

Village of Bawlf

Municipal Inspection Report

December 2011

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Government of Alberta ■
Municipal Affairs

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1.0 Executive Summary

On March 22, 2011 the Village of Bawlf council requested the Minister of Alberta Municipal Affairs to conduct an inspection into the affairs of the municipality. The Minister appointed Aleks Nelson and Desiree Kuori on August 18, 2011 as inspectors under the authority of section 571 of the *Municipal Government Act (MGA)*, through Ministerial Order L:198/11. An inspector has the same powers, privileges, and immunities as a commissioner under the *Public Inquiries Act*.

During the course of the inspection, numerous individuals were interviewed including all members of council, some members of the public, and current members of staff. Those interviewed were provided with a brief overview of the inspection process being undertaken, assured of the confidentiality of the discussion, and given an opportunity to ask questions and clarify any points. They were also provided with the opportunity to provide comment on specific issues and events that have occurred in the village. The inspectors also observed two (2) council meetings and attended a special council meeting via electronic communications. A review of the village records also took place which included minutes, bylaws, policies, and financial records.

Governance practices in the village are weak as evidenced by the lack of knowledge of good practices by both the Council and to some extent, the administration. Council needs to focus on good policy and bylaw development to guide their and administration's actions; also to provide information to the public on how Council and administration will act given similar circumstances.

Administration functions reasonably well, however good practices are sometimes inhibited by Councillor interference or lack of consistent policy. Long term program planning would be of great benefit to the village and it's residents.

Relationships among Councillors and among Council and administration are delicate and there is not a good understanding of the roles and responsibilities of each group. Training needs to take place to educate the various parties as to their roles, responsibilities and level of authority within the organization.

The financial position of the village is good and residents enjoy a reasonably low rate of taxation when compared with other municipalities the size of Bawlf. These are only two indicators that signify that a municipality is well run.

This report contains 32 recommendations relating to village operations and council governance issues. Based on our findings, we believe the municipality is being managed in an irregular, improvident and improper manner. We also believe the appointment of an Official Administrator to supervise the village would assist Council and Administration in moving past their difficulties in a positive manner.

2.0 Municipality Description

The Village of Bawlf has a population of 374 residents and is located within the boundaries of Camrose County. The village

2. Not conforming to accepted standards of conduct or good taste.

3. Unsuitable.

Irregular:

1. Not according to established rules or procedure.

2. Not conforming to accepted standards of conduct.

4.0 What We Heard

Based on information received from the interviews and written communications from the residents the areas of concern include:

- Council is split and does not respect or support one another.
- Administrative staff have feared for their positions.
- Pecuniary interest of Councillors has been questioned
- Council interference with administration
- Information obtained at in-camera sessions is not always kept in confidence
- Lack of formal planning for the future
- Inappropriate conduct by some members of council includes swearing, yelling and making offensive comments about staff
- Relationship between the Fire Department and the Village is fragile
- Relationship between the Library Board and the Village is fragile

- Relationship between some members of Council and the Chief Administrative Officer (CAO) is fragile
- Water and sewer operations have not been conducted according with Alberta Environment minimum standards
- Councillor absence from meetings did not result in disqualification
- Roles and responsibilities of Council and administration are not clearly understood by council, administration and the public
- There is a lack of policy development.

5.0 Governance

The *MGA* states the purpose of a municipality is to provide good government, services, facilities or other things that, in the opinion of council, are necessary or desirable for all or a part of the municipality, and to develop and maintain safe and viable communities. ¹ To do this, council's principal role is to develop and evaluate policies and programs, make sure that the powers, duties and functions are appropriately carried out, and carry out the powers, duties and functions given to it under the *MGA* or any other act. Essentially, council establishes policy and programs and they monitor these decisions by receiving complete and accurate reporting from administration on how the decisions are carried out.

¹ See Appendix "A"

5.1 Mayor & Council

Council consists of a Mayor and four councillors. As per village Bylaw 401, the Mayor is elected from within the Council at the annual organizational meeting. The Mayor of Bawlf is Gordie Blatz (2nd term). The Councillors are Karen Robbins (1st term), Rodney Blatz (1st term), Ferne Reinke (1st term) and Jody Yuha (Deputy Mayor) (2nd term). Mayor Blatz and Councillor Blatz are brothers. Councillor Blatz was formerly employed by the municipality as the Public Works Director. He also, until recently, contracted to the municipality as the water and sewer treatment operator and served for many years as the fire chief for the village. All council members are long term residents of the Bawlf area.

It was noted that the Council had their first regular meeting on October 20, 2010, two days after the general election. Election results do not become official until noon on the fourth day after the election, in this case, October 22, 2010, as set out in section 97 of the *Local Authorities Election Act (LAEA)*. A council meeting should not have been held, nor should the councillors have been sworn in until after noon on the fourth day following the election.

As part of the inspection process, we interviewed each councillor and observed two (2) regular council meetings and one special council meeting. It is clear from our observations that not all members of council understand their role, or duties as a councillor or as council.

Sections 153 and 154² of the *MGA* provide for the general duties of councillors and the mayor.

In addition, section 201(1)³ outlines the role of council as primarily being the developer of programs and policies for the municipality and ensuring the powers and duties are carried out appropriately.

It is essential that councillors understand these provisions in the *MGA* as they set the primary focus when it comes to decision making and acting on behalf of the municipality. We heard a number of times that impromptu meetings outside of council chambers are held (without including all members and without proper notification) and decisions have been made that were "common sense". Section 181⁴ of the *MGA* clearly states council decisions must be made in a public meeting. Council should set policy in public at regular council meetings and administration should implement it.

It was observed at the council meetings that the mayor would call for a vote on a resolution but refrain from voting unless there was a tie. Section 183⁵ of the *MGA* requires all of council, including the mayor to vote unless required otherwise.

Since the election, council has experienced a number of conflicts within chambers and during public meetings. While it is unreasonable to expect that council will always agree, it is expected that individual councillors will conduct themselves in a manner that is conducive to healthy discussions and good intentions. Council's chambers are an

² See appendix "A"

³ See appendix "A"

⁴ See appendix "A"

⁵ See appendix "A"

opportunity for all of council to ask questions and speak without prejudice or judgment. Outbursts and inappropriate behavior that undermines the purposes of a municipality should not be tolerated.

It is the role of the chair person to ensure that order is maintained during council meetings. While the *MGA* does not specifically address the conduct of individual councillors, Policy #21, Council Code of Conduct and Values as passed by council, outlines a number of rules and principles that council has agreed to follow. This policy however, does not provide any consequences for contraventions of this policy.

RECOMMENDATION 1:

That Council review their Council Code of Conduct and Values Policy to incorporate measures to help ensure compliance with the policy.

We were also asked by an individual councillor how to keep the media away from council meetings. Council meetings are public, and anyone is permitted to attend unless legislation prevents this, such as when council is required to go in camera for discussion. In camera sessions will be discussed in further detail later in the report.

During the inspection, it was brought to our attention that councillor attendance was an issue. Section 174(d)⁶ states that a councillor is disqualified if the councillor is absent from all regular council meetings held during any period of 8 consecutive weeks. Municipal councils are elected every three years to represent the wishes of residents and make decisions that are in the best interest of the community as a whole. Absenteeism from council meetings negates the effect of this regardless of the

⁶ See Appendix “A”

reason for being absent. If a councillor cannot fulfill their duties and responsibilities as an elected official it is incumbent upon them to make the right decision and ensure that the residents are fairly represented with the councilors' presence at meetings.

During the interview process, the inspectors became aware that 'email voting' amongst councillors is an accepted process. This occurs when an item is presented to the CAO that requires a decision of council because there is no policy or bylaw that speaks to it, prior to the next council meeting. Rather than hold a special council meeting as provided for in the *Act* to discuss the item, a vote via email is conducted. Section 181⁷ of the *MGA* provides that a bylaw or resolution of council is not valid unless passed at a council meeting held in public at which there is a quorum present.

Specific requirements exist for situations when a decision needs to be made that cannot wait for the next regular meeting. If there is a requirement for a special meeting, it must be held in accordance with Sec 194⁸ of the *MGA*.

On Friday October 7, 2011 the Village of Bawlf council held a special council meeting to address one agenda item which was to be held "in camera" due to the legal nature of the issue. One of the inspectors utilized telephone conference to attend the meeting at the point when the meeting went into camera. However, it was discovered that another item was added to the agenda at the start of the meeting.

⁷ See Appendix "A"

⁸ See Appendix "A"

Section 194 (5) states no other matter should be dealt with that is not part of the notice of the meeting unless all of council is present and agrees on the addition. This was a direct contravention of the *MGA*.

RECOMMENDATION 2:

That Council and administration ensures that they are complying with all meeting provisions in the Municipal Government Act.

It was also noted by the inspectors upon review of council minutes and agendas that there is almost always at least one addition to the meeting agenda at the start of a council meeting. It is important for council to understand the preliminary work a CAO must do to gather and prepare pertinent information regarding an issue so it is available to council to assist with an informed decision. When matters are brought forth at the last minute, the CAO cannot possibly have all the information and council cannot be expected to understand or make decisions based on this type of practice. It is unfair to all parties, including the residents who have elected council to make decisions based on facts and good information. Unless the item is of an emergent nature, there is no reason it cannot wait until the next council meeting. At the December 19, 2011 meeting, a number of items were included by Councillor Blatz however no information on those items was provided to the CAO to include in the council package.

RECOMMENDATION 3:

That Council adopt a policy or amend Section 3 subsection 5 of the Procedural Bylaw to set out a deadline when items can be added to an agenda, and set out criteria of what constitutes an addition to an agenda, and define emergent issues.

RECOMMENDATION 4:

That Council define, in the procedural bylaw, what an emergent item is.

It was noted at the first Council meeting the Inspectors attended, that there was direct participation between the gallery and Council which was solicited by the Mayor. While this process may encourage public participation, it also led to an unorganized and inefficient meeting.

RECOMMENDATION 5:

If Council chooses to have a public forum it should not be held in conjunction with a Council meeting.

5.2 Council Orientation

After the 2010 municipal election, new councillors were provided with a binder⁹ containing information the CAO considered important for them to have to carry out their duties as a municipal councillor. Councillor Reinke was provided the binder upon her acclamation as councillor in a municipal by-election held in early 2011 due to Councillor Porter's resignation. In our opinion, this is a very comprehensive package prepared by the CAO that is meant to assist each individual councilor to become more aware of their role and to be used as a tool when engaged in village matters.

In addition to receiving and reviewing the above information, most of Council attended a Roles & Responsibilities workshop shortly after being elected. Though the comprehensive council package was provided to councillors, it is evident that not all councillors have read the package and/or understand the contents as evidenced by comments made by councillors which included:

- "Maybe there were some bylaws in it but I'm not sure"
- "I'm not familiar with a procedural bylaw"
- "Not sure if I received anything"

⁹ See Appendix "B"

We believe it is an obligation of councillors to review information that has been provided to them in the spirit of assisting them in their role.

RECOMMENDATION 6:

That Council and council members thoroughly review all items provided to them by administration.

5.3 Pecuniary Interest

Alberta's municipal councillors have a strong record of public service to their communities. As elected officials, they are responsible for upholding the public interest ahead of any private interests they may have. Section 172 of the *MGA* states that a councillor may not take part in the decision making process on any matter in which the councillor has a pecuniary interest. A pecuniary interest is an interest in a matter which could monetarily affect a councillor directly or indirectly as a shareholder of a corporation or a firm.

During the interview process, it became apparent that some councillors have voted on matters that should have been considered as a pecuniary interest to that Councillor. When a pecuniary interest does exist under the *MGA*, it is the duty of the elected official in question to follow appropriate procedures. These procedures are listed under section 172 of the *MGA* which govern the disclosure of pecuniary interest by councillors. It is the responsibility of a councillor to declare a pecuniary interest and remove themselves from the discussion and decision of the matter.

In the event that a Councillor has a pecuniary interest he or she must:

- Disclose the conflict prior to the discussion;
- Abstain from discussion on the matter;
- Abstain from voting; and
- Leave the room until discussion and voting are concluded.

A recent example occurred at the November 11, 2011 Council meeting where Mayor Blatz did not vote on motion 184/11, presumably because of a conflict of interest. However, he did not disclose the conflict prior to the discussion or remove himself from the meeting prior to discussion on the issue.

If a councillor does not declare a pecuniary interest and an elector in the municipality or council believe that a councillor does have a pecuniary interest it is up to them to make an application to the courts. The courts have the authority to determine whether a pecuniary interest exists, and what actions should be taken as a result.

RECOMMENDATION 7:

That Council and administration familiarize themselves with the provisions contained in the *MGA* with respect to pecuniary interest.

5.4 In Camera

Section 197¹⁰ of the *MGA* provides that councils and council committees must conduct their meetings in public unless a matter to be discussed is within one of the exceptions to disclosure in Division 2 of Part 1 of the *Freedom of Information and Protection of Privacy Act (FOIP)*. Should any part of an agenda item fall within *FOIP* the council may close the meeting to the public. While this discussion is an important communication tool, councils must ensure that they balance the requirements of the *FOIP* provisions with open public discussion. An example, would be the following motion extracted from historical village council minutes;

8. CONFIDENTIAL ITEMS

a) 2010 Unsigned Audited Financial Statement

¹⁰ See Appendix "A"

MOTION 98/11: MOVED BY Deputy Mayor Yuha to move "in camera" at 10:12?

p.m.

CARRIED.

Why was the discussion for this item considered to be in camera material? The inspectors do not believe that the unsigned audited financial statements qualify under the provisions set out in FOIP to allow council to discuss the matter in private.

Council must ensure that when they move their meetings in camera, the motion should state why. There should also always be a resolution from council when the meeting is coming out of in camera. For example the meeting of April 26, 2011 did not have a motion indicating that council had come out of a camera, therefore any motions made before the meeting was adjourned were technically not valid as the meeting had not officially come back into the public as indicated in section 181 of the *MGA*.

Section 153(e) of the *MGA* states councillors have the duty to keep in confidence matters discussed in private at a council meeting until discussed at a meeting held in public. At the February 16, 2011 regular meeting, Councillor Porter made a motion to go "in camera". Councillors Porter and Blatz and Administrator Schapansky left the "in camera" session at various times. The meeting moved out of camera and was immediately adjourned. By the next morning, we were told it was common knowledge that Councillor Porter had tendered her resignation during the in camera portion of the meeting. It is important that anyone who is in attendance at these sessions ensures the confidentiality of the subject discussed is maintained.

RECOMMENDATION 8:

That Council and administration familiarize themselves with the provisions in which council may move their meetings to an in camera session, and ensure that the council meeting minutes clearly portray the legislative authority to do so.

5.5 Boards and Committees

The Village of Bawlf has several municipal boards and committees. Some are required by legislation (such as Assessment Review Board, Library Board, or the Subdivision Development Appeal Board), some are regional partnerships, and some are established under the discretion of village council.

Council recently reviewed the committee structure and have removed a number of committees that are not required. Council also reviewed councillor presence on certain boards and have removed appointments where attendance is not required.

5.6 Bylaws

A review of the villages' bylaws was undertaken to check consistency, relevancy, and accuracy with respect to referenced legislation and to ensure that legislative requirements were met. It appears that many bylaws from 20 to 30 years ago are still in use and reference outdated legislation. There is no standard format, and many clerical and typographical errors were noticed.

The village keeps the hard copy of council bylaws in a binder in the filing room. The binder should be kept in a safe water and fire proof area. Some copies of the bylaws are also stored electronically on a computer in the administration office and some are stored online for

anyone to view on the village website. The inspectors could not find a complete inventory of village bylaws. It is vital that the municipality organize and inventory the village bylaws and ensure that they are accurate and accounted for as the bylaws of a municipality are the foundation and parameters in which the municipality will operate.

RECOMMENDATION 9:

That Council direct administration to conduct a complete review of the villages bylaws to ensure relevancy, accuracy, and consistency.

RECOMMENDATION 10:

That Council direct administration to develop a complete inventory of all village bylaws and make them available on and off line.

RECOMMENDATION 11:

That Council and administration establish a rotational schedule to review village bylaws on an ongoing basis to ensure relevancy, accuracy, and consistency.

The procedural bylaw provides the framework for the conduct and flow of council and council committee meetings. It is important that councillors are aware and fully understand the purpose of the procedural bylaw as it allows for meetings to be conducted efficiently and consistently. It is also key that council ensures that the provisions within their procedural bylaw address circumstances and processes that are unique to the village. The villages' procedural bylaw (519/03) is not current and not conducive to productive and efficient meeting practices.

RECOMMENDATION 12:

That Council and administration review and redevelop their procedural bylaw to reflect best practices in their meeting procedures.

5.7 Policies

Policies provide guidance to staff and allow for consistency in decision

making. Policies can be communicated to the public so the public is aware of how a municipality will deal with certain areas of its operation.

We heard on numerous occasions that Bawlf is a small village and doesn't need policies like larger municipalities. We also heard "the rules" change to suit differing circumstances. Further, it was said that lack of policy is not a problem and "common sense" should prevail when decisions are made for the village. Common sense, however, differs among individuals in many circumstances. Recently, the CAO used her common sense in a hiring process and was subsequently criticized by Council as their view of common sense differed. Had an approved hiring policy been followed, the frustration caused by this event would have been eliminated.

Common sense is open to interpretation and therefore, clear policies approved by council, would allow for consistent and equitable application of similar operations and circumstances within the village to eliminate various interpretations.

The village has developed some policies, including a comprehensive Service Levels document which is updated annually and assists in compiling the budget. This is a very good document which outlines all the services provided by the village. It is not a document we see developed very often in small centres such as Bawlf and Council and administration should be complimented on the development and annual update of the policy. The majority of existing policies have been developed by the current CAO and adopted by Council. Policy development is a time consuming exercise but when completed

should:

- allow for situations to be dealt with equitably
- communicate to the public how the village deals with certain matters
- assist staff to work effectively within parameters established by council

Some policies that the village should consider implementing are:

- Purchasing Policy
- Personnel Policy (currently under development)
- Expense Reimbursement Policy
- Public Works Inspection Policy

Policies should be reviewed on an ongoing basis to ensure they are still relevant and clear to the organization.

RECOMMENDATION 13:

That Council and Administration continue with the development and review of policies.

5.8 Minutes

It is the legislated duty of the CAO to ensure that all minutes of council meetings are; recorded in the English language without note or comment; the names of the councillors present at council meetings are recorded; are given to council to adopt at a subsequent meeting; and are kept safe.

The format of the minutes included summaries of discussion council and delegations would have for each item on the agenda. The inspectors suggest that this format cease. The summary of events is the recording secretary's perspective and not an accounting of the actual events in the meeting. Common practice for minute taking

would be to record the motion and read back the motion to council to ensure it is correct and then the chair should call for a vote. This encourages council to structure their motions in such a way that explains and answers all of the details surrounding a decision. A motion should be clear in defining the issue and answer the who, what, where, when and how questions.

Upon review of previous minutes, the practice of accepting the accounts payable listing and financial statements for audit purposes was never recorded as a motion. This should be a motion of council. The same can be said for any correspondence the village receives. Council should always have a motion to deal with the item or accept it as information. It was also noted that the comings and goings of individuals in the gallery were also recorded. This practice is not required and should be discontinued as it could be considered an invasion of privacy. Council meetings are open to the public regardless of who you are or where you live.

RECOMMENDATION 14:

That Council ensures motions are clear in intent and provide precise direction to administration.

6.0 Administration

6.1 Organizational Structure

The Village of Bawlf has an appointed CAO as required by section 205 of the MGA. The CAO, who is council's only employee, works 3 days a week (at the time of writing the CAO is on medical leave). In addition, reporting directly to the CAO is the Office Administrator who works 4 days per week and the Communications Coordinator who works 1 day

per week (recent resignation). There is a Public Works Director who also reports directly to the CAO who works full time 5 days per week (recent resignation). The village also employs a seasonal part time individual who assists in public works.

6.2 Administration Roles

The CAO's responsibilities and duties are outlined in sections 207¹¹ and 208 of the *MGA*. Based on our interviews and a review of the administrative job descriptions the following was noted. The CAO's main areas of activity are to prepare the budget, council meeting agendas and packages, and grant applications. The office assistant is responsible for front desk reception, council minutes, website maintenance and the monthly newsletter. The office administrator is tasked with all the financial aspects of the municipal operations including payroll, accounts payable, accounts receivable, property taxes, bank reconciliations, utility billing, general ledger posting, etc.

6.3 Cross Training

Cross training of staff is important as certain functions must be completed in the absence of the primary individual responsible. For example, on pay days, if the payroll clerk is absent, it is vital the pay cheques are still produced. Cross training staff allows for a continuation of the processes that are carried out on a day to day basis.

The communications coordinator was hired in April 2011 and a part of her duties is to learn the duties of the office administrator. To this

¹¹ See Appendix "A"

end, there is some cross training occurring in the office. However, the office administrator is responsible for all the accounting functions including accounts payable and receivable; payroll; cash receipts; taxation; assessment; banking; utilities; grant reporting; and year end audit. It will be difficult for the Communications Coordinator to receive sufficient training in these duties based on the limited amount of time she is working in the office.

RECOMMENDATION 15:

That a suitable cross training program be implemented for village staff.

6.4 Public Works

The public works department for the village consists of a director and a part-time temporary labour position. The public works director works full time, 5 days per week, 8:30am-4:30pm. The current director has been employed by the village since April 2011.

In our opinion, the working relationship between public works staff and the CAO consists of healthy communication and a desire to ensure that the best interests of the community are met.

Based on several interviews, it has come to the inspectors attention that individual councillor interference with administration occurs quite often. This is unacceptable behavior as outlined in section 201(2)¹² of the *MGA*.

For example, an issue of road repairs was dealt with in the following motion and subsequent discussion:

MOTION 130/11: MOVED BY Councillor Robbins that the Village Council authorize the Administration to request pricing and act if reasonable and within budget to rip the pavement on the north block of Hanson Street.

¹² See Appendix "A"

CARRIED.

Discussion also arose regarding repaving a 14' width of Hanson Street in front of the hall and outdoor rink. This project has not been budgeted for. Mayor G. Blatz volunteered to contact Border Paving for a cost estimate.

Motion 130/11 is vague. What did Councillor Robbins mean when she said reasonable? What does rip the pavement mean, and what happens with the street after the pavement is ripped? When motions are structured in this way with so many unanswered aspects of the issue, the direction for the CAO is ambiguous. In addition, if this is an item contained in the budget, the CAO has already received approval from Council to proceed with the job, a motion is not required a second time. Further, the Mayor should not be volunteering to perform functions the CAO is responsible for (obtaining quotes). The CAO is the administrative head of a municipality and is tasked with ensuring that the policies and programs of the municipality are implemented in the manner they see as appropriate given the resource council has approved through the budget process. It is the CAO who directs staff on what their tasks and duties are. If a staff member is receiving additional or differing tasks and duties from individual councillors it undermines the CAO's authority, confuses and intimidates the employee, and could delay the completion of priorities in the village.

Councillor Blatz, the former Public Works Director has a vast amount of knowledge with respect to village operations. He has advised he would be willing to share the knowledge if he is asked. We suggest the best way for the former Public Works Director to share the knowledge is to formally document areas that will assist the new Public Works Director. This will be much more effective and long lasting than following employees around and directing their actions.

RECOMMENDATION 16:

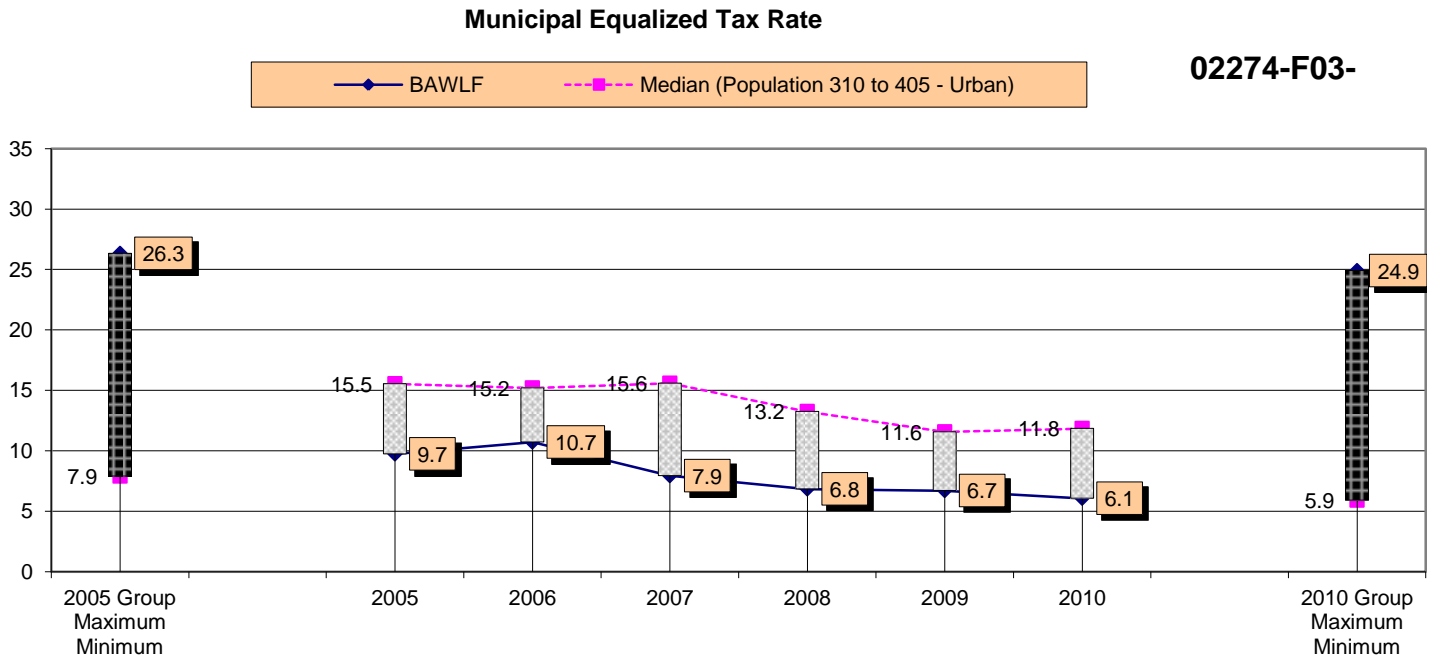
That the village councillors adhere to section 201 of the MGA and consult with the CAO when addressing matters related to the work and conduct of village staff.

6.5 Assessment and Taxation

We heard from several ratepayers and councillors that the taxes in Bawlf have gone “through the roof” and Council needs to cut taxes. At the same time, there were no suggestions as to which services the village should eliminate in order to arrive at a lower tax rate. We also heard from at least one councillor that the village should not complete any capital projects unless they were fully funded by provincial or federal grant programs. The current environment with respect to grants is very favourable to municipalities, however, repairs and replacement of critical infrastructure needs to be maintained regardless of available grant funding. It is not prudent nor responsible of council to disregard primary infrastructure requirements unless they are fully funded by grants. Most grants (excluding the Municipal Sustainability Initiative grant) that are available require a municipal contribution.

To address the concerns over high taxes, it may be useful to compare the village of Bawlf’s tax rates with those of similar sized municipalities. Annually, Alberta Municipal Affairs prepares financial indicator graphs which compare a municipality with eighteen other Alberta municipalities that are closest in population size to the subject municipality. In 2009 the population of Bawlf was 374. Eighteen municipalities with populations of between 305 and 429 have been compared to Bawlf in several areas. The following graph compares

Bawlf's overall (combined residential and non-residential) tax rate with those of the similar sized municipalities.

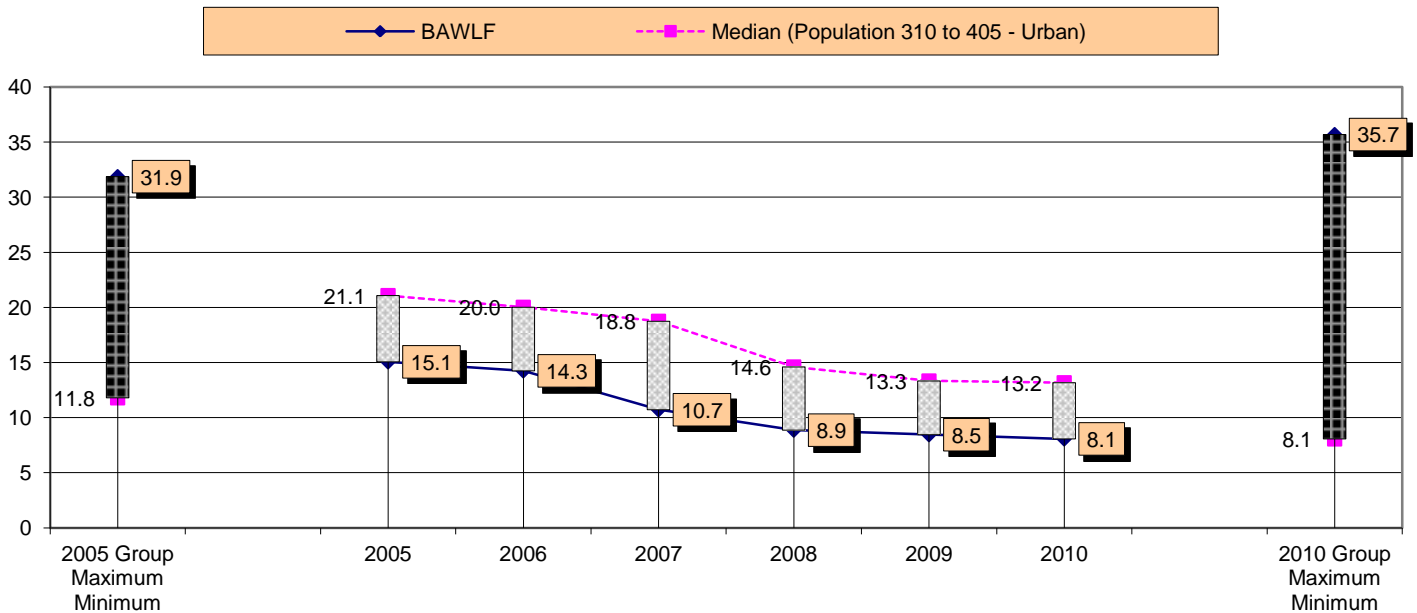


Note : Municipal Equalized Tax Rate is calculated based on total equalized assessment and net municipal property tax.

The graph shows that the overall municipal tax rate has been below the median of similar sized municipalities since at least 2005. In 2010, the tax rate was only slightly higher than the lowest rate of the municipalities included in the group. This measure does not answer the question of whether or not citizens are receiving value from the dollars they pay. It does, however, provide a good idea of how much the village taxes its ratepayers for services compared to other municipalities of similar size.

The following graph provides similar information with respect to residential tax rates.

Residential Equalized Tax Rate



Note : Residential Equalized Tax Rate is calculated based on gross residential property taxes and residential equalized assessment.

Bawlf's assessment base is primarily residential. This means there is very little commercial or industrial property that contributes to the overall tax base. The graph above shows Bawlf's residential tax rate is the lowest of the group compared.

However, this data is somewhat skewed because of the special tax levies the village has imposed over the past years which are not reflected in the tax rates. The special tax issue is discussed further below.

6.6 Taxation Matters

As outlined in section 353 of the *MGA*, each council must pass a property tax bylaw annually. On May 18, 2011, village council passed Bylaw 578/11 to establish the property tax rates and requisition rates for education taxes. This bylaw authorizes council to impose a tax in

respect of property in the municipality to raise revenue to be used towards the expenditures set out in the annual budget. It was noted that the bylaw is difficult to read and reconcile.

Council also imposes a minimum tax to some of the properties within the village. Section 357 provides that a municipality may specify a minimum amount payable as a property tax. However, the intent of this provision is to ensure the minimum tax is the same for all properties and to recognize all properties receive some basic services. For example, if a municipality chose to have a minimum tax of \$100.00, that amount is specific to the municipal portion of the property tax for each taxable property within the village. The provincial education tax, and the special tax amounts would be in addition to the minimum tax. As well, the minimum tax is included in the annual property tax bylaw but it does not stipulate how much revenue the municipality intends to generate from the minimum levy.

A council may pass a special tax bylaw to raise revenue to pay for specific services. Division 5 of Part 10 of the *MGA* outlines the requirements and parameters where a council may pass a special tax bylaw. A special tax is intended for use under circumstances that may not normally be a part of general village operations. For example, if the council decided to complete a dust abatement program in a portion of the municipality, it would be appropriate to implement a special tax for the area the work was completed. The Village of Bawlf imposes a special tax for fire, recreation, and street improvements through the Special Tax Bylaw 577/11. A review of the bylaw register reveals no special tax bylaws were passed in 2006, 2007, 2008 or 2010. It is our understanding the special tax was not levied in all the above

mentioned years. In our opinion, the special tax as has been levied in the past, is not appropriate because:

- the services the special tax covers are not unique, rather normal operating expenses of the village
- the special tax has been used as a way to equalize the tax burden (ie. lower the tax of those higher assessed properties) and circumvents the assessment and taxation system used in Alberta
- the special tax provisions of the *MGA* have not been met

Bylaw 577/11 is specific to only “occupied properties” being levied for these taxes however the term “occupied” is not defined.

Bylaw 420-85 establishes current and arrears tax penalties. Sections 344 to 346 of the *MGA* authorize council to impose penalties for late payment of property taxes. Upon review, this bylaw references outdated legislation and should be amended and reviewed to ensure it is in line with current statutory provisions.

The Village of Bawlf sends a combined property assessment and tax notice annually for every property located within the village. Section 309 of the *MGA* outlines the requirements of an assessment notice, and section 334 provides the criteria of what the contents of a tax notice must be.

While some of these requirements appear to be fulfilled, other discrepancies were noticed on the 2011 property tax and assessment notice. The area that outlines important penalty information only references the arrears penalty to be charged on January 1, 2012, and

the taxes payable section calculates a penalty for September 1, but does not indicate to the ratepayer what the penalty rate is. In addition, some errors were found with respect to the minimum levy calculation, special tax levies and the frontage used for calculating the tax. Also, some of the information displayed on the tax notice is misleading. For example, the special tax information is included in the local improvement tax area of the notice.

RECOMMENDATION 17:

That council clarify and define “occupied properties” in the Special Tax Bylaw. If Council is to continue with a special tax, it must be done in accordance with the *MGA*.

RECOMMENDATION 18:

That council direct administration to correct the combined property assessment and tax notice to comply with legislation and provide clarity to residents

RECOMMENDATION 19:

That future tax bylaws are prepared in accordance with the *MGA* and the suggested format as provided by Alberta Municipal Affairs.

RECOMMENDATION 20:

That council amend the property tax penalty bylaw to ensure that it is current with legislation and aligns with the vision of council

RECOMMENDATION 21:

That council direct administration to conduct a complete review of the 2011 tax roll and provide a report to council outlining their findings, and to the Minister of Municipal Affairs for information.

6.7 Water and Sewer Operations

The village water system is classified by Alberta Environment as being a “High Quality Groundwater System Without Remote Monitoring or Remote Process Control”. Alberta Environment issues guidelines on the frequency of monitoring and the level of operator required for the

village system. A complete listing of the minimum requirements the village is expected to maintain can be found at:
http://environment.alberta.ca/documents/Minimum_Certification_Operator_Attendance_Guidelines_for_Waterworks_Systems.pdf

During the course of the inspection, we learned that the water operations of the village were not being completed as required by Alberta Environment minimum standards. Councillor Rod Blatz, a certified operator, was previously responsible for the water testing and other operations. Since he submitted his leave of absence, another individual was completing the work. One of the expectations of this individual was that he would communicate with a certified operator who is employed by a neighbouring municipality. However, this communication was not occurring in the required manner. No adverse incidents have occurred during the period; however, the village must be cognizant and comply with all regulations especially regarding the health of their citizens.

On October 7, 2011 Council held a special meeting to deal with the water operation issue. At that time, council made a resolution to contract with a certified operator to carry out the required duties which included training for the Public Works Director and assistant. We believe the village is presently in compliance with Alberta Environment minimum standards.

It was also brought to our attention the municipality is relying on volunteers to respond to alarms brought about by possible malfunctions at the sewage lift station. It is our understanding the pumps in the lift station are ageing and though emergency conditions

do not exist, the alarm is sounded on a regular basis. We have heard the alarm can, at times, sound up to 10 times in one night. This entails someone having to respond to alarms by attending the lift station, determining if an actual problem exists and resetting the alarm if conditions are favourable to do so. In our opinion, this is clearly an operational function that should be completed by a member of the administrative staff who is familiar with the operations of the lift station. It is our understanding the Public Works Director and Assistant were being trained in this function, however since the resignation of the Public Works Director we are uncertain as to the current status of the training program.

Under no circumstance should a volunteer be required to perform these types of essential functions for the municipality. It is questionable if insurance coverage would apply if an incident occurred where an untrained volunteer caused damage to the system or failed to troubleshoot the system correctly which resulted in damage to the system. We understand the ageing system could be upgraded and many of the alarm conditions would no longer occur.

RECOMMENDATION 22:

That the village allocate funds to update the sewer lift station system and discontinue the practice of relying on volunteers to respond to alarm conditions.

7.0 Relationships

7.1 Council/CAO Relationship

As part of the inspection process, interviews were conducted with individual council members and staff with a preset list of questions. It

was clear that there is a division that separates council and administration. This division lies in between the “old” way of doing things and the “new” way. Based on our discussions and other findings we note that past Council and Administration tended to act in an informal manner ie. without written policies and clear motions of Council. The Council of 2007 and current CAO were more focused on formalizing the municipal decision making process which resulted in policy development and transparency. This was the transition from the “common sense” informal (old way) to policy driven decision making (new way).

We often heard that the CAO is detailed, thorough, and by the book, but unapproachable and difficult to deal with. We also heard the CAO has changed Council motions. An example of this is when the CAO used her “common sense” to amend a motion which referred to making a payment to Party A where the CAO rightly knew the payment should have been made to Party B. The CAO was soundly criticized for changing the motion, and Council subsequently passed a resolution to make the amendment. We absolutely agree that motions should never be changed by the CAO, however, this is another example where using “common sense” by one person was not accepted by others.

Annually, Council is required to conduct a performance evaluation on the CAO. (Sec 205.1 of the *MGA*¹³) The evaluation is intended as feedback from the Council as to their perception of how the duties of the CAO have been performed in the preceding year. Upon review of the CAO’s recent evaluation we noted that Council appeared to be dissatisfied in several areas as evidenced by low ratings; however Council did not provide any examples to support their rationale for the

¹³ See Appendix “A”

ratings, nor did they provide any details on areas that require improvement. This manner of evaluation provides little value or guidance to the CAO in trying to improve her performance.

During the latter part of 2011, the village had 2 resignations and the CAO took a medical leave. This is an extreme indicator that the village employees are not satisfied with the direction the village is taking. As indicated in both letters of resignation, the dissatisfaction is a direct result of some councillor actions and decisions.

RECOMMENDATION 23:

That Council re-visits the CAO's performance evaluation and provides concrete examples and areas for improvement.

7.2 CAO/Staff Relationship

As noted above, all staff were interviewed with a preset list of questions. It was apparent from the verbal and written responses received that the staff respect and trust the CAO. We had an opportunity to review the letters of resignation from the two employees who most recently left the village. In both cases, strong support for the CAO and discontent with the current direction of Council was clear.

7.3 Relationship with the Residents

During the inspection process we had the opportunity to interview several residents from the village. We also reviewed numerous letters that were directed to us. The impression we received from the residents is that there is a division amongst the community. We heard that volunteerism was at an all time low but for two different reasons.

Residents didn't want to work with administration, or residents didn't want to work with council.

RECOMMENDATION 24:

That Council builds a plan to foster relationships with the community. This plan may include a communication component advising residents of Council and administration's legislated obligations.

8.0 Utilities

The village does not have a bylaw governing the provision of water and sewer services. This is an important bylaw to develop as it has an effect on all water and sewer users in the village and governs how those services are delivered. We note that the rates are changed on a regular basis and those rates are included in the master rate bylaw. The village is a part of the Shirley McLellan Regional Water Services Commission. In time, once the village starts to receive water from the commission, the village will be required to have water meters installed at locations where water is being consumed. Council should include funding of a meter project in its long term plan.

It was noted the budget for water and sewer services is not based on full cost accounting. Alberta Environment has, for several years now, encouraged municipalities to adopt the full cost accounting method for setting utility rates. Full costing includes such items as wages, postage, computer time, administration time, and amortization.

RECOMMENDATION 25:

That the village develop a bylaw with respect to the provision of utility services. The bylaw should contain rates charged for these services.

9.0 Finance

9.1 Planning

The village does little in respect to long term financial planning. Councillors have been using the budget process to bring forward their wish list to see if their particular projects can be funded in the following year. From one year to the next, there is no common understanding of the projects that will be undertaken. It is important for the continued growth and sustainability of the village that Council adopts at least a five year capital plan. Without a plan in place, there is no vision for the Council or for the residents for the future. The plan should be revisited and updated annually to ensure relevance and that it reflects the village priorities. The plan should include not only the projects Council wishes to complete, but how those projects will be funded. Council may wish to contract with an individual who is experienced in developing this type of municipal document.

RECOMMENDATION 26:

That Council prepares and adopts a five year capital plan.

9.2 Amortization

In 2009 the Public Sector Accounting Board standards changed as they applied to municipal financial statements. One of the changes includes the requirement to amortize tangible capital assets. Though the funding of amortization is not a requirement, budgeting for amortization is a requirement. The village should ensure amortization is included in future budgets.

9.3 Accounts Payable Listing

Currently, council is presented with an accounts payable listing which includes the cheque number, vendor name, amount of and reason for payment. Payroll information is included in this listing and is sometimes "blacked out", likely to satisfy FOIP requirements to protect personal employee information. However, it is not always the case that the personal information is severed. In several instances, cheque numbers were missing from the list. We were told these cheques had been rendered void. In other instances, computer generated amounts shown on the list were crossed out and new amounts were manually written in. Prior to the last few meetings, though council reviewed the accounts payable listing, there was no motion of council to accept the information.

The accounts payable and payroll runs should be prepared separately. The accounts payable listing should, without hand written corrections and showing all cheques in numerical order, be presented to council and be accepted as information at regular council meetings. The payroll listing should be reviewed and signed by the councillor signing the pay cheques. Prior to being presented at a council meeting, personal information should be severed in order to protect the privacy of the individual, however individual amounts, the total amount and evidence of councillor review (signature) should appear on the report. Councillors counter signing cheques should be aware of the importance of the task they are completing and ask any questions about invoices and cheques prior to signing them.

9.4 Segregation of Duties

There should be a segregation of some accounting duties in order to

prevent fraudulent activity from occurring. This is a recognized practice and a necessary internal control. As outlined above, the Office Administrator is responsible for the entire accounting function including picking up the mail, making bank deposits, completing bank reconciliations and signing cheques. The incumbent is a long term and trusted employee and these comments are not meant to suggest she would defraud the municipality; however, having one person responsible for the entire accounting function could leave the municipality open to possible misappropriation of funds.

RECOMMENDATION 27:

That the CAO consult with the municipal auditor to determine steps for a suitable segregation of accounting duties.

10.0 Dissolution

The subject of dissolution of the Village of Bawlf was brought up by a number of those interviewed. As such, we decided to include information on the process in this report.

Municipal Dissolution is a legal process of local government restructuring established by the *MGA*.

In dissolution, a municipality gives up its incorporated status to become part of a bordering municipality. Dissolution may be a good option for a municipality to consider when:

- it cannot balance its revenues with its required expenditures;
- it is no longer viable;
- vacancies on the municipal council cannot be filled; or,
- the community can be operated more effectively or efficiently as part of a bordering municipality.

The dissolution process can begin in one of three ways:

- **Council Request:** A municipal council can request the Minister of Municipal Affairs to undertake a study.
- **Petition:** The residents of a municipality can petition the Minister to undertake a study, in which case, the petition must include the signatures of eligible voters totaling at least 30 per cent of the population (50 per cent for summer villages).
- **Minister's Discretion:** The Minister may undertake a study if there is reason to believe dissolution may be in the best interest of the residents.

The dissolution study examines the finances, services, and governance of the municipality, providing clear information for the Minister and residents. It also projects the likely scenario if the municipality were to dissolve and become part of a surrounding municipality.

Typically, to conduct a dissolution study, Municipal Affairs staff will explain the process to the involved municipal councils, and the residents of the municipality considering dissolution. Once the study is complete, the findings are made public. The study findings and any input provided by residents are provided to the Minister. The Minister considers and determines whether additional public consultation is required before deciding whether to recommend dissolution to the Provincial Cabinet.

If the Minister decides not to recommend dissolution, the process is complete and the municipality would carry on as it did before the study. If the Minister recommends dissolution and it is approved by Provincial Cabinet, an Order in Council is issued to dissolve the

municipality and identify the municipality that becomes responsible for providing municipal services to the area.

There are many elements that make up a vibrant community, of which municipal government is only one. Community pride, history, and a sense of belonging are all very important aspects of community life that continue after a dissolution. The above is provided simply as information as we were questioned on the process during the course of the inspection. We are not suggesting the village should undergo a dissolution study.

11.0 Other Matters

11.1 Web Site and Newsletter

The Village operates its own web site at www.bawlf.com. A review of the web site indicates it is updated on a regular basis and contains much information that residents and others would likely be interested in such as community events, community contacts, council minutes, bylaws (not a complete inventory), newsletters, budget and financial information. The village also produces the Village Voice, a monthly newsletter for residents which contains up to date information such as recycling days, notification of upcoming meetings, and other Bawlf news items.

The web site and newsletters are both excellent examples of the villages' communication process with residents and Council and Administration should be commended on the quality of this communication.

11.2 Liability Insurance for Hall Rentals

The village carries insurance to cover its employees, assets, council and volunteers from loss and liability issues that may arise. Though not yet mandatory, it is strongly recommended that renters of facilities purchase additional insurance coverage for their functions so that the village insurance is not affected in the event of a liability or other insurance issue that may arise during the course of the function. We heard of some complaints about this requirement of the village. However, to waive the requirement is to put the village in a position where village insurance may need to be used when the village has no control over the activity or event taking place. In our opinion, waiving the requirement is not in the best interest of village residents and lacks foresight.

11.3 Library Renovation

During the interviews, much was said about the library renovation project, mostly that the village undertook renovations without input or agreement from the library board. It is our understanding that the Board and Council came to a mutual agreement on costs. This is another area that has caused a lot of discontent in the village that needs to be put to rest.

11.4 Seniors Building/Town Office

From our discussions with the public, we heard the seniors were very upset when the transfer of the Senior's building to the village took place. However, we also heard the seniors voted on the issue, and it was democratically decided the transfer to the village should take place, which it subsequently did. The seniors have a room in the

building, and are able to continue their other activities in the Lions Hall. Again, this issue has been dealt with and to continue to criticize actions that have long passed is not productive.

11.5 Office Cleaning

We understand the CAO, on her own time and without compensation, has been cleaning the village office for several years. The CAO should be commended on completing this function as it is certainly not something that should be expected of her. The alternative, and most common practice, is for the municipality to contract with a provider to complete the required janitorial duties.

11.6 Volunteers

In almost all interviews, it was commented on that volunteerism in the village is at an all time low. We also heard that the volunteers in Bawlf are some of the best ever and there is great pride in the community. Volunteerism in a community is important to retain community spirit and helps to complete some projects which might otherwise go undone. However, it is not appropriate to use volunteers to provide essential public services such as snow ploughing or water and sewer operations. If Council and residents believe certain services are essential and/or desired by the community, then Council needs to make sure the expense to provide the service is included in the annual budget. That is what property taxes are for.

Individuals performing work for the village can be classified into 3 categories:

1. Employees-this group is paid for services, subject to village policies, source deductions and are covered by the village insurance plan
2. Volunteers-this group is not paid for the services they perform and are covered under the village insurance plan
3. Independent Contractors-this group is paid for the services performed and are not covered by village insurance plan

(Fire Department volunteers are a hybrid of the volunteer/employee group. They are paid for attendance at practices and fires, are subject to Canada Revenue Agency regulations and are covered by the village insurance plan.

RECOMMENDATION 28:

That village volunteers are not utilized to provide normal operational tasks.

RECOMMENDATION 29:

That Council develops a policy to encourage appropriate volunteer activities.

11.7 Fire Department

During the inspection process we also heard a lot about the Bawlf Fire Department. Similar to the library and seniors building, we believe all parties have resolved their issues and are moving forward in the best interests of the community. A new Fire Chief has recently been appointed by the Council. This individual has the support of the volunteer fire department members as well as council and administration. We expect this transition will encourage positive relationships between all the stakeholders.

It should be understood that the fire department is not an independent entity; rather, it is a department of the municipality and falls under the direct control of Council and Administration much the same as public works does.

12.0 Conclusions

Our interviews with Council, former Councillors, staff and residents revealed a level of discontent in the community though it is difficult to measure how widespread the discontent actually is. We believe this unhappiness stems from a change in the way village business was conducted, starting with the election of the new Council in 2007. The 2007 Council recognized doing things the way they had been done for the past 20-30 years was not the way to continue operating the village. At about the same time, the long time CAO decided she did not wish to continue in that role, though she was quite happy and willing to continue working for the village. Council hired a new CAO and all parties had a very good understanding and appreciation of their respective roles and responsibilities. The relationship between the CAO and the 2007 Council was very positive as evidenced in the CAO's performance evaluations. Certain CAO/staff relationships were not as amicable, primarily the relationship between the former Public Works Director and Fire Chief (now Councillor Blatz). There was definite push back from the Public Works Director who did not appreciate the direction that the new Council and the CAO were taking. The relationship between the CAO and Public Works Director deteriorated to the point where there was little interaction between them. Only when they "had to" work together, did they do so and at those times the interaction was less than positive. Respect for each other is lacking on both sides. We heard from various sources, the former

Public Works Director often referred to the CAO in extremely derogatory terms. This behavior continues in his role as a Councillor. The 2010 election brought changes to the Council table, with two new Councillors and three incumbents returning to the chamber. The Council was split, with the incumbents wanting to continue down the road the previous council had set, and the new councillors wanting to go back "to the way things used to be." The new Councillors are not supportive of the CAO and we heard several times that they want to "get rid of Lynn." The dysfunction around the council table grew to the point of one councillor, Reta Porter, submitting her resignation. A by-election was held and Councillor Ferne Reinke was acclaimed. The acclamation of Councillor Reinke solidified the group of councillors that want things to go back to the "old ways". Even though all have received information on and most have attended a seminar on Roles and Responsibilities of Council and Administration, there is a lack of appreciation of the respective roles. The majority of current council, including the Mayor, believes the village should be run based on making common sense decisions and that policies are not required because the municipality is so small. This situation continues and has, in a major part, been the reason for two recent resignations from the staff. The situation will continue to deteriorate unless all of Council buys in to the philosophies that are laid out in the *Municipal Government Act*, those primarily being that Councils chief role is to develop bylaws and policies that are in the best interest of the municipality at large and allow the CAO to do the job she was hired to do, which is in large part to administer and enforce bylaws and policy set by Council.

RECOMMENDATION 30:

That all of Council and the CAO attends a Roles and Responsibilities session within one month of receiving this report.

RECOMMENDATION 31:

That Council refrains from making disparaging remarks about administrative staff.

RECOMMENDATION 32:

That Council refrains from directing the activities of administrative staff.

Appendix "A"

Municipal Government Act RSA 2000 Chapter M-26 Excerpts

General duties of councillors

153 *Councillors have the following duties*

- (a) to consider the welfare and interests of the municipality as a whole and to bring to council's attention anything that would promote the welfare or interests of the municipality;*
- (b) to participate generally in developing and evaluating the policies and programs of the municipality;*
- (c) to participate in council meetings and council committee meetings and meetings of other bodies to which they are appointed by the council;*
- (d) to obtain information about the operation or administration of the municipality from the chief administrative officer or a person designated by the chief administrative officer;*
- (e) to keep in confidence matters discussed in private at a council or council committee meeting until discussed at a meeting held in public;*
- (f) to perform any other duty or function imposed on councillors by this or any other enactment or by the council.*

General duties of chief elected official

154(1) *A chief elected official, in addition to performing the duties of a councillor, must*

- (a) preside when in attendance at a council meeting unless a bylaw provides that another councillor or other person is to preside, and*
- (b) perform any other duty imposed on a chief elected official by this or any other enactment or bylaw.*

(2) The chief elected official is a member of all council committees and all bodies to which council has the right to appoint members under this Act, unless the council provides otherwise.

(3) Despite subsection (2), the chief elected official may be a member of a board, commission, subdivision authority or development authority established under Part 17 only if the chief elected official is appointed in the chief elected official's personal name.

Reasons for disqualification

174(1) *A councillor is disqualified from council if*

- (a) when the councillor was nominated, the councillor was not eligible for nomination as a candidate under the Local Authorities Election Act;*
- (b) the councillor ceases to be eligible for nomination as a candidate under the Local Authorities Election Act;*
 - (b.1) the councillor*
 - (i) fails to file a disclosure statement as required under section 147.4 of the Local Authorities Election Act before the end of the late filing period provided under section 147.7 of the Local Authorities Election Act, and*
 - (ii) has not been relieved from the obligation to file a disclosure statement by a court order under section 147.8 of the Local Authorities Election Act;*
- (c) the councillor becomes a judge of a court or a member of the Senate or House of Commons of Canada or of the Legislative Assembly of Alberta;*
- (d) the councillor is absent from all regular council meetings held during any period of 8 consecutive weeks, starting with the date that the first meeting is missed, unless subsection (2) applies;*
- (e) the councillor is convicted*
 - (i) of an offence punishable by imprisonment for 5 or more years, or*
 - (ii) of an offence under section 123, 124 or 125 of the Criminal Code (Canada);*
- (f) the councillor does not vote on a matter at a council meeting at which the councillor is present, unless the councillor is required or is permitted to abstain from voting under this or any other enactment;*
- (g) the councillor contravenes section 172;*
- (h) the councillor has a pecuniary interest in an agreement that is not binding on the municipality under section 173;*
- (i) the councillor uses information obtained through being on council to gain a pecuniary benefit in respect of any matter;*
- (j) the councillor becomes an employee of the municipality;*
- (k) the councillor is liable to the municipality under section 249.*

(2) A councillor is not disqualified by being absent from regular council meetings under subsection (1)(d) if the absence is authorized by a resolution of council passed

(a) at any time before the end of the last regular meeting of the council in the 8-week period, or

(b) if there is no other regular meeting of the council during the 8-week period, at any time before the end of the next regular meeting of the council.

(3) For the purposes of this section, a councillor is not considered to be absent from a council meeting if the councillor is absent on council business at the direction of council.

(4) A councillor who is disqualified under this section is eligible to be elected at the next general election in the municipality if the person is eligible for nomination under the Local Authorities Election Act.

Requirements for valid bylaw or resolution

181(1) A bylaw or resolution of council is not valid unless passed at a council meeting held in public at which there is a quorum present.

(2) A resolution of a council committee is not valid unless passed at a meeting of that committee held in public at which there is a quorum present.

Requirement to vote and abstentions

183(1) A councillor attending a council meeting must vote on a matter put to a vote at the meeting unless the councillor is required or permitted to abstain from voting under this or any other enactment.

(2) The council must ensure that each abstention and the reasons for the abstention are recorded in the minutes of the meeting.

Special council meetings

194(1) The chief elected official

(a) may call a special council meeting whenever the official considers it appropriate to do so, and

(b) must call a special council meeting if the official receives a written request for the meeting, stating its purpose, from a majority of the councillors.

(2) A special council meeting called under subsection (1)(b) must be held within 14 days after the date that the chief elected official receives the request or any shorter period provided for by bylaw.

(3) The chief elected official calls a special council meeting by giving at least 24 hours' notice in writing to each councillor and the public stating the purpose of the meeting and the date, time and place at which it is to be held.

(4) A special council meeting may be held with less than 24 hours' notice to all councillors and without notice to the public if at least 2/3 of the whole council agrees to this in writing before the beginning of the meeting.

(5) No matter other than that stated in the notice calling the special council meeting may be transacted at the meeting unless the whole council is present at the meeting and the council agrees to deal with the matter in question.

Public presence at meetings

197(1) Councils and council committees must conduct their meetings in public unless subsection (2) or (2.1) applies.

(2) Councils and council committees may close all or part of their meetings to the public if a matter to be discussed is within one of the exceptions to disclosure in Division 2 of Part 1 of the Freedom of Information and Protection of Privacy Act.

(2.1) A municipal planning commission, subdivision authority, development authority or subdivision and development appeal board established under Part 17 may deliberate and make its decisions in meetings closed to the public.

(3) When a meeting is closed to the public, no resolution or bylaw may be passed at the meeting, except a resolution to revert to a meeting held in public.

Council's principal role in municipal organization

201(1) A council is responsible for

(a) developing and evaluating the policies and programs of the municipality;

(b) making sure that the powers, duties and functions of the municipality are appropriately carried out;

(c) carrying out the powers, duties and functions expressly given to it under this or any other enactment.

(2) A council must not exercise a power or function or perform a duty that is by this or another enactment or bylaw specifically assigned to the chief administrative officer or a designated officer.

Performance evaluation

205.1 *A council must provide the chief administrative officer with an annual written performance evaluation of the results the chief administrative officer has achieved with respect to fulfilling the chief administrative officer's responsibilities under section 207.*

Chief administrative officer's responsibilities

207 *The chief administrative officer*

- (a) is the administrative head of the municipality;*
- (b) ensures that the policies and programs of the municipality are implemented;*
- (c) advises and informs the council on the operation and affairs of the municipality;*
- (d) performs the duties and functions and exercises the powers assigned to a chief administrative officer by this and other enactments or assigned by council.*

Performance of major administrative duties

208(1) *The chief administrative officer must ensure that*

- (a) all minutes of council meetings are recorded in the English language, without note or comment;*
- (b) the names of the councillors present at council meetings are recorded;*
- (c) the minutes of each council meeting are given to council for adoption at a subsequent council meeting*
- (d) the bylaws and minutes of council meetings and all other records and documents of the municipality are kept safe;*
- (e) the Minister is sent a list of the councillors and any other information the Minister requires within 5 days after the term of the councillors begins;*
- (f) the corporate seal, if any, is kept in the custody of the chief administrative officer;*
- (g) the revenues of the municipality are collected and controlled and receipts are issued in the manner directed by council;*
- (h) all money belonging to or held by the municipality is deposited in a bank, credit union, loan corporation, treasury branch or trust corporation designated by council;*

- (i) the accounts for authorized expenditures referred to in section 248 are paid;*
 - (j) accurate records and accounts are kept of the financial affairs of the municipality, including the things on which a municipality's debt limit is based and the things included in the definition of debt for that municipality;*
 - (k) the actual revenues and expenditures of the municipality compared with the estimates in the operating or capital budget approved by council are reported to council as often as council directs;*
 - (l) money invested by the municipality is invested in accordance with section 250;*
 - (m) assessments, assessment rolls and tax rolls for the purposes of Parts 9 and 10 are prepared;*
 - (n) public auctions held to recover taxes are carried out in accordance with Part 10;*
 - (o) the council is advised in writing of its legislative responsibilities under this Act.*
- (2) Subsection (1)(a) to (d) and (o) apply to the chief administrative officer in respect of council committees that are carrying out powers, duties or functions delegated to them by the council.*

Appendix "B"

Contents of Councillor Orientation Manual

Organizational Chart:

- Organizational Chart (Approved by Council March 4, 2010)

Roles & Responsibilities:

- "Now That You've Been Elected" – Municipal Affairs
- "Municipal Councillors' Guidelines for Conflict of Interest" – Municipal Affairs
- Bylaw 519/03 – Procedural Bylaw
- Committee and Board Representative Responsibilities
- Confidentiality – What's Public Information and What's Not

Relationships:

- Relationship with Staff
 - Council sets the direction for the ship (policies and bylaws) and the Administration steers it (procedures).
- Relationships with Fire Department and Library Board

Common Bylaws:

- Garbage Bylaw 535/05
- Noise Control Bylaw 549/07
- Nuisance Bylaw 558/08
- Dog Control Bylaw 559/08
- Aggressive & Vicious Dog Bylaw 560/08
- Traffic Control & Non-Highway Vehicle Bylaw 562/08
- Watering Restriction Bylaw 563/08
- Master Rates Bylaw (Rates, Fees & Charges) 570/10

Common Policies:

- Communications Policy No. 11
- Christmas Holiday Policy No. 13
- Snowing Clearing and Sanding Policy No. 15
- Use of Council Chambers Policy No. 16

Service Levels and Budget:

- Village of Bawlf 2011 Service Levels (Approved by Council September 22/10)
- Village of Bawlf 2010 Budget
- Budget Process
- Scheduled Budget Meeting Dates

Facilities:

- Bawlf Community Centre (New Hall) Agreement until 2017, bookings, PAL insurance requirements, etc.
- Bawlf Community Hall (Old Hall) – situation re: demolish or keep
- Bawlf Municipal Complex – history, tenants, etc.
- Schedule a Tour – Office (if new members), Fire Hall, Lift Station, Lagoon, Water House, Jubilee Park, Cemetery?

Current Project Updates:

- Lift Station (completed September 28, 2010)
- Macrae Street

Regional Initiatives:

- Mayors/Reeve/Administrators (Camrose County Region)
- Joint Councils Meetings
- Sewer Flush/Vacuum Truck
- Regional Fire Commissioner
- Regional Administrative Intern

Council Meetings & Agenda Packages:

- Number of Meetings & Expectations of Council Members
- Agenda Packages – preparation, timing and expectations

Council Insurance Coverage

Village Maps:

- Street map with names
- Zoning map