

Bill 20 - Impact of *Municipal Government Act* Amendments

Recommendation:

That the April 14, 2015, Corporate Services report CR_2318, be received for information.

Report Summary

This report provides a comprehensive summary of Bill 20, *Municipal Government Amendment Act, 2015* and the anticipated impacts on the City of Edmonton.

Report

Bill 20, *Municipal Government Amendment Act, 2015* received third reading on March 24, 2015, and Royal Assent on March 30, 2015. Upon Royal Assent, the sections pertaining to City Charters and off-site levies came into force immediately. All other provisions will come into force on proclamation. At this time, it is unknown when the remaining sections will be proclaimed.

Bill 20 is the first legislative piece of the ongoing *Municipal Government Act* Review. As described by the Province, it includes some housekeeping amendments and solutions for issues identified during the review process. Further amendments to the *Municipal Government Act* are anticipated in Fall 2015 with the full review of the *Act* anticipated to be complete by the end of 2016. A detailed summary of all amendments is provided in Attachment 1.

City Charters

Bill 20 provides the Lieutenant Governor in Council the authority to, upon request of a City, establish a charter for that City by regulation. Amendments to a charter regulation could be initiated either by a request from the City or unilaterally by the Province. A charter regulation, including any amendments, must be published on the Minister of Municipal Affairs' website for at least 60 days before it comes into force.

There are risks and benefits to having the charter enabled by regulation. As regulations can be amended at any time, they are a more nimble legislative tool that can be used to respond to emerging issues. *Acts* can also be amended at any time; however, amendments to *Acts* must be made through a Bill passed by the Legislature, which is a lengthier process. It is important to note that nothing in Bill 20 precludes the development of a *Charter Act* in the future.

The charter regulation could provide for any of the following:

- that a provision of the *Municipal Government Act*, or any other provincial *Act* or regulation, does not apply to the City or is modified for the City

- that provisions in the charter apply to the City instead of or in addition to provisions in the *Municipal Government Act* or any other provincial *Act* or regulation
- that Council may pass a bylaw, following a public hearing, modifying or replacing provisions of the *Municipal Government Act* or any other provincial *Act* or regulation.

The City of Edmonton will continue to work collaboratively with the Province to formally request and define the content of a future Edmonton charter and will provide updates and seek direction from City Council as appropriate. A charter regulation for Edmonton is not anticipated before Fall 2015 at the earliest.

Code of Conduct

Bill 20 creates a mandatory requirement for Council to, by bylaw, prescribe a code of conduct for members of Council. Council may, at its option, apply this code to members of council committees that are not councillors. The mandatory content, sanctions, and date by which the code must be created will be prescribed by regulations that have not yet been released by the Province. Administration will provide a further report and recommendations to Council following the release of these regulations and the coming into force of this portion of Bill 20.

Off-Site Levies

Bill 20 clarifies that an off-site levy may be imposed once for each purpose specified in the *Municipal Government Act*, and confirms that developers may be required to pay for public utilities that are not located on the land under development but are necessary to service the development. This amendment is in response to recent decisions from Alberta courts and is supportive of the City's position in the *Municipal Government Act* review.

Requests for Information

Bill 20 creates a new requirement for Administration to ensure that, when information is provided to one councillor in response to an inquiry about the operation or administration of the City, the information must be provided to all members of council. If this is interpreted to exclude inquiries from councillors regarding individual constituent concerns, this new requirement is generally consistent with the current practice of Administration. If, however, it is interpreted to include all information Administration provides to members of council, Administration may need to review its practices and will develop formal processes to ensure this requirement is followed. This section of Bill 20 does not come into force until it is proclaimed.

Petitions

The current *Municipal Government Act* provides the City Manager with 30 days following the receipt of a petition to report on the sufficiency of the petition to Council. Bill 20 will increase this time period to 45 days. If future petitions are received, Administration will continue to report to Council as soon as possible, however the increased time period is necessary in order to provide sufficient time for Administration

to fully validate any large petitions.

In addition, Bill 20 requires petitioners to provide their telephone number and e-mail address, if available, when signing a petition. All personal information collected as part of a petition may only be used by the City for the purpose of validating a petition.

Once the relevant sections are proclaimed, Bill 20 will enable Council to pass a bylaw reducing the number of required signatures for a petition. Currently, the *Municipal Government Act* requires signatures from a number of electors equal to 10% of the City's population in order to be sufficient. By bylaw, Council may also provide requirements that would allow for the collection and submission of electronic petitions, allow electors to remove their name from a filed petition, and extend the time for petitions to be filed. Currently, petitions related to local improvements and borrowing must be filed within 15 days, while other petitions must be filed within 60 days.

Advertising and Public Participation

The current *Municipal Government Act* prescribes specific requirements that must be followed when a bylaw or other City action must be advertised, such as placing advertisements in local newspapers. Bill 20 modernizes these advertising requirements by allowing the City to advertise on its website and allows the City to pass a bylaw prescribing alternate forms of advertising that are likely to ensure the advertised matter is brought to the attention of affected stakeholders. A bylaw prescribing alternative advertising requirements cannot be passed until this section of Bill 20 comes into force and a public hearing regarding the proposed bylaw is held.

Administration currently uses a variety of alternative methods to inform the public of City matters, and this amendment may allow Administration to eliminate costly newspaper advertising in cases where it is not likely to be effective.

In addition, Bill 20 requires Council to pass a public participation policy. The specific content of the policy will be specified by future regulations, so it is not known at this time if Council's current Public Involvement Policy (C513) and ongoing Public Engagement Initiative will align with the requirements of the regulations. Administration will provide a further report and recommendations to Council following the release of these regulations and the coming into force of this portion of Bill 20.

Generally, Bill 20 aligns with the City's *Municipal Government Act* review submissions and supports City objectives. Some changes may be required to existing bylaws, policies, or administrative processes to align with the amendments, however no significant negative impacts are anticipated. Administration will continue to collaborate with the Province to support the ongoing *Municipal Government Act* review.

Attachment

1. Bill 20 Summary Report