



March 5, 2018

Honourable Shaye Anderson  
Minister of Municipal Affairs  
132 Legislature Building  
10800 - 97 Avenue  
Edmonton, AB T5K 2B6  
[minister.municipalaffairs@gov.ab.ca](mailto:minister.municipalaffairs@gov.ab.ca)

sent by email, hard copy to follow

Dear Minister:

**Re: CITY CHARTERS 2018 REGULATION REVIEW SUBMISSION**

On behalf of the Alberta School Boards Association (ASBA) which represents 63 locally-elected public, Catholic and francophone school boards responsible for the governance, operation and administration of Alberta's public education system, I am again writing to you to express concern with respect to the City Charters legislation and regulation before the government.

The current draft of City Charters Regulation has the potential to undermine the interests of locally- elected school boards and raises concern for ASBA. Our concerns have been identified repeatedly in our previous correspondence to you and remain unchanged. Under a city charter as proposed, Cities have the right to modify or replace provisions in the *Municipal Government Act* or any other provincial act or regulation, where the province has specifically granted it authority to do so. This authority, without specific limitations and restrictions, raises concerns for the ASBA. In addition, having had the opportunity to review the City Charter 2018 Regulation, the ASBA reiterates the following concerns:

**Authority of School Boards:** The Regulation broadens a city's bylaw authority, and as a result, a city would appear to have blanket authority to pass bylaws relating to the operation of essentially every business and organization (including School Districts). Section 8.1 affirms this authority as it provides a City with the right to pass a bylaw for any municipal purpose set out in Section 3 of the MGA. It is not clear whether this would provide a City with the authority to amend or bring different provisions relating to the dedication of reserve lands or funds in lieu, or the closure of schools and use of excess school lands. There continues to be no requirement for consultation or collaboration with school boards with respect to educational topics or issues. It needs to be made clear that the authority provided to school boards under the School Act will not be overridden by the authority granted to a City in a City Charter.

**Definition:** The City Charter Regulation authorizes a city to formally adopt a definition of “school”, although such a term, not presently defined in the MGA, is defined in the School Act. Should there be a need for a different definition, the wording of such a definition should be set out in the Regulation, as there is no defined process for how a city would arrive at such a definition and could result in the term school being defined without any consultation or collaboration with school boards.

**No Recourse:** The City Charter Regulation increases a city’s discretionary authority to enact bylaws that it feels are for the benefit of a city and yet there is no recourse for school boards should a city chose to pass a bylaw that is contrary to specific authority granted to school districts under the School Act.

**Communication with Ratepayers:** The City Charter Regulation gives a city the authority to send ratepayers notices electronically relating to their school tax preference (public or separate). There is no opportunity for input from school boards as to how this choice is presented.

**Building Code Regulations:** The City Charter Regulation allows a city to amend building code regulations. This could impact the costs of the design and construction of new schools as well as the modernization of existing schools.

**Subdivision of lands:** The City Charter Regulation provides a broadened authority for a city to regulate subdivisions. This could give a city the power to amend the provisions relating to reserve lands and/or the collection of cash-in-lieu amounts in a manner that is different than the existing MGA provisions or current practices.

**Reserve Lands:** There is nothing in the Regulation that would prevent a city from changing the allocation of reserve lands. In cases where Joint Use Agreements exist, a city could terminate the term of the JUA by way of the termination provisions contained in the JUA to make any changes that a city wishes to implement. There is no protection for school boards should a City choose to pursue this course of action.

**Local Authorities Election Act (LAEA):** The City Charters Overview Package suggests that a city would have the authority to modify several LAEA provisions. School Trustee elections are also governed by the LAEA. There is no requirement for a city to collaborate with school boards when making changes and yet any changes would similarly apply to School Trustee elections.

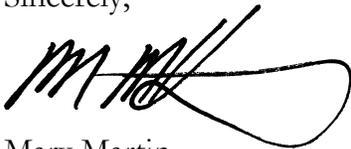
**Freehold School Sites:** The City Charters Overview Package Freehold school sites provision would allow a city to decide to acquire only a portion of school sites that are no longer required for school purposes. Previously the city would have been required to acquire an entire site at fair-market value.

**Community Hubs:** The City Charters Overview Package suggests enabling a city to create shared spaces for community organizations on underutilized lands. There is no provision for how a city would determine if land is underutilized.

Currently there are two applications for a City Charter (Calgary and Edmonton) which impact six school jurisdictions (Edmonton Public Schools, Edmonton Catholic Schools, Conseil scolaire Centre-Nord, Calgary Board of Education, Calgary Catholic School District and Conseil scolaire FrancoSud). It is anticipated that once a precedent is set, other cities will soon follow suit in the application for their own city charter. There are currently 17 municipalities in Alberta that have been granted city status. According to the Municipal Affairs website, there are 45 municipalities that qualify for city status (population greater than 10,000). The manner in which the current two applications for a City Charter will be precedent setting. Because a City Charter provides a city with the authority to make decisions and bylaws which will impact schools and school boards without requiring consultation with the impacted school board, it is deeply concerning to the ASBA, as it has the potential of undermining the authority of school boards across the province.

School boards must be recognized as duly elected, local government entities who are partners rather than subordinate to municipalities. As partners, school boards must be involved in any decision which impacts education. Any actions considered within a City Charter that may intersect with education must respect a school board's autonomy. ASBA recommends that a municipality contemplating a City Charter be required to ensure it has first reached a consensus with all school boards in its jurisdiction on any element of the proposed City Charter that has the potential to directly or indirectly impact education, before the proposed City Charter is submitted to the Alberta government. The inclusion of such language reflective of this endorsement would be very positive and would be enthusiastically supported by ASBA.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mary Martin', with a large, sweeping flourish extending to the right.

Mary Martin  
President  
Alberta School Boards Association