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**IN MUNICIPAL LAW**

# Building the Future: Preparing School Sites for Success



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# Background

- In 2024 the Government of Alberta announced an \$8.6 billion dollar plan to build new schools.
- Creating 200,000 new spaces for students by 2031.
  - Equivalent to 35 new schools per year till 2031.



# So What?

- Expected student population growth will far outpace existing capacity.
- A lack of sufficient student capacity can become a restraint on your community's growth.
- Prospective residents may need to base their choice of community on whether there is available student capacity for their family.

“Two roads diverged...”



# Be Proactive

- Joint Use and Planning Agreements
- Identify future school sites in Planning Documents
- Subdivide
- Service



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# **Topic 1: Joint Use and Planning Agreements ("JUPA")**

# Background

**JUNE 2020**

**The Municipal Government Act (Alberta) (“MGA”) and Education Act (Alberta) were amended to require that Municipalities and School Divisions adopt the use of JUPAs**

**JUNE 10, 2023  
Original Deadline**

**JUNE 10, 2025  
Extended  
Deadline**

# What is a JUPA?

- Overarching Contractual framework.
- Can be bilateral or multilateral depending on dealings between the parties.
  - 1) Written Agreement; and
  - 2) formation of new committees
- Affects existing joint use spaces as well as the creation of new spaces.



# Purpose and Content



- Shared Facilities
- School Sites and Reserve Land Management
- Coordination and Ongoing Partnership

# JUPA Requirements

**MGA**  
Section  
670.1(3)

**Education**  
**Act**  
Section  
53.1

# Resources

- Alberta Community Partnership Grant Program.
- Local Government Administration Association of Alberta.
- Engagement with Municipal and School Division working groups.
- Importantly, legal counsel.



# Variations

Simple



Complex



# Fatal Flaws



- No dedicated committee work.
- All aspects of joint use facilities being addressed in one document.
- Too many parties.
- Utilizing template agreements without adaptation.

# Approach

- Start building relationships and JUPA sooner than later.
- Anticipate future needs and resources.
- Develop JUPA in tandem to enhancements to ASPs.



# Support



- Rely on legal counsel for drafting and negotiation support.
- Consultation and collaboration meetings.
- Version control and meeting minutes.
- Drafting JUPA and facilitating execution.



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# Topic 2: Planning and Servicing

*The Where and How*

# Area Structure Plans

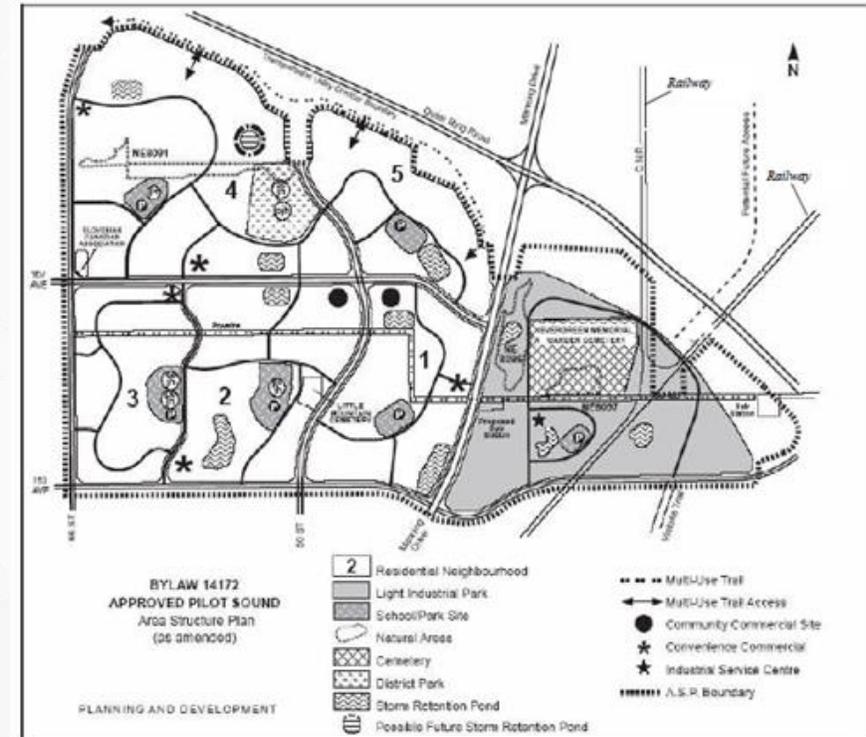
Long term  
planning

Guides growth  
and  
development at  
the high level

Objection of  
“Community  
building”

# What Does an ASP Do?

- Sequence of development
- Land uses proposed;
- Density of population proposed
- General location of
  - major transportation routes
  - public utilities



# Acquiring land for schools

## Municipal and School Reserves

Designation - Section 665 Designation of municipal land *“A council may by bylaw require that a parcel of land or a part of a parcel of land that it owns or that it is in the process of acquiring be designated as municipal reserve, school reserve, municipal and school reserve, ...”*

Subdivision Approval – Section 666 – Require up to 10% of the lands being subdivided as reserve lands.

- Municipality can defer the dedication, take cash for the value of land, or negotiate with developer.
  - Why cash?
- Follow through of ASP with creation of school sites at time of Subdivision Approval.

# Servicing of School Sites

## Who is going to pay for servicing future school sites?

- Developer?
- Municipality?
- Both???
- Cost sharing with developer?
- Avoid deferring servicing of school sites



# Development Agreements

## Section 655 – Condition at time of subdivision approval for development agreement

- Construct or pay for roads and walkways to access
- Construct or pay for public utilities to service
- Security to ensure terms of agreement are met
  - Full security in form of letter of credit
  - Template development agreement
  - Follow through and monitor



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# QUESTIONS?

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