Capital Region Board
Meeting Agenda
August 14, 2014 – 9:00 a.m. – Noon
Chateau Louis, Grand Ballroom
11727 Kingsway, Edmonton

1. Call to Order
2. Board Photo – Ballroom foyer
3. Chair’s Opening Remarks
4. Approval of Agenda
5. Economic Development Summit

**Motion:** That attendance at the Economic Development Summit be by invitation only.

6. MGA Review – City of Leduc

**Motion:** That the Capital Region Board direct the Chair to forward a letter to the Minister of Municipal Affairs requesting recognition of the Capital Region Board in the Municipal Government Act, as part of the MGA review.

7. Committee/Task Force Minutes
   a. Transit Committee – Draft Minutes
8. Approval of Minutes of July 10, 2014
9. Committee of the Whole

**Motion:** That the Capital Region Board move into Committee of the Whole to have a facilitated discussion on the Growth Plan Update.

10. Presentation by Urban Strategies/ ISL Engineering and Land Services
11. Facilitated Discussion on the Growth Plan Update – Melanie Hare, Urban Strategies
12. Return to Board Assembly

**Motion:** That the Capital Region Board move back into Board Assembly.
13. Receipt of Information

**Motion:** That the Capital Region Board receive all material for information purposes.

14. Adjournment
Economic Development Summit – Invitation Only

Motion

*That attendance at the Economic Development Summit be by invitation only.*

Background

The Capital Region Board will be hosting an Economic Development Summit on October 3, 2014. The Summit is hosted by CRB to receive input on a potential Economic Development Committee and/or initiatives, as directed by the Board at its July meeting. About 150 representatives from all regional economic development stakeholders and the CRB will participate.

The Summit will be located at the Agora Room, Strathcona County Hall. Preparations are underway. One CRB per diem is available per member municipality.

Rationale

The Economic Development Summit is the foundational dialogue for a collaborative discussion between CRB members and economic development stakeholders in the Capital Region. The critical nature of the discussion and open atmosphere is needed at the Summit to encourage candid conversation for all participants. Further, taking into account the limitations of the location and substantial cost of the event, Administration recommends the event be invitation-only to maximize the potential outcomes for the day.
MGA Review

Motion

That the Capital Region Board direct the Chair to forward a letter to the Minister of Municipal Affairs requesting recognition of the Capital Region Board in the Municipal Government Act, as part of the MGA review.

Background

On June 16, 2014 the Governance, Priorities, and Finance Committee defeated the motion That the Governance, Priorities & Finance Committee recommend that the CRB send the attached MGA review letter to Alberta Municipal Affairs. This letter (see Appendix A), with the assistance of RMRF, suggested revisions be incorporated in the current MGA review.

At the last Board meeting on July 10, 2014, the Capital Region Board Chief Executive Officer, Doug Lagore, advised members that any input regarding the MGA review be submitted in the form of a Notice of Motion no later than August 1, 2014.

To date, there has been no formal input regarding the Municipal Government Act (MGA) review by the Capital Region Board to the Government of Alberta.

Rationale

On July 24, 2014, the City of Leduc formally submitted interest regarding the MGA review with a letter to urge reconsideration for CRB to provide input to the MGA review.

The City of Leduc letter (see Appendix B) stated the following:

With the regional partnership solidifying its credibility as it evolves, it is necessary that the Government of Alberta enhance and formalize its interface with the CRB. As discussions noted, there is still a lack of understanding regarding who the CRB is, and it is time to exert ourselves a major stakeholder. The success of this region will be incumbent on aligning our needs, priorities and resources with that of the Government of Alberta. As we know, this is currently very difficult. The City of Leduc believes the MGA review is a prime opportunity to highlight this fact and seek a meaningful and formal commitment.

No further input was received by the Capital Region Board from any member municipalities.
June 3, 2014

Albera Municipal Affairs
Communications Branch
18th floor, Commerce Place
10155-102 Street
Edmonton, AB T5J 4L4

Dear Sir/Madam:

Re: Municipal Government Act Review

The Capital Region Board (the “CRB” or the “Board”) wishes to submit the following commentary with respect to the ongoing review by Alberta Municipal Affairs of the provisions of the Municipal Government Act, R.S.A. 2000, c. M-26, as amended (the “MGA”).

This letter addresses the statutory framework regarding the creation and operation of the CRB, representatives’ duties and obligations to the CRB, as well as the interaction between municipal councillors’ duties to the CRB and the municipality they represent.

The CRB is a creature of statute, created by the Capital Region Board Regulation, Alta. Reg. 38/2012 (the “Regulation”). The MGA is the enabling statute for the Regulation. The CRB’s mandate includes the preparation and implementation of an integrated growth management plan for the lands lying within the boundaries of the participating municipalities (the “Capital Region”).

The Regulation provides that the CRB is a corporation which “consists” of the participating municipalities. Participating municipalities are required to appoint a councillor and an alternate councillor to represent the municipality on the Board; in the default of an appointment, the chief elected official of the municipality is the representative.

Participating municipalities have one vote each. Decisions made by vote require the support of at least 17 of the 24 representatives from municipalities with a collective total of at least 75% of the population of the Capital Region.

Statutory Framework

The passing of Bill 28 (Modernizing Regional Governance Act) did not affect the position of the CRB in any way, except to retroactively validate the Capital Region Board Regulation. In
addition, Bill 28 added a new section to the MGA concerning Growth Management Boards, the content of which emulates to a large degree the content of the Capital Region Board Regulation.

Given this expansion of the MGA, CRB submits consideration should be given to include a similar section in the revised MGA, replacing the need for the Capital Region Board Regulation.

Of particular relevance would be incorporation of the requirement that the CRB adopt an appeal mechanism or dispute resolution mechanism or both, regarding decisions taken by the Board. This would be based upon the concepts from s. 708.23 which is presently applicable only to Growth Management Boards.

Representatives’ Duties and Obligations to the CRB

The Regulation provides that s. 602.08 and Part 15.1, Divisions 3 and 4, of the MGA apply to the CRB with the necessary modifications. These provisions of the MGA govern the establishment and operation of Regional Services Commissions, as well as their financial matters, and the Minister of Municipal Affair’s powers. Specifically, ss. 6(2) of the Regulation provides:

Divisions 3 and 4 of Part 15.1 of the Act apply with any necessary modifications in respect of the representatives appointed under section 2(3) or designated by section 2(5) as if those representatives were directors of a regional services commission.

Subsection 6(2) of the Regulation has the effect of making representatives appointed under the Regulation liable for certain expenditures and votes to spend money (s. 602.05 of the MGA) and borrowing that causes the CRB to excess its debt limit (s. 602.3). It also allows the Minister of Municipal Affairs to dismiss the CRB or an individual representative and direct new appointments in their place (s. 602.36).

The Regulation does not, however, incorporate or make applicable s. 602.04 of the MGA, which is the section which provides that Regional Service Commissions are governed by a board of directors, and sets out how and when the directors are to be appointed. As a result, representatives of participating municipalities sitting on the CRB are not explicitly made “directors” by the Regulation or the MGA.

The CRB has, since inception, operated on the basis its representatives are subject to director’s duties and obligations, because the position of a CRB representative is analogous in many regards to that of a director. CRB representatives accept they are subject to the same duties and obligations to the Board as directors: to act honestly and in good faith, and in the best interests of the corporation. Additionally, the CRB’s “Board and Committee Member Code of Conduct” incorporates and is consistent with the duties imposed on directors generally.

In amending the applicable provisions of the MGA, the CRB feels it would be prudent to clearly and expressly delineate the status of CRB representatives and the duties and obligations of the CRB representatives to the Board. It is the view of the CRB that a provision (or provisions)
stating that the CRB is governed by a board of directors made up of the representatives of the participating municipalities would address the CRB’s concerns in this regard.

Dual Roles: Councillor as Representative

The Regulation specifically contemplates, and in fact requires, that participating municipality’s representatives are councillors. Section 153 of the MGA sets out a municipal councillor’s duties as follows:

Councillors have the following duties:

(a) to consider the welfare and interests of the municipality as a whole and to bring to council’s attention anything that would promote the welfare or interests of the municipality;

(b) to participate generally in developing and evaluating the policies and programs of the municipality;

(c) to participate in council meetings and council committee meetings and meetings of other bodies to which they are appointed by the council;

(d) to obtain information about the operation or administration of the municipality from the chief administrative officer or a person designated by the chief administrative officer;

(e) to keep in confidence matters discussed in private at a council or council committee meeting until discussed at a meeting held in public;

(f) to perform any other duty or function imposed on councillors by this or any other enactment or by the council.

Subsection 153(c) specifically contemplates councillors’ appointment to and participation in other bodies, such as the CRB. A councillor’s duties can be summarized as including a duty of due diligence, a fiduciary duty of good faith, and the duty to act fairly and free of any conflicts.

The current statutory framework for the CRB contemplates, and in fact requires, that participating municipality’s representatives will also be municipal councillors. As a result, individuals are subject to two sets of duties and obligations; those of a municipal councillor to the municipality, and those of a member of the Board.

There is the potential for conflict between the two sets of duties. There are occasions where what is in the best interest of the CRB may not be in the best interests of a participating municipality. In the event of a conflict, which duties and obligations take precedence. The MGA provides no clear answer with respect to the priority of duties.
In amending the MGA, it would be valuable to consider adding express provisions delineating which duties and obligations take precedence in the event of a conflict. It is anticipated that when a councillor sits as a representative on the CRB, his or her primary duty would be to the Board and that in the event of a conflict between the interests of the Board and the interests of the participating municipality the interests of the Board would take precedence. This ordering of priorities would be consistent with the MGA, which explicitly contemplates the appointment of councillors to outside boards, and the purpose of the CRB which is directed towards the entire capital Region as opposed to any one municipality. 

Having said that, a representative should not be precluded from taking into account the municipality’s best interest or making a decision or advancing a position that favours the municipality, so long as the municipality’s best interests are not the exclusive consideration and the action is also consistent with the Board’s best interests.

Conclusion

Thank you for allowing the Capital Region Board to provide its input. As set out above, the CRB would like to see the following revisions incorporated in the current MGA review:

1. Include a section in the MGA creating and governing the CRB, replacing the need for the Capital Region Board Regulation;

2. Expressly define the status of the CRB representatives and the duties and obligations of the CRB representatives to the Board; and

3. Add express provisions delineating which duties and obligations take precedence in the event of a conflict, duties to the participating municipality or duties to the Board.

If there are any questions or concerns with respect to the above, please do not hesitate to contact the writer directly.

Yours truly,

Capital Region Board

1250118; June 9, 2014
July 24, 2014

Nolan Crouse, Chair
Capital Region Board
10104 – 103 Avenue
1100 Bell Tower
Edmonton, AB T5J 0H8

Dear Mr. Crouse:

**RE: MGA Review Input Regarding the Capital Region Board**

In follow up to the Capital Region Board (CRB) meeting on July 10, 2014, I would like to offer the City of Leduc’s perspective regarding the CRB’s interest in the *Municipal Government Act (MGA)* review. It is my understanding that, to date, there has been no intent to provide any formal input. However, I would urge the CRB to reconsider that position.

With the regional partnership solidifying its credibility as it evolves, it is necessary that the Government of Alberta enhance and formalize its interface with the CRB. As discussions noted, there is still a lack of understanding regarding who the CRB is, and it is time to exert ourselves a major stakeholder. The success of this region will be incumbent on aligning our needs, priorities and resources with that of the Government of Alberta. As we know, this is currently very difficult. The City of Leduc believe the MGA review is a prime opportunity to highlight this fact and seek a meaningful and formal commitment.

I look forward to your consideration of this suggestion. If you have any questions, concerns or would like to discuss further, please contact me at 780-980-7196 or gkrischke@leduc.ca.

Sincerely,

Greg Krischke
Mayor

GK/mh
Transit Committee

Thursday, July 17, 2014
9:00 a.m. – 11:30 a.m.
Edmonton Petroleum Club, Rainbow Room
11110 – 108 Street, Edmonton

Members:
Wes Brodhead, City of St. Albert (Chair)
Michael Walters, City of Edmonton
Gale Katchur, City of Fort Saskatchewan
Dana Smith, City of Leduc
Searle Turton, City of Spruce Grove
Brian Botterill, Strathcona County
Susan Evans, Sturgeon County

Guests:
Nolan Crouse, Board Chair
Dave Anderson, Strathcona County
Matt Carpenter, Strathcona County Transit
Leslie Chivers, Sturgeon County
Paresh Dhariya, Town of Devon
Colton Kirsop, City of Edmonton
Corey Levasseur, City of Spruce Grove
Bob McDonald, City of St. Albert
Mike Pieters, City of Leduc
Yolande Shaw, Strathcona County

Regrets:
CRB Staff & Consultants:
Doug Lagore, CEO
Sharon Shuya, Project Manager
Loreen Lennon, Communications Manager

Lisa Sasaki, Administrative Assistant
Hassan Shaheen, ISL Engineering & Land Services Ltd.

CALL TO ORDER

Chair, Wes Brodhead called the meeting to order at 9:00 a.m.

1. Chair Opening Remarks

2. Approval of Agenda

It was agreed by unanimous consensus that the Transit Committee agenda be approved, with the inclusion of #5e “Terms of Reference”.

3. Approval of Minutes, June 20, 2014

It was agreed by unanimous consensus that the Transit Committee approve the minutes of June 20, 2014 meeting.
4. **Project Updates**
   
a. Prior agenda items
   
   I. Intermunicipal Transit Governance Study – Municipal Feedback due July 15

   It was agreed by unanimous consensus that Chair Brodhead would bring advocacy issues regarding the Transit Committee to the Advocacy & Monitoring Committee.

   II. Advocacy Strategy – Tabled until after 4 year Work Plan Discussion

   III. GreenTRIP (*Verbal*)

5. **New Business**

   a. Prioritization of Regional Transportation Projects – (Presentation)

   **Motion:** That the Transit Committee receive the Integrated Regional Transportation Master Plan Prioritization of Regional Transportation Projects Report, dated June 12, 2014 for information.  
   **Moved by:** Councillor Brian Botterill, *Strathcona County*  
   **Decision:** Carried unanimously

   b. 4 Year Work Plan – Committee Discussion

   c. Barriers to Moving Forward and Guiding Principles for Regional Transit

   d. Alternative Transportation Needs Assessment Discussion

   e. Terms of Reference – Committee Discussion

6. **ADJOURNMENT**

   It was agreed by unanimous consensus that the Transit Committee meeting be adjourned.

   Meeting adjourned at 10:37 a.m.

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Transit Committee Chair, Wes Brodhead
Minutes of the meeting of the Capital Region Board held at Grand Ballroom, Chateau Louis Conference Centre on Thursday, July 10, 2014

Delegates in Attendance:
Mayor Nolan Crouse – St. Albert/Chair
Mayor Camille Berube – Beaumont
Mayor Randy Boyd – Bon Accord
Mayor Karl Hauch – Bruderheim
Mayor Don Faulkner – Calmar
Mayor Stephen Lindop – Devon
Mayor Don Iveson – Edmonton
Mayor Gale Katchur – Fort Saskatchewan
Mayor Doug Horner – Gibbons
Mayor Bill Skinner – Lamont
Reeve Wayne Woldanski – Lamont County
Councillor Dana Smith – Leduc
Councillor Tanni Doblanko – Leduc County
Councillor Carol Tremblay – Legal
Mayor Lisa Holmes – Morinville
Mayor Rodney Shaigec – Parkland County
Mayor Mel Smith – Redwater
Mayor Stuart Houston – Spruce Grove
Mayor William Choy – Stony Plain
Mayor Barry Rasch – Thorsby
Mayor Roxanne Carr – Strathcona County
Mayor Tom Flynn – Sturgeon County
Mayor Fred Lindsay – Wabamun
Mayor Ralph van Assen – Warburg
Gary Sandberg – Government of Alberta

Absent:
CRB Administration:
Doug Lagore, Chief Executive Officer
Neal Sarnecki, Project Manager
Sharon Shuya, Project Manager
Loreen Lennon, Communications Manager
Charlene Chauvette, Office Manager
Brandt Denham, GIS Coordinator
Amanda Borman, Executive Assistant
Lisa Saskiw, Administrative Assistant
1. Call to Order
   Called to order 9:00 a.m.

2. Chair’s Opening Remarks
   Chair Crouse announced to members that the Economic Development Summit will be held
   October 3, 2014, advising that administration is coordinating the details. Chair Crouse added that
   the Housing Symposium will be held October 2, 2014 at the DoubleTree by Hilton, Edmonton.

3. Approval of Agenda
   
   **Moved by** Reeve Woldanski.

   **Motion:** To approve the agenda of July 10, 2014.

   **Motion carried unanimously.**

4. Approval of Minutes of June 12, 2014
   
   Mayor Hauch, Bruderheim, requested the minutes indicate Councillor Patricia Lee as representing
   the Town at the June 12, 2014 meeting.

   **Moved by** Mayor Skinner.

   **Motion:** To approve the minutes of June 12, 2014, as amended.

   **Motion carried unanimously.**

5. Quarterly Financial Statement
   
   **Moved by** Mayor Berube.

   **Motion:** That the Capital Region Board receive the Quarterly Financial Statement as
   information.

   **Motion carried unanimously.**

6. Governance, Priorities & Finance Committee
   
   a. Policy Updates

   **Moved by** Mayor Berube.

   **Motion:** That the Capital Region Board approve the updated CRB Policies identified in
   Attachment A, with the exception of H011, F004 and G014 which are referred to
   administration for further review.

   **Motion carried unanimously.**
Information Request: Members requested that CRB administration report on the FOIP requirements for the retention of Board minutes.

b. Amended 2014 Budget

Moved by Mayor Berube.

Motion: That the Capital Region Board approve the 2014 revised budget.

Motion carried unanimously.

c. Appointment of Auditor

Moved by Mayor Berube.

Motion: That the Capital Region Board approve the re-appointment of Hawkings Epp Dumont to provide audit services to the Board including completion of audited annual financial statements for the years ending December 31, 2014, 2015 and 2016 and, unless year ends change, unaudited financial statements for the periods April 1 to March 31, 2015, 2016 and 2017.

Motion carried unanimously.

d. Change of Committee Name (Performance Monitoring)

Moved by Mayor Berube.

Motion: That the Capital Region Board approve changing the Performance Monitoring Committee name to the Advocacy & Monitoring Committee (AMC) and that the Performance Monitoring Committee Terms of Reference be amended accordingly to reflect the change in committee name, as recommended by the Governance, Priorities & Finance Committee.

Motion carried unanimously.

9:20 a.m. Mayor Rasch, Thorsby, joined the members at the table.

7. Land Use & Planning Committee

a. Non-Priority Growth Areas Policy Clarification

Moved by Mayor Carr.

Motion: That the Capital Region Board approve the Non-Priority Growth Areas Policy Clarification as originally proposed and that no amendments be considered until the Growth Plan Update is completed, as recommended by the Land Use & Planning Committee, and that the report dated July 10, 2014 be referred to the Growth Plan Update Task Force.

Motion carried unanimously.
b. **Prioritization of Regional Transportation Projects Report**

*Motion:* That the Capital Region Board approve the Prioritization of Regional Transportation Projects Report and that the report be forwarded to the Minister of Transportation as an update of the Region’s transportation priorities, and that the report be reviewed and updated on an annual basis, as recommended by the Land Use & Planning Committee.

*Motion carried unanimously.*

*Moved by* Mayor Flynn.

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b. **Capital Region Highway Network Plan**

*Motion:* That the Capital Region Board direct the Chair to send a letter to the Minister of Transportation and the Minister of Municipal Affairs requesting dialogue on alignment of long term regional and provincial growth & transportation plans for the Capital Region, as recommended by the Land Use & Planning Committee.

*Motion carried unanimously.*

*Moved by* Mayor Flynn.

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*Information Request:* Members requested that CRB administration pursue a response from Alberta Transportation about appointing a representative to sit at the Land Use & Planning Committee table.

8. **Regional Services Committee**

a. **Public Transit Policy**

*Motion:* That the Capital Region Board send a letter to the Province requesting the establishment of a Public Transit Policy area, as recommended by the Regional Services Committee.

*Motion carried unanimously.*

*Moved by* Mayor Smith.
b. Change to Committee Status (Transit Task Force)

**Moved by** Mayor Smith.

**Motion:** That the Capital Region Board change the Transit Task Force to a Standing Committee of the Board effective immediately, that the Transit Task Force Terms of Reference be amended accordingly to reflect the change in Committee name, and that the Advocacy & Monitoring Committee Terms of Reference be amended accordingly to reflect the Transit Committee Chair as a member, as recommended by the Regional Services Committee.

**Motion carried unanimously.**

9. Administrative Items

a. CEO’s update

Mr. Doug Lagore, CEO, advised the members that any input regarding the MGA review should be submitted in the form of a Notice of Motion, no later than August 1, 2014.

10. Economic Development Summit: Verbal Update

Mr. Doug Lagore, CEO, reminded members that the Summit will take place October 3, 2014 in Strathcona County Hall, Agora room and that further details will be distributed as they become available.

11. Board Members Information Request Update

Mayor Hauch, Bruderheim, advised the members that the initiator of IR# 2014.04 was the Town of Bon Accord not The Town of Bruderheim.

It was with unanimous consensus that the Capital Region Board accept the Board Members Information Request Update, as amended for information.

12. Committee/Task Force Minutes

a. Governance, Priorities & Finance Committee – *draft minutes and chair update provided*

b. Land Use & Planning Committee – *draft minutes and chair update provided*

c. Regional Services Committee – *draft minutes and chair update provided*

d. Energy Corridors Task Force – *draft minutes and chair update provided*

e. Growth Plan Update Task Force – *draft minutes and chair update provided*

f. Transit Task Force – *draft minutes provided*
11:28 a.m. Mayor Shaigec, Parkland County, left the table.

13. Adjournment

The Chair declared the meeting adjourned at 11:35 a.m.

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CRB Chair, Nolan Crouse    CRB CEO, Doug Lagore