



Village of Glenwood
Municipal Accountability Review Report

August 8, 2019



Table of Contents

Section 1: Introduction	6
1.1 Our Commitment	6
1.2 The Municipal Accountability Program.....	6
Section 2: Executive Summary	8
2.1 Site Visit.....	8
2.2 Strengths	8
2.3 Legislative Gaps.....	9
2.4 Next Steps	9
Section 3: Municipal Accountability Review Findings.....	11
3.1 General.....	11
1. Municipal Office	11
2. Orientation Training.....	12
3. Chief Administrative Officer Evaluation.....	13
4. Provision of Information	14
5. Signing of Municipal Documents	15
6. Repair of Roads, Public Places, and Public Works (For discussion only).....	16
3.2 Meetings	17
1. Public Presence at Meetings.....	17
2. Closed Meetings.....	18
3. Organizational Meeting	19
4. Special Meetings	20
5. Meetings Through Electronic Communications.....	21
6. Regular Meeting Change Notice	22
3.3 Meeting Procedures.....	23
1. Authority to Act.....	23
2. Quorum.....	24
3. Voting.....	25



4.	Pecuniary Interest.....	26
5.	Council Meeting Minutes.....	27
3.4	Mandatory Bylaws	29
1.	Code of Conduct.....	29
2.	Establishment of the Chief Administrative Officer Position	31
3.	Designated Officers.....	32
4.	Borrowing Bylaw(s)	33
5.	Property Tax Bylaw	34
6.	Assessment Review Boards.....	35
7.	Bylaw Enforcement Officers	37
3.5	Discretionary Bylaws.....	38
1.	Procedural Bylaw	38
2.	Rates, Fees and Charges Bylaw	40
3.	Wheeled Vehicle Bylaw.....	41
3.6	Bylaw Procedures.....	42
1.	Passing Bylaws	42
2.	Bylaw Revisions and Amendments	43
3.7	Mandatory Policies	45
1.	Public Participation Policy.....	45
3.8	Finance	46
1.	Operating Budget.....	46
2.	Capital Budget.....	48
3.	Financial Records and Receipts.....	49
4.	Municipal Accounts.....	50
5.	Fidelity Bond	51
6.	Auditor, Audited Financial Statements, Auditor Report.....	52
7.	Salary and Benefits.....	53
8.	Management Letter	54



9.	Three-Year Operating Plan and Five-Year Capital Plan (for discussion only)	55
3.9	Assessment and Taxation	56
1.	Assessment Roll	56
2.	Tax Roll	57
3.	Assessment and Tax Notices	58
4.	Content of Assessment Notices	59
5.	Content of Tax Notices	60
6.	Notice and Certification	61
7.	Tax Arrears List	62
8.	Tax Sale	63
3.10	Planning	64
1.	Subdivision Authority	64
2.	Development Authority	65
3.	Subdivision and Development Appeal Board (SDAB)	66
4.	Subdivision Applications and Decision	68
5.	Development Applications	69
6.	Alberta Land Stewardship Act (ALSA) Regional Plan or Land Use Policies	70
7.	Growth Management Board	71
8.	Land Use Bylaw	72
9.	Municipal Development Plan (MDP)	74
10.	Intermunicipal Development Plan (IDP)	75
11.	Intermunicipal Collaboration Frameworks (ICF)	76
12.	Listing and Publishing Policies Related to Planning Decisions	77
3.11	Local Authorities Election Act (LAEA)	78
1.	Joint Elections	78
2.	Oath/Statement	79
3.	Substitute Returning Officer	80
4.	Nomination Forms	81



- 5. Ballot Account 82
- 6. Disposition of Election Material..... 83
- 7. Campaign Disclosure Statements 84
- 3.12 Emergency Management 85
 - 1. Municipal Emergency Organization/Agency/Advisory Committee 85
 - 2. Municipal Emergency Organization/Agency/Advisory Committee (for discussion only)..... 86
- 3.13 Libraries..... 88
 - 1. Municipal Library Board 88
 - 2. System Library Board 89
- Section 4: Conclusion 90

Disclaimer: The Municipal Accountability Program is intended as a program of support and collaboration for municipal Chief Administrative Officers to either confirm compliance with requirements of municipal legislation or to identify concerns and develop corrective solutions where needed. The scope of this report is limited to confirming the compliance or lack of compliance with mandatory legislative requirements. The content of the report does not constitute an opinion on the legal effectiveness of any documents or actions of the municipality, which should be determined in consultation with independent legal advice.

Section 1: Introduction

1.1 Our Commitment

Alberta Municipal Affairs is committed to helping to ensure Albertans live in viable municipalities with well-managed, collaborative, accountable local governments. To achieve this, Municipal Affairs plays an important role in assisting and supporting municipalities in Alberta through various programs that aim to build capacity.

The *Municipal Government Act (MGA)*, which provides the legislative framework for local government in Alberta, has numerous mandatory requirements that may at times seem overwhelming and difficult to manage for municipalities. Municipalities are also bound by other statutes and corresponding regulations that fall under the purview of Municipal Affairs. Compliance with these statutes and regulations is essential to good governance, the successful operation of a municipality and the viability, safety and well-being of a community. The Municipal Accountability Program is designed to help municipal officials successfully meet the challenges involved in responding to this wide range of legislative needs.

1.2 The Municipal Accountability Program

With a focus on promoting an environment supportive of accountable, well-managed local governments, the purpose of this program is to:

- assist municipalities in strengthening their knowledge of mandatory legislative requirements with a primary focus on the *MGA*;
- aid municipalities in achieving legislative compliance;
- support municipalities in being accountable and well-managed; and
- provide a collaborative partnership between Municipal Affairs and municipalities to address legislative discrepancies that may exist.

The Municipal Accountability Program consists of multi-year cycle reviews, ordered by the Minister under Section 571 of the *MGA*. While this program is available to all municipalities, upon the request of a council and with the approval of the Minister, municipalities with populations of 5,000 or less are automatically scheduled for a visit once every four years. The Village of Glenwood was randomly selected for a municipal accountability review in 2019.

Working with the chief administrative officer (CAO), support is provided to mitigate any minor legislative gaps that may be identified. Ministry staff work with CAOs to validate compliance, identify gaps, provide resource information, and develop corrective solutions where needed. The outcome of this program will be strong, well-managed municipalities and a strong collaborative relationship between the CAOs and the ministry.

August 8, 2019

6 | Page

Disclaimer: The Municipal Accountability Program is intended as a program of support and collaboration for municipal Chief Administrative Officers to either confirm compliance with requirements of municipal legislation or to identify concerns and develop corrective solutions where needed. The scope of this report is limited to confirming the compliance or lack of compliance with mandatory legislative requirements. The content of the report does not constitute an opinion on the legal effectiveness of any documents or actions of the municipality, which should be determined in consultation with independent legal advice.



The results of the Village of Glenwood review, contained in this report, are offered to support the municipality's efforts in achieving its goals for ongoing legislative compliance with the MGA and its associated regulations, as well as other legislation under the responsibility of Alberta Municipal Affairs.



Section 2: Executive Summary

2.1 Site Visit

On August 8, 2019, Municipal Affairs staff met with village administration to complete the on-site portion of the Municipal Accountability Program review and to observe a council meeting for procedures that are required in the *MGA*.

The Village of Glenwood is commended for their cooperation and assistance throughout the review. As well as the time commitment during the site visit, municipal staff promptly responded to questions and provided documentation as requested. Ministry staff appreciate this additional time and effort and recognizes the commitment to the well-being and success of the municipality demonstrated by village administration.

2.2 Strengths

Overall the review findings are positive. Some of the general areas in which the municipality is meeting mandatory legislative requirements include:

- orientation training;
- chief administrator officer evaluation;
- signing of municipal documents;
- public presence at meetings;
- organizational meeting;
- special meetings;
- meetings through electronic communications;
- authority to act;
- quorum;
- code of conduct bylaw;
- property tax bylaw;
- public participation policy;
- financial records and receipts;
- fidelity bond;
- assessment and taxation;
- tax recovery;
- elections;
- emergency management; and
- libraries.



2.3 Legislative Gaps

Specific areas where the municipality is required to take action to achieve compliance are included below along with the page numbers which detail the legislative requirements and the gaps to be addressed:

- designation of a municipal office ([page 11](#));
- provision of information ([page 14](#));
- closed meetings ([page 18](#));
- regular meeting change notice ([page 22](#));
- voting ([page 25](#));
- council meeting minutes ([page 27](#));
- designated officer bylaw ([page 32](#));
- borrowing bylaw ([page 33](#));
- assessment review board bylaw ([page 35](#));
- bylaw enforcement officer bylaw ([page 37](#));
- procedural bylaw ([page 38](#));
- passing bylaws ([page 42](#));
- bylaw revisions and amendments ([page 43](#));
- operating budget ([page 46](#));
- municipal accounts ([page 50](#));
- auditor, audited financial statements, auditor report ([page 52](#));
- development authority ([page 65](#));
- subdivision and development appeal board ([page 66](#)); and
- listing and publishing policies related to planning decisions ([page 77](#)).

2.4 Next Steps

This report contains a complete summary of the Municipal Accountability Program review including legislative requirements, comments and observations, recommendations for actions, as well as links to resources to assist the municipality.

A response by the municipality is required that includes a plan detailing the actions to be taken to rectify the legislative gaps identified in this report. This response must be submitted to Municipal Affairs within eight weeks of receiving this report. For your municipality's convenience, this report has been formatted to provide space in each section for responses to the findings on each particular area of non-compliance. However, your municipality is not required to use this report to provide its responses, and may prefer instead to develop a customized document for the responses and implementation plan.

Ministry staff are available to provide support and additional resources to guide the municipality through the development of the plan and to successfully address the legislative gaps identified. The

August 8, 2019

9 | Page

Disclaimer: The Municipal Accountability Program is intended as a program of support and collaboration for municipal Chief Administrative Officers to either confirm compliance with requirements of municipal legislation or to identify concerns and develop corrective solutions where needed. The scope of this report is limited to confirming the compliance or lack of compliance with mandatory legislative requirements. The content of the report does not constitute an opinion on the legal effectiveness of any documents or actions of the municipality, which should be determined in consultation with independent legal advice.



review will formally conclude upon receipt of documentation confirming that all items have been addressed.



Section 3: Municipal Accountability Review Findings

3.1 General

1. Municipal Office

LEGISLATIVE REQUIREMENTS: MGA 204

1. Has council named a place as its municipal office?

COMMENTS/OBSERVATIONS: The municipal office is located at 59 Main Avenue, Glenwood, Alberta. A resolution naming the location of the municipal office could not be located.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: Per section 204 of the MGA, a resolution of council is required to name a place as the village's municipal office.

RESOURCES: Municipal Affairs Advisors are available to provide general support by calling toll-free 310-0000 and then 780-427-2225.

MUNICIPAL RESPONSE: Response to the findings, or comments, status or action to be taken including key milestones and deadlines. Where resolutions of council are required please provide the date of approval and resolutions of council and/or bylaw numbers.

2. Orientation Training

LEGISLATIVE REQUIREMENTS: MGA 201.1

1. How was orientation training offered to the elected officials following the 2017 general election and any subsequent byelections?
2. Were the following topics covered:
 - role of municipalities in Alberta;
 - municipal organization and functions;
 - key municipal plans, policies and projects;
 - roles and responsibilities of council, councillors, the CAO, and staff;
 - code of conduct;
 - budgeting and financial administration; and
 - public participation?

COMMENTS/OBSERVATIONS: Following the 2017 general election, the CAO provided orientation and training directly to council as documented by council resolution 2017-10-220. Additionally, members of council were offered attendance at the Munis 101 workshop in Lethbridge on January 8-9, 2018 (council resolution 2017.12.278 passed on December 19, 2017).

Following the April 2018 by-election in the village, orientation was provided through a roles and responsibilities workshop on May 24, 2018.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

3. Chief Administrative Officer Evaluation

LEGISLATIVE REQUIREMENTS: MGA 205.1

1. Has council provided the CAO with an annual written performance evaluation?

COMMENTS/OBSERVATIONS: Formal CAO evaluations are performed annually by council, with the current CAO's first review scheduled for December 2019.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.



4. Provision of Information

LEGISLATIVE REQUIREMENTS: *MGA* 153.1

1. When information regarding the operation or administration of the municipality is requested by a councillor, how does the CAO provide information to all of council as soon as practicable?

COMMENTS/OBSERVATIONS: Currently, the CAO only distributes the requested information to all of council if the requesting member asks to have the information placed on the meeting agenda. The CAO provided a written report to council that was supplemented with additional verbal updates.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: The CAO is now aware of the legislative requirements and was provided information and clarity regarding this provision. Moving forward, when information is requested by a member of council, the CAO must provide the information to all other councillors as soon as is practicable in accordance with section 153.1 of the *MGA*.

RESOURCES: Municipal Affairs Advisors are available to provide general support by calling toll-free 310-0000 and then 780-427-2225.

MUNICIPAL RESPONSE: Response to the findings, or comments, status or action to be taken including key milestones and deadlines. Where resolutions of council are required please provide the date of approval and resolutions of council and/or bylaw numbers.

5. Signing of Municipal Documents

LEGISLATIVE REQUIREMENTS: *MGA 213*

1. Are the minutes of council meetings signed by:
 - the person presiding at the meeting; and
 - a designated officer?
2. Are the bylaws of a municipality signed by:
 - the chief elected official; and
 - a designated officer?
3. Are agreements, cheques, and other negotiable instruments signed by:
 - the chief elected official or another person authorized by council, and by a designated officer; or
 - by a designated officer acting alone if so authorized by council?

COMMENTS/OBSERVATIONS: Municipal documents reviewed were signed by both the mayor and chief administrative officer. Minutes were initialed on every page by both the mayor and CAO. Agreements, cheques and other instruments are also signed by the mayor and CAO.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.



6. Repair of Roads, Public Places, and Public Works (For discussion only)

LEGISLATIVE REQUIREMENTS: MGA 532

Each municipality must ensure that every road or other public place that is subject to the direction, control and management of the municipality, including all public works in, on or above the roads or public place put there by the municipality or by any other person with the permission of the municipality, are kept in a reasonable state of repair by the municipality, having regard to:

- the character of the road, public place or public work; and
- the area of the municipality in which it is located.

1. Is the municipality aware of this section?
2. What does the municipality do to support this requirement?
3. Is the above supported through the annual budget?
4. Is the municipality aware of the level of risk and liability if the municipality fails to perform its duty outlined in section 532?

COMMENTS/OBSERVATIONS: The CAO is aware of the responsibilities and risk of liability to the municipality under section 532 of the MGA, and shared that the village supports maintenance activities in the annual budget; however, the municipality does not have maintenance policies in place.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

3.2 Meetings

1. Public Presence at Meetings

LEGISLATIVE REQUIREMENTS: MGA 197 (1)

1. Are council and council committee meetings held in public?

COMMENTS/OBSERVATIONS: Meetings of council and council committees are open for members of the public to attend.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.



2. Closed Meetings

LEGISLATIVE REQUIREMENTS: MGA 197

1. Before closing all or a part of a meeting to the public:
 - Is a resolution passed to indicate what part of the meeting is to be closed?
 - Does the resolution identify what exception to disclosure under the *Freedom of Information and Protection of Privacy Act (FOIPP)* applies to the part of the meeting that is to be closed?
 - Are members of the public notified once the closed portion of the meeting is concluded?
2. Do the council meeting minutes record the names of those who attended the closed meeting and the reason for their attendance?

COMMENTS/OBSERVATIONS: There was not a closed session held during the regular meeting observed on August 8, 2019. A review of past council meeting minutes record the resolution to enter a closed session cited the applicable exception to disclosure for closing the meeting under the *FOIPP Act* (council resolution 2019.06.138 passed on June 13, 2019). When there is a member of the public allowed to attend a closed session, their attendance is recorded in the meeting minutes (e.g., February 13, 2019 special council meeting).

The meeting minutes of March 14, 2019 show that resolution 2019.03.064 was made and carried by council before the meeting was re-opened to the public. This is a contravention of section 197(3) of the *MGA*, which states that no resolution or bylaw may be passed during a closed session except a resolution to revert to a meeting held in public.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: Moving forward, the village must ensure that no resolutions or bylaws are passed during a closed session of council.

RESOURCES: Municipal Affairs has developed an online resource for municipalities regarding closed meetings: [Closed Meetings of Council \(Municipal Affairs\)](#)

MUNICIPAL RESPONSE: Response to the findings, or comments, status or action to be taken including key milestones and deadlines. Where resolutions of council are required please provide the date of approval and resolutions of council and/or bylaw numbers.

3. Organizational Meeting

LEGISLATIVE REQUIREMENTS: MGA 152, 159(1), 192

1. Is an Organizational Meeting held annually?
2. Is a chief elected officer (CEO) appointed (not a requirement if the CEO is elected at large or it is included in the procedural bylaw)?
3. Is a Deputy CEO appointed?

COMMENTS/OBSERVATIONS: Council held their last organizational meeting on October 11, 2018, within two weeks of the third Monday in October, which is in accordance with section 192 of the MGA. Council nominates the chief elected official and the deputy chief elected official from among councillors.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.



4. Special Meetings

LEGISLATIVE REQUIREMENTS: MGA 194

1. Has a special council meeting been held?
2. Was the proper notification provided to the public?
3. If less than 24 hours was provided as notification, was the appropriate documentation signed by two-thirds of council?
4. Was there a need to change the agenda for the special meeting?
5. If the agenda was modified, was all of council present at the meeting to approve the change?

COMMENTS/OBSERVATIONS: The last special council meeting was held May 23, 2019 and notification was provided to the public. The special meeting was not held within 24 hours and no changes were made to the agenda.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

5. Meetings Through Electronic Communications

LEGISLATIVE REQUIREMENTS: MGA 199

1. Has notice been provided to the public, including the way in which the meeting is to be conducted?
2. Do the facilities enable the public to watch or listen to the meeting?
3. Was a designated officer in attendance at the facility?
4. Do the facilities enable the meeting's participants to watch or hear each other?

COMMENTS/OBSERVATIONS: Council does not currently use electronic communications for meeting.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

6. Regular Meeting Change Notice

LEGISLATIVE REQUIREMENTS: MGA 193

1. Has the date, time or place of a regularly scheduled meeting been changed?
2. Was at least 24 hours' notice of the change provided to any councillors not present at the meeting at which the change was made, and to the public?

COMMENTS/OBSERVATIONS: The minutes of the January 10, 2019 council meeting show that the date for the regularly scheduled council meeting in February was changed from February 14 to February 21; however, the minutes do not indicate that a resolution of council authorized the changed date.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: Moving forward, when the date, time, or location of a regular council meeting is changed, a resolution of council is required in accordance with section 180(1) of the MGA.

RESOURCES: Municipal Affairs Advisors are available to provide general support by calling toll-free 310-0000 and then 780-427-2225.

MUNICIPAL RESPONSE: Response to the findings, or comments, status or action to be taken including key milestones and deadlines. Where resolutions of council are required please provide the date of approval and resolutions of council and/or bylaw numbers.

3.3 Meeting Procedures

1. Authority to Act

LEGISLATIVE REQUIREMENTS: MGA 180-181

1. Are resolutions or bylaws passed in an open public meeting?

COMMENTS/OBSERVATIONS: At the August 8, 2019 meeting of council, motions were made for all actions requested of administration.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

2. Quorum

LEGISLATIVE REQUIREMENTS: MGA 167

1. Is a majority of council present at the meeting to exercise their authority to act under sections 180 and 181?

COMMENTS/OBSERVATIONS: Village council consists of five elected officials. The minutes that were reviewed and the council meeting that was observed met the quorum requirements.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.



3. Voting

LEGISLATIVE REQUIREMENTS: MGA 182-185

1. Does each councillor participate in voting (unless an abstention is required or permitted and is noted)?
2. Is an abstention from voting recorded in the minutes?
3. Is the request for a recorded vote done prior to the vote being taken?

COMMENTS/OBSERVATIONS: Each councillor participated in voting at the August 8, 2019 meeting. There were no abstentions and no requests for recorded votes.

The minutes of the June 13, 2019 regular council meeting record a member of council abstaining on the vote for resolution 2019.06.114 regarding minimum tax rates; however, there is no reason for the abstention recorded, nor a declaration of pecuniary interest.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: Moving forward, members of council must ensure they vote on every matter put to a vote unless permitted or required to abstain from voting in accordance with section 183(1) of the MGA. In addition, declarations of pecuniary interest, the disclosure of the general nature of the pecuniary interest, and the procedure followed by the councillor to remove themselves from the discussion and vote on the matter must also be documented in the meeting minutes.

RESOURCES: Municipal Affairs Advisors are available to provide general support by calling toll-free 310-0000 and then 780-427-2225.

MUNICIPAL RESPONSE: Response to the findings, or comments, status or action to be taken including key milestones and deadlines. Where resolutions of council are required please provide the date of approval and resolutions of council and/or bylaw numbers.



4. Pecuniary Interest

LEGISLATIVE REQUIREMENTS: MGA 172

1. When a pecuniary interest is declared:

- is the general nature of the pecuniary interest disclosed;
- has the councillor abstained from voting on any question relating to the matter;
- has the councillor abstained from any discussion on the matter if applicable; and
- has the councillor left the room if applicable?

COMMENTS/OBSERVATIONS: There were no items of pecuniary interest at the August 8, 2019 meeting of council, nor any declarations of pecuniary interest noted in meeting minutes. A resource is provided below in the event a pecuniary interest matter arises in the future.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Municipal Affairs has prepared a document that describes pecuniary interest, exceptions and the procedures for disclosure: [Pecuniary Interest](#)



5. Council Meeting Minutes

LEGISLATIVE REQUIREMENTS: MGA 172, 184, 185, 197, 208, 230

1. Are the minutes recorded in the English language without note or comment?
2. Do the minutes include the names of the councillors present at the council meeting?
3. Are the minutes given to council for adoption at a subsequent council meeting?
4. Are recorded votes documented?
5. Are disclosures of councillor pecuniary interest recorded in the minutes?
6. Are abstentions from public hearings recorded?
7. Are the minutes recorded in accordance with section 230 of the MGA when a public hearing is held?
8. Are the minutes kept safe?

COMMENTS/OBSERVATIONS: Minutes of council were recorded in English; however, contain some note and comment, specifically during delegations and councillor reports. Names of councillors present were recorded, and minutes of the previous meeting were reviewed and approved by a resolution of council. There were no declarations of pecuniary interest noted, and the minutes are kept in a safe location within the village office.

The meeting minutes from November 1, 2018 record council scheduling a public hearing for a land use bylaw amendment; however, the public hearing was not held as part of a regular or special meeting of council, and there are no available minutes for the public hearing. This is a contravention of sections 230(2)(b) and 230(6) of the MGA, which requires public hearings to be held during a regular or special meeting of council, and that the minutes of the council meeting where a public hearing is conducted is recorded to the extent directed by council.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: Moving forward, the CAO must record council meeting minutes without note or comment in accordance with section 208(a)(i) of the MGA. Additionally, public hearings must be held in accordance with section 230(2)(b) of the MGA, and the minutes of the public hearing are to be recorded as council directs per section 230(6).

RESOURCES: Municipal Affairs Advisors are available to provide general support by calling toll-free 310-0000 and then 780-427-2225.

Municipal Affairs provides the following resource to assist CAOs in the preparation of council meeting minutes: [The Preparation of Meeting Minutes for Council \(Municipal Affairs\)](#)



MUNICIPAL RESPONSE: Response to the findings, or comments, status or action to be taken including key milestones and deadlines. Where resolutions of council are required please provide the date of approval and resolutions of council and/or bylaw numbers.

--

3.4 Mandatory Bylaws

1. Code of Conduct

LEGISLATIVE REQUIREMENTS: MGA 146.1, Code of Conduct for Elected Officials Regulation 200/2017

1. Is there a code of conduct bylaw?
2. Does the bylaw apply to all councillors equally?
3. Are there sanctions for breaching the code of conduct?
4. Does the bylaw include the following topics:
 - representing the municipality;
 - communicating on behalf of the municipality;
 - respecting the decision-making process;
 - adherence to policies, procedures and bylaws;
 - respectful interactions with councillors, staff, the public and others;
 - confidential information;
 - conflicts of interest;
 - improper use of influence;
 - use of municipal assets and services; and
 - orientation and other training attendance?
5. Has a complaint system been established within the bylaw?
6. Does the complaint system address:
 - who may make a complaint alleging a breach of the code of conduct;
 - the method by which a complaint may be made;
 - the process to be used to determine the validity of a complaint; and
 - the process to be used to determine how sanctions are imposed if a complaint is determined to be valid?
7. Has the code of conduct been reviewed in the last four years? (Not applicable until 2022)

COMMENTS/OBSERVATIONS: Council passed bylaw 244-2018 on June 14, 2018 establishing a code of conduct for members of council. The bylaw applies to all members of council equally and establishes sanctions for breaches of the code of conduct. The bylaw includes provisions on all topics required by the Code of Conduct for Elected Officials Regulation 200/2017. The bylaw establishes a complaint system, including who may make a complaint, how a complaint is made, the process used to determine validity of the complaint, and the process for imposing sanctions.



MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

2. Establishment of the Chief Administrative Officer Position

LEGISLATIVE REQUIREMENTS: MGA 205

1. Is there a bylaw establishing the position of CAO?
2. Is there a council resolution that appoints the current CAO?

COMMENTS/OBSERVATIONS: Bylaw 231-2011 was passed on December 8, 2011 and establishes the position of CAO for the village. Resolution 2019.02.049 passed on February 21, 2019 offers the CAO position to the current CAO. Moving forward, a resolution should explicitly state the person is appointed to the position of CAO per section 205(2) of the MGA to ensure there is no ambiguity concerning council's intent.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: Council is required to appoint one or more persons by resolution to carry out the powers, duties, and functions of the position of CAO in accordance with section 205(2) of the MGA.

RESOURCES: Not applicable.



3. Designated Officers

LEGISLATIVE REQUIREMENTS: MGA 210, 284.2, 456(1), 627.1(3)

1. Are the following designated officer positions established by bylaw:
 - a. municipal assessor;
 - b. assessment review board clerk; and
 - c. subdivision and development appeal board clerk?
2. Are there any other designated officer positions, and is there a bylaw to establish these positions?

COMMENTS/OBSERVATIONS: The municipal assessor, assessment review board clerk, and the subdivision and development appeal board clerk positions have not been established as designated officers of the village.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: The village is required to pass bylaw(s) establishing the positions of municipal assessor, assessment review board clerk, and the subdivision and development appeal board clerk as designated officers.

RESOURCES: Municipal Affairs Advisors are available to provide general support by calling toll-free 310-0000 and then 780-427-2225.

MUNICIPAL RESPONSE: Response to the findings, or comments, status or action to be taken including key milestones and deadlines. Where resolutions of council are required please provide the date of approval and resolutions of council and/or bylaw numbers.



4. Borrowing Bylaw(s)

LEGISLATIVE REQUIREMENTS: MGA 251-259, Debt Limit Regulation 255/2000

1. Is there a current borrowing bylaw?
2. Does the borrowing bylaw set out:
 - the amount of money to be borrowed and, in general terms, the purpose for which the money is borrowed;
 - the maximum rate of interest, the term and the terms of repayment of the borrowing; and
 - the source or sources of money to be used to pay the principal and interest owing under the borrowing?
3. Was the borrowing bylaw advertised (if required)?

COMMENTS/OBSERVATIONS: Village council passed bylaw 256-2018 authorizing the municipality to borrow funds through a line of credit and a business MasterCard. The bylaw does not include information on the general purpose for which the money is borrowed, the maximum rate of interest to be paid, the term of the borrowing or terms of repayment of the borrowing. This is in contravention of section 251(2)(a-c) of the MGA, which requires these items to be addressed in the borrowing bylaw.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: The borrowing bylaw must be amended or replaced to specify information regarding the general purpose for which the money is borrowed, the maximum rate of interest to be paid, the term of the borrowing or terms of repayment of the borrowing as required by section 251(2)(a-c) of the MGA.

RESOURCES: Municipal Affairs Financial Advisors are available to provide financial support by calling toll-free 310-0000 and then 780-427-2225.

Additionally, the Alberta Capital Finance Authority (ACFA) is a not for profit provincial authority that provides local governments with financing for capital projects. Their website provides a variety of tools to assist municipalities with borrowings: <http://www.acfa.gov.ab.ca/nav/about-us.html>

MUNICIPAL RESPONSE: Response to the findings, or comments, status or action to be taken including key milestones and deadlines. Where resolutions of council are required please provide the date of approval and resolutions of council and/or bylaw numbers.

August 8, 2019

33 | Page



5. Property Tax Bylaw

LEGISLATIVE REQUIREMENTS: MGA 353-359, Matters Relating to Assessment Sub-classes Regulation 202/2017

1. Is a property tax bylaw passed annually?
2. Are the rates in accordance with the:
 - assessment class (section 297);
 - Matters Relating to Assessment Sub-classes Regulation; and
 - municipal assessment sub-class bylaw (if required)?
3. Does the tax rate bylaw maintain a maximum 5:1 tax ratio between residential and non-residential assessment classes?
4. Are the requisitions accounted for?
5. Are the calculations correct?
6. Is there a minimum tax applied as per section 357?

COMMENTS/OBSERVATIONS: The Village of Glenwood passes a property tax bylaw annually. The 2019 property tax bylaw (bylaw 241-2019), passed on June 13, 2019, met the legislative requirements reviewed.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.



6. Assessment Review Boards

LEGISLATIVE REQUIREMENTS: MGA 454-456, Matters Relating to Assessment Complaints Regulation 201/2017

1. Has a local assessment review board been established?
 - Are three members appointed to this board?
 - Is the term of the office of each member appointed established?
 - Has council prescribed the remuneration and expenses, if any, payable to each member?
 - Has council designated one of the members appointed as chair and prescribed the chair's term of office, remuneration and expenses?
 - Have the appointed members received the mandatory training?
2. Is a composite assessment review board established?
 - Are two members appointed to this board?
 - Is the term of the appointment established?
 - Has council prescribed the remuneration and expenses, if any, payable to each member?
 - Has council designated one of the members appointed as chair and prescribed the chair's term of office, remuneration and expenses?
 - Have the appointed members received the mandatory training?
 - Is there a current assessment review board clerk appointment?
3. Has a designated officer been appointed as the clerk and received the mandatory training?

COMMENTS/OBSERVATIONS: Council passed bylaw 133-2016 on October 13, 2016 authorizing a regional assessment review board. The bylaw does not establish the local or composite assessment review boards for the village, but instead authorizes the regional board to exercise the functions of both the local and composite assessment review boards.

The bylaw also does not establish the clerk as a designated officer of the village as required by section 456(1) of the MGA. Additionally, section 8 of the bylaw gives authority to the director of the Oldman River Regional Services Commission to designate the clerk. This is in contravention of section 456(2) of the MGA, which requires the councils of a regional assessment review board to jointly appoint the clerk.

Section 17.1 of the bylaw delegates the authority to prescribe an appeal fee schedule and the remuneration payable to board members to the clerk and members of the board. Until the clerk is established as a designated officer, this provision is in contravention of section 203(1) of the MGA, which only authorizes the delegation of council's authority to a council committee, the chief administrative officer, or a designated officer of the municipality. With recent amendments to the MGA, the local and composite assessment review boards are excluded from the definition of "council committee" in section 1(1)(f) of the MGA.



Section 5 and 6 of the bylaw refer to the presiding officer of a panel as the “chairperson”; however, the bylaw does not establish a chair of the board itself. Section 455(2)(a) of the *MGA* requires the councils to jointly designate one of the board members as chair and to prescribe the term of office and any remuneration or expenses payable to the chair.

The CAO indicated that the clerk, as well as all members, have received the required training.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: The village must amend bylaw 133-2016 to:

- establish both a local assessment review board and a composite review board;
- establish the clerk as a designated officer; and
- ensure the provisions of the bylaw are in compliance with legislation.

In addition, the municipality will also be required to ensure that a chair and clerk are jointly appointed to the boards.

Since all members of the regional board should have the same bylaw, it would be advisable to work with all member municipalities of the regional assessment review board, as well as their legal counsel, to ensure that member bylaws are consistent and comply with the requirements of the *MGA*.

RESOURCES: Municipal Affairs has developed an FAQ to assist municipalities with respect to [Assessment Review Boards](#). In addition, Municipal Affairs Assessment Advisors are available to provide general support by calling toll-free 310-0000 and then 780-422-1377.

MUNICIPAL RESPONSE: Response to the findings, or comments, status or action to be taken including key milestones and deadlines. Where resolutions of council are required please provide the date of approval and resolutions of council and/or bylaw numbers.



7. Bylaw Enforcement Officers

LEGISLATIVE REQUIREMENTS: MGA 555-556

1. Is there a municipal bylaw enforcement officer appointed?
2. Is there a bylaw to support this?
3. Are the powers and duties established within the bylaw for the bylaw enforcement officer?
4. Does the bylaw include:
 - disciplinary procedures;
 - penalties; and
 - an appeal process?
5. Has the bylaw enforcement officer taken the official oath?

COMMENTS/OBSERVATIONS: The village does not currently have a bylaw enforcement officer. The village has not passed a bylaw establishing the powers and duties of bylaw enforcement officers, nor establishing a disciplinary procedure for bylaw enforcement officers.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: The municipality is required to pass a bylaw establishing the powers and duties of bylaw enforcement officers, including provisions for disciplinary procedures, penalties, and an appeal process for allegations of abuse of power in accordance with section 556 of the MGA. Any individuals exercising bylaw enforcement officer powers are required to take the official oath of office.

RESOURCES: Municipal Affairs Advisors are available to provide general support by calling toll-free 310-0000 and then 780-427-2225.

MUNICIPAL RESPONSE: Response to the findings, or comments, status or action to be taken including key milestones and deadlines. Where resolutions of council are required please provide the date of approval and resolutions of council and/or bylaw numbers.

3.5 Discretionary Bylaws

Please note: Discretionary bylaws are not required in the *MGA*. The following section includes a random selection of optional bylaws to review that their contents are in compliance with the *MGA*.

1. Procedural Bylaw

LEGISLATIVE REQUIREMENTS: *MGA* 145

1. Does the municipality have a procedural bylaw?

COMMENTS/OBSERVATIONS: Council passed bylaw 232-2017 on February 8, 2018 establishing procedures for council and council committee meetings.

Section 3.1 of the bylaw requires the inaugural organizational meeting to be held no later than the first Tuesday in November. Section 192(1) of the *MGA* requires the meeting be held within 2 weeks of the third Monday in October, which may or may not fall with in the timeline prescribed by the procedural bylaw.

Section 4.3(b) allows a regular council meeting to be postponed to a different day, time and place by the mayor. This is a contravention of section 193(3), which gives the authority to change a meeting to the council, and council may only act by bylaw or resolution passed at a regular or special council meeting held with the public able to be present and with a quorum of council present.

16.1(h) of the bylaw states that the result of the vote, including which councillors voted for or against, be recorded in the meeting minutes. This is a contravention of section 185(1) of the *MGA*, which requires a councillor to request a recorded vote prior to the vote being taken.

Section 19.8 of the bylaw allows the presiding member to order a councillor to leave the meeting. The position of Municipal Affairs is that this section contravenes section 153(c) of the *MGA*, which requires members of council to participate in council meetings.

The bylaw refers to closed sessions as an “in-camera session,” which is not consistent with the new terminology used in the *MGA*.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: The village’s procedural bylaw should be amended or replaced to be consistent with the *MGA* in regards to the timing of the annual organizational meeting, procedures for canceling or postponing meetings, recorded votes, and the duty of a councillor to participate in



council meetings. References to “in-camera” should be updated to be consistent with the “closed session” terminology in the *MGA*.

RESOURCES: Municipal Affairs Advisors are available to provide general support by calling toll-free 310-0000 and then 780-427-2225.

MUNICIPAL RESPONSE: Response to the findings, or comments, status or action to be taken including key milestones and deadlines. Where resolutions of council are required please provide the date of approval and resolutions of council and/or bylaw numbers.



2. Rates, Fees and Charges Bylaw

LEGISLATIVE REQUIREMENTS: MGA 7

1. Does the municipality have a rates, fees, and charges bylaw?

COMMENTS/OBSERVATIONS: Council passed bylaw 245-2019 on June 13, 2019 establishing fees, rates, and charges within the village. The bylaw met the general requirements of the MGA.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

3. Wheeled Vehicle Bylaw

LEGISLATIVE REQUIREMENTS: MGA 7

1. Does the municipality have a wheeled vehicle bylaw?

COMMENTS/OBSERVATIONS: Village council passed bylaw 190-97 on February 11, 1997 regulating the use of wheeled vehicles on sidewalks in the Village of Glenwood. The bylaw met the general requirements of the MGA.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

3.6 Bylaw Procedures

1. Passing Bylaws

LEGISLATIVE REQUIREMENTS: MGA 187-189

1. Are bylaws given three distinct and separate readings?
2. If all readings are conducted at one council meeting, is there a resolution passed that gives unanimous consent for this?

COMMENTS/OBSERVATIONS: A review of a selection of past council minutes indicates the proper process of three readings of all bylaws; however, in cases where all three readings are passed at one council meeting, the minutes do not consistently reflect that unanimous consent was given to proceed to third reading (e.g., resolution 2019-06-118 passed on June 13, 2019). In one case, no resolution was made to proceed to third reading despite holding all three readings at one meeting (resolutions 2019.03.055 through 2019.03.057 passed on March 14, 2019).

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: Moving forward, village council must ensure that unanimous consent is provided to proceed to third reading when all readings of a bylaw are given at a single council meeting in accordance with section 187(4) of the MGA.

RESOURCES: Municipal Affairs Advisors are available to provide general support by calling toll-free 310-0000 and then 780-427-2225.

MUNICIPAL RESPONSE: Response to the findings, or comments, status or action to be taken including key milestones and deadlines. Where resolutions of council are required please provide the date of approval and resolutions of council and/or bylaw numbers.

2. Bylaw Revisions and Amendments

LEGISLATIVE REQUIREMENTS: MGA 63-69, 191, and 692

1. Are revision bylaws limited to:
 - consolidation of two or more bylaws;
 - altering citation; and
 - changes that do not materially affect a bylaw (clerical, technical, grammatical, or typographical)?
2. Does the title of the bylaw indicate that it is a revision bylaw?
3. Has the CAO certified the revision prior to the first reading?
4. How are schedules to bylaws amended (e.g., fees charges or rate schedules)?
5. Have there been amendments to a bylaw that initially required advertising?
6. Was the amending bylaw advertised?
7. Are bylaws amended or repealed in the same way as the original bylaw was enacted?

COMMENTS/OBSERVATIONS: The village generally repeals and replaces bylaws rather than revising or amending.

When the village’s land use bylaw was amended by bylaw 0192-CE-5775-A on November 8, 2018, the advertisement for the public hearing was posted at the village office and on the community message board three days prior to the public hearing held on November 8, 2018. This is in contravention of the advertising requirements in section 606(2) of the MGA, which requires advertising in a newspaper or publication having circulation in the municipality, or mailing the notice to every residence in the area to which the bylaw relates. Providing notice three days prior to the public hearing is also in contravention of section 606(5) if the MGA, which requires the notice to be advertised at least five days before the meeting.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: Moving forward, amendments to bylaws must be passed in the same manner as the original bylaw, including any advertising or public hearing requirements in accordance with section 191(2) of the MGA. Alternatively, council could consider passing an advertisement bylaw under section 606.1(1) that would provide for one or more methods, including electronic means for advertising proposed bylaws, resolutions, meetings, public hearings and other things referred to in section 606 of the MGA.

RESOURCES: Municipal Affairs has created a handbook that includes the procedures to pass, amend and revise bylaws: [Basic Principles of Bylaws](#).



MUNICIPAL RESPONSE: Response to the findings, or comments, status or action to be taken including key milestones and deadlines. Where resolutions of council are required please provide the date of approval and resolutions of council and/or bylaw numbers.

3.7 Mandatory Policies

1. Public Participation Policy

LEGISLATIVE REQUIREMENTS: MGA 216.1, Public Participation Policy Regulation 193/2017

1. Has a public participation policy been passed?
2. Does the policy identify:
 - types or categories of approaches the municipality will use to engage the public; and
 - types and categories of circumstances in which the municipality will engage with the public?
3. Is the public participation policy available for public inspection?
4. Has the public participation policy been reviewed by council in the last four years? (Not applicable until summer of 2022.)

COMMENTS/OBSERVATIONS: The village passed their public participation policy A03-2018 on July 12, 2018 by council resolution 2018-07-173. The policy includes all required information and is available on the village website for public inspection.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.



3.8 Finance

1. Operating Budget

LEGISLATIVE REQUIREMENTS: MGA 242, 243, 244, 248, 248.1

1. Has an operating budget been adopted for each calendar year?
2. Does the operating budget include the estimated amount of each of the following expenditures and transfers:
 - the amount needed to provide for the council's policies and programs;
 - the amount needed to pay the debt obligations in respect of borrowings made to acquire, construct, remove or improve capital property;
 - the amount of expenditures and transfers needed to meet the municipality's obligations as a member of a growth management board, or its obligations for services funded under an intermunicipal collaboration framework (not applicable until April 1, 2020);
 - the amount needed to meet the requisitions or other amounts that the municipality is required to pay under an enactment;
 - if necessary, the amount needed to provide for a depreciation or depletion allowance, or both, for its municipal public utilities as defined in section 28;
 - the amount to be transferred to reserves;
 - the amount to be transferred to the capital budget; and
 - the amount needed to recover any shortfall as required under section 244?
3. Does the operating budget include estimated amounts of each source of revenue (taxes, grants, service fees)?
4. Are the estimated revenues and transfers sufficient to pay the estimated expenditures?
5. Does the budget align with the property tax rate bylaw?
6. Has council established procedures to authorize and verify expenditures that are not included in a budget?

COMMENTS/OBSERVATIONS: Council adopted the 2019 operating budget by resolution 2019.06.115 on June 13, 2019. The budget documents provided contain the information required by the MGA.

The adopted budget indicates total revenues of \$592,411, and total operating expenses (less amortization) of \$612,411, leaving a budgeted operating deficit of \$20,000. This is in contravention of section 243(3) of the MGA, which requires the estimated revenue and transfers to be sufficient to pay the estimated expenditures and transfers.

Council adopted an interim operating budget for 2019 on January 24, 2019 by resolution 2019.01.022. It is important to note that a municipality may only expend funds if they are included in an adopted



budget, including an interim budget, or are for an emergency or are legally required to be paid; therefore, no funds in 2019 were to be expended until after January 24, 2019.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: Moving forward, the village must ensure that the budgeted revenue and transfers are sufficient to pay the estimated expenses and transfers in accordance with section 243(3) of the MGA. In addition, an interim budget must be passed prior to January 1 for the next fiscal year if the annual budget has not been passed prior to January 1.

RESOURCES: Municipal Affairs Financial Advisors are available to provide general financial support by calling toll-free 310-0000 and then 780-427-2225.

MUNICIPAL RESPONSE: Response to the findings, or comments, status or action to be taken including key milestones and deadlines. Where resolutions of council are required please provide the date of approval and resolutions of council and/or bylaw numbers.



2. Capital Budget

LEGISLATIVE REQUIREMENTS: MGA 245, 246, 248.1

1. Has a capital budget for each calendar year been adopted?
2. Does the capital budget include the estimated amount for the following:
 - the amount needed to acquire, construct, remove or improve capital property;
 - the anticipated sources and amounts of money to pay the costs to acquire, construct, remove or improve capital property; and
 - the amount to be transferred from the operating budget?

COMMENTS/OBSERVATIONS: Council adopted the 2019 capital budget by resolution 2019.06.115 on June 13, 2019. The budget documents provided contain all information required by the MGA.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

3. Financial Records and Receipts

LEGISLATIVE REQUIREMENTS: MGA 268.1

1. Are accurate records and accounts kept of the municipality's financial affairs?
2. Are actual revenues and expenditures of the municipality, compared with the estimates, reported to council?
3. Are revenues of the municipality collected and controlled, and receipts issued in the manner directed by council?

COMMENTS/OBSERVATIONS: The village uses Muniware to maintain their financial records, and financial records reviewed met the requirements set out in section 268.1. The CAO provides council with a cheque list, bank reconciliation, and budget variance report at every council meeting.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.



4. Municipal Accounts

LEGISLATIVE REQUIREMENTS: MGA 270

1. Is all money belonging to or held by the municipality deposited into a financial institution designated by council?

COMMENTS/OBSERVATIONS: ATB Financial provides banking services to the village as confirmed by banking records. A resolution of council designating ATB Financial as the village's financial institution could not be located.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ ACTION ITEMS: The village is required to designate their financial institution by a formal resolution of council.

RESOURCES: Municipal Affairs Financial Advisors are available to provide general financial support by calling toll-free 310-0000 and then 780-427-2225.

MUNICIPAL RESPONSE: Response to the findings, or comments, status or action to be taken including key milestones and deadlines. Where resolutions of council are required please provide the date of approval and resolutions of council and/or bylaw numbers.

5. Fidelity Bond

LEGISLATIVE REQUIREMENTS: MGA 212.1

1. Does the municipality annually obtain a fidelity bond or equivalent insurance?
2. Does the bond or insurance cover:
 - the CAO of the municipality;
 - the designated officers of the municipality; and
 - other employees of the municipality?

COMMENTS/OBSERVATIONS: The village has obtained insurance through AMSC Insurance Services Ltd. Based on the information provided, insurance was in place.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.



6. Auditor, Audited Financial Statements, Auditor Report

LEGISLATIVE REQUIREMENTS: MGA 276, 280, 281

1. Has one or more auditors for the municipality been appointed?
2. Are annual financial statements of the municipality prepared for the immediately preceding year?
3. Do the financial statements include:
 - the municipality's debt limit; and
 - the amount of the municipality's debt as defined in the regulations under section 271?
4. Are the financial statements, or a summary of them, and the auditor's report on the financial statements available to the public in the manner the council considers appropriate by May 1 of the year following the year for which the financial statements have been prepared?
5. Has council received the auditor's report on the annual financial statements and financial information return of the municipality?

COMMENTS/OBSERVATIONS: The auditor presented the 2018 audited financial statements on June 13, 2019, which were approved by council resolution 2019.06.113. The financial statements contain the required information on the municipality's debt and debt limit. The financial statements were not made available to the public prior to May 1st as required by section 276(3) of the MGA, nor were they provided to the Minister prior to May 1st in accordance with section 278 of the MGA.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: Moving forward, the village is required to ensure that financial statements, or a summary of them, are made available to the public and the financial statements are provided to the Minister prior to May 1st of each year.

RESOURCES: Municipal Affairs Financial Advisors are available to provide general financial support by calling toll-free 310-0000 and then 780-427-2225.

MUNICIPAL RESPONSE: Response to the findings, or comments, status or action to be taken including key milestones and deadlines. Where resolutions of council are required please provide the date of approval and resolutions of council and/or bylaw numbers.

7. Salary and Benefits

LEGISLATIVE REQUIREMENTS: MGA 217, Supplementary Accounting Principles and Standards Regulation 313/2000

1. Has information been provided on the salaries of councillors, the chief administrative officer and all designated officers (including the assessor, SDAB clerk and assessment review board clerk) of the municipality?

COMMENTS/OBSERVATIONS: Once the assessor, assessment appeal board clerk, and subdivision and development appeal board clerks are established as designated officers of the municipality, the annual financial statements must disclose the total salary and benefits for all designated officers as a total amount, and indicate the number of designated officers as required by section 1(2)(c) of the Supplementary Accounting Principles and Standards Regulation 313/2000.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required

RESOURCES: Not applicable.



8. Management Letter

LEGISLATIVE REQUIREMENTS: MGA 281(3)

1. Has council received a separate auditor's report on any improper or unauthorized transaction or non-compliance with this or another enactment or a bylaw that is noted during the course of an audit?

COMMENTS/OBSERVATIONS: The village received confidential recommendations from the auditor.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.



9. Three-Year Operating Plan and Five-Year Capital Plan (for discussion only)

LEGISLATIVE REQUIREMENTS: MGA 283.1, Municipal Corporate Planning Regulation 192/2017

1. Each municipality must prepare a written plan respecting its anticipated financial operations over a period of at least the next three financial years. Also, each municipality must prepare a written plan respecting its anticipated capital property additions over a period of at least the next five financial years. The first financial plans will need to be prepared by the end of 2019 and cover the 2020 to 2022 financial, or 2020 to 2024 capital period.

COMMENTS/OBSERVATIONS: The municipality is aware that written plans for financial operations and capital plans are a new legislative requirement. The municipality must prepare a three-year written plan for financial operations and a five-year written plan for capital property and these plans must be in place by April 1, 2020.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: Plans must be in place by the April 1, 2020 deadline.

RESOURCES: Municipal Affairs has created a guide to assist municipalities getting started with multi-year financial planning: [New Legislative Requirements for Municipal Financial & Capital Plans](#).



3.9 Assessment and Taxation

1. Assessment Roll

LEGISLATIVE REQUIREMENTS: MGA 284.2(1), 307

1. Has a person who has the qualifications as set out in the Municipal Assessor Regulation 347/2009 been appointed to the position of designated officer to carry out the functions of a municipal assessor?
2. Is the assessment roll available for inspection?
3. Is there a fee for this?
4. Does the municipality have a bylaw to establish this fee?

COMMENTS/OBSERVATIONS: Village council entered into a contract with a qualified assessor by resolution 2018-10-288 on October 11, 2018. The assessment roll is available for public inspection without a fee.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.

2. Tax Roll

LEGISLATIVE REQUIREMENTS: MGA 327, 329

1. Has an annual tax roll been prepared for the municipality?
2. Does the tax roll include the following:
 - a description sufficient to identify the location of the property or business;
 - name and mailing address of the taxpayer;
 - the assessment;
 - the name, tax rate, and amount of each tax imposed in respect of the property or business;
 - the total amount of all taxes imposed in respect of the property or business;
 - the amount of tax arrears; and
 - if the property is subject to an agreement between the taxpayer and the municipality (section 347 or 364)?

COMMENTS/OBSERVATIONS: An annual tax roll has been completed, and contains the required legislated content.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

3. Assessment and Tax Notices

LEGISLATIVE REQUIREMENTS: MGA 308, 333

1. Does the municipality provide for a combined property assessment and tax notice?
2. Are assessment notices prepared annually for all assessed property, other than designated industrial property, shown on the assessment roll?
3. Are assessment notices sent to assessed persons?
4. Are tax notices prepared annually for all taxable property and businesses shown on the tax roll of the municipality?
5. Are the tax notices sent to the taxpayers?

COMMENTS/OBSERVATIONS: The village prepares and sends assessment notices and tax notices annually in accordance with legislative requirements.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.



4. Content of Assessment Notices

LEGISLATIVE REQUIREMENTS: MGA 308.1, 309

1. Has the assessor set a notice of assessment date, which must be no earlier than January 1 and no later than July 1?
2. Has the assessor set additional notice of assessment dates for amended and supplementary assessment notices? Are those notice of assessment dates later than the date that tax notices are required to be sent under Part 10?
3. Does the municipal assessment notice show the following:
 - the same information that is required to be shown on the assessment roll;
 - the notice of assessment date;
 - a statement that the assessed person may file a complaint not later than the complaint deadline; and
 - information respecting filing a complaint in accordance with the regulations?

COMMENTS/OBSERVATIONS: The assessment notice contains the information required by the MGA.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

5. Content of Tax Notices

LEGISLATIVE REQUIREMENTS: MGA 334

1. Does the municipal property tax notice show the following:
 - the same information that is required to be shown on the tax roll;
 - the date the tax notice is sent to the taxpayer;
 - the amount of the requisitions, any one or more of which may be shown separately or as part of a combined total;
 - except when the tax is a property tax, the date by which a complaint must be made, which date must not be less than 30 days after the tax notice is sent to the taxpayer;
 - the name and address of the designated officer with whom a complaint must be filed;
 - the dates on which penalties may be imposed if the taxes are not paid; and
 - information on how to request a receipt for taxes paid?

COMMENTS/OBSERVATIONS: 2019 tax notices have been prepared, and the tax notices contain the information required by legislation.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

6. Notice and Certification

LEGISLATIVE REQUIREMENTS: MGA 311, 335, 336

1. Has the municipality published in one issue of a newspaper having general circulation in the municipality, or in any other manner considered appropriate by the municipality, a notice that the assessment notices have been sent?
2. Has a designated officer certified the date the tax notices were sent?
3. Have the tax notices been sent before the end of the year in which the taxes were imposed?

COMMENTS/OBSERVATIONS: The CAO provided notice and certification of the date assessment notices and tax notices were sent in the village newsletter in accordance with legislative requirements.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.



7. Tax Arrears List

LEGISLATIVE REQUIREMENTS: MGA 412, 436.03

1. Has a tax arrears list been prepared showing the parcels of land in the municipality in respect of which there are tax arrears?
2. Has the list been sent to the Registrar and to the Minister responsible for the *Unclaimed Personal Property and Vested Property Act*?
3. Has the list been posted in a place that is accessible to the public during regular business hours?
4. Were persons notified who are liable to pay the tax arrears that a tax arrears list has been prepared and sent to the Registrar?

COMMENTS/OBSERVATIONS: The tax arrears list for the village has been prepared, and was submitted to the Registrar on March 31 as required by legislation.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

8. Tax Sale

LEGISLATIVE REQUIREMENTS: MGA 418, 436.08

1. Have those properties appearing on the tax arrears list been offered for sale within the time frame provided?

COMMENTS/OBSERVATIONS: Tax arrears balances have been brought up to date; therefore, the village has not been required to conduct a tax sale recently. In the event that the village encounters a tax sale, the following resource has been provided.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Municipal Affairs Advisors are available to provide general support by calling toll-free 310-0000 and then 780-422-1377. In addition, Municipal Affairs has developed a resource for assisting municipalities in [A Guide to Tax Recovery in Alberta](#).

3.10 Planning

1. Subdivision Authority

LEGISLATIVE REQUIREMENTS: MGA 623, 625-626

1. Has the municipality by bylaw provided for a subdivision authority?
2. Does the structure of the subdivision authority comply with section 623(2) which specifies that it may include one or more of the following:
 - any or all members of council;
 - a designated officer;
 - a municipal planning commission;
 - any other person or organization?

COMMENTS/OBSERVATIONS: Council passed bylaw 234-2012 on February 9, 2012 establishing the subdivision authority as the municipal planning commission, composed of two members of council and three members of the public at large.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

2. Development Authority

LEGISLATIVE REQUIREMENTS: MGA 624, 625 - 626

1. Has the municipality bylaw provided for a development authority?
2. Does the structure of the development authority comply with section 624(2) which specifies that it may include one or more of the following:
 - a designated officer;
 - a municipal planning commission;
 - any other person or organization?

COMMENTS/OBSERVATIONS: Council passed bylaw 234-2012 on February 9, 2012 establishing the development authority as the municipal planning commission, composed of two members of council and three members of the public at large.

The village’s land use bylaw establishes the office of development officer, and grants authority to process land use bylaw applications, and make decisions on applications for permitted uses. This authority is inconsistent with the development authority bylaw, which does not include provisions for a development officer to make development decisions.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: The municipality must ensure that the development authority bylaw and the land use bylaw are consistent in addressing who is authorized to make development decisions for the municipality.

RESOURCES: Municipal Affairs Planning Advisors are available to provide planning and development support by calling toll-free 310-0000 and then 780-427-2225.

MUNICIPAL RESPONSE: Response to the findings, or comments, status or action to be taken including key milestones and deadlines. Where resolutions of council are required please provide the date of approval and resolutions of council and/or bylaw numbers.



3. Subdivision and Development Appeal Board (SDAB)

LEGISLATIVE REQUIREMENTS: MGA 627, 628, Subdivision and Development Regulation 43/2002, Subdivision and Development Appeal Board Regulation 195/2017

1. Is a subdivision and development appeal board bylaw or intermunicipal agreement established?
2. Do the SDAB members exclude those who are:
 - municipal employees;
 - members of the municipal planning commission; and
 - individuals who can carry out subdivision and development powers on behalf of the municipality?
3. Is there no more than one councillor appointed as a member to the appeal board?
 - If more than one, is there Ministerial approval for the additional councillors to sit on the panel?
4. Are the active members of the SDAB trained?
5. Is there a clerk appointed to the SDAB, and is that person a designated officer?
6. Has the clerk received SDAB training?
7. Has the clerk kept a record of the hearings?

COMMENTS/OBSERVATIONS: Village council established an intermunicipal SDAB by bylaw 135-2019, passed on March 14, 2019. The bylaw excludes municipal employees and those who may carry out subdivision and development powers on behalf of the municipality, and allows no more than one elected official to sit on a panel of the board. Members are appointed to the intermunicipal board, and those members have received the required training. The village has not appointed one or more clerks of the SDAB as required by section 627.1(2) of the MGA.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: The village is required to appoint one or more clerks of the SDAB. The individual(s) appointed as clerk(s) must receive the required training prior to being appointed.

RESOURCES: Municipal Affairs has developed an SDAB training guidebook and several fact sheets to assist municipalities, which can be found at the [SDAB website](#). In addition, Municipal Affairs Planning Advisors are available to discuss these topics further by calling toll-free 310-0000 and then 780-427-2225.



MUNICIPAL RESPONSE: Response to the findings, or comments, status or action to be taken including key milestones and deadlines. Where resolutions of council are required please provide the date of approval and resolutions of council and/or bylaw numbers.

--



4. Subdivision Applications and Decision

LEGISLATIVE REQUIREMENTS: MGA 653, 653.1, 679, Subdivision and Development Regulation 43/2002, Subdivision and Development Appeal Board Regulation 195/2017

1. Are the forms set out in Schedules 1 and 2 of the Subdivision and Development Regulation used for all subdivision application and deferred reserve caveat decisions?
2. If required, were written referrals sent according to legislation?
3. Have all the mandatory requirements in section 653 and 653.1 of the MGA been met?
4. If there have been appeals, did the SDAB clerk give five days' notice of the hearing to the appropriate stakeholders?

COMMENTS/OBSERVATIONS: Subdivision applications are contracted to the Oldman River Regional Services Commission, with the municipal planning commission as the approving authority. File number 2018-0-151 was reviewed and legislative requirements reviewed were met.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.



5. Development Applications

LEGISLATIVE REQUIREMENTS: MGA 683.1, 686, 687

1. Did the development authority review the application within 20 days to determine if it was complete?
2. If deemed complete, did the applicant get a notification that the application is complete, or if deemed incomplete, did the applicant get a notification from the development authority that the application is incomplete?
3. If the development permit application is refused, was a notice issued to the applicant?
4. Are appeal hearings held within 30 days after the receipt of a notice of appeal by the SDAB?
5. Does the SDAB give at least five days notice in writing of the hearing:
 - to the appellant;
 - to the development authority; and
 - to the owners as required under the land use bylaw?
6. Did the board make materials related to the appeal available for public inspection?

COMMENTS/OBSERVATIONS: The development application reviewed for permit 2019-R001 indicated the development authority reviewed the application and made a decision within the timeframes required. There have been no recent appeals to review.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

6. Alberta Land Stewardship Act (ALSA) Regional Plan or Land Use Policies

LEGISLATIVE REQUIREMENTS: MGA 622, 630.2 and ALSA 20

1. Is there an ALSA Regional Plan in effect in your area?
2. If yes, which plan?
3. Has a statutory declaration been filed with the Land Use Secretariat indicating compliance with the regional plan? (Note: due within five years of an ALSA regional plan coming into force.)

COMMENTS/OBSERVATIONS: The South Saskatchewan Regional Plan is in effect for the village. The village has not yet filed the required statutory declaration.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: The village must file their declaration by September 1, 2019.

RESOURCES: Municipal Affairs Planning Advisors are available to provide planning and development support by calling toll-free 310-0000 and then 780-427-2225.

Further reporting information for the South Saskatchewan Regional Plan can be found at:
<https://landuse.alberta.ca/RegionalPlans/SouthSaskatchewanRegion>

7. Growth Management Board

LEGISLATIVE REQUIREMENTS: MGA 708.23,708.04

1. Is the municipality a member of a growth management board?
2. Has the municipality appointed a person to represent the municipality on the growth management board?

COMMENTS/OBSERVATIONS: The village is not part of a growth management board.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Municipal Affairs Planning Advisors are available to provide planning and development support by calling toll-free 310-0000 and then 780-427-2225.



8. Land Use Bylaw

LEGISLATIVE REQUIREMENTS: MGA 230, 606, 639, 640, 642 (1), 692 (4), Subdivision and Development Regulation 43/2002

1. Is there a Land Use Bylaw?
2. Does the Land Use Bylaw:
 - divide the municipality into districts (zones);
 - establish a method of making decisions on development permit applications, including provisions for:
 - the types of development permits that may be issued;
 - processing an application for, or issuing, canceling, suspending or refusing to issue development permits;
 - the conditions that development permits may be subject to;
 - how long development permits remain in effect;
 - the discretion the development authority may exercise with respect to development permits;
 - provide for how and to whom notice of the issuance of development permits is to be given;
 - establish the number of dwelling units permitted on a parcel of land; and
 - identify permitted and discretionary uses?
3. Does the public notice of application to rezone properties include:
 - the municipal address/legal address of the parcel of land;
 - a map showing the location of the parcel of land;
 - written notice to the assessed owner of that parcel of land; and
 - written notice to the assessed owner of the adjacent parcel of land?
4. Does the notice of a public hearing on land use bylaw related issues include:
 - the municipal address/legal address of the parcel of land;
 - a map showing the location of the parcel of land;
 - the general purpose of the bylaw and public hearing;
 - the address where the proposed bylaw, and any document related to the bylaw or public hearing can be inspected; and
 - the date, time and place of the public hearing?

COMMENTS/OBSERVATIONS: Village council passed bylaw 192-CE-5775 on December 14, 2006 establishing a land use bylaw for the village. The land use bylaw contains the required legislated content.

Council amended the land use bylaw once since its original adoption, by bylaw 192-CE-5775-A, on November 8, 2018. The content of the advertising and notice of public hearing for the amending bylaw

August 8, 2019

72 | Page

Disclaimer: The Municipal Accountability Program is intended as a program of support and collaboration for municipal Chief Administrative Officers to either confirm compliance with requirements of municipal legislation or to identify concerns and develop corrective solutions where needed. The scope of this report is limited to confirming the compliance or lack of compliance with mandatory legislative requirements. The content of the report does not constitute an opinion on the legal effectiveness of any documents or actions of the municipality, which should be determined in consultation with independent legal advice.

met the legislative requirements reviewed; however, the advertising and notice requirements were not met. This legislative gap is addressed in section 3.6.2 on page 43 of this report.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.



9. Municipal Development Plan (MDP)

LEGISLATIVE REQUIREMENTS: MGA 230, 606, 632, 641, 692

1. Is there a Municipal Development Plan?
 - Does the population of the municipality exceed 3,500?
 - If the population of the municipality is less than 3,500, does the Land Use Bylaw for the municipality contain 'Direct Control' districting as per section 641(1)?
2. Does the MDP address/include:
 - future land use;
 - future development;
 - coordination of land use, growth patterns and infrastructure with adjacent municipalities (if there is no intermunicipal development plan);
 - transportation systems; and
 - municipal services and facilities?
3. Has the MDP been amended?
4. Was the amendment to the MDP advertised?
5. Was a public hearing held for the amendment to the MDP?

COMMENTS/OBSERVATIONS: The village does not currently have a municipal development plan.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: A municipality is required to adopt a municipal development plan by April 1, 2021.

RESOURCES: Municipal Affairs Planning Advisors are available to provide planning and development support by calling toll-free 310-0000 and then 780-427-2225.

10. Intermunicipal Development Plan (IDP)

LEGISLATIVE REQUIREMENTS: MGA 230, 606, 631, 636, 692, 708.28, 708.3

1. Is there an Intermunicipal Development Plan?
2. Does the IDP address/include within the IDP area:
 - future land use;
 - future development;
 - transportation;
 - coordination of intermunicipal programs (physical, social and economic development);
 - environmental matters;
 - dispute resolution processes;
 - plan repeal/amendment procedures; and
 - plan administration provisions?
3. Has the IDP been amended?
4. Was the amendment to the IDP advertised?
5. Was there a public hearing for the amendment of the IDP?

COMMENTS/OBSERVATIONS: The village is currently working towards establishing an IDP with Cardston County.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: Municipalities are required to adopt intermunicipal development plans by April 1, 2020.

RESOURCES: Municipal Affairs Planning Advisors are available to provide planning and development support by calling toll-free 310-0000 and then 780-427-2225.

11. Intermunicipal Collaboration Frameworks (ICF)

LEGISLATIVE REQUIREMENTS: MGA 708.33, Intermunicipal Collaboration Framework Regulation 191/2017

1. Has an ICF been adopted with each municipality that shares a common border? (Not applicable until April 1, 2020.)

COMMENTS/OBSERVATIONS: The village is currently working towards establishing an ICF with Cardston County.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: Municipalities are required to adopt intermunicipal collaboration frameworks by April 1, 2020 that specify what and how services are funded and delivered.

RESOURCES: Information on ICF requirements, contents and dates can be located online at: [Intermunicipal Collaboration Frameworks](#)



12. Listing and Publishing Policies Related to Planning Decisions

LEGISLATIVE REQUIREMENTS: MGA 638.2

1. Are the following published on the municipal website:
 - an up-to-date list of council approved policies (by bylaw or resolution) used to make planning/development decisions;
 - a summary of these policies and their relationship to each other and to statutory plans and bylaws passed under Part 17 of the MGA; and
 - documents incorporated by reference in any bylaws passed under Part 17?

COMMENTS/OBSERVATIONS: The village has published their planning bylaws on their website; however, the village's website does not have a summary of these bylaws and their relationship to each other.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: The village website should be updated to include a comprehensive list and summary of all planning policies and their relationships with other planning documentation and decisions in accordance with section 638.2 of the MGA.

RESOURCES: Municipal Affairs Planning Advisors are available to provide planning and development support by calling toll-free 310-0000 and then 780-427-2225.

MUNICIPAL RESPONSE: Response to the findings, or comments, status or action to be taken including key milestones and deadlines. Where resolutions of council are required please provide the date of approval and resolutions of council and/or bylaw numbers.



3.11 Local Authorities Election Act (LAEA)

1. Joint Elections

LEGISLATIVE REQUIREMENTS: *Local Authorities Election Act (LAEA) 2-3*

1. Is there an agreement to hold an election in conjunction with another local authority?
2. Does the agreement include:
 - which elected authority is responsible for the conduct of the election; and
 - the appointment of a returning officer for each local authority?

COMMENTS/OBSERVATIONS: The village does not conduct joint elections with another local authority.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.

2. Oath/Statement

LEGISLATIVE REQUIREMENTS: LAEA 16, Local Authorities Election Forms Regulation 106/2007

1. Did the Returning Officer, and all deputy returning officers take the oath/statement as per the Local Authorities Election Forms Regulation for the most recent election?

COMMENTS/OBSERVATIONS: The CAO indicated the returning officer took the official oath, and deputy returning officers took the official statement as required by legislation.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.

3. Substitute Returning Officer

LEGISLATIVE REQUIREMENTS: LAEA 13(2.1)

1. Has the municipality had a by-election in 2019?
2. Has a substitute returning officer been appointed in the resolution or bylaw that fixes the date for the by-election?

COMMENTS/OBSERVATIONS: The CAO was informed of the new legislative requirements. The village has not conducted a by-election since the new requirements took effect.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.



4. Nomination Forms

LEGISLATIVE REQUIREMENTS: *LAEA 27, 28.1, 34, 97*

1. Is there a bylaw requiring a deposit upon the submission of a nomination form?
2. Were the nomination papers signed by at least five electors of the municipality?
3. Have all nomination papers that were filed prior to the most recent election been retained?
4. Were copies of the prescribed form for the identification of an official agent, campaign workers and scrutineers for the purposes of identification under section 52 made available to the candidates?
5. Does the municipality ensure that the Deputy Minister is forwarded a signed statement showing the name of each nominated candidate, election results, and any information about the candidate that the candidate has consented to being disclosed (for general elections and by-elections)?

COMMENTS/OBSERVATIONS: The village does not take a deposit; therefore, no bylaw is required. Nomination papers were signed, filed, and the Deputy Minister received the required information in accordance with the *LAEA*. The nomination papers have been retained by the municipality.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.



5. Ballot Account

LEGISLATIVE REQUIREMENTS: LAEA 88, 89, 94, 100

1. Has a copy of the ballot account been retained?

COMMENTS/OBSERVATIONS: The village has retained the ballot account for the 2017 general election and the 2018 by-election in accordance with legislation.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.

6. Disposition of Election Material

LEGISLATIVE REQUIREMENTS: LAEA 101

1. Were the election materials disposed of in accordance with Section 101?
2. Is there a copy of the affidavits of destruction of the ballot box contents sworn or affirmed by the two witnesses?

COMMENTS/OBSERVATIONS: The retained affidavits of destruction indicate the village disposed of the 2017 general election materials and 2018 by-election materials in accordance with Section 101 of the LAEA.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.



7. Campaign Disclosure Statements

LEGISLATIVE REQUIREMENTS: LAEA 147.4

1. Did all campaign disclosure statements include:
 - the total amount of all campaign contributions received during the campaign period that did not exceed \$100 (prior to 2019) or \$50 (after) in the aggregate from any single contributor;
 - the total amount contributed, together with the contributor's name and address, for each contributor whose contributions during the campaign period exceeded \$100 in the aggregate;
 - the total amount of money paid by the candidate out of the candidate's own funds;
 - the total amount of any campaign surplus, including any surplus from previous campaigns; and
 - a financial statement setting out the total amount of revenue and expenses?
2. Are all documents filed under this section available to the public during regular business hours?
3. Have the campaign disclosure documents been retained for a period of four years after the election?

COMMENTS/OBSERVATIONS: No campaign contributions were collected by village candidates.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.

3.12 Emergency Management

1. Municipal Emergency Organization/Agency/Advisory Committee

LEGISLATIVE REQUIREMENTS: *Emergency Management Act (EMA)* 11, 11.1, 11.2

1. Has an emergency advisory committee been appointed consisting of a member or members of council to advise on the development of emergency plans and programs?
2. Is an emergency management agency established to act as the agent of the local authority in exercising the local authority's powers and duties under the EMA?
3. Has a director of the emergency management agency been appointed?
4. Are there prepared and approved emergency plans and programs?

COMMENTS/OBSERVATIONS: Council passed bylaw 239-2012 establishing the emergency management committee and emergency management agency for the village. One councillor is appointed to the committee and council has appointed a director of emergency management. The village has an approved emergency plan in place.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.



2. Municipal Emergency Organization/Agency/Advisory Committee (for discussion only)

LEGISLATIVE REQUIREMENTS: Local Authority Emergency Management Regulation

1. Is the municipality aware that as of January 1, 2020:
 - Emergency advisory committees and emergency management agencies must be appointed by bylaw;
 - The Managing Director of the Alberta Emergency Management Agency (AEMA) will prescribe a command, control and coordination system that must be used by emergency management agencies;
 - If a local authority has delegated some or all of their powers under the Emergency Management Act to a regional services commission or joint committee, the local authority must establish a bylaw setting out the powers and duties which have been delegated;
 - If the local authority has delegated powers to a regional services commission, their bylaw must indicate whether the local authority will maintain an independent emergency management agency;
 - When summer villages delegate powers and duties under the Emergency Management Act to another local authority, the local authority accepting the delegation of the summer village may delegate the powers to a council committee;
 - When a summer village delegates powers and duties under the Emergency Management Act to another local authority, the summer village and the local authority must establish in bylaw which powers and duties have been delegated and accepted;
 - Training will be prescribed by the Managing Director and will include:
 - Mandatory elected officials training within 90 days of taking oath;
 - Directors of Emergency Management must take courses within 18 months of being appointed; and
 - Municipal staff responsible for implementing emergency plan must take prescribed courses within six months of taking on role.
 - Emergency management agencies must review the emergency plan at least once per year and make it available to AEMA for review and comment annually.

COMMENTS/OBSERVATIONS: The municipality is aware of the upcoming changes to the legislation, and will be working with their Alberta Emergency Management Agency field agent to prepare for January 1, 2020.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.



RESOURCES: Not applicable.

Disclaimer: The Municipal Accountability Program is intended as a program of support and collaboration for municipal Chief Administrative Officers to either confirm compliance with requirements of municipal legislation or to identify concerns and develop corrective solutions where needed. The scope of this report is limited to confirming the compliance or lack of compliance with mandatory legislative requirements. The content of the report does not constitute an opinion on the legal effectiveness of any documents or actions of the municipality, which should be determined in consultation with independent legal advice.

3.13 Libraries

1. Municipal Library Board

LEGISLATIVE REQUIREMENTS: *Libraries Act 3-5*

1. Is a municipal library board established?
2. Has council provided a copy of the bylaw establishing the board to the Minister?
3. How many councillors have been appointed to the board?
4. Are there alternate members?
5. In the case of an intermunicipal library board, are members appointed to the board in accordance with the intermunicipal agreement?
6. Does the membership appointment term exceed three years?
7. Does any member's number of terms exceed three terms? If so, did two-thirds of council approve?

COMMENTS/OBSERVATIONS: Council passed bylaw 104 on May 14, 1980 establishing a municipal library board for the Village of Glenwood. One member of council is appointed annually at the organizational meeting. No member's appointment exceeds three terms, and no alternate members are appointed.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.



2. System Library Board

LEGISLATIVE REQUIREMENTS: *Libraries Act 16*, Libraries Regulation 141/1998

1. Is a system library board established?
2. Have councils that have signed the agreement appointed the members of the board?
3. Does the membership appointment term exceed three years?
4. Does any member's total years of service exceed nine consecutive years? If so, did two-thirds of council approve?
5. Are there alternate members?

COMMENTS/OBSERVATIONS: The village is part of the Chinook Arch Regional Library System. Council appoints one member to the regional library board annually at the organizational meeting. The village does not appoint an alternate member. No member has been appointed for more than nine consecutive years.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

Section 4: Conclusion

Your participation and cooperation during the 2019 Municipal Accountability Program review are appreciated. This report is intended to help the Village of Glenwood reach full mandatory legislative compliance.

No confidential information is contained within this report; therefore, the report in its entirety should be shared with council to strengthen awareness of the diversity and magnitude of municipal responsibilities, the significant tasks and work involved, and achievements in compliance. The report can be used as a planning tool for addressing the compliance gaps identified and for future training purposes. To demonstrate transparency and accountability to citizens, it is strongly encouraged that the review results are shared during an open public meeting.

The ministry is committed to maintaining a strong collaborative working relationship. We welcome your feedback on our review process as we work together to ensure Albertans live in viable municipalities with well-managed local governments.