

# 2020

## Municipal Accountability Program Report



Alberta Beach

Municipal Affairs, Government of Alberta

March 10, 2020

Village of Alberta Beach 2020 Municipal Accountability Program Report

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.

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# Section 1: Introduction

## 1.1 Our Commitment

Alberta Municipal Affairs is committed to helping to ensure Albertans live in viable municipalities and communities with fiscally responsible, collaborative, accountable local governments. To achieve this, Municipal Affairs plays an important role in assisting and supporting municipalities in Alberta through various programs to foster capacity building, transparency and accountability, which are essential elements for responsible local government.

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:

- support municipalities in strengthening their knowledge of mandatory legislative requirements with a primary focus on the *MGA*;
- support municipalities in achieving legislative compliance;
- support municipalities in being accountable and transparent; 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 2,500 or less are automatically scheduled for a visit once every five years. The Village of Alberta Beach was randomly selected for a municipal accountability review in 2020.

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.

The results of the Village of Alberta Beach 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 March 10, 2020, Municipal Affairs staff met with village administration to complete the on-site portion of the Municipal Accountability Program review to examine compliance with mandatory requirements of the *MGA* and other legislation under the purview of Municipal Affairs.

The Village of Alberta Beach 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 recognize the commitment to the well-being and success of the municipality demonstrated by village administration.

## 2.2 Legislative Compliance

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

- orientation training;
- chief administrator officer evaluation;
- provision of information;
- signing of municipal documents;
- repair of roads, public places, and public works;
- public presence at meetings;
- organizational meeting;
- special meetings;
- regular meeting change notice;
- authority to act;
- quorum;
- voting;
- pecuniary interest;
- code of conduct bylaw;
- establishment of the chief administrative officer position;
- property tax bylaw;
- discretionary bylaws: garage sale;
- passing bylaws;
- public participation policy;



- operating budget;
- capital budget;
- financial records and receipts;
- municipal accounts;
- fidelity bond;
- auditor, audited financial statements, auditor report;
- salary and benefits;
- management letter;
- tax roll;
- prepare tax notices;
- content of assessment notices;
- certify date of mailing;
- tax arrears list;
- tax sale;
- municipal development plan;
- land use bylaw;
- subdivision authority;
- development authority;
- election officials oath/statement;
- substitute returning officer;
- nomination forms;
- ballot account;
- disposition of election material;
- campaign disclosure statements;
- municipal emergency management future changes; and
- systems library board.

## 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:

- requirement to designate a place for the municipal office ([page 12](#));
- requirement to close meetings in accordance with the *MGA* and *FOIPP* ([page 19](#));
- requirement for council meeting minutes to be documented in accordance with the *MGA* ([page 27](#));
- requirement to establish a local and a composite assessment review board by bylaw ([page 31](#));
- requirement to establish a bylaw enforcement officer bylaw ([page 33](#));
- requirement for the procedural bylaw to comply with the *MGA* ([page 34](#));
- requirement for mobile vendor bylaw to comply with the *MGA* ([page 35](#));
- requirement to revise and amend bylaws in accordance with the *MGA* ([page 38](#));
- requirement for a municipality to implement a three-year operating plan and a five-year capital plan ([page 48](#));
- requirement to prepare an assessment roll ([page 50](#));
- requirement for the content of tax notices to be in accordance with the *MGA* ([page 53](#));
- requirement to establish a subdivision and development appeal board ([page 62](#));
- listing and publishing policies related to planning decisions ([page 64](#)); and
- requirement to ensure the municipal library board does not have alternate appointments ([page 72](#)).

## 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, or July 31, 2020, whichever is the later date. 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 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 for the Village of Alberta Beach is located at 4935-50<sup>th</sup> Ave, Alberta Beach, Alberta. A resolution naming the location of the municipal office could not be located.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** The village must name the location of the municipal office by resolution of council as required by section 204 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. Orientation Training

**Legislative requirements:** *MGA 201.1*

1. How was orientation training offered to elected officials following the 2017 general election and any subsequent byelections?

**Comments/Observations:** Members of council were offered Munis 101 training following the 2017 general election as documented in emails.

**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 written CAO evaluations are being completed annually by council.

**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:** The CAO is aware of the *MGA* requirements, and typically provides information to all members of council by email.

**Meets Legislative Requirements:** Yes

**Recommendations/Action Items:** No action required.

**Resources:** Not applicable.

## 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 CAO in accordance with the requirements of section 213 of the *MGA*. Signing authority is established at the annual organizational meeting (resolution 220-19) and agreements, cheques and other instruments that are signed by the CAO are supported through a formal council resolution.

**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 under section 532 of the *MGA* and shared that the municipality has policies and plans in place which are reflected in the annual budget. Any municipal policies and practices discussed were not reviewed. In the event the policies and practices establish specific service levels, it may be appropriate to review the service levels and seek the necessary advice to ensure that the service levels are appropriate, and are being followed.

**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:** All village meetings are advertised to the public and open for members of the public to attend. Section 2 a) of the village's procedural bylaw (186-03) states council "shall hold its meeting openly and no person shall be excluded therefrom except for improper conduct."

**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?

**Comments/Observations:** The village's current practice is to have closed sessions at the beginning of council meetings so the public does not have to leave chambers or wait for council to come out of closed session. Minutes reviewed record when meetings are closed and prior to moving into a closed session, exceptions to disclosure under the *Freedom of Information and Protection of Privacy Act (FOIPP)* are cited appropriately (e.g., resolution 137-19 – from the July 16, 2019 council meeting). Although the village has recorded closed sessions in accordance with legislation, notification and agendas reviewed indicate that regular council meetings start at 7:00 p.m. Minutes of the July 16, 2019 meeting record the meeting was called to order at 6:35 p.m.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** Moving forward, council meetings must consistently adhere to the date, time and place of regularly scheduled meetings; therefore, if the village chooses to continue the practice of having closed sessions prior to meetings, notice of the meeting starting at 6:30 p.m. must be given in accordance with section 193(3). Alternatively, the entire meeting, including the closed session portion, should begin at 7:00 p.m. as advertised to the public.

**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 official (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 15, 2019, within two weeks of the third Monday in October which is in accordance with section 192 of the *MGA*. Council appoints 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:** Minutes of the June 3, 2019 special meeting that was held to adopt the 2019 municipal budget and 2019 property tax bylaw (bylaw 266-19) were reviewed. The meeting was held with more than 24 hours notice, and proper notification was provided to the public. The agenda for the special meeting was not changed.

**Meets Legislative Requirements:** Yes

**Recommendations/Action Items:** No action required.

**Resources:** Not applicable.

## 5. 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:** No changes to a regularly scheduled meeting of council have recently occurred, but the village is aware of the notification requirements.

**Meets Legislative Requirements:** Yes

**Recommendations/Action Items:** No action required.

**Resources:** Not applicable.

### 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:** A review of a selection of past meeting minutes indicate that direction is only given to administration through a council resolution or bylaw.

**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 met the quorum requirements.

**Meets Legislative Requirements:** Yes

**Recommendations/Action Items:** No action required.

**Resources:** Not applicable.



### 3. Voting (for discussion only)

**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 made prior to the vote being taken?

**Comments/Observations:** The CAO indicated that each member of council votes on all matters put to a vote of council and the voting documented in the council meeting minutes met the legislative requirements.

**Meets Legislative Requirements:** Yes

**Recommendations/Action Items:** No action required.

**Resources:** Not applicable.

## 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:** The minutes reviewed did not contain a disclosure of pecuniary interest. Reference to a resource is provided below in the event a pecuniary interest situation 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?
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 abstentions from public hearings recorded?
6. Are the minutes recorded in accordance with section 230 of the *MGA* when a public hearing is held?
7. Are the minutes kept safe?

**Comments/Observations:** Minutes of council were recorded in English. Names of councillors present were recorded and minutes of the previous meeting were reviewed and approved by a resolution of council. Resolutions are recorded in the minutes as carried unanimously. In accordance with section 187 of the *MGA*, unanimous approval on a council resolution is only required when council is considering three readings of bylaws in a single meeting. While not mandatory, other than a resolution providing unanimous approval to proceed to third reading of a bylaw, minutes should record resolutions as either carried or defeated. A public hearing was held on February 19, 2019 for bylaw 263-18; however, the minutes record the public hearing separately from the regular meeting of council that was also held on February 19, 2019.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** Moving forward, public hearings are to be conducted during a regular or special meeting of council and in accordance with section 230 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 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. Has a code of conduct governing the conduct of councillors been established by 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:** The village passed a code of conduct bylaw (bylaw 260-18) on June 19, 2018 and the legislative requirements are met.

**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:** The village passed CAO bylaw (bylaw 191-04) at the January 13, 2004 council meeting and the CAO was also appointed at the same council meeting (resolution 020-04).

**Meets Legislative Requirements:** Yes

**Recommendations/Action Items:** No action required.

**Resources:** Not applicable.

### 3. 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 (Alberta School Foundation Fund, Seniors, Designated Industrial Property)?
5. Are the calculations correct?
6. Is there a minimum tax applied as per section 357?

**Comments/Observations:** The village passes a tax bylaw annually and the 2019 property tax bylaw (bylaw 266-19) was passed on June 3, 2019. Section 3 of the bylaw also includes a sewer revitalization levy as a special tax. For clarity in differentiating the annual property tax bylaw and special taxes, it is the position of Municipal Affairs that all special taxes should be stand-alone bylaws containing information on who the tax applies to, how the taxes are calculated, penalties and fees as well as information on notices and appeal fees.

**Meets Legislative Requirements:** Yes

**Recommendations/Action Items:** No action required.

**Resources:** Not applicable.

## 4. 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 at least 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, if any, and expenses?
  - Have the appointed members received the mandatory training?
2. Is a composite assessment review board established?
  - Are at least 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, if any and expenses?
  - Have the appointed members received the mandatory training?
3. Has a person been appointed as the clerk and received the mandatory training?
4. Has the municipality jointly established the local assessment review board, composite assessment review board, or both, with one or more other municipalities?
  - Have the member councils jointly designated one of the board members as chair?
  - Have the member councils jointly prescribed the chair's term of office and the remuneration and expenses, if any, payable to the chair?
  - Have the member councils jointly appointed the clerk of the assessment review boards?

**Comments/Observations:** The village currently has an ARB Agreement with Lac Ste. Anne County. A bylaw establishing a local and composite review board was not available and members have not been appointed by village council, but rather a resolution passed stating "members as appointed by Lac Ste. Anne County". The village is aware of the legislative requirements and is currently working with the Capital Region Assessment Services Commission (CRASC) to become compliant.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** The village must continue to work with CRASC to establish both a local assessment review board and a composite assessment review board. In addition, all members of the boards, including the clerk(s) must be appointed and complete the mandatory

training. Council must also appoint chairs, as well as prescribe the remuneration and expenses of the chairs and members.

**Resources:** Municipal Affairs has developed a website 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.

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## 5. Bylaw Enforcement Officers

### **Legislative requirements: MGA 555-556**

1. Has the municipality passed a bylaw enforcement officer bylaw?
2. Are the powers and duties established within the bylaw for the bylaw enforcement officer?
3. Does the bylaw include:
  - disciplinary procedures;
  - penalties; and
  - an appeal process?
4. Have all individuals who perform bylaw enforcement within the municipality taken the official oath?

**Comments/Observations:** Bylaw enforcement within the village is performed through community peace officers. The Village of Alberta Beach does not have a bylaw establishing the powers and duties of bylaw enforcement officers, nor establishing a disciplinary procedure, including penalties and an appeal process for bylaw enforcement officers accused of misuse of power as required by section 556 of the MGA.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** The village is required to establish a bylaw in accordance with section 556 of the MGA to establish the powers and duties of bylaw enforcement officers, and establish disciplinary procedures, penalties, and an appeal process for misuse of power. All officers performing bylaw enforcement within the village must take the official oath in accordance with section 555(2) 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.

## 3.5 Discretionary Bylaws

### 1. Procedural Bylaw

**Legislative requirements: MGA 145**

1. Does the municipality have a procedural bylaw?

**Comments/Observations:** Bylaw 186-03 was passed on December 9, 2003 and regulates the proceedings of council. Section 12 of the bylaw addresses the passing of bylaws and subsection 12 states that “when a bylaw has been given three readings by council it: a) becomes a municipal enactment of the village and b) is effective immediately unless the bylaw or an applicable Provincial statute provides otherwise”. This is in contravention of section 189 of the *MGA* that states that a bylaw is passed when it is signed in accordance with section 213. Section 16 of the village’s procedural bylaw also states that if the council unanimously agrees, any section of this bylaw may be waived. This provision is in contravention of section 191(2) of the *MGA* which states that the amendment or repeal of a bylaw must be made in the same way as the original bylaw and is subject to the same consents or conditions or advertising requirements that apply to the passing of the original bylaw, unless the *MGA* or any other enactment provides otherwise. Section 2 b) of the bylaw states the “Mayor or Presiding Officer at any meeting may cause to be expelled and excluded any person who creates any disturbances or acts improperly during a meeting.” Bylaw 186-03 also refers to closed sessions as “in camera”. While not a contravention of the *MGA*, terminology should be updated to the “closed session” terminology currently used in the *MGA*. The bylaw also references community cable channel that is no longer available.

**Meets Legislative Requirements: No**

**Recommendations/Action Items:** Sections 12 and 16 of bylaw 186-03 must be amended to align with sections 189 and 191(2) of the *MGA*. Council may also wish to remove section 2 b) as it is already in the *MGA* or clarify that “person” does not include a member of council which would contravene section 153 (c) of the *MGA* by interfering with the prescribed duty of a councillor to participate in council meetings.

**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.

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## 2. Mobile Vendor Bylaw

### **Legislative requirements: MGA 7**

1. Does the municipality have a mobile vendor bylaw?

**Comments/Observations:** Bylaw 261-18 was passed on February 19, 2019 and provides for the permitting of all mobile vendors operating in the village. Section 8 of the bylaw states that “village council may by resolution separately amend Schedules “A” and “B” from time to time as required. Further; Administration may amend Schedule “C” from time to time as required.” This contravenes section 191(2) of the *MGA* which requires the amendment or repeal of a bylaw to be made in the same way as the original bylaw, and is subject to the same contents or conditions or advertising requirements that apply to the passing of the original bylaw, unless this or any other enactment provides otherwise. Bylaws, including appendixes to bylaws, cannot be changed by a council resolution.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** Bylaw 261-18 must be amended to comply with section 191(2) of the *MGA*, and any changes to the bylaw schedules must also comply with section 191(2) 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. Garage Sale Bylaw

**Legislative requirements:** *MGA 7*

2. Does the municipality have a garage sale bylaw?

**Comments/Observations:** Bylaw 262-18 was passed on February 19, 2019 and provides for the control of the frequency and length of garage sales operating in the village. The bylaw met the general requirements of the *MGA*.

**Meets Legislative Requirements:** Yes

**Recommendations/Action Items:** No action required.

**Resources:** Not applicable.

## 3.6 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 to consider third reading?

**Comments/Observations:** A review of a selection of past council minutes indicates the proper process of three readings of bylaws, including that a resolution was passed unanimously giving consent before proceeding to third reading (e.g., resolutions 115-19, 116-19, 117-19, and 118-19 passed on June 3, 2019). As noted in section 3.3.5 of this report, all resolutions are recorded in the minutes as carried unanimously. In accordance with section 187 of the *MGA*, unanimous approval on a council resolution is only required when council is considering three readings of bylaws in a single meeting.

**Meets Legislative Requirements:** Yes

**Recommendations/Action Items:** No action required.

**Resources:** Not applicable.

## 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 in writing the revision prior to the bylaw being given 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 has not recently revised any bylaws. The village's procedural bylaw (bylaw 186-03) was amended by a motion of council on October 26, 2004. A bylaw may not be modified by a council resolution per section 191(2) of the *MGA*.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** Moving forward, council must amend bylaws according to Section 191(2) of the *MGA* which states that the amendment or repeal of a bylaw must be made in the same way as the original bylaw and is subject to the same consents or conditions or advertising requirements that apply to the passing of the original bylaw, unless the *MGA* or any other enactment provides otherwise.

**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 (policy G.2.8) on July 17, 2018. The policy establishes the circumstances when the municipality will engage the public and methods the village will use to engage the public.

**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:** On December 17, 2019 council adopted an interim operating budget for 2020 by resolution 245-19. The final 2019 operating budget was adopted on June 3, 2019 (resolution 112-19). The operating budget contains the estimated amounts for revenues, expenses, and transfers. The estimated revenues are sufficient to pay the estimated expenses, and the budget aligns with the property tax bylaw.

**Meets Legislative Requirements:** Yes

**Recommendations/Action Items:** No action required.

**Resources:** Not applicable.



## 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:** The final 2019 capital budget was adopted on June 3, 2019 (resolution 112-19). The capital budget includes the estimated amounts to be spent on capital purchases, the amount and sources of funds needed for capital spending, and the amounts required from the operating budget in accordance with legislation.

**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 NewViews to maintain their financial records. Financial records reviewed met the requirements set out in section 268.1. Council is provided with cheque listings at each meeting and quarterly financial reports.

**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:** Resolution 220-19 passed at the October 2019 organizational meeting designates ATB Financial as the financial institution for the Village of Alberta Beach. Banking records reviewed confirm that ATB Financial holds the municipality's financial assets.

**Meets Legislative Requirements:** Yes

**Recommendations/Action Items:** No action required.

**Resources:** Not applicable.

## 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 of Alberta Beach has insurance through RMA Insurance and based on information provided, required insurance policies were 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 2020 auditor was appointed by resolution 220-19 at the October 15, 2019 organizational meeting. The 2019 auditor presented the audited financial statements at the April 23, 2019 council meeting and the 2018 financial statements were approved by resolution 085-19. The financial statements are available to the public on the municipal website.

**Meets Legislative Requirements:** Yes

**Recommendations/Action Items:** No action required.

**Resources:** Not applicable.

## 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 of the municipality, including the assessor?

**Comments/Observations:** The 2018 audited financial statements include a disclosure of the salaries and benefits of members of council and the chief administrative officer. Per section 3.9.1 of this report, once the assessor position is established as a designated officer in accordance with section 284.2 of the *MGA*, the village's annual financial statements must disclose the total salary and benefits for all designated officers in accordance with 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 and Five-Year Capital Plans

**Legislative requirements:** *MGA 283.1, Municipal Corporate Planning Regulation 192/2017*

1. Has the municipality prepared a written plan respecting its anticipated financial operations over a period of at least the next three financial years and does it include the following;
  - a. major categories of expenditures and revenues;
  - b. annual surplus/deficit;
  - c. accumulated surplus/deficit?
2. Has the municipality prepared a written plan respecting its anticipated capital property additions over a period of at least the next five financial years and does it include;
  - a. anticipated expenditures; and
  - b. anticipated sources of revenue?
3. Does the three-year operating plan or the five-year capital plan include the current financial year in which the financial plan or capital plan is prepared?
4. Has council reviewed and updated its financial plan and capital plan annually?

**Comments/Observations:** At the time of the review, the municipality was in the process of preparing three-year operating and five-year capital plans.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** Per section 283.1 of the *MGA*, the municipality is required to prepare a written three-year operating plan and a five-year capital plan.

**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.](#)

**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.



## 3.9 Assessment and Taxation

### 1. Assessment Roll

**Legislative requirements:** *MGA 210, 284.2(1), 307*

1. Has the assessor been established as a designated officer by bylaw?
2. 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?
3. Is the assessment roll available for inspection?
4. Is there a fee for this?
5. Does the municipality have a bylaw to establish this fee?

**Comments/Observations:** Bylaw 160-00 was passed on February 22, 2000 and appoints an individual as a designated officer to carry out the duties of assessor, but does not establish the position as a designated officer in accordance with section 210 of the *MGA*. Council appointed the same individual at the October 15, 2019 organizational meeting (resolution 220-19). The appointment of assessor does not need to be made by bylaw and only requires a resolution of council. Given that the assessor appointment is included within the bylaw, a new or amendment bylaw would need to be passed if there were any change of assessor. The assessment roll is made available upon request and there is no fee established.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** The municipal assessor must be established by bylaw as a designated officer of the municipality in accordance with section 284.2 of the *MGA*.

**Resources:** Municipal Affairs Assessment Advisors are available to provide assessment 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.

## 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 Notice

**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:** Combined assessment and tax notices are prepared annually and sent to taxpayers in accordance with *MGA* requirements.

**Meets Legislative Requirements:** Yes

**Recommendations/Action Items:** No action required.

**Resources:** Not applicable.

## 4. Content of Assessment Notices

**Legislative requirements:** *MGA 303, 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 assessor set a notice of assessment date of June 18, 2019 and the combined assessment and tax notice contains the required information.

**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:** The combined assessment and tax notice contains most of the information required by legislation; however, the notice does not contain information on how to request a receipt for taxes paid.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** Moving forward, the village must update the notice to include information on how to request a receipt for taxes paid.

**Resources:** Municipal Affairs 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.

## 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:** Certification and notification was provided to taxpayers that the combined assessment and tax notices for 2019 were published in the local paper.

**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 Village of Alberta Beach prepared the tax arrears list, and submitted the list to the Registrar on March 29, 2019, before the required March 31 deadline. The list has been publicly posted in the front foyer of the municipal office, and the proper notifications to persons liable to pay were made. Due to the COVID-19 pandemic, Ministerial Order MAG:14/20 extends the deadline to submit 2020 tax arrears lists to the Registrar to June 30, 2020.

**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, a resource is provided below.

**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.

Municipal Affairs has developed a resource for assisting municipalities in [A Guide to Tax Recovery in Alberta](#).



## 3.10 Planning

### 1. Municipal Development Plan (MDP)

**Legislative requirements:** MGA 230, 606, 632, 641, 692

1. Is there a Municipal Development Plan (MDP) adopted by bylaw?
  - If the municipality is less than 3,500 in population and did not have an MDP before April 1, 2018, is the municipality preparing to complete and adopt the MDP by bylaw by April 1, 2021?
  - 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 within the municipality and in relation to adjacent municipalities; and
  - provision of municipal services and facilities?

**Comments/Observations:** Council passed bylaw 257-17 on September 19, 2017 adopting the municipal development plan (MDP) for the Village of Alberta Beach. The content of the MDP includes all topics listed above. There have been no amendments to the MDP.

**Meets Legislative Requirements:** Yes

**Recommendations/Action Items:** No action required.

**Resources:** Not applicable.

## 2. Land Use Bylaw (LUB)

**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 (contained in the land use bylaw) that development permits may be subject to;
    - how long development permits remain in effect (if applicable);
    - 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. When an application to amend or change the land use bylaw is submitted, did the notice of the amendment 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;
  - the purpose of the bylaw amendment or change and public hearing;
  - the address where the proposed bylaw, and any documents can be inspected; and
  - the date, time and place of the public hearing?

**Comments/Observations:** The current land use bylaw (bylaw 252-17) was passed on September 19, 2017. The bylaw was most recently amended by bylaw 263-19. The public hearing and notice were conducted in accordance with the *MGA*. The land use bylaw includes the required legislated content.

**Meets Legislative Requirements:** Yes

**Recommendations/Action Items:** No action required.

**Resources:** Not applicable.

### 3. 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) of the *MGA* 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:** Bylaw 265-19 passed on March 19, 2019 provides for a subdivision authority and includes individuals and council. Appointments were made at the October 15, 2019 organizational meeting (resolution 220-19).

**Meets Legislative Requirements:** Yes

**Recommendations/Action Items:** No action required.

**Resources:** Not applicable.

## 4. Development Authority

**Legislative requirements:** *MGA 624, 625 - 626*

1. Has the municipality by bylaw provided for a development authority?
2. Does the structure of the development authority comply with section 624(2) of the *MGA* 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:** The development authority is established within the village's land use bylaw (bylaw 252-17) as person(s) appointed by resolution of council as development officer, the Municipal Planning Commission (MPC) and council for matters relating to direct control districts. Bylaw 264-19 passed on March 19, 2019 names individuals to act as the development authority. Council also appointed these individuals and the MPC at the October 15, 2019 organizational meeting (resolution 220-19).

**Meets Legislative Requirements:** Yes

**Recommendations/Action Items:** No action required.

**Resources:** Not applicable.

## 5. 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 by bylaw?
2. Does the SDAB bylaw describe the functions and duties of the SDAB?
3. 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?
4. 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?
5. Is there a clerk appointed to the SDAB?
6. Has the clerk successfully completed the required SDAB training?
7. Is the member(s) appointed to the SDAB qualified to do so in accordance with the SDAB provisions in the Act and regulation?
8. Has the municipality completed its Statistical Information Return (SIR) to report that the SDAB clerk and members are trained?

**Comments/Observations:** Members of the SDAB were appointed at the October 15, 2019 organizational meeting (resolution 220-19). At the time of the review, a subdivision development appeal board bylaw was not available.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** In order to determine legislative compliance, a copy of the a subdivision development appeal board bylaw must be provided for review.

**Resources:** Municipal Affairs has developed the SDAB training guidebook that reflects the curriculum approved by the Ministerial Order MSL019/18 and is available online at [SDAB training guidebook](#). 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.

## 6. Listing and Publishing Policies Used to Make 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 municipal website for the village contains council approved policies and bylaws relating to planning decisions; however, the website does not have a summary of the policies and their relationship to each other as required by section 638.2 of the MGA.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** The website for the village must be updated to include a summary of the bylaws and policies relating to planning decisions and their relationship to each other in accordance with legislative requirements.

**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 Elections

### 1. Oath/Statement

**Legislative requirements:** LAEA 16, Local Authorities Election Forms Regulation 106/2007

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

**Comments/Observations:** The returning officer took the official oath and the two deputy returning officers signed the prescribed statement prior to the 2017 general election.

**Meets Legislative Requirements:** Yes

**Recommendations/Action Items:** No action required.

**Resources:** Not applicable.

## 2. Substitute Returning Officer

**Legislative requirements:** LAEA 13(2.1)

1. If a by-election was held after January 1, 2019, was a substitute returning officer appointed in the resolution or bylaw that fixed the date for the by-election?

**Comments/Observations:** The CAO is aware of the new legislative requirements. The village has not yet needed to conduct a by-election under the new legislation.

**Meets Legislative Requirements:** Yes

**Recommendations/Action Items:** No action required.

**Resources:** Not applicable.

### 3. Nomination Forms

**Legislative requirements:** *LAEA 27, 28.1, 34, 97*

1. Were the nomination papers signed by at least five electors of the municipality?
2. Were the nomination papers accompanied by the candidate information form (form 5)?
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:** 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.

## 4. Ballot Account

**Legislative requirements:** LAEA 88, 89, 94, 100

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

**Comments/Observations:** A copy of the ballot account from the 2017 general election has been retained by the village.

**Meets Legislative Requirements:** Yes

**Recommendations/Action Items:** No action required.

**Resources:** Not applicable.

## 5. Disposition of Election Material

**Legislative requirements:** *LAEA 101*

1. Were the election materials disposed of in accordance with section 101 of the *LAEA*?
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 village disposed of the 2017 general election materials on November 27, 2017 in accordance with Section 101 of the *LAEA*. A copy of the affidavit of destruction was provided.

**Meets Legislative Requirements:** Yes

**Recommendations/Action Items:** No action required.

**Resources:** Not applicable.

## 6. 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 (prior to 2019) or \$50 (after) 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;
  - a financial statement setting out the total amount of revenue and expenses; and
  - an itemized expense report setting out the campaign expenses incurred by the candidate?
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 the emergency management committee been established by bylaw?
2. 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?
3. Is an emergency management agency established by bylaw to act as the agent of the local authority in exercising the local authority's powers and duties under the EMA?
4. Has a director of the emergency management agency been appointed?
5. Has the director of emergency management received the required training?
6. Have municipal elected officials received the required training?
7. Have municipal staff who have been assigned responsibilities respecting the implementation of the emergency plan received the required training?
8. Are there prepared and approved emergency plans and programs?

**Comments/Observations:** Bylaw 271-20 was passed on February 18, 2020 and establishes an emergency management committee and an emergency management agency for the village. The Mayor and one councillor were appointed to the emergency advisory committee at the October 15, 2019 organizational meeting (resolution 221-19 ). A director of emergency management has been appointed. All members, including the director of emergency management have received the required training and the village has prepared and approved emergency plans and programs in place.

**Meets Legislative Requirements:** Yes

**Recommendations/Action Items:** No action required.

**Resources:** Not applicable.

## 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. Has council appointed all of the members of the library board?
4. Have two or fewer councillors been appointed to the board?
5. Are there alternate members of council appointed to the board?
6. In the case of an intermunicipal library board, are members appointed to the board in accordance with the intermunicipal agreement?
7. Does the appointment term exceed three years?
8. Does any member's number of terms exceed three consecutive terms? If so, did two-thirds of council pass a resolution stating that they may be reappointed (for each additional term)?

**Comments/Observations:** The Alberta Beach Library Board is established through bylaw 185-03. Board appointments are made at the annual organization meeting for the municipality including the appointment of an alternate member (resolution 221-19).

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** The municipality must ensure the library board appointments align with section 4 of the *Libraries Act*, which does not provide for the appointment of an alternate member.

**Resources:** Municipal Affairs Library Consultants are available to provide library support by calling the Public Library Services Branch (PLSB) toll-free 310-0000 and then 780-427-4871 or by email at [libraries@gov.ab.ca](mailto:libraries@gov.ab.ca). Information is also available on the PLSB website at [Public Library Services](#).

**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. System Library Board

**Legislative requirements:** *Libraries Act 16, Libraries Regulation 141/1998*

1. Is the municipality a member of a library system?
2. If so, has council appointed one member to the board?
3. If so, does the appointment term exceed three years?
4. Does any member's years of service exceed nine consecutive years? If so, did two-thirds of council approve each additional term?

**Comments/Observations:** The village is a member of the Yellowhead Regional Library System and two councillors (one alternate) were appointed at the October 15, 2019 organizational meeting (resolution 221-19).

**Meets Legislative Requirements:** Yes

**Recommendations/Action Items:** No action required.

**Resources:** Not applicable.

## Section 4: Conclusion

Your participation and cooperation during the 2020 Municipal Accountability Program review are appreciated. This report is intended to help the Village of Alberta Beach 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.