
2022 Municipal Accountability Program Report

Village of Elnora



Municipal Affairs

Village of Elnora 2022 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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Contents

Section 1: Introduction	6
1.1 Our Commitment	6
1.2 The Municipal Accountability Program.....	6
Section 2: Executive Summary	6
2.1 Methodology	6
2.2 Legislative Compliance.....	7
2.3 Legislative Gaps	7
2.4 Next Steps	8
Section 3: Municipal Accountability Review Findings.....	9
3.1 General.....	9
1. Municipal Office	9
2. Orientation Training	10
3. Chief Administrative Officer Evaluation	11
4. Provision of Information	11
5. Signing of Municipal Documents	13
6. Repair of Roads, Public Places, and Public Works (for discussion only)	14
3.2 Meetings	15
1. Public Presence at Meetings	15
2. Closed Meetings	16
3. Organizational Meeting	17
4. Special Meetings	18
5. Regular Meeting Change Notice	19
3.3 Meeting Procedures.....	20
1. Authority to Act	20
2. Quorum	21
3. Voting	22
4. Pecuniary Interest	23
5. Council Meeting Minutes	24
3.4 Mandatory Bylaws	25
1. Code of Conduct	25
2. Establishment of the Chief Administrative Officer Position	27
3. Property Tax Bylaw	28
4. Assessment Review Boards	29
5. Bylaw Enforcement Officers	30

3.5 Discretionary Bylaws.....	31
1. Procedural Bylaw	31
2. Borrowing Bylaw(s)	Error! Bookmark not defined.
3. Area Structure Plan (ASP)	Error! Bookmark not defined.
3.6 Bylaw Procedures.....	34
1. Passing Bylaws	34
2. Bylaw Revisions and Amendments	35
3.7 Mandatory Policies	36
1. Public Participation Policy	36
3.8 Finance.....	37
1. Operating Budget	37
2. Capital Budget	39
3. Financial Records and Receipts	40
4. Municipal Accounts	41
5. Fidelity Bond	42
6. Auditor, Audited Financial Statements, Auditor Report	43
7. Salary and Benefits	44
8. Management Letter	45
9. Three-Year Operating and Five-Year Capital Plans	46
3.9 Assessment and Taxation	47
1. Assessment Roll	47
2. Tax Roll	48
3. Assessment and Tax Notice	49
4. Content of Assessment Notices	50
5. Content of Tax Notices	51
6. Notice and Certification	52
7. Tax Arrears List	53
8. Tax Sale	54
3.10 Planning.....	55
1. Municipal Development Plan (MDP)	55
2. Land Use Bylaw (LUB)	56
3. Subdivision Authority	57
4. Development Authority	58
5. Subdivision and Development Appeal Board (SDAB)	59
6. Listing and Publishing Policies Used to Make Planning Decisions	60
7. Joint Use and Planning Agreements (for discussion only)	61
3.11 Elections	62
1. Returning /Substitute/Deputy Officers	62

2. Nomination Forms	63
3. Ballot Account	64
4. Disposition of Election Material	65
5. Campaign Disclosure Statements	66
3.12 Emergency Management.....	67
1. Municipal Emergency Organization/Agency/Advisory Committee	67
3.13 Libraries	68
1. Municipal Library Board	68
2. System Library Board	69
Section 4: Conclusion.....	70

Section 1: Introduction

1.1 Our Commitment

Alberta Municipal Affairs is committed to assisting municipalities in providing well-managed, accountable local government to Albertans. 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 supporting municipalities in continuing to strengthen municipal accountability and transparency, 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 well-managed, 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 Elnora was randomly selected for a municipal accountability review in 2022.

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, accountable municipalities and a strong collaborative relationship between the CAOs and the ministry.

The results of the Village of Elnora 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 Methodology

The Municipal Accountability Program consists of a review of council meeting minutes, municipal bylaws, and other municipal documents. A visit and interview with village administration is also included. These components assist in determining areas where the municipality is in compliance with legislative requirements, and to identify any areas that require improvement to achieve compliance with the many requirements the *Municipal Government Act* and other legislation imposes on municipalities.

Municipal Affairs staff met with village administration on September 14, 2022 by electronic means. This virtual format was used to complete the on-site portion of the Municipal Accountability Program review and to examine compliance with mandatory requirements of the *MGA* and other legislation under the purview of Municipal Affairs.

Village of Elnora 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;
- public presence at meetings;
- organizational meeting;
- regular meeting change notice;
- authority to act;
- quorum;
- voting;
- pecuniary interest;
- assessment review board bylaw;
- discretionary bylaws: fees and charges;
- passing bylaws;
- public participation policy;
- capital budget;
- financial records and receipts;
- municipal accounts;
- fidelity bond;
- salary and benefits;
- management letter;
- assessment roll;
- tax roll;
- prepare tax notices;
- content of assessment notices;
- certify date of mailing;
- tax arrears list;
- tax sale;
- development authority;
- subdivision and development appeal board;
- nomination forms;
- ballot account;
- disposition of election material;
- campaign disclosure statements;
- library boards.

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 9](#));

- requirement to close meetings in accordance with the *MGA* and *FOIPP* ([page 16](#));
- requirement for council meeting minutes to be in accordance with the *MGA* ([page 24](#));
- requirement for the code of conduct bylaw include all legislative requirements ([page 25](#));
- requirement to establish the chief administrative officer position by bylaw and to formally appoint a chief administrative officer by council resolution ([page 27](#));
- requirement for the property tax bylaw to be in accordance with the *MGA* ([page 28](#));
- requirement to establish a bylaw enforcement officer bylaw ([page 30](#));
- requirement for the procedural bylaw to be in accordance with the *MGA* ([page 31](#));
- requirement for the fire bylaw to be in accordance with the *MGA* ([page 33](#));
- requirement to revise and amend bylaws in accordance with the *MGA* ([page 35](#));
- requirement to adopt an operating budget ([page 37](#));
- requirement to establish a financial institution ([page 41](#));
- requirement for the municipality to appoint an auditor, ensure the audited statements are submitted to the ministry on time and approved by council ([page 43](#));
- requirement for a municipality to implement a three-year operating plan and a five-year capital plan ([page 46](#));
- requirement for the content of tax notices to be in accordance with the *MGA* ([page 51](#));
- requirement to establish a municipal development plan in accordance with the *MGA* ([page 55](#));
- requirement to establish a land use bylaw in accordance with the *MGA* ([page 56](#));
- requirement to establish a subdivision authority ([page 57](#));
- requirement to list and publish policies related to planning decisions ([page 60](#));
- requirement for election officers to be appointed and sign the appropriate oath/statement ([page 62](#));
- requirement for municipal emergency structure, appointments, and training to be in place ([page 67](#));

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 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: A resolution establishing the location of the municipal office could not be located.

Meets Legislative Requirements: No

Recommendations/Action Items: Council must pass a resolution establishing the location of the 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 elected officials following the 2021 general election and any subsequent by-elections?

Comments/Observations: Council was offered orientation training as demonstrated by municipal records.

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: The CAO was provided a performance evaluation on April 14, 2022.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

3. 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 section 153.1 of the *MGA*. Information is provided to all members of council, usually via email but also included in council agendas.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

4. 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: All municipal documents provided and accessed online were signed by both the mayor and CAO in accordance with the requirements of section 213 of the *MGA*. Agreements and cheques are signed by the CAO and one member of council. As the visit was conducted electronically, the village's minutes and bylaw binders were not reviewed.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

5. 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 municipality is encouraged to review all policies and practices in place. In the event the policies and practices established set 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.

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

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: Council meetings are open to the public. Notices of meetings are posted in the village notices in village office and on the website.

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 minutes of September 14, 2021 reflect that council moved to closed session. Section 197 of the *MGA* requires that the resolution to move to closed session must include the applicable section under *FOIPPA* which provides the basis for closing the meeting to the public.

Meets Legislative Requirements: No

Recommendations/Action Items: A resolution to enter closed session must include the appropriate exception to disclosure under FOIP.

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 150, 152, 159(1), 192*, [MO No. MSD:036/20](#)

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: The organizational meeting was held October 21, 2021. A chief elected official and deputy were appointed.

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: Special meetings of council were held on June 2 and 27, 2022. The agenda for the June 27, 2022 meeting was not changed and all members of council signed a waiver of notice.

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: Changes to the date and time of a regularly scheduled meeting are done via council resolution. At least 24 hours' notice is provided.

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 minutes show that resolutions are passed in open and public meetings.

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: Council for the village consists of three members. The minutes that were reviewed 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 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. There were no abstentions and no requests for recorded votes noted in the meeting minutes reviewed. 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: No instances of pecuniary interest have arisen in the period covered by the review. A resource is provided below should a pecuniary interest situation arise.

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 Minutes are kept in a safe location at the village office. No recorded votes or abstentions were recorded in the minutes viewed. A resource is provided should these occasions arise.

Notices for the March 18, 2021 public hearing for the municipal development plan and the November 24, 2022 public hearing for the land use bylaw amendments reflect that the public hearings were conducted outside of council meetings. Section 216.4(2)(b) of the MGA requires that public hearings be conducted during regular or special council meetings.

Meets Legislative Requirements: No

Recommendations/Action Items: Going forward, all public hearings must be conducted within a regular or special council meeting.

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?

Comments/Observations: The code of conduct bylaw (2018-01) was adopted on May 8, 2018. The bylaw applies to all members of council equally and includes the most of the required topics but does not address adherence to policies, procedures and bylaws or improper use of influence. Part 13 of the bylaw provides a process for council to investigate breaches of statutory regulations, including those which may result in disqualification for office; however, the *MGA* does not provide councils the authority to investigate breaches of this nature.

The Code of Conduct regulation specifies which sanctions may be imposed for breaches of the code of conduct. A code of conduct may not exceed the sanctions provided for in the regulation. Sanctions b, c, e, f, g, h, j, k, and l are in excess of the sanctions established in the regulations.

The bylaw must be reviewed every four years (due in 2022).

Meets Legislative Requirements: No

Recommendations/Action Items: The code of conduct must be amended or replaced to remove the ability for investigate breaches beyond their authority and to remove sanctions not provided for in the code of conduct regulation.

Resources: The [Councillor Code of Conduct: A Guide for Municipalities](#) is a tool developed Alberta Municipalities, in partnership with the Rural Municipalities of Alberta (RMA) and Alberta Municipal Affairs, to help municipalities develop their local codes of conduct.

The resource is divided into two parts:

1. The first part is an explanation of codes of conduct and what the legislative amendments require.
2. The second part is a template that municipalities can use and adapt to their local context: [Access the Word version of the bylaw template.](#)

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. 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 2017-02 appoints the current CAO but does not clearly establish the position of CAO.

Meets Legislative Requirements: No

Recommendations/Action Items: The village must adopt a bylaw which establishes the position of chief administrative officer.

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. 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)?s
5. Are the calculations correct?
6. Is there a minimum tax applied as per section 357?

Comments/Observations: The tax rate bylaw for 2022 is bylaw 2022-03, which was adopted on June 12, 2022. The bylaw includes the municipal library and waste management charges as requisitions. These are not requisitions under the *MGA* and must be included in the general levy.

Designated Industrial Properties (DIP) are a requisition under section 359.3(1) and must be included in the tax bylaw.

The bylaw also includes an assessment class of grant-in-lieu. This not an acceptable assessment class under section 297(1) of the *MGA* or a prescribed subclass for class 2 properties as defined by the regulation. The municipality may, by bylaw, establish subclasses for class 1 (residential) properties on any basis it deems appropriate.

The funds levied under the bylaw do not equal the total of all levies and the balance to be raised by taxation.

Meets Legislative Requirements: No

Recommendations/Action Items: The tax rate bylaw must include only those classes or subclasses established by legislation, regulation, or bylaw. The bylaw must also only include those requisitions required by the *MGA*. The funds levied in the tax rate bylaw must equal the total of all levies and the budgeted amount to be raised by taxation.

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

Municipal Affairs has created an example tax bylaw to assist municipalities when developing their annual property tax bylaw: [Example Property Tax Bylaw](#).

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. 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: Bylaw 2020-01 was passed on February 11, 2020 and establishes an intermunicipal assessment review board for the village. The bylaw jointly establishes the local assessment review board and composite assessment review board with the member municipalities. The bylaw appoints a specified position at the City of Red Deer as the clerk of the boards. Appointment of members and chair is delegated to the clerk of the boards. The remuneration and benefits payable to the members and the chair are provided within the bylaw as is the requirement that members receive the legislated training.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

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: The village has not adopted a bylaw enforcement officer bylaw as required by sections 555-556 of the *MGA*. Copies of oaths for individuals performing bylaw enforcement for the municipality were not available.

Meets Legislative Requirements: No

Recommendations/Action Items: The municipality must adopt a bylaw enforcement officer bylaw and ensure oaths are completed for individuals performing bylaw enforcement.

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 482-0406 was passed October 12, 2005 and is the village's procedural bylaw. Sections 49 and 51 of the bylaw do not meet the requirements of section 197 of the *MGA* for closing meetings to the public. A motion to go to closed session under Division 2 of FOIP citing the exception to disclosure which is the basis for closing part of the meeting to the public.

Section 53 of the bylaw addresses committees of council. However, section 145(1) of the *MGA* now requires that council committees be established by bylaw. In addition, sections 65-67 contravene section 201(2) which prohibit a council or member from taking on duties assigned to the chief administrative officer.

Meets Legislative Requirements: No

Recommendations/Action Items: The procedural bylaw must be amended or replaced to comply with the requirements of the *Municipal Government Act*.

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. Fees and Charges Bylaw

Legislative requirements: *MGA*

1. Does the municipality have a Fee Bylaw?

Comments/Observations: The municipality passed bylaw 2022-02 on April 14, 2022 to establish fees and charges for the village. The bylaw is reviewed annually with all changes being made by repealing and replacing the bylaw.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

3. Fire Bylaw

Legislative requirements: *MGA 230, 606, 634, 692*

1. Does the bylaw comply with the *Municipal Government Act*?

Comments/Observations: Bylaw 478-0402 is the fire bylaw for the village. The bylaw establishes that the fire chief reports to village council but does not establish the fire chief as a designated officer. Section 207 of the *MGA* establishes the CAO as the administrative head of the municipality. However, council may, by bylaw, establish the position of a designated officer under section 210(4) who is not supervised by the CAO.

Section 7 of the bylaw provides that council ratifies the rules, regulations, conduct and discipline, and standard operating procedures of the fire department. This contrary to section 201(2) of the *MGA* which prohibits a council from performing a power, duty or function assigned to the CAO or a designated officer. Section 28 also contravenes section 201(2) as council does not have bylaw enforcement authority.

While not legislatively incorrect, the village may wish to review section 21 of the bylaw in relation to liability.

Meets Legislative Requirements: No

Recommendations/Action Items: The fire bylaw should be amended or replaced to ensure it complies with 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.

3.6 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: Bylaws are given three distinct and separate readings. A resolution to consider third reading at one council meeting is passed unanimously as required by the *MGA*.

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: Bylaws are generally repealed and replaced. The municipality has not consolidated or revised bylaws; however, the minutes include resolutions (i.e.: 2021-208, 2022-004, 2022-17) which repeal bylaws. Section 191(2) of the *Municipal Government Act* states that amendment or repeal of a bylaw must be made in the same way as the original bylaw.

Meets Legislative Requirements: No

Recommendations/Action Items: The municipality must repeal bylaws by bylaw. The repealing bylaw is subject to the same advertising and notification requirements as the original bylaw(s).

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.

3.7 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: Policy 2018-001 was approved on July 10, 2018. The policy includes the approaches the municipality will use to engage the public as well as the circumstance in which the municipality will be engaged. The CAO is aware that the policy must be reviewed in 2022. The policy is posted on the village website.

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: The operating budget was passed on June 2, 2022 by resolution 2022-080. The budget includes the amounts needed to pay for council's policies and programs. The municipality has no debt obligations and the budget contains no transfers to reserves.

The budget does not include all requisitions as required by section 343(1) of the *MGA* and does not align with the property tax bylaw.

Meets Legislative Requirements: No

Recommendations/Action Items: The budget must include all requisitions specified in the legislation and must align with the property tax bylaw.

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: The 2022 capital budget was adopted on June 2, 2022 by resolution 2022-081. The budget includes the estimated amounts capital includes needed to acquire, construct, remove or improve capital property, the sources of money and the amount to be transferred to the operating budget.

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 as often as council directs?
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. Council is provided with variance reports on a monthly basis.

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: The village banks with Servus as indicated by municipal records. A resolution designating the financial institution could not be located.

Meets Legislative Requirements: No

Recommendations/Action Items: A resolution naming the village's financial institution must be passed.

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 insurance coverage through AMSC as indicated by municipal records.

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*, [Debt Limit Regulation 255/2000](#)

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: A resolution appointing the auditor could not be located. The auditor presented the 2021 financial report on June 27, 2022. The statement includes information on the debt limit for the municipality and the report is posted on the village website. The financial statement was not made available to the public in the manner the council considers appropriate by May 1 as required by section 276(3) of the *MGA*.

Meets Legislative Requirements: No

Recommendations/Action Items: Audited financial statements must be completed and made available to the public no later than May 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.

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 audited financial statement includes information on the salaries of councillors, the chief administrative officer and designated officer (assessor).

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable. 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.

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: Council received a separate auditors report on any improper or unauthorized transaction or non-compliance with this or another enactment or a bylaw that was noted during the course of the audit.

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: The three year operating plan was adopted on June 2, 2022. While the plan includes the major categories of expenditures and revenues, it does not include the annual surplus and deficit or the accumulated surplus and deficit. The plan includes the current year, which is contrary to section 283.1 of the *MGA*.

The 5 year capital plan was passed June 2, 2022 and includes the years 2022-2027. The plan includes anticipated property additions, expenditures and anticipated sources of revenue.

Meets Legislative Requirements: No

Recommendations/Action Items: The three year operating plan must include the annual surplus/deficit and the accumulated surplus/deficit. The plan must not include the current year.

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: The assessor is established as a designated officer through bylaw 2018-03. The bylaw further appoints a person as assessor for the village. The assessment roll is available for inspection at the public office. There is no fee to view the roll.

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. As the visit was done electronically, the village's tax software was not reviewed.

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 notice of assessment date was June 10, 2022. The assessment notice included all the information required to be shown and the information on filing a complaint.

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 tax notice includes all the information required to be shown on the tax roll. The date of mailing, penalty and appeal comply with the legislation. Information on how to request a receipt for taxes paid is not included.

See section 3.4.3 of this report regarding assessment classes with regard to changes needed on future tax notices.

Meets Legislative Requirements: No

Recommendations/Action Items: The tax notice must 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 780-427-2225.

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. 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: A notice signed by a designated officer certifying that tax notices were mailed June 3, 2022 was posted on the website and at the village office.

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: A tax arrears list was prepared in 2022 for parcels with tax arrears. The list was posted in the village office and those required to pay were notified.

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: The village held a public auction in 2022 in accordance with the legislation.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

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
 - policies respecting municipal reserve lands
 - policies respecting the protection of agricultural operations

Comments/Observations: The municipal development plan bylaw 2021-02 was adopted March 18, 2021. The bylaw addresses most of the topics required by the *MGA* with the exception of section 632(3)(f) with respect to policies respecting the protection of agricultural operations.

Meets Legislative Requirements: No

Recommendations/Action Items: The municipal development plan must be amended or replaced to address all requirements specified in 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. Additionally, Municipal Affairs has prepared a [Guidebook for preparing a municipal development plan](#).

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. Land Use Bylaw (LUB)

Legislative requirements: *MGA 230, 606,640, 642 (1), 692 (4)*, [Matters Related to Subdivision and Development Regulation](#)

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: Bylaw 2020-05, the land use bylaw, was adopted January 11, 2021. The bylaw conforms to all provisions of the *MGA* with respect to the required content. However, some sections of the bylaw require amendment. Section 6 of the land use bylaw provides that a person may appeal a stop order within 14 days of the date of notice. However, section 646(1)(a)(ii) establishes an appeal period of 21 days after the date of notice.

Section 13 of the land use bylaw allows for amendments to the bylaw without notice or hearing provided the amendments are to correct clerical, technical, grammatical or typographical errors. Any such amendments may only be done by a revision bylaw, which must comply with sections 63 and 65 of the *MGA*.

Meets Legislative Requirements: No

Recommendations/Action Items: The bylaw must be amended or replaced to reflect the legislated appeal period for stop orders. Any amendments considered revisions under section 63 of the *MGA* must be done by bylaw.

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 Authority

Legislative requirements: *MGA 623, 625*

1. Has the municipality by bylaw provided for a subdivision authority?

Comments/Observations: No bylaw providing for a subdivision authority was located. This is a requirement under section 623 of the *MGA*.

Meets Legislative Requirements: No

Recommendations/Action Items: The municipality must, by bylaw, provide for a subdivision authority.

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.

4. Development Authority

Legislative requirements: *MGA 623, 625*

1. Has the municipality bylaw provided for a development authority?

Comments/Observations: Development authority is provided for in bylaw 2020-02, the land use bylaw.

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*, [Matters Related to Subdivision and Development Regulation](#)

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 to serve on a panel of the board?
5. If more than one, is there Ministerial approval for the additional councillors to sit on the panel?
6. Is there a clerk appointed to the SDAB?
7. Has the clerk successfully completed the required SDAB training?
8. Is the member(s) appointed to the SDAB qualified to do so in accordance with the SDAB provisions in the Act and regulation?
9. Has the municipality completed its Statistical Information Return (SIR) to report that the SDAB clerk and members are trained?

Comments/Observations: Bylaw 2019-02 is the village's regional SDAB bylaw. The bylaw describes the functions and duties of the board and delegates authority to appoint members of the board to a specified administrative committee. The bylaw excludes municipal employees, members of the municipal planning commission or persons having subdivision and development authority in any participating municipality. Appointments to the board are restricted to residents of participating municipalities. The bylaw provides for the appointment of a clerk and addresses legislated training requirements for clerk and members.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: None applicable.

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 municipality has not published policies and bylaws used to make planning decisions on the village website as required by section 638.2.

Meets Legislative Requirements: No

Recommendations/Action Items: The village must publish an up-to-date list of council approved policies and their relationship to each other and to statutory plans and bylaws on the municipal website.

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.

7. Joint Use and Planning Agreements (for discussion only)

Legislative requirements: MGA 670.1, 672 and 673, Education Act 53.1

1. Is the municipality aware that, where a school board is operating within the municipal boundaries of a municipality, the municipality must, by June 11, 2023, enter into an agreement with the school board?

2. Are they aware that the agreement must contain provisions:

- establishing a process for discussing matters relating to:
 - the planning, development and use of school sites on municipal reserves, school reserves and municipal and school reserves in the municipality;
 - transfers under section 672 or 673 of the MGA of municipal reserves, school reserves and municipal and school reserves in the municipality;
 - disposal of school sites;
 - the servicing of school sites on municipal reserves, school reserves and municipal and school reserves in the municipality;
 - the use of school facilities, municipal facilities and playing fields on municipal reserves, school reserves and municipal and school reserves in the municipality, including matters relating to the maintenance of the facilities and fields and the payment of fees and other liabilities associated with them, and
 - how the municipality and the school board will work collaboratively,
- establishing a process for resolving disputes, and
- establishing a time frame for regular review of the agreement, and may, subject to the governing legislation, contain any other provisions the parties consider necessary or advisable?

Comments/Observations: The CAO is aware of the requirement.

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

3.11 Elections

1. Returning /Substitute/Deputy Officers

Legislative requirements: *LAEA 13, 16*, [Local Authorities Election Forms Regulation 106/2007](#)

1. Was a returning officer appointed for the 2021 general election?
2. Was a substitute returning officer appointed for the 2021 general election?
3. Did all of the appointed election officers take the required oath/statement per the Local Authorities Election Forms Regulation?

Comments/Observations: The CAO was the returning officer for the 2021 general election. A substitute returning officer was not appointed in accordance with the *Local Authorities Election Act*. The returning officer took the required oath.

Meets Legislative Requirements: No

Recommendations/Action Items: A substitute returning officer must be appointed for all elections going forward and take the prescribed oath.

Resources: Municipal Affairs Advisors are available to provide elections support by calling toll-free 310-0000 and then 780-427-2225. In addition, Municipal Affairs has developed a number of resources available to assist municipalities and individuals with the municipal election process and is available online at [Municipal Elections](#).

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. 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.

3. Ballot Account

Legislative requirements: LAEA 88, 89, 94, 100

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

Comments/Observations: No ballot account was required as all candidates were acclaimed.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

4. 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 election materials for the 2021 general election were destroyed, and the village has retained the affidavits of destruction.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

5. Campaign Disclosure Statements

Legislative requirements: *LAEA 147.4, 147.7*

1. Has the local jurisdiction issued a late filing fee of \$500 for campaign disclosure statements not received on or before March 1 immediately following a general election, or within 120 days of a by-election?
2. Have all campaign disclosure statements filed within the last four years been retained by the municipality?
3. Are all documents filed under this section available to the public during regular business hours?
4. Has the returning officer reported all complaints or allegations under Parts 5.1 or 8 of the *LAEA* to the Elections Commissioner?

Comments/Observations: Campaign disclosure statements were submitted by all candidates for the 2021 general election.

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 (Basic Emergency Management, ICS-300, and Director of Emergency Management courses)?
6. Have municipal elected officials received the required training (Municipal Elected Officials course)?
7. Have municipal staff who have been assigned responsibilities respecting the implementation of the emergency plan received the required training (Basic Emergency Management and ICS-100 courses)?
8. Are there prepared and approved emergency plans and programs?

Comments/Observations: The CAO indicated that a new emergency management bylaw has been drafted to delegate powers to Red Deer County but has not yet been passed by council.

Municipal officials completed the elected officials course as of March 10, 2022. A director of emergency management was appointed by resolution 2019-030 on February 12, 2019. An approved emergency plan is in place.

Meets Legislative Requirements: No

Recommendations/Action Items: An emergency management bylaw must be passed to meet the requirements of the *Emergency Management Act*.

Resources: The Alberta Emergency Management Agency has developed a number of online tools at [Emergency and Disaster Preparedness](#) to assist municipalities which include resources to develop emergency plans, and training workshops. For questions and additional support pertaining to emergency management, contact the Alberta Emergency Management Agency at 310-0000 then 780-422-9000.

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.

3.13 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: One councillor was appointed to the municipal library board by resolution 2021-183 on October 19, 2021. Council appointed all public members to the board. Any term exceeding three terms was approved by a two-thirds majority of council.

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 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 Parkland library system. Council appoints one member annually to the board.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

Section 4: Conclusion

Your participation and cooperation during the 2022 Municipal Accountability Program review are appreciated. This report is intended to help the Village of Elnora 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, accountable and transparent local governments.