Advocacy & Monitoring Committee
Agenda

Thursday, March 12, 2015
12:30 p.m. – 2:00 p.m.
Or immediately following the Board meeting
Chateau Louis, Leland Room
11727 Kingsway, Edmonton

Agenda Items

1. Call to Order – Mayor Greg Krischke, Chair
2. Chair Opening Remarks
3. Approval of Agenda – Mayor Greg Krischke, Chair
4. Approval of Minutes of February 12, 2015 – Mayor Greg Krischke, Chair
5. Updates from Chairs of Standing Committees – Mayor Greg Krischke, Chair
6. Strategic Advocacy – Loreen Lennon, CRB
   a. CRB Provincial Election Advocacy
7. Update on Membership Review Process – Malcolm Bruce, CEO
   Recommended Motion: That the Advocacy & Monitoring Committee receive the membership review process report and refer the matter to the Governance, Priorities & Finance Committee.
8. MGA Discussion (Board IR) – Malcolm Bruce, CEO
9. CEO Update
   a. Performance Measurement Discussion
   b. Engagement Framework
10. Adjournment – Mayor Greg Krischke, Chair
Advocacy & Monitoring Committee

Thursday, February 12, 2015
7:30 a.m. – 8:30 a.m.
Chateau Louis – Leland Room
11727 Kingsway Edmonton, AB

Members:
Greg Krischke, City of Leduc (Chair)
Don Iveson, City of Edmonton (Vice-Chair)
Camille Berube, Town of Beaumont
Wes Brodhead, City of St. Albert
Nolan Crouse, City of St. Albert
Tom Flynn, Sturgeon County
Mel Smith, Redwater

Guests:
Roxanne Carr, Strathcona County
Leslie Chivers, Sturgeon County
Gibby Davis, City of Edmonton
Jacquie Hansen, City of St. Albert
Kelly Rudyk, Strathcona County
Patty Walker, City of Fort Saskatchewan

Regrets:

CRB Staff & Consultants:
Malcolm Bruce, CEO
Sharon Shuya, Project Manager
Neal Sarnecki, Project Manager

Loreen Lennon, Communications Manager
Stephanie Chai, Director, Special Projects
Amanda Borman, Executive Assistant

1. CALL TO ORDER

Chair, Mayor Krischke, called the meeting to order at 7:30 a.m.

2. Chair Opening Remarks

3. Approval of Agenda

Motion: That the agenda of February 12, 2015 be approved.
Moved by: Mayor Mel Smith, Town of Redwater
Decision: Carried unanimously

Item 4
4. Approval of the Minutes

   **Motion:** That the minutes of December 11, 2014 be approved.
   **Moved by:** Mayor Camille Berube, *Town of Beaumont*
   **Decision:** Carried unanimously

5. Updates from Chairs of Standing Committees

   It was agreed by unanimous consensus the Advocacy & Monitoring Committee receive for information the updates from the Standing Committee Chairs.

6. Project Updates

   a. Growth Plan Update

      It was agreed by unanimous consensus that the Advocacy & Monitoring Committee receive for information the Growth Plan Update as presented by Chair Roxanne Carr.

      **Information Request:** What would be the appropriate methods of reaching out to the community sub-regions regarding the Growth Plan Update?

7. Strategic Advocacy

   a. CRB Provincial Election Advocacy

      **Information Request:** How would the removal of some municipalities from the current membership align with the Province’s vision of the CRB.

      **Motion:** That Administration prepare a process for membership review and present it to the Advocacy & Monitoring Committee at the March 12, 2015 meeting.
      **Moved by:** Mayor Tom Flynn, *Sturgeon County*
      **Decision:** Carried unanimously

      **Information Request:** What are the current, if any, motions on the Board table regarding the status of the membership review?

      **Motion:** That the Advocacy & Monitoring Committee direct Administration to update the CRB Provincial Election Advocacy based on the member’s comments and circulate the updated copy to Committee members for additional review prior to the next scheduled meeting, and that the updated strategy be recommended to the Capital Region Board for approval at the March 12, 2015 meeting.
      **Moved by:** Councillor Wes Brodhead, *City of St. Albert*
      **Decision:** Carried unanimously
8. Update on Minister and DM Meetings

It was agreed by unanimous consensus that the Advocacy & Monitoring Committee receive for information the Minister and DM Meetings update as presented by CEO, Malcolm Bruce.

9. ADJOURNMENT

Motion: That the Advocacy & Monitoring Committee meeting be adjourned.
Moved by: Mayor Tom Flynn, Sturgeon County
Decision: Carried unanimously

Meeting adjourned at 8:48 a.m.

______________________________
Committee Chair, Greg Krischke
Provincial Election Advocacy Strategy for Spring 2015 Plan

In anticipation of an early provincial election call, the Board is being asked to approve a motion from the Advocacy & Monitoring Committee (AMC) for a Provincial Election Advocacy Strategy at its March 12 meeting.

Recommended Motion

*That the Capital Region Board approve the CRB Provincial Election Advocacy Strategy for Spring 2015, as recommended by the Advocacy & Monitoring Committee.*

If passed, the following draft timeline and actions are for discussion and confirmation by AMC, to address how the pre-election, election, and post-election periods can be used to build the base of the CRB Government Relations generally, and further to inform Government Relations planning for the Growth Plan Update project in particular.

<table>
<thead>
<tr>
<th>Step</th>
<th>When*</th>
<th>How/Who</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Step 1</td>
<td>March 12- April 15</td>
<td>Begin building the team for advocacy by scheduling <strong>one-on-ones</strong> for each member of AMC with Consultant</td>
<td>Alongside Provincial Budget, writ drop, Election</td>
</tr>
<tr>
<td>Step 2 &amp; 3</td>
<td>April 15- April 30</td>
<td>Based on results of one-on-ones, Consultant and Communications Manager develop a case statement and draft of goals</td>
<td>Election period</td>
</tr>
<tr>
<td>Step 4</td>
<td>Drafts for May 14 meeting</td>
<td>Using goals from Step 3, outline key stakeholders by position and history, in preparation for Step 5, 6, 7</td>
<td>Immediate Post-Election</td>
</tr>
<tr>
<td>Steps 5,6,7</td>
<td>Draft by end of June for July 9 meeting</td>
<td>Map new provincial stakeholders, choose advocacy approach, key messages</td>
<td>New Cabinet announced</td>
</tr>
<tr>
<td>Step 8</td>
<td>Summer for September 10 meeting</td>
<td>Create Action Plan: Real work of assessing and planning for new landscape</td>
<td>GPU GR as priority</td>
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*all dates to be confirmed*
CRB Membership Review

Recommended Motion

*That the Advocacy & Monitoring Committee receive the membership review process report and refer the matter to the Governance, Priorities & Finance Committee.*

Introduction

The Capital Region Board Regulation established the Board and stipulates the member municipalities. It is clearly within the Province’s authority to designate or remove member municipalities.

Historically, since the establishment of the Board, some member municipalities, typically those who either reside further from the region’s center and/or have a small population have felt that it is not in their best interests or within their capacity to participate on the Board.

At the February 12, 2015 Advocacy & Monitoring Committee, AMC made a motion that “Administration prepare a process for membership review and present it to the Advocacy & Monitoring Committee at the March 12, 2015 meeting”. The motion was carried unanimously.

Background

On July 11, 2013, the Town of Redwater identified itself as a member municipality that, by an approved Council motion, agreed that they should not be a member municipality and had subsequently written the Minister of Municipal Affairs requesting the Province’s support to withdraw. The Town of Redwater put forward the motion: “That the Capital Region Board supports the Town of Redwater’s request to the Minister of Municipal Affairs to be removed as a member municipality of the Capital Region Board”, which failed.

Following this vote at the same Board meeting, the City of Fort Saskatchewan put forward a Notice of Motion: “That CRB Administration be directed to present a report with possible changes to the CRB membership based on criteria, for the Board’s consideration at the September Board meeting and ultimate recommendation to the Minister of Municipal Affairs.”

On July 15, 2013 the Minister of Municipal Affairs responded to the Town of Redwater’s request to withdraw from the Board membership indicating that the department was not in the position to undertake a review of the CRB regulation at that time but may consider doing so after the 2013 municipal election.

CRB Administration engaged George B. Cuff and Associates Ltd. to prepare this report for delivery at the Board’s September meeting.

On September 12, 2013, Mr. George Cuff presented his report to the Board which included a number of recommendations. Following Mr. Cuff’s presentation, the Board approved the motion: “That the Capital Region Board accept the Cuff Report regarding the Membership
Review as information.” The Capital Region Board Membership Review report was accepted as information by the Board. In doing so, the Board acknowledged that the timing for a review with the Province was not opportune and that waiting until after the election would bring better results.

On November 14, 2013, the Board tabled the topic to later in 2014.

On October 9, 2014, the Board received the Membership Review report (see Attachment 1) for information.

On February 12, 2015, the Advocacy & Monitoring Committee made a motion that “Administration prepare a process for membership review and present it to the Advocacy & Monitoring Committee at the March 12, 2015 meeting”.

Rationale

At the request of the Advocacy & Monitoring Committee, administration prepared a report that includes a RMRF legal opinion on Terminating CRB Membership (see Attachment 2) and a process for membership review (see Attachment 3). The following is a suggested process timeline for CRB membership review:

- March 12, 2015: AMC refers matter to GPF
- April 13, 2015: GPF review process
- May 14, 2015: Board Reviews (Provincial Election?)
- May 15, 2015: Formally advise Minister
- May 15, 2015: Board Chair requests members provide a written position for their particular municipality
- July 31, 2015: Deadline for written position
- August 10, 2015: CEO completes the compilation of members position
- August 17, 2015: GPF reviews and recommends next steps to the Board

Recommendation

It is recommended that the Capital Region Board receive the membership review process report and refer the matter to the Governance, Priorities & Finance Committee.

Attachments

1. Cuff Membership Review Summary
2. RMRF legal opinion on Terminating CRB Membership
3. Process Review for CRB Membership
The current iteration of regional cooperation, the CRB, has been in place since 2008. It is set up under the Municipal Government Act by Capital Region Board Regulation, Alberta Regulation 38/2012. The assessment of its effectiveness is ongoing by the various players involved and thus could be accurately described as a work in progress.

The Board has had members since its inception suggest that there ought to be provision for those to leave who felt that the CRB was no longer serving a useful purpose (or at least a purpose useful to their needs). While such a comment has been made in some instances out of frustration with respect to a particular decision (or how a certain decision was made) there have also been comments by smaller members questioning the perceived minimal impact of the CRB on their operations and thus the validity of continued membership.

There are a number of factors giving rise to the issue of membership includes population disparity, the degree of issue relevance, the degree of input by small communities into the decision-making cycle, availability, and the impact on administrative resources. Some of the criteria for determining membership include being impact by the Growth Plan, population, distance to the City core, and degree of impact to the region. Cuff discusses the impact of the voting model, the Industrial Heartland underrepresentation, the frequency of change requests, and the time frame of the CRB Growth Plan.

The following recommendations were highlighted in the report:

1.0 The CRB not support any change at the present time in terms of its legally constituted membership.

2.0 The CRB should ask the Minister to re-examine this issue after the October 2013 municipal election.

3.0 The CRB and the Province could develop a joint task force which is accorded the mandate of examining the criteria for membership and for leaving the membership.

4.0 The CRB should examine the concerns of any member expressing a desire to leave the fold and identify to the Board any measures which may alleviate underlying concerns.

5.0 The CRB should examine the option of developing an “in house” resource bank for the smaller municipalities (i.e. any under a population of say 5000) and ensure that it is funded adequately so as to act as the “regional expertise centre” for such municipalities. The intent of this measure is to bring the smaller municipalities closer to the richness of administrative resources enjoyed by larger communities.

6.0 Any changes to the CRB membership should not be allowed to interfere with the current voting structure/formula (75% of population and 66% of participating municipalities).

7.0 The roles of the Chair and CEO of the CRB should be re-examined to determine if they are meeting or able to meet the expectation of consensus building in the Region.

8.0 The implied understanding that any municipality may choose to simply not attend if they see no current value is accepted. Given that their vote is default positive, then the principle of 2/3 of the votes at the table needed to pass a motion is preserved.
9.0 The fact that the CRB is a distinct and legal entity needs to be better understood by all members. It should not be viewed as an extension of each municipality with a mandate to work in the best interests of each municipality. Its purpose is to work in the best interests of the Region.

10.0 This body deserves the best efforts of all to “make it work”. This will not be possible if there is less than 100% commitment to seeking what is best for the Region thus acknowledging that such corporate decisions will inevitably and over time have a positive impact on all members.

None of the foregoing should be interpreted by the reader that this consultant believes that the present structure and membership are ideal. The reality is that the CRB as an entity, in our view, has not had the time to grow into what it could be. After so many failed (albeit well-intentioned) precursors to the current model, the fact that this is now into year five should be hailed as an accomplishment. Perhaps it simply needs more time to mature; quite likely it needs more effort by all to make it work to the benefit of all.
February 26, 2015

Capital Region Board  
Attention: Malcolm Bruce  
1100 Bell Tower, 10104-103 Avenue  
Edmonton, AB  
T5J 0H8

Dear Sir:

Re: Opinion on Terminating Capital Region Board Membership

You requested our opinion on what would be required in order for a participating municipality to withdraw from the Capital Region Board, i.e., terminate its status as a “participating municipality”. You have also requested that we provided suggested wording for any council resolution or board motion that would be required as a part of the process.

Daina Young of our office assisted in the preparation of this opinion. If you have any questions or concerns please feel free to contact the writer or Ms. Young.

Statutory Basis for Membership of Capital Region Board

The membership of the Capital Region Board (“CRB”) is established by regulation, specifically s. 2(2) of the Capital Region Board Regulation and the attendant Schedule (“Participating Municipalities”) to the Regulation; as a result, a duly enacted regulation passed by the Lieutenant Governor in Council (Cabinet) would be required in order for a participating municipality to cease to be a member of the CRB.

There is no legislative or regulatory guidance as to how a participating municipality would initiate this process. However, given the similarities between the CRB and Regional Services Commissions (which are created by regulation pursuant to, and governed by, s. 15.1 of the Municipal Government Act) the procedure which applies to a municipality wanting to withdraw from a Regional Services Commission (the “RSC”) is informative.

Municipal Affairs’ position on a municipality withdrawing from a RSC is as follows. The first step is for the council of the departing municipality to pass a resolution stating its position (i.e.,
that it wants to terminate its membership in the RSC). The departing municipality then communicates its position to the RSC (by way, for example, of a letter setting out the substance of or enclosing the council resolution), which receives the information.

Municipal Affair’s position is that the RSC then has an obligation to inform the Minister of the information it received, i.e., the departing municipality’s communications. (In practice, one would expect that if the RSC did not communicate the information to the Minister then the municipality making the request would.) A RSC motion or resolution approving (or rejecting) the municipality’s request is not necessarily required in order for the Minister to consider the request; however, in our opinion it would facilitate the process. Typically, the councils of the other RSC members also pass resolutions indicating support for the withdrawal.

In the event that a municipality’s request to leave the RSC were supported by the other members of the RSC, in our experience the Minister would recommend to the Lieutenant Governor in Council a regulation to end the membership of that municipality (subject to addressing any issues regarding the distribution of assets and liabilities amongst the members). The situation is somewhat more complicated if one or more members of the RSC does not support the departing municipality’s request. Our impression, however, is that the Minister would be inclined to give effect to the municipality’s request if possible.

Application to the Capital Region Board

We are not aware of Municipal Affairs having considered the procedure that would apply in the event that a municipality wished to terminate its Capital Region Board membership. However, due to the similarities between the CRB and RSCs our view is that a similar process should apply (i.e., a council resolution followed by CRB’s consideration of the issue, and communication to the Minister).

That being said, we expect that even in the event of a unanimous CRB decision the Minister would require additional steps to be taken before she would consider recommending to Cabinet a regulation removing a participating municipality, due to the scope of the CRB’s mandate and work. The council resolution and CRB decision would only begin the process.

Council and CRB Resolutions

We suggest the following wording for the council resolution and CRB motion discussed above:

Council Resolution

That the _______ of ________ wishes to terminate its status as a “participating municipality” pursuant to the Capital Region Board Regulation, Alta. Reg. 38/2012, and requests that: (a) the Minister of Municipal Affairs and the Lieutenant Governor in Council take such steps as are required to enact a regulation replacing or amending the Capital Region Board Regulation to give effect to this request, and; (b) the Capital Region Board pass a resolution to support this request by the _______ of ________.
Capital Region Board Motion

That the Capital Region Board supports the ______ of ______’s request to terminate its status as a “participating municipality” pursuant to the Capital Region Board Regulation, Alta. Reg. 38/2012, and requests that the Minister of Municipal Affairs and Lieutenant Governor in Council take such steps as are required to enact a regulation replacing or amending the Capital Region Board Regulation to give effect to the request of the ______ of ______.

Yours truly,

REYNOLDS MIRTH RICHARDS & FARMER LLP

PER:

for

SHEILA MCNAUGHTAN, Q.C.
SCM/DJY

1381225; February 26, 2015
Process Review For CRB Membership

Key Recommendations

• This report be received
• The matter be referred to GPF committee
1. Members who do not require written position: Lamont County; Sturgeon County; Parkland County; Leduc County; Strathcona County; Edmonton; St Albert; Fort Saskatchewan; Spruce Grove; and Leduc.

2. Members continue to act on good faith until Municipal Affairs confirms its direction.
Process Timelines

1. March 12, 2015: AMC refers matter to GPF
2. April 13, 2015: GPF review process
3. May 14, 2015: Board Reviews (* Provincial Election?*)
4. May 15, 2015: Formally advise Minister
5. May 15, 2015: Board Chair requests members provide a written position for their particular municipality
6. July 31, 2015: Deadline for written position
7. August 10, 2015: CEO completes the compilation of members position
8. August 17, 2015: GPF reviews and recommends next steps to the Board
Common to All:
Membership reviews may occur every four years which is scheduled at the end of the second year after the last municipal election

- Stay Strategy
  - Binding for 4 years
  - If committed to the CRB, Board members agree to follow Governance policies

- Leave Strategy
  - As per the legal advice from RMRF
  - If a municipality wishes to take a position it is recommended to use the RMRF suggested Council Resolution

- Join Strategy
  - TBC
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 Attachment 1), with the assistance of RMRF, suggested revisions be incorporated in the current MGA review.

On July 10, 2014, the Capital Region Board Chief Executive Officer 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.

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 Attachment 2) 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 believe 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.

On August 14, 2014, the City of Leduc withdrew their motion “That the Capital Region Board direct the Chair to forward a letter to the Minister of Municipal Affairs recognizing the Capital Region Board in the Municipal Government Act review.” with consent from the Capital Region Board Members.

Rationale

In discussions with the Deputy Minister of Municipal Affairs, the Capital Region Board Chief Executive Officer has been informed that the Municipal Government Act review will include a review of the Capital Region Board in the fall of 2015.

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.

Attachments

1. CRB Draft MGA Review Letter
2. City of Leduc Letter
June 3, 2014

Alberta 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 Affairs’ 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 exceed 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
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
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<tr>
<th>Strategic Priorities</th>
<th>Purpose</th>
<th>KR Results</th>
<th>Status</th>
<th>Remarks</th>
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<tbody>
<tr>
<td><strong>1- REGIONAL VISION</strong></td>
<td>The Board develops a strong, long-term vision for the whole region based on the desires and dreams of the region’s municipalities and citizens.</td>
<td>KR 1.1: Regional stakeholders and citizens are engaged, and they develop a long term vision for the whole region. KR 1.2: The Board adopts its long term Regional Vision.</td>
<td>- Separate and distinct from the Growth Plan - Recommended to be addressed after the GPU is completed</td>
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<tr>
<td><strong>2 - COLLABORATIVE CULTURE (The How)</strong></td>
<td>The Board’s activity promotes a collaborative culture among members. CRB focuses its efforts on high level issues that impact the region.</td>
<td>KR 2.1: The Board understands the distinctive characteristics and needs of rural and urban members. KR 2.2: CRB improves collaboration and governance practices through education, best practice research, educational speakers and workshops. KR 2.3: CRB members agree on priority high level issues for the region and are validated on a regular basis. KR 2.4: CRB actively pursues partnerships and collaboration with specific regional stakeholder organizations.</td>
<td>- Road Show, sub regional focus where needed (Specialized transit needs assessment) - high level of stakeholder engagement amongst all stakeholder (DM Mtg 29 Jan), workshops, summit (transit – 26 Mar and 4 June) - Leadership (EcDev Initiative) -Integrated Regional Transportation Plan (10 and 3 year infrastructure priorities) &amp; Green Trip Funding priorities -Collaboration with CRP on transit issues Housing Symposium, Tech Advisory Groups. - Challenges: Budget</td>
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<tr>
<td><strong>3 - REGIONAL GROWTH PLAN (The What)</strong></td>
<td>The Board develops and implements a high level, long term growth plan for the region, which is approved by the Government of Alberta.</td>
<td>KR 3.1: A high level growth plan is prepared and adopted by the CRB. KR 3.2: The Government of Alberta reviews and approves the Regional Growth Plan. KR 3.3: A process for approving and incorporating the Capital Region Growth Plan into Government of Alberta policy environments is developed, negotiated with Government of Alberta and approved</td>
<td>- Delivery by Dec 2015 to province - Additional considerations: CRB committee and Adm structure needed to support the new GP – do we have it right? - Key Performance Indicators</td>
<td></td>
</tr>
</tbody>
</table>
### 4 - GLOBAL COMPETITIVENESS (The Why)

The Board understands the global situation and positioning of the region and the strategic opportunities to compete globally.

<table>
<thead>
<tr>
<th>Key Result Area</th>
<th>Description</th>
<th>Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>KR 4.1</strong></td>
<td>The CRB explores the regional economic development landscape and identifies opportunities for CRB to add value.</td>
<td>- EcDev Initiative launched in January 2015 - GIS launch in 2015</td>
</tr>
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<td><strong>KR 4.2</strong></td>
<td>The economic landscape is mapped and understood, and regional stakeholders are educated on our regional strategic advantages.</td>
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<td><strong>KR 4.3</strong></td>
<td>Through this research on the economy, trust and collaboration increases and mutually agreed new roles evolve.</td>
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<td><strong>KR 4.4</strong></td>
<td>Development approval processes across the region are improved and streamlined.</td>
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<td><strong>KR 4.5</strong></td>
<td>A uniform regional site selector tool is developed.</td>
<td></td>
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</tbody>
</table>

**Legend:**

- Colours – Green significant progress; Yellow a work in progress; red either yet to be initiated or just started
- Arrows – Up progressing according to plan; side ways no progress started
Engagement Framework

CRB

Board Members
CAOs
Economic Developers
Other Entities
Media
Public
Province

Credibility