

Context

- The revised *Municipal Government Act* (2017) added a new purpose for municipalities: *to foster the well-being of the environment*. While this is certainly positive from an environmental perspective, from a municipal perspective, there is a need for further guidance on how it should be realized in policy and practice.
- The Miistakis Institute and the Environmental Law Centre have a drafted a white paper to inform and catalyze such a discussion amongst municipalities.

Goals this white paper is intended to support

- Clarify how the new purpose of Alberta municipalities – to foster the well-being of the environment – could or should be applied in practice.
- Avoid the emergence of multiple, potentially-conflicting, interpretations.
- Avoid significant adverse implications of misinterpretation, as this is not a new power, but a *new purpose* for municipalities.
- Effectively *enable* municipal governments, and to avoid adverse or punitive impacts for municipalities.

What this white paper provides

- A discussion paper, intended as a starting point to a much-needed conversation about municipalities and the new municipal purpose to foster well-being of the environment.
- The results of a considered review of this issue by two environmentally-focused, research-capable, non-government organizations who work extensively with municipalities in Alberta.

What the authors concluded

- While there was clearly an intent behind this phrasing, the literature offers little insight into clarifying the concept of “foster[ing] the well-being of the environment.”
- Increased clarity can come from understanding the three critical elements – *foster*, *well-being*, and *environment* – informed by definitions, common usage, and associated legislation.
- It is significant that ‘the well-being of the environment’ was codified as a municipal *purpose*.
- A common set of decision-making process characteristics should be clearly reflected in associated municipal policy or decision rationale: Due Consideration, ‘Two Roads’ Assessment, Proactive Approach, Measurement and Evaluation, and Liability Mitigation.

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- Integrating the process characteristics in policy and decisions would reinforce current municipal efforts, support regulatory alignment, enable innovation, and increase clarity and accountability.
- Implementation of the new purpose will need to be embedded in municipal governance and regulatory frameworks, including bylaws, plans, policies, strategies, and measurements, with tool choice dependent on the specific environmental application or media.
- Discrete decision-making could be informed by 'categories' based on the well-being of the environment bylaw powers in the Big City Charters.

What is needed next

- More work is now needed to clarify the specific environmental decision-making areas affected (or created) by this new purpose, and to offer pragmatic direction for municipalities with regard to implementation.
- That work prerequires a broader conversation amongst municipalities to come to some consensus, and to inform high-level policy direction from Alberta Municipal Affairs.
- Ultimately, Alberta Municipal Affairs will need to determine what policy clarification is needed.

About the Miistakis Institute and the Environmental Law Centre

From over two decades of work exploring the legal, scientific and governance dimensions of environmental conservation, both the Environmental Law Centre and the Miistakis Institute have come to focus increasingly on this municipal / environmental nexus. The two organizations have worked both independently and collaboratively in this area, undertaking practical, applied research that has been requested and used by several Alberta municipalities, as well as the provincial government. Both organizations have received many inquiries from Alberta municipalities regarding policy, legislation, tool development, program review, and related requests for assistance

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