties in the Alberta Election Act will be adapted into the LAEA and how long the development of rules will take, which contributes to uncertainty and potential chaos.
<p>Repeal the municipal authority to develop a voters list.</p>	<p>Municipalities can prepare a voter list, which must be shared with all candidates.</p>	<p>Concern regarding the misuse of voter lists.</p>	<p>Support.</p> <ul style="list-style-type: none"> • ABmunis shares concern about the potential misuse of voter lists. <p>This change is associated with the proposed change to require municipalities to prepare a permanent electors register (see next item).</p>
<p>Require municipalities to prepare a permanent electors register and align that information with Elections Alberta.</p>	<p>A permanent electors register is an internal document that assists with the conduct of an election. Municipalities can choose to develop one or not.</p>	<p>It is not clear what problem would be solved by requiring a permanent electors registry. The moment an elector list is published, it is immediately inaccurate due to the thousands of people that are moving to different municipalities or different wards within a municipality. With an elector registry,</p>	<p>Oppose as written.</p> <ul style="list-style-type: none"> • If implemented, this would add additional costs for local governments to create databases and systems to safeguard the personal information of electors. In addition, systems would need to be in place to allow electors to request that their personal information be removed from the elector registry. All of this comes at a financial cost. <p>Alternative solution.</p> <ul style="list-style-type: none"> • Municipalities could be provided the authority to prepare an electors list enabling those with capacity to do so.

Government of Alberta description of the proposed change	Government of Alberta description of the current status	ABmunis understanding of the rationale	ABmunis analysis and position
		electors would still need to produce sufficient identification on election day in order to vote.	
Expand the use of special ballots while strengthening special ballot processes.	Special ballots can only be requested for very specific reasons, including physical disability, absence from the municipality, or for municipal election workers.	During consultation, municipal associations raised concerns about the current limitations on special ballots, as special ballots are proven way to make voting more accessible to residents who may not be able get to a polling station, advanced or otherwise.	<p>Support</p> <ul style="list-style-type: none"> • Aligns with ABmunis' position that requirements for who is eligible to vote by special ballot should be removed. • The current requirement to force people to disclose their disability to qualify for a special ballot is not inclusive and creates a public relations challenge for the municipality. • This is especially relevant since the LAEA also allows people to receive a special ballot due to travel, yet municipalities do not require those persons to provide proof of their travel plans.
Limit the ability to vouch to only someone's address.	An elector can vouch for an individual's age, residence, and identity.	Exact nature and scale of the issue is not clearly articulated.	<p>Oppose as written / Further review required</p> <ul style="list-style-type: none"> • ABmunis recommended that the ability to vouch for another elector be maintained in the legislation because it is most commonly used in scenarios where: <ul style="list-style-type: none"> ○ Seniors have moved into care homes and can no longer drive a vehicle resulting in them no longer having a picture ID with their current address and no utility bill in their name. ○ Persons that are homeless and do not have adequate picture ID. ○ Persons who have forgotten their ID and have a significant distance to travel home or face physical challenges (e.g. seniors) to leave and return to a voting station with the proper ID. ○ A voter's ID only provides a post office box number and the voter does not have other sufficient proof of their address with them. • ABmunis questions if this change aligns with or differs from vouching rules for provincial and federal elections and whether this will create unnecessary confusion. • Bill 20 makes numerous changes to the process for managing vouching and ABmunis is seeking input from election experts to understand if there are unintended consequences where specific demographics may be excluded from voting.
Repeal the ability for a candidate's official agent or scrutineer to object to an elector.	Candidate's official agents or scrutineers can object to an elector; however,	Exact nature and scale of the issue is not clearly articulated.	<p>Further details required.</p> <ul style="list-style-type: none"> • ABmunis recommends that this issue would be better addressed through a broader review of the LAEA by a technical working group as we note that that removal of this authority still requires a

Government of Alberta description of the proposed change	Government of Alberta description of the current status	ABmunis understanding of the rationale	ABmunis analysis and position
	the elector can still vote.		mechanism to prevent an ineligible person from voting.
Enable regulation-making authority to postpone elections in emergencies.	No provisions in place to enable the Minister of Municipal Affairs to postpone an election in the event of a natural disaster.	COVID and recent disasters have highlighted potential disruption to elections.	<p>Support.</p> <ul style="list-style-type: none"> • There is merit for the LAEA to clarify rules for the postponement of an election in the event of exceptional circumstances that will prevent electors from accessing voting stations. This would be beneficial for defining rules for elections and by-elections. • We also support that regulations will be developed to provide greater clarity. • ABmunis recommends the regulations be based on a thorough review/consultation process to determine the appropriate criteria and process for when an election should be postponed.
Prohibit automated voting equipment, such as electronic tabulators.	The LAEA permits municipalities, by bylaw, to process ballots by automated voting equipment.	The Minister of Municipal Affairs has stated that some people don't trust tabulators.	<p>Oppose.</p> <ul style="list-style-type: none"> • The Minister has admitted that there is no evidence that tabulators are less accurate than hand counts. <p>Alternative Solution.</p> <ul style="list-style-type: none"> • Instead of banning automated voting equipment which has proved to be effective, efficient, and timely, provisions should have been made to the Act to make elections conducted with automatic voting equipment eligible for judicial recount.
Require recounts if requested by a candidate when the margin is within 0.5 percent of total votes.	Returning officers have discretion regarding recounts.	Could reduce spurious requests for recounts.	<p>Support in principle.</p> <ul style="list-style-type: none"> • Clarifies the requirements for recounts while still enabling a Returning Officer to conduct a recount when the margin threshold is not met but Returning Officer deems it warranted.
Clarifying rules and streamlining processes for scrutineers.	Concerns have been raised that the rules for scrutineers are not clear.	Clarity.	Further details required.

Proposed changes to the MGA related to accountability

According to the Government of Alberta's [Fact Sheet](#), the proposed changes to the Municipal Government Act (MGA) are intended "to help ensure local councils and elected officials are mindful of the common interests of Albertans and held to greater account by the citizens who elected them". Yet, providing cabinet the power to fire councillors and repeal bylaws without clear criteria and a requirement for public input goes against this stated intent.

When the province treats municipalities with respect and engages us as partners, we can collaboratively develop solutions that serve the best interests of Albertans. Recent water sharing agreements are a primary example: the province led an engagement of municipalities and water using stakeholders. Municipalities, who are part of the agreements, have agreed to reduce water use by 5 to 10% and will develop plans that make sense for their communities. This should be model for the relationship between the province and municipalities, where both work collaboratively to benefit Albertans, not the big brother approach taken in Bill 20.

There was a missed opportunity to engage more meaningfully with municipalities and governance experts to improve the MGA. Furthermore, legislation can only go so far to support good governance. As part of the solutions we provided to the Government of Alberta before Bill 20 was introduced, ABmunis committed to working with Municipal Affairs and other partners to provide information to help candidates, councillors, and the public to better understand the roles and responsibilities of councillors.

Government of Alberta description of the proposed change	Government of Alberta description of the current status	ABmunis understanding of the rationale	ABmunis analysis and position
Require a councillor's seat to become vacant upon disqualification.	Municipal councils or electors can only remove a disqualified councillor through the courts if they refuse to vacate their seat.	The existing approach is inefficient and gives undue power to the disqualified councillor. This is particularly problematic for small municipalities that have limited fiscal resources to pursue court action due to the expected legal costs.	<p>Support with qualification.</p> <ul style="list-style-type: none"> In most cases, the rules for disqualification are generally clear such that the councillor's seat should automatically become vacant, except for issues of pecuniary interest. Issues of a pecuniary interest are more subjective, therefore, there may be merit for the existing voluntary resignation rule to continue to be applied for MGA sections 174(1)(g) to 174(1)(i). This could help prevent unsubstantiated accusations of a pecuniary interest from being weaponized to automatically disqualify a councillor.
Require mandatory orientation training for councillors.	Training for councillors must be offered, but there is no requirement for the councillor to attend the training.	Making orientation training mandatory will help to equip all councillors with foundational knowledge of their role and responsibilities, best practices, and legal and legislative requirements.	<p>Support with qualification.</p> <ul style="list-style-type: none"> This may help alleviate miscommunication and misunderstandings which contribute to tension between councillors and between council and administration. Orientation training is a standard practice for any employee position and while councillors are elected and serve in a governance capacity, the same standard should be applied wherein orientation training is an essential component for councillors to effectively serve in their role. <p>Additional solution.</p> <ul style="list-style-type: none"> Clarification is required to better understand the scope of the training required.

Government of Alberta description of the proposed change	Government of Alberta description of the current status	ABmunis understanding of the rationale	ABmunis analysis and position
<p>Allow Cabinet to remove a councillor if in the public interest, or to order a referendum to determine whether the councillor should be removed.</p>	<p>Minister can only remove a sitting councillor through the municipal inspection process and only under very specific circumstances.</p>	<p>Since the Minister already has the powers to remove a councillor following an independent, publicly released inspection, it is questionable as to how the change would be made to allow Cabinet to remove a councillor without an independent review and clear criteria.</p>	<ul style="list-style-type: none"> • See the end of this document for further considerations regarding mandatory orientation training for councillors. <p>Oppose as written.</p> <ul style="list-style-type: none"> • The ability for cabinet to decide behind closed doors to remove a councillor without an independent publicly reported inspection being conducted first is extremely troubling, especially in the absence of any sort of criteria as to what constitutes “public interest”. • This provision: <ul style="list-style-type: none"> ○ Undermines the balance and separation of powers fundamental to good governance in modern democracy. ○ Represents executive overreach, by allowing for potentially unchecked government. ○ Potentially disrespects the local electors by not requiring public disclosure of the rationale for removing a councillor or councillors. ○ It is also unclear what the process involved in a referendum would be. ○ Assuming it is a simple referendum on a majority basis, it should be considered that many elected officials are elected with less than a majority (i.e. councillors elected at large may get less than 30% when successful and elected), so it presents a serious disadvantage in coming up with 50% support to stay on. <p>Alternative Solutions</p> <ul style="list-style-type: none"> • ABmunis recognizes that current legislation limits the ability for the Minister to make timely decisions for removal of a council or councillor. • Hence, we recommend a broader review with legal experts and stakeholders to identify alternative measures such as suspending a councillor from conducting municipal business for a defined period, or methods of removing a councillor on a timelier basis following a third-party inspection that follows a clear process and criteria. • We also point out that the introduction of the Recall Act in 2022 provides electors with additional democratic power to remove a councillor where circumstances are deemed warranted.
<p>Allow elected officials to recuse themselves for real or perceived conflicts of interest.</p>	<p>Elected officials can only recuse themselves for matters in which they have a financial interest.</p>	<p>The public and many councillors have questions and concerns regarding rules around conflict of interest. This provision does offer a potential solution to a long-standing concern that currently the</p>	<p>Oppose as written.</p> <ul style="list-style-type: none"> • Any additions to conflict-of-interest rules must consider if the parameters under which a councillor needs to recuse themselves. • It is concerning that unlike rules around pecuniary interest there is no provision for review by a third party. • The lack of clear guardrails could result in: <ul style="list-style-type: none"> ○ Municipal governments being hamstrung by a loss of quorum. This is particularly relevant in small

Government of Alberta description of the proposed change	Government of Alberta description of the current status	ABmunis understanding of the rationale	ABmunis analysis and position
		<p>MGA does not allow recusal for even a very clear conflict of interest if it would not qualify as a pecuniary interest. This provision gives that option, without making any of it mandatory (Councillor can decide whether or not to disclose, and even if so whether they want to recuse themselves in whole or in part, and those decisions cannot be challenged either in court or through Code of Conduct complaint).</p>	<p>communities where some councils only have three or five councillors and where councillors have personal/professional relationships with a high percentage of residents.</p> <ul style="list-style-type: none"> ○ Enable councillors to avoid weighing in on controversial decisions. ○ Another potential downside of this provision is that that effectively no Councillor could be subject to sanctions under Code of Conducts in relation to conflicts of interest. If someone acts in a conflict, they could say there is nothing Council can do about it because of this section. That may be an unintended consequence of making this a voluntary process as opposed to carving out acting in a conflict and failing to disclose it as a Code of Conduct issue. <p>Alternative solutions</p> <ul style="list-style-type: none"> ● As stated above ABmunis is committed to working with the province to information resources and education to help councillors and the public better understand their roles and responsibilities of councils. ● Again, we believe there would be value in a broader review with legal experts and stakeholders to work through complexity of addressing conflicts of interest.
<p>Make the Minister of Municipal Affairs responsible for validating municipal recall petitions.</p>	<p>A municipality's chief administrative officer is responsible for validating recall petition.</p>	<p>CAOs had numerous concerns about their role in recall.</p>	<p>Support.</p> <ul style="list-style-type: none"> ● Municipal Affairs already has a role in validating petitions. ● This change aligns with ABmunis submission to the province to reduce conflict for CAOs but ABmunis continues to have major concerns with the value of recall legislation and the current gaps in recall rules based on recent recall petition activities.
<p>Enable Cabinet to require a municipality to amend or repeal a bylaw.</p>	<p>Cabinet may only intervene with respect to a land use bylaw or statutory plan.</p>	<p>Current government wants to be able to repeal bylaws it doesn't like. The Minister of Municipal Affairs noted Edmonton's mask bylaw.</p>	<p>Oppose.</p> <ul style="list-style-type: none"> ● This undermines the role of democratically elected councils and the accountability they owe to their residents. ● The lack of legislative guardrails leaves little protection against arbitrary and politically motivated decisions. ● Enabling cabinet to repeal bylaws behind closed doors in the absence of any legislated process prevents public scrutiny and judicial review. ● There is a risk of the power being applied to multiple municipalities who have a similar bylaw. ● Each community has different values/interests, and the province should respect those local values/interests. ● In addition, the Bill does not make any reference to developing regulations that could set out a process that would include giving advance notice to the municipality and allowing them to provide input. This

Government of Alberta description of the proposed change	Government of Alberta description of the current status	ABmunis understanding of the rationale	ABmunis analysis and position
			<p>would give municipalities the chance to correct misinformation about the purpose and approach to the bylaw, which often originates from unhappy ratepayers. Any such process would also enhance the possibility for judicial review if not done fairly by the province.</p> <p>Alternative Solution</p> <ul style="list-style-type: none"> • Municipalities want a strong partnership with the province. • We recognize that even in a strong partnership we won't always agree. • However, a relationship based on trust, mutual respect and open communication could go a long way toward resolving issues before they become acute.
<p>Give Cabinet authority to direct a municipality to take specific action to protect public health and/or safety.</p>	<p>No provisions exist.</p>	<p>Unclear.</p>	<p>Oppose.</p> <ul style="list-style-type: none"> • It is unclear what problem this change is trying to solve. <p>Alternative Solution</p> <ul style="list-style-type: none"> • In 2021, ABmunis members adopted a resolution calling for the province to improve collaboration and communication in times of emergency to better protect public health and safety. • Some progress has been made. Through advocating for better collaboration, ABmunis has become involved in the development of a long-range planning tool that the Alberta Emergency Management Agency will introduce to municipalities in 2024. • We believe that through collectively developing such tools, the province and municipalities will be better able to protect Albertans than through directives that may lack on the ground ability to carry out.
<p>Allow the Minister to outline joint use planning agreement (JUPA) criteria and requirements.</p>	<p>All criteria for these agreements are currently in the MGA.</p>	<p>Currently all municipalities have the same JUPA requirements regardless of size and whether they have any schools in their municipality.</p>	<p>Support in principle.</p> <ul style="list-style-type: none"> • ABmunis recognizes that “one size does not fit all”. • We look forward to participating in the regulatory process. • We suggest regulations could allow municipalities and school boards to mutually opt out of developing a JUPA similar to the opt-out clause for Intermunicipal Development Plans.
<p>Specify that the assessed person for an electric generation system is the operator.</p>	<p>There is a lack of clarity regarding who should be assessed for electrical generation systems.</p>		<p>Further details required.</p> <ul style="list-style-type: none"> • ABmunis has not had the chance to review or consider this provision.

Proposed changes to the MGA related to housing development

According to the Government of Alberta's [Fact Sheet](#) on Bill 20: "Accelerating housing development under the MGA, affordable and attainable housing has become one of the most urgent concerns across the country, and Alberta's government is constantly searching for innovative ways to meet this challenge, including new tools for municipalities to leverage under the MGA."

Municipalities share the province's goals and are keen to be partners in making sure the housing our province needs gets built. Unfortunately, municipalities were not recently consulted on these changes and are unsure of the implications of such drastic changes, which may hinder development in the short-term rather than increase it. Further engagement with our members on these provisions is required to better understand their impact.

Government of Alberta description of the proposed change	Government of Alberta description of the current status	ABmunis understanding of the rationale	ABmunis analysis and position
Require municipalities to offer digital options for public hearings on planning and development and restrict them from holding extra hearings when not required by legislation.	No requirements in place for digital options. Municipalities can hold extra hearings beyond what is legislated.	No public consultation was held on this whatsoever.	<p>Oppose.</p> <p>Digital options for public hearings</p> <ul style="list-style-type: none"> This requirement could be challenging for small communities with limited internet access and IT capacity to meet. It may add new costs to municipalities to install or update audio and video equipment to support online public hearings. <p>Restriction from extra hearings</p> <ul style="list-style-type: none"> It is unclear how this will apply when there is high interest from people requiring extra days to hear from all residents. There are many circumstances where a new issue is introduced in a public hearing and the only way to ensure procedural fairness is to hold a second public hearing. Currently, Section 216.4(5)(b) of the MGA allows Council to make amendments after the public hearing without advertising or a new hearing, but procedural fairness requirements would often lead to advice that a second public hearing should be held to limit the risk of a challenge to the bylaw. Removing that option will likely result in further challenges to bylaws where municipalities are restricted from a key option in resolving procedural fairness issues for unexpected issues that arise along the way. Municipalities are in the best position to assess when further input or a new hearing is required, and we do not understand the reason for introducing this new provision. ABmunis could have worked with the province to share best practices in relation to public hearings.
Fully exempt non-profit subsidized	No provisions in place.	No public consultation was	Further details required.

Government of Alberta description of the proposed change	Government of Alberta description of the current status	ABmunis understanding of the rationale	ABmunis analysis and position
<p>affordable housing from property taxation.</p>		<p>held on this whatsoever.</p>	<ul style="list-style-type: none"> • Some municipalities already provide exemptions or grants to make up for taxes. • For example, the City of Edmonton’s Affordable Housing Tax Exemption Program is designed to encourage the development of affordable rental housing in the province. Under this program, eligible properties can be exempt from both municipal and education property taxes for up to 20 years. • However, one size does not fit all. Tax exemptions may be the right strategy in some municipalities, but not in others. • Consideration needs to be given to how exemptions shift taxation burden onto other ratepayers and effects affordability of the housing continuum. • The requirement potentially represents further downloading of the financial responsibility for affordable housing to local ratepayers. • Municipal Affairs indicates that properties eligible for this exemption would be treated the same as student dormitories and be exempt from both municipal and provincial property tax. <p>Alternative Solution</p> <ul style="list-style-type: none"> • Municipalities are eager to work with the province to reduce barriers to affordable housing as evidenced by the number of resolutions our members have recently adopted on this topic and the effort they have taken to reduce zoning barriers and to partner with non-profits and the private sector to actually build housing. • We hope that the province will engage with municipalities, the private sector, and not-for-profits to develop enabling and scalable solutions including increased investment in affordable housing by the provincial government.
<p>Enable multi-year residential property tax incentives.</p>	<p>Municipalities may offer multi-year incentives for non-residential development, but not residential development.</p>	<p>Provides municipalities additional options to incent development of residential property.</p>	<p>Support with qualification.</p> <ul style="list-style-type: none"> • If municipalities choose to offer a property tax incentive, the incentive should also apply to provincial property taxes. At this time, ABmunis’ understanding is that municipalities would still be required to remit the associated provincial property tax for the property.
<p>Limit the ability of municipalities to require non-statutory studies as requirements for building and development permits</p>	<p>No provisions in place.</p>	<p>No public consultation was held on this whatsoever.</p>	<p>Oppose.</p> <ul style="list-style-type: none"> • There may be value in requesting other studies. Examples include heritage, financial impact analysis, wind studies for buildings exceeding a certain height, shadow studies. • This limits local autonomy.

Additional considerations regarding the proposed change to mandate orientation training for councillors

ABmunis recommends that enforcement of this requirement should be overseen by an independent provincial or regional body (e.g., Alberta Ombudsman) and that the MGA clarify the consequences of not participating in orientation training. This responsibility should not be placed on the municipality's CAO due to the potential conflict with council's oversight of the CAO's employment.

ABmunis acknowledges that making orientation training a mandatory requirement has the potential to bring forth various risks and complexities, such as:

- Challenges for elected officials to access the training on a timely basis based on availability of trainers and the frequency that training is offered.
- Challenges for elected officials in rural and remote regions to access training based on travel challenges in winter months.
- Circumstances when elected officials are unable to attend a scheduled regional training due to sickness, work responsibilities, lack of childcare, medical needs, or other reasons.
- How to manage situations where an elected official attends only a portion of the training.
- Who is responsible for enforcing the requirement.
- The risk of this requirement being weaponized to penalize or disqualify a councillor (e.g., organizing a training session when it is known a councillor cannot attend).

With the current environment and availability of training options, and due to the value that orientation training be completed as earlier as possible in the council term, ABmunis recommends that the Government of Alberta:

1. Work with ABmunis and other municipal stakeholders to create an on-demand online course that elected officials can complete at their own pace within the required timeframe.
2. Use a simple reporting process where the CAO submits a notice when all councillors have completed the training. Should a councillor refuse to take training, ABmunis recommends that enforcement of this requirement should be supported by an independent provincial or regional body (e.g., Alberta Ombudsman), similar to our recommendation for a third party to help investigate code of conduct violations. This responsibility should not be placed on the municipality's CAO due to the potential conflict with council's oversight of the CAO's employment.
3. Following a review by an independent provincial or regional body, the legislation should clarify that non-compliance will result in disqualification and removal from council.

In addition to these supports, the Alberta Elected Officials Education Program could adjust the curriculum and mode of delivery of its *Munis 101* course so that it can be delivered to as many councillors as possible within the provided timelines, but this option still carries the risk of scheduling challenges for elected officials, which is why the development of an on-demand course would be particularly valuable. The intention of creating an on-demand course is not to replace in-person or other online training but to serve as an option for elected officials whose personal schedules do not align with scheduled training or for elected officials who are elected in a by-election when the availability of training options is limited.



Alberta Municipalities Strength In Members

Connect

300, 8616 51 Avenue
Edmonton, AB T6E 6E6
780.433.4431 ■ 310.MUNI

abmunis.ca

