

MGA Review - Update

Bill 21: Modernized *Municipal Government Act* - City of Edmonton Submission

Recommendation:

That Executive Committee recommend to City Council:

That the City's submission to the Minister of Municipal Affairs identifying the City's recommended changes to Bill 21: the *Modernized Municipal Government Act*, as outlined in Attachment 1 of the July 6, 2016, Office of the City Manager report CR_3776, be approved.

Report Summary

This report includes the proposed City of Edmonton submission to the Government of Alberta to help advance Edmonton's recommended amendments with respect to Bill 21: the Modernized *Municipal Government Act*.

Previous Council/Committee Action

At the June 13/14, 2016, City Council meeting, the following motion was passed:

That, along with the draft response to the proposed amendments to the *Municipal Government Act*, Administration return to the July 12, 2016, City Council meeting with:

- A proposed amendment to the *Municipal Government Act* that allows for municipal councils to create a parental leave policy and determine the parameters of such a policy.
- A request for clarification regarding the role of the proposed Ombudsman and the potential duplication of roles with municipalities that currently have processes for oversight functions.
- A request for further tools for valuation regarding conservation reserve and timing regarding conservation reserve and environmental reserve.

At the February 19, 2016, Executive Committee meeting, the following motion was passed:

That, Administration provide a report to Executive Committee with the proposed *Municipal Government Act* amendments that outline the authority of municipalities to enact a tree preservation bylaw on private property.

And, at the November 10, 2015, Executive Committee meeting, the following motion was passed:

That, the Office of the City Manager explore opportunities through the *Municipal Government Act* review process to ask for increased powers around a mature tree bylaw and report back to Executive Committee.

Report

Background

- On May 31, 2016, the Government introduced Bill 21, the *Modernized Municipal Government Act* in the Legislative Assembly of Alberta.
- Bill 21 was developed through extensive consultations with stakeholders across the province since 2013, and is the second legislative piece resulting from this process.
- On March 30, 2015, the first legislative piece of the *Municipal Government Act* review process (Bill 20) received Royal Assent. While the majority of the Bill will not come into force until proclamation (which is expected to occur in mid-2017 along with the amendments included in Bill 21), it included some housekeeping amendments, solutions to a few of the less controversial issues identified through initial focus group discussions, and a section that allowed for the establishment of City Charters (one of the few sections which came into force immediately upon Royal Assent). Administration provided a summary of Bill 20 to Council (CR_2318) on April 14, 2015.
- Bill 21 is now undergoing a public consultation process over the summer which will lead to potential amendments in the fall.
- The Government's consultation process provides an opportunity for any citizen, business, industry, municipality or any other stakeholder to share their views on Bill 21: the *Modernized Municipal Government Act*.

Content of Bill 21: the *Modernized Municipal Government Act*

- As was discussed in Office of the City Manager report CR_3685, Bill 21 included a number of amendments of interest to the City.
- Bill 21 failed to fully address the City's requests in several areas as was formally requested by the City through the provincial consultation process.
- Bill 21 was also silent on over 30 policy amendments that were requested by the City over the review process.
- In addition, there are numerous amendments requested directly by Assessment and Taxation that were not addressed in the legislative changes proposed in Bill 21 (or the preceding Bill 20, 2015). These amendments were initially provided Administration-to-Administration in June 2014, at the same time as the City's Council Approved *Municipal Government Act* Submission. These amendments are being updated and will be readvanced through the same process.
- Also referenced in the Office of the City Manager report CR_3685 is the need for continued engagement in the provincial Regulatory Review process. While Administration does not yet have clarity around how this process will advance,

- the City has stated its interest in being directly involved as over 60 regulations associated with the *Municipal Government Act* are reviewed over the coming months. This has been communicated through both political and administrative channels.
- The ongoing regulatory review process also creates a degree of risk for the City. While Administration has proposed further amendments in some of the areas of Bill 21, the full impact of the proposed changes in Bill 21 will not be known until the regulations are developed.
 - Administration will return to Council with updates and opportunities for input on the regulatory review process as the process unfolds.

Submission Document

- Administration has prepared a formal submission as outlined in Attachment 1. The report has been structured to help:
 - outline high-level policy and legislative *Municipal Government Act* issues that the City considers critical for the Government to address across three major areas (Governance and Administration, Assessment and Taxation, Planning and Development); and
 - outline some of the Assessment and Taxation amendments that were requested in the City's Council Approved *Municipal Government Act* Submission but have not been addressed in Bill 21.

Update on Council Motions

June 13/14 2016, Council Motion

- Administration has sought clarification and proposed amendments on the June 13/14 Council Motion a. and b. that are included in Attachment 1.
- Administration is currently in conversation with the Government in respect to the June 13/14 Council Motion c.

February 19, 2016 Executive Committee and November 10, 2015 Executive Committee Motions

- Citizens regularly express concern that private property owners have an unfettered right to cut down mature trees on their own property. Many jurisdictions (e.g. BC and Ontario) empower local government to create bylaws requiring some sort of approval before cutting down such trees.
- Amendments to the *Municipal Government Act* proposed in Bill 21 do not provide any additional powers for municipalities to protect mature trees.
- In response to the previous Executive Committee motions on protection of mature trees, Administration has drafted the following potential amendment. As this is a new amendment, not previously approved or specifically requested by Council, it is included here for Council consideration

- Add a subsection to s. 8 of the *Municipal Government Act* stating that municipalities have the power to pass bylaws for the protection of trees on private property.
- Municipalities could then craft bylaws in consultation with stakeholder groups that would identify the kinds of trees that would need to be protected (e.g. only those of a certain size), the process for getting approval to cut them and the rules for granting or refusing such an application.

Next Steps

- Upon approval by Council, the City's submission will be advanced to the Government within the provincial timelines (by the end of July 2016).
- Administration will readvance the legislative amendments in the area of Assessment and Taxation that were not addressed in the legislative changes proposed in Bill 21.
- Summer 2016 - Summer 2017 - In addition to the legislative process, the Government has launched a review of many of the regulations associated with the *Municipal Government Act*. This process will be ongoing over the next year, with draft regulations expected for public review by as soon as early 2017. Administration will be engaged in the regulatory review process as it unfolds, and will return to Council for input as appropriate.
- Fall 2016 - The Government has advised that amendments to Bill 21 resulting from the Government's consultation processes will be introduced in the Legislature during the fall sitting. The Bill is expected to pass by the end of 2016.
- Mid 2017 - Amendments to the *Municipal Government Act* included in Bill 20 and Bill 21 and the associated regulatory changes are expected to come into force.

Communications

- The City has an *Municipal Government Act* Review web page that describes the process, references the guiding principles for the review process, includes a link to the City's June 2014 Submission (the most comprehensive public record of the City's asks in regards to the MGA), and directs visitors to the Government of Alberta's *Municipal Government Act* Review web page should they wish to get more involved in the Review.
- While the Bill will be passed by year's end, the regulatory review and implementation of amendments will be ongoing into mid-2017. This suggests an ongoing and lengthy conversation with the province and other stakeholders will continue to unfold over the next year.
- In addition, some changes enabled in the *Municipal Government Act* will require bylaw amendments - for example, implementation of new off-site levies should the City wish to do so - which would require a local conversation prior to Council decision.

- A comprehensive communications strategy is under development that will consider, for example: public messaging around the City's position via social and traditional media, internal communications, information to support Councillor communication with constituents, toolkits and backgrounders, and display materials.

Corporate Outcomes

Given the scope of the *Municipal Government Act*, the Government's review process provides an important opportunity to advance many of the goals and outcomes included in the City of Edmonton's Strategic Plans.

Justification of Recommendation

To provide the Government of Alberta with the City of Edmonton's feedback on Bill 21: the *Modernized Municipal Government Act* to help advance Edmonton's interests.

Attachments

1. Review of Bill 21 - the Modernized *Municipal Government Act* - City of Edmonton Submission

Others Reviewing this Report

- G. Cebryk, Acting Deputy City Manager, City Operations
- A. Laughlin, Deputy City Manager, Integrated Infrastructure Services
- R. G. Klassen, Deputy City Manager, Sustainable Development
- T. Burge, Chief Financial Officer and Deputy City Manager, Financial and Corporate Services
- R. Smyth, Deputy City Manager, Citizen Services
- C. Campbell, Deputy City Manager, Communications and Public Engagement