



Town of Sedgewick  
Municipal Accountability Review Report

January 24, 2019



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

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

### 1.2 The Municipal Accountability Program

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

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

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

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



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

## Section 2: Executive Summary

### 2.1 Site Visit

On January 24, 2019, Municipal Affairs staff met with town administration to complete the on-site portion of the Municipal Accountability Program review, and to observe a council meeting for procedures that are required in the *MGA*.

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

### 2.2 Strengths

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

- elected official orientation;
- chief administrator officer evaluation;
- meeting procedures;
- code of conduct bylaw;
- property tax bylaw;
- public participation policy;
- financial processes and procedures;
- auditor, audited financial statements, auditor report;
- planning and development plans and processes;
- municipal emergency organization/agency/advisory committee; and
- 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:

- municipal office ([page 10](#));
- authority to act ([page 22](#));
- council meeting minutes ([page 26](#));
- designated officer bylaw ([page 30](#));





- assessment review board bylaw ([page 33](#));
- procedural bylaw ([page 36](#));
- establishing the assessor as a designated officer ([page 52](#));
- subdivision and development appeal board ([page 61](#));
- land use bylaw ([page 67](#)); and
- proof of elector eligibility ([page 77](#)).

## 2.4 Next Steps

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

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

Ministry staff are available to provide support and additional resources to guide the municipality through the development of the plan and to successfully address the legislative gaps identified. The 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 Town of Sedgewick administration building is located at 4814 – 47<sup>th</sup> Street, Sedgewick, Alberta. A resolution of council naming the municipal office was not available.

MEETS LEGISLATIVE REQUIREMENTS: No

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

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

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

## 2. Orientation Training

LEGISLATIVE REQUIREMENTS: MGA 201.1

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

COMMENTS/OBSERVATIONS: Orientation training was offered to council following the 2017 general election. Two councillors attended Munis 101. In addition, the code of conduct bylaw addresses councillor orientation training. Invoices for the elected officials training was provided for review.

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 by council on an annual basis.

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 practical?

COMMENTS/OBSERVATIONS: The CAO is aware of the *MGA* requirements, and typically distributes information through email. In addition, council was provided with an agenda package in advance of the January 24, 2019 council meeting. The CAO provided a written report to council that was supplemented with additional verbal updates.

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?
    - Are there any documents that are authorized to be signed alone and if so, is there a council approved policy in place to support this?

COMMENTS/OBSERVATIONS: The bylaws and minutes provided were reviewed, and they were signed in accordance with the requirements of section 213 of the MGA. The CAO has been delegated, by council policy 19/12, the responsibility to sign small administrative contracts if supported in the annual budget.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.



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

LEGISLATIVE REQUIREMENTS: MGA 532

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

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

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

COMMENTS/OBSERVATIONS The town is aware of their responsibilities under section 532 of the MGA, and has policies and plans in place which are reflected in the budget. Any municipal policies and practices discussed, were not reviewed. In the event the policies and practices establish specific service levels, it may be appropriate to review the service levels and seek the necessary advice to ensure that the service levels are appropriate, and are being followed.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

## 3.2 Meetings

### 1. Public Presence at Meetings

LEGISLATIVE REQUIREMENTS: MGA 197 (1)

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

COMMENTS/OBSERVATIONS: Meetings of council, including regular council meetings, strategic planning, and budget meetings, are advertised to the public and open for members of the public to attend.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.



## 2. Closed Meetings

LEGISLATIVE REQUIREMENTS: MGA 197

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

COMMENTS/OBSERVATIONS: The council minutes reviewed, and the council meeting observed on January 24, 2019, indicate the process for closing meeting(s) to the public met the legislative requirements.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

### 3. Organizational Meeting

LEGISLATIVE REQUIREMENTS: MGA 152, 192

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

COMMENTS/OBSERVATIONS: Council held their last organizational meeting on October 18, 2018, which was within two weeks of the third Monday in October, as required by section 192 of the MGA. The minutes of the October 18, 2018 organizational meeting indicate the deputy mayor was appointed, meeting dates were set, and board and committee appointments were made.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.



#### 4. Special Meetings

LEGISLATIVE REQUIREMENTS: MGA 194

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

COMMENTS/OBSERVATIONS: The last special council meeting was held July 26, 2018. Notification was provided to members of the public in the appropriate format. The special meeting was not held within 24 hours, and no changes were made to the agenda.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

## 5. Meetings Through Electronic Communications

LEGISLATIVE REQUIREMENTS: MGA 199

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

COMMENTS/OBSERVATIONS: Council does not currently use electronic communications for meetings. A resource has been provided in the event that council has a need for electronic methods to meet.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Municipal Affairs has developed an online resource for municipalities regarding general meeting procedures: [Procedural Bylaw and Agendas](#)

## 6. Regular Meeting Change Notice

LEGISLATIVE REQUIREMENTS: MGA 193

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

COMMENTS/OBSERVATIONS: Resolution 2018-11-275, passed November 22, 2018, reschedules the regular meeting of council of January 17, 2019 to January 24, 2019. Notice was given to members of the public in the required format.

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: At the observed council meeting of January 24, 2019, and in the council minutes reviewed, council acted by resolution or bylaw with the exception during the Round Table/Question Period portion of the council meeting. Examples include the following:

- February 15, 2018 minutes: item 9, Round Table/Question Period: council asked that public works refrain from piling snow;
- May 17, 2018 minutes: item 10 Round Table/Question Period: council requested a note of thank you and regrets be sent; and
- July 12, 2018 minutes: item 10 Round Table/Question Period: council asked public works to spray the school grounds.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: All decisions of council must be formalized through a council resolution or bylaw that is passed in an open public meeting, with a quorum present.

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. 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: Town council consists of five elected officials. The minutes that were reviewed, and the council meeting that was observed met the quorum requirements.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.



### 3. Voting

LEGISLATIVE REQUIREMENTS: MGA 182-185

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

COMMENTS/OBSERVATIONS: Each councillor participated in voting at the January 24, 2019 meeting. There were no abstentions, and there was one request for a recorded vote. The voting documented in the council meeting minutes, and actions demonstrated in the council meeting 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: There were no items of pecuniary interest at the January 24, 2019 meeting of council. The minutes reviewed did not contain a disclosure of pecuniary interest. Reference to a resource is provided below in the event a pecuniary interest situation arises in the future.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

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



## 5. Council Meeting Minutes

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

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

COMMENTS/OBSERVATIONS: The minutes reviewed contained comments and summaries of discussions by those in attendance at the council meeting. Specifically, this occurs during the round table/question period, as described on page 22. The minutes also documented when delegations left the meeting.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: Council and council committee meeting minutes are to be documented in accordance with the requirements of section 208(1)(a) of the MGA, without note or comment.

RESOURCES: Municipal Affairs Advisors are available to provide general support by calling toll-free 310-0000 and then 780-427-2225. In addition, Municipal Affairs provides the following resource to assist CAOs in the preparation of council meeting minutes: [The Preparation of Meeting Minutes for Council \(Municipal Affairs\)](#)

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

### 3.4 Mandatory Bylaws

#### 1. Code of Conduct

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

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

COMMENTS/OBSERVATIONS: Bylaw 538/18, passed by council on March 22, 2018, establishes a code of conduct for the town. The bylaw applies to all members of council equally, and includes sanctions for breaching the bylaw. The code of conduct bylaw addresses the topics required by legislation, and also includes the required complaint system provisions.



MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

## 2. Establishment of the Chief Administrative Officer Position

LEGISLATIVE REQUIREMENTS: MGA 205

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

COMMENTS/OBSERVATIONS: Bylaw 486, passed April 20, 2011, establishes the position of CAO for the Town of Sedgewick. Motion 2017.07.127, passed July 6, 2017, appoints the current CAO.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

### 3. Designated Officers

LEGISLATIVE REQUIREMENTS: MGA 210, 284.2, 456.1, 627.1(3)

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

COMMENTS/OBSERVATIONS: A bylaw establishing the assessor, assessment review board clerk or subdivision and development appeal board clerk as designated officers for the town was not provided. Land use bylaw 461, passed in 2012, establishes the development officer to be a designated officer.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: The municipality must establish the positions of assessor, assessment review board clerk, and subdivision and development board clerk by bylaw.

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

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



#### 4. Borrowing Bylaw(s)

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

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

COMMENTS/OBSERVATIONS: Borrowing bylaw 552, for the purpose of revitalizing Main Street, was given first reading January 24, 2019. The bylaw sets out the source, amount, term, interest, and how the loan will be repaid in accordance with the legislation. The borrowing bylaw was advertised as required.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

## 5. Property Tax Bylaw

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

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

COMMENTS/OBSERVATIONS: The Town of Sedgewick passes a tax bylaw annually. The 2018 property tax bylaw 539/18, passed on April 19, 2018, met the legislative requirements.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.



## 6. Assessment Review Boards

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

1. Has a local assessment review board been established?
  - Are three members appointed to this board?
  - Is the term of the appointment established?
  - Have the appointed members received the mandatory training?
2. Is a composite assessment review board established?
  - Are two members appointed to this board?
  - Is the term of the appointment established?
  - Have the appointed members received the mandatory training?
  - Is there a current assessment review board clerk appointment?
3. Has a designated officer been appointed as the clerk and received the mandatory training?

COMMENTS/OBSERVATIONS: Bylaw 526, passed on July 14, 2016, establishes an intermunicipal assessment review board for the Town of Sedgewick. The bylaw establishes three local assessment review boards (LARB); consisting of three members for the first two boards and one member for the third board; and three composite assessment review boards (CARB); consisting of two members for each board.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: Only one local assessment review board and one composite review board are to be established per section 454 of the MGA. Section 454.1(1) states that a council must appoint at least three members to the local assessment review board, and section 454.2(1) states that council must appoint at least two members to the composite review board. Bylaw 526 should be amended or replaced in order to reflect the legislation. Since all members should have the same bylaw, it would be advisable to work with all member municipalities of the regional assessment review board, as well as their legal counsel, to ensure that member bylaws are consistent with the requirements of the MGA.

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



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

## 7. Bylaw Enforcement Officers

LEGISLATIVE REQUIREMENTS: MGA 555-556

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

COMMENTS/OBSERVATIONS: The town utilizes the services of a contracted individual to perform bylaw enforcement. Bylaw 436, passed March 2, 2006, establishes the bylaw enforcement officer position, as well as the powers and duties, disciplinary procedures for misuse of power including penalties, and an appeal process. The bylaw officer has taken the official oath.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

### 3.5 Discretionary Bylaws

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

#### 1. Procedural Bylaw

LEGISLATIVE REQUIREMENTS: *MGA* 145

1. Does the municipality have a procedural bylaw?

COMMENTS/OBSERVATIONS: Bylaw 535/17, passed November 16, 2017, is the procedural bylaw for the town. It was reviewed and the following items were identified:

- Section 4.5 outlines the process for the cancellation of council meetings, and permits council to do so in writing.
- Section 6.1(d) states: “the minutes will record the names of the members voting for or against a motion that is not unanimous or defeated.” This contravenes section 185(1) of the *MGA* which states that before a vote of council, a councillor can request that the vote be recorded.
- Section 10.13 of the bylaw states: “Motions shall be recorded in the minutes as “carried” or “defeated” and, in the case of a split vote, the names of those who voted for and against the motion shall be recorded.” This contravenes section 185(1) of the *MGA* which states that before a vote of council, a councillor can request that the vote be recorded.
- The use of the term “in camera” is used throughout the bylaw.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: Bylaw 537/17 should be amended or repealed and replaced to ensure:

- procedures for cancelling council meetings are in accordance with section 180 of the *MGA*;
- recorded votes are in accordance with section 185 of the *MGA*; and
- the term “closed session” should be used to reflect the terminology of the *MGA*.

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



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

## 2. Fees and Charges Bylaw

LEGISLATIVE REQUIREMENTS: MGA 7

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

COMMENTS/OBSERVATIONS: Bylaw 549/18 was passed on November 23, 2018 to establish rates and fees for services provided by the town. The bylaw was properly enacted by three readings, and the content within the bylaw met general requirements of the MGA.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

### 3. Reduction of Councilors Bylaw

LEGISLATIVE REQUIREMENTS: MGA 7

2. Does the municipality have a reduction of councilors bylaw?

COMMENTS/OBSERVATIONS: Bylaw 529 passed March 16, 2017, reducing the number of councillors from seven to five, was reviewed. The bylaw was passed within the timelines of section 144(1) of the MGA.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

### 3.6 Bylaw Procedures

#### 1. Passing Bylaws

LEGISLATIVE REQUIREMENTS: MGA 187-189

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

COMMENTS/OBSERVATIONS: A review of a selection of past council minutes indicates the proper process of three readings of bylaws, including a resolution passed unanimously giving consent before proceeding to third reading (e.g., resolutions 2018-04-71 to 2018-04-74).

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.



### 3. Bylaw Revisions and Amendments

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

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

COMMENTS/OBSERVATIONS: The town does not use revision bylaws, but instead changes bylaws by repealing and replacing. The town's land use bylaw has been amended numerous times; in each case, the amendment is advertised, and a public hearing is held prior to the bylaw being passed.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

### 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 18-06, passed June 14, 2018, establishes a public engagement policy for the town. The policy includes the legislated requirements.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.



## 3.8 Finance

### 2. Operating Budget

LEGISLATIVE REQUIREMENTS: MGA 242, 243, 244, 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?

COMMENTS/OBSERVATIONS: Resolution 2018-04-69, passed April 19, 2018, establishes the 2018 operating budget for the town. Resolution 2018-11-259, passed November 22, 2018, establishes the 2019 interim budget for the town. The budget includes the required legislative content.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

### 3. 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: Resolution 2018-04-70, passed April 19, 2018, establishes the 2018 capital budget for the town. The budget includes the required legislative content.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

#### 4. Financial Records and Receipts

LEGISLATIVE REQUIREMENTS: MGA 268.1

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

COMMENTS/OBSERVATIONS: The town uses Muniware as the municipal software for accounting processes. Council is provided with variance reports on a quarterly basis. Revenues are collected at the municipal office, and receipts are issued when requested.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

## 5. 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: Council resolution 2014.08.152, passed August 5, 2014, designates that the town will use Vision Credit Union as the municipality's financial institution. A bank statement from Vision Credit Union was provided.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.

## 6. 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 town holds a policy with the Rural Municipalities of Alberta (RMA) Insurance Services, which met the legislative requirements.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

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

LEGISLATIVE REQUIREMENTS: MGA 276, 280, 281

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

COMMENTS/OBSERVATIONS: The auditor was appointed by resolution 2017.01.15. The auditor presented the audited financial statements at an April 2018 council meeting, and the 2017 financial statements were approved by resolution 2018-04-67.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.



## 8. Salary and Benefits

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

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

COMMENTS/OBSERVATIONS: The financial statements contain the salaries and benefits of members of council, as well as the CAO. Moving forward, the disclosure should include the assessor, the assessment review board clerk, and the clerk of the subdivision and development appeal board once these positions are established as designated officers.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.

## 9. 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 town had communication from the auditor advising that a management letter would not be provided because of good financial processes in place.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.

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

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

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

COMMENTS/OBSERVATIONS: The municipality is aware that written plans for financial operations and capital plans are a new legislative requirement, and have the plans in place.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.



### 3.9 Assessment and Taxation

#### 1. Assessment Roll

LEGISLATIVE REQUIREMENTS: MGA 284.2(1), 307

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

COMMENTS/OBSERVATIONS: The town has appointed a qualified assessor by resolution 2018-03-51. The assessment roll is available for inspection without a fee. Council must pass a bylaw establishing the assessor as a designated officer.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ ACTION ITEMS: As previously recommended on page 30, the assessor must be a designated officer of the municipality in accordance with section 284.2(2) of the MGA.

RESOURCES: Municipal Affairs Assessment Advisors are available to provide assessment support by calling toll-free 310-0000 and then 780-422-1377.

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



## 2. Tax Roll

LEGISLATIVE REQUIREMENTS: MGA 327, 329

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

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

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

### 3. Prepare Tax Notices

LEGISLATIVE REQUIREMENTS: *MGA 333*

1. Are tax notices prepared annually for all taxable property and businesses shown on the tax roll of the municipality?
2. Are the tax notices sent to the taxpayers?

COMMENTS/OBSERVATIONS: 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 Tax Notices

LEGISLATIVE REQUIREMENTS: MGA 334, 460

1. Does the municipality provide for a combined property assessment and tax notice?
2. 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 town provides for a combined tax and assessment notice. The notice includes all legislated content.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

## 5. Certify Date of Mailing

LEGISLATIVE REQUIREMENTS: MGA 335, 336

1. Has a designated officer certified the date the tax notices were sent?
2. Have the tax notices been sent before the end of the year in which the taxes were imposed?

COMMENTS/OBSERVATIONS: A designated officer certified the date the tax notices were sent in the local newspaper.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.



## 6. 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 town prepared the tax arrears list, and submitted it to the registrar March 6, 2018, which prior to the March 31 due date. There were no designated manufactured home properties in arrears that required notification. 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.

## 7. Tax Sale

LEGISLATIVE REQUIREMENTS: MGA 418, 436.08

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

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

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

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

MUNICIPAL RESPONSE: Not applicable.

### 3.10 Planning

#### 1. Subdivision Authority

LEGISLATIVE REQUIREMENTS: MGA 623, 625-626

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

COMMENTS/OBSERVATIONS: Bylaw 546/18, passed October 18, 2018, establishes the subdivision authority to be the chief administrative officer.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

## 2. Development Authority

LEGISLATIVE REQUIREMENTS: MGA 624, 625 - 626

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

COMMENTS/OBSERVATIONS: Land use bylaw 461, passed in 2012, establishes the development authority to be the development officer, as a designated officer, and the municipal planning commission (MPC).

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

### 3. Subdivision and Development Appeal Board (SDAB)

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

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

COMMENTS/OBSERVATIONS: Bylaw 489, passed June 21, 2012, establishes the Flagstaff Regional subdivision and development appeal board (SDAB). The bylaw does not address membership, training, or the appointment of the clerk as a designated officer.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: The town must, by bylaw, establish an SDAB which meets all legislative requirements of Sections 627 and 628 of the MGA, and the accompanying regulations 43/2002 and 195/2017. Since all members should have the same bylaw, it would be advisable to work with all member municipalities of the regional assessment review board, as well as their legal counsel, to ensure that member bylaws are consistent with the requirements of the MGA.

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



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



#### 4. Subdivision Applications and Decision

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

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

COMMENTS/OBSERVATIONS: The town has not had any completed subdivision applications since 1980. The town has just received a subdivision application, and are in the process of reviewing the application.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.



## 5. Development Applications

LEGISLATIVE REQUIREMENTS: MGA 683.1, 686, 687

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

COMMENTS/OBSERVATIONS: Development application 2018-11 was reviewed, which indicated the development authority reviewed the application, and made a decision within the timeframe required.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.



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

LEGISLATIVE REQUIREMENTS: MGA 622, 630.2 and ALSA 20

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

COMMENTS/OBSERVATIONS: There is no regional plan in effect for the town.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

## 7. Growth Management Board

LEGISLATIVE REQUIREMENTS: MGA 708.23

1. Is the municipality a member of a growth management board?
2. Has the growth management board established by bylaw an appeal mechanism or dispute resolution mechanism, or both, for the purposes of resolving disputes arising from actions taken or decisions made by the growth management board?

COMMENTS/OBSERVATIONS: The town is not a member of a growth management board.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.



## 8. Land Use Bylaw

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

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

COMMENTS/OBSERVATIONS: Bylaw 461, passed in 2012, establishes a land use bylaw for the town. The bylaw contains the required information; however, in Fees, section 14.1 it states: "The fees to be charged by the town on all applications and other matters arising under this Bylaw are set forth in Schedule B. Council may at anytime by resolution revise any fee shown in Schedule B or specify a fee for any other matter arising under this Bylaw." Section 191 of the MGA provides that municipalities may amend their bylaws, but that they must do so by adopting an amending bylaw.



MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: The town must ensure that any bylaw amendment, including amending fees, is passed in the same manner in which the original bylaw was passed, including any advertising or public hearing requirements in accordance with section 191(2) of the MGA.

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

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



## 9. Municipal Development Plan (MDP)

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

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

COMMENTS/OBSERVATIONS: Bylaw 462, passed April 16, 2009, establishes the MDP for the town. The MDP addresses the legislated requirements. There have been no amendments to the MDP.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

## 10. Intermunicipal Development Plan (IDP)

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

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

COMMENTS/OBSERVATIONS: Bylaw 540, passed June 14, 2018, establishes an IDP between the Town of Sedgewick and Flagstaff County. The IDP addresses the legislative requirements.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

## 11. Intermunicipal Collaboration Frameworks (ICF)

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

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

COMMENTS/OBSERVATIONS: The town is aware of the upcoming legislative requirements, and there has been plenty of work done on the ICF at a regional level to date.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.



## 12. Listing and Publishing Policies Related to Planning Decisions

LEGISLATIVE REQUIREMENTS: MGA 638.2

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

COMMENTS/OBSERVATIONS: The town has an up to date list of council approved policies relating to planning and development decisions on their website.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.



### 3.11 Local Authorities Election Act (LAEA)

#### 1. Joint Elections

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

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

COMMENTS/OBSERVATIONS: The Town of Sedgewick does not conduct joint elections with another local authority.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.

## 2. Oath/Statement

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

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

COMMENTS/OBSERVATIONS: Prior to the 2017 general election, the returning officer took the prescribed oath. As all candidates were acclaimed, there was no general election and no need for deputy officers to take the oath.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.

### 3. Substitute Returning Officer

LEGISLATIVE REQUIREMENTS: LAEA 13(2.1)

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

COMMENTS/OBSERVATIONS: There has been no by-election in 2019.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.



#### 4. Nomination Forms

LEGISLATIVE REQUIREMENTS: LAEA 27, 28.1, 34, 97

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

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

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.



## 5. Proof of Elector Eligibility

LEGISLATIVE REQUIREMENTS: *LAEA* 53, 53.1

1. Is there a bylaw to require additional pieces of identification to prove elector eligibility?
2. If so, was the bylaw advertised?
3. Did the notice of the bylaw include:
  - a statement of the general purpose of the bylaw and the proposed requirements for the number and types of identification that must be produced to verify elector name, current address and, if applicable, age;
  - the address where a copy of the proposed bylaw may be inspected; and
  - an outline of the procedure to be followed by anyone wishing to file a petition in respect of the proposed bylaw, as provided for in the MGA?

COMMENTS/OBSERVATIONS: Election bylaw 531/17, passed June 15, 2017, provides for additional pieces of identification to prove elector eligibility. A bylaw passed that requires additional pieces of identification to prove elector eligibility must be done no later than six months prior to nomination day per section 53(3) of the *LAEA*. The bylaw was passed June 15, 2017; 122 days prior to the October 16, 2017 general election. It was also noted that nomination day is defined in the bylaw as four weeks prior to election day. With the recent amendments to the *LAEA*, nomination day is now six weeks prior to election day.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ ACTION ITEMS: The municipality must comply with the timelines set out in the *LAEA* when required to do something, such as passing a bylaw by a certain date. In addition, the municipality must amend or replace bylaw 531/17 to reflect the new six week nomination period.

RESOURCES: Municipal Affairs Advisors are available to provide elections 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. Vote by Special Ballot

LEGISLATIVE REQUIREMENTS: LAEA 77.1, 77.2, 77.3

1. If the municipality provided for special ballots, was the Minister notified?

COMMENTS/OBSERVATIONS: The candidates were acclaimed; therefore, there was no election and no special ballots.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.

## 7. Ballot Account

LEGISLATIVE REQUIREMENTS: LAEA 88, 89, 94, 100

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

COMMENTS/OBSERVATIONS: As all the candidates were acclaimed, there was no election and no ballots were required.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.



## 8. Disposition of Election Material

LEGISLATIVE REQUIREMENTS: LAEA 101

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

COMMENTS/OBSERVATIONS: As all the candidates were acclaimed, there was no election and no election materials to be disposed.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.





## 9. Campaign Disclosure Statements

LEGISLATIVE REQUIREMENTS: LAEA 147.4

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

COMMENTS/OBSERVATIONS: No campaign contributions were collected by the Town of Sedgewick candidates.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.

### 3.12 Emergency Management

#### 1. Municipal Emergency Organization/Agency/Advisory Committee

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

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

COMMENTS/OBSERVATIONS: Bylaw 543/18, passed August 23, 2018, establishes the emergency management committee, emergency management agency, and the director of emergency management. Council has appointed a director of emergency management, and the municipality has approved plans and programs in place.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.



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

LEGISLATIVE REQUIREMENTS: *Local Authority Emergency Management Regulation*

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

COMMENTS/OBSERVATIONS: The town is aware of the upcoming legislative changes.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: The Alberta Emergency Management Agency has developed a number of online tools at [www.aema.alberta.ca](http://www.aema.alberta.ca) 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.

January 24, 2019

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



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### 3.13 Libraries

#### 1. Municipal Library Board

LEGISLATIVE REQUIREMENTS: *Libraries Act* 3-5

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

COMMENTS/OBSERVATIONS: Bylaw 272, passed September 14, 1978, establishes the Sedgewick and District Municipal Library. One member of council is appointed to the board at the annual organizational meeting.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.



## 2. System Library Board

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

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

COMMENTS/OBSERVATIONS: The Town of Sedgewick is a member of the Parkland Regional Library system. Council appointed a member of council to the board at the October 18, 2018 organizational meeting.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

## Section 4: Conclusion

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

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

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