



ALBERTA

MUNICIPAL AFFAIRS

*Office of the Minister**MLA, Calgary-Hays*

AR118277

February 26, 2025

Dear Chief Elected Officials/Associations/Library Boards/Regional Services
Commissions/Municipally Controlled Corporations:

In May 2024, our government passed the *Provincial Priorities Act* to establish a process for provincial oversight of agreements between provincial entities and the federal government. The *Act* will come into force on April 1, 2025, and will ensure Ottawa is not undermining the province's jurisdiction to make decisions about what is best for Alberta and Albertans. Under the *Act*, provincial entities, such as municipalities, are required to obtain prior approval from the Alberta government before entering into, amending, or renewing an agreement with the federal government.

Throughout last summer, Alberta's government led a comprehensive stakeholder engagement with provincial entities to inform the supporting regulations. The Provincial Priorities Regulation (attached), which also comes into force on April 1, 2025, designates additional municipal entities that are subject to the *Act*. These entities include library boards, regional services commissions, municipally controlled corporations, and any entity that is established by bylaw, with the exception of business improvement areas. In addition, the regulation sets out the approval process for proposed intergovernmental agreements and includes some exceptions for the municipal sector where no provincial approvals will be needed. Examples of these exceptions include agreements under \$100,000, agreements that are in-kind contributions only, agreements with the Canadian Armed Forces, and agreements for disaster response and assistance; these will not require provincial approval.

Effective April 1, 2025, municipalities and municipal entities will be required to submit information on all new agreements with the federal government, agreement amendments and agreement renewals, along with a copy of the agreement, to Municipal Affairs, regardless of the monetary value of the agreement. Information on agreements eligible for an exception must also be submitted to Municipal Affairs in order for the exception to apply. Additional details on the process for submitting required information on federal agreements to Municipal Affairs will be shared in March.

I am looking forward to working together with you to ensure Alberta municipalities maintain access to federal dollars while protecting areas of provincial jurisdiction.

Sincerely,

Ric McIver
Minister

cc: Chief Administrative Officers



Province of Alberta
Order in Council

O.C. 041/2025

FEB 26 2025

ORDER IN COUNCIL

Approved and ordered:

Shakharu

Lieutenant Governor
or
Administrator

The Lieutenant Governor in Council makes the Provincial Priorities
Regulation set out in the attached Appendix.

FILED UNDER

THE REGULATIONS ACT

as ALBERTA REGULATION 21/2025

ON February 26 2025

Carl

REGISTRAR OF REGULATIONS

CHAIR

[Signature]

For Information only

Recommended by: President of Executive Council

Authority: Provincial Priorities Act
(section 4)

APPENDIX
Provincial Priorities Act
PROVINCIAL PRIORITIES REGULATION

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Designation of provincial entities

- 1 The following entities are designated as provincial entities for
the purposes of the Act:

- (a) an intermunicipal library board as defined in the *Libraries Act*;
- (b) a municipal library board as defined in the *Libraries Act*;
- (c) a controlled corporation as defined in section 75.1 of the *Municipal Government Act* and the controlled corporation's board;

- (d) a growth management board as defined in the *Municipal Government Act*;
- (e) a regional services commission as defined in the *Municipal Government Act*;
- (f) an entity created by a municipal bylaw, except a business improvement area within the meaning of the *Municipal Government Act* and the business improvement area's board;
- (g) an entity that is a party to an agreement in which the entity has agreed to operate and administer real property assets of the Alberta Social Housing Corporation;
- (h) Calgary Homeless Foundation;
- (i) Homeward Trust Edmonton.

Approvals

Approval by responsible Minister

2(1) Subject to the exceptions set out in this Regulation, a provincial entity may only enter into, amend, extend or renew an intergovernmental agreement after obtaining the prior approval of the Minister responsible for the provincial entity.

(2) For the purposes of this Regulation,

- (a) the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for the *Post-secondary Learning Act* is responsible for a public post-secondary institution as defined in the *Post-secondary Learning Act*,
- (b) the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for the *Education Act* is responsible for a board as defined in the *Education Act*,
- (c) the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for the *Provincial Health Agencies Act* is responsible for

- (i) a regional health authority, and any subsidiary health corporation of the regional health authority, under the *Provincial Health Agencies Act*, and
 - (ii) Covenant Health and any subsidiary of Covenant Health,
- (d) the sector Minister responsible for a health services sector under the *Provincial Health Agencies Act* is responsible for a provincial health agency established for that health services sector, and any subsidiary health corporation of that provincial health agency, under the *Provincial Health Agencies Act*,
- (e) the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for the *Libraries Act* is responsible for
 - (i) an intermunicipal library board as defined in the *Libraries Act*, and
 - (ii) a municipal library board as defined in the *Libraries Act*,
- (f) the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for the *Municipal Government Act* is responsible for
 - (i) a municipal authority as defined in the *Municipal Government Act*,
 - (ii) a controlled corporation as defined in section 75.1 of the *Municipal Government Act* and the controlled corporation's board,
 - (iii) a growth management board as defined in the *Municipal Government Act*,
 - (iv) a regional services commission as defined in the *Municipal Government Act*, and
 - (v) an entity created by a municipal bylaw, except a business improvement area within the meaning of the *Municipal Government Act* and the business improvement area's board,

and

- (g) the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for the *Alberta Housing Act* is responsible for
 - (i) a management body as defined in the *Alberta Housing Act*,
 - (ii) an entity that is a party to an agreement in which the entity has agreed to operate and administer real property assets of the Alberta Social Housing Corporation,
 - (iii) Calgary Homeless Foundation, and
 - (iv) Homeward Trust Edmonton.

(3) The President of the Executive Council may approve a provincial entity to enter into, amend, extend or renew an intergovernmental agreement if no other Minister is responsible for the provincial entity.

Authority to approve municipal agreements

3(1) Despite anything to the contrary in section 2(2)(f), the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for the *Municipal Government Act* may designate another Minister as the Minister responsible for a provincial entity referred to in section 2(2)(f) in relation to an agreement or a class of agreements if the Ministers agree that the subject-matter of the agreement or class of agreements relates to a matter under that other Minister's administration.

(2) Despite anything to the contrary in section 4(1), a provincial entity referred to in section 2(2)(f) shall submit a proposed agreement, amendment, extension or renewal in accordance with the directions of the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for the *Municipal Government Act* despite that Minister designating another Minister as the Minister responsible for the provincial entity under subsection (1).

Approval of agreements

4(1) To obtain approval to enter into, amend, extend or renew an intergovernmental agreement, a provincial entity must submit the proposed agreement, amendment, extension or renewal in accordance with the directions of the Minister responsible for the provincial entity.

(2) The Minister responsible for the provincial entity must assess the proposed agreement, amendment, extension or renewal by considering the following factors prior to approving a provincial entity to enter into, amend, extend or renew the agreement:

- (a) whether the agreement aligns with the priorities of the Government of Alberta;
- (b) whether the agreement
 - (i) intrudes into an area of provincial legislative jurisdiction under the Constitution of Canada,
 - (ii) affects or interferes with an area of provincial legislative jurisdiction under the Constitution of Canada, or
 - (iii) imposes conditions that would restrict the Government of Alberta in an unacceptable manner from establishing and implementing policies and programs in an area of provincial jurisdiction;
- (c) whether the agreement aligns with the Government of Alberta's long-term fiscal plan.

(3) Subject to subsections (4) to (6), after assessing the proposed agreement, amendment, extension or renewal by considering the factors described in subsection (2), the Minister may

- (a) approve a provincial entity to enter into the agreement, amendment, extension or renewal, subject to any terms or conditions the Minister considers appropriate, or
- (b) decline to approve the provincial entity to enter into the agreement, amendment, extension or renewal.

(4) A Minister must receive the approval of the Executive Council prior to approving a provincial entity to

- (a) enter into an intergovernmental agreement in which a federal entity is agreeing to provide a provincial entity with \$5 million or more in funding, excluding any in-kind contributions, or
- (b) amend, extend or renew an intergovernmental agreement if the amendment, extension or renewal would result in \$5 million or more in additional funding, excluding any in-kind contributions, being provided by a federal entity to a provincial entity under the agreement.

(5) A Minister must receive the approval of the Executive Council prior to approving a provincial entity to enter into, amend, extend or renew an intergovernmental agreement if, in the Minister's opinion, the agreement

- (a) intrudes into an area of provincial legislative jurisdiction under the Constitution of Canada,
- (b) affects or interferes with an area of provincial legislative jurisdiction under the Constitution of Canada, or
- (c) imposes conditions that would restrict the Government of Alberta in an unacceptable manner from establishing and implementing policies and programs in an area of provincial jurisdiction.

(6) A Minister must receive the approval of the Executive Council prior to approving a provincial entity to amend an intergovernmental agreement in a material way if subsection (4) or (5) applies or applied to the agreement.

(7) If a Minister approves a provincial entity to enter into, amend, extend or renew an intergovernmental agreement, the Minister must provide written notice to the provincial entity, including written notice of any terms or conditions that apply to the Minister's approval.

(8) If a Minister declines to approve a provincial entity to enter into, amend, extend or renew an agreement, the Minister must provide written notice to the provincial entity.

**Funding applications by management
bodies and similar entities**

5(1) Subject to subsection (2), a management body as defined in the *Alberta Housing Act* or an entity described in section 1(g) must notify the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for the *Alberta Housing Act* of any intent of the management body or entity to apply for funding from a federal entity when the body or entity submits its annual business plan to the Minister in accordance with the *Management Body Operation and Administration Regulation* (AR 243/94) or the terms of an operating agreement.

(2) Where it is not possible to comply with subsection (1) without foregoing the opportunity to apply for funding from a federal entity, a management body as defined in the *Alberta Housing Act* or an entity described in section 1(g) must notify the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for the *Alberta Housing Act* of the intent of the management body or entity to apply for funding from a federal entity at least 60 days before submitting the application for funding from the federal entity.

(3) Calgary Homeless Foundation and Homeward Trust Edmonton must notify the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for the *Alberta Housing Act* of the intent of Calgary Homeless Foundation or Homeward Trust Edmonton to apply for funding from a federal entity at least 60 days before submitting the application for funding from the federal entity.

(4) The Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for the *Alberta Housing Act*, within 30 days of being notified of an intent to apply for funding, must conduct a preliminary assessment of the proposed application and must advise the provincial entity whether the Minister

- (a) has concerns with the proposed application, including the nature of those concerns, and
- (b) is likely, based on the preliminary assessment, to approve the provincial entity to enter into an agreement, or the amendment, extension or renewal of an agreement, that would result from the provincial entity's application for

funding from a federal entity being approved by a federal entity.

(5) The Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for the *Alberta Housing Act* must consider whether notice required by this section has been provided when deciding whether to approve a provincial entity to enter into, amend, extend or renew an intergovernmental agreement.

Exceptions

Exceptions re funding amounts

6(1) If, under an intergovernmental agreement, a federal entity

- (a) would not provide any funding to a provincial entity or would only provide in-kind contributions, or
- (b) would provide less than \$100 000 in funding, excluding any in-kind contributions, to a provincial entity,

and the provincial entity has provided or agreed to provide the Minister responsible for the provincial entity with any information specified by the Minister, including a copy of the agreement, in the time and manner specified by the Minister, the provincial entity is not required to obtain the Minister's approval before entering into, amending, extending or renewing that agreement unless an amendment, extension or renewal of the agreement would result in the provincial entity receiving a total of \$100 000 or more in funding, excluding any in-kind contributions, from the federal entity under the agreement as amended, extended or renewed.

(2) If an intergovernmental agreement relates to the construction, maintenance or development of housing accommodations, then a provincial entity is not required to obtain approval before entering into, amending, extending or renewing that agreement if the federal entity is providing the provincial entity \$250 000 or less in funding, excluding any in-kind contributions, under the agreement initially entered into, or as amended, extended or renewed.

(3) This section does not apply to Calgary Homeless Foundation or Homeward Trust Edmonton.

Exceptions re amendments, extensions and renewals

7(1) If a provincial entity has been approved to enter into an agreement under this Regulation, the provincial entity is not required to obtain prior approval to amend, extend or renew that agreement if the provincial entity has provided or agreed to provide the Minister responsible for the provincial entity with any information specified by the Minister, including a copy of the agreement, in the time and manner specified by the Minister and any of the following circumstances apply:

- (a) the agreement includes a provision requiring a project to start or end by a certain date and the amendment, extension or renewal is for the purpose of allowing the project to start or end by a date that is no more than one year different from the start or end date that is in the agreement;
- (b) the agreement includes a provision establishing the length of a project and the amendment, extension or renewal is for the purpose of allowing the project to be extended by one year or less;
- (c) the amendment, extension or renewal provides additional federal funding, excluding any in-kind contributions, to a provincial entity that is
 - (i) less than \$100 000, and
 - (ii) less than 10% of the federal funding being provided under the agreement that the Minister approved;
- (d) the proposed amendment, extension or renewal of an agreement would make or result in minor administrative changes.

(2) Subsection (1) does not apply to Calgary Homeless Foundation or Homeward Trust Edmonton.

Exceptions for public post-secondary institutions

8(1) For the purposes of this section,

- (a) “fee-for-service agreement” means an agreement in which a particular set of services is provided in exchange for a set fee, and

- (b) “research” means an undertaking directed to the discovery, extension or application of knowledge through a disciplined inquiry or systematic investigation.

(2) If a public post-secondary institution as defined in the *Post-secondary Learning Act* has provided or agreed to provide the Minister responsible for the *Post-secondary Learning Act* with any information specified by the Minister in respect of an agreement with a federal entity, including a copy of the agreement, in the time and manner specified by the Minister, the public post-secondary institution is not required to obtain prior approval to enter into, amend, extend or renew that agreement with a federal entity if

- (a) the agreement pertains to research, unless greater than 50% of the total funding being provided under the agreement, excluding any in-kind contributions, is capital funding for the development of research facilities,
- (b) greater than 50% of the total funding being provided under the agreement pertains to the following matters:
 - (i) the delivery of an apprenticeship education program as defined in the *Skilled Trades and Apprenticeship Education Act*;
 - (ii) the delivery of a program of study as defined in the *Post-secondary Learning Act*;
 - (iii) the delivery of a foundational learning program as defined in the *Programs of Study Regulation* (AR 91/2009);
 - (iv) the delivery of work placement experiences, including mentorship programs, cooperative placements, practicums and internships, for students as defined in the *Post-secondary Learning Act*, including the provision of wage subsidies;
 - (v) the delivery of language instruction that enables individuals to develop basic language proficiency in one of the official languages of Canada;
 - (vi) the delivery of a continuing education program;
 - (vii) a conference, symposium or other non-instructional event,

or

- (c) the public post-secondary institution is entering into, amending, extending or renewing an agreement in which the public post-secondary institution is
 - (i) a party to a fee-for-service agreement, or
 - (ii) providing space to a federal entity through a lease or short-term rental, the term of which does not exceed 2 months.

Exception for Banff Centre

9 If Banff Centre as defined in the *Post-secondary Learning Act* has provided or agreed to provide the Minister responsible for the *Post-secondary Learning Act* with any information specified by the Minister in respect of an agreement with a federal entity, including a copy of the agreement, in the time and manner specified by the Minister, Banff Centre is not required to obtain prior approval to enter into, amend, extend or renew that agreement with a federal entity.

Exceptions for school boards

10 If a board as defined in the *Education Act* has provided or agreed to provide the Minister responsible for the *Education Act* with any information specified by the Minister in respect of an agreement with a federal entity, including a copy of the agreement, in the time and manner specified by the Minister, the board is not required to obtain prior approval to enter into, amend, extend or renew that agreement with a federal entity in either of the following circumstances:

- (a) the agreement provides for federal funding under Jordan's Principle;
- (b) the agreement provides for federal funding as part of an education services agreement under section 63 of the *Education Act*.

Exceptions for Banff, Jasper and Lloydminster

11 If the Municipality of Jasper, the Town of Banff or the City of Lloydminster have provided or agreed to provide the Minister responsible for the *Municipal Government Act* with any

information specified by the Minister in respect of an agreement with a federal entity, including a copy of the agreement, in the time and manner specified by the Minister, the Municipality, Town or City, as the case may be, is not required to obtain prior approval to enter into, amend, extend or renew that agreement with a federal entity.

Exception for controlled corporations

12 If a controlled corporation as defined in section 75.1 of the *Municipal Government Act* or the controlled corporation's board has provided or agreed to provide the Minister responsible for the *Municipal Government Act* with any information specified by the Minister in respect of an agreement with a federal entity, including a copy of the agreement, in the time and manner specified by the Minister, the controlled corporation or the controlled corporation's board, as the case may be, is not required to obtain prior approval to enter into, amend, extend or renew that agreement with a federal entity.

Exception for municipal agreements with Canadian Armed Forces

13 If a municipal authority has provided or agreed to provide the Minister responsible for the *Municipal Government Act* with any information specified by the Minister in respect of an agreement with the Canadian Armed Forces, including a copy of the agreement, in the time and manner specified by the Minister, the municipal authority is not required to obtain prior approval to enter into, amend, extend or renew that agreement with the Canadian Armed Forces.

Exceptions during emergencies and disasters

14 If a municipal authority has provided or agreed to provide the Minister responsible for the *Municipal Government Act* with any information specified by the Minister in respect of an agreement with a federal entity, including a copy of the agreement, in the time and manner specified by the Minister, the municipal authority is not required to obtain prior approval to enter into, amend, extend or renew that agreement with a federal entity if the agreement is for the purpose of responding to a disaster or emergency as those terms are defined in the *Emergency Management Act*.

Exception for mortgage agreements with Canada Mortgage and Housing Corporation

15 If a management body as defined in the *Alberta Housing Act* or an entity described in section 1(g) has provided or agreed to provide the Minister responsible for the *Alberta Housing Act* with any information specified by the Minister in respect of a mortgage agreement with the Canada Mortgage and Housing Corporation, including a copy of the agreement, in the time and manner specified by the Minister, the management body or entity is not required to obtain prior approval to enter into, amend, extend or renew that mortgage agreement with the Canada Mortgage and Housing Corporation.

Exception for entities that operate and administer Alberta Social Housing Corporation assets

16 If an entity described in section 1(g) has provided or agreed to provide the Minister responsible for the *Alberta Housing Act* with any information specified by the Minister in respect of an agreement with a federal entity, including a copy of the agreement, in the time and manner specified by the Minister, the entity is not required to obtain prior approval to enter into, amend, extend or renew that agreement with a federal entity if that agreement does not relate to the operation or administration of real property assets of the Alberta Social Housing Corporation.

Agreements to provide information

17 For the purposes of this Regulation, an agreement to provide a Minister with information may relate to a particular intergovernmental agreement or to a class of intergovernmental agreements.

Coming into Force

Coming into force

18 This Regulation comes into force on the coming into force of the *Provincial Priorities Act*.