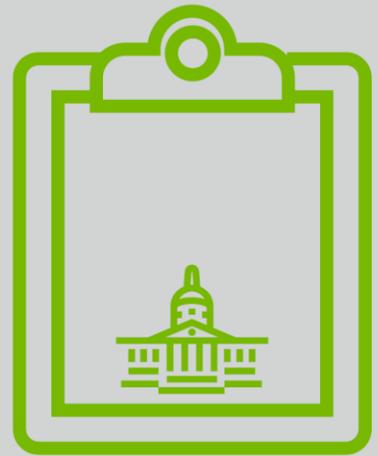


# 2021

## Municipal Accountability Program Report



Summer Village of Sandy Beach

Municipal Affairs, Government of Alberta

February 4, 2021

Summer Village of Sandy Beach 2021 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, well-managed, 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 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 Summer Village of Sandy Beach was randomly selected for a municipal accountability review in 2021.

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 Summer Village of Sandy 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 Methodology

The Municipal Accountability Program consists of a review of council meeting minutes, municipal bylaws, and other municipal documents. A visit and interview with summer 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.

Adhering to the current COVID-19 social distancing recommendations, Municipal Affairs staff met with summer village administration on February 4, 2021 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.

The Summer Village of Sandy 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 summer village administration.

## 2.2 Legislative Compliance

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

- designation of a municipal office;
- orientation training;
- chief administrator officer evaluation;
- provision of information;
- signing of municipal documents;
- public presence at meetings;
- closed meetings;
- organizational meeting;
- special meetings;
- regular meeting change notice;

- authority to act;
- quorum;
- voting;
- council meeting minutes;
- code of conduct bylaw;
- establishment of the chief administrative officer position;
- property tax bylaw;
- bylaw enforcement officer bylaw;
- discretionary bylaws: tax penalty bylaw
- discretionary bylaws: garbage, organics and recycling;
- passing bylaws;
- operating 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;
- content of tax notices;
- certify date of mailing;
- tax arrears list;
- tax sale;
- municipal development plan;
- land use bylaw;
- subdivision authority;
- development authority;
- listing and publishing policies related to planning decisions;
- returning/substitute/deputy officer;
- campaign disclosure statements;
- municipal emergency management future changes
- municipal library board; 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 declare pecuniary interest in accordance with the *MGA* ([page 26](#));
- requirement to establish a local and a composite assessment review board by bylaw ([page 32](#));
- requirement for the procedural bylaw to be in accordance with the *MGA* ([page 35](#));
- requirement to consolidate bylaws in accordance with the *MGA* ([page 40](#));
- requirement to adopt a capital budget ([page 43](#));
- requirement for a municipality to implement three-year operational and a five-year capital plan ([page 50](#));
- requirement to establish the position of municipal assessor as a designated officer ([page 51](#));
- requirement to establish a subdivision and development appeal board ([page 64](#));
- requirement for nomination forms to be submitted in accordance with the *LAEA* ([page 69](#));
- requirement to retain the ballot account ([page 70](#)); and
- requirement to dispose of election material in accordance with the *LAEA* ([page 71](#)).

## 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:** The municipal office for the Summer Village of Sandy Beach is located at 1208A Hwy 642, Sandy Beach, Alberta as specified in the summer village's procedural bylaw (bylaw 04-2016). This was reaffirmed by council resolution 166-20.

**Meets Legislative Requirements:** Yes

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

**Resources:** Not applicable.

## 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 by-elections?

**Comments/Observations:** The summer village retained documentation supporting the mandatory offering of orientation training following the 2017 general election. All three councillors attended Munis 101 “Roles and Responsibilities” training in Edmonton in September 2017.

**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 outside of council meetings 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:** 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*. As the visit was conducted electronically due to the COVID-19 pandemic, the summer village's minutes and bylaw binders were not reviewed. Signing authority is established at the annual organizational meeting (council resolution 123-20), which requires two signatures including the CAO and any member of council.

**Meets Legislative Requirements:** Yes

**Recommendations/Action Items:** 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 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)*, [Meeting Procedures \(COVID-19 Suppression\) Regulation 50/2020](#)

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

**Comments/Observations:** Meetings of council, including regular council meetings and special meetings are advertised to the public and open for members of the public to attend. Section 4.5 of the summer village's procedural bylaw (bylaw 04-2016) reaffirms that council and council committee meetings must be conducted with the public in attendance unless the meeting is closed to the public per legislative requirements. During the public health emergency, the summer village is using the provisions of section 199 of the *MGA*, which provides for councillors to attend meetings via electronic means. Two councillors attend the meetings via teleconference, while a councillor, the CAO, and the public attend the meetings in-person within council chambers. The public may also attend the meeting via teleconference. The facilities enables all meeting participants to listen to the meeting and comply with the social distancing orders.

**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 summer village has not had a closed session of council recently. In the event a closed session is required in the future, a resource is provided below. Section 4.5 of the summer village's procedural bylaw (bylaw 04-2016) reaffirms that council and council committee meetings must be conducted with the public in attendance unless the meeting is closed to the public per legislative requirements.

**Meets Legislative Requirements:** Yes

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

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

### 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:** Council held their last organizational meeting on September 26, 2020, after the August 31 deadline; however due to the COVID-19 pandemic, Ministerial Order MSD:036/20 extended the 2020 deadline for holding an organizational meeting to October 1. The mayor and deputy mayor are nominated and appointed annually from within council.

**Meets Legislative Requirements:** Yes

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

**Resources:** Not applicable.

## 4. Special Meetings

**Legislative requirements: MGA 194**

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

**Comments/Observations:** The last special council meeting occurred on June 9, 2018. 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:** Summer village council sets the date, times and place of regular meetings at the annual organizational meeting. Section 4.2.4 of the summer village's procedural bylaw (bylaw 04-2016) outlines the correct process for making changes to regularly scheduled meetings. On rare occasions, council has had to change the date or location of council meetings (e.g., council resolutions 109-20 and 159-20) and when this has occurred, council has done so by resolution and administration has posted official notice on the village sign and website.

**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 past meeting minutes indicate that resolutions were made for all actions requested of administration and council acted only by resolution or bylaw.

**Meets Legislative Requirements:** Yes

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

**Resources:** Not applicable.

## 2. Quorum

**Legislative requirements:** *MGA 167* and [Meeting Procedures \(COVID-19 Suppression\) Regulation 50/2020](#)

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

**Comments/Observations:** Summer village council consists of three 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

**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. The voting documented in the council meeting minutes met the legislative requirements with the exception of the pecuniary interest exception noted in the next section of this report (section 3.3.4). Section 4.7.4 of the summer village's procedural bylaw (bylaw 04-2016) includes the correct process for requesting a vote be recorded.

**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 meeting minutes of the June 18, 2020 council meeting indicate a member of council recused themselves from discussion; however, the minutes do not record a declaration of a pecuniary interest nor the general nature of the pecuniary interest as required by legislation.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** Moving forward, when a member of council declares a pecuniary interest on an item before council, they must disclose the general nature of the pecuniary interest and the meeting minutes must record the disclosure in accordance with legislation.

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

**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. 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. Council held their last public hearing during the October 25, 2018 regular meeting of council according to the legislative requirements. Minutes are kept in a safe location at the summer village office.

**Meets Legislative Requirements:** Yes

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

**Resources:** Not applicable.

## 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 summer village passed a code of conduct bylaw (01-2018) on July 12, 2018. The bylaw applies to all members of council equally and there are sanctions in place for violations of the code of conduct bylaw. The bylaw includes the topics listed above. A complaint system has been established within the bylaw, which addresses who may make a complaint, how a complaint is made, the process to determine the validity of the complaint and the process to determine how sanctions are imposed.

**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 summer village passed a CAO bylaw (bylaw 01-2017) at the June 8, 2017 council meeting. The current CAO was appointed by resolution 149-17, passed at the November 25, 2017 regular meeting of council.

**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 summer village passes a tax bylaw annually and the 2020 property tax bylaw (bylaw 04-2020) was passed on April 16, 2020. None of the assessment classes have been sub-classed by the municipality. The tax ratio between residential and non-residential properties is under the legislated 5:1 ratio. The requisitions are accounted for and the calculations are correct. The summer village has one minimum tax applied equally amongst all assessment classes.

**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 passed an assessment review board bylaw (bylaw 01-2010) on April 13, 2010. Section 3 of the bylaw establishes four local assessment review boards and three composite assessment review boards. The establishment of multiple assessment review boards is inconsistent with section 454 of the *MGA* which requires only one of each to be allowed.

Section 6 and 7 of the bylaw allow for any combination of council members and public members to comprise a panel of a board, which contravenes section 454.11(3)(a) of the *MGA*. The *MGA* provision allows only one member of council to sit on a panel unless approval is granted by the Minister.

Members of the assessment review boards and the clerk have been appointed and received the required training.

Two members-at-large have been appointed to the boards and have received the required training.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** The municipality must amend or replace the ARB bylaw (bylaw 01-2010) to ensure only one local assessment review board and one composite review board are established per Section 454 of the *MGA*, and to ensure that no more than one council member may sit on a panel of any assessment review board.

**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.

## 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:** Council passed bylaw 07-2020 on September 26, 2020 establishing the powers and duties of bylaw enforcement officers, and establishing disciplinary procedures, including penalties and an appeal process for allegations of abuse of authority. The bylaw enforcement officer has taken the official oath.

**Meets Legislative Requirements:** Yes

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

**Resources:** Not applicable.

## 3.5 Discretionary Bylaws

### 1. Procedural Bylaw

**Legislative requirements: MGA 145**

1. Does the municipality have a procedural bylaw?

**Comments/Observations:** The summer village's procedural bylaw (bylaw 04-2016) was passed on December 8, 2016. Section 4.7.5 states "any member of council who has a conflict of interest in a matter before council must declare same prior to discussion, and abstain from voting on said matter". The *MGA* does not include provisions for conflict of interest or permit councillors to abstain from voting due to a conflict of interest. Section 172 of the *MGA* includes provisions for a member to declare a pecuniary interest. If a member of council declares a pecuniary interest, the member must state the general nature of the pecuniary interest, abstain from discussing and voting on the matter, and leave the council chambers until the conclusion of the matter. The minutes of the council meeting must record the reason provided by the member of council.

Section 4.11 states "standing committees shall be established by council from time to time and shall be governed by the Terms of Reference adopted by council. This is in contravention of section 145 of the *MGA*, which requires that in the event council committees are established, they must be established by bylaw.

Section 7 of the bylaw also permits a councillor to be expelled from a meeting and facility for improper conduct. This section should be reviewed to ensure that council members are not excluded from meetings, as it is the position of Municipal Affairs that the expulsion of a councillor contravenes section 153(c) of the *MGA* by preventing a member of council from fulfilling their legislated duty to participate in council meetings.

**Meets Legislative Requirements: No**

**Recommendations/Action Items:** Bylaw 04-2016 must be amended or repealed and replaced to remove provisions allowing councillors to abstain from voting due to conflicts of interest, be expelled from meetings, and to ensure procedures for establishing council committees complies with 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.

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## 2. Tax Penalty Bylaw

**Legislative requirements:** *MGA 344-346*

1. Does the municipality have a tax penalty bylaw?

**Comments/Observations:** Bylaw 05-2020 was passed on April 16, 2020 and authorizes tax penalties for non-payment of property taxes. The bylaw met the general requirements of the *MGA*.

**Meets Legislative Requirements:** Yes

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

**Resources:** Not applicable.

### 3. Garbage, Organics and Recycling Bylaw

**Legislative requirements:** *MGA 7*

1. Does the municipality have a garbage, organics and recycling bylaw?

**Comments/Observations:** Bylaw 05-2019 was passed on December 19, 2019 to regulate and control the collection, removal, and disposal of residential household garbage, and organics in the Summer Village of Sandy Beach. 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 140-20 to 143-20 passed on September 26, 2020).

**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 summer village typically repeals and replaces bylaws as opposed to revising bylaws. The summer village's land use bylaw (bylaw 02-2012) has been consolidated to include all amendments passed to date; however, the municipality has not enacted a bylaw under section 69 of the *MGA* authorizing a designated officer to consolidate bylaws.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** Moving forward, the consolidations of bylaws may only be made by a designated officer when the authority has been delegated by council by bylaw in accordance with section 69(1) of the *MGA*.

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

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

## 3.7 Mandatory Policies

### 1. Public Participation Policy

**Legislative requirements:** *MGA 216.1*, [Public Participation Policy Regulation 193/2017](#)

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

**Comments/Observations:** The summer village passed their public participation policy (PPP001-18) on July 12, 2018. The policy establishes the opportunities when the municipality will engage the public and methods the summer 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:** Council passed an interim operating budget for 2021 on December 17, 2020 (resolution 197-20). The summer village has yet to adopt the final 2021 budget; however, the final 2020 budget was adopted when council adopted an operational budget for 2020-2023 on April 16, 2020 (resolution 056-20) and it met the legislative requirements listed above.

**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:** A resolution of council adopting a 2020 capital budget was not available.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** Per section 245 of the *MGA* the summer village must adopt a capital budget annually.

**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.

### 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 WinFin to maintain their financial records. All revenues, including cash, are collected at the municipal office and administration presents council with financial reports at each meeting.

**Meets Legislative Requirements:** Yes

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

**Resources:** Not applicable.

## 4. Municipal Accounts

**Legislative requirements:** *MGA 270*

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

**Comments/Observations:** At the August 17, 2017 organizational meeting council passed a resolution that Alberta Treasury Branch remain the banking institution for the Summer Village of Sandy Beach (no resolution number). Banking records reviewed confirm that ATB Financial still holds municipal financial assets for the summer village.

**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 summer village has insurance through RMA Insurance Ltd.. Based on information provided, insurance was in place.

**Meets Legislative Requirements:** Yes

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

**Resources:** Not applicable.

## 6. Auditor, Audited Financial Statements, Auditor Report

**Legislative requirements:** *MGA 276, 280, 281*, Debt Limit Regulation AB Reg 255/2000, [Ministerial Order No. MSD:036/20](#)

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 summer village's current auditor was appointed at the September 26, 2021 organizational meeting (resolution 126-20). The 2019 statements were presented at the March 19, 2020 meeting of council and approved by council resolution at the April 16, 2020 meeting of council (resolution 065-20). The statements include information on the summer village's debt and debt limit as required by legislation.

**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 2019 audited financial statements include a disclosure of the salaries and benefits of members of council and the chief administrative officer. The financial statements do not contain a disclosure for designated officers. As noted in section 3.9.1 of this report, the assessor has not been established as a designated officer by bylaw. Once the assessor is established as a designated officer, their salary and benefits must be disclosed, along with any other designated officers of the municipality.

**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 summer 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:** The Summer Village of Sandy Beach passed bylaw 01-2020 on December 19, 2019 enacting a four-year financial plan for 2020-2023. Neither the four-year financial plan or the operational budget for 2020-2023 adopted on April 16, 2020 include the accumulated surplus/deficit as required by the Municipal Corporate Planning Regulation 192/2017. In addition, a 5-year capital plan has not been adopted.

**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 that includes the content outlined in the regulation.

**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 2003-02 was passed on May 12, 2003 establishing the position of assessor for the summer village; however, the bylaw does not establish the assessor as a designated officer of the summer village as required by section 284.2(1) of the *MGA*. A qualified assessor was appointed by council (council resolution 127-20) at the September 26, 2020 organizational meeting. The assessment roll is available for viewing at the summer village office without a fee; therefore, no bylaw is required.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** The summer village must amend or repeal and replace bylaw 2003-02 to establish the municipal assessor as a designated officer of the municipality in accordance with section 284.2(1) 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. As the visit was done electronically due to the COVID-19 pandemic, the summer 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 assessor set a notice of assessment date of June 1, 2020 for the 2020 taxation year and the combined assessment and tax notice contains the required assessment information, the notice of assessment date, a statement that an assessed person may file a complaint and information on how to file an assessment complaint in accordance with legislation.

**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 includes the required information from the tax roll, the date the notice is sent to the taxpayer, the amount of the requisitions, the date on which penalties may be imposed and information on how to request a receipt for taxes paid in accordance with legislative requirements.

**Meets Legislative Requirements:** Yes

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

**Resources:** Not applicable.

## 6. Notice and Certification

**Legislative requirements:** *MGA 311, 335, 336*

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

**Comments/Observations:** A designated officer certified that the 2020 combined assessment and tax notices were mailed to taxpayers on May 22, 2020.

**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 summer village prepared the tax arrears list, and submitted the list to the Registrar on March 11, 2020, which was before the extended June 30, 2020 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.

**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 summer village contracts a third party to assist with the tax recovery process. Tax arrears balances have been brought up to date; therefore, the summer village has not been required to conduct a tax sale recently. In the event that the summer 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. In additions, 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 adopted a municipal development plan (MDP) for the summer village in 2012 (bylaw 01-2012). The content of the MDP includes the topics listed above. The MDP was last amended in June 2013 according to the legislative requirements including advertising and holding a public hearing. In addition, the amendments were consolidated. Per section 3.6.2 of this report, consolidations of bylaws may only be made by a designated officer when the authority has been delegated by council by bylaw in accordance with section 69(1) of the *MGA*.

**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 Summer Village of Sandy Beach's land use bylaw (bylaw 02-2012) was originally passed in 2012. The bylaw includes the content listed above and was last amended in October 2018 by bylaw 04-2018 following a public hearing held on October 25, 2018 in accordance with the *MGA*. Per section 3.6.2 of this report, consolidations of bylaws may only be made by a designated officer when the authority has been delegated by council by bylaw in accordance with section 69(1) of the *MGA*.

**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 2004-04 was passed on December 8, 2004 and establishes the subdivision authority as council of the Summer Village of Sandy Beach. The bylaw also delegates the administration of the subdivision approval process to an individual, except the decision to grant approval, with or without conditions, or refuse subdivision approval.

**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 summer village's land use bylaw (bylaw 02-2012) establishes the development authority as the person(s) appointed by council by resolution, the municipal planning commission and council in matters related to direct control districts. Council appointed the development officer at the August 17, 2017 organizational meeting (no resolution number).

**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](#); [Ministerial Order No. MSD:036/20](#)

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 01-2019 was passed on January 26, 2019 and authorizes the summer village to enter into an intermunicipal subdivision and development appeal board. The agreement excludes municipal employees, members of the municipal planning commission, and those with development or subdivision powers from serving on the board. A clerk has been appointed to the board, and has received the required training. Members appointed to the board have also received the required training. The summer village has submitted their 2019 statistical information return reporting that the clerk and members are trained. Section 9 of the agreement states that the fee for an appeal will be the fee established by resolution of council for the county from time to time. This is in contravention of section 8(c)(i) of the *MGA* which requires the establishment of fees for licenses, permits and approvals to be set by bylaw.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** Bylaw 45-95 should be amended or replaced to ensure it is in compliance with section 8(c)(i) of the *MGA*.

**Resources:** If you are seeking information on SDAB clerk or member training please contact the MGB at 780-427-4864 or via email at [mgbtraining@gov.ab.ca](mailto:mgbtraining@gov.ab.ca). 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 summer village contains a list of council approved policies and bylaws relating to planning decisions as well as a summary of the policies and their relationship to each other as required by section 638.2 of the *MGA*.

**Meets Legislative Requirements:** Yes

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

**Resources:** Not applicable.

## 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 the governing legislation, contain any other provisions the parties consider necessary or advisable?

**Comments/Observations:** The CAO is aware of the legislative amendments requiring school boards and municipalities to enter into joint use and planning agreements prior to June 11, 2023.

**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. Has a returning officer been appointed for the 2021 general election?
2. Has a substitute returning officer been appointed for the 2021 general election?
3. Have all of the appointed election officers taken the required oath/statement per the Local Authorities Election Forms Regulation?

**Comments/Observations:** The CAO has been appointed as the returning officer for the 2021 general election and has taken the oath per the Local Authorities Election Forms Regulation (resolution 005-21 passed on January 21, 2021). At the time of the review, council had not appointed a substitute returning officer for the 2021 general election. Per section 13(2.1) of the *LAEA*, council must also appoint a substitute returning officer for the 2021 general election by June 30 and the substitute returning officer and any deputy returning officers must take the prescribed oath/statement.

**Meets Legislative Requirements:** Yes

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

**Resources:** Not applicable.

## 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 forms for the 2017 general election were not available.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** Moving forward, the municipality must receive nomination papers from all candidates and the nomination papers must be retained by the summer village for the duration of the term per section 28(6) of the LAEA.

**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.

### 3. Ballot Account

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

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

**Comments/Observations:** The ballot account for the 2017 general election was not available.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** Moving forward, the ballot account for general elections and by-elections must be retained for the entire term of office.

**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.

## 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 CAO indicated that the election materials were destroyed; however, affidavits confirming the destruction of election materials could not be located.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** Moving forward, the summer village is required to dispose of election materials in accordance with section 101 of the LAEA and ensure the appropriate affidavit is completed and retained following the destruction of the materials.

**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.

## 5. Campaign Disclosure Statements

**Legislative requirements:** LAEA 147.4

1. Have all campaign disclosure statements filed within the last four years been retained by the municipality?
2. Are all documents filed under this section available to the public during regular business hours?

**Comments/Observations:** No campaign contributions were collected by summer village candidates.

**Meets Legislative Requirements:** Yes

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

**Resources:** Not applicable.

## 6. Local Authorities Election Act (for discussion only)

### Legislative requirements: LAEA

1. Is the municipality aware of the amendments passed in July 2020 under Bill 29 (Local Authorities Amendment Act)?
  - Campaign Finance and Contribution Disclosure
    - Candidates must be nominated before incurring any campaign expenses or accepting contributions.
    - Campaign period is shortened from 4 years to one year (January 1 through December 31 of a general election year).
    - Nomination period will now align with beginning of the campaign period (nine months, January 1 of a general election year until nomination day, occurring four weeks before election).
  - Voter Accessibility
    - The Minister of Municipal Affairs may create a list of acceptable identification, in addition to government issued identification and identification provided by the List of Acceptable Identification produced by the Chief Electoral Officer of Alberta.
    - An elector may only vouch for one person, unless multiple individuals share the same residence, in which case the elector may vouch for all persons residing in the same residence.
    - The six-month Alberta residency requirement to be an eligible elector has been removed to align with provincial rules.
  - Advertising and Campaign Restrictions
    - Campaign activities and advertising on property surrounding voting stations will be prohibited.
    - Returning Officers can enforce the restriction on campaign activities or advertising at voting stations by causing campaign advertising to be removed, and instructing those obstructing the voting process or taking part in campaign activities to leave the property.
    - The names of nominated candidates will be released by municipalities 48 hours following the close of nominations.
  - Technical and Clarifying Amendments
    - Definition has been added for “nomination period” to reflect the nomination period from January 1 in the year of an election to four weeks prior to election day.
    - The local jurisdiction may pass bylaws to allow for a returning officer to establish one or more locations, outside of the local jurisdiction office, to accept nomination papers.

- The returning officer can reject a nomination paper that does not have the correct number of signatures, has not been sworn/affirmed and/or is not accompanied by a deposit (if required).
- Candidates can withdraw nomination papers given the nomination period beginning on January 1st in the year of an election.
- The Minister is no longer required to be notified of the use of special ballots, or to appoint special ballot advisors.
- Age-related limitations for institutional votes in care facilities have been removed.
- Municipalities may choose to align their election notifications with a bylaw passed under Section 606.1 of the *Municipal Governance Act* that allows for electronic or other methods of advertising.
- The term “incapacitated elector” was amended to “persons with disabilities” or similar wording depending on the context.
- Clarification that if a recount has been requested in a municipality/school board that is divided into wards/divisions, the recount only has to occur in that ward/division where the recount has been requested, and not the entire municipality/school division.
- Notification of a by-election for advance vote and election day is only required to be given to the electors in the affected ward/division.
- Clarified when election materials must be destroyed (after six weeks, before 12 weeks)
- The returning officer must report all complaints or allegations under Parts 5.1 or 8 of the *LAEA* to the Elections Commissioner?

**Comments/Observations:** The CAO is aware of the legislative changes to the *LAEA* and has been encouraged to review and discuss existing election procedures with municipal staff and council in preparation for the 2021 general election.

**Resources:** 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](#).

## 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:** Bylaw 06-2019 was passed on December 19, 2019 and establishes a regional emergency advisory committee and a regional emergency management agency among eleven summer villages (Lac Ste. Anne area summer villages). A director of emergency management has been appointed and emergency plans and programs have been approved and are in place (council resolution 146-20). The DEM, councillors and members of staff assigned responsibilities respecting the implementation of the emergency plan have all received the required training.

**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 Summer Village of Sandy Beach does not have a municipal library board.

**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 summer village is not a member of a library system.

**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 Summer Village of Sandy 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, accountable and transparent local governments.