

MGA Regulations

Alberta Summer Villages Association
October 2016

Today's Focus

- Regulation Review Process
- Code of Conduct Regulation
- Public Participation Policy Regulation
- Intermunicipal Collaboration Frameworks

Regulation Review Process

- Approximately 45 regulations will be created, amended or combined as part of the MGA Review
- To inform the drafting of these regulations, MA is leveraging new and existing stakeholder forums:
 - MGA Regulation Working Group (weekly sessions)
 - MSS Stakeholder Advisory Committee
 - Assessment Stakeholder Advisory Committee+
- Once prepared, draft regulations will be posted online for additional input prior to finalization/approval
 - A phased approach to posting will be used (2017)
- Regulations are expected to be in place, along with the legislation, in advance of the 2017 municipal elections

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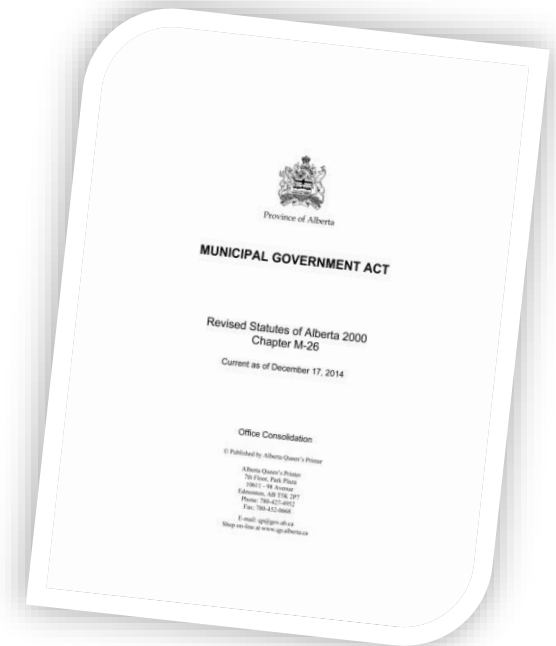
Code of Conduct

Context

- Clear and growing emphasis on accountability, particularly in relation to elected officials
- Alberta's existing policy and legislative framework promotes accountability on multiple fronts
- Alberta's councillors demonstrate a high standard of conduct and most municipalities embed this standard into their organizations
- Isolated cases of poor conduct can exist and have heightened the demand for increased accountability mechanisms

Municipal Government Act

- Bill 20 Amendments (not yet proclaimed):
 - Requires Councils to establish a Code of Conduct for councillors
 - Provides councils with discretionary authority to establish Codes of Conduct for members of council committees and other bodies
 - Adds requirement for councillors to adhere to the Code of Conduct as part of their 'General Duties'
- Intent is to strengthen accountability through the setting of clear expectations



Regulation-Making Authority

- Under Bill 20, Minister has regulation-making authority for:
 - Matters to be addressed in the conduct bylaw
 - Date to have bylaw established
 - Sanctions to be imposed
 - Matters council must consider
 - Implementation of bylaw
 - Any other matters

Regulation Discussion Guide

- Discussion guide was released in June
- Responses were due September 15
- Included a sample regulation

Sample Regulation (1)

Proposed Content for Code of Conduct Bylaws:

- Participation at meetings
- Representing municipality
- Respect for council decisions and decision-making process
- Adherence to council policies, procedures, and bylaws
- Interactions with council members, staff, and public
- Releasing or communicating information to public or media
- Conflict of interest avoidance
- Appropriate use of influence of office
- Appropriate use of municipal assets and services
- Treatment of information received in confidence
- Obligation to attend orientation training

Sample Regulation (2)

- Requires that bylaw establish:
 - who can make a complaint and method to make complaint
 - process used to determine validity of complaint
 - types of sanctions to be imposed
 - Process used to determine sanctions
- Regulation establishes:
 - implementation date (e.g. within 270 days following proclamation)
 - review date (e.g. every 3 years)

For Discussion

- Do you have any additional thoughts on Code of Conduct requirements?
- How can implementation be best supported?



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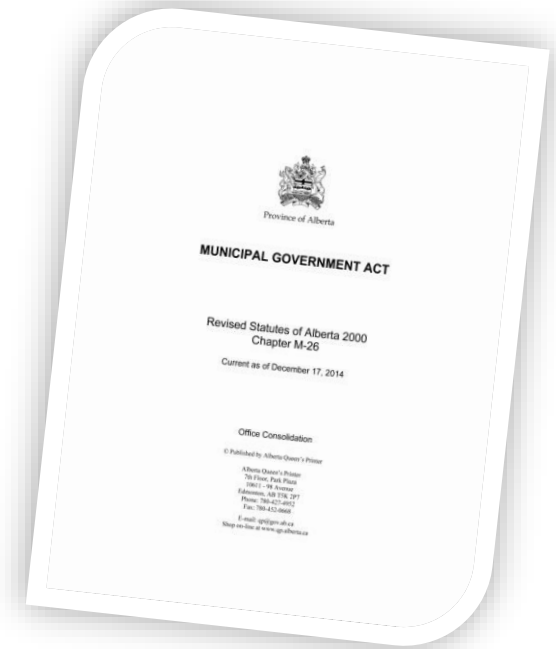
Public Participation

Context

- Increased emphasis on public transparency and public involvement in decision-making processes
- Balanced by need to ensure that public participation processes are efficient and timely to support council decision-making

Municipal Government Act

- Bill 20 Amendments (not yet proclaimed):
 - Requires Councils to establish a public participation policy
 - Protects authority of council to make decisions
- Intent is to strengthen public involvement through the setting of clear participation processes



Regulation-Making Authority

- Under Bill 20, Minister has regulation-making authority for:
 - Contents of public participation policies
 - Matters council must consider
 - Date to have policy established
 - Periodic policy review requirements
 - Public availability of policy

Regulation Discussion Guide

- Discussion guide was released in June
- Responses were due September 15
- Included a sample regulation based on balanced approach:
 - establish basic requirements for policy
 - allow municipalities to tailor policies to meet or exceed

Sample Regulation

- Proposed Content of Public Participation Policies:
 - identify types or categories of approaches used to engage stakeholders
 - identify types of categories of circumstances in which stakeholders will be engaged
- Regulation also proposes:
 - policy be made public
 - review date (e.g. every 3 years)
 - date for policy to be established (e.g. within 270 days)

For Discussion

- Do you have any additional feedback on the Public Participation regulation?
- How can implementation be best supported?



Intermunicipal Collaboration Frameworks

Context

- Currently inter-municipal collaboration is voluntary in Alberta
- While this has led to success in many areas, it has also produced uneven results across the province
 - Stakeholders and the public have expressed concern regarding the impact of this unevenness and a lack of collaboration
- A major shift in the modernized MGA is towards increased inter-municipal collaboration
 - It is expected that this will generate better planning, decision-making and service delivery for citizens in a manner that is sustainable and optimizes resources

Municipal Government Act

- Bill 21 requires municipalities with common boundaries to develop ICFs within three years.
 - Created via adoption of matching bylaws
 - Requires negotiation in good faith
 - Must be filed with the Minister within 90 days of creation
- ICFs must address the planning, coordination and cost-sharing of services related to transportation, water and wastewater, solid waste, emergency services, and recreation
- ICFs must also include an Intermunicipal Development Plan and dispute resolution mechanism

Municipal Government Act

- If ICFs are not created after two years, an arbitration process will be used to find resolution
 - This does not preclude mediation or other dispute resolution processes
- In resolving a dispute or creating a framework, an arbitrator must have regard to:
 - the services and infrastructure provided for in other frameworks to which the municipalities are also parties
 - consistency of services provided to residents in the municipalities,
 - equitable sharing of costs among municipalities
 - environmental concerns within the municipalities
 - the public interest
 - *any other matters prescribed by the regulations*

Municipal Government Act

- Bill 21 provides regulation making authority respecting:
 - the frameworks, including provisions that *must* or *may* be included in a framework
 - the process to be followed to create, amend or cancel a framework
 - arbitration
 - the time within which municipalities that are parties to a framework must amend their bylaws to be consistent with the framework
 - the binding dispute resolution process

For Discussion

- What additional guidance or clarity is required in terms of the content and formation of ICFs?
- How can implementation be best supported?



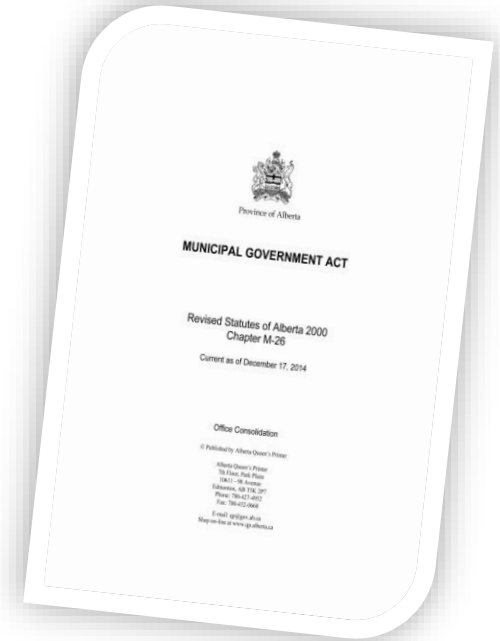
Corporate Planning (if time allows!)

Context

- The MGA currently allows municipalities to determine their own financial management practices for long-term planning
- This has resulted in a wide variety of approaches to financial planning in Alberta
- Long-term financial planning is increasingly recognized as necessary for setting priorities, promoting sustainability, and public transparency
- Asset management is increasingly recognized as a means of enhancing this planning and related decision-making and maximizing value to the community

Municipal Government Amendment Act

- Bill 20 Amendments (not yet proclaimed):
 - Requires Councils to establish a 3 year Financial Plan
 - Requires Councils to establish a 5 year Capital Plan
 - Plans must be updated annually
 - Provides regulation making authority respecting:
 - Form and content of the plans
 - First financial year required to be reflected in the plans
- Intent is to promote longer-term planning, informed decision-making and community sustainability



Regulation Discussion Guide

- Discussion guide was released in July
- Responses were due September 30
- Included a sample regulation based on balanced approach:
 - establish basic standards for plan content
 - allow municipalities to tailor policies to meet or exceed

Sample Regulation

- Three year Financial Plan contents:
 - total revenues and expenses by major category
 - annual surplus or deficit
 - accumulated surplus or deficit
- Five year Capital Plan contents:
 - forecasted amounts for planned capital property additions
 - allocated or anticipated funding sources
- Implementation date:
 - beginning of the second year after the year the Act is proclaimed

For Discussion

- Do you have any additional comments on the Corporate Planning Regulation?
- How can implementation be best supported?



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Thank You!