

PROPOSED 2016 SPECIAL TAX BYLAW - EDGEMONT

EXECUTIVE SUMMARY

In accordance with subsection 382(1) of the Municipal Government Act (MGA), Council may pass a special tax bylaw to raise revenue for a specific service or purpose, including a boulevard tax and a recreational services tax. The special tax process was created to provide a self-funded mechanism for communities that desire an enhanced level of boulevard maintenance around streets and parks. The available services include enhanced mowing and trimming; tree well and shrub bed maintenance; planting and maintenance of perennial and annual flowers; litter control; and snow removal. A number of communities participate annually in the levy process and have either an established long-term enhanced Landscape Maintenance Agreement (LMA) or Pathways Snow Removal Agreement (PSRA) with The City of Calgary (The City). The Edgemont community has undergone the process to be considered for the program in 2016 and the proposed bylaw and map for Edgemont is included in the Attachment. In support of the 2016 special tax for the Landscape Enhancement & Appreciation Fund (LEAF) special tax, members of the Edgemont community acquired the signatures of more than two-thirds of the property owners who will be liable to pay the LEAF Tax. A petition opposing the LEAF Tax was also circulated in the Edgemont community; however, the petition did not secure the number of signatures required to prevent the LEAF Tax from being considered by this Committee and Council. This report provides information on the process and requests three readings of the proposed 2016 Special Tax Bylaw for Edgemont (Attachment).

The deadline to send out local improvements to homeowners is 2016 April 28 and in order to prepare an accurate list of eligible property owners, this report needs to be forwarded to the 2016 April 11 Council meeting as an item of urgent business.

ADMINISTRATION RECOMMENDATION(S)

That the SPC on Community and Protective Services recommend that Council:

1. Give three readings to the proposed 2016 Special Tax Bylaw for Edgemont (Attachment); and
2. Receive this report as an item of urgent business at 2016 April 11 Council meeting.

PREVIOUS COUNCIL DIRECTION / POLICY

On 1996 February 26, Council approved FB96-04, Christie Estates Special Tax Bylaw Evaluation, a special tax process and procedure. Administration provides reports on special tax bylaws for various communities on an annual basis, with the most recent report, CPS2016-0199 receiving Council approval on 2016 March 14.

On 2016 March 14, Council passed the 2016 Special Tax Bylaw in Attachment 1 of CPS2016-0199, which imposed special taxes on all other communities in the program.

On 2016 March 14, Council received report CPS2016-0198, Calgary Parks Proposed Enhanced Maintenance Program Review, for information and directed Administration "to report back on the program review and future state options no later than Q1 2017.

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BACKGROUND

Special taxes, such as the LEAF Tax, are initiated by an organized community group such as a homeowners' or community association.

The MGA does not specify a citizen-engagement process for special taxes. However, in 1996, Council largely adopted for special taxes the petition process dictated for local improvements taxes under the MGA. This process allows Council to determine the level of support (or lack thereof) for any specific special tax. The main difference between the petition process for local improvements taxes and the petition process for special taxes is that the 60- and 30-day petition periods (for and against, respectively) under the MGA for local improvements taxes are extended to 120 days each for special taxes. This is due to the large number of properties typically associated with special taxes.

Following a request from a community group to establish an enhanced maintenance program, The City conducts an engagement process to establish the amount that will be required to fund the services requested by the group. The City then provides the group with a form of petition for the collection of signatures from property owners that will be liable to pay the tax.

When the group has gathered an excess of two-thirds of the signatures of the owners who will be liable to pay the tax, as is the case with local improvements taxes, the petition is formally filed for validation by The City's Roads business unit (Roads). Per the applicable sections of the MGA, signatures gathered more than 120 days prior to the filing of the petition are excluded from the total number of signatures counted in favour of the tax. In addition, in accordance with the MGA, where a property is owned by more than one owner, the owners are treated as one owner for the purposes of calculating the total number of valid signatures.

After a petition is validated, a notice is prepared and sent to the persons who will be liable to pay the special tax. Property owners opposing the tax then have 120 days to submit a counter-petition containing the signatures of two-thirds of the affected property owners. Under the MGA, Council may not proceed with a special tax where a valid petition opposing the tax has been filed.

Under the MGA, special taxes must be passed annually. As such, each year Roads mails notices to all the property owners in the affected communities to advise them of the proposed special tax, along with their right to petition against the special tax. Further, every five years, participating communities are required to re-evaluate their desire to continue in the program by holding a public meeting and community vote to confirm ongoing support for the tax levy. A 50 per cent plus one simple majority of the property owners in attendance is required to continue the tax.

The implementation of a special tax bylaw results in the collection of sufficient funds to operate enhanced boulevard and other green-space maintenance services and/or snow removal. A formal agreement is established between The City and the participating community which identifies the specific land involved, defines respective roles and responsibilities, and describes a set of maintenance guidelines.

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INVESTIGATION: ALTERNATIVES AND ANALYSIS

Edgemont property owners, led by the Edgemont Community Association, filed a petition in favour of the LEAF Tax that contained the signatures of 67.6% of the affected property owners. Roads staff reviewed and validated the signatures electronically and manually. As per Roads' standard practice, signatures gathered more than 120 days prior to filing were excluded and where a property was owned by more than one person, the owners were treated as one.

Subsequent to the validation of the petition in support of the LEAF Tax, a notice of assessment for the Bylaw was sent to Edgemont property owners and, as a result, a group of residents requested time to collect signatures for a counter-petition. The counter-petition was submitted five days after the applicable 120-day period had expired. The counter-petition contained 11.7% of the signatures of the property owners who would be liable to pay the LEAF Tax. As such, the counter-petition did not contain sufficient signatures (i.e. 66.67%), to prevent Council from proceeding with the special tax even if it had been filed on time.

Environmental sustainability and appropriate best horticultural practices are priorities for The City. The City is committed to managing all special tax levy processes and enhanced maintenance agreements in accordance with current open space management best practices. The City routinely engages tax levy communities regarding implementation of innovative and environmentally sustainable management practices.

Stakeholder Engagement, Research and Communication

Community homeowners are engaged through the initial survey required to establish the special tax levy. Residents receive annual written notification and have further opportunity to review the program prior to the five-year renewal vote as described in the Background section above. The City also liaises with tax levy communities throughout the year as required.

Strategic Alignment

This report aligns with the Council approved Action Plan 2015-2018: "Respond to the needs and aspirations of the citizens of Calgary". The report also aligns with the goals and objectives of the following documents:

- 2020 Sustainability Direction; and
- Calgary Open Space Plan.

Social, Environmental, Economic (External)

Social

Community based landscape maintenance programs enhance the liveability of neighbourhoods and encourage collaboration and community pride among residents.

Environmental

Landscape maintenance programs incorporate The City's best practices of urban forestry, water management, integrated pest and turf management to support biodiversity within Calgary's urban ecosystem.

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Economic (external)

High quality park space favourably impacts the image and economy of Calgary and is associated with indirect benefits including increased land values and tax revenues.

Financial Capacity

Current and Future Operating Budget:

Total revenue for the Edgemont 2016 Special Tax Bylaw, Program 445 Parks, is approximately \$447,804.

Current and Future Capital Budget:

No budget implications.

Risk Assessment

The agreements between The City and each community or homeowners association mitigate the associated risks to The City because the agreements clearly outline the respective rights and obligations of the parties, and contain indemnities from the associations in favour of The City.

Calgary Parks proposed enhanced maintenance program review (CPS2016-0198) will provide opportunities for engagement and discussions on potential mitigation strategies and will allow for a review of program principles.

REASON(S) FOR RECOMMENDATION(S):

In accordance with Section 382 of the Municipal Government Act (MGA), Council may pass a special tax bylaw to raise revenue for a specific service or purpose, including a boulevard tax and a recreational services tax.

ATTACHMENT

Proposed Wording for a 2016 Special Tax Bylaw for Edgemont in The City of Calgary