

# Municipal Affairs ICF Survey Review Questions

## Intermunicipal Services

When the ICF provisions were originally introduced, these intermunicipal services were required to be included in an ICF:

1.
  - A. transportation;
  - B. water and wastewater;
  - C. solid waste;
  - D. emergency services;
  - E. recreation; and
  - F. any other services that benefit residents in more than one of the municipalities that were parties to the framework.

The list was removed from the *MGA* in 2020 to streamline the legislation, create greater flexibility for municipalities, and reduce red tape. Currently, the legislation does not limit what can be included in an ICF, but municipalities are required to describe the services to be provided in their agreements.

**5. Based on your experience, the legislation should be amended to:**

Reinsert the list of specific services, without the ability for municipalities to add other services (i.e., A – E on the list above).

Reinsert the list of specific services, with the ability for municipalities to add other services delivered directly by the municipality (i.e., A – F on the list above).

No change – the legislation should continue to allow municipalities to determine the services to be included.

Other (please specify):

**6. Referring to A – E above, if a list were reintroduced to the legislation, are there other services that should be added to the list as mandatory?**

No

Unsure

Yes (what other services should be added?):

7. Referring to A – E above, if a list were reintroduced to the legislation, are there services that should be removed from the list as mandatory?

No

Unsure

Yes (what services should be removed?):

ICF Agreement Duration (Term and Review)

Currently, the legislative provisions require ICFs to be reviewed at least every five years after the framework is created, or within a shorter period of time as agreed to by the municipalities. Given the possibility of arbitration and other challenges, the agreements may only be operational for a relatively short period, and not allow the municipalities to learn from their collaborative efforts to improve the next iteration of the agreement.

8. Based on your experience, the legislation should:

Remain the same, requiring review at least every five years.

Change, requiring review at least every seven years.

Change, to not specify the duration of an agreement, allowing municipalities to review their agreements as they see fit.

Other (please specify):

Cost Calculations

Calculating costs for an ICF can be challenging for any municipality; however, it is critical to finalize the framework. One option is to legislate how costs will be shared, ensuring that there is some degree of consistency across all agreements.

9. Based on your experience, the legislation should require costs associated with shared services in an ICF to be determined based on (select all that apply):

Equalized assessments

Usage by each municipality

Population (i.e., cost per capita)

Mutual agreement by municipality, based on a specific service

Independent assessment findings and recommendations

None of the above, the legislation should not specify how costs are allocated

Other (please specify):

Mediation and Arbitration

During the development of the frameworks, some municipalities experienced disagreements. If municipalities do not reach an agreement by the legislated timeline, they have one year to finalize an agreement through mandatory arbitration. Prior to arbitration, municipalities may choose to enter into mediation.

The legislation could be amended to include mediation as a mandatory step in the event of disagreements. However, this would mean that municipalities who had not reached an agreement 18 months before the deadline would be required to commence mediation, and arbitration would begin one year prior to the legislated deadline.

**10. Please rate your municipality's experience with the mediation process:**

Very positive

Positive

Neither positive nor negative

Negative

Very negative

Unsure

Not Applicable

**11. In your opinion, under the legislation, if municipalities are unable to reach an agreement by a set timeline should they:**

Be required to enter into mediation

Go directly to arbitration (status quo)

Other (please specify):

While the province offers grant funding for mediation services, it requires a cost-share commitment from the requesting municipality, and the funding is limited. Costs for arbitration are currently based on equalized assessment. However, the use of equalized assessment has raised concerns for some municipalities.

**12. In your opinion, the division of costs associated with mediation and arbitration should be based on (select all that apply):**

Equalized assessment

A standard metric, i.e., total revenue (please specify metric in the space below)

Equal division among all parties

Other (please specify):

Following the arbitrator's decision, municipalities are currently responsible for drafting an agreement that incorporates the arbitrator's decision and adopting it. Some stakeholders have suggested that the arbitrator should draft the agreement as part of their role as arbitrator.

**13. In your opinion, for municipalities going through the arbitration process, the legislation should stipulate that:**

The arbitrator (not the Minister) writes the framework and the municipalities are required to adopt it.

The municipalities write the framework based on the arbitrator's decision and are required to adopt it (status quo).

Another third-party writes the framework and the municipalities are required to adopt it.

Other (please specify):

#### Enforcement

It is critical that municipalities complete their legislative requirements to ensure the effective and fair application of ICFs across the province.

**14. In your opinion, in the event a municipality chooses to ignore an arbitrated decision, the Minister should have the authority to (select all that apply):**

Act as the municipality and adopt the framework on their behalf.

Take any action as if the municipalities had not followed a directive issued under the Act (i.e., suspending municipal authority to pass bylaws, withholding money from the municipality, and/or dismissing council or the chief administrative officer).

Allow the municipalities to pursue this in a court action (status quo).

Other (please specify):

Some municipalities have argued that some of the arbitrated decisions resulted in frameworks that unfairly impact a municipality, or go beyond the legislated provisions of an ICF.

**15. In your opinion, in cases where arbitrated decisions are determined to have an unfair impact, or go beyond the legislated provisions of an ICF, the Minister should:**

Allow the arbitrator's order to stand

Have the authority to dismiss the arbitrator's decision and have the municipalities renegotiate

Have the authority to amend or remove elements of the arbitrator's decision

Other (please specify):

#### Conclusion

**16. Do you have anything else you would like to share about ICFs?**