

Cape Breton Regional Municipality

Charter Ad Hoc Committee

WORKSHOP AGENDA

Thursday, September 20, 2018

1:30 p.m.

Note Start Time

Council Chambers

City Hall

320 Esplanade, Sydney, N. S.

Committee Members:

Councillor Kendra Coombes – Chair

Councillor Earlene MacMullin

Deputy Mayor Eldon MacDonald

Councillor Ray Paruch

Councillor Amanda McDougall - Vice-Chair

Cape Breton Regional Municipality

Charter Ad Hoc Committee

Thursday, September 20, 2018

1:30 p.m.

Council Chambers – City Hall

WORKSHOP AGENDA

Roll Call

1. **Approval of Minutes: Charter Ad Hoc Committee**
➤ May 1, 2018 (previously distributed)
2. **APPROVAL OF AGENDA: (Motion Required)**
3. **Charter Process:** Ron Dauphinee, Municipal Advisor – Department of Municipal Affairs
4. **Charter Framework:** Councillor Kendra Coombes
 - 4.1 **Discussion re: Possible Charter Framework Agreement with Province:**

Background information:
 - a) Alberta Framework Agreement for Charters – Cities of Calgary & Edmonton (see page 3)
 - b) City Charters – Calgary and Edmonton (see page 11)
 - 4.2 **Discussion on Charter Framework for CBRM**
5. **Timelines and Next Steps:** Councillor Kendra Coombes
6. **Adjournment**



FRAMEWORK AGREEMENT FOR CHARTERS

BETWEEN:

HER MAJESTY THE QUEEN, IN RIGHT OF THE PROVINCE OF ALBERTA, as represented by the Government of Alberta, hereinafter the "**Province**"

-and-

CITY OF CALGARY, a Municipal Corporation in the Province of Alberta, hereinafter "**Calgary**"

-and-

CITY OF EDMONTON, a Municipal Corporation in the Province of Alberta, hereinafter "**Edmonton**"

WHEREAS the Province, Edmonton and Calgary (collectively, the "**Parties**") entered into a Memorandum of Understanding on June 18, 2012 (the "**MOU**") to explore options for a legislative framework for Edmonton and Calgary (collectively, the "**Cities**") that recognizes the evolving needs of each City's individual relationship with the Province in accordance with the principles set forth therein;

AND WHEREAS the Parties recognize that the Cities require a new legislative framework that adequately recognizes the capabilities and responsibilities of the Cities;

AND WHEREAS the Parties have agreed to a framework for the development of the appropriate legislation with the relevant regulations, agreements or other mechanisms to govern the relationship between the Province and each City (collectively, the "**Charters**");

NOW THEREFORE the Parties agree to the following:

1.0 OVERARCHING VISION AND GUIDING PRINCIPLES

The Cities are growing and vibrant world class cities that are vital to Alberta's prominent place on the world stage. This *Framework Agreement for Charters* (the "**Agreement**") sets a course for forging a new relationship between the Cities and the Province through the development of a Charter for each city. This partnership will be constructed on the understanding that the Cities and the Province have great strengths and shared interests and that, in working collectively, great strides can be made in maintaining and fortifying Alberta's global presence.

This Agreement defines and enables this new and modern relationship between the Parties. This relationship will:

- foster mutual respect and open, ongoing collaboration between the Cities and the Province;
- recognize the contributions of the Cities to the economic vibrancy and competitiveness of their respective regions and in Alberta;
- recognize the administrative capabilities of the Cities, which support high levels of autonomy;
- recognize the Cities' accountability to their communities; and
- ensure the Cities are provided with new and/or enhanced tools, whether economic or administrative, to deliver services to their citizens.

2.0 COMMITMENT TO CONSULT

This Agreement commits the Parties to working together in a relationship of ongoing consultation and cooperation on matters of mutual interest. To this end, this Agreement commits the Parties to establishing a process for facilitating regular meetings that will promote strong working interactions and achieve:

- agreement on matters that will initiate a consultation between the Cities and the Province, such as:
 - proposed changes to legislation, bylaws or regulations that will have a significant financial or policy impact on the other government;
 - policy matters where both governments may have mutual interests; and
 - initiatives where one government may be involved with the federal government, stakeholders or other organizations in matters that may potentially impact the other government;
- agreement on the timing around when one government will commit to consult with the other regarding the impacts of changes being contemplated; and
- agreement on a process for resolving disputes where timely consultation has not occurred.

3.0 GOVERNANCE

The Parties agree that the Cities operate at a high level of autonomy and accountability. The Parties also agree that some aspects of provincial legislation pose obstacles to further innovations and efficiencies that the Cities may wish to explore and implement on behalf of their citizens, given the legislative ability to do so. Specific areas of consideration are described in Appendix I: Charters – Next Steps.

4.0 PLANNING AND DEVELOPMENT

The Parties recognize the importance of sound land-use planning and orderly development that recognizes the realities of urban growth for Edmonton, Calgary and Alberta. This principle will continue to be upheld in legislation. However, the Parties also agree that some aspects of the existing legislation may pose obstacles to the Cities as they seek to address growth and development matters in a manner that best meets the needs of their communities. Specific areas of consideration are described in Appendix I: Charters – Next Steps.

5.0 ASSESSMENT AND PROPERTY TAXATION

The Parties recognize the importance of a fair and equitable assessment and property tax system in Alberta. This principle will continue to be upheld in the Charters. However, there is agreement that further efficiencies could be achieved by the Cities in administering the assessment and property tax system, if given the legislative ability to do so. Specific areas of consideration are described in Appendix I: Charters – Next Steps.

6.0 FEDERAL GOVERNMENT NEGOTIATIONS

There is agreement that when the Province is negotiating with the federal government on certain key strategic issues, the Province will include the Cities in these discussions, where appropriate, or seek timely feedback from the Cities, where issues impact the Cities. This includes but is not limited to, matters related to labour supply, airports, urban Aboriginal issues, settlement of immigrants, environment, housing, transportation, emergency management, the province's profile, and attraction of major events.

7.0 BUILDING SAFETY

There is agreement that more timely provincial adoption of new safety codes and standards is important to ensure the Cities can remain competitive. The Parties commit to achieve an agreement on a process to improve the timely adoption of new national building and safety codes and standards.

8.0 CROSS-MINISTRY POLICY MATTERS FORUM

The Parties commit to continuing to advance discussions to seek solutions to broad policy issues that have cross-ministry jurisdiction. To advance these discussions, a tripartite forum will be established, facilitated by the Ministry of Alberta Municipal Affairs ("**Municipal Affairs**"), to assist the Cities in having conversations with other provincial ministries. In addition, the Parties will continue to work on the issues that fall within the jurisdiction of Municipal Affairs.

Once solutions have been agreed to by the Cities and the relevant provincial ministries, these policy provisions will be included in the Charters. Specific areas of consideration are described in Appendix I: Charters – Next Steps.

9.0 REVENUE SOURCES

The Parties acknowledge that a key element going forward will be consideration of the adequacy and form of current revenue streams. The Parties agree that a resolution to the issue of resources available to the Cities will be a key determinant in the ongoing success of the Cities and the Province, and the ability of the Cities to address growth challenges. This Agreement commits the Province and the Cities to entering into a process to consider development of a new fiscal framework that will recognize and address the needs and challenges facing all Parties.

10.0 REVIEW/RENEWAL

The Charters that result from this Agreement will be reviewed every five years. Any party to a Charter will be entitled, at any time, to propose amendments to the Charter to address emerging issues.

11.0 MUNICIPAL GOVERNMENT ACT

The Charters shall set out the legislative provisions that are designed specifically for the Cities. The provisions of the *Municipal Government Act* that will continue to apply to all municipalities shall be incorporated by reference into the Charters.

12.0 GIVING EFFECT TO THIS FRAMEWORK AGREEMENT

The Parties agree to work jointly in this newly forged partnership to develop the appropriate

legislation with the relevant regulations, agreements or other mechanisms that will allow for the implementation of the Charters.

The Cities and the Province acknowledge that focused public discussion by each of the Parties may occur on the Charters, their form and impact prior to final approval by each of the Parties.

IN WITNESS WHEREOF this Agreement has been duly executed by the Parties on the ____ day
of ____, 2014.

HER MAJESTY THE QUEEN IN RIGHT OF ALBERTA, THE CITY OF CALGARY AND
THE CITY OF EDMONTON

Honourable
Jim Prentice
Premier of Alberta

His Worship
Naheed K. Nenshi
Mayor of *Calgary*

His Worship
Don Iveson
Mayor of *Edmonton*

Honourable
Diana McQueen
Minister of Municipal Affairs

Appendix I to the Framework Agreement for Charters
(the "Framework Agreement")

Charters - Next Steps

Summary

The City of Edmonton and The City of Calgary (the "**Cities**") and the Province of Alberta (the "**Province**") are working on a three-phased process with the ultimate outcome being the development of legislation with the relevant regulations, agreements or other mechanisms to govern the relationship between the Province and each City (collectively, the "**Charters**").

Senior administration from the Cities and the Province (collectively, the "**Parties**") will develop a workplan and timetable to create the Charters and the other mechanisms required to implement the objectives of the Framework Agreement. The workplan and timetable will be presented for approval to the Minister of Municipal Affairs, the Mayor of Edmonton and the Mayor of Calgary as soon as possible.

Plan

1.0 PHASE ONE:

Phase One will involve ongoing collaboration between all Parties at the administrative, senior official, and elected levels to identify items that can be addressed without the involvement of the Province's ministries other than the Ministry of Alberta Municipal Affairs ("**Municipal Affairs**").

As described in the Framework Agreement, items for research and action in this phase include:

- The determination of which parts of the *Municipal Government Act* will continue to apply to the Cities;
- The development of a formal mechanism by which ongoing consultation can occur on matters of mutual interest;
- The development of a formal mechanism by which the Province will engage the Cities in federal discussions;
- The exploration of a process for the timely adoption for new national building and safety codes that will ensure the Province places the most recent codes in force as quickly as possible;
- The development of appropriate mechanisms to provide increased authority or flexibility in the following areas of municipal governance:

- **Mayor and Council Powers**

The authority of each city council to determine the City's own governance model, codes of conduct and enforcement provisions, and division of power and authority between the Mayor and other members of council.

- **Elections – Campaign Financing**

Providing each City with the authority to determine, by bylaw, campaign financing and other rules that are appropriate to the large-scale elections held by the Cities.

- **Fiscal Accountability**

Recognizing that each City will continue to be accountable for ensuring they are fiscally responsible, and have appropriate auditing procedures in place.

- **City Bylaws**

This Agreement commits the Province to providing the Cities with enhanced authority and/or flexibility to:

- define matters that can be delegated to the city administration;

- define the matters for which they may create bylaws within their areas of responsibility;
 - set their own maximum bylaw penalties in their jurisdictions;
 - choose the methods to best communicate bylaw changes to their citizens; and
 - provide oversight to their subdivision and development appeal boards.
- **Controlled Corporations**

This Agreement recognizes the authority of each City to establish or control for-profit corporations to deliver services and programs within and beyond its boundaries, in accordance with mutually agreed upon criteria.
- The development of the Charter provisions to provide increased authority or flexibility to the Cities in the following areas of municipal planning and development:
 - defining the types of planning instruments that may be required to improve the current planning processes, the content of the instruments, and their relationship to each other and to the land use bylaw;
 - defining land uses that will be permitted on municipal reserve lands;
 - balancing opportunities for public engagement with certainty in the development process through greater flexibility to adjust requirements for notices, hearings and appeals in relation to planning proposals;
 - adjusting the timelines for decisions on subdivision and development permit applications; and
 - managing non-conforming uses, variances and density bonuses to expedite decision-making and reduce administrative complexity.
- The development of appropriate mechanisms to provide increased authority or flexibility to the Cities in the following areas of municipal assessment and taxation:
 - providing taxpayers with the option (at the taxpayers' discretion) to receive and respond to requests for assessment information and receive assessment and tax notices electronically;
 - enabling routine assessment and property tax bylaws to be enacted for continuous periods of time, rather than annually;
 - determining when farm land within the Cities' boundaries should be regarded as developable land for assessment and property tax purposes;
 - refining administrative procedures for renewing exemptions from property tax; and
 - defining improvements to be assessed and taxed in downtown parking lots.

It is anticipated that all Phase One work will be completed with the appropriate mechanisms in place no later than the spring of 2015.

2.0 PHASE TWO:

Phase Two will involve ongoing collaboration between all Parties at the administrative, senior official, and elected levels to identify items that require involvement from Ministries other than Municipal Affairs.

As described in the Framework Agreement, items for completion in this phase include:

- The development of a regulatory review forum that will facilitate dialogue between the Cities and other provincial ministries about regulatory barriers to planning and development or business issues. Agreements emanating from this forum may be incorporated into the Charters.
- The identification of partner ministries, discussion of issues, and the development of appropriate mechanisms to provide increased authority or flexibility to the Cities related to the following areas:

Social Policy

- clarifying roles and responsibilities on a range of social policy issues including, but not limited to, affordable housing, policing, poverty reduction, urban Aboriginal issues, settlement of immigrants, community services and seniors.

Planning Policy

- engaging in broader discussions to achieve a cross-ministry resolution to planning policy issues including municipal and environmental reserves historic resources, and development levies.

Environmental Policy

- clarifying roles and responsibilities, and enhancing the Cities' input into the development of legislative instruments in a number of policy areas including land, air, water, waste, environmental monitoring, brownfield remediation and governance.

Energy Policy/Energy Efficiency

- engaging in discussions on local electricity generation, energy efficiency and conservation and other regulatory matters that impact the decision-making authority of the Cities.

Transportation Policy

- identifying and resolving inconsistencies among municipal and provincial transportation policies and strategies that support effective and integrated transportation and transit networks.

Economic Policy

- engaging in discussions to advance the economic prosperity of Alberta and the role that the Parties have in supporting this prosperity and enhancing competitiveness.

It is anticipated that all Phase Two work will be completed with appropriate mechanisms in place no later than the fall of 2015.

3.0 PHASE THREE:

Phase Three will involve development of a fiscal framework that will recognize and address the needs and challenges facing all Parties. The Parties will make best efforts to complete this work by the spring of 2016.



[Home](#) > [Government](#) > [Connect with government](#) > [Consultations and engagements](#) >

City Charters

This new regulation will support Calgary and Edmonton's unique needs as Alberta's largest urban centres.

Status: *Under review*

Ministry responsible: *Municipal Affairs*

The Government of Alberta, the City of Edmonton and the City of Calgary have developed city charters that will provide additional authorities and flexibility to the cities with the aim of building strong, vibrant cities that attract trade and investment.

The need for City Charters

Calgary and Edmonton are currently governed by the *Municipal Government Act*, a one-size-fits-all approach to governing Alberta's 342 municipalities. Alberta's two biggest cities follow the same rules as Gadsby, a town of 25 people, and have the same powers as summer villages such as Ghost Lake.

As Alberta's main centres, Calgary and Edmonton face a unique set and scale of population pressures and demands for services:

- they are home to about half of the province's population
- 9 out of 10 international immigrants who move to Alberta settle in its two urban centres
- Calgary and Edmonton must provide top-notch services to local residents, but also to Albertans who converge in the major hubs for work and pleasure, and to access goods and specialized services
- city growth puts pressure on roads, playgrounds, bridges, sidewalks, recreation centres, sewage and water systems
- more people put high demand on public services, including hospitals and schools

The Government of Alberta, the City of Edmonton and the City of Calgary are collaborating on charter policies in 5 key areas:

- administrative efficiency
- supporting community and well-being
- smarter community planning
- empowering local environmental stewardship
- collaboration

Public and stakeholder engagement

Stakeholders and members of the public reviewed policy proposals and provided feedback during information sessions held in Edmonton and Calgary in October 2016. This input was compiled in a [What we Heard report](#) (PDF, 949 KB) and was considered during the development of the draft city charters regulation.

The draft city charters regulation was posted for public and stakeholder review and comment from August 10 to October 10, 2017, and again from January 5 to March 5, 2018.

This feedback was used to inform changes to the draft regulation.

Timeline

- Oct 2014: The Government of Alberta, the City of Edmonton and the City of Calgary signed an [agreement to develop city charters](#) (PDF, 500 KB) to support the cities' unique needs.
- Nov 2015, Jan 2016: Calgary Mayor Naheed Nenshi and Edmonton Mayor Don Iveson met with the Premier and members of Cabinet to present their vision for a strengthened relationship between the province and the two cities.
- Oct 2016: During city charters information sessions held in Edmonton and Calgary, stakeholders and members of the public reviewed policy proposals and provided feedback.
- Dec 2016: The 3 government parties reviewed all public and stakeholder feedback to inform the development of the city charters.
- Winter 2017: City charters were drafted for Calgary and Edmonton.

- Summer 2017: Draft city charters regulation was posted online for 60 days (Aug. 10 to Oct. 10) for public and stakeholder comment.
- Winter 2018: Draft city charters regulation was posted for additional public and stakeholder comment from Jan 5. to Mar. 5.
- **Spring 2018: City charters will be enacted as regulations under the *Municipal Government Act*.**

About City Charters

A city charter provides a city with specific flexibilities and authorities to better meet the needs of citizens. The city charters for Calgary and Edmonton will enable the cities to modify or replace provisions in the *Municipal Government Act* or any other provincial Act or regulation, where the province has specifically granted it authority to do so. Unless explicitly outlined in the charters, all other legislation will continue to apply to the two cities.

City charters are enabling, meaning that the Cities of Calgary and Edmonton can choose if and when they would like to use the additional authorities they are granted through charters. In doing so, the cities still need to undergo their own municipal public engagement processes, such as public hearings prior to passing bylaws.

Collaboration agreement

City charters will include both regulatory changes and a [collaboration agreement](#) (PDF, 36 KB). The collaboration agreement will support ongoing, long-term coordination between the two cities and the Government of Alberta. The collaboration agreement is a commitment by the 3 governments to cooperate on emerging matters of mutual interest.

The collaboration agreement highlights 3 policy and planning tables – forums for representatives from the cities and province to regularly work towards joint goals regarding:

- social policy
- transportation
- environment and climate change

The policy and planning tables will develop workplans and priorities, and are committed to report their progress to the public and elected officials.

Municipal Government Act (MGA)

The MGA guides how all municipalities in Alberta operate. The MGA will continue to be an important piece of legislation for Alberta municipalities, including Calgary and Edmonton. However, the charters are an opportunity for the cities to develop unique approaches to delivering the services citizens need and expect - services that are at a scale and level of complexity not seen elsewhere in Alberta.

Fiscal framework

The cities of Calgary and Edmonton and province have agreed to a scope of work to develop a renewed fiscal framework that will consider the following elements.

New infrastructure funding formula

The province has agreed to work with the cities to replace the existing capital grants system with a funding formula based on provincial revenues.

This would mean that the cities share in the variability of provincial revenues. It provides greater predictability for both the cities and the province. This would also mean that funding would grow with the economy, which would allow cities to make investments to keep up with growth pressures.

This new system would provide predictability to both the cities and the province about funding levels, and recognize the important role that the cities have in making investments that support economic growth in Alberta.

Administrative efficiencies

The three parties will explore options for improving the efficiency and effectiveness of existing municipal authorities.

This will be limited to authorities that are currently authorized by the Municipal Government Act, and may include changes to the length and duration of Local Improvement Taxes. The three governments will also review eligible uses for special taxes to determine if the current list is appropriate for modern infrastructure projects.

Improve the administration of the destination marketing fee

The three parties will explore potential opportunities to improve the administration of the existing voluntary destination marketing fee that is charged by some hotels. The goal is to

enhance the transparency and accountability of the revenue generated from the fee, which will continue to be directed towards tourism activities.

Increase municipal responsibility for debt management

The three parties have agreed to develop options for increasing accountability of the cities for their debt by allowing them to adopt their own stringent debt management policies, including the need to get a credit rating. This recognizes the cities' capacity to manage their own debt.

Currently both Edmonton and Calgary's policies far exceed the minimum standards set out in the MGA, and this will allow them to set out stringent and accountable standards for themselves.

Contact

If you have any questions or comments, please email ma.citycharters@gov.ab.ca.

Related

[Edmonton - City Charter](#)

[Calgary - City Charter](#)

