

MGB's 6th annual stakeholders workshop - linear

The Municipal Government Board (MGB) held its 6th annual linear stakeholders' workshop on October 11, 2006 in Calgary. Forty-two participants attended representing oil and gas industry, tax consultants, municipalities, an association and government.

Stakeholders' feedback supported participants input from previous workshops, confirming the importance of communication and the significance of having a high level of trust and understanding between the parties involved in the linear complaint process. For this reason, the MGB considered it valuable to continue with the workshop on an annual basis.

The MGB presented a historical overview of linear complaint activity. In 2006, the MGB received a record number of linear complaints (see chart 1). More than half of these complaints dealt with the interpretation of the Minister's Guidelines and the accuracy of EUB-records as they relate to well-depth. This last issue was recently before by the MGB in a six-day hearing.

At the workshop, the MGB requested input on certain topics and encouraged the stakeholders to

put forward their issues, concerns and comments on the following:

- preliminary hearings
- the MGB practice to hear linear complaints prior to December 31
- late withdrawals/recommendations
- oral decisions
- Board Member knowledge on linear property

The results of the above topics are outlined on page 2.

The MGB introduced its new database system, Case Inc., which went into production in late March 2006. The database includes linear property complaints, has the ability to increase overall MGB efficiency and can provide statistical and complaint information to stakeholders.

The MGB is currently in the process of designing an electronic upload function that will result in adjustments to the application forms and the Excel template. It hopes to have the new function in place for the new complaint year. Information on any changes to submitting applications will be posted on the MGB Internet site.

Also, the MGB held pilot break-out sessions on specific linear complaints where unique problems could be discussed in a group environment (see page 2).

Frequently Asked Questions

What is the difference between the roles of the Designated Linear Assessor (DLA) and the Municipal Government Board (MGB)?

The DLA is responsible for the preparation of all linear property assessments for the Province of Alberta.

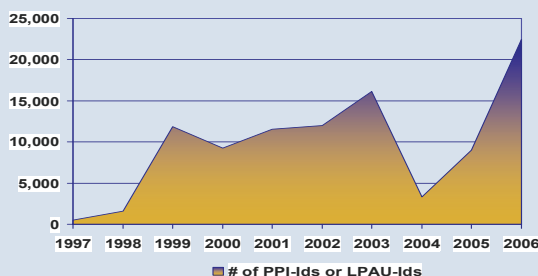
The MGB is an independent and impartial body set up to make decisions on certain appeals and disputes stemming from the Municipal Government Act. In this case, the MGB hears and decides complaints (first line appeals) resulting from the linear property assessments.

What are administrative hearings?

These are preliminary hearings in preparation for the hearing on the merits (valuation) of the complaints. Their nature may be procedural (e.g. setting dates for exchange and hearing), jurisdictional (does the MGB have jurisdiction to hear this specific complaint?), or other (e.g. alleged discrepancies in submissions).



Year in Review Number of Properties under complaint



Plans implemented in 2006

- The annual workshop is only to be held where there is value provided to all parties.
- Preliminary hearings for all complaints are started within four weeks of the complaint deadline.
- Recommendations signed by both parties are fast-tracked outside of the hearing environment.
- MGB staff resources applied earlier in process.
- Parties to complaints encouraged to meet prior to formal MGB meetings.
- All 2006 merit hearings are scheduled to be concluded by December 31, 2006.
- The MGB may consider, at the request of the parties, alternative methods of resolving pure points of law.

Stakeholders remarks, suggestions, and recommendations for 2007

Stakeholders' remarks, suggestions and recommendations for 2007:

Hearings

- Tight scheduling can pose a problem for the DLA as they have to prepare for more than one hearing at any one time.
- To help parties avoid procrastination, it is better to schedule and hold the hearings as soon as possible.
- It is worth the "pain" to have all complaints heard before December 31.
- If an issue goes to Judicial Review, then MGB hearings on similar matters should be deferred (if all parties agree).
- Preliminary hearings improve the efficiency of the complaint process.

The Complaint Process

- The MGB Procedure Guide should be

updated.

- A more frequent review of the Minister's Guidelines is required. *
- MGB should communicate online the linear complaints it has received.
- The Linear Property Assessment Unit should communicate their key contact information.
- Implement a fee for filing linear complaints.
- Legal counsel involvement complicates the complaint process.
- Parties continue to experience difficulty in trying to meet with the assessor; the increase in staff may lead to improved communication.
- There are mismatched expectations on disclosure. Full disclosure prior to the hearing prevents surprises. Guidelines

should be developed including consequences for not complying.

- On assessment policy issues contact the Assessment Services Branch. *
- Municipalities should be kept informed on complaints.

Late Withdrawals/Recommendations

- The MGB could apply costs in late withdrawals or recommendations.
- If parties know costs will be applied for late withdrawals, they may proceed to a (unnecessary) hearing to avoid costs.

Oral Decisions

- Parties want a written decision record.
- MGB could ask parties what kind of decision they prefer.
- In simple matters, the decision could be oral followed by a brief written decision.

2007 - Plans and actions

1. The MGB will continue to maintain and promote quality communications with all parties.
2. The MGB will repeat in 2007 the early scheduling of preliminary hearings. They will start 4 weeks after the complaint deadline.
3. All parties will continue to strive to schedule and hear 2007 complaints by December 31.
4. The MGB will work with the parties to achieve and enforce full disclosure through all possible means.
5. The MGB will review its Procedure Guide.
6. The MGB will pursue electronic

submissions to its database

7. The MGB will outline the training provided to the Board Members relative to linear property complaints.
8. The MGB will continue to consider referring legal questions to the courts on a case-by-case basis.
9. The MGB will work to complete written decisions as quickly as possible.
10. The MGB will publish, online, a monthly update of the status of the outstanding linear complaints.



Board Member Knowledge

- To assist them in preparing their cases, stakeholders would like to know what training the Board Members are receiving.
- More specific Board Member training through independent courses would provide a better understanding of process and terminology.
- Attract Board Members with industry experience.

Other

- The MGB needs more resources.
- The MGB process is too constrained; the Complainant needs time to talk to the assessor.
- More opportunity is needed for discussions prior to the MGB complaint process.
- Larger complaints require municipalities to set aside reserves for tax refunds.
- There should be clarity on which part of the EUB record goes into the assessment calculation. *
- The MGB should function under a different ministry than the DLA, i.e. Ministry of Justice. *

* Matters outside of jurisdiction of MGB.

2007 - Dates

- The legislated timeline for hearing linear complaints is 150 days from the day the assessment notice is sent.
- The anticipated mailing date of the

2006 assessment notice (2007 tax year) is **January 31, 2007**.

- The anticipated deadline for submitting 2007 complaints is **March 16, 2007**.

Contact Information

Alberta Municipal Government Board
15th Floor, Commerce Place
10155 - 102 Street NW
Edmonton, Alberta, Canada T5J 4L4

Telephone: 780.427.4864
Fax: 780.427.0986
E-mail: mgbmail@gov.ab.ca
MGB Internet site:
www.municipalaffairs.gov.ab.ca/mgb_index.htm

THANK YOU!

The MGB wishes to thank all parties for their attendance and constructive input.

