

LGST 479 Local Government Law in Alberta

Detailed Syllabus

Course Overview

Local governments are most closely connected to the citizens they represent. The municipality plays a critical role in providing services that impact people most in their day to day lives, whether it be through the roads that people drive upon or the collection of waste. Some have suggested that if the federal government were to disappear, it would take about a week before we notice its absence. If the provincial government were to disappear, it would take a few days to notice. However, if the municipal government were to disappear, the impact would be immediate. No other level of government affects the lives of its residents as directly and as often as does the municipal level.

The role of the Alberta municipality is broad. Councils must not only make determinations about which services are necessary for the greater good of the community, but they must also make decisions about how to fund those services. Municipal councils juggle the long-range needs of a municipality with the three-year election cycle.

The role of the municipality is also a balancing act. A municipality's purpose is to provide services or facilities that it believes are necessary or desirable for all or part of the municipality. However, it must weigh the good for all or part of the community against the costs for other parts or other citizens. Often what one group perceives as desirable is perceived as detrimental to another group. How municipalities make decisions is guided by the scope of the *Municipal Government Act* and the guidance provided by the case law. This course considers all of these issues within the context of the relevant law.

Course Objectives

After completing this course, students should be able to

- explain the basics of the law relating to municipalities, particularly in Alberta;
- describe the duties, responsibilities, and limitations of municipalities;
- explain the functions of municipalities and the scope of their authority; and
- work effectively with and in municipalities, and other agencies that interconnect with municipalities, such as utility providers.

Unit 1: Local Government Authority

Objectives

After completing this unit, you should be able to

1. describe the status of municipalities in the context of the *Constitution Act*;
2. list who has powers under the *Act* and the limitations on their roles;
3. identify and describe the duties of municipal officials;
4. explain the powers found in Part 6 (sections 201–215) of the *Municipal Government Act*;
5. describe different ways municipalities are structured, including the Board and Commissioner structure, as well as the one–employee model, and briefly describe their differences; and
6. describe the protections offered to employees and volunteers.

Unit 2: Municipalities and Changes in Their Status

Objectives

After completing this unit, you should be able to

1. understand Part 4 (sections 76–141) and Part 15 (sections 581–602) of the *Municipal Government Act*;
2. explain the distinction between municipal districts, summer villages, villages, towns, cities, specialized municipalities, and “quasi-municipal forms”;
3. describe the process by which municipalities can change form;
4. describe the process by which municipalities can amalgamate;
5. describe the process by which municipalities can be annexed; and
6. describe the process by which municipalities can be dissolved.

Unit 3: Municipal Councils and Bylaws

Objectives

After completing this unit, you should be able to

1. describe the purposes of a municipality;
2. list 3 ways in which municipalities can act;
3. describe the limits of natural person powers;
4. describe in general terms the bylaw-making process;

5. describe how municipalities pass resolutions;
6. explain how municipalities use their bylaw-making powers;
7. describe the possible forms of a challenge to municipal action.
8. describe four mechanisms that citizens can use to change the actions of a municipality;
and
9. explain the role of courts in challenges against municipal actions.

Unit 4: Municipal Finances

Objectives

After completing this unit, you should be able to

1. list the powers of the Minister in relation to the financial affairs of a municipality;
2. explain the obligations of a municipality in relation to annual budgeting;
3. describe in what circumstances councillors may be liable for financial decisions or expenditures made by municipalities;
4. identify the sources of local government revenue;
5. outline the restrictions of borrowing;
6. discuss the role and limitations of property assessment as a tax base;
7. outline the assessment procedure and appeal process; and
8. explain the differences between property assessment and business assessment.

Unit 5: Public Utility Services

Objectives

After completing this unit, you should be able to

1. explain what public utilities are;
2. list the ways in which public utilities can be provided in municipalities;
3. describe the ways in which municipalities may obtain infrastructure and the methods of financing the construction of public utilities;
4. list the operational considerations for the provision of public utilities;
5. describe a municipality's liability and defences relating to the provision of public utilities;
and
6. list possible considerations for the provision of solid waste.

Unit 6: Transportation in Municipalities

Objectives

After completing this unit, you should be able to

1. define what a highway is;
2. list the four ways that roads can be created;
3. explain who has titles to roads in cities versus other municipal forms;
4. explain the process for road closures;
5. describe a municipality's duty to repair roads;
6. list the statutory defences in relation to roads, signs, and ice and snow;
7. discuss the duty of a local government to maintain and repair a highway;
8. outline the duty of a local government to remove ice and snow;
9. discuss the role of a municipality in relation to air and rail transportation; and
10. describe the activities of municipalities in public transit.

Unit 7: Land Use and Planning

Objectives

After completing this unit, you should be able to

1. list the persons or bodies granted power under Part 17 of the *Municipal Government Act* and describe their powers and roles;
2. list the planning documents that govern planning in municipalities and describe their functions;
3. describe the process for subdivision and identify practical considerations for municipalities in the subdivision process;
4. describe the types of uses contained in a land use bylaw and when municipalities may wish to use them;
5. describe the appeal process for both subdivision and development appeals, including limitations on appeals to the Court of Appeal;
6. describe the jurisdiction of the Municipal Government Board, including the process to appeal intermunicipal disputes;
7. outline the impact of the *Alberta Land Stewardship Act* upon planning in Alberta; and
8. describe how municipalities regulate construction within their jurisdiction.

Unit 8: Intergovernmental Relations

Objectives

After completing this unit, you should be able to

1. describe the principal functions of regional services commissions and some of their limitations and advantages;
2. describe how policing services are provided in a municipality;
3. explain the role of municipalities in the area of public health;
4. explain the funding for and the role of municipalities in the provision of family and community services in Alberta;
5. explain the circumstances in which municipalities interact with school boards;
6. explain the role of housing management bodies under the *Alberta Housing Act* and their relationship with municipalities; and
7. explain how local governments interact with bodies like the Federation of Canadian Municipalities, the Alberta Urban Municipalities Association, and the Alberta Association of Municipal Districts and Counties.

Assessment and Exam Format

To receive credit for *Legal Studies 479*, you must complete five written assignments and a final exam. You must achieve an overall course grade of at least 50% and receive a mark of at least 50% on the final examination. The weightings for each item are as follows:

Activity	Credit Weight	Date Due
Assignment 1	10% of final grade	End of Unit 2
Assignment 2	10% of final grade	End of Unit 3
Assignment 3	10% of final grade	End of Unit 5
Assignment 4	10% of final grade	End of Unit 6
Assignment 5	10% of final grade	End of Unit 7
Final Examination	50% of final grade	End of all units
Total	100% of final grade	

Final Exam: The final examination is worth 50% of your total course mark. It is a closed book exam written in person (not online) over 3 hours. By arrangement with the University it may be written anywhere in the world. Part A of the exam comprises 15 multiple choice and true/false questions covering the whole course (1 mark each). Part B comprises 15 questions, each to be answered in a paragraph that is drawn from the learning objectives listed for the units in the

course (3 marks each). Part C requires you to prepare a case study analysis and recommendations similar to those in the assignments (40 marks). See [exam procedures](#).

You will have up to 3 hours to write the final exam, although many students do not need all of that time. No notes, texts, or other aids may be taken into the examination room. Be sure to write legibly; an exam that is not legible cannot be graded. Be sure that you have submitted all other course assignments before you write the final exam.

You may request the final exam by following the procedures outlined in the [Student Manual](#).

Athabasca University offers excellent online resources for students who encounter problems in studying for an exam. Visit [Counselling Services](#) if you experience any exam anxiety before writing the final exam. See also [Mastering Exam Anxiety](#).

If you are not satisfied with your grade on the final exam, or if you receive a grade below 50%, you are urged to re-study the material and write a supplemental exam. Should you write a supplemental exam, your official score for the final exam will be the higher of the two grades received.