



Capital Planning Region Regulation



Partners in sustainable regional growth



Background

- Regional planning has proven successful in other jurisdictions at increasing economic development, reducing overlap, and proving a framework for strategic investment in regional infrastructure and services.
- Under The Planning Amendment and City of Winnipeg Charter Amendment Act, decades of collaboration leading to the Winnipeg Metropolitan Region board will evolve to a new statutory capital planning region corporation (CPR).
- The regulation under the Act establishes fair oversight and operating rules for the CPR.
- The CPR has the same 18 member municipalities as the current regional planning body:
 - The Cities of Winnipeg and Selkirk; the Towns of Niverville and Stonewall; the Village of Dunnottar; and, the Rural Municipalities of Cartier, East St. Paul, Headingley, Macdonald, Ritchot, Rockwood, Rosser, Springfield, St. Andrews, St. Clements, St. François-Xavier, Taché, and West St. Paul.



Why a Regional Approach?

Regional planning is adopted world-wide and in other major Canadian regions because it supplements but does not replace local municipal planning authority and has broader public benefits within a larger significant region.

- **Housing affordability** – allows for conscious planning of a wider range of housing options
- **Ease of transportation** – regional approaches support easier movement of people and goods, reducing travel times by connecting periphery to core
- **Prosperity**– economic growth and investment brings higher paying and better jobs for residents of the region
- **Shared Servicing Infrastructure** – integrated approaches to servicing infrastructure like water, wastewater, solid waste management and fire response can result in economies of scale and lower overall costs to residential and commercial rate payers
- **Poverty alleviation** – inconsistent planning and infrastructure decisions can lead to housing and public transit gaps that can inadvertently separate people from employment areas
- **Indigenous relations** – regional planning can strengthen collaboration on services, land agreements and espouse respect for treaty land rights



Board of Directors

- The CPR will be governed by a board of directors. The board will be composed of:
 - The head of council (mayor or reeve) from each of the 18 member municipalities in the Capital Region.
 - Municipalities may appoint at any time a currently elected councillor, other than their mayor/reeve, through a council resolution.
 - Up to 4 directors appointed by the Minister of Municipal Relations
 - Ministerial appointees have the same rights and responsibilities as other directors
 - The board must not make by-laws that affect the appointment or term of ministerial appointees.
- The minister will designate from the 22 directors who will serve as chair and vice-chair after consultation with the board.



Terms of Office

- Municipal heads of council are, and continue as, directors unless their respective municipality appoint a different member of council to the board.
- Members of municipal councils, other than the head of councils, appointed to the board hold office for a term of three years, and after that until a successor is appointed.
- Ministerial appointees hold office for a term of three years, and after that until a successor is appointed.



First board meeting

- Within 120 days after the regulation coming into force, the CPR board must hold its first meeting to:
 - Appoint officers to hold office until next AGM; and
 - Schedule its meetings for the balance of the fiscal year and the date of the first AGM.



Majority Decisions

- Each director of the board is entitled to one vote on any decision of the board.
- Decisions of the board will be made using a **double majority** system. Under this voting structure, the following two conditions must be met for a motion to pass:
 - 1) A majority of directors present must vote in favour of the motion; and
 - 2) The municipally appointed directors voting in favour must represent at least 50% of the population of the Capital Planning Region, as shown in the most recent census taken and available under Canada's *Statistics Act*.



Quorum

- Quorum at all meetings of the regional planning board consists of a majority of the directors on the regional planning board, and must include:
 - The chair or vice-chair; and
 - The director representing the City of Winnipeg.



Application of The Corporations Act

The regulation also contains provisions from *The Corporations Act* that apply to the capital planning region regarding the following matters:

- Duty of directors
- Corporate by-laws
- The necessary qualifications of directors
- When directors cease to hold office
- Holding electronic meetings
- The board's ability to delegate powers
- The validity of acts of directors and officers
- Liability of directors for wages
- Disclosure of interest in contract
- Designating officers
- Duty of care of directors and officers (acting in good faith)
- Dissenting to a resolution
- Indemnification
- Remuneration of directors, officers, and employees



Annual budget

- The CPR board must prepare and approve an annual budget for its operations in each fiscal year.
- A copy of the budget for each fiscal year must be submitted to the Minister before the start of that year.



Municipal Contributions

- Within 120 days after the proposed regulation coming into force, the municipal member municipalities must agree to the amount or proportion of funding that each must contribute to meet the expenses of the planning region.
- All member municipalities except Winnipeg must contribute at least the minimum annual contribution for their respective population size, as shown in the most recent census taken and available under Canada's *Statistics Act* (see schedule in next slide).
- The City of Winnipeg must contribute at least the aggregate amount of fees contributed by all other member municipalities (e.g. at least 50% of total municipal contributions).
- If no budget is approved, municipal contributions will be determined in accordance with the schedule of the regulation.



Contribution Schedule

Municipal Population	Minimum Annual Contribution	Municipal Population cont'd	Minimum Annual Contribution cont'd
999 people or fewer	\$1,100	11,000 – 11,999	\$12,100
1,000-1,999	\$2,100	12,000 – 12,999	\$13,100
2,000 – 2,999	\$3,100	13,000 – 13,999	\$14,100
3,000 – 3,999	\$4,100	14,000 – 14,999	\$15,100
4,000 – 4,999	\$5,100	15,000 – 15,999	\$16,100
5,000 – 5,999	\$6,100	16,000 – 16,999	\$17,100
6,000 – 6,999	\$7,100	17,000 – 17,999	\$18,100
7,000 – 7,999	\$8,100	18,000 – 18,999	\$19,100
8,000 – 8,999	\$9,100	19,000 – 19,999	\$20,100
9,000 – 9,999	\$10,100	20,000 people or greater (except Winnipeg)	\$21,100 plus an additional \$1,000 per 1,000 residents above 20,000 residents
10,000 – 10,999	\$11,100		



Public Information and Record Keeping

- The CPR will be required to maintain records in accordance with *The Planning Act*.
- The CPR must also establish a free and publicly accessible website within 180 days of the proposed regulation coming into force where the items listed in the regulation and The Act must be made available.
- The CPR must also keep printed copies of all regional planning by-laws available to the public during regular office hours.



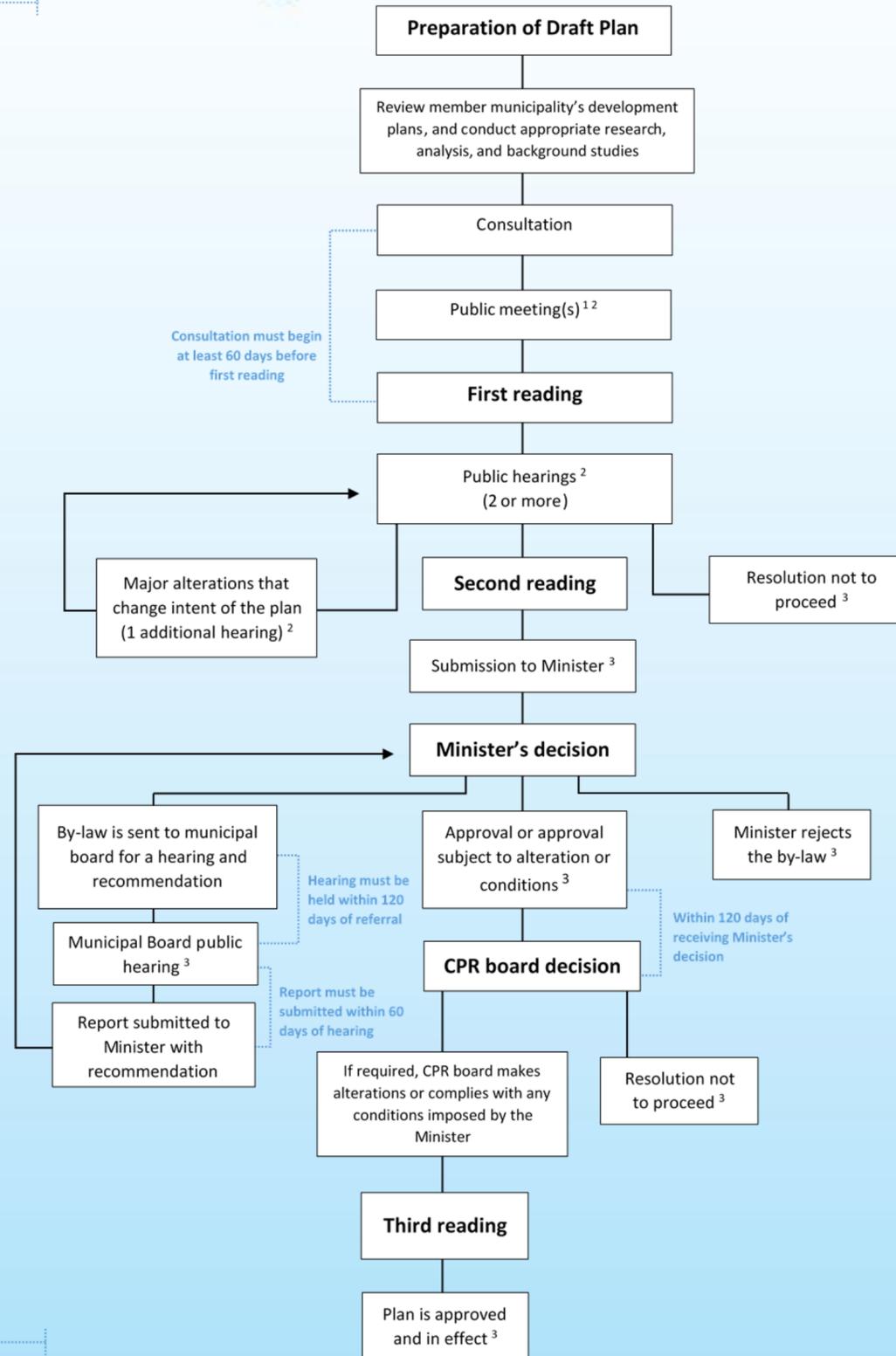
Preparation of Regional Plan

- The CPR board will have 2 years from the time the regulation comes into force to adopt a regional plan
- Prior to drafting the regional plan, the board must review existing and proposed development plans of each regional member municipality
- The regional plan must be prepared with the assistance of a registered professional planner



Regional Plan (Step by Step)

2 YEAR TIMELINE





Public consultation

- At least 60 days prior to giving the plan first reading, the CPR board must:
 - Give notice of public consultation in accordance with requirements included in the regulation for public hearings;
 - Hold one or more public consultations;
 - Consult with the minister, the minister's department and any other government department the minister considers appropriate;
 - Consult with each of the regional member municipalities; and
 - Consult with any other organization, group or stakeholder the board deems appropriate.
- Notice of public consultations and hearings must be given in accordance with section 167 of The Planning Act, in addition to the requirements in the proposed regulation (section 33).



First reading

- Once the CPR board has prepared the regional planning by-law according to the requirements of the regulation, they must give the by-law first reading
- Following first reading, the CPR board must hold two or more public hearings in the capital planning region municipalities to receive representations on the proposed regional planning by-law
- At least one of the public hearings must be held in the City of Winnipeg, and one held in another regional member municipality



Second Reading

- After the public hearings, the board must:
 - If no alterations or only minor alterations are required, make the required alterations and proceed to give the by-law second reading; or
 - If alterations that change the intent of the plan are required, make the alterations and hold another public hearing; or
 - Pass a resolution not to proceed with the by-law
 - Notice required (section 23)



Submission to the Minister

- As soon as possible following second reading, the CPR board must submit a certified copy of the planning by-law, a copy of the minutes from each hearing held on the by-law, and each written submission filed at the hearings to the Minister of Municipal Relations.
- As soon as possible after submitting a second reading version of the by-law to the Minister, the board must also send a notice of second reading to all those who made a representation at a hearing on the by-law.
- The board cannot give third reading to the by-law unless the Minister has approved it.
- Prior to making a decision, the Minister may choose to refer all or part of the regional planning by-law to the Municipal Board.



Municipal Board hearing

- If the minister makes a referral to the Municipal Board, they will be required to hold a hearing on the by-law within 120 days.
- Following the hearing, the Municipal Board will have 60 days to submit a report to the minister setting out its recommendations on the objection, question or issue referred to Municipal Board.



Minister's Decision

- Upon review and following the receipt of any Municipal Board recommendations (if applicable), the Minister must do one of the following:
 - Approve the by-law without conditions or alterations;
 - Approve the by-law with alterations or conditions the board must comply with prior to third reading;
 - Reject the by-law
 - Notice required (sub-section 28(4))
- Before making a decision, the Minister may consult with the CPR board, any regional member municipality, and any other person the minister deems appropriate.



Third reading & adoption

- Within 120 days of receiving the Minister's decision of approval, the CPR board must
 - Give third reading to the regional planning by-law after satisfying any alterations or conditions specified by the Minister
 - Notice required (section 31)
 - Pass a resolution not to proceed with the by-law
 - Notice required (section 32)
- After adoption of the regional planning by-law, the CPR board must ensure that the regional planning by-law remains in effect and is enforced at all times.



Amendments to the Regional Plan

- In accordance with *The Planning Act*, an amendment to a regional planning by-law may be initiated by the Minister, the CPR board, a regional member municipality, or a planning district within the region.
- Sections 21 to 34 of the regulation apply to amendments to a regional plan, with the following exceptions:
 - Only one public hearing is required after first reading
 - If an amendment relates specifically to one regional member municipality, at least one public hearing must be held in that municipality
 - A notice does not need to be published in a newspaper after third reading
- Except for a minor amendment, amendments must be prepared with the assistance of a registered professional planner.
- Minor amendments to correct errors may be made without complying with sections 21-34, with written authorization from the minister (section 37).



Review of Regional Plan

- The CPR board must begin a review of the regional plan no later than 8 years after the plan was originally adopted. Subsequent reviews should begin no later than 8 years following the most recent regional plan's adoption.
- Reviews must be completed within two years of their initiation.
- The Minister may order the board to complete a review of the plan at any time.
- A review of the regional planning by-law must include a comprehensive review of the plan, and follow the steps described in section 19 and 20 as if it were a new plan.
- Upon completion of the review, the CPR board must re-enact the regional planning by-law or repeal and replace it in accordance with the process in sections 21 to 34.



Coming into force

- This regulation comes into force on **January 1, 2023**; the same day that section 3 of *The Planning Amendment and City of Winnipeg Charter Amendment Act, S.M. 2021, c. 36*, comes into force.
- Regulations may be amended in the future within the authority of The Act, as required.
- The Act includes a requirement for a mandatory comprehensive review within three years after the coming into force of the amendments made by The Planning Amendment and City of Winnipeg Charter Amendment Act that enabled the Minister to create this proposed regulation.