

JOINT USE AGREEMENT: LAND REVIEW - UPDATE

RECOMMENDATION

That the March 20, 2023, Urban Planning and Economy report UPE01518, be received for information.

Requested Council Action	Information only		
ConnectEdmonton's Guiding Principle	ConnectEdmonton Strategic Goals		
CONNECTED This unifies our work to achieve our strategic goals.	Healthy City		
City Plan Values	LIVE		
City Plan Big City Move(s)	A Community of Communities	Relationship to Council's Strategic Priorities	15-Minute Districts Conditions for Service Success
Corporate Business Plan	Serving Edmontonians		
Council Policy, Program or Project Relationships	<ul style="list-style-type: none"> • The City Plan • Breathe, Edmonton's Green Network Strategy • Joint Use Agreement: Land • Community Parks Framework 		
Related Council Discussions	<ul style="list-style-type: none"> • CS01247 Equity and Efficiency in Application Processes - Community League Operating Grant and Community League Infrastructure Program, Community and Public Services Committee, September 27, 2022 		

Previous Council/Committee Action

At the September 26/27, 2022, Community and Public Services Committee the following motion was passed:

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That Administration provide a report on updates on the Joint Use Agreement: Land review ongoing with school boards and how it could address aging infrastructure renewal (i.e., playgrounds) on school board owned lands.

Executive Summary

- Administration is working with school board partners to advance an update to the Joint Use Agreement: Land (“Land Agreement”).
- The Land Agreement update will clarify roles and responsibilities for the renewal of existing infrastructure, including playgrounds.
- Administration and Joint Use partners are currently exploring undertaking a long-term real estate strategy that would identify school site needs in redeveloping areas in alignment with The City Plan.
- The City Manager has recently engaged with the superintendents of all three Edmonton school boards to ensure greater strategic alignment. The parties have expressed interest in working toward better alignment in all of the shared work including the way neighbourhoods are built and served.

REPORT

Background

In September 2022, Administration presented CS01247 Equity and Efficiency in Application Processes - Community League Operating Grant and Community League Infrastructure Program to outlining how the City administers community league grants, and specifically how the application evaluation process will be reviewed to ensure it factors in equity considerations. The report was received for information, with an additional motion requesting an update on the Joint Use Agreement: Land.

The Community Parks Framework¹ referenced in the September 2022 report to Committee is a new approach the City is considering to support the development and renewal of Community park amenities. The framework intends to replace the Neighbourhood Park Development Program which started in 1983. The proposed approach under the new Community Parks Framework would support the development and renewal of community park amenities based on public need and/or benefit and the equitable distribution of amenities. Under the Framework, playgrounds on City land would be the responsibility of the City to renew. The Framework does not currently extend to school board titled land though would prioritize capital development for nearby City land if a school does not have an accessible, adequate playground.

Joint Use Agreement: Land

Edmonton’s Joint Use Agreement: Land (see Attachment 1) was approved in July 2009 and is a partnership between the City of Edmonton, Edmonton Public School Board, Edmonton Catholic

¹ https://www.edmonton.ca/projects_plans/parks_recreation/community-parks-framework

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School District and Conseil scolaire Centre-Nord. This agreement guides the planning, assembly, design, development and maintenance of Joint Use sites for school and park purposes.

The Land Agreement specifies that the agreement be reviewed every ten years from the effective date, but the agreement does not expire. The Land Agreement review started in September 2020, and a sub-committee of City and school board staff was formed to undertake the review.

Changes in legislation, policies, processes and organizational structures since the last review mean that some recurring issues are not addressed or not fully outlined in the current Agreement. The review will investigate several themes of the current Agreement, including:

- Administrative/Principles/Definitions - The Land Agreement does not reflect current City policy including The City Plan and Breathe, Edmonton's green network strategy.
- Investment Responsibilities - The Land Agreement lacks clarity on responsibilities of the City and school boards for preparing sites for school development, addressing servicing deficiencies on planned school sites, renewal costs for playgrounds and other park assets, and supporting ongoing maintenance costs associated with vacant school sites.
- Planning Processes - The City is responsible for the assembly of school sites and school building land per the *Municipal Government Act* (MGA). Obligations include designating Municipal Reserve lands as School Reserve or Municipal School Reserve where applicable. The City is challenged to accommodate the needs of all three partners in Area Structure and Neighbourhood Structure Plans within the limits of the MGA which allow up to 10 per cent of land to be dedicated as reserve, and direction in the Agreement does not align with the subdivision process.
- Surplus/Claims - The Land Agreement outlines the process for declaring sites surplus and the steps for the remaining boards and the City to express interest in acquiring those sites. Decisions to surplus rest with the Board of Trustees and require provincial approval from the Minister of Education. These factors make it difficult to predict the timing of when sites will be declared surplus. The lack of a long-term strategy to guide the disposition of school board land poses financial challenges to the City to acquire surplus, non-reserve school sites to meet broader open space objectives in alignment with The City Plan and Breathe.
- Municipal and School Reserve Designation - When a school is constructed on City-owned reserve land, the current Land Agreement requires that Land Titles receive a parcel registration with Municipal School Reserve designation, jointly held by the City and the respective school board. City Administration favours an approach that moves away from joint title, though there is no consensus amongst Joint Use partners as to the preferred title ownership approach. The approach will be ratified as part of the Land Agreement review and will clarify expectations for the long-term ownership of schools and adjacent parks.

The City Manager and the senior leaders of the three Edmonton school boards have committed to refresh the strategic guidance under which the Joint Use committees work. An important part of this work will be to foster a shared commitment to The City Plan goals of promoting complete 15-minute

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communities as Edmonton grows to a city of two million people. Schools in neighbourhoods and safe, functional playgrounds are important elements of complete communities.

Land Agreement and Playgrounds

Included within the context of Investment Responsibilities is the need to define responsibilities for the renewal of playgrounds or other amenities located on school board land. There are presently 64 playgrounds maintained by the City of Edmonton on school board land (Attachment 2). Based on the Community Parks Framework, these existing assets fall outside the purview of the City's investment mandate and would be the responsibility of the school board to replace.

While there are renewal options available for playgrounds located on City land via the Community Parks Framework, the same may not exist for school board-titled land where renewal funding is not available to the school boards, or may be inadequate. The City provides ongoing maintenance and inspections for 64 playgrounds on school board land; however as these playgrounds reach the end of their functional life, or as various components degrade, the assets are removed. The responsibility for replacement resides with the school board. Once a playground is replaced by the school board, the respective board takes over all maintenance responsibilities. This may create challenges where an existing playground located on school board land supports both school and broader community needs but school board funding for replacement may not be available. In other instances, the removal of a school playground may not materially impact the provision of playgrounds if the same area is sufficiently served by other playgrounds on City or school board lands.

Further discussions through the Land Agreement review will seek to clarify and confirm roles and responsibilities regarding asset ownership, maintenance and renewal obligations of aging infrastructure on school board land and identify instances where the City might assume asset ownership. Should the City assume maintenance and renewal obligations there is a corresponding financial commitment required to complete the work.

Long-Term Real Estate Strategy

Limited resources by Joint Use partners, combined with the financial pressures placed on the school boards to maintain a school site that is non-operational, often necessitates that these sites be declared surplus by the boards. The current process outlined in the Land Agreement related to surplus sites results in sites that have no immediate identified need being sold and redeveloped. This disproportionately impacts redeveloping areas.

The City Plan identifies mature neighbourhoods as being part of the redeveloping area, and as such, there is a need to ensure equitable access to education will be maintained as the city grows to a population of two million people. This need outlined in The City Plan is in conflict with the financial realities faced by school boards and not strongly supported by the current processes in the Land Agreement.

A Long-Term Real Estate Strategy would identify where school sites will be required based on anticipated population growth and seek alignment with The City Plan. The Strategy could result in additional changes to the Land Agreement to account for new scenarios and better inform school board disposal of surplus school sites.

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Administration and Joint Use partners are exploring the completion of the Long-Term Real Estate Strategy that would lay out a potential plan for structured growth for the school boards. As this strategy would inform specific aspects of the Land Agreement, there is consensus between Administration and school board partners that should this work proceed that it could be prioritized and completed in tandem with the Land Agreement review.

Administration anticipates that both the Land Agreement review and the Long-Term Real Estate Strategy will be completed within the next two years. The timeline reflects the collaborative but often complex working relationship between the City and School Boards, each having obligations to their respective decision-making and governance structures. The work requires researching and answering complex questions, often in the absence of dedicated resources. Administration will continue to work to identify efficiencies throughout the process to complete the work earlier. This long range planning work will benefit from the commitment the City Manager and superintendents have made to refresh the strategic alignment of the Joint Use Committee, including intentional neighbourhood design that helps make Edmonton a community of communities; safe, healthy, inclusive and equitable.

Budget/Financial Implications

There are currently 141 playgrounds located on school board land. Of these, 77 are maintained by the respective school boards with the remaining 64 playgrounds maintained by the City. Based on the current arrangement with the school boards, playground renewal is the responsibility of the school boards who would then assume ongoing maintenance responsibilities. City ownership and investment responsibility of playgrounds located on school board property would result in both capital and operating impacts.

Administration is working with school board partners to confirm the scope to advance the next steps including further exploration of long-term strategy work and completing the Land Agreement review. These discussions will further assess investment responsibility with respect to playgrounds and determine under what circumstances City-funded playground renewal and maintenance is appropriate. Budget and financial implications will be presented to Council for consideration as part of the Land Agreement review and approval process.

COMMUNITY INSIGHT

Land Agreement review activities and the initial discussions related to the Long-Term Real Estate Strategy have remained internal exercises for the Joint Use Agreement Steering Committee and Land Management Committee.

Future stages of these initiatives may require broader stakeholder engagement that could include relevant Government of Alberta ministries, Edmonton Federation of Community Leagues, development industry associations, and representatives of community groups and organizations that regularly access joint use facilities.

GBA+

In alignment with the Joint Use Agreement, the work of the Land Management Committee is guided by vision and mission statements focused on diversity and inclusion:

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Joint Use Agreement Vision:

Edmonton is an active, engaged and inclusive community enhanced by the provision and shared use of schools, parks and recreation facilities.

Joint Use Agreement Mission:

The Joint Use partners achieve the vision through collaboration, innovation, commitment to sustainability, equity and cooperative planning to maximize benefit to students and community.

The range of policy options considered by the Land Management Committee's work will integrate the consideration of gender and diversity issues into the collective thought process. The participant organizations acknowledge their representation of a large geographic area and a population with a wide-range of socio-economic status, including under-represented groups and characteristics.

ATTACHMENTS

1. Edmonton Joint Use Agreement: Land
2. Playgrounds Maintained by City of Edmonton on School Board Lands