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EMERGING TRENDS
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...”

CX304662



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.



Variances

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



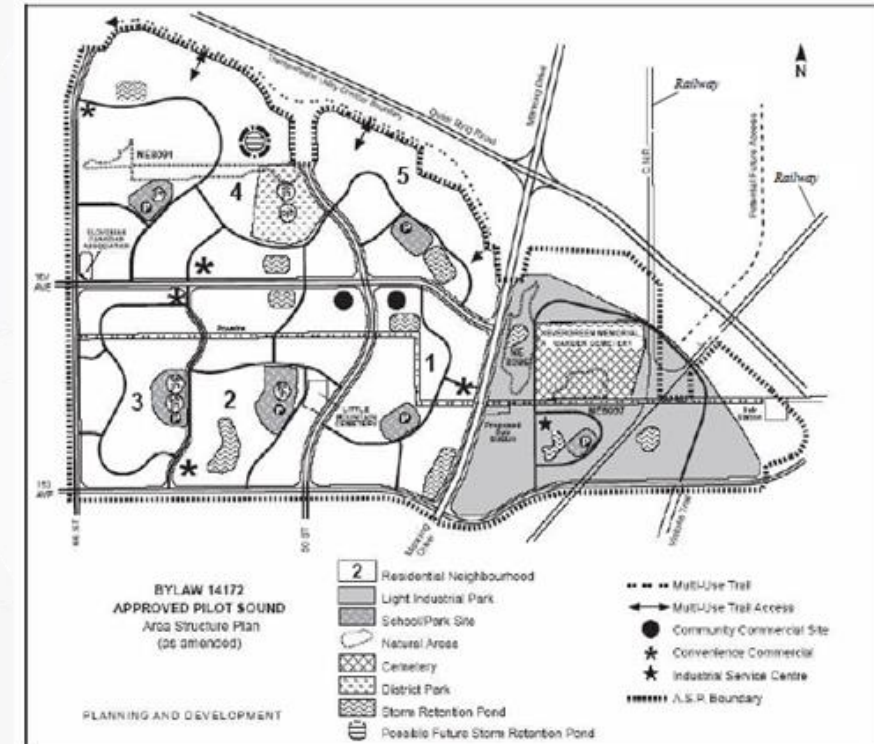
Long term
planning

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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