

## School Site Allocation Agreement

### Report Purpose

To present the School Site Allocation Agreement to Council for its consideration.

### Recommendation

THAT the School Site Allocation Agreement, as set out in Enclosure 1 to the October 11, 2016 Chief Commissioner's Office report, be approved.

### Strategic Plan Priority Areas

**Economy:** Entering into the School Site Allocation Agreement (the "Agreement") will help bring certainty to the process of allocating school sites within Strathcona County. This will assist Strathcona County in managing and planning for municipal infrastructure near those school sites, as well as public parks and recreation areas.

**Governance:** Working cooperatively in the spirit of partnership with the parties to the Agreement will allow Strathcona County to strengthen its relationship with those parties and together work to better plan for school sites within the community.

**Social:** Collaborating with the parties to the Agreement will better enable Strathcona County to ensure public parks and recreation areas are available and accessible for use by residents, and will support the County's vision of becoming Canada's most livable community.

**Culture:** The parties to the Agreement play an important role in the community, and so the shared responsibility further develops a strong shared community identity.

**Environment:** The benefits of early cooperation in land planning matters related to school sites will allow Strathcona County to make better informed decisions related to efficiency of resource usage.

### Other Impacts

**Policy:** n/a

**Legislative/Legal:** Section 670 of the *Municipal Government Act*, RSA 2000, c M-26 (the "MGA"), provides that reserve land can be allocated between the municipality and each school board concerned in accordance with an agreement made between the municipality and the school boards.

**Interdepartmental:** Planning and Development Services will modify its practices as needed based on the processes and agreements set out in the Agreement.

### Summary

Section 661 of the MGA provides, among other things, that the subdivision authority may require the owner of a parcel of land that is the subject of a proposed subdivision, to provide to the municipality, land for municipal reserve, school reserve or municipal and school reserve.

When land is to be provided as described above, section 670 of the MGA indicates that the subdivision authority must specify the amount, type and location of the reserve land to be provided and must allocate that land between the municipality and the school boards. The Subdivision Authority may determine the allocation in accordance with the needs of the school boards or in accordance with an agreement between the municipality and the school boards.

The Board of Trustees of Elk Island Public Schools Regional Division No. 14 (the "Public Board"), The Board of Trustees of Elk Island Catholic Separate Regional Division No. 41 (the

"Catholic Board"), and The Regional Authority of Greater North Central Francophone Education Region No. 2 (the "Francophone Board"), (collectively the "Boards"), worked collaboratively with Strathcona County and all parties are prepared to enter into the Agreement, attached as Enclosure 1 to this Report.

One of the main accomplishments of the Agreement is to form a Site Allocation Committee (the "Committee") that consists of the Superintendent of each of the Boards and the Strathcona County Chief Administrative Officer. The Committee plays an important role in the success of the principles agreed to in this Agreement.

Consultation with the Boards related to Area Structure Plans is important and is required by the MGA. The Agreement, however, takes this requirement for consultation further than what is required by the MGA, in that it allows for a discussion among and feedback from the Boards and Strathcona County via the Committee. This collaborative approach to reviewing Area Structure Plans will benefit the school site allocation process, as the parties will work together to ensure they are mindful of each other's needs. Additionally, to assist Strathcona County with land planning for future school sites within Strathcona County, the Committee will develop a School Site and Joint Use Reserve Land standard. This standard will aid Strathcona County when identifying proposed land use in an Area Structure Plan.

The Committee will be responsible for determining how available school sites might be allocated among the Boards. The success of this task will rely heavily on the parties' commitment to being forthcoming and open about their respective needs, and recognizing that reserve land is a limited resource that must be equitably allocated among the parties. Strathcona County will retain ownership and be the custodian of the reserve land provided until the time of allocation of the school reserve portion of the reserve land to a Board.

Actual allocation and the transfer of interest in the reserve land to a Board takes place after certain events have taken place including the Board receiving formal approval of funding for construction of the School Building and the Board applying for a development permit for the School Building. Of note is that it is only the portion of reserve land that will be designated as school reserve in which an interest will be transferred to a Board. Accordingly, this will ensure that Strathcona County has the ability to use the portion of that dedicated reserve land not needed by the Board, and could, for example, locate a complementary park or recreation area next to the school reserve.

The MGA and the *School Act*, RSA 2000, c S-3, set out certain requirements when a school board declares reserve land, in which it holds an interest, to be surplus to its needs. Section 672 sets out that such transfer is to be for the consideration agreed on between the school board and the municipality. The Agreement addresses the purchase price that will be paid by the County to the Board in such an event.

The term of the agreement is set at 10 years. However, any party can terminate the agreement on 6 months written notice to each of the other parties. If this happens, the parties would attempt to renegotiate the principles of their relationship and the methodology for allocating reserve land. Similarly, there are various dispute resolution mechanisms set out in the Agreement for different types of disputes. The overarching principles of these mechanisms are that disputes are resolved as efficiently and cost effectively as possible, and that the parties will be candid and provide timely disclosure of information needed to facilitate amicable negotiations.

The parties will commit to the following fundamental pillars as the basis for their relationship:

- autonomy and organizational integrity,
- accountability,
- collaboration,
- consultation and communication,
- equitable allocation,
- flexibility, and
- openness.

The parties are also committing to a willingness to pursue opportunities and coordinate efforts for the establishment of shared and joint use of lands for school board purposes, public parks and public recreation areas.

### **Enclosure**

1 School Site Allocation Agreement