

Growth Management Boards

REGULATION DISCUSSION GUIDE

*Calgary and Edmonton
Metropolitan Regions*

Alberta  Municipal Affairs

INTRODUCTION

The *Municipal Government Act (MGA)* provides the legislative framework within which municipalities operate. First introduced in 1967 as a consolidation of various enactments, the *MGA* was recently reviewed to ensure this framework continues to meet the changing needs of Albertans and Alberta's communities.

Following extensive consultation, the *Modernized Municipal Government Act (Bill 21)* was introduced in the Legislature in the spring of 2016. A key focus of Bill 21 is on working together, growing together and making Alberta better together and, as such, the Bill includes several important developments with respect to intermunicipal collaboration. Among them is the creation of mandatory Growth Management Boards for the Calgary and Edmonton metropolitan regions.

The province recognizes that ongoing growth in these major metropolitan regions will continue to generate increased demand for services and infrastructure, pressures on the natural and built environments, and opportunities for economic prosperity. The Growth Management Boards will play a critical role in addressing all of these matters, ensuring regional collaboration and coordinated decision-making towards the shared outcomes that benefit Albertans.

LEGISLATIVE FRAMEWORK

The *MGA* currently contains provisions allowing for the voluntary establishment of growth management boards via provincial regulation. As per Bill 21, the province also intends to legislatively require the creation of Growth Management Boards via regulation in the Calgary and Edmonton metropolitan regions.

708.011 The purposes of this Part are

(a) subject to clause (b), to enable 2 or more municipalities to initiate, on a voluntary basis, the establishment of a growth management board, and

(b) to establish growth management boards for the Edmonton and Calgary regions to provide for integrated and strategic planning for future growth in municipalities.

708.02(1) The Lieutenant Governor in Council, on the recommendation of the Minister on the request of 2 or more municipalities, may establish a growth management board in respect of those municipalities by regulation.

(1.1) Despite subsection (1), the Lieutenant Governor in Council must by regulation establish a growth management board for both the Edmonton region and the Calgary region and determine the membership of each of those boards.

(1.2) For the purposes of subsection (1.1), the growth management board established under the Capital Region Board Regulation (AR 38/2012) is deemed to be a growth management board for the Edmonton region.

The regulation must set out the name of the board, identify member municipalities, specify the land that is contained within the growth region (i.e. all or part of the land contained within the member municipalities) and include the requirement to develop a growth plan and address regional servicing as per below.

In addition, the regulation may appoint board members and a chair, outline voting rights, and specify the mandate and associated responsibilities of the Growth Management Board.

*Section 708.02(2) The regulation establishing a growth management board **must***

- (a) specify the name of the growth management board,*
- (b) designate the municipalities that are members of the growth management board,*
- (c) designate all or part of the land lying within the boundaries of the participating municipalities as the growth region for the growth management board.*
- (d) require the growth management board to prepare a growth plan for the growth region,*
- (e) specify the objectives of the growth plan,*
- (f) specify the contents of the growth plan,*
- (g) specify the timelines for completing the growth plan,*
- (h) specify the form of the growth plan,*
- (i) specify the desired effect of the growth plan,*
- (j) specify regional services and the funding of those services, and*
- (k) specify the process for establishing or amending the growth plan.*

*Section 708.02(3) The regulation establishing a growth management board **may** deal with one or more of the following matters:*

- (a) the appointment of persons to represent the participating municipalities;*
- (b) the appointment of the chair of the growth management board, including, if necessary, the appointment of an interim chair;*
- (c) the voting rights of the participating municipalities;*
- (d) the mandate of the growth management board;*
- (e) subject to this Part, the powers, duties and functions of*
 - (i) the growth management board, and*
 - (ii) the representatives on the growth management board.*

PURPOSE OF DISCUSSION GUIDE

This discussion guide is intended to help facilitate focused discussion on Growth Management Boards that will aid in the development of a draft regulation for government's consideration. Stakeholder feedback is critical to ensuring that the regulation accomplishes the intended objectives of the province and is reflective of the local challenges and opportunities at play in the metropolitan region.

MANDATE

Growth Management Boards (GMBs) are intended to ensure effective and efficient regional collaboration and coordinated decision-making in the province’s major metropolitan regions. To achieve this end, it is proposed that the Boards be mandated to:

- Promote the long-term sustainability of the region;
- Ensure environmentally responsible land use planning, growth management and efficient use of land;
- Coordinate investment in infrastructure and service delivery;
- Ensure the coordination of core regional servicing and other services deemed necessary by members;
- Promote the economic well-being and competitiveness of the region;
- Share and coordinate information within the region, including geospatial information services.

Q1: Are these roles and responsibilities clear or do they require further definition?

Q2. Are there other roles and responsibilities that should be assigned to the Growth Management Board in the interest of the region?

ROLES AND RESPONSIBILITIES

In fulfilling its mandate, it is further proposed that the Growth Management Board:

- prepare a proposed long term Metropolitan Region Growth Plan
- prepare a five-year Metropolitan Servicing Plan for the Metropolitan Region
- advise and make recommendations to the Minister regarding the preparation and implementation of the Metropolitan Region Growth Plan
- facilitate the resolution of issues arising from the preparation and implementation of the Metropolitan Region Growth Plan
- develop and implement policies for the sharing of costs and coordinate investment in infrastructure, core regional servicing and other service delivery amongst the participating municipalities for regional projects of the metropolitan region
- share and coordinate information within the region, including geospatial information services, and
- carry out any other functions and duties as the Minister directs.

These proposed roles and responsibilities support the intent of the province and is consistent with proposed Intermunicipal Collaboration Frameworks required across the province.

PREPARATION OF A GROWTH PLAN

It is proposed that the Growth Management Board prepare a Metropolitan Region Growth Plan within two years of establishment. This plan would be submitted to the Minister of Municipal Affairs for approval.

Consistent with the proposed mandate above, the Metropolitan Region Growth Plan may be used to promote an integrated and strategic approach to planning for future growth in the metropolitan region. In doing so, it would be expected to identify the overall development pattern and key future infrastructure investments that would best complement existing infrastructure, services and land uses in the metropolitan region. As it will be used to guide coordinated decisions in the region, it is critical that the contents of the plan be as tangible and well-informed as possible.

As such, a proposed Metropolitan Region Growth Plan could contain the following:

- a comprehensive, integrated regional land use plan for the metropolitan region that includes:
 - population and employment projections;
 - the identification of priority growth areas and targeted density of development;
 - The identification of agricultural lands and land supply for residential, commercial and industrial purposes;
 - the identification of the development and location of infrastructure;
 - the identification of corridors for recreation, transportation, utilities and intermunicipal transit;
 - policies regarding environmentally sensitive areas;
 - policies for the coordination of planning and development among the participating municipalities;
 - specific actions to be taken by the participating municipalities to implement the land use plan.

- a regional intermunicipal transit network plan for the metropolitan region that includes:
 - the decision making process to approve the regional intermunicipal transit network;
 - procedures for implementing the delivery of regional intermunicipal transit services;
 - provision for special transit services for persons with disabilities;
 - methods for reviewing and monitoring the regional intermunicipal transit network plan;

Q3. Given the objectives of a growth plan, what should the plan contain?

Q4. What timelines are reasonable for the preparation of the growth plan?

In addition, based on the experiences in both metropolitan regions to date, it may also be useful to require a plan to coordinate geographic information services for the metropolitan region. This plan could address such matters as the collection, storage and accessibility of data; methods for compiling and evaluating information; and standards for mapping capabilities for the participating municipalities.

Finally, as the growth plan is intended to be long-term in nature, offering opportunities to set strategic direction for the region, it may also be used to address other matters. Among them are economic development and affordable housing (i.e. location of social and market housing for maximum benefit).

PREPARATION OF A METROPOLITAN SERVICING PLAN

To complement the long-term growth plan, it is further proposed that the Growth Management Board, within three years of the establishment of the board, prepare and submit to the Minister a proposed five year Metropolitan Development/Servicing Plan for the Metropolitan Region.

The objective of this is similar to the growth plan in terms of integrated planning and implementation to promote environmentally responsible growth in the interest of citizens, but includes emphasis on sustainable funding of key services and efficient use of taxpayer dollars.

The plan is expected to be implementation focused and must account for the planning, coordination and funding of servicing. At minimum, services must include water and wastewater, transportation and transit, solid waste, and fire services.

OTHER SERVICES

Nothing identified above should preclude Growth Management Boards from assuming a coordinated approach to the planning, delivery and funding of other services. It has been suggested by some municipalities that this may be pursued on a case-by-case basis upon review of the regional need and cost-effectiveness of the model.

Q5. What should the Metropolitan Servicing Plan contain?

Q6. Is a five year horizon appropriate to facilitate decisions regarding servicing?

MEMBERSHIP AND RELATED DUTIES

It is proposed that Growth Management Boards be composed of the large urban municipality (i.e. Calgary or Edmonton), all rural municipalities that are adjacent to the large urban, and all urban municipalities with more than 5,000 citizens.

To ensure alignment within the broader regions, rural municipalities could be expected to bring forward the perspectives of the other smaller (non-member) urban municipalities to the Board. This may be facilitated through the proposed Intermunicipal Collaboration Framework (ICF), expected to be enabled in legislation in fall 2016. In addition, the ICFs that are developed between the rural municipalities and the smaller urban municipalities could help ensure that the outcomes of the Board's growth and servicing plans can be met.

Based on the above, specific membership would be as follows:

- Calgary Region: Calgary, Chestermere, Airdrie, Rocky View, Okotoks, Cochrane, Foothills, Strathmore, Wheatland County (west of highway 21), High River
- Edmonton Region: Leduc County, City of Leduc, Beaumont, Fort Saskatchewan, Parkland, Edmonton, St. Albert, Sturgeon, Spruce Grove, Strathcona, Stony Plain, Devon, Morinville

As with the existing Growth Management Board, each participating municipality will appoint a person to represent the participating municipality on the Board and a person to act in the representative's place in the event of the representative's temporary absence or temporary inability to act. A representative appointed must be a councillor of the participating municipality that appointed that representative.

Q7. Does the proposed composition present gaps that may impact the achievement of the Board's mandate?

The representatives appointed will be expected to elect a chair of the Board, whose term expires on the date the chair's current term as a councillor expires. Alternatively, the Minister may by order appoint an interim chair for a specified term. In this case, however, this interim chair would not have voting rights.

GOVERNANCE

DECISION MAKING

Each representative has one vote and the double majority voting model will apply. In other words, decisions must be supported by not fewer than 2/3 representatives from participating municipalities that collectively have at least 2/3 of the population in the metropolitan region.

If a representative is not present when a vote of the Board is taken, or abstains from voting, the representative is deemed to have voted in the affirmative.

COMPLIANCE

It is expected that the council of a participating municipality will ensure that all statutory plans and bylaws are consistent with and supports the implementation of the Board's long-term growth plan and shorter-term metropolitan development/servicing plan. This includes amending existing statutory plans and bylaws upon the Board's adoption of the plans. If the council of a participating municipality fails to do so, it is further expected that the statutory plan or bylaw will be deemed invalid to the extent that it conflicts with the plans.

To aid in the determination and assurance of compliance, it is proposed that the Board develop and adopt a Regional Evaluation Framework. This framework should contain the following:

- criteria to be used to determine whether a statutory plan must be submitted for approval;
- procedures for submitting statutory plans for approval;
- the criteria and procedures to be followed by the Board in evaluating and approving statutory plans.

In other words, individual members of the Board must submit their statutory plans for endorsement by the Board if it meets the criteria set out in the Framework. The Board may, in accordance with the Framework, approve or reject the plan. The statutory plan has no effect unless it is approved by the Board.

Q8. Are there other mechanisms or strategies needed or useful for promoting compliance?

DISPUTE RESOLUTION

It is proposed that the following dispute resolution process be adopted:

- A participating municipality may make a complaint in writing to the Growth Management Board if the participating municipality is of the view that there has been a breach of process, improper administration or discriminatory treatment by the Board.
- On receipt of a complaint, the Board shall attempt to resolve the complaint informally with the participating municipality.
- If a complaint cannot be resolved, the Board may refer the matter to mediation.
- If the parties are not able to resolve the matter through mediation, the Board may refer the matter to arbitration under the *Arbitration Act*.

Q9. How can the Board ensure disputes are resolved in a fair, timely and definitive fashion?

OTHER MATTERS

TRANSITIONAL SUPPORT

The province is committed to working collaboratively with municipalities to ensure the successful and timely establishment of the Growth Management Board. Based on feedback previously received, this may entail a range of supports from the adoption of interim strategies and evaluation frameworks to guide decision-making to the appointment of an interim chair that can focus exclusively on facilitating the collaboration necessary to stand-up the Board.

Q10. What support is necessary from the province to help ensure the successful establishment of the Board?

ENGAGEMENT

Growth Management Boards and member municipalities will play a key role in shaping the future of their respective regions, ensuring the success and sustainability of the region for years to come and maximizing benefits for citizens. Non-member municipalities in the broader region and other stakeholders will, in turn, be impacted by the decisions and actions of the Growth Management Board and have a significant interest in both the long-term growth plan and shorter-term servicing plan.

To ensure these non-member municipalities and stakeholders are aware of the Board's plans and decisions and have an opportunity to offer input where appropriate, some level of engagement is required. Likewise, as all municipalities are accountable to their citizens, public transparency and reporting is also necessary.

Q11. What level of engagement should be required of a Growth Management Board? How should non-member municipalities, other stakeholders and the public be engaged?

INFORMATION SHARING

The sharing and coordination of information within the metropolitan region is proposed as part the overall mandate of the Growth Management Board. While there will be limited exceptions (i.e. information subject to legal privilege), it is expected that members of the Board will provide data and information in accordance with agreed-upon methods and processes; share relevant information that they feel would benefit the region; and respond to information requests in an open and timely fashion.

Q12. Should these or other basic expectations for information sharing be explicitly recognized in regulation? What should be the consequences of the failure to fulfill these expectations?

NEXT STEPS

Municipal Affairs is requesting feedback from municipalities in relation to the concepts presented and questions raised in this discussion paper, or any other matter relevant to the creation of Growth Management Boards.

Impacted municipalities are also invited to appoint an administrative representative to participate in a working committee led by Municipal Affairs. The working committee will be tasked with developing a draft regulation to support the establishment and implementation of the Board.

Once a draft regulation has been produced, the Minister will once again meet with relevant municipal elected officials to review and discuss the draft regulation prior to finalizing.

Like all regulations being developed or renewed as part of the overall review of the *Municipal Government Act*, Growth Management Board regulations will be posted online in spring 2017 for additional public and stakeholder feedback prior to approval.

QUESTIONS FOR DISCUSSION - SUMMARY

MANDATE:

1. Are these roles and responsibilities clear or do they require further definition?
2. Are there other roles and responsibilities that should be assigned to the Growth Management Board in the interest of the region?
3. Given the objectives of a growth plan, what should the plan contain?
4. What timelines are reasonable for the preparation of the growth plan?
5. What should the Metropolitan Servicing Plan contain?
6. Is a five year horizon appropriate to facilitate decisions regarding servicing?

MEMBERSHIP:

7. Does the proposed composition present gaps that may impact the achievement of the Board's mandate?

GOVERNANCE:

8. Are there other mechanisms or strategies needed or useful for promoting compliance?
9. How can the Board ensure disputes are resolved in a fair, timely and definitive fashion?

OTHER MATTERS:

10. What support is necessary from the province to help ensure the successful establishment of the Board?
11. What level of engagement should be required of a Growth Management Board? How should non-member municipalities, other stakeholders and the public be engaged?
12. Should these or other basic expectations for information sharing be explicitly recognized in regulation? What should be the consequences of the failure to fulfill these expectations?