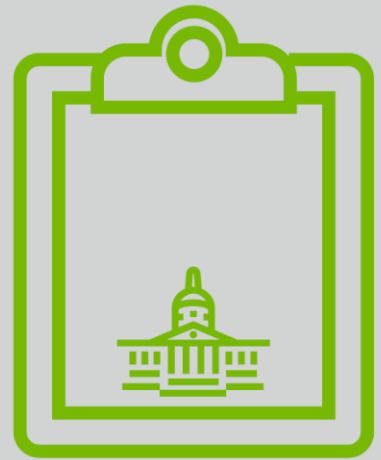


2021

Municipal Accountability Program Report



Town of Elk Point

Municipal Affairs, Government of Alberta

November 2, 2021

Town of Elk Point 2021 Municipal Accountability Program Report

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

Table of Contents

Section 1: Introduction	6
1.1 Our Commitment	6
1.2 The Municipal Accountability Program	6
Section 2: Executive Summary	8
2.1 Methodology	8
2.2 Legislative Compliance.....	8
2.3 Legislative Gaps	9
2.4 Next Steps	10
Section 3: Municipal Accountability Review Findings	11
3.1 General	11
1. Municipal Office	11
2. Orientation Training	12
3. Chief Administrative Officer Evaluation	13
4. Provision of Information	14
5. Signing of Municipal Documents	15
6. Repair of Roads, Public Places, and Public Works (for discussion only).....	16
3.2 Meetings	17
1. Public Presence at Meetings	17
2. Closed Meetings	18
3. Organizational Meeting.....	19
4. Special Meetings	20
5. Regular Meeting Change Notice	21
3.3 Meeting Procedures.....	22
1. Authority to Act	22
2. Quorum	23
3. Voting.....	24

4.	Pecuniary Interest.....	25
5.	Council Meeting Minutes	26
3.4	Mandatory Bylaws	27
1.	Code of Conduct.....	27
2.	Establishment of the Chief Administrative Officer Position	29
3.	Property Tax Bylaw.....	30
4.	Assessment Review Boards	32
5.	Bylaw Enforcement Officers	34
3.5	Discretionary Bylaws	35
1.	Procedural Bylaw	35
2.	Borrowing Bylaw(s).....	36
3.	Fees Bylaw	37
3.6	Bylaw Procedures.....	38
1.	Passing Bylaws.....	38
2.	Bylaw Revisions and Amendments	39
3.7	Mandatory Policies	40
1.	Public Participation Policy	40
3.8	Finance	41
1.	Operating Budget.....	41
2.	Capital Budget	43
3.	Financial Records and Receipts.....	44
4.	Municipal Accounts.....	45
5.	Fidelity Bond	46
6.	Auditor, Audited Financial Statements, Auditor Report.....	47
7.	Salary and Benefits.....	48
8.	Management Letter.....	49
9.	Three-Year Operating and Five-Year Capital Plans.....	50
3.9	Assessment and Taxation	52
1.	Assessment Roll	52

2.	Tax Roll.....	53
3.	Assessment and Tax Notice	54
4.	Content of Assessment Notices	55
5.	Content of Tax Notices	56
6.	Notice and Certification.....	57
7.	Tax Arrears List	58
8.	Tax Sale.....	59
3.10	Planning.....	60
1.	Municipal Development Plan (MDP).....	60
2.	Land Use Bylaw (LUB)	61
3.	Subdivision Authority	63
4.	Development Authority	64
5.	Subdivision and Development Appeal Board (SDAB).....	65
6.	Listing and Publishing Policies Used to Make Planning Decisions	66
7.	Joint Use and Planning Agreements (for discussion only)	67
3.11	Elections	68
1.	Returning /Substitute/Deputy Officers	68
2.	Nomination Forms	69
3.	Ballot Account.....	70
4.	Disposition of Election Material	71
5.	Campaign Disclosure Statements	72
6.	Local Authorities Election Act (for discussion only).....	73
3.12	Emergency Management	75
1.	Municipal Emergency Organization/Agency/Advisory Committee	75
3.13	Libraries	76
1.	Municipal Library Board.....	76
2.	System Library Board	77
Section 4: Conclusion.....		78

Section 1: Introduction

1.1 Our Commitment

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

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

1.2 The Municipal Accountability Program

With a focus on supporting municipalities in continuing to strengthen municipal accountability and transparency, the purpose of this program is to:

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

The Municipal Accountability Program consists of multi-year cycle reviews, ordered by the Minister under Section 571 of the *MGA*. While this program is available to all municipalities, upon the request of a council and with the approval of the Minister, municipalities with populations of 2,500 or less are automatically scheduled for a visit once every five years. The Town of Elk Point was randomly selected for a municipal accountability review in 2021.

Working with the chief administrative officer (CAO), support is provided to mitigate any minor legislative gaps that may be identified. Ministry staff work with CAOs to validate compliance,

identify gaps, provide resource information, and develop corrective solutions where needed. The outcome of this program will be strong, well-managed, accountable municipalities and a strong collaborative relationship between the CAOs and the ministry.

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

Section 2: Executive Summary

2.1 Methodology

The Municipal Accountability Program consists of a review of council meeting minutes, municipal bylaws, and other municipal documents. A visit and interview with town administration is also included. These components assist in determining areas where the municipality is in compliance with legislative requirements, and to identify any areas that require improvement to achieve compliance with the many requirements the *Municipal Government Act* and other legislation imposes on municipalities.

Municipal Affairs staff met with town administration on November 2, 2021 by electronic means. This virtual format was used to complete the on-site portion of the Municipal Accountability Program review and to examine compliance with mandatory requirements of the *MGA* and other legislation under the purview of Municipal Affairs.

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

2.2 Legislative Compliance

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

- designation of a municipal office;
- chief administrator officer evaluation;
- provision of information;
- public presence at meetings;
- closed meetings;
- organizational meeting;
- special meetings;
- regular meeting change notice;
- quorum;
- bylaw enforcement officer bylaw;
- discretionary bylaws: fees;

- passing bylaws;
- bylaw revisions and amendments;
- capital budget;
- financial records and receipts;
- municipal accounts;
- fidelity bond;
- auditor, audited financial statements, auditor report;
- salary and benefits;
- tax roll;
- prepare tax notices;
- content of assessment notices;
- certify date of mailing;
- tax recovery;
- municipal development plan;
- land use bylaw;
- subdivision and development authorities;
- subdivision and development appeal board;
- elections;
- municipal emergency management; and
- municipal and systems library boards.

2.3 Legislative Gaps

Specific areas where the municipality is required to take action to achieve compliance are included below along with the page numbers which detail the legislative requirements and the gaps to be addressed:

- requirement to hold special meetings in accordance with the *MGA* ([page 20](#));
- requirement for council meeting minutes to be documented in accordance with the *MGA* ([page 26](#));
- requirement for the code of conduct bylaw include all legislative requirements ([page 27](#));
- requirement to establish the chief administrative officer position by bylaw ([page 29](#));
- requirement for the property tax bylaw to be in accordance with the *MGA* ([page 30](#));
- requirement to establish a local and a composite assessment review board by bylaw ([page 32](#));
- requirement for the procedural bylaw to be in accordance with the *MGA* ([page 35](#));
- requirement for the borrowing bylaw to be in accordance with the *MGA* ([page 36](#));

- requirements of a public participation policy ([page 40](#));
- requirement to adopt an operating budget ([page 41](#));
- requirement for a municipality to implement a three-year operating plan and a five-year capital plan ([page 50](#));
- requirement for the assessor to be a designated officer ([page 52](#));
- requirement for the content of tax notices to be in accordance with the *MGA* ([page 56](#)); and
- requirement to list and publish policies related to planning decisions ([page 66](#)).

2.4 Next Steps

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

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

Ministry staff are available to provide support and additional resources to guide the municipality through the development of the plan and to successfully address the legislative gaps identified. The review will formally conclude upon receipt of documentation confirming that all items have been addressed.

Section 3: Municipal Accountability Review Findings

3.1 General

1. Municipal Office

Legislative requirements: *MGA 204*

1. Has council named a place as its municipal office?

Comments/Observations: The municipal office of the Town of Elk Point is located at 4914 50 Avenue as established by resolution 21-515 passed on October 25, 2021.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

2. Orientation Training

Legislative requirements: *MGA 201.1*

1. How was orientation training offered to elected officials following the 2017 general election and any subsequent by-elections?

Comments/Observations: Orientation and training is being offered to newly elected officials through a “Munis 101” course scheduled for November, 2021 as documented in the July 12, 2021 regular meeting minutes. In addition, resources are provided below to assist the town with orientation of members of council.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

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: Council provides the CAO with an annual written performance evaluation, most recently on April 26, 2021 as documented in meeting minutes.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

4. Provision of Information

Legislative requirements: *MGA 153.1*

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

Comments/Observations: The CAO is aware of the *MGA* requirements, and typically provides information to all members of council by email or group text message.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

5. Signing of Municipal Documents

Legislative requirements: MGA 213

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

Comments/Observations: The CAO indicated all original bylaws and minutes are signed in accordance with section 213 of the *MGA*. As the visit was conducted electronically, the town's minutes and bylaw binders were not reviewed. The CAO will sometimes sign contracts alone when approved by council or as part of the operating budget as authorized by the Town of Elk Point purchasing policy (policy 3-3-15).

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 municipality is encouraged to review all policies and practices in place. In the event the policies and practices established set specific service levels, it may be appropriate to review the service levels and seek the necessary advice to ensure that the service levels are appropriate, and are being followed.

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

3.2 Meetings

1. Public Presence at Meetings

Legislative requirements: *MGA 197(1)*, [Meeting Procedures \(COVID-19 Suppression\) Regulation 50/2020](#)

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

Comments/Observations: Meetings of council are advertised to the public and open for members of the public to attend. During the COVID-19 pandemic, the town used provisions in the Meeting Procedures (COVID-19) Regulation to conduct meetings entirely through electronic means, including attendance by the 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?

Comments/Observations: Minutes reviewed recorded that prior to moving into a closed session, exceptions to disclosure under the *FOIPP Act* are cited appropriately (e.g., resolution 21-473 from the September 27, 2021 regular meeting).

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

3. Organizational Meeting

Legislative requirements: *MGA 150, 152, 159(1), 192*, [MO No. MSD:036/20](#)

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

Comments/Observations: The last organizational meeting of council was held on October 25, 2021, within two weeks of the third Monday in October which is in accordance with section 192 of the *MGA*. Council appoints the deputy chief elected official from among councillors.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

4. Special Meetings

Legislative requirements: *MGA 194*

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

Comments/Observations: The last special meeting of council was held on July 21, 2021. All members of council signed appropriate documentation for holding the special meeting with less than 24 hours' notice. The agenda for the meeting was amended; however, all members of council were present and agreed unanimously to the change.

On March 25, 2021, the Town of Elk Point held a "budget meeting" respecting the 2021 operating and capital budgets; however, the minutes do not specify this meeting as either a regular or special meeting of council. It is important to note that council may act by bylaw or resolution only, passed at a regular or special meeting of council at which there is a quorum of council present and at which the public may attend.

Meets Legislative Requirements: No

Recommendations/Action Items: Going forward, all decisions of council must be done by bylaw or resolution passed at a regular or special meeting of council in accordance with section 181 of the *MGA*.

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

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

5. Regular Meeting Change Notice

Legislative requirements: *MGA 193*

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

Comments/Observations: Council meetings are rarely held in other locations, but the town is aware of the notification requirements. When required, council has cancelled a regular meeting by a resolution passed at the council meeting preceding the regularly scheduled meeting to be changed (e.g., resolution 21-301 passed on June 14, 2021).

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

3.3 Meeting Procedures

1. Authority to Act

Legislative requirements: MGA 180-181

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

Comments/Observations: A review of past meeting minutes indicate that resolutions were made for all actions requested of administration, and council acted only by resolution or bylaw.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

2. Quorum

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

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

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

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

3. Voting

Legislative requirements: *MGA 182-185*

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

Comments/Observations: The CAO indicated that each member of council votes on all matters put to a vote of council. A request for a recorded vote is made prior to the vote being taken (e.g. resolution 21-371 passed on July 21, 2021). There were no abstentions noted in meeting minutes reviewed.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

4. Pecuniary Interest

Legislative requirements: *MGA 172*

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

Comments/Observations: The minutes reviewed did not contain a disclosure of pecuniary interest. Reference to a resource is provided below in the event a pecuniary interest situation arises in the future.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

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

5. Council Meeting Minutes

Legislative requirements: *MGA 172, 184, 185, 197, 208, 230*

1. Are the minutes recorded in the English language?
2. Do the minutes include the names of the councillors present at the council meeting?
3. Are the minutes given to council for adoption at a subsequent council meeting?
4. Are recorded votes documented?
5. Are abstentions from public hearings recorded?
6. Are the minutes recorded in accordance with section 230 of the *MGA* when a public hearing is held?
7. Are the minutes kept safe?

Comments/Observations: Minutes of council were recorded in English. Names of councillors present were recorded and minutes of the previous meeting were reviewed and approved by a resolution of council. Minutes are kept in a safe location in the town office.

The minutes for the public hearing held on May 25, 2021 indicate that the public hearing was not conducted as part of a regular or special meeting of council as required by section 230(2)(b) of the *MGA*.

Meets Legislative Requirements: No

Recommendations/Action Items: In the future, public hearings must be conducted as part of a regular or special meeting of council in accordance with section 230(2)(b) of the *MGA*.

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

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

3.4 Mandatory Bylaws

1. Code of Conduct

Legislative requirements: *MGA 146.1*, [Code of Conduct for Elected Officials Regulation 200/2017](#)

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

Comments/Observations: Bylaw 749/16 was passed on April 11, 2016 establishing a code of conduct for elected officials in the town. The bylaw addresses most of the topics listed above; however, there are no provisions respecting adherence to policies, procedures, and bylaws, and attendance at orientation and other training. A complaint system has been established within the bylaw, which addresses who may make a complaint, how a complaint is made, the process to determine the validity of the complaint and the process to determine how sanctions are imposed.

Meets Legislative Requirements: No

Recommendations/Action Items: Bylaw 749/16 must be amended or replaced to include provisions regarding adherence to policies, procedures, and bylaws, and orientation and other training attendance to meet legislative requirements.

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:

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

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

--

2. 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: Council passed bylaw 738/15 on May 11, 2015 stating the CAO shall be appointed by resolution of council; however, a bylaw establishing the position could not be located. The current CAO was appointed by resolution 15-58 passed on April 27, 2015.

Meets Legislative Requirements: No

Recommendations/Action Items: The town must establish the position of chief administrative officer by bylaw in accordance with section 205 of the *MGA*.

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

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

3. Property Tax Bylaw

Legislative requirements: *MGA 353-359*, [Matters Relating to Assessment Sub-classes Regulation 202/2017](#)

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

Comments/Observations: The Town of Elk Point passes a tax bylaw annually. The 2021 tax bylaw was passed by council on April 26, 2021. The tax ratio between residential and non-residential properties is under the legislated 5:1 ratio. The requisitions are accounted for and the calculations appear to be correct. The assessed values listed within the preamble of the bylaw for all assessments are not included within the enactment portion of the bylaw for each assessment class, which does not allow for the tax rate and levy calculations to be fully verified.

The tax rate bylaw splits residential assessment into several sub-classes, including vacant and multi-unit dwellings. In addition, the non-residential assessments have been sub-classed, including vacant and where provincial grants-in-lieu would apply. The town has not enacted a bylaw authorizing the sub-classification of either residential or non-residential assessment classes.

The tax rate bylaw includes a special levy for “general contingency capital reserves”. There is no legislated authority to provide for a special tax for the purpose of capital reserves in section 382(1) of the *MGA*.

Meets Legislative Requirements: No

Recommendations/Action Items: If the town desires to sub-class assessed values, a bylaw must be passed authorizing the sub-classes in accordance with sections 297(2) and 297(2.1) of the *MGA*. The amounts listed for general contingency capital reserves must be included as part of the general municipal levy.

Resources: Municipal Affairs Financial Advisors are available to provide financial support by calling toll-free 310-0000 and then 780-427-2225. In addition, Municipal Affairs has created an example tax bylaw to assist municipalities when developing their annual property tax bylaw: [Example Property Tax Bylaw](#).

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

--

4. Assessment Review Boards

Legislative requirements: [MGA 454-456](#), [Matters Relating to Assessment Complaints Regulation 201/2017](#)

1. Has a local assessment review board been established?
 - Are at least three members appointed to this board?
 - Is the term of the office of each member appointed established?
 - Has council prescribed the remuneration and expenses, if any, payable to each member?
 - Has council designated one of the members appointed as chair and prescribed the chair's term of office, remuneration, if any, and expenses?
 - Have the appointed members received the mandatory training?
2. Is a composite assessment review board established?
 - Are at least two members appointed to this board?
 - Is the term of the appointment established?
 - Has council prescribed the remuneration and expenses, if any, payable to each member?
 - Has council designated one of the members appointed as chair and prescribed the chair's term of office, remuneration, if any and expenses?
 - Have the appointed members received the mandatory training?
3. Has a person been appointed as the clerk and received the mandatory training?
4. Has the municipality jointly established the local assessment review board, composite assessment review board, or both, with one or more other municipalities?
 - Have the member councils jointly designated one of the board members as chair?
 - Have the member councils jointly prescribed the chair's term of office and the remuneration and expenses, if any, payable to the chair?
 - Have the member councils jointly appointed the clerk of the assessment review boards?

Comments/Observations: Bylaw 681/10 was passed on May 24, 2010 establishing regional assessment review boards. The bylaw establishes multiple local and composite assessment review boards. While assessment review boards may meet in panels when authorized by bylaw, section 454 of the *MGA* only allows for the establishment of a local assessment review board and a composite assessment review board. One member of council was appointed to the regional board at the 2021 organizational meeting. Members of the board as well as the clerk have received the mandatory training.

At the October 25, 2021 organizational meeting of council, resolution 21-509 delegates the appointment of the clerk to the County of St. Paul. Delegation of council's authority may only be done by bylaw as required by section 203(1) of the *MGA*. Otherwise, section 456(2) of the *MGA* requires all member municipalities to jointly appoint one or more clerks to the board. A resolution

jointly designating one member of the assessment review boards as chairperson as required by section 455(2) of the *MGA* was not located.

Meets Legislative Requirements: No

Recommendations/Action Items: The town must amend or replace bylaw 681/10 to establish only one local assessment review board and one composite review board. The councils must jointly designate one member as chairperson of the board and appoint a clerk to the boards, or delegate the authority to another municipality through bylaw.

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

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

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

5. Bylaw Enforcement Officers

Legislative requirements: MGA 555-556

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

Comments/Observations: Council passed bylaw 722/18 on June 25, 2018 establishing the powers and duties of bylaw enforcement officers, and establishing disciplinary procedures, including penalties and an appeal process for allegations of abuse of authority. The bylaw enforcement officer has taken the official oath.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

3.5 Discretionary Bylaws

1. Procedural Bylaw

Legislative requirements: *MGA 145*

1. Does the municipality have a procedural bylaw?

Comments/Observations: Bylaw 828/20 was passed on November 9, 2020 establishing procedures for council meetings. Section 7.1(b) of the bylaw allows for “any person” to be expelled and excluded from a council meeting, and section 9.1(e) of the bylaw further confirms a member of council may be expelled on a majority vote of the council. It is the position of Municipal Affairs that this contravenes section 153(c) of the *MGA* by preventing a member of council from performing their legislated duty to participate in council meetings.

Section 10.1(a) of the bylaw requires members of council to vote on every matter unless excused by resolution of council from voting. This is a contravention of section 183(1) of the *MGA* which requires every member to vote on every matter unless required or permitted to abstain from voting.

Meets Legislative Requirements: No

Recommendations/Action Items: Bylaw 828/20 must be amended or replaced to remove provisions allowing for a member of council to be expelled from a meeting, and allowing a member of council to be excused from voting by resolution to meet legislative requirements.

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

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

2. Borrowing Bylaw(s)

Legislative requirements: *MGA 251-259*, [Debt Limit Regulation 255/2000](#)

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

Comments/Observations: Bylaw 839/21 was passed on January 25, 2021 authorizing a line of credit for borrowing for operating purposes. The bylaw sets out the maximum amount to be borrowed, the purpose of the borrowing, the term and terms of repayment of the borrowing, and the sources of money used to pay the principal and interest owing; however, the bylaw does not include the maximum rate of interest to be paid as required by section 251(2)(b) of the *MGA*.

Meets Legislative Requirements: No

Recommendations/Action Items: Bylaw 839/21 must be amended or replaced to include a maximum rate of interest to be paid.

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

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

3. Fees Bylaw

Legislative requirements: *MGA 230, 606, 634, 692*

1. Does the municipality have a fees bylaw?

Comments/Observations: Bylaw 846/21 was passed on May 25, 2021 establishing fees for various services within the town. The bylaw met the general requirements of the *MGA*.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

3.6 Bylaw Procedures

1. Passing Bylaws

Legislative requirements: MGA 187-189

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

Comments/Observations: A review of a selection of past council minutes indicates the proper process of three readings of bylaws, including that a resolution was passed unanimously giving consent before proceeding to third reading (e.g., resolutions 21-220 through 21-223 passed on April 26, 2021).

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

2. Bylaw Revisions and Amendments

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

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

Comments/Observations: The town does not use revision bylaws, but instead changes non-statutory bylaws by repealing and replacing. The town's land use bylaw has been amended since it was first passed; in each case the amendment is advertised and receives a public hearing prior to being passed. The legislative requirements reviewed were met.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

3.7 Mandatory Policies

1. Public Participation Policy

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

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

Comments/Observations: Town council passed policy 1-5-18 on May 7, 2018 establishing a public participation policy for the municipality. The policy identifies the types or categories of approaches the town will use to engage the public; however, the policy does not identify the types and categories of circumstances when the municipality will engage the public as required by section 2(b) of the Public Participation Policy Regulation 193/2017.

Meets Legislative Requirements: No

Recommendations/Action Items: Policy 1-5-18 must be updated or replaced to include provisions on the types and categories of circumstances when the municipality will engage the public.

Resources: The Alberta Urban Municipalities Association and the 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](#).

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.

3.8 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: An interim operating budget was adopted for 2021 by resolution 20-510 passed on November 18, 2020. The final 2021 operating budget was approved at the March 25, 2021 regular council meeting by resolution 21-179. The operating budget contains the estimated amounts for revenues, expenses, and transfers in accordance with the above identified legislative requirements. The estimated revenues are sufficient to pay the estimated expenses. Expenditures not included in a budget are brought to council for approval by resolution.

The amounts listed in the budget for total revenues and total expenses do not align with the amounts listed within the preamble of the property tax bylaw.

Meets Legislative Requirements: No

Recommendations/Action Items: Moving forward, the town must ensure that the property tax bylaw aligns with the approved operating budget.

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

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

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: Council approved the 2021 capital budget by resolution 21-169 passed on March 25, 2021. The capital budget includes the estimated amounts to be spent on capital purchases, the amount and sources of funds needed for capital spending, and the amounts required from the operating budget in accordance with legislation.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

3. Financial Records and Receipts

Legislative requirements: *MGA 268.1*

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

Comments/Observations: The town uses Muniware to maintain their financial records. Financial reports reviewed met the requirements set out in section 268.1. Council is provided with detailed variance reports, trial balances, and receivable reports on a monthly basis.

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 21-513 passed on October 25, 2021 establishes Servus Credit Union as the banking authority for the town. Banking records reviewed confirm that Servus Credit Union still holds municipal financial assets for the town.

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 actions required.

Resources: Not applicable.

6. Auditor, Audited Financial Statements, Auditor Report

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

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

Comments/Observations: Council approved extending the appointment of the town's auditor through the 2023 financial year by resolution 21-202 passed on April 12, 2021. The 2020 audited financial statements were approved by council resolution 21-198 passed at the April 12, 2021 regular council meeting. The financial statements include information respecting the town's debt and debt limit. The financial statements are available to the public on the municipal website.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

7. Salary and Benefits

Legislative requirements: *MGA 217*, [Supplementary Accounting Principles and Standards Regulation 313/2000](#)

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

Comments/Observations: The 2020 audited financial statements include a disclosure of the salaries and benefits of members of council and the chief administrative officer. As noted in section 3.9.1 of this report, the assessor has not been established as a designated officer by bylaw. Once the assessor is established as a designated officer, their salary and benefits must be disclosed, along with any other designated officers of the municipality.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

8. Management Letter

Legislative requirements: *MGA 281(3)*

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

Comments/Observations: The town received confidential recommendations from their auditor.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

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

Legislative requirements: *MGA 283.1*, [Municipal Corporate Planning Regulation 192/2017](#)

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

Comments/Observations: The municipality last approved their three-year operating plan by resolution 21-179 passed on March 25, 2021. The ten-year capital plan for the Town of Elk Point was last reviewed and approved by council resolution 21-386 passed on August 9, 2021.

The three-year operating plan does not include the accumulated surplus/deficit as required by section 2(c) of the Municipal Corporate Planning Regulation 192/2017.

The ten-year capital plan does not include information respecting the anticipated sources of revenue required to carry out the capital plan as required by section 3(b) of Municipal Corporate Planning Regulation 192/2017.

Meets Legislative Requirements: No

Recommendations/Action Items: The three-year operating plan must be updated to include the accumulated surplus or deficit, and the ten-year capital plan must be updated to include the anticipated sources of revenue to meet legislative requirements.

Resources: Municipal Affairs has created a guide to assist municipalities getting started with multi-year financial planning: [New Legislative Requirements for Municipal Financial & Capital Plans](#).

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

3.9 Assessment and Taxation

1. Assessment Roll

Legislative requirements: *MGA 210, 284.2(1), 307*

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

Comments/Observations: Bylaw 624/04 was passed on April 12, 2004 establishing the position of assessor for the town; however, the bylaw does not establish the assessor as a designated officer as required by section 284.2(1) of the *MGA*. A qualified assessor was appointed by council resolution 21-511 passed at the October 25, 2021 organizational meeting. The assessment roll is available for inspection at the town office without a fee.

Meets Legislative Requirements: No

Recommendations/Action Items: The town must amend or replace bylaw 624/04 to establish the position of assessor as a designated officer of the municipality to meet legislative requirements.

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

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

2. Tax Roll

Legislative requirements: *MGA 327, 329*

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

Comments/Observations: An annual tax roll has been completed and contains the required legislated content. As the visit was done electronically, the town's tax software was not reviewed.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

3. Assessment and Tax Notice

Legislative requirements: *MGA 308, 333*

1. Does the municipality provide for a combined property assessment and tax notice?
2. Are assessment notices prepared annually for all assessed property, other than designated industrial property, shown on the assessment roll?
3. Are assessment notices sent to assessed persons?
4. Are tax notices prepared annually for all taxable property and businesses shown on the tax roll of the municipality?
5. Are the tax notices sent to the taxpayers?

Comments/Observations: Combined assessment and tax notices are prepared annually and sent to taxpayers in accordance with *MGA* requirements.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

4. Content of Assessment Notices

Legislative requirements: MGA 303, 308.1, 309

1. Has the assessor set a notice of assessment date, which must be no earlier than January 1 and no later than July 1?
2. Has the assessor set additional notice of assessment dates for amended and supplementary assessment notices? Are those notice of assessment dates later than the date that tax notices are required to be sent under Part 10?
3. Does the municipal assessment notice show the following:
 - the same information that is required to be shown on the assessment roll;
 - the notice of assessment date;
 - a statement that the assessed person may file a complaint not later than the complaint deadline; and
 - information respecting filing a complaint in accordance with the regulations?

Comments/Observations: The assessor set a notice of assessment date of May 28, 2021 and the combined assessment and tax notice contains the required assessment information, the notice of assessment date, a statement that an assessed person may file a complaint and information on how to file an assessment complaint in accordance with legislation.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

5. Content of Tax Notices

Legislative requirements: MGA 334

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

Comments/Observations: The combined assessment and tax notice contains most of the information required by legislation; however, the notice does not contain information on how to request a receipt for taxes paid.

Meets Legislative Requirements: No

Recommendations/Action Items: Moving forward, the town should update the assessment and tax notice to include 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 resolutions of council and/or bylaw numbers.

6. Notice and Certification

Legislative requirements: *MGA 311, 335, 336*

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

Comments/Observations: Certification and notification was provided to taxpayers that the combined assessment and tax notices for 2021 were mailed on May 20, 2021.

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 town prepared the tax arrears list, and submitted the list to the Registrar on March 29, 2021, before the required March 31 deadline. The list has been publicly posted in the front foyer of the municipal office, and the proper notifications to persons liable to pay were made.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

8. Tax Sale

Legislative requirements: *MGA 418, 436.08*

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

Comments/Observations: The town's last tax sale was held on October 7, 2020. The property tax recovery process met legislative requirements including notification, sending the letter to the registrar, council setting the reserve bids, and advertising the auction.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

3.10 Planning

1. Municipal Development Plan (MDP)

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

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

Comments/Observations: Bylaw 716/13 was passed on March 25, 2013 establishing a municipal development plan for the Town of Elk Point. The content of the MDP includes all topics listed above. There have been no amendments to the MDP.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

2. Land Use Bylaw (LUB)

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

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

Comments/Observations: Bylaw 717/13 was passed on March 25, 2013 to establish a new land use bylaw for the Town of Elk Point. The bylaw divides the municipality into zones, and establishes a method for making development permit application decisions, including the topics listed above. The bylaw identifies permitted and discretionary uses, establishes the number of dwelling units allowed on a parcel, and provides for the issuance of development permit notices. The land use bylaw has been amended numerous times, most recently by bylaw 843/21 passed

on May 25, 2021. The notice of amendment for bylaw 843/21 contained the information noted above.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

3. Subdivision Authority

Legislative requirements: *MGA 623, 625-626*

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

Comments/Observations: Bylaw 797/19 was passed on February 25, 2019 establishing the subdivision authority as up to two persons appointed by council.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

4. Development Authority

Legislative requirements: *MGA 624, 625 - 626*

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

Comments/Observations: The development authority is established within the town's land use bylaw (bylaw 717/13) as the development authority officer, the Municipal Planning Commission, and the council within direct control districts.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

5. Subdivision and Development Appeal Board (SDAB)

Legislative requirements: [MGA 627, 628](#), [Subdivision and Development Regulation 43/2002](#), [Subdivision and Development Appeal Board Regulation 195/2017](#)

1. Is a subdivision and development appeal board bylaw or intermunicipal agreement established by bylaw?
2. Does the SDAB bylaw describe the functions and duties of the SDAB?
3. Do the SDAB members exclude those who are:
 - municipal employees;
 - members of the municipal planning commission; and
 - individuals who can carry out subdivision and development powers on behalf of the municipality?
4. Is there no more than one councillor appointed to serve on a panel of the board?
5. If more than one, is there Ministerial approval for the additional councillors to sit on the panel?
6. Is there a clerk appointed to the SDAB?
7. Has the clerk successfully completed the required SDAB training?
8. Is the member(s) appointed to the SDAB qualified to do so in accordance with the SDAB provisions in the Act and regulation?
9. Has the municipality completed its Statistical Information Return (SIR) to report that the SDAB clerk and members are trained?

Comments/Observations: Bylaw 768/18 was passed on December 10, 2018 authorizing an agreement for an intermunicipal subdivision and development appeal board. The agreement sets out the powers and duties of the board. The SDAB does not have members who are municipal employees, members of the MPC, or individuals with subdivision or development powers, and only one elected member is permitted to be on a panel. Two members of council were appointed to the regional board. A clerk was also appointed to the board. Members of the board as well as the clerk received the mandatory training.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

6. Listing and Publishing Policies Used to Make Planning Decisions

Legislative requirements: MGA 638.2

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

Comments/Observations: The municipal website for the town contains a list of council approved policies and bylaws relating to planning decisions; however, the website does not have a summary of the policies and their relationship to each other as required by section 638.2 of the MGA.

Meets Legislative Requirements: No

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

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

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

7. Joint Use and Planning Agreements (for discussion only)

Legislative requirements: *MGA 670.1, 672 and 673, Education Act 53.1*

1. Is the municipality aware that, where a school board is operating within the municipal boundaries of a municipality, the municipality must, by June 11, 2023, enter into an agreement with the school board?

2. Are they aware that the agreement must contain provisions:

- establishing a process for discussing matters relating to:
 - the planning, development and use of school sites on municipal reserves, school reserves and municipal and school reserves in the municipality;
 - transfers under section 672 or 673 of the MGA of municipal reserves, school reserves and municipal and school reserves in the municipality;
 - disposal of school sites;
 - the servicing of school sites on municipal reserves, school reserves and municipal and school reserves in the municipality;
 - the use of school facilities, municipal facilities and playing fields on municipal reserves, school reserves and municipal and school reserves in the municipality, including matters relating to the maintenance of the facilities and fields and the payment of fees and other liabilities associated with them, and
 - how the municipality and the school board will work collaboratively,
- establishing a process for resolving disputes, and
- establishing a time frame for regular review of the agreement, and may, subject to the the governing legislation, contain any other provisions the parties consider necessary or advisable?

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

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

3.11 Elections

1. Returning /Substitute/Deputy Officers

Legislative requirements: LAEA 13, 16, [Local Authorities Election Forms Regulation 106/2007](#)

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

Comments/Observations: A returning officer and substitute returning officer were appointed by council resolution 20-558 passed on December 14, 2020 for the 2021 general election. The returning officer and substitute returning officer took the prescribed oath/statement.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

2. Nomination Forms

Legislative requirements: LAEA 27, 28.1, 34, 97

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

Comments/Observations: Nomination 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.

3. Ballot Account

Legislative requirements: LAEA 88, 89, 94, 100

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

Comments/Observations: A copy of the ballot accounts for the elections of mayor and councillors have been retained by the town.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

4. Disposition of Election Material

Legislative requirements: *LAEA 101*

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

Comments/Observations: The election materials for the 2017 general election were destroyed in accordance with section 101 of the *LAEA*, and the affidavits of destruction have been retained by the municipality.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

5. Campaign Disclosure Statements

Legislative requirements: LAEA 147.4

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

Comments/Observations: No campaign contributions were collected by candidates for the 2017 general election.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

6. Local Authorities Election Act (for discussion only)

Legislative requirements: LAEA

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

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

Comments/Observations: The CAO is aware of the legislative changes to the *LAEA*, including the upcoming requirement for all candidates in the 2021 general election to submit campaign disclosure statements.

Resources: Municipal Affairs has developed a number of resources available to assist municipalities and individuals with the municipal election process and is available online at [Municipal Elections](#).

3.12 Emergency Management

1. Municipal Emergency Organization/Agency/Advisory Committee

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

1. Has the emergency management committee been established by bylaw?
2. Has an emergency advisory committee been appointed consisting of a member or members of council to advise on the development of emergency plans and programs?
3. Is an emergency management agency established by bylaw to act as the agent of the local authority in exercising the local authority's powers and duties under the EMA?
4. Has a director of the emergency management agency been appointed?
5. Has the director of emergency management received the required training (Basic Emergency Management, ICS-300, and Director of Emergency Management courses)?
6. Have municipal elected officials received the required training (Municipal Elected Officials course)?
7. Have municipal staff who have been assigned responsibilities respecting the implementation of the emergency plan received the required training (Basic Emergency Management and ICS-100 courses)?
8. Are there prepared and approved emergency plans and programs?

Comments/Observations: Bylaw 842/21 was passed on April 12, 2021 establishing a regional emergency advisory committee and regional emergency management agency to operate within the town. Two members of council were appointed to the regional emergency committee. A director of emergency management (DEM) was also appointed by council. The DEM as well as staff with assigned duties respecting the emergency plan received the required training. The CAO was informed the newly elected council is required to receive the Municipal Elected Officials course. A resource has been provided below to assist the municipality.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: The Alberta Emergency Management Agency has developed a number of online tools at [Emergency and Disaster Preparedness](#) 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.

3.13 Libraries

1. Municipal Library Board

Legislative requirements: *Libraries Act 3-5*

1. Is a municipal library board established?
2. Has council provided a copy of the bylaw establishing the board to the Minister?
3. Has council appointed all of the members of the library board?
4. Have two or fewer councillors been appointed to the board?
5. Are there alternate members of council appointed to the board?
6. In the case of an intermunicipal library board, are members appointed to the board in accordance with the intermunicipal agreement?
7. Does the appointment term exceed three years?
8. Does any member's number of terms exceed three consecutive terms? If so, did two-thirds of council pass a resolution stating that they may be reappointed (for each additional term)?

Comments/Observations: Bylaw 841/21 was passed on February 22, 2021 establishing a municipal library board in the town. One member of council was appointed to the board at the 2021 organizational meeting of council. The appointment does not exceed three years, and no member exceeds three consecutive terms.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

2. System Library Board

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

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

Comments/Observations: The town is a member of the Northern Lights Library System. One member has been appointed by council for a three-year term.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

Section 4: Conclusion

Your participation and cooperation during the 2021 Municipal Accountability Program review are appreciated. This report is intended to help the Town of Elk Point reach full mandatory legislative compliance.

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

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