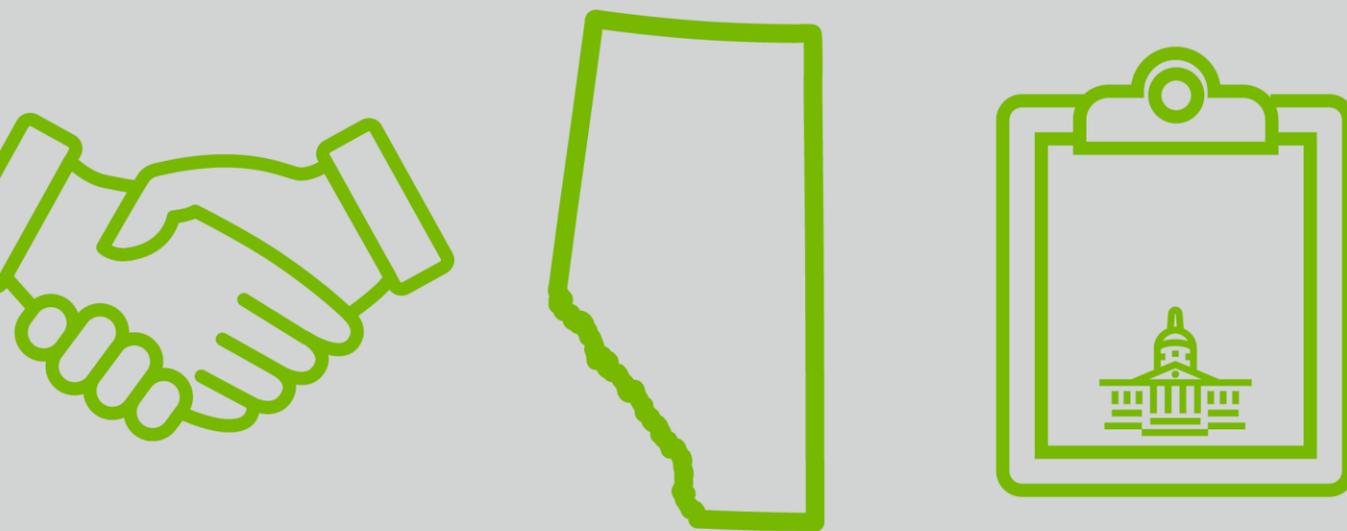


2020

Municipal Accountability Program Report



Village of Hussar

Municipal Affairs, Government of Alberta

May 6, 2020

Village of Hussar 2020 Municipal Accountability Program Report

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

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Section 1: Introduction

1.1 Our Commitment

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

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

1.2 The Municipal Accountability Program

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

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

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

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

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

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

Section 2: Executive Summary

2.1 Site Visit

Adhering to the current COVID-19 social distancing recommendations, Municipal Affairs staff met with village administration on May 6, 2020 by electronic means to complete the on-site portion of the Municipal Accountability Program review and examine compliance with mandatory requirements of the *MGA* and other legislation under the purview of Municipal Affairs.

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

2.2 Legislative Compliance

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

- general matters;
- closed meetings;
- organizational meeting;
- special meetings;
- authority to act;
- quorum;
- council meeting minutes;
- code of conduct bylaw;
- establishment of the chief administrative officer position;
- bylaw enforcement officer bylaw;
- discretionary bylaws;
- passing bylaws;
- public participation policy;
- auditor, audited financial statements, auditor report;
- three-year operating plan and five-year capital plan;
- assessment roll;
- tax roll;
- planning matters;

- elections;
- municipal emergency management; and
- libraries.

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 designate a place for the municipal office ([page 11](#));
- requirement to ensure public presence at meetings ([page 17](#));
- requirement for the property tax bylaw to be in accordance with the *MGA* ([page 29](#));
- requirement to establish a local and a composite assessment review board by bylaw ([page 31](#));
- requirement to revise and amend bylaws in accordance with the *MGA* ([page 38](#));
- requirement to adopt an operating budget ([page 41](#));
- requirement to adopt a capital budget ([page 43](#));
- requirement to designate a financial institution ([page 45](#));
- requirement for the salary and benefits to include those of all designated officers ([page 48](#));
- requirement for the content of tax notices to be in accordance with the *MGA* ([page 55](#)); and
- listing and publishing policies related to planning decisions ([page 65](#)).

2.4 Next Steps

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

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

provide its responses, and may prefer instead to develop a customized document for the responses and implementation plan.

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

Section 3: Municipal Accountability Review Findings

3.1 General

1. Municipal Office

Legislative requirements: *MGA 204*

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

Comments/Observations: The municipal office for the Village of Hussar is located at 109 – 1 Avenue East, Hussar, Alberta. A resolution naming the location of the municipal office could not be located.

Meets Legislative Requirements: No

Recommendations/Action Items: The village must name the location of the municipal office by resolution as required by section 204 of the *MGA*.

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

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

2. Orientation Training

Legislative requirements: *MGA 201.1*

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

Comments/Observations: Orientation was offered to all council members and an orientation package was provided; however, there is no formal documentation to support the mandatory offering.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

3. Chief Administrative Officer Evaluation

Legislative requirements: *MGA 205.1*

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

Comments/Observations: Formal written CAO evaluations are being completed annually by council, as documented in the August 9, 2019 council 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 by adding the item to an upcoming council meeting agenda.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

5. Signing of Municipal Documents

Legislative requirements: MGA 213

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

Comments/Observations: Minutes and bylaws are signed by both the mayor and CAO. Cheques are signed by the CAO and the mayor, or two elected officials, and the CAO only signs agreements when authorized by a resolution of council.

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.

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

Legislative requirements: MGA 532

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

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

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

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

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

3.2 Meetings

1. Public Presence at Meetings

Legislative requirements: MGA 197(1)

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

Comments/Observations: Meetings of council, including regular council meetings and special meetings are advertised to the public and open for members of the public to attend. During the public health emergency, the village utilized provisions of the Meeting Procedures (COVID-19 Suppression) Regulation by allowing only council and the CAO to attend each meeting in person and restricting the public access to a teleconference line to enable the public hear the meeting. The Meeting Procedures (COVID-19 Suppression) Regulation (AB Regulation 50/2020) was put in place in response to the public health emergency to ensure meetings could still occur in a manner that complied with the social distancing orders.

Meets Legislative Requirements: No

Recommendations/Action Items: It is important during the current public health emergency, that direction from the Chief Medical officer of Health are followed. Restricting the public participation to electronic means only can be done if the meeting is deemed an electronic meeting under the provisions of the Meeting Procedures (COVID-19 Suppression) Regulation (AB Regulation 50/2020). To be an electronic meeting, section 3 of the regulation requires that the CAO must also attend electronically.

If a meeting is held in person with council and the CAO in attendance, the public must be permitted to attend in person as well, being mindful of the social distancing requirements and maximum room capacity limits established by the Chief Medical Officer of Health. Electronic transmission of the meeting could be offered for the additional members of the public or meeting participants.

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. Closed Meetings

Legislative requirements: *MGA 197*

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

Comments/Observations: The minutes for January 9, 2020 show that council went into a closed session. The minutes record the exception to disclosure applicable under the *FOIPP Act* as required by section 197(4)(b) of the *MGA*.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

3. Organizational Meeting

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

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

Comments/Observations: Council held their last organizational meeting on October 10, 2019, within two weeks of the third Monday in October, which is in accordance with section 192 of the *MGA*. Council appoints the chief elected official and the deputy chief elected official from among councillors.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

4. Special Meetings

Legislative requirements: *MGA 194*

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

Comments/Observations: The last special council meeting occurred on March 18, 2020. The meeting was held with more than 24 hours' notice, and proper notification was provided to the public. The agenda for the special meeting was not changed.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

5. Regular Meeting Change Notice

Legislative requirements: *MGA 193*

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

Comments/Observations: Council meetings are rarely held in other locations, but the village is aware of the notification requirements. When required, council has changed meeting dates and times by a resolution passed at the council meeting preceding the regularly scheduled meeting to be changed (e.g., resolution 2020-03-12-058 that was passed on March 12, 2020).

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 direction is given to administration through council resolutions and bylaws.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

2. Quorum

Legislative requirements: *MGA 167*

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

Comments/Observations: The village council consists of three 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 (for discussion only)

Legislative requirements: *MGA 182-185*

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

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

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

4. Pecuniary Interest

Legislative requirements: *MGA 172*

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

Comments/Observations: The minutes 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 of public hearings are in accordance with section 230 (e.g., the council meeting held on February 13, 2020) and the CAO advised that minutes are kept in a safe location at the village office.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

3.4 Mandatory Bylaws

1. Code of Conduct

Legislative requirements: MGA 146.1, Code of Conduct for Elected Officials Regulation 200/2017

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

Comments/Observations: The village passed a code of conduct bylaw (bylaw 518-18) on March 8, 2018 and the bylaw meets the above noted legislative requirements.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

2. Establishment of the Chief Administrative Officer Position

Legislative requirements: *MGA 205*

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

Comments/Observations: Council passed bylaw 506-16 on May 24, 2016 establishing the position of chief administrative officer for the village. Resolution 2019-02-14-017 was passed on February 14, 2019 and appoints the current CAO to that position.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required

Resources: Not applicable.

3. Property Tax Bylaw

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

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

Comments/Observations: The Village of Hussar passes a property tax bylaw annually. The 2019 property tax bylaw (bylaw 522-19) was passed by council on April 11, 2019. The assessment classes have not been sub-classed by the municipality; however, the bylaw provides the assessment for designated industrial properties as its own assessment class, which is not in accordance with section 297 of the *MGA*. The tax ratio between residential and non-residential properties is under the legislated 5:1 ratio. The remaining requisitions are accounted for and the calculations are correct. It is noted that the amount to be collected for municipal taxes on the first page of the bylaw does not align with the detailed amounts to be collected on the second page of the bylaw.

Meets Legislative Requirements: No

Recommendations/Action Items: Moving forward, the municipality must ensure that assessment classes reported on the annual property tax bylaw are in accordance with section 297 of the *MGA*, and the amount to be generated for municipal taxes should agree within the bylaw.

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: The village has entered into a joint agreement with several municipalities in the region to provide assessment review board services and the CAO is appointed as the clerk of the boards. A bylaw establishing a local and a composite assessment review board was not available.

Meets Legislative Requirements: No

Recommendations/Action Items: The village must establish a local and a composite assessment review board in accordance with section 454 of the *MGA*. Council must also appoint an individual as the chairperson of the assessment review boards and prescribe the chair's terms of office and remuneration and expenses, if any, payable to the chair as required by sections 454.1(2) and 454.2(2) of the *MGA*.

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

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

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5. Bylaw Enforcement Officers

Legislative requirements: *MGA 555-556*

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

Comments/Observations: Council passed bylaw 500-15 that establishes the powers and duties of bylaw enforcement officers including disciplinary procedures, penalties and an appeal process for allegations of abuse of authority. All bylaw enforcement officers have 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:

Meets Legislative Requirements: Bylaw 512-16 was passed on October 19, 2016 and establishes meeting procedures for council and council committee meetings for the village. The bylaw met the general requirements of the MGA.

Recommendations/Action Items: No action required.

Resources: Not applicable.

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 459-03 was passed on September 11, 2003 and authorizes long-term borrowing for a water supply upgrade. The bylaw establishes the term and terms of repayment, the amount to be borrowed, and the purpose of the borrowing. The bylaw also specifies the maximum rate of interest to be paid and the source of funding to be used to pay the borrowing.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

3. Public Notification Bylaw

Legislative requirements: *MGA 7*

1. Does the municipality have a advertisement bylaw?

Comments/Observations: Bylaw 520-18 was passed on July 19, 2018 and provides alternative methods of advertising for the village. 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 2020-02-13-037 to 2020-02-13-040 passed on February 13, 2020).

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 village does not use revision bylaws, but instead amends bylaws by repealing and replacing. The minutes of the January 9, 2020 council meeting document that the municipality passed resolution 2020-01-09-005 to change the water rates; however, the water rates are set in the utility bylaw (bylaw 499-15). This is in contravention of section 191(2) of the *MGA* which states that the amendment or repeal of a bylaw must be made in the same way as the original bylaw and is subject to the same consents or conditions or advertising requirements that apply to the passing of the original bylaw, unless the *MGA* or any other enactment provides otherwise. In addition, schedules to bylaws form part of a bylaw and can only be changed through the passing of a bylaw that amends or replaces the original bylaw and its schedules.

Meets Legislative Requirements: No

Recommendations/Action Items: Bylaw 499-15 must be amended or replaced to be compliant with section 191(2) of the *MGA* and any amendment(s) to the bylaw or bylaw schedules must be enacted by passing a bylaw that amends or repeals and replaces bylaw 499-15 or the relevant schedule.

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

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



3.7 Mandatory Policies

1. Public Participation Policy

Legislative requirements: MGA 216.1, Public Participation Policy Regulation 193/2017

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

Comments/Observations: The village passed their public participation policy 3.6 on June 28, 2018. The policy establishes the circumstances when the municipality will engage the public and methods the village will use to engage the public.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

3.8 Finance

1. Operating Budget

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

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

Comments/Observations: On January 9, 2020, council adopted an interim operating budget for 2020 by resolution 2020-01-09-015. It is important to note that a municipality may only expend funds if they are included in an adopted budget, including an interim budget, or are for an emergency or are legally required to be paid; therefore, no funds in 2020 were to be expended until after January 9, 2020.

The final 2020 operating budget was adopted at the March 12, 2020 council meeting by resolution 2020-03-12-066. 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, and the budget aligns with the property tax bylaw.

Meets Legislative Requirements: No

Recommendations/Action Items: Moving forward, an interim budget must be passed prior to January 1 for the next fiscal year if the annual budget has not been passed prior to January 1.

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: A resolution of council adopting the 2019 capital budget was not located in the village meeting minutes.

Meets Legislative Requirements: No

Recommendations/Action Items: Council must approve a capital budget annually.

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.

3. Financial Records and Receipts

Legislative requirements: *MGA 268.1*

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

Comments/Observations: The village uses Muniware to maintain their financial records. Financial records reviewed met the requirements set out in section 268.1 of the *MGA*. Council is provided with variance reports on a quarterly 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: The village uses Chinook Financial to hold the money belonging to the municipality as evidenced by banking records. A resolution designating the financial institution could not be located.

Meets Legislative Requirements: No

Recommendations/Action Items: The village must designate by resolution of council, the financial institution(s) holding money belonging to the municipality.

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.

5. Fidelity Bond

Legislative requirements: *MGA 212.1*

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

Comments/Observations: The village has insurance through AMSC Insurance Services. Based on information provided, insurance was in place.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

6. Auditor, Audited Financial Statements, Auditor Report

Legislative requirements: MGA 276, 280, 281

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

Comments/Observations: The auditor was appointed by resolution 2019-11-14-211 which was passed at the November 14, 2019 council meeting. The auditor presented the audited financial statements at the April 25, 2019 council meeting and the 2018 financial statements were approved by resolution 2019-04-25-078. Due to the COVID-19 pandemic, Ministerial Order MSD:036/20 extends the deadline for approving and submitting the village's 2019 financial statements to October 1, 2020.

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 2018 audited financial statements include a disclosure of the salaries and benefits of members of council and the chief administrative officer. Information regarding the salaries and benefits of the municipal assessor (bylaw 460-04) is not included, which contravenes section 1 of the Supplementary Accounting Principles and Standards Regulation 313/2000.

Meets Legislative Requirements: No

Recommendations/Action Items: Annual financial statements must disclose the total salary and benefits for all designated officers as a total amount, and indicate the number of designated officers as required by section 1(2)(c) of the Supplementary Accounting Principles and Standards Regulation 313/2000.

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.

8. Management Letter

Legislative requirements: *MGA 281(3)*

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

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

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

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

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

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

Comments/Observations: The municipality has prepared both a three-year operating and five-year capital plan.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

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: Council appointed a qualified assessor by resolution 2019-10-10-247 which was passed at the October 10, 2019 organizational meeting. In addition, bylaw 460-04 establishes the municipal assessor as a designated officer of the village. The assessment roll is made available upon request and there is no fee established.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

2. Tax Roll

Legislative requirements: *MGA 327, 329*

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

Comments/Observations: An annual tax roll has been completed and contains the required legislated content.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

3. Assessment and Tax 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 14, 2019 and the combined assessment and tax notice contains the required assessment information.

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. In addition, the notice contains tax levies for rates that were not authorized through the 2019 property tax rate bylaw (bylaw 522-19), specifically the ambulance and fire tax levies.

Meets Legislative Requirements: No

Recommendations/Action Items: Moving forward, the village must ensure that the tax notice only includes tax rates authorized through the annual property tax bylaw and information regarding 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 2019 were mailed on May 6, 2019.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

7. Tax Arrears List

Legislative requirements: MGA 412, 436.03

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

Comments/Observations: The village prepared the tax arrears list and submitted the list to the Registrar on March 30, 2020, before the required March 31 deadline. The CAO advised that 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: Tax arrears balances have been brought up to date; therefore, the village has not been required to conduct a tax sale recently. In the event that the village encounters a tax sale, a resource is provided below.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

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

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: The village is currently in the process of developing a municipal development plan. All municipalities are required to have an MDP in place by April 2021.

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 493-14 was passed on January 14, 2015 to establish a new land use bylaw for the Village of Hussar. 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.

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 493-14 was passed on January 14, 2015 and establishes the subdivision authority as village council and a third-party organization.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

4. Development Authority

Legislative requirements: *MGA 624, 625 - 626*

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

Comments/Observations: Bylaw 493-14 was passed on January 14, 2015 and establishes the development authority as a development officer and a municipal planning commission.

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:
4. municipal employees;
5. members of the municipal planning commission; and
6. individuals who can carry out subdivision and development powers on behalf of the municipality?
7. Is there no more than one councillor appointed to serve on a panel of the board?
8. If more than one, is there Ministerial approval for the additional councillors to sit on the panel?
9. Is there a clerk appointed to the SDAB?
10. Has the clerk successfully completed the required SDAB training?
11. Is the member(s) appointed to the SDAB qualified to do so in accordance with the SDAB provisions in the Act and regulation?
12. Has the municipality completed its Statistical Information Return (SIR) to report that the SDAB clerk and members are trained? (note SIR date for 2019 moved to October 1, 2020)

Comments/Observations: Bylaw 524-20 was passed on February 13, 2020 and establishes an intermunicipal subdivision and development appeal board for the village. Council has appointed an individual as the clerk of the board by resolution 2020-02-13-036 and they have received the mandatory training. The bylaw excludes municipal employees, members of the municipal planning commission and any person with subdivision or development authority powers from serving on the SDAB.

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 website for the village does not have an up-to-date listing of council approved policies relating to planning decisions or a document summarizing the policies and their relationship to each other in accordance with legislative requirements.

Meets Legislative Requirements: No

Recommendations/Action Items: The website for the village must be updated to include a listing of council approved policies relating to planning decisions or a document summarizing the policies and their relationship to each other in accordance with legislative requirements.

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

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

3.11 Elections

1. Oath/Statement

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

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

Comments/Observations: The returning officer took the prescribed oath for the 2017 general election.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

2. Substitute Returning Officer

Legislative requirements: LAEA 13(2.1)

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

Comments/Observations: The CAO is aware of the new legislative requirements. The village has not yet needed to conduct a by-election under the new legislation.

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. 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.

4. Ballot Account

Legislative requirements: LAEA 88, 89, 94, 100

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

Comments/Observations: For the 2017 general election, all positions were filled by acclamation; therefore, there is no ballot account for the village to retain.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

5. Disposition of Election Material

Legislative requirements: *LAEA 101*

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

Comments/Observations: All positions were filled by acclamation for the 2017 general election; therefore, no materials had to be disposed.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

6. Campaign Disclosure Statements

Legislative requirements: LAEA 147.4

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

Comments/Observations: No campaign contributions were collected by village candidates.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

3.12 Emergency Management

1. Municipal Emergency Organization/Agency/Advisory Committee

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

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

Comments/Observations: Bylaw 523-19 was passed on October 10, 2019 and establishes a regional emergency management committee and a regional emergency management agency. Both a director of emergency management and a regional director of emergency management are appointed and all training requirements have been met. Regional emergency plans and programs have been approved and are in place.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

3.13 Libraries

1. Municipal Library Board

Legislative requirements: *Libraries Act 3-5*

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

Comments/Observations: The Hussar Municipal Library is established through bylaw 367-82 and board appointments are made at the annual organization meeting for the municipality.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

2. System Library Board

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

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

Comments/Observations: The village is a member of the Marigold Regional Library System and council has appointed one member to the board.

Meets Legislative Requirements: Yes

Recommendations/Action Items: No action required.

Resources: Not applicable.

Section 4: Conclusion

Your participation and cooperation during the 2020 Municipal Accountability Program review are appreciated. This report is intended to help the Village of Hussar reach full mandatory legislative compliance.

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

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