



RECREATION, PARKS, AND COMMUNITY SUPPORT

TO:	Council	DIVISION:	All
DATE:	November 24, 2020	APPLICATION:	N/A
FILE:	N/A		
SUBJECT:	Reserves Termination Agreement		

POLICY DIRECTION:

In accordance with Section 670.1 of the Municipal Government Act (MGA), municipalities must establish joint use and planning agreements with school authorities operating within the County's boundaries. The directive from Council at the October 22, 2019, meeting was to terminate the 1998 Reserves Agreement with the Board of Trustees of Rocky View School Division No. 41 (Rocky View Schools) and the Board of Trustees of the Calgary Roman Catholic Separate School District No.1 (Calgary Catholic Schools) by providing the required 12-month written notice. The 1998 agreement terminates December 1, 2020.

EXECUTIVE SUMMARY:

Administration has prepared a brief report to provide Council with both a summary of the history since the motion of Council and suggested outcomes in the development of a new agreement. In review of the MGA, the Act was amended in June of this year, making it mandatory that joint use and planning agreements between municipalities and school boards be in place by June 2023.

ADMINISTRATION RECOMMENDATION:

Administration recommends approval in accordance with of Option #1.

BACKGROUND:

In response to Council's directive of October 22, 2019, Administration formally notified the Board of Trustees of Rocky View School and the Board of Trustees of the Calgary Roman Catholic Separate School, that the 1998 reserves agreement would terminate effective December 1, 2020.

In September of this year, Administration received a written request from Rocky View Schools to release School Reserve funds as per Article 4.1.4 in the 1998 Reserves agreement, and to request that meetings be scheduled to discuss a new agreement. Administration sought advice and confirmed the County was required to release the funds to both school authorities. As of October 21, 2020, funds held within the School Reserves total \$3,220,974, with \$152,729 of the total funds committed to Council-approved projects.

The legal opinion also recommended that a Termination Agreement be prepared to provide certain acknowledgements, assurances, and a mutual conclusion for both parties. The proposed agreement, included as Attachment "A", identifies the following conditions:

1. Timeline for the release of funds;
2. Criteria in reference to the use of the committed and uncommitted funds;
3. How funds are to be allocated for disposal of any municipal reserves until a new agreement is approved; and
4. Until a new agreement is in place, and as per the Municipal Government Act, authority to consider all matters pertaining to funding associated with school boards through reserve dedication will default to the subdivision authority.

Administration Resources

Dari Lang, Community Project Coordinator



ROCKY VIEW COUNTY

In preparation for a new Reserves Agreement, Administration reached out to eight other municipalities to inquire on the status and details of their reserve agreements. All but one municipality contacted were either currently in the process of developing new agreements or have identified the need for new agreements in the next 12 to 24 months. Only the City of Airdrie had recently approved a new agreement.

Based on research, the most common trends noted below will be considered in the drafting of a new agreement:

- Standard agreement term is five years.
- Municipal/School reserves, which are jointly owned by the municipality and school authority, are only taken at subdivision stage if the municipality has a defined, long-term plan for the use of the joint lands. In most cases, municipalities keep land ownership separate from school authorities.
- Municipal reserves, which are owned by the municipality, are under sole control of that municipality.
- School reserves are owned by the specific school authority.

Administration has begun the drafting of a framework for a new agreement that supports cooperative planning, equitable partnerships, and clearly defined roles and responsibilities. Administration is looking for direction from Council on how to proceed. Administration recommends that we initiate discussions with the school authorities and report back to Council on our progress in the second quarter of 2021.

BUDGET IMPLICATIONS:

There are no known budget implications.

OPTIONS:

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| Option #1: | Motion #1 | THAT the Reserves Termination Agreement between Rocky View County, the Board of Trustees of Rocky View School Division No. 41 and the Board of Trustees of the Calgary Roman Catholic Separate School District No.1 be approved; |
| | Motion #2 | THAT Administration be directed to release the School Reserve Funds to the Board of Trustees of Rocky View School Division No. 41 and the Board of Trustees of the Calgary Roman Catholic Separate School District No.1; |
| | Motion #3 | THAT Administration be authorized to work with the school authorities in the development of a new agreement and provide an update to Council in the third quarter of 2021. |
| Option #2: | THAT alternative direction be provided. | |



ROCKY VIEW COUNTY

Respectfully submitted,

“Theresa Cochran”

Executive Director
Community Development Services

TC/dl

Concurrence,

“Al Hoggan”

Chief Administrative Officer

ATTACHMENTS:

ATTACHMENT ‘A’: Termination Agreement