

BILL 20 REGULATIONS ENGAGEMENT

Issue

The Province is collecting feedback to develop the regulations under the new authorities in Bill 20, the *Municipal Affairs Statutes Amendment Act, 2024*.

Motion Proposed by Administration

That the Town of Okotoks' written feedback regarding the development of regulations for the new authorities under Bill 20 be provided to Alberta Municipal Affairs by July 26, 2024 as discussed.

Report, Analysis and Financial Implications

Alberta Municipal Affairs is holding stakeholder sessions seeking written feedback by July 26, 2024, regarding the development of regulations for the new authorities under Bill 20.

The attached discussion guide notes the questions the Province is seeking input on. The "in scope" feedback being sought is very narrow and includes the following topics with Administration's suggested responses for consideration:

1. Joint Use Planning Agreement exemptions;
A process to opt out should be provided to school boards and municipalities under the regulations similar to Intermunicipal Development Plans.
2. Definition of "public interest";
A clear definition of "public interest" needs to be defined based on the office to which the person has been elected and tied to the *Municipal Government Act's (MGA)* role of Council. Any proposed removal of a councillor due to "public interest" should be reviewed by an independent third party and tied to the current intent under section 574 of the *MGA* of "managing in an irregular, improper or improvident manner". This criterion should be applied to councillors acting contrary to the established rules or standards, especially when viewed in alignment with morality or honesty, and/or lack of foresight (imprudent and wasteful).
3. Definition of "provincial government policy";
A clear definition of "provincial government policy" is required. Any authorities and jurisdiction addressed under the *MGA* should not be considered provincial policy. Municipalities must follow the legislation in place, which is public and comprehensive. Provincial government policy must be publicly published and adopted legislation (statute or regulation). "Provincial government policy" should not be "political party policy" conducted in cabinet but passed as part of a public formal process. Municipal bylaws should not be repealed or amended by the Province retroactively.

4. Code of conduct (integrity commissioner);
Each municipality has developed its own Code of Conduct Bylaw as mandated by the MGA. Code of Conduct provisions should be standardized if the Province wants to assume this authority and conducted by a neutral third party in an open and administratively fair process. This should be at the cost of the Province and conducted similarly to the Ombudsman’s process to investigate municipalities. It should be a separate party conducting any investigations in a non-political environment, with no direct reporting relationship with a Minister or department. These investigations need to be conducted in a timely manner. If an integrity commissioner office is set up, clear jurisdiction and sanctions need to be set out in legislation.

5. Campaign expenses;
Campaign expense limits should be set based on size of municipalities and be tiered. Campaign expense limits should be much less during non-election years (if not nominal).

6. Local political parties;
Elections Alberta should be responsible to register political parties at the municipal level similar to the current process for provincial political parties, including naming provisions. Political parties for municipal elections should only ever be applicable in large cities. Municipalities should not be responsible for monitoring municipal political party compliance with fund-raising, naming, reporting of financial information and third-party advertising. Returning Officers should not have to be responsible for policing the formation and reporting of municipal political parties.

A virtual session was held on July 9, 2024, by Alberta Municipal Affairs with Elected Officials and Administration in attendance. A further in-depth discussion session is scheduled for July 23, 2024. The suggested responses could be reviewed after that session if required within the July 26, 2024 submission deadline. A “What we Heard” session will be held August 8, 2024.

Alberta Municipalities Association is drafting responses to the discussion questions that will be shared with members for consideration. The Province indicated that fall 2024 was the targeted time to have the regulations completed.

Strategic Plan Goals

<input type="checkbox"/>	Responsibly Managed Growth	<input type="checkbox"/>	Demonstrated Environmental Leadership
<input type="checkbox"/>	Strong Local Economy	<input type="checkbox"/>	Enhanced Culture & Community Health
<input checked="" type="checkbox"/>	Organizational Excellence		

Equity/Diversity/Inclusivity Impacts and Strategy

n/a

Environmental Impacts

n/a

Governing Policies/Bylaws/Legislation or Agreements

MGA

Local Authorities Election Act

Community Engagement Strategy

n/a

Alternatives for Consideration

n/a

CAO Comments

I support giving this feedback to the Province. I recommend that the Town wait to provide a formal response until the final information session is complete on July 23, yet in time to meet the July 26 deadline. As the next Council meeting is not until August 19, it is recommended some discretion be provided to the CAO and Mayor to provide a response.

Attachment(s)

1. Bill 20 Discussion Guide

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July 08, 2024