

Association of Summer Villages of Alberta
October 2015

THE *Municipal Government Act* Review



Province of Alberta

MUNICIPAL GOVERNMENT ACT

Revised Statutes of Alberta 2000
Chapter M-26

Current as of December 17, 2014

Office Consolidation

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Alberta 

MGA Review Timeline

Policy research and public engagement planning.

Late 2012 - 2013

JAN 2014

Invited Albertans to engage at regional sessions, and using workbook and written submissions via mgareivew.alberta.ca

Identified **54** complex issues and developed **8** key themes

JUN-AUG 2014



MGA Review Timeline

Hosted extensive consultations with cross-ministry representatives, and focus group discussions with municipal, and business and industry representatives

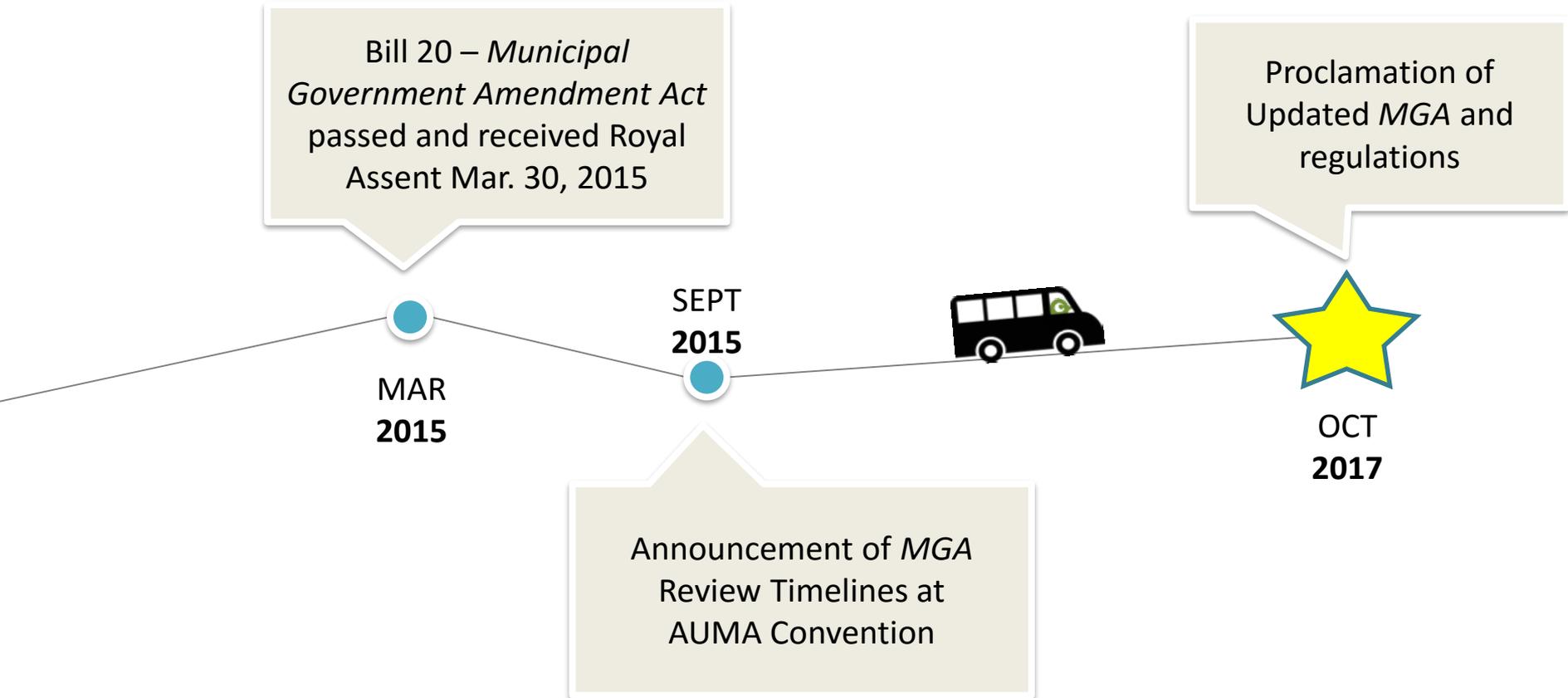
JUN-DEC
2014

JAN-APR
2015

Combined focus groups for consensus building



MGA Review Timeline



Bill 20: *Municipal Government Amendment Act*

- **The amendments:**
 - Fulfilled the commitment to stakeholders to bring forth consensus items in Spring 2015;
 - Demonstrated progress on the former Premier's commitment to enable the establishment of city charters within the *MGA*;
 - Addressed an emergent issue; and
 - Confirmed existing policy currently enacted through section 603 of the *MGA*.

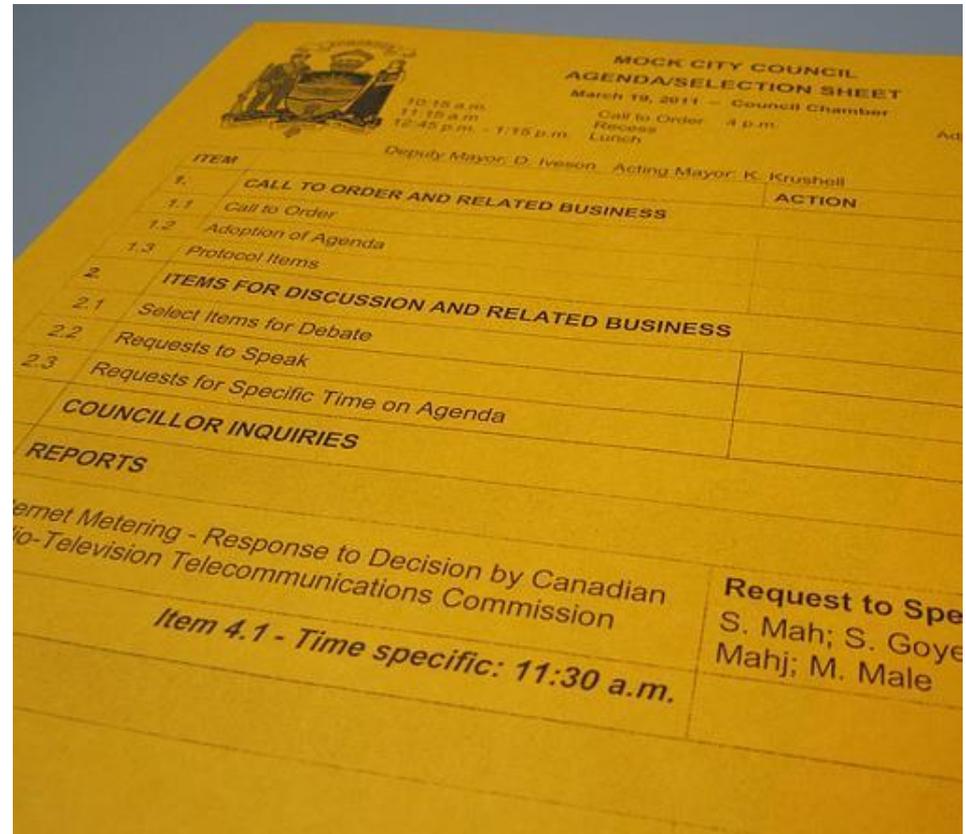
Municipal Accountability and Transparency

- Accountability and Conduct of Elected Officials
- Public Participation Policy
- Open Council Meetings
- Petitioning Processes



Enabling More Efficient Municipal Operations

- Public Notifications Methods
- Roles and Responsibilities of Council and Administration



Enhancing Municipal Viability

- Municipal Corporate Planning
- Municipal Amalgamation
 - Jointly Initiated
 - Summer village amalgamations



Strengthening Municipal and Intermunicipal Planning

- Annexation Requirements
- Hierarchy and Relationship of Plans
- Subdivision and Development Appeal Board Training Requirements



Enabling City Charters

- Amend the *MGA* to enable the establishment of city charters to provide cities with the unique authorities and accountabilities reflecting their unique circumstances.



Emerging Issue

- Off-Site Levy Amendment



Section 603 Regulations

1. SuperNet Assessment
2. Municipally Controlled Corporations
3. Municipal Finance Clarification Regulation (MFCR)
4. Business Tax Exemption (LAO)
5. Local Improvement (Road) Tax Bylaws
6. *Aeronautics Act* Agreements (City of Medicine Hat and Cypress County)

Bill 20

- Bill 20 received Royal Assent on March 30, 2015.
- The sections on Civic Charters and the clarification to the Off-site levy issues came into force at that time.
- Some Section 603 regulations may come into force over the next 6-18 months to address existing expiration dates.
- The remaining provisions will be proclaimed and brought into force at the conclusion of the *MGA* Review.

Bill 20: Councillor Code of Conduct

- A council must, by bylaw, establish a code of conduct governing the conduct of councillors.
- The code of conduct must apply to all councillors equally.
- A council may establish codes of conduct for members of council committees and other bodies.
- A code of conduct cannot include a sanction of disqualification or removal from office.
- Councillors must adhere to the municipal code of conduct.

Bill 20: Councillor Code of Conduct

- The Minister may make regulations that could:
 - Detail the matters a code of conduct must address;
 - The date by which councils must have their code of conduct in place;
 - Describe the sanctions that may be imposed for a breach of a code of conduct;
 - Establish the matters councils will be required to consider in developing a code of conduct;
 - Provide detail on implementation requirements;
 - Address any other matter the Minister considers necessary

Pecuniary Interest

- Bill 20 does not change the existing provisions in the *MGA* for pecuniary interest of municipal councillors.
 - Disclosure, abstention, and disqualification rules
- Pecuniary interest is defined as a matter that could monetarily affect a councillor, their employer, or the councillor's family.

Ideas – Content of Codes of Conduct

- Core values of council
- Adherence to municipal bylaws, policies and procedures
- Release of information to the public and media
- Conduct at meetings
- Conduct when representing the municipality
- Conflict of interest - gifts, sponsored travel and events, benefits, and business relations
- Influence of office
- Appropriate use of municipal assets and services

Code of Conduct in Other Jurisdictions

- Government of Canada - Standing Orders (for MPs)
- Government of Alberta – *Conflict of Interest Act* (for MLAs)
- Saskatchewan, Ontario, Quebec and Nunavut have passed legislation for municipal codes of conduct.



Saskatchewan

- October 19, 2015 announcement of changes to municipal legislation:
 - Enhance information disclosure requirements for municipal councillors - declaring a conflict of interest.
 - Mandatory public disclosure statements for municipal councillors - detail financial interests, employment and other activities that may be seen to affect impartiality.
 - Mandatory adoption a council code of ethics.
 - Clearer definitions of what constitutes a conflict of interest, a private interest and the inappropriate use of office.
 - The provincial ombudsman will investigate alleged conflict of interest or code of ethics breaches.

Ontario

- Municipalities may pass bylaws to establish:
 - a code of conduct for council and local board members
 - an Integrity Commissioner
 - a municipal Ombudsman
 - an Auditor General
 - a lobbyist registry and registrar



Quebec

Municipalities must:

- Adopt a code of ethics and conduct for elected officials that must address:
 - independence of judgment (versus private interests)
 - favouritism
 - embezzlement
 - breach of trust and other misconduct
 - gifts and other benefits
 - the use of municipal resources
 - post-term issues
- Adopt a code of ethics and conduct for municipal employees.

Completion of *MGA* Review

- Minister Bilous announced *MGA* Review timelines at AUMA Convention:
 - Introduction of legislation – Spring 2016
 - Re-introduction and passing – Fall 2016
 - Regulation review – Fall 2015 – Fall 2017
- The legislation and updated regulations will be proclaimed - Fall 2017
 - Staggered In-Force dates

Next Steps for Councillor Codes of Conduct

- Develop and approve a regulation
 - Cross-jurisdictional analysis
 - Best Practices
 - Stakeholder input
- Develop supports for municipalities
- Determine date for codes of conduct to be in place
- Municipalities passing code of conduct bylaws



Questions?

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