



Province of Alberta

MUNICIPAL GOVERNMENT ACT

CAPITAL REGION BOARD REGULATION

Alberta Regulation 38/2012

With amendments up to and including Alberta Regulation 39/2015

Office Consolidation

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Alberta Queen's Printer
7th Floor, Park Plaza
10611 - 98 Avenue
Edmonton, AB T5K 2P7
Phone: 780-427-4952
Fax: 780-452-0668

E-mail: qp@gov.ab.ca
Shop on-line at www.qp.alberta.ca

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(Consolidated up to 39/2015)

ALBERTA REGULATION 38/2012

Municipal Government Act

CAPITAL REGION BOARD REGULATION

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Schedule

Definitions

1 In this Regulation,

- (a) “Act” means the *Municipal Government Act*;
- (b) “Capital Region” means the lands lying within the boundaries of the participating municipalities;
- (c) “Capital Region Board” means the Capital Region Board established by section 2;
- (d) “Capital Region Growth Plan” means an integrated growth management plan for the Capital Region, including any amendments to that plan, approved by the Minister under section 13;
- (e) “Framework” means the Regional Evaluation Framework, including any amendments to the Framework, established by the Minister under section 21;
- (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 representative on the Capital Region Board;
- (j) “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

Capital Region Board

Establishment of Board

2(1) The Capital Region Board is established.

(2) The Capital Region Board is a corporation consisting of

- (a) the participating municipalities, as represented by the persons appointed by the participating municipalities under subsection (3) or designated by subsection (5),
- (b) the persons appointed by the Lieutenant Governor in Council under subsection (7), and
- (c) if applicable, the interim chair appointed under section 4(2).

(3) Each participating municipality shall appoint

- (a) a person to represent the participating municipality on the Capital Region Board, and
- (b) a person to act in the representative's place in the event of the representative's temporary absence or temporary inability to act.

(4) A representative appointed under subsection (3) must be a councillor of the participating municipality that appointed that representative.

(5) Until a participating municipality appoints a representative under subsection (3), the chief elected official of the participating municipality is designated as that municipality's representative.

(6) If the representative of a participating municipality that is a town or village is unable to attend a meeting of the Capital Region Board, the Capital Region Board, on the request of the participating municipality, shall provide for an alternative method of representation for the participating municipality at that meeting.

(7) The Lieutenant Governor in Council may appoint one or more persons to represent the Government of Alberta on the Capital Region Board, but those persons do not have voting rights.

Mandate of Board**3** The Capital Region Board shall

- (a) prepare a proposed Capital Region Growth Plan in accordance with Part 2,
- (b) advise and make recommendations to the Minister regarding the preparation and implementation of the Capital Region Growth Plan,
- (c) facilitate the resolution of issues arising from the preparation and implementation of the Capital Region Growth Plan,
- (d) implement policies for the sharing of costs among the participating municipalities for regional projects of the Capital Region, and
- (e) carry out any other functions and duties as the Minister directs.

Chair of Board

4(1) The representatives appointed under section 2(3) or designated by section 2(5) shall elect from among themselves a chair of the Capital Region Board, whose term expires on the date the chair's current term as a councillor expires.

(2) Despite subsection (1), the Minister may by order appoint an interim chair of the Capital Region Board for a term specified by the Minister.

(3) If the Minister appoints an interim chair, the term of the chair elected under subsection (1) commences on the day after the day the interim chair's term expires.

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

Voting rights of representatives

5(1) Subject to sections 2(7) and 4(4), each representative has one vote.

(2) If a decision of the Capital Region Board is to be made by a vote, the decision must be supported by not fewer than 17 representatives from participating municipalities that collectively have at least 75% of the population in the Capital Region.

(3) Subject to section 2(6), if a representative is not present when a vote of the Capital Region Board is taken, or abstains from voting, the representative is deemed to have voted in the affirmative.

Powers and duties of Board

6 Section 602.08 of the Act applies with any necessary modifications in respect of the Capital Region Board as if it were a regional services commission.

AR 38/2012 s6;39/2015

7 to 9 Repealed AR 39/2015 s3.

Part 2 Preparation of Capital Region Growth Plan

Preparation of Plan

10 The Capital Region Board shall, within the time and in the form and manner specified by the Minister, prepare and submit to the Minister a proposed Capital Region Growth Plan.

Objectives of Plan

11 The objectives of the Capital Region Growth Plan are

- (a) to promote an integrated and strategic approach to planning for future growth in the Capital 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 Capital Region, and
 - (ii) maximize benefits to the Capital Region;
- (c) to co-ordinate decisions in the Capital Region to sustain economic growth and ensure strong communities and a healthy environment.

Contents of Plan

12(1) Except as otherwise specified by the Minister, a proposed Capital Region Growth Plan must contain the following:

- (a) a comprehensive, integrated regional land use plan for the Capital Region that includes the following:
 - (i) population and employment projections;
 - (ii) the identification of
 - (A) priority growth areas,

- (B) land supply for residential, commercial and industrial purposes,
- (C) agricultural lands,
- (D) buffer areas,
- (E) density of development, and
- (F) the development and location of infrastructure;
- (iii) the identification of corridors for recreation, transportation, utilities and intermunicipal transit;
- (iv) policies regarding environmentally sensitive areas;
- (v) policies for the co-ordination of planning and development among the participating municipalities;
- (vi) specific actions to be taken by the participating municipalities to implement the land use plan;
- (b) a regional intermunicipal transit network plan for the Capital Region that includes the following:
 - (i) the decision-making process to approve the regional intermunicipal transit network;
 - (ii) procedures for implementing the delivery of regional intermunicipal transit services;
 - (iii) provision for special transit services for persons with disabilities;
 - (iv) methods for reviewing and monitoring the regional intermunicipal transit network plan;
- (c) a plan to co-ordinate geographic information services for the Capital Region that includes the following:
 - (i) the protocols and the methods for collecting, storing and accessing data;
 - (ii) the protocols and the methods for compiling and analyzing information;
 - (iii) standardized terminology and standards for mapping capabilities for the participating municipalities;
- (d) a plan regarding social and market affordable housing requirements for the Capital Region that includes recommendations with respect to the following:

- (i) the general location of social housing;
- (ii) options to increase market affordable housing.

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

13 and 14 Repealed AR 39/2015 s3.

Part 3

Effect of Capital Region Growth Plan

Application of Part

15 This Part applies only after the Capital Region Growth Plan takes effect.

Limitation of Plan

16 Despite anything to the contrary in this Regulation, the Capital Region 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.

17 and 18 Repealed AR 39/2015 s3.

Conformity with Plan

19(1) The council of a participating municipality shall amend every statutory plan and bylaw as necessary to conform with the Capital Region Growth Plan no later than the date specified by the Minister.

(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 with the Capital Region Growth Plan.

(3) The Minister may, in respect of a municipal agreement entered into by a participating municipality that conflicts with the Capital Region 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 Capital Region 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 with the Capital Region Growth Plan.

(5) This section applies only to statutory plans adopted, bylaws made and municipal agreements entered into after April 15, 2008.

Part 4

Approval of Statutory Plans

Application of Part

20 This Part applies to statutory plans only after a Regional Evaluation Framework is established by the Minister under section 21.

Regional Evaluation Framework

21(1) The Minister may by order establish a Regional Evaluation Framework containing

- (a) criteria to be used to determine whether a statutory plan must be submitted for approval under section 22(1),
- (b) procedures for submitting statutory plans for approval under section 22(1), and
- (c) the criteria and procedures to be followed by the Capital Region Board in evaluating and approving statutory plans.

(2) If the Minister establishes a Framework, the Minister shall provide a copy of it to each participating municipality.

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

Approval of statutory plans

22(1) Statutory plans to be adopted by a participating municipality that meet the criteria set out in the Framework must be submitted to the Capital Region Board for approval.

(2) The Capital Region Board may, in accordance with the Framework, approve or reject a statutory plan.

- (3) A statutory plan referred to in subsection (1) has no effect unless it is approved by the Capital Region Board under subsection (2).
- (4) Except as provided in the Framework, a participating municipality has no right to a hearing before the Capital Region Board in respect of its approval or rejection of a statutory plan.
- (5) A decision of the Capital Region 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.

Part 5

General Matters

Effect of Regulation on existing statutory plans

23 For greater certainty, except as provided in Parts 3 and 4 of this Regulation and Part 17 of the Act, all statutory plans of a participating municipality that were in effect on April 15, 2008 and have not been repealed before the coming into force of this Regulation remain in full force and effect.

Information must be provided

- 24(1)** A participating municipality must, when required in writing by the Capital Region Board to do so, provide the Capital Region Board with information about the participating municipality that the Capital Region Board requires.
- (2) A participating municipality that contravenes subsection (1) is guilty of an offence and liable to a fine of not more than \$10 000.
- (3) This section does not apply to information acquired by a participating municipality that is subject to any type of legal privilege, including solicitor-client privilege.

AR 38/2012 s24;SA 2013 c17 s12

Dispute resolution

25(1) A participating municipality may make a complaint in writing to the Capital Region Board if the participating municipality is of the view that there has been a breach of process, improper administration or discriminatory treatment by the Capital Region Board.

- (2) On receipt of a complaint under subsection (1), the Capital Region Board shall attempt to resolve the complaint informally with the participating municipality.
- (3) If a complaint cannot be resolved under subsection (2), the Capital Region Board may refer the matter to mediation.
- (4) If the parties are not able to resolve the matter through mediation, the Capital Region Board may refer the matter to arbitration under the *Arbitration Act*.

Matters before the Municipal Government Board

26(1) If under the Act

- (a) a matter relating to land within the Capital Region is appealed to the Municipal Government Board, or
- (b) the Municipal Government Board is considering an application for an annexation involving 2 or more participating municipalities,

the Minister may by order direct the Municipal Government Board to defer its consideration of the matter.

(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 April 15, 2008.

Limitation of actions

27 No cause of action arises as a result of

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

No remedy

28 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 27.

Proceedings barred

29 No proceedings, including any proceedings in contract, restitution or trust, that are based on anything referred to in section 27 may be brought or maintained against any person.

30 Repealed AR 39/2015 s3.

Regulation prevails

31 In the event of a conflict between this Regulation and any other enactment, other than the Act, this Regulation prevails.

Ministerial orders

32(1) In addition to any other orders the Minister may make under this Regulation, 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 Regulation;
- (b) an order respecting the requisition of operating and capital costs of the Capital Region Board;
- (c) an order respecting the management, duties and functions of the Capital Region Board;
- (d) an order respecting the records to be kept by the Capital Region 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 Regulation.

(2) In addition to the orders the Minister may make under subsection (1), the Minister may by order take any action that the Capital Region Board may or must take under this Regulation.

(3) If there is a conflict between an order made by the Minister under subsection (2) and an action taken by the Capital Region Board, the Minister's order prevails.

(4) The *Regulations Act* does not apply to an order made under this Regulation.

Expiry

33 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on November 30, 2018.

AR 38/2012 s33;SA 2013 c17 s12

Coming into force

34 This Regulation comes into force on April 1, 2012.

Schedule**Participating Municipalities**

- (a) Town of Beaumont;
- (b) Town of Bon Accord;
- (c) Town of Bruderheim;
- (d) Town of Calmar;
- (e) Town of Devon;
- (f) City of Edmonton;
- (g) City of Fort Saskatchewan;
- (h) Town of Gibbons;
- (i) Lamont County;
- (j) Town of Lamont;
- (k) City of Leduc;
- (l) Leduc County;
- (m) Town of Legal;
- (n) Town of Morinville;
- (o) Parkland County;
- (p) Town of Redwater;
- (q) City of St. Albert;
- (r) City of Spruce Grove;
- (s) Town of Stony Plain;

- (t) Strathcona County;
- (u) Sturgeon County;
- (v) Village of Thorsby;
- (w) Village of Wabamun;
- (x) Village of Warburg.



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