



Village of Warburg

Municipal Accountability Review Report

June 11, 2018

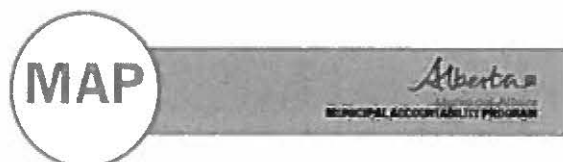


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Section 1: Introduction

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.

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 Warburg's 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 June 11, 2018, Municipal Affairs staff met with village 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 Village of Warburg 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 village 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:

- councillor orientation and training;
- chief administrative officer evaluation;
- public participation policy;
- establishing borrowing bylaws and advertising;
- tax recovery processes;
- procedures to adopt and amend bylaws; and
- financial administration and auditing 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:

- naming a place as a municipal office ([page 9](#));
- procedures and documentation for closed meetings ([page 15](#));
- authority to act ([page 21](#));
- voting ([page 23](#));
- council meeting minutes ([page 26](#));
- property tax bylaw ([page 31](#));
- bylaw enforcement ([page 34](#));
- procedural bylaw ([page 35](#));

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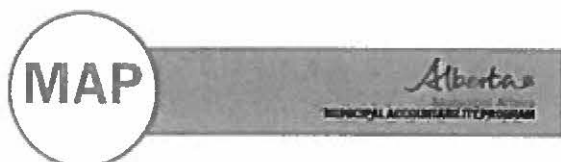
- utilities bylaw ([page 36](#));
- operating budget ([page 40](#));
- capital budget ([page 42](#));
- content of tax notices ([page 53](#));
- establishment of subdivision and development appeal board ([page 59](#));
- emergency management ([page 80](#)); and
- municipal library board ([page 81](#)).

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 village office and council chambers are located at 5212 50 Ave, Warburg. Record of a council resolution naming the location as its municipal office was not located.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: As required in section 204 of the MGA, a resolution of council is required to name a place as the Village of Warburg's municipal office.

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

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

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2. Orientation Training

LEGISLATIVE REQUIREMENTS: MGA 201.1

1. Has orientation training been offered to the elected officials?
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 verbally offered to all council members and councillors attended different regional sessions hosted by Brownlee LLP and by management consultant George Cuff. Only one councillor has not been able to attend training. Administration covers some of the required topics during a village orientation offered to newly elected officials. There is no formal documentation to support the mandatory offering.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: To ensure there is a record confirming that orientation was offered by the municipality, the offering should be documented in council meeting minutes.

RESOURCES: Municipal Affairs provides documents to assist CAOs with orientation including:

- What Every Councillor Needs to Know
- Pecuniary Interest
- Closed Meetings of Council
- Procedural Bylaw and Agenda

In addition, Municipal Affairs also provides workshops to set out the roles and responsibilities of council, councillors, the CAO, and staff: Roles and Responsibilities Workshop



3. Chief Administrative Officer Evaluation

LEGISLATIVE REQUIREMENTS: MGA 205.1

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

COMMENTS/OBSERVATIONS: CAO performance evaluations have been conducted by village council to fulfill the legislative requirements of section 205.1 of the MGA. Resources have been provided below to assist with future evaluations.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: The Canadian Association of Municipal Administrators (CAMA) recently introduced a three-step CAO Performance Evaluation Toolkit. The toolkit enhances the CAO / Council relationship and helps local elected officials achieve their strategic goals and objectives. It is available for free to member and non-member municipalities.

Municipal Affairs has prepared a CAO performance evaluation manual to guide elected officials through the CAO evaluation process. It includes a sample template of an evaluation: CAO Evaluation (Municipal Affairs)



4. Signing of Municipal Documents

LEGISLATIVE REQUIREMENTS: MGA 213

1. Are the minutes of council meetings signed by:
 - the person presiding at the meeting; and
 - a designated officer?
2. Are the bylaws of a municipality signed by:
 - the chief elected official; and
 - a designated officer?
3. Are agreements, cheques, and other negotiable instruments signed by:
 - the chief elected official or another person authorized by council, and by a designated officer; or
 - by a designated officer acting alone if so authorized by council?

COMMENTS/OBSERVATIONS: The documents reviewed were signed in accordance with the requirements of section 213 of the MGA.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.



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

LEGISLATIVE REQUIREMENTS: MGA 532

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

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

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

COMMENTS/OBSERVATIONS: The village is aware of their responsibilities under section 532 of the MGA. The village has a 10-year capital plan and has also taken asset management and risk management training. Council has policies for street grading and snow removal as well as playground inspections.

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: Council and council committee meetings are held in public.

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: Council minutes record when meetings are closed; however, council and administration refer to closed meetings as “in-camera”. With the recent amendments to the *MGA*, portions of meetings held without the public in attendance are referred to as “closed session”. Before going into closed session, exceptions to disclosure under the *Freedom of Information and Protection of Privacy Act (FOIPP)* are not cited (e.g., council resolution R5560-05-17). Although previous meeting minutes and the draft minutes of the June 11, 2018 meeting record resolutions to go into closed session, there was no resolution at the meeting observed on June 11, 2018, but rather an announcement that the meeting had moved in-camera. The village does not have a designated place for the public to gather outside the meeting room and there is no door to close to separate the meeting area from the remainder of the office, which would ensure sensitive discussions are not overheard. Having left the meeting when council went into closed session, no observations were made by ministry advisors on the process followed when council came out of closed session to address any subsequent business or meeting adjournment.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: “Closed session” should be used instead of “in-camera” to reflect terminology used in the *MGA*. Exceptions to disclosure must always be cited before moving into closed session, and a resolution to move into closed session is required to be put to the vote of council prior to closing a portion of the meeting to the public. Consideration should be given to the location used for closed session discussions to ensure confidential information is not unintentionally shared with external audiences.

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

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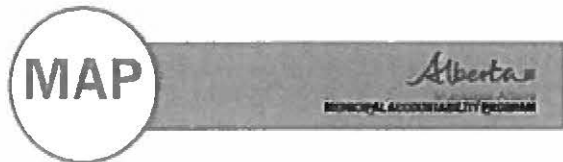
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3. Organizational Meeting

LEGISLATIVE REQUIREMENTS: MGA 152, 192

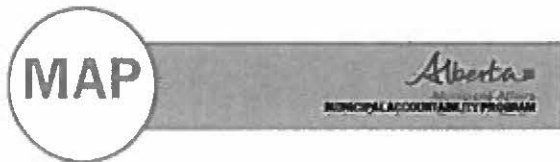
1. Is an Organizational Meeting held annually?
2. Is a chief elected officer (CEO) appointed (not a requirement if the CEO is elected at large or it is included in the procedural bylaw)?
3. Is a Deputy CEO appointed?

COMMENTS/OBSERVATIONS: Council held their last organizational meeting on October 23, 2017, within two weeks of the third Monday in October, which met the requirement of section 192 of the MGA. Council nominates the chief elected official and the deputy chief elected official from among councillors. Both were appointed by acclamation (council resolution R5753-10-17 and council resolution R5754-10-17).

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 2/3 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 village has not had a special meeting recently. Notice for past special meetings include posting on the village website, Facebook and, if time permits, in utility bills or newsletters. The village has not been required to have a special meeting within 24 hours or change a special meeting 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: Electronic means for meeting is not utilized, but the municipality does have a policy stating that councillors can phone in if required.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

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6. Regular Meeting Change Notice

LEGISLATIVE REQUIREMENTS: MGA 193

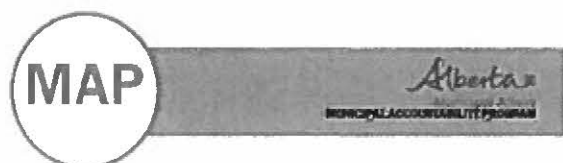
1. Has the date, time or place of a regularly scheduled meeting been changed?
2. Was at least 24 hours' notice of the change provided to any councillors not present at the meeting at which the change was made, and to the public?

COMMENTS/OBSERVATIONS: The village does not often change meetings. When required, council has changed meeting dates and times by resolution at the council meeting preceding the regularly scheduled meeting to be changed (e.g., April 23, 2018 meeting changed to April 30, 2018 via council resolution R5871-04-18). This complies with the legislative requirements.

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 June 11, 2018 council meeting there were decisions of council not formalized through a resolution. Direction to the CAO was given in the form of general discussion. Draft minutes were reviewed and verbal direction is not always noted or when noted the minutes state, "...instructed Administration to....".

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: All decisions of council and direction to the CAO must be formalized through a council resolution or by bylaw 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 motions of council and/or bylaw numbers.

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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. One councillor was absent at the meeting attended on June 11, 2018. The minutes that were reviewed and the council meeting that was observed met 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?
4. Is the request for a recorded vote documented in the minutes accordingly?

COMMENTS/OBSERVATIONS: When motions were made to authorize a named councillor to do something (e.g., attend an event or sit on a committee) it was observed that the councillor did not vote. There were no abstentions and no requests for recorded votes.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: As required by MGA section 183, all councillors attending a council meeting must vote on a matter put to a vote at the meeting unless a councillor is required or permitted to abstain from voting. Any abstention and the reasons for it must be recorded in the meeting minutes.

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

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5. Provision of Information

LEGISLATIVE REQUIREMENTS: MGA 153.1

1. When information regarding the operation or administration of the municipality is requested by a councillor, does the CAO provide information to all of council as soon as practical?

COMMENTS/OBSERVATIONS: The CAO is aware of the MGA requirements and has practices in place for distributing information to all of council, which includes both email and hard copies.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

6. 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 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 contain some comments. All other legislative requirements are met including being recorded in English, including names of councillors present, and the minutes being kept safe. The last public hearing was at the April 9, 2018 regular meeting, to review the Land Use Bylaw. All councillors were present and there were no members of the public in attendance. No abstentions were required.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: Council minutes are to be documented in accordance with the requirements of section 208(1)(a)(i) of the MGA, which requires minutes to be written without note or comment. For added clarity, it is suggested that all references to bylaws included in minutes, including during public hearings, be identified by using both the bylaw number and the bylaw name.

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

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

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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 disqualification provisions in the bylaw?
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. Was the bylaw established by July 2018?
8. Has the code of conduct been reviewed in the last four years? (Not applicable until 2022.)

COMMENTS/OBSERVATIONS: The municipality is aware that the code of conduct bylaw is a new requirement and they will be developing the bylaw to meet the legislative and timeline requirements.

MEETS LEGISLATIVE REQUIREMENTS: Yes

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RECOMMENDATIONS/ACTION ITEMS: Council is required to pass a code of conduct bylaw in accordance with section 146.1 of the *MGA* and the Code of Conduct for Elected Officials Regulation 200/2017 by July 23 of 2018.

RESOURCES: The *Councillor Code of Conduct: A Guide for Municipalities* is a tool developed by the Alberta Urban Municipalities Association (AUMA), in partnership with the Rural Municipalities of Alberta (RMA) and Alberta Municipal Affairs, to help municipalities develop their local codes of conduct.

The resource is divided into two parts:

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



2. Establishment of the Chief Administrative Officer Position

LEGISLATIVE REQUIREMENTS: MGA 205

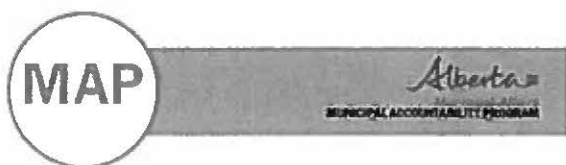
1. Is there a bylaw establishing the position of CAO?
2. Is there a council resolution that appoints the current CAO?

COMMENTS/OBSERVATIONS: On September 11, 1995 Bylaw #4/95 was passed appointing the current CAO to the position. This practice combines both establishing by bylaw the position of CAO and appointing the CAO by name within the bylaw. Although this practice complies with legislation, the appointment of the CAO only requires a resolution of council. Given the village includes the CAO appointment within the bylaw, a change in CAO would require a new or amendment bylaw.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.



3. Borrowing Bylaw(s)

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

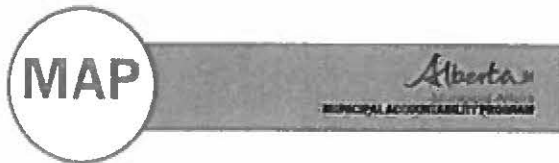
1. Is there a current borrowing bylaw?
2. Does the borrowing bylaw set out:
 - the amount of money to be borrowed and, in general terms, the purpose for which the money is borrowed;
 - the maximum rate of interest, the term and the terms of repayment of the borrowing; and
 - the source or sources of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

COMMENTS/OBSERVATIONS: The village has not had a borrowing bylaw since 2007(#84/07). The CAO is aware of the advertising requirements for borrowing bylaws.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.



4. 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 necessary)?
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 village passes a tax bylaw annually. Section 357(1) of the MGA states that "...the property tax bylaw may specify a minimum amount payable as property tax." The position of Municipal Affairs is that only one minimum tax within the property tax bylaw is permitted. Calculation discrepancies and the format of the tax rate bylaw were also reviewed and discussed with the CAO. A sample tax rate bylaw has been provided below as a resource for the municipality to use moving forward.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: Moving forward the village should only specify one minimum tax rate within the tax rate bylaw.

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

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

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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 motions of council and/or bylaw numbers.

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5. Assessment Review Boards

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

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

COMMENTS/OBSERVATIONS: The village does not have many appeals. Typically they are resolved through direct discussions between the property owner and the assessor. Bylaw #100/10 passed in February 2010 establishes a Regional Assessment Review Board to exercise the functions of a Local Assessment Review Board (LARB) and Composite Assessment Review Board (CARB). Leduc County is the overseer and is responsible to pay the costs associated with the establishment and operations of the board. Member municipalities (i.e., Warburg, Devon, Beaumont, Thorsby) pay the county their portion of the costs. The village appoints two councillors for terms of three years at their organizational meeting. Board members and the clerk require training prior to any hearing. With the regional arrangement, the clerk appointment and training requirements are the responsibility of Leduc County. Also of note, Bylaw #100/10 incorrectly references section 456 of the MGA; joint establishment of assessment review boards is authorized by section 455(1).

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

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.

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6. 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: Bylaw #63/03 authorizes the establishment of a bylaw enforcement officer. The village contracted bylaw enforcement out to a third party; however, the contractor has recently resigned. In the absence of a contract appointing the bylaw enforcement officer, the responsibility to enforce bylaws falls on the CAO until another bylaw enforcement officer is appointed. The bylaw enforcement bylaw outlines the powers and duties of a bylaw officer, but does not include disciplinary procedures, penalties or an appeal process that explicitly refer to a bylaw officer.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: In the absence of a contracted bylaw enforcement officer, either the CAO enforces bylaws and is subject to the bylaw enforcement officer bylaw, or an enforcement officer is appointed and is required to take the official oath as per section 555(2) of the MGA. A new or amendment bylaw is required that includes the disciplinary procedures, penalties and appeal process as outlined in section 556 of the MGA.

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

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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 village passed Bylaw #98/10 in January 2010. The bylaw addresses organizational meetings, meetings of council, conduct of meetings, voting, delegations, agenda and order of business, letters and petitions, proceeding of public hearings and bylaws.

Section 8 1) a) of Bylaw #98/10 states: "unless, in a specified case, the Mayor or a Councillor is excused by resolution of the Council from voting." In addition, Section 8 4) of the bylaw states: "A member shall not vote on a matter if he is absent from the Council chamber when the vote is put and:

- a) the CAO has begun to poll members if a voice vote is being taken, or
- b) the decision is made to take a recorded vote."

These sections of the bylaw are in contravention of section 183(1) of the MGA which states: "a councillor attending a council meeting must vote on a matter put to a vote at the meeting unless the councillor is required or permitted to abstain from voting under this or any other enactment." The chief elected official, or meeting chair, should call the vote or poll council members rather than the CAO.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: The procedural bylaw needs to be amended to be compliant with section 183(1) 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 motions of council and/or bylaw numbers.

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2. Utilities Bylaw

LEGISLATIVE REQUIREMENTS: MGA 7

1. Does the municipality have a utilities bylaw?

COMMENTS/OBSERVATIONS: Bylaw #103/10, passed in July 2010, establishes rates for water, wastewater, solid waste removal and recycling services. Bylaw #103/10 states: "The schedules to this Bylaw may be amended by resolution of Council of the Village of Warburg." 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 this or any other enactment provides otherwise. Schedules to Bylaw #103/10 form part of the bylaw and can only be changed through the passing of a bylaw that amends or replaces the original bylaw schedules.

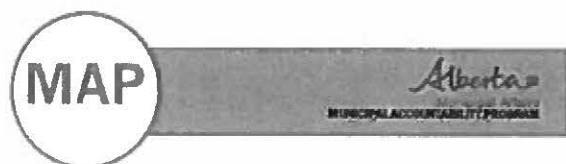
MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: Bylaw #103/10 needs to be amended to be compliant with section 191(2) of the MGA and any amendment(s) to the bylaw schedules must be enacted by passing a bylaw that amends or repeals and replaces Bylaw #103/10 or the relevant schedule.

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

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3.6 Bylaw Procedures

1. Passing Bylaws

LEGISLATIVE REQUIREMENTS: MGA 187-189

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

COMMENTS/OBSERVATIONS: A review of a selection of past council minutes indicates the proper process of three readings of bylaws, including a resolution passed unanimously giving consent before proceeding to third reading (e.g., council resolution R5909-05-18 and R5909-05-18).

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

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



2. Bylaw Revisions and Amendments

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

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. Have there been amendments to a bylaw that initially required advertising?
5. Was the amending bylaw advertised?
6. Are bylaws amended or repealed in the same way as the original bylaw was enacted?

COMMENTS/OBSERVATIONS: Other than the exception noted in section 3.5, the Utility Bylaw, (page 37), bylaws have been revised or amended in accordance with legislation. The recently amended land use bylaw (Bylaw 90/08) was advertised and passed at the April 9, 2018 regular meeting of council after having a public hearing for Bylaw 151-18, which met the legislative requirements.

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. Was the public participation policy passed by July 2018?
3. 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?
4. Is the public participation policy available for public inspection?
5. Has the public participation policy been reviewed by council in the last four years? (Not applicable until summer of 2022.)

COMMENTS/OBSERVATIONS: The municipality is aware that a public participation policy is a new requirement and is drafting the policy to meet the legislative and timeline requirements. Council is required to pass a public participation policy in accordance with section 216.1 of the MGA and the Public Participation Policy Regulation 193/2017 by July 23, 2018.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: That the Public Participation Policy be passed before July 23, 2018.

RESOURCES: The Alberta Urban Municipalities Association and Rural Municipalities of Alberta, in partnership with Brownlee LLP, have produced a guidance document containing general information intended to assist municipalities in developing a public participation policy and public notification bylaw: [Public Participation Policies and Public Notification: A Guide for Municipalities](#)

3.8 Finance

1. Operating Budget

LEGISLATIVE REQUIREMENTS: MGA 242, 243, 244

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

COMMENTS/OBSERVATIONS: The MGA provides two options for presenting operating and capital budgets, including presenting both an operating budget and a capital budget, or alternatively a combined budget in a format consistent with the municipal financial statements (section 248(1)). While the village currently uses a combined operating and capital budget that balances and aligns with the property tax bylaw, the budget is not in the form of their financial statements.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: The budget must be approved in a format that is either separate capital and operating budgets or a combined budget as authorized in section 248.1. The village's combined budget must be in a format consistent with financial statements.

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

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2. Capital Budget

LEGISLATIVE REQUIREMENTS: MGA 245, 246

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 2018 capital budget is not in a format consistent with the financial statements; therefore, it has not met legislative requirements.

MEETS LEGISLATIVE REQUIREMENTS: NO

RECOMMENDATIONS/ACTION ITEMS: The budget must be approved in a format that is either separate capital budget and operating budgets or a combined budget as authorized in section 248.1. The village's combined budget must be in a format consistent with financial statements.

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

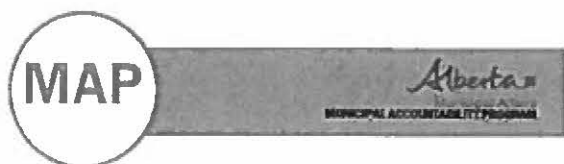
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3. Financial Records and Receipts

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?

COMMENTS/OBSERVATIONS: The financial records reviewed met the requirements of section 268.1. Financial statements are shared with council at each regular meeting and a budget variance is presented annually after the end of June. All village revenue is collected at the village office and receipts are generated by Vadim software.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.



4. Municipal Accounts

LEGISLATIVE REQUIREMENTS: MGA 270

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

COMMENTS/OBSERVATIONS: The municipality provided a bank statement to confirm that the village meets the legislated requirements

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.



5. Fidelity Bond

LEGISLATIVE REQUIREMENTS: MGA 212.1

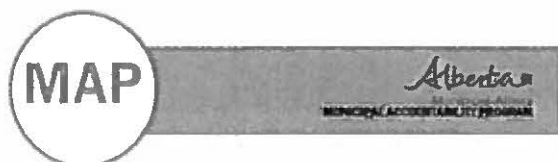
1. Does the municipality annually obtain a fidelity bond or equivalent insurance?
2. Does the bond or insurance cover:
 - the CAO of the municipality;
 - the designated officers of the municipality; and
 - other employees of the municipality?

COMMENTS/OBSERVATIONS: Based on information provided, proper insurance policies are 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 village's auditor is appointed annually by council. The 2018 auditor was appointed in February 2018 (council resolution R5828-02-18). Financial statements are prepared for the immediately preceding year and include the required content. Financial statements are available to the public and notice is provided on the village website, through advertising, and included in utility bills and other municipal communications. The auditor's report to council was presented and approved on April 9, 2018 (council resolution 5861-04-18).

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?

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

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.



8. Management Letter

LEGISLATIVE REQUIREMENTS: MGA 281

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

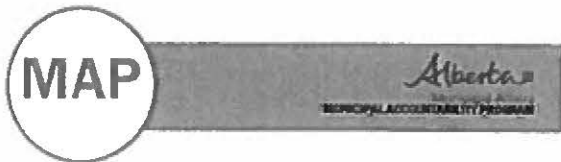
RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.

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9. Three Year Operating Plan and Five Year Capital Plan (for discussion only)

LEGISLATIVE REQUIREMENTS: MGA 283.1

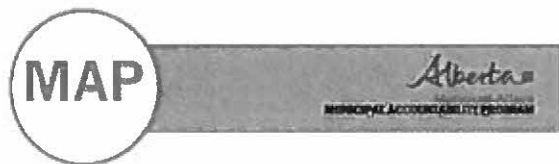
1. Each municipality must prepare a written plan respecting its anticipated financial operations over a period of at least the next three financial years. Also, each municipality must prepare a written plan respecting its anticipated capital property additions over a period of at least the next five 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. The municipality must prepare a three year written plan for financial operations and a five year written plan for capital property and these plans must be in place by 2020. A resource has been provided to assist the municipality.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: Three year operating and five year capital plans must be in place by 2020.

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.](#)



3.9 Assessment and Taxation

1. Assessment

LEGISLATIVE REQUIREMENTS: MGA 284.2(1), 307

1. Is an assessor appointed?
2. Is the assessment roll available for inspection?
3. Is there a fee for this?
4. Does the municipality have a bylaw to establish this fee?

COMMENTS/OBSERVATIONS: The village passed Bylaw #154/18 (Municipal Assessor Bylaw) as well as appointed the village assessor in May 2018 (council resolution R5911-05-18). The assessment roll is available for inspection. There is no fee for inspecting the roll; therefore, no bylaw required.

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 prepared and contains the required legislative content.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

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

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3. Prepare Tax Notices

LEGISLATIVE REQUIREMENTS: MGA 333

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

COMMENTS/OBSERVATIONS: Tax notices are prepared annually and sent to taxpayers in accordance with MGA requirements.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.

4. Content of Tax Notices

LEGISLATIVE REQUIREMENTS: MGA 334, 460

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

COMMENTS/OBSERVATIONS: The village provides combined assessment and tax notices; therefore, the new MGA requirement of section 310(3) now applies, which states that an assessment notice must be sent at least seven days prior to the assessment date. The village has met the requirements of section 310(3); however, the notice does not contain the following information:

- the notice of assessment date;
- the mailing date; and
- information on how to request a receipt for taxes paid.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: The contents of the combined assessment and tax notice need to be updated to include the notice of assessment date, the mailing date and information on how to request a receipt for taxes paid.

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

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 motions of council and/or bylaw numbers.

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5. Certify Date of Mailing

LEGISLATIVE REQUIREMENTS: MGA 335, 336

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

COMMENTS/OBSERVATIONS: Notice of preparation of the assessment roll and mailing of assessment and tax notices was given in the Warburg Bugle and dated May 30, 2018.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

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6. Tax Arrears List

LEGISLATIVE REQUIREMENTS: MGA 412, 436.03

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

COMMENTS/OBSERVATIONS: A tax arrears list has been prepared and is posted at the village office, and has been submitted to the Registrar. Persons liable to pay tax arrears were notified by mail.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.



7. Tax Sale

LEGISLATIVE REQUIREMENTS: MGA 418, 436.08

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

COMMENTS/OBSERVATIONS: The village's last tax sale was in June 2018. Property tax recovery processes have met legislative requirements including notification, sending a letter to the Registrar, engaging a realtor to determine market value, council setting reserve bids and advertising the auction.

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

COMMENTS/OBSERVATIONS: Bylaw #105/10 was passed on July 12, 2010, establishing the subdivision authority to be Council.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.



2. Development Authority

LEGISLATIVE REQUIREMENTS: MGA 624, 625-626

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

COMMENTS/OBSERVATIONS: The village development authority is established within the Land Use Bylaw and specifies that the development authority is a designated officer of council appointed by a resolution of council. Council resolution R5412-10-16, approved at the 2016 organizational meeting, appoints the CAO as the Development Officer.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

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

3. Subdivision and Development Appeal Board (SDAB)

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

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

COMMENTS/OBSERVATIONS: Bylaw #74/05 was passed in November 2005 and establishes an inter-municipal subdivision and development appeal board between the Village of Warburg and Village of Breton. The bylaw states: "Councillors from a single municipality shall not make up a majority of the Board hearing an appeal." This contravenes section 627(3) of the MGA which specifies that a subdivision and development appeal board panel hearing an appeal must not have more than one councillor as a member unless authorized by ministerial order. A clerk has not been appointed to the SDAB and no members have received the mandatory training, which is required by April 1, 2019.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: The village must amend their bylaw to clarify that only one councillor from either member municipality is to sit on the panel at a hearing. A clerk, who is a designated officer, must be appointed and the clerk along with all members need to receive mandatory training by April 1, 2019.

RESOURCES: Municipal Affairs has developed an SDAB training guidebook, and several facts 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.

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4. Subdivision Applications and Decision

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

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

COMMENTS/OBSERVATIONS: The village has not had a subdivision application in recent years.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.



5. Development Applications

LEGISLATIVE REQUIREMENTS: MGA 683.1, 686, 687

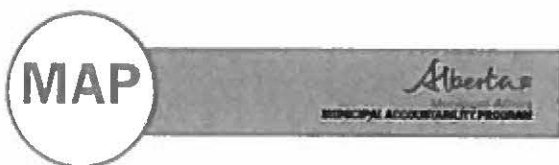
1. Did the development authority review the application within 20 days to determine if it was complete?
2. If deemed complete, did the applicant get a notification that the application is complete, or if deemed incomplete, did the applicant get a notification from the development authority that the application 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: The development application reviewed met all legislative requirements.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.



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

LEGISLATIVE REQUIREMENTS: MGA 622, 630.2 and ALSA 20

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

COMMENTS/OBSERVATIONS: There is no ALSA regional plan in effect for the Village of Warburg.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.



7. Growth Management Board

LEGISLATIVE REQUIREMENTS: MGA 708.23

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

COMMENTS/OBSERVATIONS: The Village of Warburg is not part of a growth management board.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

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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: The recently amended Land Use Bylaw (Bylaw 90/08) was advertised and passed at the April 9, 2018 regular meeting of council after having a public hearing (Bylaw 151-18). The Land Use Bylaw includes all required content.

MEETS LEGISLATIVE REQUIREMENTS: Yes

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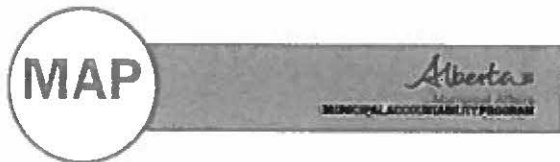
RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Not applicable.

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9. Municipal Development Plan (MDP)

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

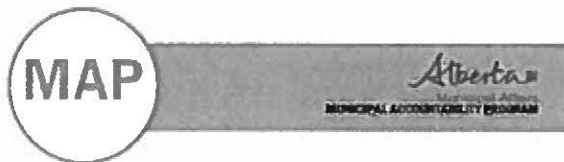
1. Is there a Municipal Development Plan?
 - Does the population of the municipality exceed 3,500?
 - If the population of the municipality is less than 3,500, does the Land Use Bylaw for the municipality contain 'Direct Control' zoning as per section 641(1)?
2. Does the MDP address/include:
 - future 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: The Land Use Bylaw contains 'Direct Control' zoning and the village does have a Municipal Development Plan addressing the content required. The plan has not been amended; therefore, there has been no requirement to advertise or have a public hearing.

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 village does not have an intermunicipal development plan. As the legislated requirements for an IDP have changed, the municipality will have until April 1, 2020 to complete an IDP that meets the new requirements.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: Council is required to adopt an IDP by April 1, 2020.

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



11. Intermunicipal Collaborative Frameworks (ICF)

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

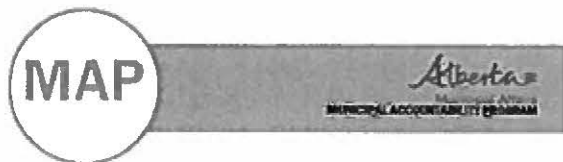
1. Has an ICF been adopted with each municipality that shares a common border? (Not applicable until April 1, 2020.)

COMMENTS/OBSERVATIONS: The village is aware of the upcoming legislative requirements and is currently working with Leduc County.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: Municipalities are required to adopt intermunicipal collaboration frameworks that specify what and how services are funded and delivered by April 1, 2020.

RESOURCES: Information on ICF requirements, contents and dates can be located online at: [Intermunicipal Collaboration Frameworks](#)



12. Listing and Publishing Policies Related to Statutory Plans

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 has recently launched a new website and is aware of the requirements to publish all policies related to statutory plans by January 1, 2019.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: Update the website to include a comprehensive list and summary of all planning policies and their relationships with other statutory plans.

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



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 village has no joint election agreements.

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: During the 2017 election, the village chief administrative officer was the returning officer and took the oath. All councillors were acclaimed so there was no municipal election required; therefore, no deputy returning officers were required to take the legislated statement.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.



3. Nomination Forms

LEGISLATIVE REQUIREMENTS: LAEA 27, 28.1, 34, 97

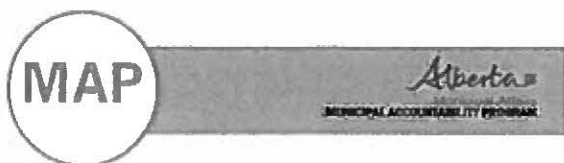
1. Is there a bylaw requiring a deposit upon the submission of a nomination form?
2. Were the nomination papers signed by at least five residents of the municipality?
3. Have all nomination papers that were filed prior to the most recent election been retained?
4. Were copies of the prescribed form for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

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

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.



4. Proof of Elector Eligibility

LEGISLATIVE REQUIREMENTS: LAEA 53, 53.1

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

COMMENTS/OBSERVATIONS: The village does not have a bylaw requiring additional pieces of identification to prove elector eligibility.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.



5. Vote by Special Ballot

LEGISLATIVE REQUIREMENTS: LAEA 77.1, 77.2, 77.3

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

COMMENTS/OBSERVATIONS: The village does not provide for special ballots.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.

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6. Ballot Account

LEGISLATIVE REQUIREMENTS: LAEA 88, 89, 94, 100

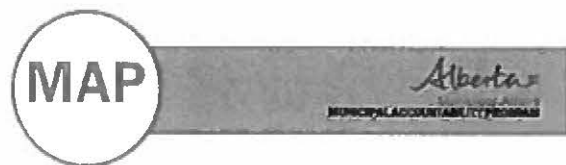
1. Has a copy of the ballot account been retained?

COMMENTS/OBSERVATIONS: Due to acclamations there was no election; therefore, no ballot account was required.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.



7. 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: There was no 2017 municipal election; therefore, no materials had to be disposed.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.

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8. Campaign Disclosure Statements

LEGISLATIVE REQUIREMENTS: LAEA 147.4

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

COMMENTS/OBSERVATIONS: No campaign contributions were collected by village candidates.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS: No action required.

RESOURCES: Not applicable.

3.12 Grants

1. Grant Application

LEGISLATIVE REQUIREMENTS: Municipal Affairs Grants Regulation 123/2000

1. Are grants that are provided to the municipality used:
 - only for the purpose for which the grant was made; or
 - for any variation of that purpose approved by the Minister?

COMMENTS/OBSERVATIONS: The village currently has unused Municipal Sustainability Initiative (MSI) capital funding. Payment conditions are not met; however, the village is aware that project commitments are required and are in the process of exploring opportunities to use this funding. The village must submit 2018 MSI capital project commitments.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ ACTION ITEMS:

RESOURCES: No action required.

3.13 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: The village is actively working with AEMA to meet the requirements of the *EMA* including passing a new bylaw, appointing an emergency advisory committee, appointing a director of emergency management and updating emergency plans and programs.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: Continue to work with AEMA to achieve legislative compliance.

RESOURCES: The Alberta Emergency Management Agency has developed a number of online tools at <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 motions of council and/or bylaw numbers.

3.14 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 the members of the board?
4. In the case of an intermunicipal library board, have the councils establishing the board appointed the members?
5. Does the membership appointment term exceed three years?
6. Does any member's number of terms exceed three terms? If so, did two-thirds of council approve?
7. Are there alternate members?

COMMENTS/OBSERVATIONS: Bylaw #110/11 establishes the municipal library board. One member of council and six trustees at large are appointed to the municipal library board for a term of one year and reaffirmed annually by a resolution of council. It was noted that appointments made at the October 2017 organizational meeting (RF755-10-17) state: "the following committees, representative and directors were appointed for the period of four years, affirmed yearly". This is in contravention of section 4 (5) of the *Libraries Act* and should be corrected to align with Bylaw #110/11.

MEETS LEGISLATIVE REQUIREMENTS: No

RECOMMENDATIONS/ACTION ITEMS: Ensure the library board appointments are for a term that aligns with Bylaw #110/11 and the *Libraries Act*.

RESOURCES: Municipal Affairs Library Consultants have developed FAQs and board training workshops which can be found on their website at: <http://www.municipalaffairs.alberta.ca/alberta-libraries>. They are also available to provide library support by calling toll-free 310-0000 and then 780-427-4871.



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 village is part of the Yellowhead Regional Library Board. One councillor is appointed as well as an alternate.

MEETS LEGISLATIVE REQUIREMENTS: Yes

RECOMMENDATIONS/ACTION ITEMS: No action required.

RESOURCES: Municipal Affairs Library Consultants are available to provide library support by calling toll-free 310-0000 and then 780-427-4871.