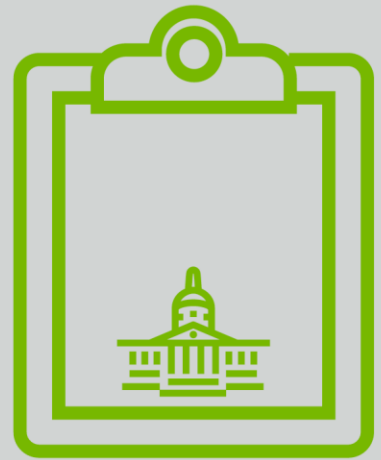


2020

Municipal Accountability Program Report



Village of Edgerton

Municipal Affairs, Government of Alberta

August 18, 2020

Village of Edgerton 2020 Municipal Accountability Program Report

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

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Section 1: Introduction

1.1 Our Commitment

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

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

1.2 The Municipal Accountability Program

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

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

The Municipal Accountability Program consists of multi-year cycle reviews, ordered by the Minister under Section 571 of the *MGA*. While this program is available to all municipalities, upon the request of a council and with the approval of the Minister, municipalities with populations of 2,500 or less are automatically scheduled for a visit once every five years. The Village of Edgerton was randomly selected for a municipal accountability review in 2020.

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

The results of the Village of Edgerton 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

Adhering to the current COVID-19 social distancing recommendations, Municipal Affairs staff met with village administration on August 18, 2020 by electronic means to complete the on-site portion of the Municipal Accountability Program review and examine compliance with mandatory requirements of the MGA and other legislation under the purview of Municipal Affairs.

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

2.2 Legislative Compliance

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

- designation of a municipal office;
- orientation training;
- chief administrator officer evaluation;
- provision of information;
- signing of municipal documents;
- repair of roads, public places, and public works;
- public presence at meetings;
- organizational meeting;
- special meetings;
- regular meeting change notice;
- authority to act;
- quorum;
- voting;
- council meeting minutes;
- code of conduct bylaw;
- establishment of the chief administrative officer position;
- discretionary bylaws: fire;
- bylaw revisions and amendments;

- public participation policy;
- capital budget;
- financial records and receipts;
- municipal accounts;
- fidelity bond;
- auditor, audited financial statements, auditor report;
- salary and benefits;
- management letter;
- assessment roll;
- tax roll;
- prepare tax notices;
- tax arrears list;
- tax sale;
- municipal development plan;
- subdivision authority;
- development authority;
- subdivision and development appeal board;
- election officials oath/statement;
- substitute returning officer;
- campaign disclosure statements;
- municipal emergency management;
- 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 close meetings in accordance with the *MGA* and *FOIPP* ([page 18](#));
- requirement to declare pecuniary interest in accordance with the *MGA* ([page 25](#));
- requirement for the property tax bylaw to be in accordance with the *MGA* ([page 30](#));
- requirement to establish a local and a composite assessment review board by bylaw ([page 32](#));

- requirement to establish a bylaw enforcement officer bylaw ([page 34](#));
- requirement for a procedural bylaw to align with the *MGA* ([page 35](#));
- requirement for a borrowing bylaw to align with the *MGA* ([page 36](#));
- requirement to pass bylaws in accordance with the *MGA* ([page 38](#));
- requirement to adopt an operating budget ([page 41](#));
- requirement for a municipality to implement a three-year operating plan and a five-year capital plan ([page 50](#));
- requirement for the content of assessment notices to be in accordance with the *MGA* ([page 54](#));
- requirement for the content of tax notices to be in accordance with the *MGA* ([page 55](#));
- requirement to certify the date of mailing the tax notices and advertise the sending of assessment notices([page 56](#));
- requirement to establish a land use bylaw in accordance with the *MGA* ([page 60](#));
- requirement to list and publish policies related to planning decisions ([page 66](#));
- 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 Village of Edgerton is located at 5027 50 Avenue, Edgerton, Alberta as confirmed by council resolution 25-01-22-20 that was passed on January 22, 2020.

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 byelections?

Comments/Observations: Members of council were offered orientation training following the 2017 general election; however, there is no formal documentation available to support the mandatory offering.

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: Minutes and bylaws are signed by both the mayor and CAO. The CAO indicated some contracts are executed by the CAO alone when supported by a resolution of council.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

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

Legislative requirements: MGA 532

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

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

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

Comments/Observations: The CAO was made aware of the responsibilities under section 532 of the *MGA* and shared that the village has policies and plans in place which are reflected in the annual budget. Any municipal policies and practices discussed were not reviewed. In the event the policies and practices establish specific service levels, it may be appropriate to review the service levels and seek the necessary advice to ensure that the service levels are appropriate, and are being followed.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

3.2 Meetings

1. Public Presence at Meetings

Legislative requirements: MGA 197(1)

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

Comments/Observations: Meetings of council, including regular council meetings and special meetings are advertised to the public and open for members of the public to attend. During the public health emergency, the village temporarily utilized provisions of the Meeting Procedures (COVID-19 Suppression) Regulation and conducted meetings entirely by electronic means, including public attendance, before reverting back to in-person meetings with social distancing rules in effect in council chambers.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

2. Closed Meetings

Legislative requirements: MGA 197

1. Before closing all or a part of a meeting to the public:
 - Is a resolution passed to indicate what part of the meeting is to be closed?
 - Does the resolution identify what exception to disclosure under the *Freedom of Information and Protection of Privacy Act (FOIPP)* applies to the part of the meeting that is to be closed?
 - Are members of the public notified once the closed portion of the meeting is concluded?

Comments/Observations: The minutes for May 27, 2020 indicate that council went into an “in-camera” session by resolution 04-05-27-20; however, the resolution does not include the exception to disclosure applicable under the *FOIPP Act* as required by section 197(4) of the *MGA*. Additionally, while not a contravention of the *MGA*, the “in-camera” terminology used should be updated to the “closed session” terminology currently used in the *MGA*.

Meets Legislative Requirements: No

Recommendations/Action Items: Going forward, the resolution to enter a closed session must contain the exception to disclosure applicable to the portion of the meeting to be closed under the *FOIPP Act* in accordance with section 197(4)(b) of the *MGA*.

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

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

3. Organizational Meeting

Legislative requirements: *MGA 152, 159(1), 192*

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

Comments/Observations: Council held their last organizational meeting on October 23, 2019, within two weeks of the third Monday in October which is in accordance with section 192 of the *MGA*. Council appoints the chief elected official and the deputy chief elected official from among councillors.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

4. Special Meetings

Legislative requirements: *MGA 194*

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

Comments/Observations: The last special meeting of council was held on April 9, 2020. The meeting was called with more than 24 hours' notice, and proper notification was provided to the public. The agenda for the special meeting was not changed.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

5. Regular Meeting Change Notice

Legislative requirements: *MGA 193*

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

Comments/Observations: No changes to a regularly scheduled meeting of council have occurred.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

3.3 Meeting Procedures

1. Authority to Act

Legislative requirements: MGA 180-181

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

Comments/Observations: A review of a selection of past meeting minutes indicate that decisions are done through a resolution or bylaw, including direction given to administration.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

2. Quorum

Legislative requirements: *MGA 167*

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

Comments/Observations: Village council consists of five elected officials. The minutes that were reviewed met the quorum requirements.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

3. Voting

Legislative requirements: *MGA 182-185*

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

Comments/Observations: The CAO indicated that each member of council votes on all matters put to a vote of council. There were no abstentions and no requests for recorded votes noted in the meeting minutes reviewed and the voting documented in the council meeting minutes met the legislative requirements.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

4. Pecuniary Interest

Legislative requirements: *MGA 172*

1. When a pecuniary interest is declared:
 - is the general nature of the pecuniary interest disclosed?
 - has the councillor abstained from voting on any question relating to the matter?
 - has the councillor abstained from any discussion on the matter if applicable? and
 - has the councillor left the room if applicable?

Comments/Observations: The minutes of June 26, 2019 indicate that a councillor declared a conflict of interest and recused themselves from the discussion and from voting on the item. The minutes record the disclosure as a conflict of interest, rather than a pecuniary interest. The minutes do not disclose the general nature of the interest declared.

Pecuniary interest is outlined in section 170 of the *MGA*, and does not provide for a declaration of a “conflict of interest.”

Meets Legislative Requirements: No

Recommendations/Action Items: Going forward, the councillor’s pecuniary interest, including the general nature of the pecuniary interest, must be disclosed and recorded in the meeting minutes as required by section 172(5) of the *MGA*. In addition, the definition of pecuniary interest, exceptions, and the procedures for disclosure should be reviewed to ensure there is an understanding of these provisions.

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. Minutes for public hearings are recorded in accordance with section 230. Minutes are kept in a safe location at the 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: Bylaw 07-19 was passed on October 23, 2019 regarding the procedures and conduct of council. 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: Bylaw 07-18 was passed on December 13, 2018 establishing the position of CAO for the village. The current CAO was appointed by council resolution 26-01-22-20 on January 22, 2020.

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: Bylaw 04-20 was passed on May 22, 2020 establishing rates of taxation for the 2020 taxation year. 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 there is only one minimum tax in the village.

The calculation for the ASFF requisition for non-residential properties incorrectly adds the assessed value for designated industrial properties into the total non-residential assessment for the village. This calculation error may result in an under-collection of school foundation levies for the 2020 taxation year.

Meets Legislative Requirements: No

Recommendations/Action Items: Going forward, the village should ensure the assessed value used in calculating tax rates accurately reflects the total assessment value within the village.

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

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

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

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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: Council passed bylaw 05-19 on July 24, 2019 authorizing a regional assessment review board. The bylaw does not establish the local and composite assessment review boards for the village as required by section 454 of the *MGA*, but instead authorizes the regional board to exercise the functions of both the local and composite assessment review boards. The bylaw delegates the term of office and remuneration and expenses payable to each member, as well as the chair of the board to the clerk. Members of the board, as well as the clerk, have received the required training.

Meets Legislative Requirements: No

Recommendations/Action Items: The village must amend bylaw 05-19 to ensure both a local assessment review board and composite assessment review board are established.

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

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

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

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5. Bylaw Enforcement Officers

Legislative requirements: MGA 555-556

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

Comments/Observations: The village has not enacted a bylaw enforcement officer bylaw. The CAO was appointed as a bylaw enforcement officer by resolution O-12-10-23-19 at the 2019 organizational meeting of council. The CAO has not taken the official oath of office of a bylaw enforcement officer.

Meets Legislative Requirements: No

Recommendations/Action Items: The village must enact a bylaw enforcement officer bylaw, specifying the powers and duties of bylaw enforcement officers, as well as containing disciplinary procedures, including penalties and an appeal process for allegations of abuse of authority as required by section 556 of the *MGA*. The CAO and any other individuals who perform bylaw enforcement activities within the village must take the official oath of office as required by section 555 of the *MGA*.

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

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

3.5 Discretionary Bylaws

1. Procedural Bylaw

Legislative requirements: *MGA 145*

1. Does the municipality have a procedural bylaw?

Comments/Observations: Bylaw 07-19 was passed on October 23, 2019 establishing procedures for council meetings. Section 26.2 of the bylaw allows for a member of council to be expelled from a meeting by council resolution for unruly behavior. It is the position of Municipal Affairs that this 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 07-19 must be amended or repealed and replaced to remove provisions allowing for a member of council to be expelled from a meeting.

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. Borrowing Bylaw(s)

Legislative requirements: MGA 251-259, Debt Limit Regulation 255/2000

1. Does the municipality have any debt?
2. Has the borrowing been authorized by a borrowing bylaw?
3. 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?
4. Was the borrowing bylaw advertised (if required)?

Comments/Observations: Bylaw 01-19 was passed on February 27, 2019 authorizing short term operational borrowing through credit cards. The bylaw sets out the maximum amount to be borrowed, the purpose of the borrowing, the term and terms of repayment of the borrowing; however, the bylaw does not contain provisions regarding the maximum rate of interest to be paid or the source(s) of money to be used to pay the principal and interest owing as required by section 251(2) of the *MGA*.

Meets Legislative Requirements: No

Recommendations/Action Items: Going forward, a borrowing bylaw must set out the maximum rate of interest to be paid and the source(s) of money to be used to pay the principal and interest owing as required by section 251(2) of the *MGA*.

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

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. Fire Bylaw

Legislative requirements: *MGA 7*

1. Does the municipality have a fire bylaw?

Comments/Observations: Bylaw 06-20 passed June 24, 2020 for the control and enforcement of fires within the village. The bylaw is consistent with 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 past council meeting minutes indicate that all bylaws receive three separate and distinct readings; however, when proceeding to third reading at a single council meeting, there is not a separate resolution granting unanimous consent to proceed to third reading. The consent to proceed to third reading is included as part of the resolution approving third reading, and the minutes do not record whether the motion is carried unanimously (e.g. council resolution 12-06-24-20 which was passed on June 24, 2020).

Meets Legislative Requirements: No

Recommendations/Action Items: Bylaws must be passed in accordance with section 187 of the *MGA*, which states that a proposed bylaw must not have more than two readings at the same council meeting unless the councillors present unanimously agree by resolution to proceed to third reading.

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

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

2. Bylaw Revisions and Amendments

Legislative requirements: *MGA 63-69, 191, and 692*

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

Comments/Observations: The village does not use revision bylaws, but instead repeals and replaces bylaws. Schedules to bylaws, such as with the fee schedule bylaw (bylaw 01-20), are also amended by repealing and replacing the bylaw. There are no amending bylaws in the village.

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: The village passed their public participation policy on May 2, 2018. The policy establishes the circumstances when the municipality will engage the public and methods the village will use to engage the public. The policy is available for inspection on the municipal website.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

3.8 Finance

1. Operating Budget

Legislative requirements: MGA 242, 243, 244, 248, 248.1

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

Comments/Observations: At the December 18, 2019 meeting, council adopted a motion to authorize "all regularly occurring expenses from January 1, 2019 until the provincial budget is approved and then the 2020 Village of Edgerton budget is approved"; however, the resolution does not establish an interim operating budget as required under section 242(2) of the *MGA*. The final 2020 operating budget was adopted on April 22, 2020 (council resolution 03-04-22-20) and met the legislative requirements reviewed.

Meets Legislative Requirements: No

Recommendations/Action Items: Going forward, the village is required to adopt either an interim or final budget prior to the beginning of the calendar year in accordance with section 242 of the *MGA*.

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.

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2. Capital Budget

Legislative requirements: *MGA 245, 246, 248.1*

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

Comments/Observations: The 2020 capital budget was approved by council resolution 03-04-22-20 on April 22, 2020. The capital budget includes the estimated amounts to be spent on capital purchases, the amount and sources of funds needed for capital spending, and the amounts required from the operating budget in accordance with legislation.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

3. Financial Records and Receipts

Legislative requirements: *MGA 268.1*

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

Comments/Observations: The village uses MuniWare to maintain their financial records. Financial records reviewed met the requirements set out in section 268.1. Council is provided with financial reports and cheque listings monthly.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

4. Municipal Accounts

Legislative requirements: *MGA 270*

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

Comments/Observations: Resolution 27-01-22-20 was passed at the January 22, 2020 meeting and designates Encompass Credit Union as the financial institution for the village as confirmed by banking records.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

5. Fidelity Bond

Legislative requirements: *MGA 212.1*

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

Comments/Observations: The village has insurance through AMSC Insurance Services 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

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 municipality appointed an auditor by resolution O-09-10-23-19 at the 2019 organizational meeting of council. The 2019 audited financial statements were approved by council resolution S02-04-09-20 at the April 9, 2020 special meeting of council. The statements include information on the village's debt and debt limits as required by legislation. The audited financial statements are available for public inspection on the village website.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

7. Salary and Benefits

Legislative requirements: *MGA 217, Supplementary Accounting Principles and Standards Regulation 313/2000*

1. Has information been provided on the salaries of councillors, the chief administrative officer and all designated officers of the municipality, including the assessor?

Comments/Observations: The 2019 audited financial statements include information on the salaries of councillors, the chief administrative officer, and one designated officer (municipal assessor – bylaw 07/04) in accordance with legislative requirements.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required

Resources: Not applicable.

8. Management Letter

Legislative requirements: *MGA 281(3)*

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

Comments/Observations: The village received confidential recommendations from the auditor.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

9. Three-Year Operating and Five-Year Capital Plans

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

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

Comments/Observations: The village has not passed a three-year operating plan. While the village does have a capital plan extending more than five years, the capital plan does not contain the anticipated sources of revenue as required by section 3(b) of the Municipal Corporate Planning Regulation 192/2017. The capital plan is reviewed annually.

Meets Legislative Requirements: No

Recommendations/Action Items: The village must adopt a three-year operating plan, and the five-year capital plan must contain the anticipated sources of funding to meet legislative requirements.

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 07/04 was passed on May 26, 2004 establishing the position of assessor as a designated officer of the village. A qualified assessor was appointed by council resolution O-10-10-23-19 at the 2019 organizational meeting. The assessment roll is available for public inspection at the village office without a fee.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

2. Tax Roll

Legislative requirements: *MGA 327, 329*

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

Comments/Observations: An annual tax roll has been completed and contains the required legislated content. As the visit was done electronically due to the COVID-19 pandemic, the village's property 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 15, 2020 for the 2020 taxation year. The combined assessment and tax notice contains the required information from the assessment roll, the notice of assessment date, and a statement that an assessed person may file a complaint not later than the complaint deadline; however, the notice does not contain information respecting filing a complaint in accordance with the regulations.

Meets Legislative Requirements: No

Recommendations/Action Items: Going forward, the combined assessment and tax notice must contain information respecting filing a complaint as required by legislation.

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

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

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 shows the required information from the tax roll, the date the notice is sent, the amount of the requisitions, the date by which a complaint must be made, the dates on which penalties may be imposed; however, the combined notice does not contain the name and address of the designated officer with whom a complaint must be filed, and information on how to request a receipt for taxes paid.

Meets Legislative Requirements: No

Recommendations/Action Items: In the future, tax notices must contain the name and address of the designated officer with whom a complaint must be filed, and information on how to request a receipt for taxes paid to meet the requirements of section 334 of the *MGA*.

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

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

6. Notice and Certification

Legislative requirements: *MGA 311, 335, 336*

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

Comments/Observations: The village did not provide notice or certification of the date the combined assessment and tax notices were sent to taxpayers as required by sections 311 and 336 of the *MGA*..

Meets Legislative Requirements: No

Recommendations/Action Items: Going forward, a designated officer must notify ratepayers that assessment notices have been sent, and certify the date the tax notices were sent to meet legislative requirements.

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

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

7. Tax Arrears List

Legislative requirements: MGA 412, 436.03

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

Comments/Observations: The village prepared the tax arrears list, and submitted the list to the Registrar on March 9, 2020, which is before the legislated deadline. The list is posted within the village office, and persons liable to pay the tax arrears were notified a list has been prepared.

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 last tax recovery sale occurred on November 1, 2016. Based on information provided, the legislated timelines and notifications were met.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

3.10 Planning

1. Municipal Development Plan (MDP)

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

1. Is there a Municipal Development Plan (MDP) adopted by bylaw?
 - If the municipality is less than 3,500 in population and did not have an MDP before April 1, 2018, is the municipality preparing to complete and adopt the MDP by bylaw by April 1, 2021?
 - If the population of the municipality is less than 3,500, does the Land Use Bylaw for the municipality contain 'Direct Control' districting as per section 641(1)?
2. Does the MDP address/include:
 - future land use;
 - future development;
 - coordination of land use, growth patterns and infrastructure with adjacent municipalities (if there is no intermunicipal development plan);
 - transportation systems within the municipality and in relation to adjacent municipalities; and
 - provision of municipal services and facilities?

Comments/Observations: Bylaw 08-19 was passed on December 18, 2019 establishing an MDP for the village. The content of the MDP includes the topics listed above. There have been no amendments to the MDP.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

2. Land Use Bylaw (LUB)

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

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

Comments/Observations: Bylaw 01-98 was passed on March 11, 1998 to establish a land use bylaw for the Village of Edgerton. The bylaw divides the municipality into zones, and establishes a method for making development permit application decisions, including the topics listed above. The bylaw identifies permitted and discretionary uses, establishes the number of dwelling units allowed on a parcel, and provides for the issuance of development permit notices. The land use bylaw has not been amended.

It was noted that section 13(1) of the bylaw states that a development permit does not come into effect for 15 days following the date of decision. Section 686(1) of the *MGA* has been amended so that an appeal may be commenced within 21 days after the date on which the written decision is given under section 642.

Meets Legislative Requirements: No

Recommendations/Action Items: The village's land use bylaw must be amended or replaced to ensure consistency with the *MGA* in regards to legislated timelines for land use bylaw related activities.

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

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

3. Subdivision Authority

Legislative requirements: *MGA 623, 625-626*

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 09/95 was passed on September 27, 1995 establishing the subdivision authority as one person appointed by council.

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: Bylaw 08/95 was passed on September 27, 1995 establishing the development authority as one person who is appointed by council.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

5. Subdivision and Development Appeal Board (SDAB)

Legislative requirements: *MGA 627, 628, Subdivision and Development Regulation 43/2002, Subdivision and Development Appeal Board Regulation 195/2017*

1. Is a subdivision and development appeal board bylaw or intermunicipal agreement established by bylaw?
2. Does the SDAB bylaw describe the functions and duties of the SDAB?
3. Do the SDAB members exclude those who are:
 - municipal employees;
 - members of the municipal planning commission; and
 - individuals who can carry out subdivision and development powers on behalf of the municipality?
4. Is there no more than one councillor appointed 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 06-19 was passed on July 24, 2019 establishing an intermunicipal subdivision and development appeal board. The bylaw describes the functions and duties of the SDAB, and allows for a maximum of one councillor to sit on a panel of the board. The bylaw does not expressly exclude municipal employees or those with development powers; however, the bylaw requires members either be appointed from the member municipality's councils or the public. The village has completed and submitted their SIR including information on the training of the clerk and members of the SDAB. The clerk of the SDAB has been trained; however, not all appointed members have received the required training. Members who have not yet received the mandatory training may not sit on a panel of the SDAB in accordance with section 627.2 of the *MGA*. A resource is provided below to assist the municipality with training requirements.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

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

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 Village of Edgerton website contains the policies and bylaws used to make planning decisions; however, the website does not have a summary of these policies and their relationship to each other and other statutory plans as required by section 638.2 of the MGA.

Meets Legislative Requirements: No

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

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

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

3.11 Elections

1. Oath/Statement

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

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

Comments/Observations: The CAO indicated that the returning officer and all deputy returning officers took the required oath/statement for the 2017 general election.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

2. Substitute Returning Officer

Legislative requirements: LAEA 13(2.1)

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

Comments/Observations: The village has not been required to conduct a by-election under the new legislative requirements and has not been required to appoint a substitute returning officer. A resource is provided below to assist the municipality in the event of a by-election or for the upcoming 2021 general election.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

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. Nomination Forms

Legislative requirements: LAEA 27, 28.1, 34, 97

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

Comments/Observations: Nomination papers were signed, filed, and the Deputy Minister received the required information in accordance with the LAEA. Nomination papers have been retained; however, the CAO indicated that the nomination papers for one candidate could not be located.

Meets Legislative Requirements: No

Recommendations/Action Items: In the future, all nomination papers filed with the municipality must be retained for the entire term of office to which the papers relate expires as required by section 28(7) 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.

4. Ballot Account

Legislative requirements: LAEA 88, 89, 94, 100

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

Comments/Observations: A copy of the ballot account (Form 13 for the 2017 general election)) could not be located.

Meets Legislative Requirements: No

Recommendations/Action Items: Going forward, a copy of the ballot account must be retained by the village as required by section 100(1.1) 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.

5. Disposition of Election Material

Legislative requirements: *LAEA 101*

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

Comments/Observations: The CAO indicated that the election materials from the 2017 general election were destroyed; however, the affidavit of destruction could not be located.

Meets Legislative Requirements: No

Recommendations/Action Items: Going forward, the affidavit of destruction must be retained to confirm the destruction of election materials as required by section 101 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.

6. Campaign Disclosure Statements

Legislative requirements: LAEA 147.4

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

Comments/Observations: Village candidates did not collect campaign contributions.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

3.12 Emergency Management

1. Municipal Emergency Organization/Agency/Advisory Committee

Legislative requirements: *Emergency Management Act (EMA) 11, 11.1, 11.2*

1. Has the emergency management committee been established by bylaw?
2. Has an emergency advisory committee been appointed consisting of a member or members of council to advise on the development of emergency plans and programs?
3. Is an emergency management agency established by bylaw to act as the agent of the local authority in exercising the local authority's powers and duties under the EMA?
4. Has a director of the emergency management agency been appointed?
5. Has the director of emergency management received the required training?
6. Have municipal elected officials received the required training?
7. Have municipal staff who have been assigned responsibilities respecting the implementation of the emergency plan received the required training?
8. Are there prepared and approved emergency plans and programs?

Comments/Observations: Bylaw 10-19 was passed on December 18, 2019 establishing the emergency management committee and emergency management agency for the village. Members of the advisory committee, as well as the DEM and Deputy DEM are appointed annually at the organizational meeting. Elected officials, municipal staff and the DEM have all received the required training. The village has an approved municipal emergency plan.

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: Bylaw 4/78 was passed on May 10, 1978 establishing a municipal library board for the Village of Edgerton. One member of council is appointed to the board annually at the organizational meeting. The appointment term does not exceed three years, and no member has served more than three consecutive terms.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

2. System Library Board

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

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

Comments/Observations: The village is a member of the Northern Lights Library System. One member is appointed to the system board annually at the organizational meeting. The appointment term does not exceed three years, and no member has served more than nine consecutive years.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

Section 4: Conclusion

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