

BILL 33 – MUNICIPAL MODERNIZATION ACT (MUNICIPAL AMALGAMATIONS)

HIGHLIGHTS

Bill 33, *The Municipal Modernization Act (Municipal Amalgamations)*, was introduced in the Legislative Assembly on May 1, 2013. The following are the highlights of the Bill.

AMALGAMATIONS

Plans and Partners – s. 3(1) - 4(3)

Municipalities with fewer than 1,000 residents must develop an amalgamation plan jointly with their amalgamation partner(s).

- The amalgamation must be planned to come into effect January 1, 2015. [New councils will be elected at the October 2014 general municipal election.]
- The Plan is required to be in a form approved by the Minister of Local Government and must address the matters that must be included in the regulation [that creates the new municipality], set out in s. 8(2) of the Bill. Note: The template plan included in the Amalgamation Guide is the approved form.
- Municipalities must consult with the public on the content of their plans. Citizens must have an opportunity to provide meaningful input on the content of the plan.
- The amalgamation plan must be submitted to the Minister by December 1, 2013.
- The Minister may extend the deadline for municipalities to submit an amalgamation plan if he believes the amalgamation issues are significantly complex and the deadline cannot be met. The Minister may set terms and conditions for the extension. Municipalities must submit their amalgamation plan by the new deadline.

If an extension is granted, the latest an amalgamation can occur is January 1, 2019. [The deadline for submitting a plan cannot be extended past December 1, 2017.]

Neighbouring municipalities must work cooperatively to identify which municipality will be the amalgamation partner of a municipality with fewer than 1,000 residents.

- The preferred amalgamation partner is the municipality or municipalities whose residents have the strongest community of interest with the residents of the municipality that is [being amalgamated] seeking a partner.
- The Minister may issue guidelines to assist municipalities in identifying the amalgamation partner(s), including guidelines emphasizing the importance of continuing to deliver programs and services to the francophone population and other linguistic minorities.

Recommendations - s. 5(1) - 6(2)

The Minister may recommend that a municipality with fewer than 1,000 residents be amalgamated with a neighbouring municipality(s).

- The Minister must consider the amalgamation plan submitted by municipalities, if a plan has been submitted, including comments from the public in preparation of the plan.

The Minister must also consider the relative strength of communities of interest that exists amongst the municipalities.

In addition, the Minister may recommend that two or more municipalities, each with more than 1,000 residents, also be amalgamated if they jointly submit an amalgamation plan.

- The amalgamation plan must be submitted by December 1, 2013. These amalgamations can only occur for January 1, 2015.

Referral to the Municipal Board – s. 7(1) - 7(3)

The Minister may refer any matter respecting the amalgamation of a municipality to the Municipal Board.

- The Board must provide the Minister a written report of its findings and recommendations to meet the terms of reference specified by the Minister.
- The Board may request municipalities to provide information. The information must be in the form and within the time period specified by the Board.
- The Board may hold a public hearing.
- The Minister may not recommend amalgamation until after the Board's report and recommendations are received.

Amalgamation Regulations – s. 8(1) - 9

The Lieutenant Governor in Council may pass a regulation to amalgamate two or more municipalities to create a new municipality.

- Regulation authorities are generally the same as in *The Municipal Act*.
- The Regulation must include:
 - name and boundaries of the new municipality – s. 8(2)(a)
 - status of the new municipality as “urban” or “rural” – s. 8(2)(b)
 - date of the amalgamation. The date must be no later than January 1, 2019 – s. 8(2)(c)

- the number of council members (mayor/reeve and councillors) of the new municipality; whether the councillors are to be elected on at large or ward basis; the ward boundaries (if applicable) and the number of councillors to be elected in each ward – s. 8(2)(d)
- election of the council of the new municipality at the general election prior to the amalgamation (October 2014 general election for a January 1, 2015 amalgamation). The term of office of the new council begins January 1, 2015. The term of the “old” councils will be extended to December 31, 2014 – s. 8(2)(e)
- designation of a senior election official to run the election of the new council – s. 8(2)(f)
- The Regulation may include:
 - formation of a new local urban district in the new municipality or dissolution of an existing local urban district in the “old” municipality – s. 8(4)
 - property assessment / taxation, eg. phasing-in tax increases or decreases, establishing different mill rates within the new municipality [on a transitional basis for a limited period of time] – s. 8(5)(a)
- The number of council members and how they are to be elected will be established for a limited period of time. Before that period expires, council must pass a new by-law to establish the number of council members and how they are to be elected – s. 8(7)
- The rights, property, assets, debts, liabilities, obligations, etc. of the “old” municipalities are transferred to the new municipality – s. 8(8)(a) - 8(8)(e)
- The by-laws and resolutions of the “old” municipalities will continue to apply until they are repealed or replaced by the new municipality – s. 8(7)(f)
- A municipality that is surrounded by land that is not part of any municipality is not subject to this Act [eg. Churchill, Grand Rapids, Leaf Rapids, Lynn Lake, Snow Lake] – s. 9

OTHER KEY PROVISIONS

The Bill also contains key provisions that are necessary to ensure amalgamations are smoothly implemented.

Effect of Amalgamations on Planning Districts – s. 10(1) - 10(3)

- Planning districts will be aligned to reflect new amalgamated municipalities.

Policing Services – s. 12(2), s. 13(1) - 13(3)

- Amalgamation will not change the current obligation to provide and pay for policing.
- If an “old” municipality was required to provide and pay for policing, that obligation will continue in the area of the “old” municipality after amalgamation.

If an “old” municipality was not required to provide and pay for policing, there is no new obligation for policing in the area of the “old” municipality after amalgamation.

- If two or more municipalities that have different police forces amalgamate, existing police forces will continue to operate in the new municipality for a 3 year transitional period.

After 3 years, the new municipality must decide which police force will service the municipality. If the municipality does not decide, policing services will be provided by the RCMP.

General municipal elections in Dunnottar, Victoria Beach and Winnipeg Beach – s. 13(3) - 13(4), 14

- The authority for general municipal elections to be held in July in these municipalities is eliminated. The election will occur in October instead [same as all other municipalities].
- Councils’ term of office will be extended [to either December 31, 2014 if the municipality is amalgamating or October 23, 2014 if the municipality is not amalgamating].

Use of reserve funds after amalgamation – s. 13(5)

- A new municipality may pass a by-law requiring reserve funds established by an “old” municipality to be used in the “old” municipality.