



**AGENDA**  
**Bentley Town Council Regular Meeting**  
**Tuesday June 28, 2022**  
**6:45 pm**

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**1. Call to Order**

**2. Indigenous Acknowledgement**

**“We acknowledge that we are meeting on Treaty 6 Territory and Home of Metis Nation Region 3, on land that is part of a historic agreement involving mutuality and respect. We recognize all the many First Nations, Metis, Inuit, and non-First Nations whose footsteps have marked these lands.”**

**3. Amendments & Acceptance of Agenda**

**4. Adoption of Previous Minutes:**

**a) Regular Meeting of Council June 14, 2022**

**5. Financial:**

**a) Prepaid Cheque Listing – Cheques No. 20220415 to 20220453**

**b) Mayor and Council May Remuneration**

**6. New Business**

**a) Board Appointment – Bentley Municipal Library Board**

**b) Municipal Accountability Audit Report**

**7. Correspondence**

**a) Council Highlights Lacombe County June 9, 2021**

**b) AHS – Letter Dr. Jennifer Bestard – Central Zone Medical Director**

**8. Other Business**

**9. Adjournment**



## Minutes of the Regular Meeting of the Council of the Town of Bentley

June 14, 2022

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**Date and Place** Minutes of the Regular Meeting of the Council of the Town of Bentley held Tuesday, June 14, 2022, at 6:45 p.m., in the Bentley Municipal Office

**In Attendance** Mayor Greg Rathjen  
Deputy Mayor Hansen  
Councillor Lenore Eastman  
Councillor Dale Grimsdale  
Councillor Brenda Valiquette  
CAO, Marc Fortais

**Call to Order** Mayor Greg Rathjen called the meeting to order at 6:45 p.m.

**Indigenous Acknowledgement** "We acknowledge that we are meeting on Treaty 6 Territory and Home of Metis Nation Region 3, on land that is part of a historic agreement involving mutuality and respect. We recognize all the many First Nations, Metis, Inuit, and non-First Nations whose footsteps have marked these lands"

**Read by Mayor Rathjen**

### Agenda

**Motion 119/2022** Moved by Councillor Grimsdale, "THAT the agenda of the June 14, 2022, Regular Meeting of Council be amended to include the following items under Other Business:

**a) Branding and Website Working Group**

**Carried**

**Motion 120/2022** Moved by Councillor Eastman, "THAT the amended agenda, of the June 14, 2022, Regular Meeting of Council be accepted."

**Carried**

## Previous Minutes

**Motion 121/2022** Moved by Councillor Grimsdale, "THAT the minutes of the May 24, 2022, Regular Meeting of Council be accepted."

**Carried**

## Financial

**a) Prepaid Cheque Listing Cheques No. 20220358 to 20220414**

**Motion 122/2022** Moved by Councillor Valiquette, "THAT Cheque No. 20220358 to 20220414 be received for information."

**Carried**

## New Business

**a) Asset Management Program**

- i) Presentation by Stantec – Asset Management Water Infrastructure**
- ii) Policy 58/2022 – Asset Management Policy**
- iii) Asset Management Plan – Phase 1 – Water Distribution and Treatment System**

**Motion 123/2022** Moved by Councillor Grimsdale, "THAT Mayor and Council approve Policy 58/2022 – Asset Management Policy."

**Carried**

**Motion 124/2022** Moved by Councillor Valiquette, "THAT Mayor and Council approve Town of Bentley – Asset management Plan – Phase 1 – Water Distribution and Treatment System; AND

THAT the CAO submit the final reporting and expense claim to the Federation of Canadian Municipalities for the Town of Bentley Grant to offset the cost of implementation of Asset Management Plan – Phase 1

**Carried**

**b) Advocacy to Provincial and Federal Levels of Government**

- i) Strategic Planning Workshop Presentation May 22, 2022**
- ii) Invitation to request a meeting with the Minister – 2022 AM Fall Convention**

**Motion 125/2022** Moved by Councillor Hansen, "THAT the CAO be assigned the task to compile a list of advocacy initiatives for Provincial and Federal Levels of Government."

**Carried**

### **Correspondence**

- a) **Public Engagement - Information Session June 29, 2022, Oxford Building and Municipal Park**
- b) **Public Engagement – Information Session July 5, 2022, New Beginnings Subdivision – Next Steps Seniors Drop – In**
- c) **Parkland Regional Library System Board Meeting Minutes May 19, 2022**

### **Break**

**Motion 126/2022** Moved by Councillor Grimsdale, "THAT Mayor and Council takes a short recess at 8:19pm and return in 5 minutes at 8:24pm."

**Carried**

### **Call to Order**

Mayor Rathjen called the meeting to order (back in session) at 8:25pm

- d) **Bill 21 – Red Tape Reduction Statutes Amendment Act 2022 – Implementation Fact Sheet**
- e) **RCMP Quarterly Update Q1 2022**

**Motion 127//2022** Moved by Councillor Eastman, "THAT correspondence items a) to e) be received for information."

**Carried**

### **Other Business**

#### **a) Branding/Website Working Group**

The CAO discussed the launch of the Branding and Website project and shared with Council that it was the intent to form a working group made up of residents to assist with the Branding project. The intent of the working group is to help formulate ideas around the heart and soul of the community. The working group will be made up of a variety of community members from different segments in the community such as: business, industry, volunteers, youth, seniors, education, general residents. The intent was for Mayor and Council to independently provide a list of names of potential candidate for the working group to the CAO from which a list would be shortlisted and calls would be made to invite the residents to participate.

#### **b) Tool Cat Purchase – Verbal Update CAO**

The CAO provided an update to let Mayor and Council know that a toolcat and 3 attachments were purchased under the \$65,000 approved budget. The total cost paid for the equipment was \$58,322.00.

- c) **Additional item was discussed by Mayor and Council regarding compensation for the mayor attending the Indigenous Cultural Awareness Training on May 31, 2022**

**Motion 128/2022** Moved by Deputy Mayor Hansen, "THAT Mayor Rathjen receive compensation for the time attended at the Indigenous Cultural Awareness Training at Rainy Creek Ranch on May 31, 2022."

**Carried**

- d) **In Camera – New Beginnings Subdivision – Advice from Officials (In-camera pursuant to section 24(1) Freedom on Information and Protection of Privacy Act**

**Motion 129/2022** Moved by Councillor Valiquette, "THAT the regular meeting of council be closed to the public at 8:42pm to discuss the next steps and upcoming public meeting in regard to the New Beginnings Subdivision re-configuration and sale of land pursuant to section 24(1) Freedom of Information and Protection of Privacy Act – Advice from Officials."

**Carried**

**Motion 130/2022** Moved by Councillor Eastman, "THAT the regular meeting of council be resumed in public at 9:22pm

**Carried**

### **Council Reports**

- a) **Mayor Rathjen**
- b) **Deputy Mayor Hansen**
- c) **Councillor Grimsdale**
- d) **Councillor Eastman**
- e) **Councillor Valiquette**

**Motion 131/2022** Moved by Councillor Hansen, "THAT the May Council Reports be accepted as information."

**Carried**

### **Adjournment**

**Motion 132/2022** Moved by Councillor Valiquette, "THAT the regular meeting of council be adjourned at 9:30pm

**Carried**

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**Mayor Greg Rathjen**

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**CAO Marc Fortais**



# TOWN OF BENTLEY

## Cheque Listing For Council

Cheque		Vendor Name	Invoice #	Invoice Description	Invoice Amount	Cheque Amount
Cheque #	Date					
20220415	2022-06-15	RATHJEN, ARTHUR M				
20220416	2022-06-15	VALIQUETTE, BRENDA C				
20220417	2022-06-15	HANSEN, PAMELA				
20220418	2022-06-15	GRIMSDALE, DALE A				
20220419	2022-06-15	EASTMAN, LENORE M				
20220420	2022-06-15	CARSON, BARBARA J				
20220421	2022-06-15	JENSEN, DARREN J				
20220422	2022-06-15	MEREDITH, SANDRA L				
20220423	2022-06-15	GIBSON, COLE C				
20220424	2022-06-15	DENNEHY, NATHAN				
20220425	2022-06-15	GREAVES, LORYANNE				
20220426	2022-06-15	FORTAIS, MARC C				
20220427	2022-06-15	KIKSTRA, ROBERT B				
20220428	2022-06-15	LOOV, CHRISTOPHER D				
20220429	2022-06-15	BUDGELL, KAYDE T				
20220430	2022-06-15	SMITH, MADISON M				
20220431	2022-06-14	MAGNUM FIREWORKS LTD	25052022	PAYMENT DEPOSIT FOR FIREWORKS DISF	4,000.00	4,000.00
20220432	2022-06-15	327241 ALBERTA LTD.	1034	PAYMENT MAY ANIMAL CONTROL SERVICE	892.50	892.50
20220433	2022-06-15	ADT SECURITY SERVICES CANADA INC.	27806082 27824599 28013326	PAYMENT MUNICIPAL LIBRARY YEARLY SE PUMPHOUSE JULY SECURITY M ARENA YEARLY ADT SECURITY I	504.00 42.00 504.00	1,050.00
20220434	2022-06-15	CAMPUS ENERGY PARTNERS LP	1000894-20220: 1000895-20220: 2688ZC-2205-1	PAYMENT ELECTRICITY BILL FOR MAY 20: STREET LIGHTING ELECTRICITY NATURAL GAS BILL FOR MAY 20:	6,209.31 5,906.79 1,976.90	14,093.00
20220435	2022-06-15	CRACKER JACK SIGNS	1288	PAYMENT TOOLCAT DECALS	286.65	286.65
20220436	2022-06-15	GREGG DISTRIBUTORS LP	059-456606 059-457937 059-458295 059-458634 059-458979 059-458980	PAYMENT GARBAGE BAGS, PW COFFEE, F PARTS FOR TOOLCAT SPRAYBAI P.W. SHOP SUPPLIES PARKS & REC SPRAYER & PW M PARTS FOR TOOLCAT SPRAY BA PARTS FOR TOOLCAT SPRAY BA	417.36 135.12 33.74 126.62 4.32 16.72	733.88
20220437	2022-06-15	HHID	15062022	PAYMENT DIRECTOR OF EMERGENCY MAI	787.50	787.50
20220438	2022-06-15	MUNISIGHT LTD.	INV4302210	PAYMENT MUNIWARE SUPPORT FOR JUNE	828.48	828.48
20220439	2022-06-15	PARKLAND COMMUNITY PLANNING SERVICES	21743 21744	PAYMENT DAY TO DAY PROFESSIONAL SE PROFESSIONAL SERVICES GIS I	132.50 23.75	156.25
20220440	2022-06-15	SERVUS CREDIT UNION	05312022	PAYMENT SERVUS MASTERCARD BILL FOI	2,339.39	2,339.39
20220441	2022-06-15	TELUS MOBILITY INC.	09062022	PAYMENT PW. CELL PHONE'S AND FIRE DE	132.89	132.89



# TOWN OF BENTLEY

## Cheque Listing For Council

2022-Jun-23  
9:47:15AM

Cheque				Invoice	Cheque	
Cheque #	Date	Vendor Name	Invoice #	Invoice Description	Amount	Amount
20220442	2022-06-15	UTILITY SAFETY PARTNERS		PAYMENT		66.16
			IN171766	OCTOBER 2021 NOTIFICATIONS	26.46	
			IN172490	NOVEMBER 2021 NOTIFICATION	33.08	
			IN173893	DECEMBER 2021 NOTIFICATION:	6.62	
20220443	2022-06-15	WOLF CREEK BUILDING SUPPLIES		PAYMENT		505.72
			420299	ARENA MAINTENANCE MATERIA	75.12	
			420617	ARENA MAINTENANCE MATERIA	19.09	
			422605	CAMPGROUND PICNIC TABLES	411.51	
20220444	2022-06-15	WORKERS' COMPENSATION BOARD		PAYMENT		1,925.00
			25648684	INSTALLMENT PAYMENT	1,925.00	
20220445	2022-06-15	STECKLER REAL ESTATE APPRAISALS		PAYMENT		2,811.06
			22IC178ks	APPRAISAL REPORT FOR 5017 5	2,811.06	
20220446	2022-06-16	G.L.D.C. GAS CO-OP LTD.		PAYMENT		240.94
			07012022	NATURAL GAS BILL FOR FIRE H/	240.94	
20220447	2022-06-21	BUNZL CLEANING & HYGIENE		PAYMENT		528.50
			131055	JANITORIAL SUPPLIES FOR THE	528.50	
20220448	2022-06-21	GREGG DISTRIBUTORS LP		PAYMENT		293.57
			059-460495	P.W. SMALL TOOLS & SHOP SUP	293.57	
20220449	2022-06-21	INNOV8, DIGITAL SOLUTIONS INC.		PAYMENT		5.51
			IN348709	FCSS PHOTOCOPIER	5.51	
20220450	2022-06-21	TAXERVICE		PAYMENT		525.00
			2391071	TAXERVICE FEE FOR BOLTON R/	10.50	
			2391102	FEE FOR SERRA W - ROLL # 271'	84.00	
			2391103	FEE FOR SERRA, W - ROLL #272	84.00	
			2391104	TAXERVICE FEE FOR ROLL #273	173.25	
			2391105	TAXERVICE FEE FOR ROLL #273	173.25	
20220451	2022-06-21	WOLF CREEK BUILDING SUPPLIES		PAYMENT		18.43
			425604	CAMPGROUND PICNIC TABLES	18.43	
20220452	2022-06-21	WOLF'S BOTANICAL		PAYMENT		8,507.10
			80015683	ANNUAL FLOWER ORDER	8,507.10	
20220453	2022-06-21	ZINGIT PAINT AND FINISH		PAYMENT		2,940.00
			17062022	1/3 QUOTE OF PREP & FINISH B/	2,940.00	

**Total 67,232.90**

\*\*\* End of Report \*\*\*



# TOWN OF BENTLEY

## Cheque Register

2022-Jun-10  
1:42:04PM

Pay Period M202205 Batch # 14870

Cheque #	Cheque Date	CEO	CAO	Employee	Amount
20220415	2022-06-15			17 RATHJEN,ARTHUR	1,015.08 ✓
20220416	2022-06-15			84 VALIQUETTE,BRENDA	661.02 ✓
20220417	2022-06-15			85 HANSEN,PAMELA	910.62 ✓
20220418	2022-06-15			86 GRIMSDALE,DALE	593.18 ✓
20220419	2022-06-15			87 EASTMAN,LENORE	639.97 ✓
				<b>Totals</b>	<b>3,819.87</b>

\*\*\* End of Report \*\*\*





**Agenda Date:** June 28, 2022

**Agenda Item:** New Business:  
Town of Bentley Library Board

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## **SUMMARY AND BACKGROUND**

The Bentley Library has been in the community since 1949. It's first space was in the Bentley School with the library collection being supplied by volunteers. The first official Board Members were selected in 1949 as well!

In 1972 a fire destroyed the entire collection, and in 1977 a new library was opened at the Bentley Village Office on main street. The Bentley Municipal Library was formed in 1980, which made the library eligible for an annual provincial grant. Funding also came from the Village of Bentley, Parkland Regional Library, the Royal Purple, Bentley Kinsmen and Bentley Lions.

In 1981. The village office moved with the library accompanying it to their new space on main street, and in 1991 the Village Council and Library Board relocated the library to the current location at 5014 49<sup>th</sup> Ave. The Bentley Municipal Library officially opened June 16, 1991. Over the years, the library has continued to grow, hosting programs, acquiring new equipment and technology and in 2012 the library had a major renovation.

The Bentley Municipal Library is not just about books, there are DVD's, computers and printing services, cake pans, physical literacy (children's games, yard games, and sports equipment), Wii gaming systems and games, graphic novels. They even run a Mini Libraries program from May to September in our local area campgrounds and summer villages.

This report is being written to officially appoint the current board members to the Bentley Municipal Library Board.

## **CURRENT STATE:**

As per the Libraries Act and summarized in (Attachment #1) council may appoint between 5 and 10 board members to a municipal library board. Of these appointees, no more than two may be municipal councillors.

***Only the council of the municipality that established the library board has the authority to appoint members. The council of the neighboring municipality cannot appoint board members to a board they did not have a role in establishing. Council has the prerogative to decide who is appointed to the municipal library board, however it is good practice for council to involve the library board with the recruitment and selection of board members.***

The limits to the term are as follows:

- Library Board Members are appointed for a term not exceeding 3 years

- A Board Member cannot automatically serve more than 3 consecutive terms
- If a council wishes to have an individual on a municipal board for longer than 3 terms, 2/3 of the majority of council must vote in favour of re-appointing that individual for another term.

Recently, Town of Bentley administration was contacted by a Library Legislative Advisor of the Public Library Services Branch to conduct an audit of the board appointments. The audit requested that the municipality provide evidence, through meeting minutes, bylaws etc. of the board member appointments.

It was discovered through the audit that the current board members were originally appointed correctly, however upon their renewals beyond 2019, only the board had approved their extension of term. This is not in alignment with the requirements of the Libraries Act and needs to be rectified. The following list shows the board appointments and the renewals, which were not approved by Mayor and Council at the time.

Robin Lemay (Board Member)	Appointed 2017 to 2020 for a 3-year term - renewal 2020 to 2023 (November)
Carol Hamelin (Board Member)	Appointed 2016 to 2019 for a 3-year term – renewal 2019 to 2022 (October)
Kathy Pike (Board Member)	Appointed 2016 to 2019 for a 3-year term – renewal 2019 to 2022 (October)
Maureen Rue (Board Member)	Appointed 2013 to 2016, 2016 to 2019 for two 3-year terms and renewal 2019 to 2022
Joan Dickau (Current Chair)	Appointed 2014 to 2017, 2017 to 2020 -for two 3-year terms and renewal 2020 to 2023
Alan Wilson	Appointed through Lacombe County Organizational Meeting October 2021
Pam Hansen	Appointed through Town of Bentley Organizational Meeting October 2021

The only valid appointment currently on the Town of Bentley Library Board, is Pam Hansen, as she was appointed by Mayor and Council at the October organizational meeting of the Town of Bentley.

Through conversation with the Library Legislative Advisor of the Public Library Services Branch, they indicated that appointments cannot be retroactive and therefore the Town of Bentley was advised to appoint the current board members from June 28, 2022, forward for up to a 3-year term.

In consultation with the current chair of the Library Board, Ms. Joan Dickau, it was determined that the recommendation should go forward to Mayor and Council to appoint the current board members other than Alan Wilson and Pam Hansen for a term of 3 years. Mr. Alan Wilson and Ms. Pam Hansen will remain at one-year terms in alignment with Municipal Government Council process. Ms. Pam Hansen will continue to serve for her current term up to the next organizational meeting in October of 2022, where Mayor and Council will determine which member of council will serve for the upcoming 2023

year. Mr. Alan Wilson will also have to be appointed by Mayor and Council currently if they wish for him to represent Lacombe County on the Town of Bentley Library Board.

In accordance with the organizational meeting for the Town of Bentley, which occurred on October 28, 2021, Councillor Dale Grimsdale was also named as an alternate for the Bentley Library Board. As per (Attachment #2), alternates are not allowed to be appointed to the Bentley Library Board and as such must be removed.

It should be noted that many items listed in Bylaw 123/2008 (Attachment #3), "a Bylaw of the Town of Bentley, in the Province of Alberta, to Provide for the establishment of the Bentley Municipal Library Board," are redundant as they are specified in the Libraries Act. Administration will be revising Bylaw 123/2008 and Bylaw 222/2020 (Attachment #4) at a future date, to rectify these issues and remove limitations on Mayor and Council's powers that should only be limited by the Libraries Act itself.

## **BUDGET AND FINANCIAL CONSIDERATIONS**

None

## **RECOMMENDATION**

THAT Mayor and Council appoint the following persons to the Town of Bentley Library Board for the term specified:

Joan Dickau	for a 3-year term from June 28, 2022, to June 27, 2025
Robin Lemay	for a 3-year term from June 28, 2022, to June 27, 2025
Carol Hamelin	for a 3-year term from June 28, 2022, to June 27, 2025
Kathy Pike	for a 3-year term from June 28, 2022, to June 27, 2025
Maureen Rue	for a 3-year term from June 28, 2022, to June 27, 2025
Alan Wilson	for a term from June 28, 2022, to October 31, 2023
Pam Hansen	for a term from June 28, 2022, to December 31, 2022

## **ATTACHMENTS**

- 1) Attachment #1 – Appointments to Municipal Library Board
- 2) Attachment #2 – Library Board Alternates
- 3) Attachment #3 – Bylaw 123/2008 – Bentley Municipal Library Board Bylaw
- 4) Attachment #4 – Bylaw 222/2020 – Bentley Municipal Library Board Bylaw Amendment

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Marc Fortais, CAO

# Appointments to the Municipal Library Board

## A Fact Sheet for Alberta Public Library Boards and Councils

Municipal councils select individuals from their communities to sit on a library board. These individuals are appointed to the library board to ensure comprehensive and efficient library services are provided to the community. Councils appoint individuals with unique skills and perspectives to create a competent, well-rounded library board.

### Appointment Basics

#### Board Members

As per the *Libraries Act*, council may appoint between 5 and 10 board members to a municipal library board. Of these appointees, no more than two may be municipal councillors (for more information about appointing councillors to a municipal library board, see Public Library Services Branch (PLSB)'s *Appointing Councillors to the Municipal or Intermunicipal Library Board* fact sheet).

Only the council of the municipality that established the library board has the authority to appoint members. The council of a neighbouring municipality cannot appoint board members to a board that they did not have a role in establishing. When making an appointment, council should include the name of the individual(s) being appointed and their term length in the motion.

#### Term Limits

Library board members are appointed for a term not exceeding 3 years. A board member cannot automatically serve more than 3 consecutive terms. If council wishes to have an individual on the municipal board for longer than 3 terms, 2/3 of the majority of council must vote in favour of re-appointing that individual for another term. This 2/3 majority vote must occur every time the individual is re-appointed. If a former board member who has not served on the board for a period of time seeks to be appointed to the board again, council may appoint this individual for a brand new term, regardless of whether they served 3 terms during their previous time on the board.

#### Selecting Board Members

Council has the prerogative to decide who is appointed to the municipal library board; however, it is good practice for council to involve the library board with recruitment and selection of board members. The board can suggest what skillsets would be beneficial to the board, assist with any interview processes, and put forward names to council. It is then council's decision whether or not to appoint the suggested individuals. Council does not simply approve the names put forward – they must *appoint* each individual. Please note that library staff, as employees of the board, cannot be board members. Staff can attend board meetings in a supporting capacity if the board desires.

Councils are only responsible for appointing individuals, and may not appoint officer positions. The election of officers is a process that happens at the board table amongst board members.

It is recommended that council not add details surrounding appointments within the municipal establishment bylaw. This can lead to inflexibility and redundancy (or contradiction) with clauses stated within provincial legislation. The establishment bylaw simply creates the municipal library board.

#### Board Turnover

Once a board member's term expires, council has two options – appoint the individual again (ensuring 2/3 of council has approved the resolution if beyond 3 consecutive terms), or opt not to reappoint. In the latter case, council must appoint another individual to the board as soon as reasonably possible, particularly if board membership drops below the minimum of 5 members.

A board member is not permitted to serve more than three terms (unless approved by 2/3 of council) to allow for turnover of library board membership and allow new individuals to be appointed and share their perspectives. The library board belongs to the whole community – not simply a select few individuals. Other community members should have the opportunity to have a voice at the table should they wish to. Councils in smaller communities may assert that it is

a struggle to find new individuals to appoint to the library board, citing a lack of willing volunteers from the community to sit on the board. It is worthy of note that there is no residency requirement for library board members. Board members need not live in the same municipality as the council that created the board. In fact, it can be beneficial to appoint individuals living outside of the municipality to garner perspective from surrounding municipalities, whose community members may utilize those library services.

### **Municipal vs. System Appointments**

Note that appointing an individual to a municipal library board is not the same process as appointing an individual to a regional library system board. Municipalities that are members of a library system have the ability to appoint an individual to the system board to represent their municipality (for more information about system board appointments, see PLSB's *Appointments to the Library System Board* information sheet). This individual can serve on both the local and the regional system boards should council desire, but each appointment must be made separately.

## **The Importance of Ensuring ALL Board Members are Appointed**

Having individuals on the library board that are not appointed by council not only poses a significant legal risk to the board and library, but to the individual who is not appointed. Decisions and motions made at board meetings, if challenged, would not be likely to hold up in a court of law. Minutes signed by a board member who is not legally appointed would technically not be approved from a legal standpoint. While it is important that board members are appointed when first selected for the board, it is also important that council track when board member terms are expiring to ensure members are appointed for another term (if being reappointed) before their current appointment expires. If a gap exists between appointments, any voting or motions made by that individual would not be legally valid. A Board Member Tracker Template is included with this information sheet.

## **Board Member Responsibilities**

Council appoints *individuals* to municipal library boards, not representatives or officer positions. There is no seat on a municipal library board reserved for council, and councillors do not have a designated role to fill on the library board. They should not act as a representative of the municipality or any other group or organization. Board members may bring skills and knowledge from these other roles, but represent only themselves and their own views when it comes time to vote or make decisions. Councils may not appoint alternates

to these library boards because an alternate cannot represent the views of another individual.

Once a library board is established, it is an autonomous corporation – a legal entity separate from the municipality that established it. It has full management and control of library services in the community. Board members have fiduciary duties to fulfill in their roles. This includes the duty of care – each board member must be knowledgeable about their role and carry out their duties with the degree of care and attention that can reasonably be expected of them – and the duty of loyalty – to act honestly and in the best interests of the board and library, regardless of other boards and committees that individual may sit on.

## **Support and Resources**

If you have any questions, please contact the Public Library Services Branch by phone at 780-427-4871 (toll free by dialing 310-0000 first), or by email at [libraries@gov.ab.ca](mailto:libraries@gov.ab.ca). Information is also available on the PLSB website at [www.albertalibraries.ca](http://www.albertalibraries.ca).

## <The (Name of Municipality) Library Board>

### Requirements as per the *Libraries Act*, section 4:

- Only the municipal council that established the library board has the authority to appoint board members
- Minimum of 5, maximum of 10 board members can be appointed to the municipal library board
- A maximum of 2 board members may also be councillors from the municipality that established the board
- A single term on the board cannot exceed 3 years
- After 3 consecutive terms, 2/3rds of council must approve the individual being reappointed for each consecutive term thereafter (e.g. for a fourth, fifth term)
- Alternates are not allowed

Name of board member	Date of initial appointment	Current term ends	Number of terms served	History (e.g. motion # or date of letter of appointment)
Bob Smith	October 15, 2014	October 15, 2019	2	Motion#12345s – appointed for a 2 year term  Motion#98765f – appointed for a 3 year term

# Can Alternates Be Appointed to Municipal and Intermunicipal Library Boards?

## A Fact Sheet for Alberta Public Library Boards

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Municipal councils regularly appoint members to local boards and committees. Councils may appoint alternate members to attend meetings when the regular board or committee member is not available. However, for a municipal or intermunicipal library board, this is not the case.

### Board Member Appointments

Under the *Libraries Act*, municipal and intermunicipal library boards automatically become corporations when they are formed (*Libraries Act* 3(4), 12.2(4)). As corporations, library boards have a legal responsibility to govern themselves independently.

Upon appointment, a board member is responsible for governing the delivery of public library service in the community, and making decisions that are in the best interest of the public to provide quality municipal library service.

It is the responsibility of municipal councils to appoint library board members to municipal or intermunicipal library boards under the terms set out in the *Libraries Act* (sections 4, 5, 12.3, and 31) and the *Libraries Regulation* (section 17.1).

### The Library Board Member as an Individual

Municipal councils appoint individuals to municipal and intermunicipal library boards, not representatives or positions. There is no seat on a municipal or intermunicipal library board reserved for municipal council. When wearing the library board member “hat”, all board members (including board members who also happen to be councillors) are expected to act in the best interests of the library board and the delivery of public library service.

They should not act as a representative of the municipality or any other group or organization.

The sole exception to this model is library systems. Library systems are regional organizations whose members are municipalities. Library system board members are representatives because a municipality is a corporation whose perspective may be presented by many people. Thus, there is specific provision in the *Libraries Regulation* for municipalities to appoint alternates to library system boards.

There is no provision for alternates on any other type of library board in the *Libraries Act* or the *Libraries Regulation*. Unlike systems, municipal and intermunicipal library boards are comprised of appointed individuals acting in the best interests of the library board. Each board member represents only themselves and their own views. Municipalities may not appoint alternates to these library boards because an alternate cannot represent the views of another individual.

Individuals who have been appointed as “alternates” who attend board meetings, make motions, and vote on those motions place the board at risk of making invalid decisions that will not hold up in a court of law. This is especially problematic if the presence of this person allows the board to think it has narrowly reached quorum for meetings, when in fact it has not.

### Support and Resources

If you have any questions, please contact the Public Library Services Branch by phone at 780-427-4871 (toll free by dialing 310-0000 first), or by email at [libraries@gov.ab.ca](mailto:libraries@gov.ab.ca). Information is also available on the PLSB website at [www.albertalibraries.ca](http://www.albertalibraries.ca).

**By-law No. 123/2008**

**A By-law of the Town of Bentley, in the Province of Alberta, to  
Provide for the establishment of the Bentley Municipal Library Board**

**WHEREAS**, the Council of the Town of Bentley has authority, pursuant to Part I and Part 5 of the Libraries Act, being Chapter L-11 of the Revised Statutes of Alberta, and amendments thereto,

**AND WHEREAS**, Council of the Town of Bentley deems it expedient to establish the Bentley Municipal Library Board,

**NOW THEREFORE**, Council of the Town of Bentley, duly assembled in meeting and pursuant to the Library Act, hereby establishes the Bentley Municipal Library Board to manage and control the Bentley Municipal Library.

**1. Definitions**

- a) "Council" shall mean the Council of the Town of Bentley
- b) "Board" shall mean the Bentley Municipal Library Board
- c) "Chief Administrative Officer" shall mean the Chief Administrative Officer of the Town of Bentley or any person authorized by the CAO to act on his/her behalf
- d) "Member" shall mean a member of the Bentley Library Board

**2. Board Framework**

- a) The Board shall consist of not fewer than five (5) members and not more than seven (7) members as follows:
  - i) Not fewer than four (4) and not more than six (6) members shall be volunteers from the Community and shall be appointed by resolution of Council
  - ii) Not fewer than one (1) and not more than two (2) members of Council and shall be appointed by Council at the annual Organizational Meeting
- b) All members of the Board have equal rights, privileges and obligations.



- c) The term of office shall be as follows;
  - i) the term of office for a community board member shall be three (3) years. A member may serve on the Board for a maximum of two (2) consecutive terms of office, unless 2/3 of the whole Council passes a resolution stating that a member may be reappointed as a member for more than two consecutive terms.
  - ii) the term of office for the member of Council shall be one (1) year with annual appointments by Council at the annual Organizational Meeting.
  - iii) when appointments are made in respect of a first Municipal Library Board, Council shall appoint
    - 1/3 of the members for a term of one (1) year,
    - 1/3 of the members for a term of two (2) years,
    - The remaining members for a term of three (3) years.
  - iv) In the event of a vacancy occurring, the person appointed by resolution of Council to fill such vacancy, shall hold office for the remaining term of his or her predecessor.
- d) Any member absent from three (3) consecutive regular meetings of the Board without prior authorization of the Board, will automatically forfeit his/her membership on the Board as of the date of the third consecutive meeting absent from.
- e) Any member may resign from the Board at any time upon sending written notice to the Board Chairperson and a copy to the Chief Administrative Officer.

### 3. **Meetings/Quorum/Voting**

- a) Regular meetings of the Board shall be held at least ten (10) times per calendar year, with the time and date to be determined by the Board on an annual basis. The date and time of any regular meeting may be altered from time to time, by a resolution passed by the Board.
- b) A majority of members of the Board constitute a meeting quorum.
- c) Full and free discussion of every proposition presented for decision of the Board is an established right of all Board members.
- d) The majority of those Board members present and voting shall constitute the decision of the Board.



- e) All members in attendance at the meeting, including the Chairperson, must vote on all matters before the Board, unless a pecuniary interest is declared.
- f) The provisions of the Municipal Government Act, Division 6, Pecuniary Interest, shall apply to all Board Members.
- g) In the event of a tie vote, the motion shall be declared defeated
- h) The Board shall establish their own rules of procedure, but in doing so, they shall have due regard for parliamentary procedures and procedural fairness.

#### **4. Annual General Meeting**

- a) The Board shall annually, hold a General meeting at which time the following decisions will be made;
  - Election of the Chairperson and Deputy Chairperson
  - Appointment of the Treasurer and Recording Secretary
  - Establish signing authority
  - Appoint an Auditor
  - Establish the date, time and location of regular meetings
  - Appointments to Committees of the Board.

#### **5. Role of the Board**

- a) The Board, subject to any enactment that limits its authority, shall have full management and control of the Bentley Municipal Library and shall, in accordance with regulations, organize, promote and maintain an efficient library service and may cooperate with other Boards and Libraries in the provision of these services
- b) The Board may, by resolution, adopt operational policies as it determines necessary to carry out the management of the Bentley Municipal Library.
- c) The Board may pass By-laws pertaining to the safety and operation of the Bentley Municipal Library and shall, upon final reading and passing thereof, forward a copy of the by-law to the Council. The Council may disallow a by-law passed by the Library Board.



6. **Budgets & Financial Records**

- a) The Board shall, before December 1 of each year, prepare and approve a budget and an estimate of the money required, during the ensuing fiscal year, to operate and manage the Municipal Library.
- b) The budget and estimate of money required shall be forthwith submitted to the Chief Administrative Officer, for presentation to Council.
- c) Council may approve the estimates in subsection b) in whole or in part.
- d) The Board shall;
  - i) keep accounts of all its receipts, payments, assets and liabilities,
  - ii) have the accounts audited annually by a person who is not a member of the Board and who has been appointed by the Board and whose qualifications are satisfactory to Council to review the accounts each calendar year and prepare a financial report in a form satisfactory to Council,
  - iii) submit the financial report to Council immediately after its completion


This By-law rescinds By-law 407/80.

This By-law shall come into force and effect on the date of the final passing thereof.

Read a first time this 12<sup>th</sup> day of February, 2008.

Read a second time this 12<sup>th</sup> day of February, 2008

Read a third and final time this 12<sup>th</sup> day of February, 2008

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Chief Administrative Officer

**By-law No. 222/2020**

**A By-law of the Town of Bentley, in the Province of Alberta, to  
Provide for the establishment of the Bentley Municipal Library Board**

**WHEREAS**, the Council of the Town of Bentley, wishes to amend clause 3 and clause 4 of the Bentley Municipal Library Board Bylaw 222/2020;

**NOW THEREFORE**, the Council of the Town of Bentley duly assembled, enacts as follows:

Clause 3 a) of Bylaw 123/2008, shall be amended and replaced by the following:

**3. Meeting/Quorum/Voting**

- a) Regular meetings of the Board shall be held at a minimum in accordance with the requirements as set out in the Libraries Act Revised Statutes of Alberta 2000 Chapter L-11 or so as otherwise determined through the board's annual organizational meeting. The date and time of said meetings will also be determined on an annual basis at the annual organizational meeting and may be altered from time to time, by resolution passed by the board at any meeting throughout the year.

Clause 4 of Bylaw 123/2008 shall be amended and replaced by the following:

**4. Annual Organizational Meeting**

- a) The Board shall annually, hold an organizational meeting at which time the following decisions will be made;
- Election of the Chairperson and Deputy Chairperson
  - Appointment of the Treasurer and Recording Secretary
  - Establish signing authority
  - Appoint an Auditor
  - Establish the date, time and location of regular meetings
  - Appointments to Committees of the Board

**This By-law amends By-law 123/2008**

This By-law shall come into force and effect on the date of the final passing thereof.

Read a first time this 24<sup>th</sup> day of November, 2020


Read a second time this 24<sup>th</sup> day of November, 2020

Read a third and final time this 24<sup>th</sup> day of November, 2020

**Signed:**

  
Mayor Greg Rathjen

**Signed:**

  
CAO Marc Fortais



**Agenda Date:** June 28, 2022

**Agenda Item:** New Business:  
Municipal Accountability Program Audit

---

## **SUMMARY AND BACKGROUND**

The Municipal Accountability Program (MAP) is intended as a program of support and collaboration for municipal Chief Administrative Officers to either confirm compliance with the requirements of municipal legislation or identify concerns and develop corrective solutions where needed.

Alberta Municipal Affairs assists municipalities in providing well-managed, accountable local government to Albertans. Through the Municipal Government Act (MGA), the legislative framework for local government in Alberta, outlines the mandatory requirements for municipalities. This coupled with other statutes and corresponding regulations fall under the purview of Municipal Affairs. Compliance with these statutes and regulations is essential for good governance, the successful operations of a municipality and the viability, safety and well being of a community.

The MAP is designed to provide support and to help municipal officials successfully meet the challenges involved in responding to this wide range of legislative requirements and needs.

## **CURRENT STATE:**

The MAP 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 Bentley was randomly selected for a MAP review in 2022.

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 results included a review of council meeting minutes, municipal bylaws, and other municipal documents. It also included a visit and interview with the Chief Administrative Officer. Municipal Affairs met with the Town of Bentley on April 13, 2022, via electronic meeting.

## As per the report

***“The Town of Bentley 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.” (MAP Audit Report pg. 6)***

The results of the Town of Bentley review, contained in the attached 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.

Overall, the review findings are positive. The areas in which the municipality is meeting mandatory legislative requirements include: ***orientation training, chief administrative officer evaluation, signing of municipal documents, organizational meetings, special meetings, regular meeting change notices, quorum, voting, code of conduct bylaw, establishment of the chief administrative officer positions, bylaw enforcement officer bylaw, discretionary bylaws, procedural bylaw, passing bylaws, bylaw revisions and amendments, public participation policy, operating budget, capital budget, financial records and receipts, municipal accounts, fidelity bond, auditor, audited financial statements, auditor report, salary and benefits, management letter, tax roll, preparation of tax notices, content of assessment notices, tax arrears list, tax sale, municipal development plan, land use bylaw, subdivision authority, development authority, subdivision and development appeal board, nomination forms, ballot account, disposition of election material, campaign disclosure statements, municipal emergency management; and system library board.***

Specific areas where the municipality is required to take action to achieve compliance are included below:

### **Legislative Gaps Identified include the following:**

- Requirement to designate a place for the municipal office (pg. 9)
- Requirement to ensure all of council is provided information (pg. 12)
- Requirement to ensure public presence at meetings (pg. 15)
- Requirement to close meetings in accordance with the MGA and FOIPP (pg. 16)
- Requirement for council to only act by resolution or bylaw (pg. 20)
- Requirement to declare a pecuniary interest in accordance with the MGA (pg. 23)
- Requirement for council meeting minutes to be documented in accordance with the MGA (pg. 24)
- Requirement for the property tax bylaw to be in accordance with the MGA (pg. 27)
- Requirement to establish a local and composite assessment review board by bylaw (pg. 28)
- Requirement for the borrowing bylaw to be in accordance with the MGA (pg. 32)
- Requirement for a municipality to implement a three-year operating plan and five-year capital plan (pg. 45)
- Requirement for the assessor to be a designated officer (pg. 46)
- Requirement for the content of tax notices to be in accordance with the MGA (pg. 50)

- Requirement to certify the date of mailing the tax notices and advertise the sending of the assessment notices (pg. 51)
- Requirement to list and publish policies related to planning decisions (pg. 59)
- Requirement to appoint a substitute returning officer (pg. 61)
- Requirement to ensure the municipal library board does not have alternate appointments (pg. 67)

Administration will prepare a response that includes a plan detailing the actions to be taken to rectify the legislative gaps identified in this report. The response will be submitted to Municipal affairs within eight weeks of receiving this report. The Town of Bentley has up to a year to rectify any issues identified, however given that most of them are relatively minor, administration anticipates that most will be rectified by the end of the year.

## **BUDGET AND FINANCIAL CONSIDERATIONS**

None

## **RECOMMENDATION**

THAT Mayor and Council accept the 2022 Municipal Accountability Program Report (Town of Bentley) as information.

## **ATTACHMENTS**

- 1) June 2, 2022, Letter MAP – Office of the Assistant Deputy Minister Municipal Services Division
- 2) 2022 Municipal Accountability Program Report

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Marc Fortais, CAO

AR108983

June 2, 2022

Mr. Marc Fortais  
Chief Administrative Officer  
Town of Bentley  
PO Box 179  
Bentley AB T0C 0J0

Dear Mr. Fortais:

Your participation and cooperation during the municipal accountability review conducted in April 2022 for the Town of Bentley is greatly appreciated. On behalf of the Minister, I have accepted the Town of Bentley Municipal Accountability Review Report as prepared by the Municipal Affairs staff who met with you. I am confident the outcomes will be beneficial for the ongoing successful administration of the town.

Attached is a copy of the report, which identifies areas of legislative compliance, as well as areas deemed to be legislatively non-compliant and requiring attention. Recommendations and resources are also offered to assist in remedying any legislative gaps. To ensure legislative gaps are addressed, please prepare a response to the report, including a plan detailing the actions to be taken to rectify these issues, and submit this response to my office, eight weeks upon receipt of this letter. The response must include a timeline for completion, which is not to exceed one year.

You may email your response plan to [MAP@gov.ab.ca](mailto:MAP@gov.ab.ca), or send it by mail to:

Municipal Affairs – Municipal Services Division  
Attention: Kevin Miller  
17th floor, Commerce Place  
10155 – 102 Street  
Edmonton AB T5J 4L4

As ministry staff discussed with you during the review, it is expected the Municipal Accountability Review report will be shared with your council as a way to build awareness of the diversity of municipal responsibilities. Municipal Affairs does not deem the report to be confidential in nature and encourages sharing the results in a public meeting to demonstrate accountability and transparency with town citizens.

.../2



Municipal Affairs is committed to maintaining a collaborative working relationship with you as the Chief Administrative Officer for your municipality. We are available to help you address the non-compliant matters identified in the report and welcome your feedback on our review process.

For further information, please contact Kevin Miller, Municipal Accountability Advisor, toll-free at 310-0000, then 780-422-8128.

Yours truly,



Gary Sandberg  
Assistant Deputy Minister

Attachment: Town of Bentley 2022 Municipal Accountability Review Report

cc: Ric McIver, Minister of Municipal Affairs  
Brandy Cox, Deputy Minister, Municipal Affairs  
Kevin Miller, Municipal Accountability Advisor, Municipal Affairs

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# 2022 Municipal Accountability Program Report

Town of Bentley



Municipal Affairs

Town of Bentley 2022 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 assisting municipalities in providing well-managed, accountable local government to Albertans. 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 Bentley was randomly selected for a municipal accountability review in 2022.

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 Bentley 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 April 13, 2022 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 Bentley 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:

- orientation training;
- chief administrator officer evaluation;
- signing of municipal documents;
- organizational meeting;
- special meetings;
- regular meeting change notice;
- quorum;
- voting;
- code of conduct bylaw;
- establishment of the chief administrative officer position;
- bylaw enforcement officer bylaw;
- discretionary bylaws: procedural bylaw;
- passing bylaws;
- bylaw revisions and amendments;
- public participation policy;
- operating budget;
- capital budget;
- financial records and receipts;
- municipal accounts;
- fidelity bond;
- auditor, audited financial statements, auditor report;
- salary and benefits;
- management letter;
- tax roll;
- prepare tax notices;
- content of assessment notices;
- tax arrears list;
- tax sale;
- municipal development plan;
- land use bylaw;
- subdivision authority;
- development authority;
- subdivision and development appeal board;
- nomination forms;
- ballot account;
- disposition of election material;
- campaign disclosure statements;
- municipal emergency management; and
- system library board.



## 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 9](#));
- requirement to ensure all of council is provided information ([page 12](#));
- requirement to ensure public presence at meetings ([page 15](#));
- requirement to close meetings in accordance with the *MGA* and *FOIPP* ([page 16](#));
- requirement for council to only act by resolution or bylaw ([page 20](#));
- requirement to declare pecuniary interest in accordance with the *MGA* ([page 23](#));
- requirement for council meeting minutes to be documented in accordance with the *MGA* ([page 24](#));
- requirement for the property tax bylaw to be in accordance with the *MGA* ([page 27](#));
- requirement to establish a local and a composite assessment review board by bylaw ([page 28](#));
- requirement for the borrowing bylaw to be in accordance with the *MGA* ([page 32](#));
- requirement for a municipality to implement a three-year operating plan and a five-year capital plan ([page 45](#));
- requirement for the assessor to be a designated officer ([page 46](#));
- requirement for the content of tax notices to be in accordance with the *MGA* ([page 50](#));
- requirement to certify the date of mailing the tax notices and advertise the sending of assessment notices ([page 51](#));
- requirement to list and publish policies related to planning decisions ([page 59](#));
- requirement to appoint a substitute returning officer ([page 61](#)); and
- requirement to ensure the municipal library board does not have alternate appointments ([page 67](#)).

## 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 Town of Bentley is located at 4918 - 50th Avenue, Bentley, Alberta. A resolution naming the location of the municipal office could not be located.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** A resolution of council is required to designate the location of the municipal office to meet the requirements of 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 2021 general election and any subsequent by-elections?

**Comments/Observations:** Members of council were offered both municipally-delivered and externally facilitated orientation sessions following the 2021 general election.

**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:** The CAO is provided with an annual written performance evaluation.

**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:** Outside of council meetings, the CAO normally uses email to provide requested information to all members of council; however, at times when the information requested is determined to be minor or unimportant to all, the CAO does not fan out the information to all members of council.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** The CAO is required to provide all information that is requested by a councillor on the operation or administration of the municipality to all other councillors as soon as is practicable in accordance with section 153.1 of the MGA.

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

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

## 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. Cheques, and negotiable instruments are all signed by the CAO and a member of council. The CAO is permitted through policy to sign contracts under \$5,000 that are supported in the annual budget.

**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)*

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

**Comments/Observations:** Council meetings are advertised to the public and open for members of the public to attend.

The CAO indicated the public services committee routinely meets without the public present. Section 197 of the *MGA* requires all council and council committee meetings to be held in public unless an exception to disclosure under section 16-29 of the *Freedom of Information and Protection of Privacy Act* apply to all or a portion of the meeting, and where council has by resolution moved into a closed session.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** All council and council committee meetings must be advertised to the public and open for the public to attend 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. 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 February 8, 2022 show that council went into a closed session. The minutes record the exception to disclosure applicable under the *FOIPP Act*; however, the exception to disclosure is not cited as part of the resolution to enter into a closed session as required by section 197(4)(b) of the *MGA*.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** Going forward, the resolution to enter a closed session must contain the exception to disclosure applicable to the portion of the meeting to be closed under the *FOIPP Act* in accordance with section 197(4)(b) of the *MGA*.

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

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

### 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:** Council held their last organizational meeting on October 26, 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 council meeting occurred on October 13, 2021. 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:** At the November 9, 2021 council meeting, council cancelled the scheduled meeting for November 23, 2021 by resolution 209/2021.

**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 direction is occasionally given to administration without a motion (e.g., February 22, 2022 meetings with MP/MLA).

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** All decisions of council must be formalized through a council resolution or by bylaw that is passed in an open public meeting, with a quorum present.

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

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

## 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 Town of Bentley council consists of five elected officials. The minutes that were reviewed met quorum requirements.

**Meets Legislative Requirements:** Yes

**Recommendations/Action Items:** No action required.

**Resources:** Not applicable.

### 3. Voting

**Legislative requirements:** *MGA 182-185*

1. Does each councillor participate in voting (unless an abstention is required or permitted and is noted)?
2. Is an abstention from voting recorded in the minutes?
3. Is the request for a recorded vote 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 requests for recorded votes noted in the meeting minutes reviewed. 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:** At the January 25, 2022 council meeting, a member of council declared a potential conflict of interest and recused themselves from discussion and voting on the item; however, the minutes do not include a disclosure of the general nature of the pecuniary interest as required by section 172(5) of the MGA.

Pecuniary interest is outlined in section 170 of the MGA, and does not provide for a declaration of a “conflict of interest.”

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** Going forward, when a member of council declares a pecuniary interest in an item before council, they must disclose the general nature of the pecuniary interest and the meeting minutes must include the disclosure in accordance with legislation.

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

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



## 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. The minutes reflecting public hearings are in accordance with section 230 of the *MGA*, and the minutes are kept in a safe location in the town office.

The minutes of the October 12, 2021 council meeting show a record for the number of councillors in favour and opposed to the vote; however, the minutes do not contain a request for a recorded vote nor does the recorded vote show the names of those who voted in favour and in opposition as required by section 185 of the *MGA*.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** Going forward, when a vote is recorded, the request must be made by a member of council prior to the vote being taken, and the minutes must reflect whether each individual councillor voted in favour or against the resolution.

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

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?

**Comments/Observations:** Bylaw 197/2018 was passed on April 24, 2018 establishing a new code of conduct for elected officials for the town. The bylaw applies to all members of council equally and there are sanctions in place for violations of the code of conduct bylaw. The bylaw includes the topics listed above. A complaint system is 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. The code of conduct bylaw was last reviewed by council at the October 26, 2021 organizational meeting.

**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:** Bylaw 106/06 was passed on July 11, 2006 establishing the position of CAO for the town. The current CAO was appointed by a council resolution at a special council meeting held November 29, 2019.

**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 Town of Bentley passes a tax bylaw annually. The 2021 tax bylaw was passed by council on May 25, 2021. None of the assessment classes were sub-classed by the municipality. The tax ratio between residential and non-residential properties is under the legislated 5:1 ratio. The requisitions are accounted for and the calculations are correct. The town does not charge a minimum tax.

The bylaw includes a requisition for the “Police Funding Model”. The fees to municipalities for policing are not a requisition as defined by the *MGA*.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** Going forward, levies for police funding must be included in the general municipal levy, and not as a separate requisition to meet legislative requirements.

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

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

**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:** Council passed bylaw 143-2010 on March 9, 2010 authorizing a regional assessment review board. The bylaw does not establish the local and composite assessment review boards for the t, but instead authorizes the regional board to exercise the functions of both the local and composite assessment review boards.

Section 5 and 6 of the bylaw refer to the presiding officer of a panel as the "chairperson"; however, the bylaw does not establish a chair of the board itself. Section 455(2)(a) of the *MGA* requires the councils to jointly designate one of the board members as chair and to prescribe the term of office and any remuneration or expenses payable to the chair.

Members of the assessment review board have received the mandatory training.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** Bylaw 143-2010 must be amended or replaced to include provisions establishing the local assessment review board and composite assessment review board, and ensure the Chairperson's duties are in accordance with legislation.

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:** Bylaw 99/06 was passed on January 10, 2006 establishing the powers and duties of bylaw enforcement officers. The bylaw addresses disciplinary procedures, including penalties and an appeal process, for allegations of abuse of authority. Individuals who perform bylaw enforcement 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:** Council passed bylaw 127/2008 on August 12, 2008 establishing meeting procedures for council and council committee meetings. The bylaw is consistent with the general requirements of the *MGA*.

**Meets Legislative Requirements:** Yes

**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 211-2019 was passed on May 28, 2019 authorizing borrowing for the purpose of servicing a new municipal subdivision. The bylaw sets out the amount to be borrowed, the purpose of the borrowing, the maximum rate of interest to be paid, and the sources of money to be used to repay the principal and interest owing; however, the bylaw does not contain provisions respecting the term of the borrowing or the terms of repayment of the borrowing as required by section 251(2)(b) of the *MGA*.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** Bylaw 211-2019 must be amended to include the term and terms of repayment of the borrowing to meet legislative requirements.

**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. Supplementary Property Tax Bylaw

**Legislative requirements:** MGA 369

1. Does the municipality have a supplementary property tax bylaw?
2. If so, did the municipality prepare a supplementary tax roll, supplementary tax notices for all taxable property shown on the supplementary tax roll of the municipality, and send the supplementary tax notices to the persons liable to pay the taxes?

**Comments/Observations:** Bylaw 229/2021 was passed on May 25, 2021 authorizing supplementary property tax assessments. Supplementary tax notices were sent to applicable properties.

**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 217/2021 through 220/2021 passed on December 14, 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 repeals and replaces bylaws. Schedules to bylaws are also amended by repealing and replacing the bylaw. The town's land use bylaw has received a number of amendments. In each case, the amendment is advertised and receives a public hearing as required.

**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:** The town passed their public participation policy 56/2018 on June 20, 2018. The policy establishes the circumstances when the municipality will engage the public and methods the town will use to engage the public. The policy is available for inspection on the municipal website.

The public participation policy must be reviewed by council prior to June 20, 2022.

**Meets Legislative Requirements:** Yes

**Recommendations/Action Items:** No action required.

**Resources:** Not applicable.

## 3.8 Finance

### 1. Operating Budget

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

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

**Comments/Observations:** The 2022 operating budget was approved by council resolution 216/2021 on December 14, 2021. 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. Expenses not included in the budget are brought to council or approval by resolution.

**Meets Legislative Requirements:** Yes

**Recommendations/Action Items:** No action required.

**Resources:** Not applicable.

## 2. Capital Budget

**Legislative requirements:** *MGA 245, 246, 248.1*

1. Has a capital budget for each calendar year been adopted?
2. Does the capital budget include the estimated amount for the following:
  - the amount needed to acquire, construct, remove or improve capital property;
  - the anticipated sources and amounts of money to pay the costs to acquire, construct, remove or improve capital property; and
  - the amount to be transferred from the operating budget?

**Comments/Observations:** The 2022 capital budget was approved by council resolution 216/2021 passed on December 14, 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 records reviewed met the requirements set out in section 268.1. 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:** Resolution 184/2021 was passed at the February 24, 2000 meeting and designates Servus Credit Union as the financial institution 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 RMA (Genesis). 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*, [Debt Limit Regulation 255/2000](#)

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 current auditor was appointed by resolution 186/2021 passed on October 26, 2021. The 2020 financial statements contain information respecting the town's debt and debt limit. The 2020 financial statements were approved by resolution 65/2021 at the April 13, 2021 council meeting.

**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 CAO. The town does not currently have any designated officers. Once the assessor is established as a designated officer as noted in section 3.9.1 of this report, the salary and benefits payable to the municipal assessor will need to be disclosed.

**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 town has prepared a three-year operating and five-year capital plan. The three-year operating plan includes the major categories of revenue and expenses, and includes the annual surplus/deficit; however, the plan does not contain the accumulated surplus/deficit as required by section 2(c) of the Municipal Corporate Planning Regulation 192/2017. The five-year capital plan includes the anticipated expenditures and anticipated sources of revenue as required by legislation. Council reviews the financial plans annually as part of the budget process.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** The three-year operating plan must be updated to include the accumulated surplus/deficit 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 84-04 was passed on February 24, 2004 establishing the position of assessor for the town; however, the bylaw does not establish the position as a designated officer as required by section 284.2(1) of the MGA. Council appointed a qualified assessor by resolution 187/2021 passed on October 26, 2021. The assessment roll is available for inspection in the town office without a fee.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** Bylaw 84-04 must be amended or replaced to establish the assessor as a designated officer of the town as required by section 284.2(1) of the MGA.

**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.

**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:** Property assessment and tax notices are prepared annually, and sent to taxpayers separately 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 March 22, 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 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.

Please see section 3.4.3 regarding displaying the policing funding model as a separate requisition.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** Going forward, the tax notice must contain information on how to request a receipt for taxes paid to meet the requirements of section 334 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.

## 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:** The town does not provide notification that the assessment notices have been sent, nor does the town certify the date tax notices were sent.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** The town must annually publish notice that the assessment notices have been sent, and a designated officer must annually certify the date tax notices are sent to meet the requirements of sections 335 and 336 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.

## 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 28, 2022, before the required March 31 deadline. The list is 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 were brought up to date; therefore, the town has not been required to conduct a tax sale recently. In the event that the town 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
  - policies respecting municipal reserve lands
  - policies respecting the protection of agricultural operations

**Comments/Observations:** Bylaw 188-2016 was passed on September 13, 2016 establishing a new municipal development plan for the town. The MDP addresses all the topics listed above. There were 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, 606,640, 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 189/2016 was passed on September 13, 2016 establishing a new land use bylaw for the Town of Bentley. 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 bylaw was last amended by bylaw 226/2021. The bylaw was advertised, and the notice of amendment included the information listed above.

**Meets Legislative Requirements:** Yes

**Recommendations/Action Items:** No action required.

**Resources:** Not applicable.



### 3. Subdivision Authority

**Legislative requirements:** MGA 623, 625

1. Has the municipality bylaw provided for a subdivision authority?

**Comments/Observations:** Bylaw 208/2019 was passed on March 12, 2019 providing for the subdivision authority for the town.

**Meets Legislative Requirements:** Yes

**Recommendations/Action Items:** No action required.

**Resources:** Not applicable.

#### **4. Development Authority**

**Legislative requirements:** *MGA 623, 625*

1. Has the municipality bylaw provided for a development authority?

**Comments/Observations:** Bylaw 189/2016, the town's land use bylaw, provides for the development authority.

**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 205-2018 was passed on November 13, 2018 establishing and authorizing an intermunicipal SDAB agreement. All of council on MPC. 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. The bylaw delegates the appointment of members to an administrative committee established within the bylaw, and establishes the clerk as the agreement administrator. Members of the SDAB, as well as the clerk, have received the mandatory training. The town submitted its 2020 SIR indicating the training status of SDAB members.

**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. Was a returning officer appointed for the 2021 general election?
2. Was a substitute returning officer appointed for the 2021 general election?
3. Did all of the appointed election officers take the required oath/statement per the Local Authorities Election Forms Regulation?

**Comments/Observations:** The returning officer for the 2021 general election was appointed by council resolution 88/2021 passed on May 11, 2021. A substitute returning officer was not appointed. All election officers took the required oath/statement.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** Going forward, in the case of a by-election or the 2025 general election, a substitute returning officer must be appointed by council as required by section 13(2.1) of the *LAEA*.

**Resources:** Municipal Affairs Advisors are available to provide elections support by calling toll-free 310-0000 and then 780-427-2225. In addition, 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](#).

**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. 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:** The town has retained a copy of the ballot accounts for the 2021 general election.

**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:** Materials for the 2021 general election were destroyed, and the municipality has retained the affidavits of destruction.

**Meets Legislative Requirements:** Yes

**Recommendations/Action Items:** No action required.

**Resources:** Not applicable.

## 5. Campaign Disclosure Statements

### **Legislative requirements:** *LAEA 147.4, 147.7*

1. Has the local jurisdiction issued a late filing fee of \$500 for campaign disclosure statements not received on or before March 1 immediately following a general election, or within 120 days of a by-election?
2. Have all campaign disclosure statements filed within the last four years been retained by the municipality?
3. Are all documents filed under this section available to the public during regular business hours?
4. Has the returning officer reported all complaints or allegations under Parts 5.1 or 8 of the *LAEA* to the Elections Commissioner?

**Comments/Observations:** All campaign disclosure statements for the 2021 general election were submitted on time by council 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 (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 147/2011 was passed on February 8, 2011 establishing the emergency management committee and emergency management agency for the town. A director of emergency management has been appointed and has received the required training. Members of council as well as municipal staff have also received the required training. The town has an approved emergency plan 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 municipal library board for the Town of Bentley was established by bylaw 123/2008 passed on February 12, 2008. One member of council as well as an alternate are appointed annually at the organizational meeting. The appointment term does not exceed three years, and no member has exceeded three consecutive terms.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** The town must ensure the library board appointments align with section 4 of the *Libraries Act*, which does not provide for the appointment of an alternate member.

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

**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. 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 Parkland Regional Library System. One member of council, as well as one alternate, are appointed annually at the organizational meeting of council. The appointment term does not exceed three years, and no member's service has exceeded nine consecutive years.

**Meets Legislative Requirements:** Yes

**Recommendations/Action Items:** No action required.

**Resources:** Not applicable.

## **Section 4: Conclusion**

Your participation and cooperation during the 2022 Municipal Accountability Program review are appreciated. This report is intended to help the Town of Bentley 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.



WHERE PEOPLE ARE THE KEY

## HIGHLIGHTS OF THE REGULAR COUNCIL MEETING JUNE 9, 2022

### **COMMUNITY SERVICES CAPITAL EQUIPMENT PURCHASE 2023**

The County Manager was authorized to tender and award the purchase of the 2023 capital replacement list as presented, for an estimated \$ 1,103,000 and to dispose of the existing units at an estimated trade-in or private sale value of \$ 124,341. The difference between the purchase price of the new units and the sale price of the old units in the amount of \$ 978,659 will be funded from the Agricultural Services Equipment Reserve, the Protective Services Equipment Reserve, and the Peace Officer Equipment Reserve.

### **OPERATIONS – CAPITAL EQUIPMENT PURCHASES 2023**

The County Manager was authorized to tender and award the purchase of the 2023 capital equipment replacement list as presented, for an estimated value of \$ 3,969,000 and to dispose of the existing units at an estimated trade-in or private sale value of \$ 1,188,000. The difference between the purchase price of the new units and the sale price of the old units in the amount of \$ 2,781,000 will be funded from the Capital Equipment Reserve.

### **JOINT USE AND PLANNING AGREEMENTS (JUPA)**

The 2017 modernization of the Municipal Government Act introduced requirements for all school boards and municipalities to enter into Joint Use and Planning Agreements (JUPAs).

The proposed Joint Use and Planning Agreement (JUPA) process was adopted by Council. Lacombe County will undertake the process to enter into agreements with all school divisions that have boundaries within the County.

### **AGRICULTURAL SERVICE BOARD**

As per amended Policy CC(3) Duties of Committees, Commissions and Boards the Agricultural Service Board (ASB) will now meet three times per year. Future meetings were set for September 8, 2022, October 18, 2022 and January 17, 2023.

### **GRAVEL CRUSHING**

The County Manager was authorized to enter into a gravel crushing contract for 2022 with McNabb Construction Ltd. in the amount of \$ 645,800. \$ 608,221 will be funded from the Basic Municipal Transportation Grant (BMTG) component of the MSI Capital Grant, and \$ 37,579 will be funded from the operational reserve.

### **ALBERTA TRANSPORTATION PRESENTATION**

Mike Damberger, Regional Director and Stuart Richardson, Infrastructure Manager, Alberta Transportation, provided an update on the department's initiatives and activities. A number of County-specific transportation concerns were discussed.

**Next Regular Council Meeting is**  
**Thursday, June 23, 2022 - 9:00 a.m.**

**Next Committee of the Whole Meeting is**  
**June 13, 2022 – 9:00 a.m.**

**Lacombe County Administration Building**

**\*\*For more details from Lacombe County Council meetings, please refer to the meeting minutes. All meeting minutes are posted on the website ([www.lacombecounty.com](http://www.lacombecounty.com)) after approval.**



Healthy Albertans.  
Healthy Communities.  
**Together.**



June 21, 2022

Delivered electronically to [mfortais@townofbentley.ca](mailto:mfortais@townofbentley.ca)

To CAO Marc Fortais,  
Town of Bentley

Dear Mr. Fortais:

I understand that your Municipal Council has requested a meeting to discuss physicians in your community as the individuals who were providing clinic practice out of the Bentley Care Centre prior to COVID are no longer able to do so. Although we would be happy to connect with you, there are some items I would like to bring to your attention:

AHS recruits to our specific facilities. Although we require community clinic practice wherever possible as part of that recruitment, physicians undertake that work as private contractors and we cannot dictate which clinic they choose to join. AHS does have facilities in Lacombe and Sylvan Lake and given Bentley's proximity to those sites we can certainly let recruits to those communities know that practice in Bentley is an option.

The clinic space is not currently available due to the Connect Care transition and is not projected to be available until after December. If any Physician were interested in practicing out of that site they would be unable to do so until it becomes available again. This does not preclude physicians from setting up their own practice elsewhere in your community should they choose to do so.

The clinic space is co-located with our Long Term Care Centre and we will need to look at the situation with COVID and any required measures to keep those patients safe before any community practice resumes at the site.

I will soon be on sabbatical for the coming year and the individual who will be covering my role in the interim is just transitioning in.

Given the above, I hope that you and your Council would be open to planning a meeting towards the fall when the interim Zone Medical Director is in the role and we have more clarity on the availability of clinic space at our site. If you have any questions or comments in the meantime please don't hesitate to connect with the Medical Affairs Manager, Tyler McKinnon at 587-797-1652 or [tyler.mckinnon@ahs.ca](mailto:tyler.mckinnon@ahs.ca).

Thank you,

Dr Jennifer Bestard, MSC; MD; FRCP (C); CSCN  
Central Zone Medical Director

Central Zone Medical Affairs  
2nd Floor, 43 Michener Bend, Red Deer AB T4P 0H6  
p: 403-343-4519 f: 403-309-2809  
Email: [Jennifer.bestard@ahs.ca](mailto:Jennifer.bestard@ahs.ca)