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GOVERNMENT AMENDMENT

AMENDMENTS TO BILL 21

MODERNIZED MUNICIPAL GOVERNMENT ACT

A1 Agreed to November 30, 2016

The Bill is amended as follows:

A Section 4 is amended

(a) by striking out clause (a)(iii);

(b) by adding the following after clause (a):

(a.1) by adding the following before subsection (2):

(1.2) In this Act, a reference to a body of water is to be interpreted as a reference to

(a) a permanent and naturally occurring water body, or

(b) a naturally occurring river, stream, watercourse or lake.

B Section 11 is struck out and the following is substituted:

11 Section 60(1) is amended by striking out “rivers, streams, watercourses, lakes and other natural bodies of water” and substituting “bodies of water”.

C Section 13 is amended

(a) in the proposed section 75.1

(i) in subsection (1)(a) by adding “and includes a subsidiary, within the meaning of section 2(4) of the *Business Corporations Act*, of such a corporation” after “municipalities”;

(ii) by striking out subsections (2) and (3) and substituting the following:

(2) A municipality, by itself or with other municipalities, may establish and control, or obtain control of, a corporation only if the council of the municipality

(a) passes a resolution authorizing the municipality to control the corporation by itself or with other municipalities, as the case may be, and

(b) is satisfied that

(i) the controlled corporation will carry on business solely for one or more of the purposes described in section 3,

(ii) the controlled corporation will provide a service or benefit to residents of the municipality or group of municipalities that controls it, and

(iii) the profits and dividends of the controlled corporation will provide a direct benefit to the residents of the municipality or group of municipalities that controls it.

(3) Before a council passes a resolution under subsection (2)(a), the council must

(a) consider a business plan that addresses the matters referred to in subsection (4), and

(b) hold a public hearing in accordance with the regulations.

(iii) **in subsection (4) by striking out “subsection (3)(b)” and substituting “subsection (3)(a)”;**

(b) in the proposed section 75.3 by adding “proposed” before “material” wherever it occurs;

(c) in the proposed section 75.4 by striking out subsection (4);

(d) in the proposed section 75.5(1)(c) by striking out “a due diligence study for the purposes of section 75.1(3)(a)(ii) or in”;

- (e) in the proposed section 75.5(1)(d) by striking out “section 75.1(3)(c)” and substituting “section 75.1(3)(b)”.

D Section 16 is amended in the proposed section 201.1

- (a) by striking out subsection (1) and substituting the following:

Orientation training

201.1(1) A municipality must, in accordance with the regulations, offer orientation training to each councillor, to be held within 90 days after the councillor takes the oath of office.

- (b) in subsection (2) by adding the following after clause (d):

(d.1) the municipality’s code of conduct;

- (c) by striking out subsections (4) and (5).

E Section 21(a) is amended

- (a) in subclause (ii) in the proposed section 284(1)(f.01) by striking out “and” at the end of subclause (iii) and by striking out subclause (iv) and substituting the following:

(iv) land and improvements in respect of a parcel of land where that parcel of land contains property described in subclause (i) or (iii), and

(v) land and improvements in respect of land in which a leasehold interest is held where the land is not registered in a land titles office and contains property described in subclause (i) or (iii);

- (b) in subclause (v) by striking out the proposed section 284(1)(n.4) and substituting the following:

(n.4) “municipal assessor” means a designated officer appointed under section 284.2 to carry out the

functions, duties and powers of a municipal assessor under this Act;

(c) by striking out subclause (viii) and substituting the following:

(viii) by adding the following after clause (r):

(r.1) “provincial assessment roll” means the assessment roll prepared by the provincial assessor under section 302(2);

(viii.1) by adding the following after clause (r.1):

(r.2) “provincial assessor” means the provincial assessor designated under section 284.1;

F Section 22 is amended in the proposed section 284.2(1) by adding “to the position of designated officer” after “set out in the regulations”.

G Section 27 is amended

(a) in clause (a) by striking out the proposed section 295(1) and substituting the following:

Duty to provide information

295(1) A person must provide, on request by an assessor, any information necessary for the assessor to carry out the duties and responsibilities of an assessor under Parts 9 to 12 and the regulations.

(b) by striking out clause (c) and substituting the following:

(c) in subsection (4)

(i) by striking out “linear” and substituting “designated industrial”;

(ii) by striking out “the information” and substituting “any information”.

H Section 30 is amended

(a) in the proposed section 299(3)

- (i) by adding “that is made” after “in respect of a property”;**
- (ii) by striking out “complaint is made” and substituting “complaint is filed”;**

(b) in the proposed section 299.1(3)

- (i) by adding “that is made” after “in respect of designated industrial property”;**
- (ii) by striking out “complaint is made” and substituting “complaint is filed”.**

I Section 47(a)(iv) is amended by striking out “295(1)(b),”.

J The following is added after section 52:

52.1 Section 357(2) is amended by striking out “section 326(a)(ii)” and substituting “section 326(1)(a)(ii)”.

K Section 61 is amended

(a) in the proposed section 454.11

- (i) in subsection (1) by striking out “, only one of whom may be a councillor.”;**
- (ii) by striking out subsection (2) and substituting the following:**

(2) Despite subsection (1) but subject to subsection (2.1)(b) and any conditions prescribed by the regulations under section 484.1(c), a panel of a local assessment review board may consist of only one member appointed by the chair.

(2.1) Unless an order of the Minister authorizes otherwise, the chair must not appoint

- (a) more than one councillor to a 3-member panel, or
- (b) a councillor as the only member of a one-member panel.

(b) in the proposed section 454.21

- (i) in subsection (2) by striking out “, only one of whom may be a councillor,”;

- (ii) by adding the following after subsection (2):

(2.1) Unless an order of the Minister authorizes otherwise, the chair must not appoint more than one councillor to a panel.

- (iii) by striking out subsection (3) and substituting the following:

(3) Despite subsection (2) but subject to any conditions prescribed by the regulations under section 484.1(d), a panel of a composite assessment review board may consist of only the provincial member.

L Section 64 is amended in the proposed section 470

- (a) in subsection (1) by striking out “served and filed with the Court of Queen’s Bench” and substituting “filed with the Court of Queen’s Bench and served”;

- (b) by striking out subsection (4) and substituting the following:

(4) An assessment review board whose decision is the subject of an application for judicial review must, within 30 days from the date on which the board is served with the application, forward to the clerk of the Court of Queen’s Bench the certified record of proceedings prepared under Part 3 of the *Alberta Rules of Court*.

M Section 66 is struck out and the following is substituted:

66 Section 483 is repealed and the following is substituted:

Decision admissible on judicial review

483 A copy of a decision of an assessment review board that is certified by the clerk as being a true copy of the original decision is proof, in the absence of evidence to the contrary, of the decision and is admissible in evidence without proof of the appointment or signature of the clerk.

N The following is added after section 66:

66.1 Section 484 is repealed and the following is substituted:

Immunity

484 The members of an assessment review board, including a provincial member appointed to a panel of a composite assessment review board, are not personally liable for anything done or omitted to be done in good faith in the exercise or purported exercise of a power, duty or function under this Part.

O Section 72(b) is struck out and the following is substituted:

- (b) in subsection (3) by striking out “to decide a dispute or hear an appeal referred to in subsection (1)(g) to (j)” and substituting “to decide a dispute, or to hear an appeal, referred to in subsection (1)”.

P Section 80 is amended in the proposed section 508.1

- (a) in subsection (1) by striking out “served and filed with the Court of Queen’s Bench” and substituting “filed with the Court of Queen’s Bench and served”;
- (b) by striking out subsection (4) and substituting the following:
- (4) Where a Board decision is the subject of an application for judicial review, the Board must, within 30 days from the date on which the Board is served with the application, forward to the clerk of the Court of Queen’s Bench the certified record of proceedings prepared under Part 3 of the *Alberta Rules of Court*.

Q The following is added after section 86:

86.1 Section 602.09 is amended by striking out “Section 73” and substituting “Division 9 of Part 3”.

R Section 88(a) is amended in the proposed clause (a.11) by adding “indoor” after “means”.

S Section 91 is amended by striking out the proposed section 627(3) and substituting the following:

(3) Unless an order of the Minister authorizes otherwise, a panel of a subdivision and development appeal board hearing an appeal must not have more than one councillor as a member.

T Section 94 is amended

(a) in clause (b), in the proposed section 631(2)(a)

(i) by striking out subclause (iv);

(ii) by adding “and” at the end of subclause (vi) and striking out subclause (vii);

(b) in clause (c)

(i) in the proposed section 631(3) by striking out “5 years” and substituting “2 years”;

(ii) by adding the following after the proposed section 631(4):

(5) In creating an intermunicipal development plan, the municipalities must negotiate in good faith.

U Section 95(b) is amended in the proposed section 632(2.1) by striking out “3 years” and substituting “2 years”.

V Section 97(a) is struck out and the following is substituted:

- (a) in clause (l)(ii) by striking out “lake, river, stream or other body of water” and substituting “body of water”;

W Section 98 is amended in the proposed section 640.1 by striking out “specialized municipality prescribed in the regulations” and substituting “municipality with a population of 15 000 or more”.

X Section 101(b) is amended by striking out the proposed section 648(2.2) and substituting the following:

(2.2) Subject to an appeal under section 648.1, an off-site levy may be imposed and collected for a purpose referred to in subsection (2.1) only if no off-site levy has been previously imposed under subsection (1) for the same purpose with respect to the land on which the off-site levy is being imposed.

Y Section 102 is struck out and the following is substituted:

Appeal of off-site levy

648.1(1) Any person may, subject to and in accordance with the regulations, appeal any of the provisions of an off-site levy bylaw relating to an off-site levy for a purpose referred to in section 648(2.1) to the Municipal Government Board on any of the following grounds:

- (a) that the purpose for which the off-site levy is to be imposed is unlikely to benefit future occupants of the land who may be subject to the off-site levy to the extent required by the regulations;
- (b) that the principles and criteria referred to in regulations made under section 694(4)(b) that must be applied by a municipality when passing the off-site levy bylaw have not been complied with;
- (c) that the determination of the benefitting area was not determined in accordance with regulations made under section 694(4)(c);

- (d) that the off-site levy or any portion of it is not for the payment of the capital costs of the purposes set out in section 648(2.1);
- (e) that the calculation of the off-site levy is inconsistent with regulations made under section 694(4) or is incorrect;
- (f) that an off-site levy for the same purpose has already been imposed and collected with respect to the proposed development or subdivision.

(2) After hearing the appeal, the Municipal Government Board may

- (a) dismiss the appeal in whole or in part, or
- (b) declare the off-site levy bylaw or a portion of the bylaw to be invalid and provide that the bylaw may be repassed or amended in a manner determined by the Board.

(3) Where an off-site levy bylaw amends the amount of an off-site levy referred to in subsection (1), an appeal under this section may only be brought with respect to that amendment.

Z Section 112 is amended

- (a) in clause (a)(ii) in the proposed section 664(1)(c) by striking out “lake, river, stream or other water body” and substituting “body of water”;
- (b) in clause (b) in the proposed section 664(1.1)(b) and (c) by striking out “water body” and substituting “body of water”.

AA Section 118(a) is amended in the proposed section 678(2)(a)(ii) by striking out “water body” and substituting “body of water”.

BB Section 122 is amended in the proposed section 683.1 by striking out subsection (11) and substituting the following:

(11) If the development authority refuses the application for a development permit, the development authority must issue to the applicant a notice in the form and manner provided for in the land use bylaw that the application has been refused and the reasons for the refusal.

CC Section 125(a) is struck out.

DD Section 128 is amended

(a) in clause (a)(i) by striking out the proposed section 694(1)(b.2);

(b) by striking out clause (b) and substituting the following:

(b) by repealing subsection (4) and substituting the following:

(4) The Lieutenant Governor in Council may make regulations

(a) respecting the calculation of an off-site levy in a bylaw for a purpose referred to in section 648(2.1) and the maximum amount that a municipality may establish or impose and collect as a redevelopment levy or an off-site levy, either generally or specifically;

(b) respecting the principles and criteria that must be applied by a municipality when passing an off-site levy bylaw;

(c) respecting the determination of the benefitting area for a purpose under section 648(2) or 648(2.1) and the extent of the anticipated benefit to the future occupants of the land on which the off-site levy is being imposed;

(d) respecting appeals to the Municipal Government Board under section 648.1, including, without limitation,

(i) the filing of a notice of an appeal,

- (ii) the time within which an appeal may be brought, and
- (iii) the process and procedures of an appeal.

EE Section 131 is amended

- (a) in the proposed section 708.26 by renumbering it as section 708.26(1) and adding the following after subsection (1):**

(2) Subject to the regulations, a reference in this Part to a municipality includes an improvement district.

- (b) in the proposed section 708.28**

- (i) by striking out subsection (4)(a) and substituting the following:**

- (a) municipalities that are members of a growth management board are required to create a framework with other members of the same growth management board only in respect of those matters that are not addressed in the growth management plan;

- (ii) by adding the following after subsection (4):**

(4.1) Despite subsection (1) but subject to subsection (4.2), a framework to be created pursuant to subsection (4)(a) must be created by the municipalities within 2 years from the date on which the growth management board is established.

(4.2) Municipalities that are members of the growth management board referred to in section 708.02(1.2) must create a framework pursuant to subsection (4)(a) within 2 years from the coming into force of this section.

(4.3) Despite subsection (4)(a), the Minister may require municipalities that are members of a growth management board to create a framework with other members of the same growth management board that address the services listed in section 708.29(2)(a) to (e),

in which case subsections (4.1) and (4.2) apply in respect of that framework.

(c) by adding the following after subsection (5):

(6) For greater certainty, municipalities that are members of a growth management board must create a framework with those municipalities with which they have common boundaries that are not members of that growth management board.

(d) in the proposed section 708.4

(i) in subsection (1) by adding “, other than their land use bylaws,” after “their bylaws”;

(ii) by adding the following after subsection (1):

(1.1) A municipality must not amend, repeal or revise its land use bylaw in a manner that is inconsistent with an intermunicipal development plan under section 631 to which the municipality is a party.

(iii) in subsection (2) by striking out “may” and substituting “must”;

(e) in the proposed section 708.45(2) by adding “any” before “matter”.

FF Section 138 is amended

(a) in subsection (1) by striking out “sections 46(a), 55 and 96, come” and substituting “sections 1, 16, 21(a)(viii.1), 22, 46(a), 55, 64, 65, 66, 67(h), 79, 80, 82(d), 96, 134, 135 and 137, comes”;

(b) in subsection (3) by striking out “Modenized” and substituting “Modernized”;

(c) by adding the following after subsection (3):

(4) Sections 21(a)(viii.1), 64, 65, 66, 67(h), 79, 80, 82(d) and 134 come into force on January 1, 2017.

(5) Section 16 comes into force on July 1, 2017.