

Municipal Government Board Mandate and Roles Document

The Mandate and Roles Document for the Municipal Government Board (MGB) has been developed collaboratively between the Minister of Alberta Municipal Affairs (Minister) and the MGB to reflect a common understanding of their respective roles and responsibilities.

Nothing in this mandate and roles document is intended to or shall interfere with the MGB's proper exercise of any statutory powers of decision. Although the MGB is part of the Ministry of Alberta Municipal Affairs for administrative purposes, the MGB is an independent body making independent decisions.

1. MGB Mandate

The MGB is an adjudicative body created by the *Municipal Government Act (Act)*. It has jurisdiction under the *Act* to:

- hear complaints about assessments for linear property;
- hear an appeal related to an equalized assessment;
- decide disputes between a housing management body and a municipality or between two or more management bodies;
- inquire and make recommendations about any matter referred to it by the Lieutenant Governor in Council or the Minister;
- make recommendations on annexations;
- decide disputes involving regional service commissions;
- hear appeals regarding conflicts between municipal and provincial approvals;
- hear appeals from subdivisions as defined in the *Act*; and
- decide inter-municipal disputes.

The MGB supports municipal Composite Assessment Review Boards by supplying members to preside over non-residential and multi-residential assessment appeals. The MGB provides a measure of provincial oversight to the non-residential assessment and multi-residential assessment appeal process by ensuring that Composite Assessment Review Board presiding officers are well trained and committed to promoting consistent decisions of high quality.

Mission

The mission of the MGB is to provide a timely, independent, quasi-judicial process for parties to resolve all disputes referred to it, including certain property assessment and land planning disputes.

Adjudicative Matters

The MGB provides Albertans with access to an independent, fair and timely adjudicative process related to the matters assigned to it under Part 12 of the *Act*.

The *Act* mandates the MGB to make recommendations about annexations and to hear and decide linear property complaints, equalized assessment complaints, selected subdivision appeals, intermunicipal planning disputes, housing management body disputes, regional services commission disputes, and disputes arising out of municipal approvals or refusals related to provincial authorizations. In addition, MGB members are authorized to chair Composite Assessment Review Boards, which hear and decide non-residential and multi-residential property assessment complaints.

In carrying out its adjudicative role, the MGB must apply the principles of administrative law, the *Act* and the associated regulations, and other related legislation in a fair, judicious and independent manner.

Applicable Legislation and Regulations

The MGB has responsibilities under, and is subject to, a number of statutes and regulations including:

- *Municipal Government Act*
- *Financial Administration Act*
- *Government Accountability Act*
- *Freedom of Information and Protection of Privacy Act*
- *Public Service Act*
- *Alberta Public Agencies Governance Act*
- *Alberta Land Stewardship Act*
- *Administrative Procedures and Jurisdiction Act*
- *Housing Act*
- *Matters Relating to Assessment Complaints Regulation*
- *Matters Relating to Assessment Taxation Regulation*
- *Subdivision and Development Regulation*

2. Duties and Responsibilities

The Government of Alberta is responsible for the legislative, regulatory and policy framework in which the MGB operates.

The Minister

The Minister is accountable to the Legislature for the MGB. The Minister reports to the Legislature on the affairs of the MGB and answers questions about the MGB.

The Minister:

- establishes the policy framework, the legislation and regulations as well as the accountability standards and expectations in which the MGB operates;

- recommends the appointment of the MGB members based on her/his assessment that the appointees have the appropriate knowledge, skills, experience and values to assist the MGB in achieving its objectives and performing its functions;
- monitors the operations and performance of the MGB to ensure that it is fulfilling its mandate in compliance with Government policies while respecting the need of the MGB for independence in conducting its adjudicative function;
- establishes policy in support of quality local governments through an effective legislative framework, systems of financial assistance and advisory support;
- approves the MGB's business plan information within the Ministry's business plan;
- may, from time to time, conduct or facilitate reviews of the MGB's activities to ensure the MGB is operating within the budgetary and performance expectations established for it;
- conducts regular (at least every seven years) reviews of the MGB's mandate and purpose to determine if it is still relevant to the needs of Albertans, if it is aligned with Government priorities and if the operations and functions are being carried out in a manner that can achieve Government objectives;
- may provide guidelines, principles, criteria or expectations which he/she determines to be in the public interest to be considered by the MGB in finalizing its recommendations to the Minister and the Lieutenant Governor in Council; and
- deals with the public on matters related to the *Act* and its Regulations, or assigns his/her delegate to do so.

The Deputy Minister

The Deputy Minister:

- supports and acts under the general direction of the Minister;
- is the Administrator of the MGB as defined by the *Act* and may delegate those powers, duties or functions under Part 12 of the *Act*, to the Delegated Chair of the MGB; and
- is the head of the MGB for purposes of the *Freedom of Information and Protection of Privacy Act*.

The Department of Municipal Affairs (Department)

In order to meet the responsibilities delegated to the MGB, the Government of Alberta and the Department are responsible for supporting the MGB in the following areas:

- financial support services;
- human resource management services;
- IT support services;
- Communications support;
- A hearing facility and administration office in Edmonton to support the independent quasi-judicial nature of the MGB; and
- other support services necessary to carry out the roles and responsibilities of the MGB.

Delegated Chair

The Delegated Chair is a Government of Alberta employee delegated by the Deputy Minister under section 486 of the *Act* to undertake the powers, duties or functions of the Administrator of the MGB under Part 12 of the *Act*.

In addition to the overall governance of the MGB, the Delegated Chair is specifically responsible for:

- acting in a fashion to support the independent quasi-judicial nature of the MGB;
- evaluating MGB members' performance and providing a recommendation to the Minister concerning appointments of new members and the re-appointment of existing members;
- developing and delivering an orientation program for new MGB members, providing continuous training for existing members, and providing performance feedback;
- dealing with the public on behalf of the MGB if required;
- developing mechanisms to communicate with and provide feedback from stakeholder groups;
- informing the MGB about various provincial policy or legislative initiatives and changes which may affect the MGB;
- administering and maintaining the MGB's Code of Conduct and Ethics, including acting as the MGB Complaint Officer, and ensuring that conflict of interest matters are addressed; and
- adhering to the Code of Conduct and Ethics for the Public Service of Alberta.

MGB Members

The role of MGB members is to carry out their legislated responsibilities, which includes presiding over Composite Assessment Review Boards in a fair, judicious and timely fashion.

Each MGB member shall adhere to:

- all aspects of the MGB's Code of Conduct and Ethics;
- the requirements of the *Act*;
- any applicable parts of the *Administrative Procedures and Jurisdiction Act*; and
- the MGB's procedural rules.

MGB members must also accept and offer honest criticism of work undertaken as an MGB member, and to respond appropriately to such input.

MGB Staff

MGB staff are employees of the Government of Alberta appointed pursuant to the *Public Service Act* to support the MGB in the execution of its duties. As government employees, MGB staff are subject to the Code of Conduct and Ethics for the Public Service of Alberta.

3. Recruitment and Appointment of Board Members

MGB members are appointed to the MGB by Order in Council pursuant to section 486 of the *Act* to hear and decide the matters outlined in the *Act*.

MGB members are appointed on a part-time basis.

- Members are not employees of the Government of Alberta.
- All members sign off their agreement to the MGB Code of Conduct and Ethics or any changes thereto before undertaking any MGB duties or responsibilities.

Recommendations for appointments of members to the MGB are made following a transparent, impartial recruitment process based on assessments of knowledge, skills and competencies and related experience.

The selection process will consist of, screening, one- or two-part interviews, questions and testing, as outlined by the Delegated Chair.

The screening and interview panel will provide a shortlist of applicants to the Delegated Chair. He or she will review the list and applications and may decide to hold additional testing and interviews of applicants from the shortlist and others that are deemed appropriate.

A list of post-interview and tested candidates will be presented to the Minister within three months of the initial advertisement. The Minister will provide a recommendation to Cabinet for final approval and appointments.

The recruitment process is consistent with the *Alberta Public Agencies Governance Act*, and in particular with section 13 - Recruitment of members, section 14 - Term of office, and section 15 - Reappointment.

4. Interaction Between MGB, Department and Minister

- With respect to the adjudicative functions of the MGB, the MGB, the Minister and the Department will continue to act in manner to recognize the independent quasi-judicial nature of the MGB.
- The Minister, the Deputy Minister or the Department will not be involved in or provide, either generally or specifically, any directives or expected outcomes associated with any adjudicative matter before the MGB.
- MGB communication with the Minister or Department on adjudicative matters shall be limited to status reports.
- Legal advice to the MGB on adjudicative matters, will be provided by in-house MGB counsel or by an independent legal advisor.
- With respect to the advisory functions (annexation applications and Minister referrals) of the MGB, the MGB may consult with the Minister, the Deputy Minister and the Department on provincial expectations, processes and legal requirements. As a result, MGB staff and other Department employees may communicate directly with each other on advisory matters before the MGB.
- The Delegated Chair will act as the primary contact for the MGB and will communicate through the Deputy Minister to the Minister.

- The Delegated Chair meets at least annually with the Deputy Minister and/or the Minister to provide a report and to receive feedback on the performance and annual evaluation of the MGB.
- The Delegated Chair also summarizes the activities of the MGB which have significant provincial impact and provides updates to the Deputy Minister and the Minister for their information.
- With the permission of the Delegated Chair, Department staff may consult MGB staff about any policy development or review. Similarly, MGB staff may participate in Ministry or cross-Ministry groups formed to consider any policy matter, as may be requested by the Department.
- The Minister provides feedback to the MGB regarding the status of the current and any outstanding caseload and, where necessary, provides the MGB with necessary time extensions to finalize its annual adjudication activities.
- The Minister also consults with the MGB in the determination of its business needs and expected caseloads in order to prepare a realistic business plan and operating budget to meet the adjudicative demands placed on the MGB and on Composite Assessment Review Boards.

5. Administration

Review of the Mandate and Roles Document

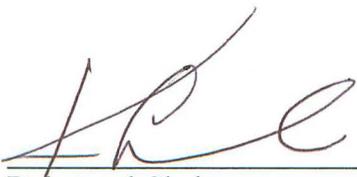
This Mandate and Roles document shall be reviewed and renewed, amended or replaced within three years after the date on which it is signed by the Minister.

Transparency

Copies of the Mandate and Roles document will be filed with the Minister of Municipal Affairs, the MGB and the Agency Governance Secretariat. In support of the principle of transparency, this document will also be easily available to the public on the Municipal Affairs website at: http://www.municipalaffairs.alberta.ca/abc_MGB_board_appointments.cfm.

Periodic Agency Review

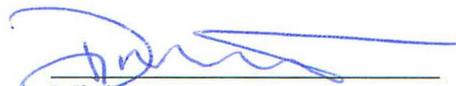
The mandate and operations of every public agency must, at least every seven years, be reviewed by the responsible Minister. The MGB is scheduled for review in 2016.



Delegated Chair

Municipal Government Board

Sept 25/14
Date:



Minister

Alberta Municipal Affairs

Nov 4/2014
Date