



LEGEND

 Outlines the sections of the *Municipal Government Act* that apply to growth management boards.

 Provides an explanation of the regulation's contents.

***NEW REGULATION**

For Discussion Purposes Only

EDMONTON METROPOLITAN REGION BOARD REGULATION

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To clarify what is intended by these terms wherever they occur in the Regulation.

Definitions

1 In this Regulation,

- (a) “Act” means the *Municipal Government Act*;
- (b) “Board” means the Edmonton Metropolitan Region Board continued under section 2;
- (c) “Edmonton Metropolitan Region” means the lands lying within the boundaries of the participating municipalities;
- (d) “Framework” means the Regional Evaluation Framework, including any amendments to the Framework, approved by the Minister under section 13;
- (e) “Growth Plan” mean an integrated growth management plan for the Edmonton Metropolitan Region, including any amendments to that plan, approved by the Minister under section 708.1 of the Act;
- (f) “Minister” means the Minister responsible for the Act;
- (g) “municipal agreement” means an agreement entered into by a participating municipality;
- (h) “participating municipality” means a municipality listed in the Schedule;
- (i) “representative” means a person appointed by a participating municipality under section 708.04 of the Act or designated under section 2(4) of this Regulation.
- (j) “Servicing Plan” means a plan to provide services referred to in section 17 on a regional basis;
- (k) “statutory plan” means
 - (i) a statutory plan as defined in section 616(dd) of the Act, or
 - (ii) an amendment to a statutory plan referred to in subclause (i).

Part 1

Edmonton Metropolitan Region Board

The Capital Region Board's corporate structure will continue under this new regulation. The formation of a new corporation would have required significant resources.

Continuation of Board

2(1) In accordance with section 708.02(1.2) of the Act, the Capital Region Board is continued under the name of the Edmonton Metropolitan Region Board.

(2) Each participating municipality may appoint a person to act in the representative's place in the event of the representative's temporary absence or temporary inability to act.

(3) A representative appointed under section 708.04 of the Act and subsection (2) must be a councillor of the participating municipality that is appointing the representative.

(4) Until a participating municipality appoints a representative under section 708.04 of the Act, the chief elected official of the participating municipality is designated as that municipality's representative.

Provides the Board with the flexibility to allow representatives to participate in meetings via teleconference, video conference, etc.

(5) If the representative of a participating municipality is unable to attend a meeting of the Board, the Board, on the request of the participating municipality, may provide for an alternative method of representation for the participating municipality at that meeting.

(6) Representatives appointed under section 708.04 of the Act are expected to represent the perspectives of their respective municipality during Board deliberations, but have a duty to act in the best interests of the Board when taking actions or making decisions.

Mandate of Board

3(1) The Board shall

- (a) strive towards consensus regarding matters before the Board,
- (b) promote the long term sustainability of the Edmonton Metropolitan Region,
- (c) ensure environmentally responsible land-use planning, growth management and efficient use of land,
- (d) develop policies regarding the coordination of regional infrastructure investment and service delivery,

Representatives are encouraged to work together to act in the best interest of the region.

The Board is not required to deliver services. Instead, the Board is intended to focus on improving service delivery and infrastructure investment in the region.

- (e) promote the economic well-being and competitiveness of the Edmonton Metropolitan Region, and
- (f) develop policies outlining how the Board shall engage the public on the Growth Plan and the Servicing Plan.

The Board is intended to ensure effective and efficient regional collaboration and coordinated decision making in the Edmonton region.

(2) In fulfilling its mandate, the Board shall further

- (a) prepare a Growth Plan,
- (b) prepare a Servicing Plan,
- (c) advise and make recommendations to the Minister regarding the implementation of the Growth Plan and the Servicing Plan,
- (d) facilitate the resolution of issues arising from the preparation and implementation of the Growth Plan and the Servicing Plan, and
- (e) develop and implement policies for the sharing of costs for regional projects of the Edmonton Metropolitan Region.

In carrying out its functions, a Board must act in accordance with any applicable *Alberta Land Stewardship Act* plans.

Chair of Board

4(1) Representatives appointed under section 708.04 of the Act or designated by section 2(4) shall elect from among them a Chair of the Board.

(2) Despite subsection (1), the Minister may by order appoint an interim Chair of the Board.

(3) If the Minister appoints an interim Chair, the term of the Chair elected under subsection (1) commences on the day after the expiry of the term of the interim Chair.

(4) The interim Chair does not have voting rights.

(5) The representatives appointed under section 708.04 of the Act or designated by section 2(4) may appoint a Chair that is not a representative appointed under section 708.04 of the Act or designated by section 2(4) in accordance with policies established by the Board.

(6) A Chair appointed under section 4(5) does not have voting rights.

To provide greater flexibility, the Minister has the authority to appoint an interim Chair. Given the corporate structure of the Capital Region Board is continuing it is unlikely this provision would be used.

This section provides the Board with the flexibility to appoint a professional chair.

A decision of the Board requires the support of nine municipalities representing 2/3 of the region's population. The proposed voting model reflects a balance between the principles of representation by population and that of one municipality one vote.

Ensures the Board can make decisions in an effective and efficient manner by ensuring that lack of attendance does not impede Board operations.

Participation in regional activities is not limited to membership on the Growth Management Board. This section provides the Board with the flexibility to determine how it wants to engage with non-member communities (including Indigenous Communities).

The Government of Alberta will provide funding to support the Board's operations, but costs are intended to be shared to reflect the shared benefit of the Board.

Additional powers and duties of the Board are provided for in legislation. These powers relate to bylaw making authority, financial matters and Ministerial powers.

On receiving a proposed growth plan from a growth management board, the Minister may by order approve the plan or reject it. A growth plan takes effect on the date specified by the Minister

Voting rights of representatives

5(1) Subject to section 708.03(2) of the Act and section 4(4) and (6) of this Regulation, each representative has one vote.

(2) If a decision of the Board is to be made by a vote, the decision must be supported by not fewer than 2/3 of the representatives from participating municipalities that collectively have at least 2/3 of the population in the Edmonton Metropolitan Region.

(3) Subject to section 2(5), if a representative is not present for a vote of the Board, or abstains from voting, the representative is deemed to have voted in the affirmative.

Power and duties of Board

6 The Board may

- (a) develop policies allowing for the participation of non-members,
- (b) requisition participating municipalities for operating costs related to the operations of the Board and capital costs where authorized by the Board, and
- (c) carry out any other functions and duties as the Minister directs.

Part 2 Preparation of Growth Plan

Preparation of Edmonton Metropolitan Region Growth Plan

7(1) The Board shall, within 3 years from the coming into force of this Regulation, prepare and submit to the Minister a proposed Edmonton Metropolitan Region Growth Plan.

The Growth Plan is a forward looking document that provides a framework for land-use planning in the region, and guidance on how the region will grow in a responsible and sustainable manner.

(2) The Board shall review the Growth Plan every 10 years, or earlier as determined by the Board, unless otherwise ordered by the Minister under section 708.24(2) of the Act.

The Growth Plan will result in responsible growth and sustainable development that will benefit current and future generations.

Objectives of Growth Plan

8 The objectives of the Growth Plan are

- (a) to promote an integrated and strategic approach to planning for future growth in the Edmonton Metropolitan Region,
- (b) to identify the overall development pattern and key future infrastructure investments that would
 - (i) best complement existing infrastructure, services and land uses in the Edmonton Metropolitan Region,
 - (ii) best complement the desired scale of development and community visions across the Edmonton Metropolitan Region,
 - (iii) best address efficient and cost effective growth and development, and
 - (iv) maximize benefits to the Edmonton Metropolitan Region,
- (c) to coordinate decisions in the Edmonton Metropolitan Region to sustain economic growth and ensure strong communities and a healthy environment, and
- (d) to promote the social, environmental and economic wellbeing and competitiveness of the Edmonton Metropolitan Region.

Contents of Growth Plan

9(1) Except as otherwise specified by the Minister, a proposed Growth Plan must contain the following:

- (a) a comprehensive, integrated regional land-use plan for the Edmonton Metropolitan Region that includes the following:
 - (i) population and employment projections;

- (ii) the identification of
 - (A) growth areas,
 - (B) land supply for residential, commercial and industrial purposes,
 - (C) agricultural lands,
 - (D) density of development,
 - (E) the development and location of infrastructure, and
 - (F) corridors for recreation, transportation, energy transmission, utilities and intermunicipal transit;
- (iii) policies regarding the planning for corridors for recreation, transportation, energy transmission, utilities and intermunicipal transit;
- (iv) policies regarding environmentally sensitive areas;
- (v) policies regarding the coordination of infrastructure planning and development among the participating municipalities;
- (vi) policies that address new settlement areas;
- (vii) policies that address the intensification of existing settlement areas;
- (viii) policies regarding the conservation of agricultural lands;
- (ix) specific actions to be taken by the participating municipalities to implement the Growth Plan.

(2) In preparing a proposed Growth Plan, the Board may also have regard to any matter relating to the physical, social or economic development of the Edmonton Metropolitan Region.

Part 3

Effect of Edmonton Metropolitan Region Growth Plan

Application of Part

10 This Part applies only after the Growth Plan takes effect.

Municipalities must not take actions that conflict with or are inconsistent with the growth plan. If a municipality does so, the Board can order the municipality to stop as the growth plan prevails over municipal statutory plans.

The Government of Alberta will work directly with the Board to increase alignment in policy development. However, the Growth Plan adopted by the Board is not binding upon the Government of Alberta.

Participating municipalities must amend statutory plans, bylaws, and municipal agreements (where possible) to conform with the growth plan. Without the Board's approval, the statutory plan, or bylaw is deemed to be invalid.

A Regional Evaluation Framework is used to evaluate municipal plans to ensure they align with the vision and objectives of the Growth Plan.

Statutory plans that are approved prior to this regulation's enactment remain in full force and effect.

Limitation of Plan

11 Despite anything to the contrary in this Regulation, the Growth Plan is of no effect to the extent it directs the Government of Alberta to expend funds, to commit to funding arrangements or to undertake particular actions or adopt particular policies or programs.

Part 4 Approval of Statutory Plans

Application of Part

12 This Part applies to a statutory plan only after a Regional Evaluation Framework is approved by the Minister under section 13.

Regional Evaluation Framework

13(1) The Edmonton Metropolitan Region Board shall prepare and submit to the Minister a Regional Evaluation Framework containing

- (a) criteria to be used to determine whether a statutory plan must be submitted for approval under section 14(1),
- (b) procedures for submitting statutory plans for approval under section 14(1), and
- (c) the criteria and procedures to be followed by the Board for the objective evaluation and approval of statutory plans in relation to the Growth Plan and the Servicing Plan.

(2) The Minister may, by order, approve, reject or amend a Framework.

(3) A framework has no effect until it is approved by the Minister.

(4) If the Board fails to provide a Framework, the Minister may, by order, establish a Framework.

(5) Subject to subsections (3) and (4), if the Minister establishes or approves a Framework, the Minister shall provide a copy of it to each participating municipality.

(6) The Framework is not a regulation within the meaning of the *Regulations Act*.

Approval of statutory plan

Municipalities are required to submit plans to the Board for approval to ensure consistent planning across the region.

14(1) Statutory plans to be adopted by a participating municipality that meet the criteria set out in the Framework must be submitted to the Board for approval.

(2) In accordance with the Framework, the Board may approve or reject a statutory plan.

(3) A statutory plan referred to in subsection (1) has no effect unless it is approved by the Board under subsection (2).

(4) Subject to an appeal or dispute resolution mechanism established under section 708.23(1) of the Act or as otherwise provided in the Framework, a participating municipality has no right to a hearing before the Board in respect of its approval or rejection of a statutory plan.

(5) Subject to section 708.23(1) of the Act, a decision of the Board under this section is final and not subject to appeal.

(6) This section applies only to statutory plans to be adopted by a participating municipality after the establishment of the Framework.

A growth management board must at its inception establish by bylaw an appeal mechanism or dispute resolution mechanism, or both, for the purposes of resolving disputes arising from actions taken or decisions made by the Board.

Part 5 Preparation of Edmonton Metropolitan Region Servicing Plan

Growth in the Edmonton region continues to generate increased demands for services and infrastructure. The Board will address these demands by coordinating service delivery in the region through the development of a Servicing Plan.

Servicing Plan

15(1) The Board shall, within 2 years from the coming into force of this Regulation, prepare a Metropolitan Region Servicing Plan for the Edmonton Metropolitan Region and file a copy with the Minister.

(2) The Board shall review the Servicing Plan every 5 years.

The Servicing Plan is intended to ensure the Board has considered servicing requirements for growth and that service delivery needs are addressed in the region.

Objectives of Servicing Plan

16 The objectives of the Servicing Plan are as follows:

- (a) to identify the services required to support the goals of, and to implement, the Growth Plan;
- (b) to support the optimization of shared services to enhance use of ratepayer dollars;
- (c) to facilitate orderly, economical and environmentally responsible growth in the Edmonton Metropolitan Region;

- (d) to coordinate planning and decisions regarding services among member municipalities to ensure the optimization of rate payer dollars.

The contents of a Servicing Plan are consistent with the requirements of Intermunicipal Collaboration Frameworks across the province.

Contents of Servicing Plan

17 The Servicing Plan must

- (a) list the servicing required to support the development outlined in the Growth Plan, which may include
 - (i) transportation, including regional transit,
 - (ii) water, waste water, and storm water,
 - (iii) solid waste,
 - (iv) emergency services, and
 - (v) any other services, identified by the board which benefit residents in more than one of the municipalities that are parties to the Servicing Plan,
- (b) for services to be provided on an intermunicipal basis, outline how each service will be
 - (i) intermunicipally delivered, including which municipality will lead delivery of the service, and
 - (ii) intermunicipally funded,
- (c) set the timeframe for implementing services to be provided on an intermunicipal basis,
- (d) contain other matters necessary to support the Growth Plan, and
- (e) contain any other matter the Minister considers appropriate.

Growth Management Boards are exempt from Intermunicipal Collaboration Frameworks to the extent to which mandatory contents of Intermunicipal Collaboration Frameworks are addressed by the Board.

Servicing is expected to be done in the most regionally effective and efficient manner.

Part 6 General Matters

To ensure the regulation remains current and reflective of the region, the regulation will be reviewed every 5 years.

Regulation review

18 This Regulation shall be reviewed every 5 years.

Participating municipalities must provide the growth management board with information that the Board requires. If a municipality does not provide the requested information, they may be subject to a fine of not more than \$10,000. This does not apply to information that is subject to any type of legal privilege.

– 11 –

Repeal

19 The *Capital Region Board Regulation (AR 38/2012)* is repealed.

Coming into force

20 This Regulation comes into force on _____.

Schedule Participating Municipalities

Membership is designed to ensure the Board is of manageable size – focused enough to ensure decisions are made in a timely fashion and large enough to achieve tangible outcomes.

- (a) City of Edmonton;
- (b) Town of Beaumont;
- (c) Town of Devon;
- (d) City of Fort Saskatchewan;
- (e) City of Leduc;
- (f) Leduc County;
- (g) Town of Morinville;
- (h) Parkland County;
- (i) City of St. Albert;
- (j) City of Spruce Grove;
- (k) Town of Stony Plain;
- (l) Strathcona County;
- (m) Sturgeon County.

Legislation Appendix

Compliance with ALSA Regional Plans

708.06 In carrying out its functions and in exercising its jurisdiction under this Part and other enactments, a growth management board must act in accordance with any applicable ALSA regional plans.

Conflict with ALSA Regional Plans

708.15 In the event of a conflict or inconsistency between a growth plan and an ALSA regional plan, the ALSA regional plan prevails to the extent of the conflict or inconsistency.

**For more information regarding ALSA please visit
<https://landuse.alberta.ca/Governance/ALSA/Pages/default.aspx>

Powers and Duties of Growth Management Boards

708.05(1) Except as provided for in the regulations under subsection (3), Divisions 3 and 4 of Part 15.1 and any regulations made under those Divisions apply with any necessary modifications in respect of a growth management board as if it were a regional services commission.

(2) Except as provided for in the regulations under subsection (3), Divisions 3 and 4 of Part 15.1 and any regulations made under those Divisions apply with any necessary modifications in respect of the representatives on a growth management board as if those representatives were directors of a regional services commission.

(3) The Minister may make regulations modifying any provision of Division 3 or 4 of Part 15.1 for the purpose of applying the provision to a growth management board or to the representatives on a growth management board.

Delegation

708.07(1) Subject to subsection (2), a growth management board may delegate any of its powers, duties or functions under this Part or any other enactment to a committee, official or employee of the growth management board.

- (2)** A growth management board may not delegate
- (a) the power to make bylaws;
 - (b) the power to borrow money;
 - (c) the power to adopt budgets;
 - (d) the power to approve financial statements;
 - (e) the power to appoint an auditor;
 - (f) the power to recommend the approval of a growth plan.

Bylaws

708.08(1) A growth management board may make bylaws respecting its conduct and affairs, including, without limitation, rules and procedures for dealing with matters before the growth management board.

(2) Unless the Minister directs otherwise, a bylaw made under subsection (1) does not come into force until it has been approved by the Minister.

(3) The Regulations Act does not apply to a bylaw made under subsection (1).

Actions must conform with growth plan

708.12(1) Despite any other enactment, no participating municipality shall take any of the following actions that conflict or are inconsistent with a growth plan:

- (a) undertake a public work, improvement, structure or other thing;
- (b) adopt a statutory plan;
- (c) make a bylaw or pass a resolution;

(d) enter into a municipal agreement.

(2) If a growth management board finds that a participating municipality has taken an action described in subsection (1)(a) that conflicts or is inconsistent with a growth plan, the growth management board may, by written notice to the participating municipality, order the participating municipality to stop the action within the time set out in the notice.

(3) If a participating municipality fails or refuses to comply with a notice under subsection (2), the growth management board may apply to the Court of Queen's Bench for an injunction or other order.

(4) The Court of Queen's Bench may grant or refuse the injunction or other order or may make any order that in the opinion of the Court is just in the circumstances.

Plan Prevails

Despite any other enactment, but subject to this regulation, a growth plan prevails in the event of a conflict or inconsistency between the growth plan and a statutory plan, bylaw, resolution or municipal agreement of a participating municipality.

Conformity with growth plan

708.14(1) The council of a participating municipality must amend every statutory plan and bylaw as necessary to conform with a growth plan no later than the date specified by the growth management board.

(2) If the council of a participating municipality fails to amend a statutory plan or bylaw in accordance with subsection (1), the statutory plan or bylaw is deemed to be invalid to the extent that it conflicts or is inconsistent with a growth plan.

(3) The Minister may, in respect of a municipal agreement entered into by a participating municipality that conflicts or is inconsistent with a growth plan, require the council of the participating municipality, to the extent possible under the terms of the municipal agreement,

- (a) to amend the municipal agreement so that it conforms to the growth plan, or
- (b) to terminate the municipal agreement.

(4) If the council of a participating municipality fails to amend or terminate a municipal agreement when required to do so by the Minister under subsection (3), the municipal agreement is deemed to be invalid to the extent that it conflicts or is inconsistent with the growth plan.

(5) Except as otherwise provided in the regulation establishing the growth management board of which the participating municipality is a member, section 708.13 and this section apply to statutory plans adopted, bylaws made, resolutions passed and municipal agreements entered into before or after the coming into force of that regulation.

General Matters

Matters before the Municipal Government Board

708.18(1) If

- (a) a matter relating to land within a growth region is appealed to the Municipal Government Board, or
- (b) the Municipal Government Board is considering an application for an annexation of land involving 2 or more participating municipalities, the Minister may by order direct the Municipal Government Board to defer its consideration of the matter or application.

(2) When the Minister makes an order under subsection (1), all steps in the appeal or application, as the case may be, are stayed as of the date of the order until the Minister

gives notice to the Municipal Government Board that the appeal or application may be continued.

(3) This section applies to an appeal or application commenced after the coming into force of the regulation establishing the growth management board (a) in respect of which the land referred to in subsection (1)(a) is part of the growth region, or (b) of which the participating municipalities referred to in subsection (1)(b) are members.

Limitation of actions

708.19 No cause of action arises as a result of

- (a) the enactment of this Part,
- (b) the making of a regulation, bylaw or order under this Part, or
- (c) anything done or omitted to be done in accordance with this Part or a regulation, bylaw or order made under this Part.

No remedy

708.2 No costs, compensation or damages are owing or payable to any person, and no remedy, including in contract, restitution or trust, is available to any person in connection with anything referred to in section 708.19.

Proceedings barred

708.21 No proceedings, including any proceedings in contract, restitution or trust, that are based on anything referred to in section 708.19, may be brought or maintained against any person.

No expropriation or injurious affection

708.22 Nothing done or omitted to be done in accordance with this Part or a regulation, bylaw or order made under this Part constitutes an expropriation or injurious affection for the purposes of the *Expropriation Act* or otherwise.

Ministerial orders

708.24(1) In addition to any other orders that the Minister may make under this Part, the Minister may make any one or more of the following orders:

- (a) an order providing for transitional matters related to the coming into force of this Part;
- (b) an order respecting the requisition of operating and capital costs of a growth management board;
- (c) subject to the regulations, an order respecting the management, duties and functions of a growth management board;
- (d) an order respecting the records to be kept by a growth management board and the manner in which they are to be kept and respecting which reports are to be submitted to the Minister;
- (e) an order providing for any other matter that the Minister considers necessary for carrying out the purposes of this Part.

(2) In addition to the orders the Minister may make under subsection (1), the Minister may by order take any action that a growth management board may or must take under this Part or a regulation under this Part.

(3) If there is a conflict or inconsistency between an order made by the Minister under subsection (2) and an action taken by a growth management board, the Minister's order prevails to the extent of the conflict or inconsistency.

(4) The *Regulations Act* does not apply to an order made under subsection (1)(c) or (d) or (2).

Transitional

708.25(1) The *Capital Region Board Regulation* (AR 38/2012), in addition to being declared valid under section 603.1, is deemed, on the coming into force of this section, to have been made under this Part.

(2) If there is a conflict or inconsistency between a provision of the *Capital Region Board Regulation* (AR 38/2012) as it read on the date of the coming into force of this section and a provision of this Part, the *Capital Region Board Regulation* (AR 38/2012) prevails to the extent of the conflict or inconsistency.

(3) For greater certainty but without limiting the generality of subsection (2), sections 708.011, 708.02(1) and 708.23 do not apply to the *Capital Region Board Regulation* (AR 38/2012).