



Patrick Bergen
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Village of Carmangay
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Copy via email to MAP@gov.ab.ca
Municipal Affairs – Municipal Services and Legislation
Attention: Debbie McCann
17th Floor, Commerce Place
10155 – 102 Street
Edmonton, AB T5J 4L4

October 16, 2019

Debbie McCann,

Thank you for the time invested in coming to visit the Village of Carmangay and review our processes and documentation. Our administration found the information very helpful in continuing to operate in compliance of the MGA, especially with respect to some of the new requirements.

Please accept this response letter to the Municipal Accountability Report that will provide solutions by Village of Carmangay administration to address legislative gaps, identified in the report within the next year.

1) Per section 204 of the MGA, a resolution of council is required to name a place as the village's municipal office.

This item is complete. At the August 20, 2019 Regular Meeting of Council the following motion was made and passed by Council.

Motion by Councillor Peggy Hovde to designate the Village of Carmangay office as 119 Carman St, Carmangay, AB T0L 0N0.

Carried.

The minutes can be viewed on the Village of Carmangay website.

- 2) **“Closed session” should be used instead of “executive session” to reflect the terminology used in the MGA. Exceptions to disclosure under the FOIPP Act must be cited so the public is aware of what is being discussed in the closed session. Names of those who attended the closed session, and the reasons for their attendance must be recorded in the minutes.**

Moving forward the Village of Carmangay administration will reflect the requirement as listed in all future agendas and meeting minutes. The Village of Carmangay Procedural Bylaw will also be updated by January 31, 2020 to reflect “Closed Session” on the agenda template instead of “Executive Session”

- 3) **Meetings may only be conducted through electronic communications in accordance with the requirements of section 199 of the MGA.**

Village of Carmangay Council meetings are always held in public and are advertised in accordance with the MGA. There have been rare occasions where committees have held meetings electronically in the past, for convenience sake. The Village will ensure that this practice is discontinued moving forward.

- 4) **All decisions of council must be formalized through a council resolution or bylaw that is passed in an open public meeting, with a quorum present.**

As indicated in the report, “At the June 18, 2019 meeting of council observed, there were decisions of council that were not formalized through a resolution. An example of this occurred when council accepted several items as information without a resolution.”

Administration has ensured since that time that all items of information are accepted through a resolution. Evidence of this is available in subsequent meeting minute on the Village website.

- 5) **The minutes are to be documented in accordance with the requirements of section 208(1)(a) of the MGA, without note or comment.**

While the current administration has reduced significantly the notes and comments within the minutes that were quite expansive in previous years, the process is now to produce minutes that have no notes or comment. This is evidenced by viewing the most recent minutes available on the Village website.

- 6) **To be compliant, a council code of conduct bylaw, meeting the required provisions stated in the Code of Conduct for Elected Officials Regulation must be adopted.**

The Ethical Code of Conduct of Council Policy was passed by resolution at the October 18, 2016 regular meeting of Council. Administration will redraft the Council Code of Conduct as a bylaw and present it to Council by February 28, 2019 for consideration.

- 7) The village must pass bylaws establishing the positions of assessment review board clerk and subdivision and development appeal board clerk as designated officers.**

Village of Carmangay administration will research and prepare bylaws to establish the positions of assessment review board clerk and subdivision and development appeal board clerk as designated officers. The Village contracts this work through the Oldman River Regional Services Commission, so the roles are technically contracted positions. Administration will work with ORRSC and Municipal Affairs to ensure that the bylaws are correct and bring them for Council consideration by February 28, 2020.

- 8) Borrowing bylaw 781 must be amended to include the maximum rate of interest to be paid in accordance with section 251(2)(b) of the MGA.**

It has been the past practice of administration to pass borrowing bylaws as written and provided by our financial institution. Although the Village has no debt the bylaws provide for funding if it is required in the future. Any future borrowing bylaws will have the maximum rate of interest included within the bylaw. The updated borrowing bylaw will be presented for Council consideration by March 31, 2020.

- 9) Moving forward, the village must ensure that the tax rate bylaw calculations are correct and only one minimum tax is levied. Also, the property tax bylaw must account for all requisitions imposed, including requisitions for designated industrial properties (DIP), in accordance with section 359(1) of the MGA.**

The 2020 tax rate bylaw will be completed and presented to Council prior to April 20, 2020. The designated industrial properties tax (a new change from municipal affairs) is a very small amount (less than \$100) and was missing on the 2019 tax rate bylaw. They will be included in the 2020 Tax Rate Bylaw. The bylaw will also only have one minimum tax.

- 10) Bylaw 738 must be amended to address the following:**

- the bylaw must indicate that it is a bylaw of the Village of Carmangay;
- the municipality must establish both a local assessment review board and a composite review board; and
- the bylaw must be in compliance with legislation.

In addition, a designated officer must be appointed as the clerk of the assessment review boards and all members appointed to assessment review boards, as well as the clerk, must complete the mandatory training. 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.

As indicated in the report, Bylaw 738 was passed on May 5, 2012. The Village will work with ORRSC and other member municipalities to draft a new bylaw that is in compliance with the MGA and the recommendations from the report. The new bylaw will be presented to Council for consideration by April 30, 2020.

- 11) The municipality is required to establish a bylaw in accordance with sections 555 and 556 of the MGA if the municipality has a bylaw enforcement officer or bylaw enforcement provisions. Any person who is enforcing bylaws must take the official oath.**

Village of Carmangay administration will draft a bylaw for Council consideration by April 30, 2019 and have the contracted bylaw officer take an official oath to continue to provide contracted bylaw service for the Village.

- 12) The bylaw should be amended to be consistent with council's decision to hold council meetings at 6:30 p.m. "Executive session" should be replaced with "closed session".**

The Procedural Bylaw will be updated and will include the 2 changes indicated in the report. The procedural bylaw will be brought to Council for consideration by January 31, 2020.

- 13) Council must pass a bylaw that authorizes the CAO or a designated officer to consolidate one or more bylaws in accordance with section 69(1) of the MGA.**

Administration notes from the report "The village generally repeals and replaces bylaws rather than revising or amending; however, land use bylaw 742 has been amended and consolidated up to and including October 2015. A designated officer may only make a consolidation of bylaws when council has delegated the authority by bylaw in accordance with section 69(1) of the MGA. In each case, the amendment was advertised and received a public hearing prior to being passed."

To administration's knowledge, there has never been a bylaw that authorizes the CAO to consolidate bylaws. Administration will draft and bring a bylaw for Council's consideration by February 28, 2019 to address this requirement.

- 14) Council must appoint an auditor for the village, and moving forward the village must submit their financial statements and auditor's report to the minister by May 1 of the year following the year for which the financial information return and statements have been prepared.**

Council will be passing a resolution to appoint auditors at the October 23, 2019 regular meeting of Council. Administration will work with the auditor to ensure deadlines are met.

- 15) The financial statements must disclose the salaries of all designated officers.**

Administration recognizes the following comments from the report; "The salaries of councillors and the CAO are contained within the annual financial statements. It was noted that the salary and benefit disclosure does not include an amount for the assessor who is appointed as a designated officer."

Administration appreciates understanding that the assessor is defined as a designated officer and will work with the auditor to ensure the amount paid to the assessor is included on the annual financial statements starting with the 2019 financial statements. The 2019 financial statements will be completed and communicated by April 30, 2020.

- 16) Moving forward, the tax notice content on the combined notice must be updated to include information on how to request a receipt for taxes paid, and the name and address of the designated officer with whom a complaint must be filed.**

Administration has just rolled to a new accounting system this year and appreciates the feedback to address the content on the tax notices. The 2020 tax notices will be sent out by June 30, 2020 and be correct.

- 17) A designated officer must certify the date tax notices were sent.**

Administration recognizes that there is a requirement to notify the public through normal communication channels that the tax and / or assessment notices have been sent out. The 2020 tax notices will be sent out by June 30, 2020 and be communicated.

- 18) The village must, by bylaw, establish an SDAB which meets all legislative requirements of Sections 627 and 628 of the MGA, and the accompanying regulations 43/2002 and 195/2017.**

Currently the Village contracts the SDAB to the Oldman River Regional Services Commission and it is rarely used. Administration will work with Municipal Affairs as well as ORRSC to draft a bylaw that complies with the MGA and accompanying regulations. The bylaw will be brought to Council prior to April 30, 2020 for consideration.

- 19) The land use bylaw must be amended to include appendix A which establishes a fee schedule, or alternatively, a rates and fees bylaw must be passed to establish fees applicable to the land use bylaw.**

Administration will work with ORRSC to ensure that the Land Use Bylaw has been amended to be in compliance. The Municipal Development Plan is nearing completion and there are some upcoming changes from the new MGA that need to be incorporated into the Land Use Bylaw as well. Administration will bring all these amendments to Council for consideration by May 31, 2020.

- 20) The village website must be updated to include a comprehensive list and summary of all planning policies and their relationships with other planning documentation and decisions.**

Administration recognizes that this is a requirement of the new MGA. There has been much focus over the last year and a half to be compliant with the new MGA by putting in place; a public participation policy, 3 year operational plan, 5 year capital plan, a nearly completed Municipal Development Plan, as well as working towards an Intermunicipal Development Plan and Intermunicipal Collaboration Framework. Administration will work with ORRSC and Municipal Affairs to ensure all of the information required will be available on the Village website by February 28, 2020.

- 21) The returning officer and deputy returning officers must take the official oath or statement prescribed in the Local Authorities Election Forms Regulation, before performing the duties of a returning officer or deputy returning officer.**

Village administration will ensure that the next municipal election in 2021 will comply with the Local Authorities Election Forms Regulation as requested in the report.

22) Moving forward, the village must retain the ballot account in accordance with section 100(1.1) of the LAEA for all by-elections and general elections for the duration of the council term.

Village administration will ensure that the next municipal election in 2021 will comply with the Local Authorities Election Forms Regulation as requested in the report.

23) The village is required to dispose of election materials in accordance with section 101 of the LAEA and ensure that the appropriate affidavit is completed following the destruction of the materials.

Village administration will ensure that the next municipal election in 2021 will comply with the Local Authorities Election Forms Regulation as requested in the report.

Regards,

Patrick Bergen
CAO, Village of Carmangay