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WILD Water Commission
SVLSACE Committee Report – September 28, 2024

Prepared by Director Gwen Jones and Director Greg Woronuk

The WILD Water Commission has had a busy summer with the winding up of Phase 5(a) – including design and tendering activities. We have also been busy with member engagement on the Business Plan and, for those members most directly impacted, the routing and site planning discussions on Phase 5. At our most recent meeting, on September 16th, 2024, the Commission reviewed its preliminary budget for 2025, including the 5-year plan for operating and capital. We have also been weathering a few line breaks over the spring/summer – but managed to make the repairs without too much down time.

Some noteworthy highlights of these activities include:

- 1) Phase 5:
 - a. Conceptual Design was approved, and grant funds awarded for Phase 5(a)
 - b. Design on the line and line routing has been completed, and tendered. Work is scheduled to begin shortly (AB to Darwell, adjacent to Val Quentin and West Cove), however a new provincial obligation for Metis Consultation is going to scramble this schedule a bit – project management and staff are currently working to finalize the plan for this.
 - c. Design and Site Plan for the proposed truck fill site is still be assessed. The intended location at the Darwell fire hall (LSAC) is preferred, but there are a few options and undertakings required to make this operationally feasible for all stakeholders before a plan is finalized. We expect that will be sorted by December and tendering to proceed over the winter in anticipation of a spring construction.
- 2) Business Plan:
 - a. Since the last update to the plan, we are also adding into the draft (based on membership comments) provisions to support member water needs assessment at the local level and strengthening that language to include prioritization of connections in environmentally sensitive areas.
 - b. We have also completed, and will vest in the plan, a running comparison of regional water rates (bulk water rates) to ensure that water costs are inline with other local providers.
 - c. The plan makes assumptions on how Phase 5 (a, b, and c) will be phased in to the financial model – including capital cost recover and operational cost impacts. The plan also enshrines the existing practice for covering admin costs through water sales at 65% in 2025 projected to be 80% by 2030.

3) Budget 2025:

- a. Significant work has been done to better align the annual budget and 5-year plans to the business plan document and financial model. This includes syncing the rate calculation tables and inflationary factors tables.
- b. The draft budget projects a new member rate on \$3.36 (was \$3.21) and new truck fill rate of \$5.71 (was \$5.49) in the 2025 year, but these are not approved yet. The final draft budget will be approved later this year, likely at the next meeting on November 1st, 2024.

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Sept 2024: Report to SVLSACE

Municipal Affairs Statutes Amendment Act (Bill 20): AB Munis Position and additional comments at a SVLSACE meeting with MLA Getson

- **Joint Use Agreements;** ABmunis recognizes that "one size does not fit all". JUPAs are an important mechanism for maximizing the use of public assets as well as for collaborative planning and sharing of resources. We recommend that regulations should enable municipalities without school sites within their boundaries nor a substantial number of school aged residents, to opt out of developing a JUPA with mutual agreement of the relevant school board.
- **Align Candidate Eligibility criteria with councilor disqualification criteria :**
 - AB Munis support in principle a greater alignment between the LAEA and MGA. Recommend that MA engage with municipal associations to give the public easy access to Eligibility Criteria and the process to determine if a candidate is eligible.
 - A Further recommendation was made to MLA Getson that ELECTIONS ALBERTA take responsibility for determining a candidate's eligibility.
- **Allow Municipalities to require Criminal record Checks:**
 - AB Munis support with Qualification:
 - It is optional and not mandatory for municipalities
 - It becomes part of the nomination package
 - Concern with timeline if RCMP are delayed i providing the CRC (May need a longer nomination period)
 - No criteria specified on severity and how far in past is acceptable
 - AB Munis recommends considering Vulnerable Sector Checks as well
 - Recommendations to MLA Getson:
 - In addition to AB Munis position have Elections Alberta establish criteria in consultation with MUnicipal Associations
 - Elections Alberta takes the responsibility for reviewing the CRC, determining candidate eligibility and informing the candidate and municipality, keeping the CRC confidential.
- **Allow Union and Corporate donations to local candidates with a \$5000 limit per municipality per year:**
 - AB Munis opposes this. It does not want to see big money in local politics
 - Wants to keep local elections fair and equitable
 - Alternate - reduce the limit to \$2500 per municipality
- **Allow Donations Outside of Election Year (up to \$5000):**
 - Candidates need to file an intent to run. A concern with multiple years to raise funds and further clarification is required
 - Oppose the amount specified as it seems excessive
 - Support the reporting requirement
- **Require third party advertisers Interested in plebiscites to register and Report Finances and limit it to Alberta based (Limit of \$5000)**
 - AB Munis Supports with Qualifications

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- o Gives a more level playing field between candidates and third parties
 - o Questions on how this can be enforced due to Free Speech laws
- **Limit Donations to 3rd party advertisers to \$5000 per election period (down from \$30,000)**
 - o AB Munis Supports with Qualifications
 - o Reduction is positive but still exceeds what the average Albertan can afford to contribute.
- **Allow Political Parties- Piloted in Edmonton & Calgary:**
 - o AB Munis opposes this.
 - o Restrictions on campaign spending and contributions must be applied equally to candidates running as part of a party or independently.
 - o To uphold transparency, regulations should require parties to publicly release their boards, contributors, audited financial statements, etc. prior to the election.
 - o To ensure fairness between independent candidates and candidates who run under a party, the total expenses of a party including both operational and campaign expenses must not exceed the total combined expense limit of local candidates who run under a party. For example, if the expense limit was \$10,000 per candidate and the party ran three candidates, then the party's expense limit for operational and campaign activities should be set at \$30,000.
 - o However, rules must be put in place to prevent parties from underspending in one ward that is considered a less competitive race in order to exceed the expense limit in a more competitive ward as this would be unfair to other candidates in the latter ward. To overcome this risk, one option would be to require all general party costs to be equally attributed to each candidate running under the party name.
 - o With an emphasis on fairness, political parties must not be able to carry a surplus forward and must be required to donate a surplus greater than \$1,000 to a charitable organization. Expenses between elections should be limited to nominal expense items such as maintaining a website domain name.
 - o The province should provide funding for a fully independent body to conduct surveys and research on the experience of candidates and average Albertans, to determine the impact of municipal political parties on fulfilling election principles.
 - o Regulations should require that an independent review of the election pilot should be made within one year of the election, such that further changes to the LAEA can be made well in advance of the 2029 election.
 - o A longer-term independent review of the impact of parties on municipal governance and administration should also be undertaken.
- **Require municipalities to prepare permanent electors register and align that information with Elections Alberta:**
 - o AB Munis opposes this as written
 - o This would add additional costs to municipalities to create databases and safeguard personal information
- **Expand use of Special Ballots and strengthen special ballot processes:**
 - o AB Munis supports this.
 - o Current regulations require people to disclose disabilities and are not inclusive. The LEAA allows for a SB for people traveling but does not required disclosure of travel plans.
- **Limit Ability to vouch to only someones address:**
 - o AB Munis opposes this as written and states further review is required

- **Repeal ability for a candidates official agent or scrutineer to object to an elector**
 - AB Munis states that further details are required.
- **Enable Regulation making authority to postpone elections in an emergency:**
 - AB Munis supports this.
 - Regulations need to be developed to provide greater clarity
 - The SVLSACE comment to MLA Getson that clarity in what emergencies would trigger an election being postponed.
- **Prohibit Automated Voting Equipment such as tabulators:**
 - AB Munis opposes this.
 - There is no evidence that tabulators are less accurate than hand counts
 - Paper ballots can be recounted by hand if needed.
- **Require recounts if requested by a candidate when the margin is within 0.5% of total votes:**
 - AB Munis supports this
- **Require a councilors seat to become vacant upon disqualification:**
 - AB Munis supports with Qualification
 - In most cases rules a clear
 - Concern with unsubstantiated pecuniary interest being subjective and possibly weaponized
- **Require mandatory orientation training for counselors:**
 - AB Munis supports with qualifications
 - Scope of training needs clarification
 - SVLSACE recommended to MLA Getson that the GOA develop an online course that could be administered through municipal associations between election cycles when byelections occur.
- **Allow Cabinet to order a vote of electors to determine if a councillor should be removed. Cabinet is limited to consider if a councillor is unwilling, unable or refusing to do the job or if it is in the public interest.**
 - Ab Munis is opposed to this.
 - In developing regulations defining "public interest" is important.
 - A broader review with legal experts and stakeholders to define "public interest" based on the roles and responsibilities of councillors as set out in the MGA. We note that the dictionary definition of public interest does align with the general duties of councillors as set out in section 153(a) of the MGA "to consider the welfare and interests of the municipality as a whole and to bring to council's attention anything that would promote the welfare or interests of the municipality;" However, a clearer definition of what breaches those duties is required.
 - A third-party inspection with a publicly released report should be required before provincial cabinet orders a municipality to conduct a public vote on the removal of a councillor.
 - Regulations should establish timelines around the review process.
 - Regulations must also require public disclosure of reasons behind any decision to require a vote of electors on dismissal.
 - Identify if alternative measures should be implemented prior to mandating a public vote such as suspending a councillor from conducting municipal business for a defined period, or methods of removing a councillor on a timelier basis following a third-party inspection that follows a clear process and criteria.

- ABmunis also points out that the introduction of the Recall Act in 2022 provides electors with additional democratic power to remove a councilor where circumstances are deemed warranted.
 - ABmunis is concerned that municipalities will be forced to cover the costs for the initial public vote and if applicable, the resulting by-election even though the matter is directed by the province.
- **Allow Elected Officials to recuse themselves for real or perceived conflicts of Interest**
 - AB Munis opposes this .
 - Lack of clear guard rails
 - There is no provision for a third party review
 - SVLSACE expressed to MLA Getson that in small councils a lack of clear parameters may result in more than one councilor recusing themselves to avoid uncomfortable decisions and render a 3 person council unable to do business.
- **Make the Minister of Municipal Affairs responsible for validating Recall Positions:**
 - AB Munis Supports this.
- **Enable Cabinet to require a municipality to amend or repeal a bylaw given specific requirements that are met (exceeds scope of MGA, exceeds authority granted under the MGA or other statutes, conflicts with the MGA or other statutes, contravenes the Constitution of Canada, or contravenes provincial policy.**
 - AB Munis opposes this.
 - Clarification of provincial policy is required.
 - As it applies to this Act, "provincial policy" should be defined as positions that are: publicly accessible, duly adopted by the Alberta Legislature or Cabinet, and within provincial jurisdiction. This includes legislation, motions and regulations/ministerial orders.
 - The provision should not be retroactive in order to provide certainty to municipalities, residents and businesses.
 - In addition, the Lieutenant Governor in Council must publicly release a clear rationale for any decision to direct a municipality to repeal a bylaw.
 - We reiterate that municipalities are already bound by the MGA, which is one of the most comprehensive pieces of legislation in the province. The new provision in the MGA to enable cabinet without due process to rescind or amend a bylaw is unnecessary and undemocratic.
- **Require municipalities to offer digital options for public hearings on planning and development and restrict them from holding extra hearings when not required by legislation:**
 - AB Munis is opposed to this,
 - This could be challenging for small communities with limited or no reliable internet and limited expertise
 - May add new costs to municipalities for equipment and to support online meetings.
 - SVLSACE had many questions for MLA Getson:
 - Poor internet connections and low bandwidth may limit ability to provide services or limit the number of participants
 - What happens if best efforts are made but connection is dropped before or during a meeting? Would a municipality have to hold another hearing at additional expense? Would the current hearing be valid?
 - The GOA needs to provide high speed reliable, affordable internet to all communities and rural Alberta for this to take place.

- **Fully exempt non-profit subsidized affordable housing from property taxation**
 - AB Munis would like further clarification

- **Enable multi-year residential property tax incentives**
 - AB Munis Supports with qualifications
 - It should also apply to provincial property taxes (Education tax)

- **Limit the ability for municipalities to require non-statutory studies as requirements for building and development permits**
 - AB Munis Opposes this
 - There may be benefit in requiring further studies
 - This limits autonomy.

Bill 18 Consultations

Municipal Affairs held a consultation session on August 15 regarding regulations for Bill 18 (Access to Federal Grants/Funds for Provincial Public Entities)

- Summer Villages may be exempted from regulations due to population size (under 5000)
- Other Exemptions include cost sharing agreements, operational funds (vs capital), GrNDS/FUNDS UNDER \$100,000, funds accessed through FCM and funds for Banff and Jasper (National Parks)

Regulation Exemptions



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- Next Steps:

Next Steps and Timelines

- Municipal Affairs will compile your input into a What We Heard document for the Minister's consideration.
- Municipal Affairs will share engagement feedback with other ministries on the approval process and possible exemptions.
- It is anticipated the legislation will come into force in early 2025 once the regulations are finalized.
- Please provide your written feedback to asva@alberta.ca by August 16.

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ASVA Conference: October 17 & 18

- Municipal Affairs will speak about the new Municipal Census regulation.
- Alberta Transportation and the SV of Whispering Hills will present on the Golf Cart Project Pilot
- New this year will be round table breakout sessions on Burning Brush Practices, Working Wells and MAO Review
- There are more sponsors and trade show booths this year. More requests to sponsor and have a trade show booth were received than could be accommodated due to space.

Election Training Request for the Municipal Elections 2025

- The ASVA has asked Municipal Affairs to offer Election training for Returning Officers and their staff specifically for Summer Villages.
- This was initiated through a request from the SV of Sylvan Lake. Watch for further updates