



Town of Claresholm  
Municipal Accountability Review Report

December 9, 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 Claresholm, 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.

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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.*



The results of the Town of Claresholm 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.

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## Section 2: Executive Summary

### 2.1 Site Visit

On December 9, 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 Claresholm 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:

- organizational and special meetings;
- council meeting minutes;
- code of conduct bylaw;
- CAO and designated officer bylaws;
- property tax bylaw;
- public participation policy;
- operating and capital budgets;
- financial records and receipts;
- auditor, audited financial statements, auditor report;
- three-year operating plan and five-year capital plan;
- assessment and tax roll;
- tax arrears list and tax sales;
- establishment of subdivision and development authorities;
- land use bylaw;
- statutory plans; and
- election processes.





### 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:

- closed meetings ([page 17](#));
- authority to act ([page 22](#));
- pecuniary interest ([page 25](#));
- assessment review board bylaw ([page 32](#));
- bylaw enforcement officer bylaw ([page 34](#));
- procedural bylaw ([page 35](#));
- water and sewer utility bylaw ([page 38](#));
- passing bylaws ([page 39](#));
- bylaw revisions and amendments ([page 40](#));
- content of tax notices ([page 56](#));
- subdivision and development appeal board ([page 62](#));
- development applications ([page 65](#)); and
- municipal library board ([page 84](#)).

### 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: Council passed resolution 19-094 at the June 24, 2019 regular council meeting which named 221 – 45 Avenue West in Claresholm, Alberta as the municipal office.

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 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 provided following the 2017 election as documented by a September 28, 2017 email inviting all (then) council candidates to attend a Brownlee LLP training workshop hosted by the MD of Willow Creek and held on November 6, 2017.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

### 3. Chief Administrative Officer Evaluation

LEGISLATIVE REQUIREMENTS: MGA 205.1

1. Has council provided the CAO with an annual written performance evaluation?

COMMENTS/OBSERVATIONS: Formal CAO evaluations are being completed 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. When the CAO receives an inquiry from a council member, a response is emailed to all members of council. In addition, council was provided with an agenda package in advance of the December 9, 2019 council meeting. The CAO provided a written report to council that was supplemented with additional verbal updates. The CAO provided procedural guidance throughout the council meeting.

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:** Minutes were initialled on every page by both the mayor and CAO. The documents reviewed were signed in accordance with the requirements of section 213 of the MGA. Bylaw 1672 provides that negotiable instruments and contracts must be signed by two people, one administrative and one from 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 is aware of the responsibilities under section 532 of the *MGA* and shared that the town 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 committee meetings are open for members of the public to attend, as indicated in section 10.1 of bylaw 1647 (procedural bylaw), which indicates that the public are in attendance unless the meeting is closed pursuant to the provisions of the *MGA*.

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 for January 28, 2019 and February 11, 2019 and the procedure to move into a closed session that was observed at the December 9, 2019 meeting, did not meet the legislative requirements. The resolutions to proceed with a closed session did not include the applicable exception to disclosure under *FOIPP*. The minutes indicate the relevant section and the general nature of the item to be discussed; however, the resolution did not include the exception to disclosure as is required under the *MGA*.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: Moving forward, the council resolution to proceed with a closed session must include the relevant *FOIPP* exception as required by section 197(4) 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.

Implemented change in February 2020.

April 20, 2020 a copy of the Minutes from the February 10, 2020 regular Council meeting were provided to reflect the change.



### 3. Organizational Meeting

LEGISLATIVE REQUIREMENTS: MGA 152, 159(1), 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 28, 2019, within two weeks of the third Monday in October, which is in accordance with section 192 of the MGA. Council approved a rotational schedule (switching every four months) by resolution for the appointment of the deputy chief elected official (item 4 in the minutes – no resolution number was issued). The chief elected official is elected at large.

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 June 18, 2018. Proper notification was provided to the public. 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 meeting.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

## 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: Council meetings dates are set annually at the organizational meeting and the dates, times and locations of meetings have rarely been changed. No recent examples were located.

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 December 9, 2019 meeting of council, direction was occasionally provided without a resolution. Examples of this include adding the joint economic development initiative item to the agenda, providing direction to prepare a bylaw with respect to an intermunicipal collaboration framework and direction to insert the requirement to hold annual meetings into any agreement for council committees.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: All decisions of council must be formalized through a council resolution or by 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.

Implemented change February 2020
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On April 20, 2020, copy of the Minutes from March 9, 2020 regular Council meeting were provided, which reflect direction of Council formalized through Council resolution.

## 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 seven 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 December 9, 2019 meeting. There were no abstentions and no requests for recorded votes. The voting documented in the council meeting minutes and 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 December 9, 2019 meeting of council. The minutes of the February 11, 2019 meeting were reviewed. A member of council declared a pecuniary interest regarding item 10 (e.g. request for decision – ev charging station). While the minutes indicate that the member declared a pecuniary interest, left the council chambers and did not return until the matter was concluded, the minutes did not include the general nature of the pecuniary interest.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: Moving forward, when a member of council declares a pecuniary interest the member must state, and the minutes must record, the general nature of the pecuniary interest provided by the council member.

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.

Discussed with Council and staff. Implement procedure and recording of minutes immediately.

As at June 24, 2020, no pecuniary interest issues have arisen. When the circumstance arises, a copy of the Minutes will be provided.

## 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: Minutes of council were recorded in English without note or comment. Names of councillors present were recorded and minutes of the previous meeting were reviewed and approved by a resolution of council. Minutes of public hearings are in accordance with section 230. Minutes are kept in a safe location at the town 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. 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: The town passed a code of conduct bylaw (bylaw 1641) on April 9, 2018 and the legislative requirements were met.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

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## 2. Establishment of the Chief Administrative Officer Position

LEGISLATIVE REQUIREMENTS: MGA 205

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

COMMENTS/OBSERVATIONS: The town passed a CAO bylaw (bylaw 1602) on February 23, 2015, and the CAO was appointed at the February 9, 2015 council meeting (action item 1 – no resolution number).

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 appeal board clerk?
2. Are there any other designated officer positions, and is there a bylaw to establish these positions?

COMMENTS/OBSERVATIONS: The town passed designated officer bylaw 1672 on July 15, 2019. The bylaw establishes designated officer positions for the municipal assessor, assessment review board clerk and the subdivision and development appeal board clerk, as well as others.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.



#### 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: Two short-term operating borrowing bylaws (bylaw 1670 and bylaw 1671) were reviewed (bylaw 1670 covers bank account shortfalls and bylaw 1671 is for corporate credit cards). Both bylaws set out the source, amount, term, interest and how the loan would be repaid in accordance with the legislation. There was no requirement to advertise these bylaws.

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 Claresholm passes a tax bylaw annually. The 2019 property tax bylaw (bylaw 1668) was passed on May 13, 2019 and 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 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 and expenses?
  - 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?
  - 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 and expenses?
  - 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: Council passed bylaw 1603 on March 23, 2015 which establishes a regional assessment review board. The bylaw states that the town appoints one member to serve on the regional board and this appointment was done at the October 28, 2019 annual organization meeting of council.

The town provided confirmation of training for the member appointed to the board. The remuneration paid to board members is established under the agreement with the regional board.

The town bylaw states that the clerk is appointed by the Oldman River Regional Services Commission's (ORRSC) Director. This is contrary to section 456(2) of the MGA which states: "where an assessment review board is jointly established, the councils must jointly appoint the clerk".

The town bylaw states that the clerk appoints the chairperson for each sitting panel of the board. This is contrary to section 455(2) of the MGA which states that for a joint assessment review board "...the councils must jointly designate one of the board members as chair...". The bylaw also states that the





clerk selects members to sit on the panel. This is contrary to the *MGA* which stipulates that the chair is responsible for assembling a panel of members to hear a complaint.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: The assessment review board bylaw must be amended or repealed and replaced to address the following:

- remove the provision from the bylaw which states that the clerk will be appointed by the ORRSC Director;
- remove the provision from the bylaw which states that the chair is appointed by the clerk; and
- remove the provision from the bylaw which states that the clerk selects members to sit on the panel.

In making these changes, it is important that the town works with its partner municipalities to ensure that the bylaws are consistent.

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.

Will discuss amendment with Oldman River Regional Services Commission. Bylaw will be revised prior to September 30, 2020.

Bylaw #1704, the Regional Assessment Review Bylaw, received third reading at the May 11, 2020 regular Council meeting. Copy provided.

Clerk and Chair of the Regional Assessment Review Board were appointed by resolution of Council at the May 25, 2020 regular Council meeting. Copy of minutes provided.



## 7. Bylaw Enforcement Officers

LEGISLATIVE REQUIREMENTS: MGA 555-556

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

COMMENTS/OBSERVATIONS: The town has appointed a bylaw enforcement officer and the bylaw enforcement officer has taken the official oath. There is no bylaw in place that includes the above-noted elements. The CAO indicated that the town is currently working on drafting this bylaw.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: A bylaw must be passed that establishes the powers and duties of the bylaw enforcement officer. It must also include disciplinary procedures, penalties and an appeal process.

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.

Bylaw being prepared to be presented to Council by the end of March 2020. 3rd & Final reading to be completed by end of April 2020.

Bylaw #1699, the Community Peace Officer Bylaw, received third and final reading at the April 14, 2020 regular Council meeting. April 20, 2020, a copy of the Bylaw was provided.



### 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: The town passed bylaw 1647 on June 11, 2018 to "...establish rules to follow in governing the meetings of the council...". Section 3.2 of the bylaw provides that council may waive any provision of this bylaw (with some limited exceptions) through a council resolution. This is in contravention of section 191(2) of the *MGA* which states that the amendment or repeal of a bylaw must be made in the same way as the original bylaw and is subject to the same consents or conditions or advertising requirements that apply to the passing of the original bylaw, unless the *MGA* or any other enactment provides otherwise. A bylaw may not be modified by a council resolution.

Section 5.1 (c) and (d) of the bylaw provide for the changing of the date, time and/or location of a council meeting by two-thirds of all members of council and for the cancellation of a scheduled regular meeting of council by consent of two-thirds of council, respectively. As worded, these sections are unclear in their intent in terms of whether or not the consent is provided in the form of a council resolution. Section 180(1) of the *MGA* provides that a council may only act by council resolution or bylaw.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: Bylaw 1647 must be amended or repealed and replaced to remove the section that currently provides for the waiving of the provisions of the bylaw through a council resolution. As well, section 5.1 should be clarified to state that a council resolution is required to change the date, time or location of a meeting or to cancel 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.

Prepared amended bylaw for presentation to Council March 9, 2020. Final reading to be completed by March 31, 2020.

Bylaw #1697, the Procedural Bylaw Amendment, received third and final reading at the March 23, 2020 regular Council meeting. April 20, 2020, a copy of the Bylaw was provided.

## 2. Fire Protection and Emergency Services Bylaw

LEGISLATIVE REQUIREMENTS: *MGA 7, 8*

1. Is there a fire protection bylaw?

**COMMENTS/OBSERVATIONS:** The town passed a fire protection and emergency services bylaw (bylaw 1587) on February 28, 2011. The bylaw establishes the operations of the fire department. The fire chief reports to the CAO. The bylaw establishes a recruitment committee for the filling of vacancies within the fire department, including the fire chief. The committee consists of the CAO, the fire chief (unless the vacancy is the fire chief), several members of the fire department and a member of council, appointed through a council resolution. The hiring committee reviews applications, interviews candidates and recommends a candidate to the CAO for hiring. The CAO has the final hiring decision; however, if the CAO selects a candidate other than the one recommended by the committee, the CAO must provide reasons to the committee for their hiring decision.

The town could give consideration to seeking independent advice on whether or not including a member of council on the committee exceeds the role of council as prescribed in the *MGA* under section 201(2) given that the CAO is the administrative head of the organization.

**MEETS LEGISLATIVE REQUIREMENTS:** Yes

**RECOMMENDATIONS/ ACTION ITEMS:** No action required.

**RESOURCES:** Not applicable.

### 3. Water and Sewer Utility Bylaw

LEGISLATIVE REQUIREMENTS: MGA 7, 8

1. Does the municipality have a water and sewer utility bylaw?

COMMENTS/OBSERVATIONS: The town passed water and sewer utility bylaw 1659 on March 11, 2019. The bylaw includes all aspects of the water and sewer service provided to residents of the town, including the utility rates and fees charged and penalties for non-compliance.

The bylaw generally complies with the provisions of the MGA other than section 4.4 of the bylaw which authorizes council, by council resolution, to "...alter the water usage fee, as it sees fit..." when the provisions of the bylaw "...do not appear equitable to council...". This contravenes section 191(2) of the MGA that states that the amendment or repeal of a bylaw must be made in the same way as the original bylaw and is subject to the same consents or conditions or advertising requirements that apply to the passing of the original bylaw, unless the MGA or any other enactment provides otherwise. A bylaw may not be modified by a council resolution.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: The bylaw must be amended or repealed and replaced to remove the section which authorizes amending the water usage fee established by bylaw through a council resolution.

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.

Bylaw prepared to present to Council March 9, 2020. 3rd reading to be complete by end of March 2020.

Bylaw #1696, the Water & Sewer Utility Bylaw Amendment, received third and final reading at the March 23, 2020 regular Council meeting. Copy of the Bylaw was provided on April 20, 2020.



### 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 that it is an infrequent practice for three readings of a bylaw to occur at the same meeting; however, one example was identified in the May 13, 2019 meeting for the passing of tax rate bylaw 1668. There was a council resolution (third resolution under item 4) which states: "...to give unanimous consent to give Bylaw #1668, the 2019 Mill Rate Bylaw, 3rd and Final Reading at this meeting". This council resolution is shown as being "carried". This is contrary to section 187(4) of the MGA which states that the councillors present must unanimously agree to consider third reading. Even though the word "unanimous" appears in the text of the council resolution, in order to fulfill the requirements of section 187(4) of the MGA, the minutes must reflect that the council resolution was "carried unanimously".

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: Moving forward, the town must ensure that the minutes reflect that the council resolution to proceed with third reading has been passed unanimously, unless the vote was not unanimous in which case the minutes would reflect that and third reading would not proceed.

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.

Discussed with staff and changes to recording of minutes has been implemented.

A copy of the Minutes from the regular Council meeting May 11, 2020 provided to reflect three readings at the same meeting of Bylaw #1702, the 2020 Tax Rate Bylaw.

## 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 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’s land use bylaw (LUB) is consolidated on the town’s behalf by the Oldman River Regional Services Commission (ORRSC) whenever an amendment to the LUB is passed. This contravenes section 69 of the MGA because council has not enacted a bylaw to authorize a designated officer to consolidate any of the bylaws of the town. Land use bylaw amendments have been advertised as required by the MGA (e.g., bylaw 1649). There have been no recent bylaw revisions. Bylaws with schedules such as the water and sewer utility bylaw are repealed and replaced (e.g., bylaw 1659).

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: If the town wishes to continue having a consolidated LUB, council must pass a bylaw authorizing a designated officer (e.g., the CAO) to consolidate the bylaw in accordance with section 69 of the MGA.

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

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

Bylaw prepared to present to Council March 9, 2020. 3rd reading to be complete by end of March 2020. Bylaw #1695 received 3rd reading March 23, 2020, copy of the Bylaw provided April 20, 2020.



### 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 town passed a public participation policy on July 15, 2019 (policy 2.1.01). The policy includes all required information and is available on the town website.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.



## 3.8 Finance

### 1. Operating Budget

LEGISLATIVE REQUIREMENTS: MGA 242, 243, 244, 248, 248.1

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

COMMENTS/OBSERVATIONS: The interim 2019 operating budget was adopted at the December 10, 2018 council meeting (council resolution 18-180). The final 2019 operating budget was adopted at the May 13, 2019 council meeting (council resolution 19-061). The budget met the requirements reviewed and it aligns with the property tax rate bylaw.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.



RESOURCES: Not applicable.

*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.*

## 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 2019 capital budget was adopted at the May 13, 2019 council meeting (resolution 19-061) and met the legislative requirements.

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 town uses Muniware and financial records reviewed met the requirements set out in section 268.1 of the MGA.

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: Council resolution 19-140 was passed on September 23, 2019 and designated that the town will use BMO as the municipality's financial institution. Banking records reviewed confirm that BMO holds the municipality's financial assets.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.

## 5. Fidelity Bond

LEGISLATIVE REQUIREMENTS: MGA 212.1

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

COMMENTS/OBSERVATIONS: The town 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: Council appointed the town's 2019 auditor at the June 24, 2019 meeting (council resolution 19-096). The auditor presented the 2018 audited financial statements at the March 25, 2019 meeting. Council passed council resolution 19-025 at the same meeting to accept the 2018 audited financial statements as presented.

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 (including the assessor, SDAB clerk and assessment review board clerk) of the municipality?

COMMENTS/OBSERVATIONS: Information is contained within the annual financial statements and made available upon request.

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 town received confidential recommendations from the auditor.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.

## 9. 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 passed these plans at the May 13, 2019 council meeting (council resolution 19-061).

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: Council resolution 18-070 appointing the assessor for the town was passed at the May 14, 2018 regular council meeting. In addition, bylaw 1672 establishes the municipal assessor as a designated officer. The assessment roll is made available upon request, and there is no fee established.

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.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

### 3. Assessment and Tax Notices

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: The town provides combined property assessment and tax notices. The 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 town provides combined assessment and taxation notices which include all the required elements noted above.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

## 5. Content of Tax Notices

LEGISLATIVE REQUIREMENTS: MGA 334

1. Does the municipal property tax notice show the following:
  - the same information that is required to be shown on the tax roll;
  - the date the tax notice is sent to the taxpayer;
  - the amount of the requisitions, any one or more of which may be shown separately or as part of a combined total;
  - except when the tax is a property tax, the date by which a complaint must be made, which date must not be less than 30 days after the tax notice is sent to the taxpayer;
  - the name and address of the designated officer with whom a complaint must be filed;
  - the dates on which penalties may be imposed if the taxes are not paid; and
  - information on how to request a receipt for taxes paid?

COMMENTS/OBSERVATIONS: The town provides combined assessment and taxation notices. The combined notices includes all the required elements noted above; however, the notices include a requisition for “paper fee” when a paper copy of the notice is provided. This amount must be part of the municipal levy and not separately listed as there is no legislative authority for a “paper fee” to be requisitioned separately.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: Moving forward, tax notices must not include a requisition for “paper fees”. This amount must either be collected separately from the taxpayers (as an accounts receivable, for example) or form part of the general municipal levy.

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.

Discussed with staff. Paper fee will be included in general municipal levy, to be implemented with 2020 tax notices.

Copy of 2020 Tax Notice provided on June 24, 2020.



## 6. Notice and Certification

LEGISLATIVE REQUIREMENTS: MGA 311, 335, 336

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

COMMENTS/OBSERVATIONS: Certification was provided that the tax notices for 2019 were mailed on May 16, 2019.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

## 7. Tax Arrears List

LEGISLATIVE REQUIREMENTS: MGA 412, 436.03

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

COMMENTS/OBSERVATIONS: The 2019 tax arrears list for 2019 for the town has been prepared and was submitted to the registrar on March 26, 2019, which is prior to the required March 31 deadline. The list was posted in the office where it is accessible to the public during regular business hours. The town notified those liable to pay the tax arrears that a tax arrears list was prepared and sent to the registrar.

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 sale for the town was held on August 21, 2018. Council set a reserve bid and the date, and conditions of the sale were advertised in accordance with the requirements of the MGA.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.

### 3.10 Planning

#### 1. 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) 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 1530 was passed on June 22, 2009 and it establishes the subdivision authority to be the municipal planning commission (MPC). Three members of council were appointed to the MPC at the October 28, 2019 organizational meeting. There are also two members-at-large appointed by council. They were appointed on November 14, 2017 and October 9, 2018.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

## 2. Development Authority

LEGISLATIVE REQUIREMENTS: MGA 624, 625 - 626

1. Has the municipality bylaw provided for a development authority?
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: The development authority has been established through bylaw 1530 and it is structured as either the development officer or the municipal planning commission (MPC). Three members of council were appointed to the MPC at the October 28, 2019 organizational meeting. There are also two members-at-large appointed by council. They were appointed on November 14, 2017 and October 9, 2018.

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 a sitting panel?
  - 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?
6. Has the clerk received SDAB training?
7. Has the clerk kept a record of the hearings?

COMMENTS/OBSERVATIONS: Bylaw 1664 was passed on March 25, 2019 and establishes the intermunicipal subdivision and development appeal board (SDAB) for the town. The bylaw excludes members in accordance with the MGA. Bylaw 1672 establishes the clerk as a designated officer. Under the bylaw, each member municipality may appoint up to two members at large and one member of council to serve on the board. Also under the bylaw, each panel hearing a matter is to include no more than one member of council on it. The minutes of the October 28, 2019 organizational meeting of council show the appointment of three members of council to the SDAB which is contrary to section 4(3) of bylaw 1664. Training certificates were provided for one member of council and one member at large.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: Council must, by council resolution, change the appointments made to the SDAB to comply with the provisions of bylaw 1664. Specifically, no more than one member of council and two members at large may be appointed to the board. As well, all members appointed to the SDAB must have received the requisite training prior to serving on the board.

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.

One member of Council and one member at large to be appointed at the meeting held March 9, 2020.

Copy of minutes reflecting the appointments was provided on April 20, 2020.



#### 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: Subdivision applications are processed through the Oldman River Regional Services Commission (ORRSC) on the town's behalf. A copy of the most recent application was reviewed (file 2016-0-082). The correct forms were used for the application and referrals were sent in accordance with the legislation. The decision was not appealed. The application and decision met all the requirements reviewed.

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 D2019.045 was reviewed. The application is dated March 16, 2019. The notice of decision was issued on May 27, 2019. No documentation was provided indicating that the application was deemed complete/incomplete within 20 days, as is required by section 683.1(5) of the MGA, nor was notification provided to the applicant stating that the application was deemed complete/incomplete. The permit issued was not appealed.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: In the future, all applications must be reviewed for completeness within 20 days of receipt and an acknowledgement must be issued to the applicant verifying that the application was reviewed and determined to be complete within this time period.

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.

Although application date states March 16, 2019, the application has a received stamp of May 27th and the decision was made May 27th as well. An old form was used by the applicant. After the legislative changes, the permit application was updated to reflect date received and date deemed to be complete.

Copy of new application provided on April 20, 2020.

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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.*

## 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: The South Saskatchewan Regional Plan is in effect for the Town of Claresholm. A copy of the statutory declaration dated July 18, 2019 was provided.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

## 7. Growth Management Board

LEGISLATIVE REQUIREMENTS: MGA 708.23,708.04

1. Is the municipality a member of a growth management board?
2. Has the municipality appointed a person to represent the municipality on the growth management board?

COMMENTS/OBSERVATIONS: The town is not part 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: Town of Claresholm land use bylaw 1525 was passed on April 14, 2009. There have been numerous amendments including the most recent amendment (bylaw 1666) passed in May 2019. The land use bylaw includes all required content.

MEETS LEGISLATIVE REQUIREMENTS: Yes

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RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.



## 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 1644 was passed on May 28, 2018, and adopts a municipal development plan for the Town of Claresholm. There have been no amendments to the plan. No items of legislative non-compliance were identified.

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: The town is currently working with the M.D. of Willow Creek to adopt an IDP.

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 currently working with the M.D. of Willow Creek to adopt an ICF.

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's website includes an up-to-date list of council approved policies used to make planning/development decisions. Each policy/document includes a summary and its relationship to other planning documents.

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 entered into agreement on September 15, 2017 with Livingston Ranch School Division No. 68 for the town to conduct elections on the school division's behalf. The agreement specifies that each party will appoint a returning officer and that the returning officer appointed by the town is responsible for providing election services to the school division.

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: The town held a by-election on October 15, 2018. The returning officer and all deputy returning officers took the oath/statement in accordance with the LAEA.

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: No by-election was held by the town 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 electors 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, there 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. Ballot Account

LEGISLATIVE REQUIREMENTS: LAEA 88, 89, 94, 100

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

COMMENTS/OBSERVATIONS: The town retained copies of the ballot account as required for both the 2017 general election and the October 15, 2018 by-election.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.

## 6. 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: All election materials for both the 2017 general election and the 2018 by-election were disposed of in accordance with the legislation. The town retained copies of the affidavits of destruction for both elections.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.



## 7. 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 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?
3. Have the campaign disclosure documents been retained for a period of four years after the election?

COMMENTS/OBSERVATIONS: Three candidates from the 2017 general election filed campaign disclosure statement with the municipality. The statements include all the required items noted above.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.



### 3.11 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: Council passed bylaw 1566 on September 26, 2011 which is the town's municipal emergency management bylaw. The bylaw provides that two council members and the CAO are to be appointed to the emergency advisory committee. At the October 28, 2019 organizational meeting of council, two council members and the CAO were appointed to the committee as required. The bylaw appoints the CAO as the director of the emergency management agency. The town has prepared and approved emergency 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 the Alberta Emergency Management Agency (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;
    - Directors of Emergency Management 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 CAO is aware of the changes in the legislation and indicated that training has already been provided as prescribed. Resource information is provided for reference.

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.

**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.

### 3.12 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. How many councillors have been appointed to the board?
4. Are there alternate members?
5. In the case of an intermunicipal library board, are members appointed to the board in accordance with the intermunicipal agreement?
6. Does the membership appointment term exceed three years?
7. Does any member's number of terms exceed three terms? If so, did two-thirds of council approve?

COMMENTS/OBSERVATIONS: The Claresholm Municipal Library Board is established through bylaw 1620 that was passed on November 14, 2016, and board appointments are made at the annual organizational meeting for the municipality. A copy of the bylaw has not been provided to the Minister as required.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: A copy of the bylaw establishing the municipal library board must be provided to the Minister.

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

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.

Copy of bylaw provided to Municipal Affairs Library Services February 29, 2020.



## 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 is part of the Chinook Arch Regional Library System. One member of the local library board is appointed to the board. There are no alternates.

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 Claresholm 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.