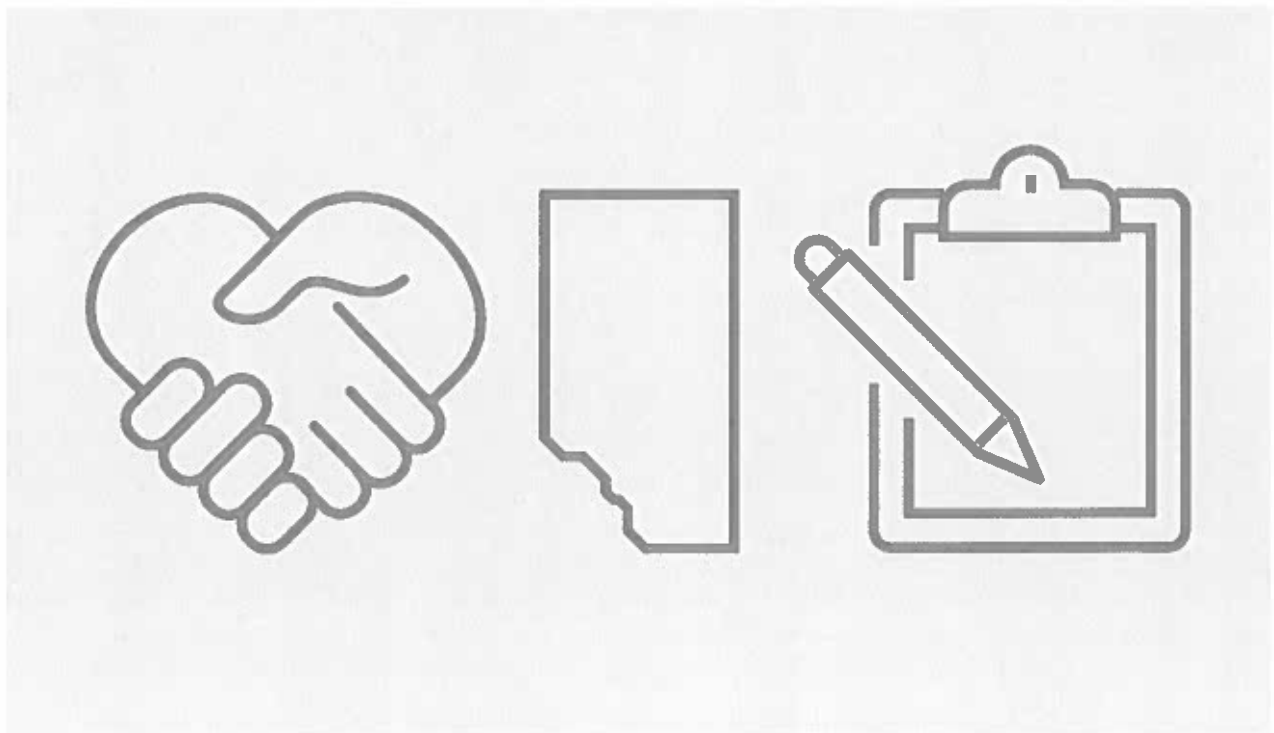


---

# 2023-24 Municipal Accountability Program Report

Town of Onoway



*Alberta*

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.

Town of Onoway 2023-2024 Municipal Accountability Program Report | Municipal Affairs

© 2024 Government of Alberta | March 12, 2024



# Contents

<b>Section 1: Introduction .....</b>	<b>6</b>
1.1 Our Commitment	6
1.2 The Municipal Accountability Program	6
<b>Section 2: Executive Summary .....</b>	<b>6</b>
2.1 Methodology	6
2.2 Legislative Compliance	7
2.3 Legislative Gaps	7
2.4 Next Steps	8
<b>Section 3: Municipal Accountability Review Findings.....</b>	<b>9</b>
3.1 General Requirements	9
1. Signing of Municipal Documents (Mandatory)	9
2. Disposal of Land (Discretionary)	10
3. Delegation of Authority (Discretionary)	11
3.2 Meetings and Meeting Procedures	12
1. Regular Meetings (Mandatory)	12
2. Special Meetings (Mandatory)	13
3. Organizational Meeting (Mandatory)	14
4. Closed Meetings (Mandatory)	15
5. Public Hearings (Mandatory)	16
6. Pecuniary Interest (Mandatory)	17
7. Meetings by Electronic Means (Discretionary)	18
8. Procedural Bylaw (Discretionary)	19
3.3 Mandatory Bylaws	20
1. Code of Conduct (Mandatory)	20
2. Establishment of the Chief Administrative Officer Position (Mandatory)	22
3. Bylaw Enforcement Officers (Mandatory)	23
3.4 Discretionary Bylaws	24
1. Face Mask and Proof of COVID-19 Vaccination Bylaw (Discretionary)	24
2. Powers under bylaws (Fees and Charges) (Discretionary)	25
3. Consolidation of Bylaws (Discretionary)	26
4. Firearm Bylaws (Discretionary)	27
5. Road Closure (Discretionary)	28
6. Advertising Bylaw (Discretionary)	29
7. Utility Services Bylaws (Discretionary)	30
3.5 Municipal Finance	31

1.	Operating Budget (Mandatory)	31	
2.	Capital Budget (Mandatory)	32	
3.	Three-Year Operating and Five-Year Capital Plans (Mandatory)	33	
4.	Auditor, Audited Financial Statements, Financial Information Return (Mandatory)		34
5.	Investments (Discretionary)	35	
6.	Borrowing (Discretionary)	36	
7.	Loans (Discretionary)	37	
8.	Loan Guarantees (Discretionary)	38	
3.6	Assessment and Taxation	39	
1.	Assessment of Property (Mandatory)	39	
2.	Assessment Notices (Mandatory)	40	
3.	Assessment Review Boards (Mandatory)	41	
4.	Property Tax Bylaw (Mandatory)	42	
5.	Tax Notices (Mandatory)	43	
6.	Supplementary Assessments (Discretionary)	44	
7.	Supplementary Property Tax Bylaw (Discretionary)	45	
8.	Tax Payment and Tax Penalty Bylaws (Discretionary)	46	
9.	Brownfield Tax Incentives (Discretionary)	47	
10.	Non-residential Tax Incentives (Discretionary)	48	
3.7	Other Municipal Taxation Authority	49	
1.	Tax Agreements (Utilities/Linear Property) (Discretionary)	49	
2.	Business Tax (Discretionary)	50	
3.	Community Revitalization Levy (Discretionary)	51	
4.	Special Tax (Discretionary)	52	
5.	Local Improvement Tax (Discretionary)	53	
6.	Clean Energy Improvement Tax (Discretionary)	54	
7.	Other Taxes (Discretionary)	55	
8.	Adding Amounts to the Tax Roll (For Discussion)	56	
3.8	Tax Recovery	57	
1.	Tax Arrears List (Mandatory)	57	
2.	Tax Agreements (Discretionary)	58	
3.	Tax Recovery Auctions – Land (Mandatory)	59	
4.	Tax Recovery Auctions – Designated Manufactured Homes (Mandatory)	60	
3.9	Planning and Development	61	
1.	Municipal Development Plan (Mandatory)	61	
2.	Land Use Bylaw (Mandatory)	62	
3.	Subdivision and Development Appeal Board (Mandatory)	63	
4.	Off-site Levies (Discretionary)	64	
5.	Municipal Planning Commissions (Discretionary)	65	

6.	Area Structure Plans (Discretionary)	66
7.	Area Redevelopment Plans (Discretionary)	67
8.	Joint Use and Planning Agreements (For Discussion)	68
9.	Reserve Lands (Mandatory)	69
<b>Section 4: Conclusion.....</b>		<b>71</b>

---

## 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 and discretionary 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 continuing to strengthen municipal accountability and transparency, the purpose of this program is to:

- enhance their knowledge of mandatory legislative requirements with a primary focus on the *MGA*;
- assist 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 review cycles ordered by the Minister under the authority of 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 Onoway was selected for a municipal accountability program review in 2023-24.

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 Onoway 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 may also be included. These components assist in determining areas where the municipality is compliant with legislative requirements, and to identify any areas that require improvement to achieve compliance with the many requirements the *MGA* and other legislation imposed on municipalities.

Municipal Affairs staff met with town administration on March 12, 2024, 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 Onoway is commended for their cooperation and assistance throughout the review. 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 legislative requirements includes:

- disposal of land;
- delegation of authority;
- regular meetings;
- special meetings;
- organizational meetings;
- closed meetings;
- pecuniary interest;
- establishment of the chief administrative officer position;
- face mask and proof of COVID-19 vaccination bylaw;
- fees and charges bylaw;
- firearm bylaw;
- consolidation of bylaws;
- road closure bylaw;
- alternate methods of advertising bylaw;
- utility services bylaws
- operating budget;
- investments;
- borrowing;
- loans;
- loan guarantees;
- assessment of property;
- assessment review boards;
- supplementary assessments;
- supplementary property tax bylaw;
- tax payment and tax penalty bylaws;
- special tax;
- local improvement tax;
- clean energy improvement tax;
- other taxes;
- tax agreements;
- tax recovery auctions relating to land;
- tax recovery auctions relating to designated manufactured homes;
- land use bylaw;
- municipal planning commissions;
- area structure plans;
- reserve lands
- area redevelopment plans;
- joint use and planning agreements; and
- reserve lands.

## 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 ensure municipal documents are signed in accordance with the *MGA* ([page 9](#));
- requirements for public hearings ([page 16](#));
- requirements that meetings conducted by electronic means be in accordance with the *MGA* ([page 18](#));
- requirement for the procedural bylaw to be in accordance with the *MGA* ([page 19](#));
- requirement for the code of conduct bylaw to comply with the *MGA* and regulation ([page 20](#));
- requirement to establish a bylaw enforcement officer bylaw in accordance with the *MGA* ([page 22](#));
- requirement to adopt a capital budget ([page 31](#));
- requirements for the three-year operating and five-year capital plans ([page 32](#));
- requirement for the municipality to appoint an auditor, ensure the audited statements are submitted to the ministry on time, and approved by council ([page 33](#));
- requirement for borrowing bylaws to be in accordance with the *MGA* ([page 35](#));
- requirement for the content of assessment notices to be in accordance with the *MGA* ([page 39](#));
- requirement for the property tax bylaw to be in accordance with the *MGA* ([page 41](#));
- requirement for the content of tax notices to be in accordance with the *MGA* ([page 42](#));
- requirement to prepare a tax arrears list annually ([page 56](#));
- requirement to establish a municipal development plan in accordance with the *MGA* ([page 60](#));
- requirements to establish a subdivision and development appeal board ([page 63](#)); and
- requirements that offsite levy bylaws be in accordance with the *MGA* ([page 64](#)).

## 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 Requirements

#### 1. Signing of Municipal Documents (Mandatory)

**Legislative requirements:** *MGA 210, 213*

1. Are minutes of council meetings, and minutes of council committee meetings dealing with a power, duty or function delegated by council to the council committee signed by:
  - a. the person presiding at the meetings; and
  - b. a designated officer?
2. Are the bylaws of the municipality signed by:
  - a. the chief elected official; and
  - b. a designated officer?
3. Are agreements, cheques, and other negotiable instruments signed by:
  - a. by the chief elected official or by another person authorized by council to sign them, and a designated officer; or
  - b. by a designated officer acting alone if so, authorized by council?
4. Are signatures reproduced by any method to sign municipal documents?
  - a. If so, has the reproduction of signatures been so authorized by council?

**Comments/Observations:** Council meetings minutes are not always signed by the person who presided at the meeting and are signed by the recording secretary, who is not a designated officer as required by section 213(1) of the *MGA*. Agreements, cheques, and other negotiable instruments are generally signed by the chief elected official and the CAO; however, the CAO indicated one member of administration authorized to sign cheques is not established as a designated officer as required by section 213(4)(b) of the *MGA*.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** All minutes should be signed by the person who presided at the meeting as well as a designated officer, and a resolution or policy should be passed by council delegating authority to a designated officer to sign agreements, cheques, and other negotiable instruments.

**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.

Designated Officer Bylaw 815-24 adopted by Council. Minutes are now signed by CAO and the presiding member of Council effective February 22, 2024.

## 2. Disposal of Land (Discretionary)

**Legislative requirements:** MGA 70, 606, 606.1

1. Has the municipality ever transferred or granted an estate or interest in:
  - a. land for less than its market value; or
  - b. a public park or recreation or exhibition grounds?
2. Was the proposal advertised?

**Comments/Observations:** The Town of Onoway has not disposed of land for less than market value, nor disposed of a public park, recreation, or exhibition ground.

**Meets Legislative Requirements:** N/A

**Recommendations/Action Items:** N/A

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

### 3. Delegation of Authority (Discretionary)

**Legislative requirements: MGA 203**

1. Has council delegated any of its powers, duties or functions under this or any other enactment or a bylaw to a council committee or any person?
  - a. Was the delegation enacted by bylaw?
  - b. Does the delegation of authority include any of the following powers, duties or functions prohibited by legislation:
    - i. its power or duty to pass bylaws;
    - ii. its power to make, suspend, or revoke the appointment of a person to the position of chief administrative officer;
    - iii. its power to adopt budgets under Part 8;
    - iv. its power with respect to taxes under section 347; or
    - v. a duty to decide appeals imposed on it by this or another enactment, unless the delegation is to a council committee?
  
2. Are there any delegations of authority in any of the following bylaws:
  - a. Committee bylaws;
  - b. Land Use Bylaw;
  - c. Assessment Review Board Bylaw; or
  - d. Subdivision and Development Appeal Board Bylaw.

If so, are the delegations compliant with section 203?

**Comments/Observations:** The Town of Onoway has not delegated council's authority to any other person or committee.

**Meets Legislative Requirements:** N/A

**Recommendations/Action Items:** N/A

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

## 3.2 Meetings and Meeting Procedures

### 1. Regular Meetings (Mandatory)

**Legislative requirements:** MGA 193

1. When specifying the dates, times, and places to hold regularly scheduled council meetings, were all members of council present at the meeting?
2. Has the date, time or place of a regularly scheduled meeting been changed?
3. 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:** The Town of Onoway council sets the regular council meetings at the annual organizational meeting with all councillors in attendance such as on October 26, 2024. Changes are made by resolution at a regular meeting and at least 24 hours' notice is given to any councillors absent at the meeting and the public.

**Meets Legislative Requirements:** Yes

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

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

## 2. Special Meetings (Mandatory)

### **Legislative requirements: MGA 194**

1. Has a special council meeting been held
  - a. when the chief elected official considered it appropriate to do so; or
  - b. within 14 days of receiving a request for the meeting, stating its purpose, from a majority of the councillors?
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 before the beginning of the meeting?
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:** Three special meetings of council were scheduled for April 24, June 13, and September 21, 2023. Administration confirmed that all three meetings had more than 24 hours notice, and the public was informed by a method approved by the council. The September 21, 2023 meeting did not proceed as quorum was not met.

**Meets Legislative Requirements:** Yes

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

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

### **3. Organizational Meeting (Mandatory)**

**Legislative requirements:** *MGA 150, 152, 154(3), 159(1), 192*

1. Is an Organizational Meeting held annually no later than 3 weeks after the third Monday in October, or before August 31 for summer villages?
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?
4. Is the chief elected official a member of a board, commission, subdivision authority or development authority?

**Comments/Observations:** The Town of Onoway last held an organizational meeting on October 26, 2023, within the required timeline. The mayor and deputy mayor were appointed from council. The mayor is named as a member to several committees as part of the annual organizational meeting.

**Meets Legislative Requirements:** Yes

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

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

#### 4. Closed Meetings (Mandatory)

**Legislative requirements: MGA 197**

1. Are council and council committee meetings held in public, unless the 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 (FOIPP)*?
2. Before closing all or a part of the meeting to the public:
  - a. Is a resolution passed to indicate what part of the meeting is to be closed?
  - b. Does the resolution identify the exception(s) to disclosure under *FOIPP* apply to the part of the meeting to be closed?
  - c. Are members of the public notified once the closed portion of the meeting is concluded?

**Comments/Observations:** Regular council meeting minutes of December 14, 2023 included a closed session. The resolution passed included the exception to disclosure applicable to the closed session as per *FOIPP*.

**Meets Legislative Requirements:** Yes

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

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

## 5. Public Hearings (Mandatory)

### **Legislative requirements: MGA 216.4**

1. When council is required to hold a public hearing on a proposed bylaw or resolution, was the public hearing held:
  - a. before second reading of the bylaw; or
  - b. before council votes on the resolution?
2. Was notice of the public hearing given in accordance with section 606?
3. Was the public hearing conducted during a regular or special council meeting?
4. During the public hearing, did council:
  - a. hear any person, group of persons or person representing them who claims to be affected by the proposed bylaw or resolution and who has complied with the procedures outlined by council; and
  - b. hear any person who wished to make a representation?
5. Do the minutes of the council meeting record the public hearing to the extent directed by the council?

**Comments/Observations:** A public hearing was held on March 28, 2024, in respect to a land use bylaw amendment (bylaw 807-24) prior to second reading of the bylaw and advertised in accordance with section 606 of the MGA. A motion was made to suspend the regular meeting and at the completion of the public hearing the mayor adjourned to resume the regular council meeting. This resulted in the public hearing not being conducted as part of the regular meeting as required by section 216.4(2)(b) of the MGA. The minutes of the council meeting recorded the public hearing to the extent directed by the council.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** Regular or special council meeting should not be suspended prior to holding public hearings. Public hearings must be conducted as part of a regular or special council meeting 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.

Public Hearings are addressed in the revised Procedural Bylaw that is scheduled to come to Council prior to the end of 2024.



## 6. Pecuniary Interest (Mandatory)

### **Legislative requirements: MGA 172**

1. When a pecuniary interest is declared:
  - a. is the general nature of the pecuniary interest disclosed prior to any discussion on the matter?
  - b. has the councillor abstained from voting on any question relating to the matter?
  - c. Has the councillor abstained from any discussion on the matter (if applicable)?
  - d. Has the councillor left the room (if applicable)?
2. Has the abstention from voting and the disclosure of the councillor's interest been recorded in the meeting minutes?

**Comments/Observations:** There have been no recent cases of a declaration of pecuniary interest in the Town of Onoway. A resource is provided below in the event the municipality encounters a pecuniary interest situation in the future.

**Meets Legislative Requirements:** N/A

**Recommendations/Action Items:** N/A

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

## 7. Meetings by Electronic Means (Discretionary)

### **Legislative requirements: MGA 199**

1. Does the municipality conduct council or council committee meetings by electronic means?
2. Does the municipality have a bylaw providing for council meetings or council committee meetings by electronic means?
3. Does the bylaw:
  - a. specify the type or types of electronic means by which meetings are authorized to be held;
  - b. require the identity of each councillor attending the meeting to be confirmed by a method authorized by the bylaw; and
  - c. except in the case of a meeting that is closed to the public in accordance with section 197, specify
    - i. a method by which members of the public may access the meeting and make submissions;
    - ii. where information is required to be made publicly available, a method for making the information available before and during the meeting; and
    - iii. a method for giving the public notice of the meeting, of the method by which the public may access the meeting, and the method by which the public may access information required to be made public?

**Comments/Observations:** The Town of Onoway council has used electronic means to attend council meetings, but does not currently have a bylaw in place. The town is including meetings by electronic means in their procedure bylaw which is currently being updated.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** A bylaw or amendment to the bylaw to conduct meetings electronically is required to be compliant with legislation. Council or council committee meetings must not be held by electronic means until the bylaw is in place.

**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.

Meetings by Electronic Means are addressed in the revised Procedural Bylaw that is scheduled to come to Council prior to the end of 2024.

## 8. Procedural Bylaw (Discretionary)

### Legislative requirements: MGA 145

1. Does the municipality have a procedural bylaw?

**Comments/Observations:** Bylaw No. 792-21 was passed on December 2, 2021, establishing a procedural bylaw for the town. The town is currently in the process of updating the procedural bylaw.

Section 20 of the bylaw states "Members shall vote on all motions brought forward in meetings unless a conflict of interest or pecuniary interest has been declared prior to the motion." Conflict of interest is not found in the MGA as grounds for abstaining from debate or vote, or a reason to leave the room.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** The procedural bylaw must be amended to remove terminology unsupported by the MGA relating to excusing a member of council from voting on a matter.

**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.

Revised Procedural Bylaw is scheduled to come to Council prior to the end of 2024.

### 3.3 Mandatory Bylaws

#### 1. Code of Conduct (Mandatory)

**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:** Council's code of conduct bylaw (bylaw791-21) was passed on September 16, 2021. Section 15.4(i) of the bylaw states "any other sanction council deems reasonable and appropriate in the circumstances provided that the sanction does not prevent a Member from fulfilling the legislated duties of a councillor and the sanction is not contrary to the Act." This is not a sanction that may be imposed as per section 5 of the *Code of Conduct for Elected Officials Regulation 200/2017*.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** The sanction under section 15.4(i) of bylaw 791-21 should be removed to be compliant with the *Code of Conduct for Elected Officials Regulation 200/2017* section 5.

**Resources:** The Councillor Code of Conduct: A Guide for Municipalities is a tool developed by the Alberta Municipalities (formerly Alberta Urban Municipalities Association), in partnership with the Rural Municipalities of Alberta (RMA) and Alberta Municipal Affairs, to help municipalities develop their local codes of conduct.

The resource is divided into two parts:

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

Municipal 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.

In the new Code of Conduct Bylaw presented to Council this clause is not present. The Code of Conduct Bylaw will be presented to Council before the end of year 2024.

## 2. Establishment of the Chief Administrative Officer Position (Mandatory)

### **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?
3. If more than one person is appointed, has council by bylaw determined how the powers, duties and functions of the position of chief administrative office are to be carried out?

**Comments/Observations:** Bylaw 802-2023 establishing the position of CAO was passed on May 24, 2023. Council passed resolution 327/23 confirming the appointment of the CAO by name during the October 26, 2023 organizational meeting.

**Meets Legislative Requirements:** Yes

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

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

### 3. Bylaw Enforcement Officers (Mandatory)

**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:
  - a. disciplinary procedures;
  - b. penalties; and
  - c. an appeal process?
4. Have all individuals who perform bylaw enforcement within the municipality taken the official oath?

**Comments/Observations:** The town's bylaw enforcement officer bylaw (bylaw 762-19) was passed on October 3, 2019, establishing that bylaw enforcement services are provided by Lac Ste. Anne County through the Enforcement Services Agreement. This agreement provides that Lac Ste. Anne County manages the services including penalties, disciplinary actions, and complaints, through the county's bylaws. The CAO confirmed that the officers have taken the county's oath but not an oath for the town.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** The Town of Onoway should ensure the bylaw enforcement officers take the official oath for the town to meet legislative requirements under section 555 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.

The oaths of office are now on file for the Town of Onoway effective September 20, 2024.

### 3.4 Discretionary Bylaws

#### 1. Face Mask and Proof of COVID-19 Vaccination Bylaw (Discretionary)

**Legislative requirements:** MGA 7.1

1. Since April 21, 2022, has council brought into force a bylaw or amendment to a bylaw that requires:
  - a. an individual to wear a face mask or other face covering for the primary purpose of preventing or limiting the spread of COVID-19 or any other communicable disease, as defined in the *Public Health Act*; or
  - b. an individual to provide proof of vaccination against COVID-19 or proof of a negative COVID-19 test on entering a premises?
2. Does the bylaw or portion of the bylaw apply only to property owned or leased and operated by the municipality?
3. If the bylaw applies to property not owned or leased and operated by the municipality, has the bylaw or amendment to a bylaw been approved by the Minister?

**Comments/Observations:** The Town of Onoway does not have a face mask or proof of COVID-19 vaccination bylaw.

**Meets Legislative Requirements:** N/A

**Recommendations/Action Items:** N/A

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



## 2. Powers under bylaws (Fees and Charges) (Discretionary)

**Legislative requirements:** MGA 8(1)(c), 61

1. Is there a bylaw to provide for a system of licences, permits or approvals, including any or all of the following:
  - a. establishing fees for licences, permits and approvals, including fees for licences, permits and approvals that may be in the nature of a reasonable tax for the activity authorized or for the purpose of raising revenue;
  - b. establishing fees for licences, permits and approvals that are higher for persons or businesses who do not reside or maintain a place of business in the municipality;
  - c. prohibiting any development, activity, industry, business or thing until a licence, permit or approval has been granted;
  - d. providing that terms and conditions may be imposed on any licence, permit or approval, the nature of the terms and conditions and who may impose them;
  - e. setting out the conditions that must be met before a licence, permit or approval is granted or renewed, the nature of the conditions and who may impose them; or
  - f. providing for the duration of licences, permits and approvals and their suspension or cancellation for failure to comply with a term or condition or the bylaw or for any other reason specified in the bylaw?
2. Does the municipality charge fees, tolls and charges for the use of its property, including property under the direction, control and management of the municipality?

**Comments/Observations:** The Town of Onoway's bylaw 760-19 passed on July 4, 2019, and establishes a system to provide fees and charges for the municipality in compliance with section 8(1)(c) of the MGA.

**Meets Legislative Requirements:** Yes

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

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

### 3. Consolidation of Bylaws (Discretionary)

**Legislative requirements:** MGA 69(1)

1. Has council by bylaw authorized a designated officer to consolidate one or more of the bylaws of the municipality?
2. In consolidating a bylaw, has the designated officer:
  - a. incorporated all amendments to it into one bylaw; and
  - b. omitted any provision that have been repealed or which have expired?

**Comments/Observations:** The Town of Onoway does not have a bylaw consolidation bylaw.

**Meets Legislative Requirements:** N/A

**Recommendations/Action Items:** N/A

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

#### 4. Firearm Bylaws (Discretionary)

**Legislative requirements:** MGA 74.1

1. Since May 31, 2022, has the municipality brought into force a bylaw respecting firearms or a bylaw amendment respecting firearms?
2. Was the bylaw approved by the Lieutenant Governor in Council?

**Comments/Observations:** Bylaw 599-03 respecting firearms was passed by the Town of Onoway on January 21, 2016, prior to May 31, 2022.

**Meets Legislative Requirements:** Yes

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

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

## 5. Road Closure (Discretionary)

### **Legislative requirements: MGA 22**

1. Has the municipality permanently closed a road under the direction, control, and management of the municipality?
2. Was the road closure enacted by bylaw?
3. Prior to second reading of the bylaw, was the road closure approved by the Minister of Transportation and Economic Corridors (not applicable to cities)?
4. If the municipality is a municipal district, and the council determines a road is no longer required for use by the travelling public because an alternate route exists, did the municipal district receive the approval of the Minister of Transportation and Economic Corridors prior to closing the road by resolution?

**Comments/Observations:** The Town of Onoway has not permanently closed a road under the direction, control, and management of the municipality since 2010.

**Meets Legislative Requirements:** N/A

**Recommendations/Action Items:** N/A

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

## 6. Advertising Bylaw (Discretionary)

### **Legislative requirements: MGA 606.1**

1. Has the municipality provided for one or more methods, including electronic means, for advertising proposed bylaws, resolutions, meetings, public hearings, and other methods?
2. Did the municipality conduct a public hearing before making an advertising bylaw?
3. Was notice of the proposed bylaw advertised?
4. Is the bylaw available for public inspection?

**Comments/Observations:** The Town of Onoway does not have an advertising bylaw.

**Meets Legislative Requirements:** N/A

**Recommendations/Action Items:** N/A

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

## 7. Utility Services Bylaws (Discretionary)

**Legislative requirements:** MGA 33, 45, 46

1. Does the municipality provide municipal utility service?
  - a. If yes, does the council by bylaw prohibit any person other than the municipality from providing the same or a similar type of utility service in all or part of the municipality?
2. Does the council by agreement, grant a right, exclusive or otherwise, to a person to provide a utility service in all or part of the municipality, for not more than 20 years?
3. Does the agreement grant a right, exclusive or otherwise, to use the municipality's property, including property under the direction, control, and management of the municipality, for the construction, operation, and extension of a public utility in the municipality for not more than 20 years?
4. Before the agreement is made, amended, or renewed, is the agreement, amendment, or renewal:
  - a. advertised, and
  - b. be approved by the Alberta Utilities Commission?
5. Does a bylaw prohibit a retailer from providing to customers in all or any part of the municipality the functions or services that retailers are permitted to provide under the *Electric Utilities Act* or the regulations under that Act?

**Comments/Observations:** The Town of Onoway provides water, sewer, and waste disposal public utility services under bylaws 799-23 and 808-24 passed on April 26, 2023, and January 25, 2024, respectively. The bylaws do not specifically prohibit any person other than the town from providing the same or a similar type of utility service in all or part of the municipality.

Bylaw 731-17 passed on June 1, 2017, and bylaw 757-19 passed on June 20, 2019, and associated agreements are in place for the provision of gas and power, which are in compliance with legislation.

**Meets Legislative Requirements:** Yes

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

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

## 3.5 Municipal Finance

### 1. Operating Budget (Mandatory)

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

1. Has an operating budget or interim operating budget been adopted prior to January 1 for the calendar year?
2. Does the operating budget include the estimated amount of each of the following expenditures and transfers:
  - a. the amount needed to provide for the council's policies and programs;
  - b. the amount needed to pay the debt obligations in respect of borrowings made to acquire, construct, remove or improve capital property;
  - c. the amount of expenditures and transfers needed to meet the municipality's obligations as a member of a growth management board;
  - d. the amount needed to meet the requisitions or other amounts that the municipality is required to pay under an enactment;
  - e. the amount of expenditures and transfers needed to meet the municipality's obligations for services funded under an intermunicipal collaboration framework;
  - f. 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;
  - g. the amount to be transferred to the capital budget;
  - h. the amount needed to recover any shortfall as required under section 244.
3. Does the operating budget include estimated amounts from each source of revenue (taxes, grants, service fees)?
4. Are the estimated revenues and transfers sufficient to pay the estimated expenditures?
5. Has council established procedures to authorize and verify expenditures that are not included in a budget?

**Comments/Observations:** The town adopted their 2023 operating budget on April 24, 2023. The budget includes amounts needed to pay for council's policies and programs, needed to pay all debt obligations, the amount required for the requisitions the municipality is required to pay, estimated amounts from each source of revenue, and the amount to be transferred to the capital budget. There are no shortfalls to be recovered and the approved operating budget shows a surplus.

Bylaw 804-23 passed on August 10, 2023, establishes procedures to authorize and verify expenditures that are not included in the budget.

**Meets Legislative Requirements:** Yes

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

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

## 2. Capital Budget (Mandatory)

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

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

**Comments/Observations:** The Town of Onoway did not adopt a capital budget until April 24, 2023, which does not meet the legislated requirements under section 245 of the MGA. The adopted 2023 capital budget did include 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 as per section 246 of the MGA.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** Going forward, the capital budget must be passed prior to January 1<sup>st</sup> of each calendar year as per section 245 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.

2025 Capital Budget to be presented to Council and passed prior to January 1, 2025.



### 3. Three-Year Operating and Five-Year Capital Plans (Mandatory)

**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 of Onoway included their 2023 three-year operating plan (2024-2026) as a part of the 2023 operating budget information. Council resolution #124/23 of April 24, 2023, approved the 2023 operating budget but did not include approval of the three-year operating plan, nor was there a separate resolution approving the three-year operating plan. The 2023 three-year operating plan also did not include anticipated accumulated surplus or deficit.

The Town of Onoway's 2023 five-year capital plan (2023-2028) does not have anticipated sources of revenue for the years 2024-2028. Council resolution #125/23 of April 24, 2023, approved the 2023 capital budget but did not include approval of the 2023 five-year capital plan, nor was there a separate resolution approving the five-year capital plan. The 2024 five-year capital plan (2025-2029) approved (resolution #107/24) April 11, 2024, does not have anticipated revenue sources.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** The three-year operating and five-year capital plans must be approved by council by resolution to meet legislative requirements under *section 283.1* of the *MGA*. The three-year operating plan must include the accumulated surplus/deficit to meet legislative requirements. The five-year capital plan must include anticipated revenue sources 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 Affairs Advisors are available to provide general support by calling toll-free 310-0000 and then 780-427-2225.

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

3 year Operating Plan 2025-2027 presentation to Council for approval before 2024 year end will include surplus/deficit to meet Legislative requirements.  
5 year Capital Plan 2025-2029 presentation to Council for approval before 2024 year end will include anticipated revenue sources.

#### 4. Auditor, Audited Financial Statements, Financial Information Return (Mandatory)

**Legislative requirements: MGA 217, 276, 277 280, 281, Supplementary Accounting Principles and Standards Regulation 313/2000; Debt Limit Regulation 255/2000**

1. Have one or more auditors for the municipality been appointed by council?
2. Have annual financial statements of the municipality been prepared for the immediately preceding year in accordance with
  - a. Canadian generally accepted accounting principles for municipal governments approved by the Public Sector Accounting Board; and
  - b. any modifications of the principles or any supplementary accounting standards or principles established by the Minister by regulation?
3. Do the financial statements include:
  - a. the municipality's debt limit;
  - b. the amount of the municipality's debt as defined in the regulations under section 271;
  - c. revenues received from the granting of rights over its properties for the purpose of providing a utility service, each as separate entries;
  - d. the annual revenues received from the granting of each utility franchise agreement entered into the municipality separately; and
  - e. the salaries of councillors, the chief administrative officer, and designated officers of the municipality?
4. Does the municipality make its financial statements, or a summary of them, and the auditor's report of 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?
6. Has the auditor reported separately to the council any improper or unauthorized transaction or non-compliance with this or another enactment or bylaw that was noted during the course of the audit?

**Comments/Observations:** The town's auditor was appointed on October 26, 2023, by council resolution 324/23. The auditor presented the audited 2023 financial statements at the April 11, 2024 council meeting, which was approved by council resolution 105/24. The town's debt limit and debt servicing limit are included in the financial statement. The town received a management letter from their auditor. The municipality makes financial statements available to the public through the municipal website; however, the 2023 audited financial statements were not available on the website by the required May 1, 2024 due date.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** The Town of Onoway should ensure its financial statements, or a summary of the financial statement, and the auditor's report of the financial statements are 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.

**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.

A recurring annual reminder on the Monday before May 1 is in place for the CAO and Director of Corporate and Community Services to make the Audited Financial Statements public has been established.

## 5. Investments (Discretionary)

### Legislative requirements: MGA 250

1. Are the investments of the municipality in one or more of the following:
  - a. Securities issued or guaranteed by the Crown in right of Canada or an agent of the crown, or the Crown in right of a province or territory or an agent of the province or territory;
  - b. securities of a municipality, school division, hospital district, health region under the *Regional Health Authorities Act* or regional services commission in Alberta;
  - c. securities that are issues or guaranteed by a bank, treasury branch, credit union or trust corporation;
  - d. units in pooled funds of all or any of the investments described above?
2. Does the municipality have any investments in shares of a corporation incorporated or continued under the *Canada Business Corporations Act* (Canada) or incorporated, continued, or registered under the *Business Corporations Act*?
  - a. If so, was the investment approved by the Minister?

Comments/Observations: The Town of Onoway does not have any investments.

Meets Legislative Requirements: N/A

Recommendations/Action Items: N/A

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

## 6. Borrowing (Discretionary)

**Legislative requirements:** *MGA 251-259, Debt Limit Regulation 255/2000*

1. Does the municipality have any debt?
2. Have all borrowings been authorized by a borrowing bylaw?
3. Does the borrowing bylaw set out:
  - a. the amount of money to be borrowed and, in general terms, the purpose for which the money is borrowed;
  - b. the maximum rate of interest, expressed as a percentage, the term, and terms of repayment of the borrowing; and
  - c. 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:** The town passed Bylaw 804-23 on August 10, 2023. Bylaw 804-23 includes the amount of money to be borrowed and the general purpose, part of which is for an operating line of credit. Section 5 of the bylaw does not cite the maximum rate of interest, which is required by the legislation.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** The Town of Onoway will need to amend or replace the borrowing bylaw to include the maximum rate of interest expressed as a percentage to fully meet the legislated requirements in section 251 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.

The maximum rate of interest as shown below in the new Borrowing Bylaw 812-24 passed May 9, 2024. (Bylaw 812-24 states: All sums borrowed under this Bylaw shall bear interest at a rate per annum not exceeding Prime Lending Rate (10%) plus thirty percent (30%) established from time to time by the Bank).

## 7. Loans (Discretionary)

### **Legislative requirements: MGA 264-265**

1. Has the municipality loaned money to another organization?
2. Was the recipient of the loan:
  - a. one of the municipality's controlled corporations;
  - b. a non-profit organization; or
  - c. to a designated seller under the *Gas Distribution Act* as part of the capitalization of the designated seller by its shareholders?
3. Is the loan authorized by bylaw?
4. Does the bylaw authorizing the loan set out:
  - a. the amount of money to be loaned and, in general terms, the purpose for which the money that is loaned to be used;
  - b. the minimum rate of interest, the term and terms of repayment of the loan; and
  - c. the source or sources of money to be loaned?
5. Was the bylaw authorizing the loan advertised?

**Comments/Observations:** The Town of Onoway has not loaned money to another organization.

**Meets Legislative Requirements:** N/A

**Recommendations/Action Items:** N/A

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

## 8. Loan Guarantees (Discretionary)

### **Legislative requirements: MGA 264-265**

1. Has the municipality guaranteed the repayment of a loan of another organization?
2. Was the loan guarantee for:
  - a. one of the municipality's controlled corporations; or
  - b. a non-profit organization?
3. Is the loan guarantee authorized by bylaw?
4. Does the bylaw authorizing the loan set out:
  - a. the amount of money to be borrowed under the loan to be guaranteed and, in general terms, the purpose for which the money is borrowed;
  - b. the rate of interest under the loan or how the rate of interest is calculated, the term and terms of repayment of the loan; and
  - c. the source or sources of money to be used to pay the principal and interest owing under the loan if the municipality is required to do so under the guarantee?
5. Was the bylaw authorizing the guarantee advertised?

**Comments/Observations:** The Town of Onoway has not guaranteed the repayment of a loan of another organization.

**Meets Legislative Requirements:** N/A

**Recommendations/Action Items:** N/A

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

## 3.6 Assessment and Taxation

### 1. Assessment of Property (Mandatory)

**Legislative requirements:** *MGA 284.2(1), 297, Matters Relating to Assessment Sub-classes Regulation 202/2017*

1. 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?
2. When preparing the assessment of property, does the assessor assign one or more of the following assessment classes to the property:
  - a. class 1 – residential;
  - b. class 2 – non-residential;
  - c. class 3 – farm land; and
  - d. class 4 – machinery and equipment?
3. Has the municipality by bylaw divided class 1 into sub-classes?
4. Has the municipality by bylaw divided class 2 into the sub-classes prescribed by the regulations?

**Comments/Observations:** A qualified assessor was appointed by council resolution 325/23 passed at the October 26, 2023 organizational meeting. Bylaw 786-21 passed on April 1, 2021, which assigned one or more classes to each property and divided assessment classes 1 and 2 into sub-classes.

**Meets Legislative Requirements:** Yes

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

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

## 2. Assessment Notices (Mandatory)

### Legislative requirements: MGA 303, 308, 310, 311

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. Does the assessment notice show the following information:
  - a. a description sufficient to identify the location of the property;
  - b. the name and mailing address of the assessed person;
  - c. whether the property is a parcel of land, an improvement or a parcel of land and the improvements to it;
  - d. if the property is an improvement, a description showing the type of improvement;
  - e. the assessment;
  - f. the assessment class or classes;
  - g. a notation if the property is fully or partially exempt from taxation under Part 10;
  - h. a notation if a deferral of the collection of tax under section 364.1 or 364.2 is in effect for the property;
  - i. any other information considered appropriate by the municipality or required by the Minister;
  - j. the notice of assessment date;
  - k. a statement that the assessed person may file a complaint not later than the complaint deadline; and
  - l. information respecting filing a complaint in accordance with the regulations?
3. Have assessment notices been sent no later than July 1, and at least 7 days prior to the notice of assessment date?
4. Has a designated officer certified the date on which the assessment notice was sent?
5. Has the municipality published a notice that the assessment notices have been sent?

**Comments/Observations:** The Town of Onoway set a notice of assessment date of May 25, 2023. The combined assessment and taxation notices met all the legislated assessment notice requirements and were sent on May 17, 2023. The town published a notice and certified the date on which the notices were sent; however, a designated officer did not perform these actions as required by the MGA.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** The Town of Onoway must have a designated officer certify the date on which the assessment notice was sent as per section 310(4) 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.

The Designated Officer Bylaw 815-24 has been passed on July 11, 2024 by Council.



### 3. Assessment Review Boards (Mandatory)

**Legislative requirements:** *MGA 454-456, Matters Relating to Assessment Complaints Regulation 201/2017*

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

**Comments/Observations:** The Town of Onoway passed Bylaw 780-21 on February 18, 2021, establishing a local assessment review board, composite assessment review board, and addresses all the requirements. Council resolution 292/23 at the October 26, 2023 organizational meeting appointed the chair, clerk, and panelists for the ARB as per Bylaw 780-21.

**Meets Legislative Requirements:** Yes

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

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

#### 4. Property Tax Bylaw (Mandatory)

**Legislative requirements: MGA 326(1)(a), 353-357, Matters Relating to Assessment Sub-classes Regulation 202/2017**

1. Is a property tax bylaw passed annually?
2. Does the property tax bylaw authorize the council to impose a tax in respect of property in the municipality to raise revenue to be used toward the payment of:
  - a. The expenditures and transfers set out in the budget of the municipality; and
  - b. The requisitions?
3. Are the requisitions listed within the tax rate bylaw for:
  - a. the amount required to be paid into the Alberta School Foundation Fund under section 167 of the *Education Act* that is raised by imposing a rate referred to in section 167 of the *Education Act*;
  - b. the requisition of school boards under Part 6, Division 3 of the *Education Act*;
  - c. the amount required to be paid to a management body under section 7 of the *Alberta Housing Act*; or
  - d. the amount required to recover the costs incurred for matters relating to the assessment of designated industrial property, and any other matters related to the provincial assessor's operations?
4. Are the rates in accordance with the:
  - a. assessment class (section 297);
  - b. Matters Relating to Assessment Sub-classes Regulation; and
  - c. A municipal assessment sub-class bylaw?
5. Are the calculations correct?
6. Is there a minimum tax applied?

**Comments/Observations:** Tax rate bylaw 800-23 passed on April 26, 2023, and authorized rates of taxation for the 2023 taxation year including the required requisitions in accordance with section 297 of the *MGA*. The town uses a single minimum tax rate that applies to all properties in the town. The estimated totals in the 2023 budget do not match the levies in the Bylaw 800-23. Bylaw 800-23 uses sub-class descriptions that are inconsistent with the descriptions set out in Assessment Class Bylaw 786-21. Bylaw 800-23 also uses the class/sub-class "other" which is not included in section 297 of the *MGA*.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** The town must ensure the values used throughout the bylaw are consistent with the values in the corresponding budget which was passed by council. Sub-classes in the property tax bylaw must be consistent with the sub-classes established in the Assessment Class Bylaw 786-21 as allowed in section 297(2) 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.

Administration has discussed this with the appointed Assessor who recommends that Council update Assessment Class Bylaw 786-21 to align with the Tax Rate Bylaw sub class descriptions.  
Also, appointed Assessor recommends other sub class descriptions be consolidated within legislated sub classes as per Section 297 MGA.  
The above will take place prior to the passing of the 2025 Property Tax Rate Bylaw in April.

## 5. Tax Notices (Mandatory)

### Legislative requirements: MGA 329, 333-336, 357

1. Does the tax notice show the following information:
  - a. a description sufficient to identify the location of the property or business;
  - b. the name and mailing address of the taxpayer;
  - c. the assessment;
  - d. the name, tax rate and amount of each tax imposed in respect of the property or business;
  - e. the total amount of all taxes imposed in respect of the property or business;
  - f. the amount of tax arrears, if any;
  - g. a notation if the property is the subject of an agreement between the taxpayer and the municipality under section 347(1) relating to tax arrears;
  - h. a notation of the amount deferred and the taxation year or years to which the amount relates if the property is subject of a bylaw or agreement made under section 364.1 to defer the collection of tax;
  - i. a notation of the amount deferred and the taxation year or years to which the amount relates if the property is subject of a deferral granted under section 364.2;
  - j. any other information considered appropriate by the municipality;
  - k. the date the tax notice is sent to the taxpayer;
  - l. the amount of the requisitions, any one or more of which may be shown separately or as part of a combined total;
  - m. 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;
  - n. the name and address of the designated officer with whom a complaint must be filed;
  - o. the dates on which penalties may be imposed if the taxes are not paid; and
  - p. information on how to request a receipt for taxes paid?
2. Has the municipality prepared and sent tax notices annually before the end of the year in which the taxes were imposed?
3. Has a designated officer certified the date the tax notices were sent?
4. If the property tax bylaw specifies a minimum amount payable as property tax, does the tax notice indicate the tax rates set by the property tax bylaw that raise the revenue required to pay the Alberta School Foundation Fund requisition?

**Comments/Observations:** The town's combined assessment and taxation notices met all the legislated tax notice requirements and were sent on May 17, 2023. The town did certify the date on which the notices were sent, this was not done by a designated officer which does not meet legislated requirements under section 336(1) of the MGA.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** A designated officer must certify the date the tax notices are sent under section 336(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.

The Designated Officer Bylaw 815-24 has been passed on July 11, 2024 by Council.

## 6. Supplementary Assessments (Discretionary)

### Legislative requirements: MGA 313, 315, 316

1. Does the municipality require the preparation of supplementary assessments for improvements?
2. Is the preparation of supplementary assessments authorized by bylaw?
  - a. Was the bylaw or any amendments passed prior to May 1 of the year to which it applies?
3. Has the assessor set an additional notice of assessment date for supplementary assessment notices?
4. Has the municipality prepared and sent supplementary assessment notices for every assessed improvement shown on the supplementary assessment roll before the end of the year?
5. Does the supplementary assessment reflect the value of an improvement not previously assessed or an increase in the value of the improvement since it was last assessed?
6. Is the supplementary assessment prorated to reflect the number of months the improvement was complete, occupied, located or in operation?
7. Was the supplementary assessment roll prepared before the end of the year?
8. Did the supplementary assessment roll show:
  - a. The same information required to be shown on the assessment roll;
  - b. The date the improvement was completed, occupied, moved to the municipality, or became operational?
9. Does the supplementary assessment notice show:
  - a. The same information required to be shown on the supplementary assessment roll;
  - b. The notice of assessment date;
  - c. The statement that the assessed person may file a complaint and the deadline for doing so;
  - d. Information with respect to filing a complaint.

Comments/Observations: The Town of Onoway does not have a supplementary assessment bylaw.

Meets Legislative Requirements: N/A

Recommendations/Action Items: N/A

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

## 7. Supplementary Property Tax Bylaw (Discretionary)

### **Legislative requirements: MGA 369, 369.1**

1. Has the council, in the same year when a bylaw authorizing supplementary assessments to be prepared in respect of property, passed a bylaw authorizing it to impose a supplementary tax?
2. Does the supplementary property tax bylaw use the same tax rates set in the property tax bylaw?
3. Are the tax rates required to raise the revenue to pay requisitions referred to in section 175 of the *Education Act* applied as supplementary tax rates?
4. Has the municipality prepared a supplementary tax roll?
5. Has the municipality prepared and sent supplementary tax notices for all taxable property shown on the supplementary tax roll?

**Comments/Observations:** The Town of Onoway does not have a supplementary tax bylaw.

**Meets Legislative Requirements:** N/A

**Recommendations/Action Items:** N/A

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

## 8. Tax Payment and Tax Penalty Bylaws (Discretionary)

**Legislative requirements:** MGA 339, 340, 344(1), 345(1), 357(1.1)

1. Has the municipality, by bylaw:
  - a. provided incentives for payment of taxes by the dates set out in the bylaw?
  - b. permitted taxes to be paid by instalments, at the option of the taxpayer?
2. Has the municipality passed a bylaw separate from the property tax bylaw that provides for compulsory tax instalment payments for designated manufactured homes?
3. Has the municipality, by bylaw:
  - a. imposed penalties in the year in which a tax is imposed if the tax remains unpaid after the date shown on the tax notice?
  - b. imposed penalties in any year following the year in which a tax is imposed if the tax remains unpaid after December 31 of the year in which it is imposed?

**Comments/Observations:** The town's tax penalties bylaw (bylaw 803-23) was passed on May 24, 2023. The bylaw imposes penalties in the year in which a tax is imposed if the tax remains unpaid after the date shown on the tax notice. It imposes penalties in any year following the year in which a tax is imposed if the tax remains unpaid after December 31 of the year in which it is imposed and is in compliance with the legislated requirements.

**Meets Legislative Requirements:** Yes

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

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

## 9. Brownfield Tax Incentives (Discretionary)

### **Legislative requirements: MGA 364.1**

1. Has the municipality, by bylaw, provided for full or partial exemptions from taxation, or deferrals of the collection of tax for brownfield properties?
2. Does the bylaw identify:
  - a. the brownfield properties in respect of which an application may be made;
  - b. the taxation year or years for which the identified brownfield properties may qualify for an exemption or deferral; and
  - c. any conditions the breach of which cancels an exemption or deferral and the taxation year or years to which the condition applies?
3. Was a public hearing held prior to second reading of the bylaw?

**Comments/Observations:** The Town of Onoway does not have brownfield tax incentives.

**Meets Legislative Requirements:** N/A

**Recommendations/Action Items:** N/A

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

## 10. Non-residential Tax Incentives (Discretionary)

### **Legislative requirements: MGA 364.2**

1. Has the municipality, by bylaw, provided for full or partial exemptions from taxation, or deferrals of the collection of tax for non-residential properties or machinery and equipment?
2. Does the bylaw:
  - a. set criteria to be met for property to qualify for an exemption or deferral;
  - b. establish a process for the submission and consideration of applications; and
  - c. if the bylaw provides for any person other than the council to refuse to grant an exemption or deferral, a process for applying to the council for a review of those decisions, including the period of time within which the application must be made?
3. Does the bylaw allow for an exemption or deferral to apply or more than 15 consecutive taxation years?

**Comments/Observations:** The Town of Onoway does not have a non-residential tax incentives bylaw.

**Meets Legislative Requirements:** N/A

**Recommendations/Action Items:** N/A

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



## 3.7 Other Municipal Taxation Authority

### 1. Tax Agreements (Utilities/Linear Property) (Discretionary)

**Legislative requirements:** MGA 360

1. Has the council made a tax agreement with the operator of a public utility or of linear property who occupies the municipality's property?
2. Does the agreement provide that the municipality accepts payment of the amount calculated under the agreement in place of the tax or other fees and charges specified in the agreement?
3. If the agreement is with an operator who is subject to regulation by the Alberta Utilities Commission, has the agreement been approved by the commission?

**Comments/Observations:** The Town of Onoway does not have a tax agreement with the operator of a public utility or of linear property in the municipality.

**Meets Legislative Requirements:** N/A

**Recommendations/Action Items:** N/A

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

## 2. Business Tax (Discretionary)

### **Legislative requirements: MGA 369.1, 371-379**

1. Has the municipality passed a bylaw authorizing a tax in respect to all businesses operating in the municipality?
2. Was the bylaw, or any amendment to it, passed before May 1 in the year to which it applies?
3. Does the bylaw:
  - a. require assessments of businesses operating in the municipality to be prepared and recorded on a business tax roll;
  - b. specify one or more methods of assessment as specified in section 374(b); and
  - c. specify the basis on which a business tax may be imposed as specified in section 347(c)?
4. Does the municipality pass a business tax rate bylaw annually?
5. Does the business tax rate bylaw set the business tax rate, and if applicable, set a business tax rate for each class?
6. If the municipality passes a supplementary assessment bylaw, has the municipality also passed a bylaw imposing a supplementary business tax with respect of those businesses?

**Comments/Observations:** The Town of Onoway does not impose a business tax.

**Meets Legislative Requirements:** N/A

**Recommendations/Action Items:** N/A

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

### 3. Community Revitalization Levy (Discretionary)

**Legislative requirements:** MGA 381.1-381.5

1. Has a community revitalization levy bylaw been passed for the municipality?
2. Has the community revitalization levy bylaw, or any amendment to the bylaw, been approved by the Minister?

**Comments/Observations:** The Town of Onoway has not passed a community revitalization levy bylaw.

**Meets Legislative Requirements:** N/A

**Recommendations/Action Items:** N/A

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

#### 4. Special Tax (Discretionary)

**Legislative requirements: MGA 382-387**

1. Has the council passed a special tax bylaw annually to raise revenue to pay for a specific service or purpose?
2. Is the special tax imposed on one or more of the following:
  - a. a waterworks tax;
  - b. a sewer tax;
  - c. a boulevard tax;
  - d. a dust treatment tax;
  - e. a paving tax;
  - f. a tax to cover the cost of repair and maintenance of roads, boulevards, sewer facilities and water facilities;
  - g. a tax to enable the municipality to provide incentives to health professionals to reside and practice in the municipality;
  - h. a fire protection area tax;
  - i. a drainage ditch tax;
  - j. a tax to supply water for the residents of a hamlet; or
  - k. a recreational services tax?
3. Does the special tax bylaw include:
  - a. the specific service or purpose for which the bylaw is passed;
  - b. a description of the area of the municipality that will benefit from the service or purpose;
  - c. the estimated cost of the service or purpose; and
  - d. whether the tax rate is to be based on the assessment prepared, each parcel of land, each unit of frontage, or each unit of area and set the tax rate to be imposed in each case?
4. Is the estimated cost of the specific service or purpose included in the budget of the municipality?
5. Is the revenue raised used only for the specific service or purpose stated in the bylaw?
6. If there is any excess revenue, did the municipality advertise the use to which it proposes to put the excess revenue?

**Comments/Observations:** The Town of Onoway passed a special tax bylaw on April 26, 2023, for recreational services. The bylaw authorizes a special tax levied on each taxable property within the corporate limits of the town. The special tax bylaw is passed annually in compliance with the legislation.

**Meets Legislative Requirements:** Yes

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

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

## 5. Local Improvement Tax (Discretionary)

### **Legislative requirements: MGA 391-409**

1. If a local improvement has been proposed, has the municipality prepared a local improvement plan?
2. Does the local improvement plan:
  - a. Include the proposed local improvement and its location;
  - b. identify the parcels of land in respect of which the local improvement tax will be imposed, and the person who will be liable to pay the local improvement tax;
  - c. state whether the tax rate is based on the assessment prepared, each parcel of land, each unit of frontage, or each unit of area;
  - d. include the estimated cost of the local improvement;
  - e. include the period over which the cost of the local improvement will be spread;
  - f. include the estimated cost of the local improvement to be paid by the municipality, from revenue raised by the local improvement tax, and from other sources of revenue; and
  - g. include any other information the proponents of the local improvement consider necessary.
3. Did the municipality provide notice to the persons liable to pay the local improvement tax that a local improvement plan has been prepared?
  - a. Did the notice include a summary of the information included in the local improvement plan?
4. Has the municipality passed a local improvement tax bylaw in respect of each local improvement?
5. Does the bylaw include:
  - a. all the information required to be included in the local improvement plan;
  - b. provide for equal payments during each year in the period over which the cost of the local improvement is spread;
  - c. set a uniform tax rate to be imposed based on the cost of the local improvement less any financial assistance provided by the Federal or Provincial government; and
  - d. any other information the council considers necessary?

**Comments/Observations:** The Town of Onoway does not have any local improvement plans or taxes.

**Meets Legislative Requirements:** N/A

**Recommendations/Action Items:** N/A

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

## 6. Clean Energy Improvement Tax (Discretionary)

### Legislative requirements: MGA 390.1-390.9

1. Has the municipality passed a clean energy improvement tax bylaw?
2. Does the bylaw set out:
  - a. the types of private property that are eligible for a clean energy improvement;
  - b. eligible clean energy improvements;
  - c. the amount of money to be borrowed to finance clean energy improvements;
  - d. the maximum rate of interest, the term and the terms of repayment of the borrowing;
  - e. the source or sources of money to be used to pay the principal and interest owing under the borrowing;
  - f. indicate that a clean energy improvement tax will be charged based on the clean energy agreement with the owner;
  - g. identify the period over which the cost of each eligible clean energy improvement will be spread, which shall not exceed the probably lifetime of the improvement;
  - h. the process by which the owner of a property can apply for a clean energy improvement;
  - i. any other information the council considers necessary or advisable; and
  - j. any requirements imposed by the regulations.
3. Prior to second reading of the bylaw, was a public hearing held?
4. Before a clean energy improvement is made to a property, did the municipality and the owner enter into a clean energy improvement agreement?
5. Does the clean energy improvement agreement specify:
  - a. the proposed clean energy improvement;
  - b. the property in respect which the clean energy improvement tax will be imposed;
  - c. that the owner of the property is liable to pay the clean energy improvement tax;
  - d. the amount required to recover the costs of the clean energy improvement and the method of calculation used to determine that amount;
  - e. the period over which the clean energy improvement tax will be paid;
  - f. the portion of the amount required to recover the costs to be paid by the municipality, from revenue raised by the clean energy improvement tax, and from other sources of revenue;
  - g. how the clean energy improvement tax will be revised in the event of the subdivision or consolidation of the property; and
  - h. any other information the municipality considers necessary or advisable?

**Comments/Observations:** The Town of Onoway does not have a clean energy improvement tax bylaw.

**Meets Legislative Requirements:** N/A

**Recommendations/Action Items:** N/A

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

## 7. Other Taxes (Discretionary)

**Legislative requirements:** MGA 388, 409.1

1. Does the municipality have a well drilling equipment tax bylaw authorizing a tax in respect of equipment used to drill a well for which a license is required under the *Oil and Gas Conservation Act*?
2. Has the municipality by bylaw authorized a levy in respect of all sand and gravel businesses operating in the municipality?

**Comments/Observations:** The Town of Onoway does not have a well drilling tax or sand and gravel levy bylaw.

**Meets Legislative Requirements:** N/A

**Recommendations/Action Items:** N/A

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

## 8. Adding Amounts to the Tax Roll (For Discussion)

### Legislative requirements: MGA 553

1. Is the municipality aware that the following amounts may be added to the tax roll of a property by council:
  - a. unpaid cost referred to in section 35(4) or 39(2) of the *MGA* relating to service connections of a municipal public utility that are owing by the owner of the parcel;
  - b. unpaid charges referred to in section 42 of the *MGA* for a municipal utility service provided to the parcel by a municipal public utility that are owing by the owner of the parcel;
  - c. unpaid expenses and costs referred to in section 549(5)(a) of the *MGA*, if the parcel's owner contravened the enactment or bylaw and the contravention occurred on all or a part of the parcel;
  - d. costs associated with tax recovery proceedings related to the parcel;
  - e. if the municipality has passed a bylaw making the owner of a parcel liable for expenses and costs related to the municipality extinguishing fires on the parcel;
  - e.1 if the municipality has passed a bylaw requiring the owner or occupant of a parcel to keep the sidewalks adjacent to the parcel clear of snow and ice, unpaid expenses and costs incurred by the municipality for removing the snow and ice in respect of the parcel;
  - f. unpaid costs awarded by a composite assessment review board under section 468.1 of the *MGA* or the Land and Property Rights Tribunal under section 501 of the *MGA*, if the composite assessment review board or the Land and Property Rights Tribunal has awarded costs against the owner of the parcel in favour of the municipality and the matter before the composite assessment review board or the Land and Property Rights Tribunal was related to the parcel;
  - f.1 the expenses and costs of carrying out an order under section 646 of the *MGA*; and
  - g. any other amount that may be added to the tax roll under an enactment.
2. When an amount is added to the tax roll of a parcel:
  - a. is deemed for all purposes to be a tax imposed under Division 2 of Part 10 of the *MGA* from the date it was added to the tax roll; and
  - b. forms a special lien against the parcel of land in favour of the municipality from the date it was added to the tax roll.

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



## 3.8 Tax Recovery

### 1. Tax Arrears List (Mandatory)

**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 prior to March 31 annually?
  - a. Have 2 copies of the list been sent to the Registrar?
  - b. Has a copy of the list been sent to the Minister responsible for the *Unclaimed Personal Property and Vested Property Act*?
  - c. Were persons notified who are liable to pay the tax arrears that a tax arrears list has been prepared and sent to the Registrar?
2. Has a tax arrears list been prepared showing the designated manufactured homes in the municipality for which there are tax arrears for more than one year?
  - a. Has the municipality registered a tax recovery lein against each designated manufactured home shown on the tax arrears list?
  - b. Were the owners of each designated manufactured home been given written notice that a tax recovery lein has been registered against the designated manufactured home?
  - c. Was the owner of each manufactured home community containing one or more designated manufactured homes shown on the tax recovery list notified in writing that a tax recovery lein has been registered?
3. Have the tax recovery lists been posted in a place that is accessible to the public during normal business hours?

**Comments/Observations:** The Town of Onoway prepared the 2023 tax arrears list and submitted two copies of the list to the Registrar before the legislated deadline. The list is posted within the town office, and persons liable to pay the tax arrears were notified a list has been prepared. The town did not send a copy of the list to the Minister responsible for the *Unclaimed Personal Property and Vested Property Act*.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** The Town of Onoway must ensure a copy of the arrears list is sent to the Minister responsible for the *Unclaimed Personal Property and Vested Property Act* as required under section 412 (1) (b.1) of the MGA.

**Resources:** A Guide to Tax Recovery in Alberta can be found at <https://www.alberta.ca/municipal-government-resources> under *Property assessment and taxation*. 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.

The list was provided through Tax Service, Contractor for Tax Recovery. Email verification can be provided.

## 2. Tax Agreements (Discretionary)

**Legislative requirements:** MGA 418(4), 436.09(4)

1. Has the municipality entered into an agreement with the owner of a parcel of land shown on the tax arrears list?
2. Does the period of time for the payment of tax arrears exceed 3 years?

**Comments/Observations:** The Town of Onoway does not have any tax agreements with the owner of a parcel of land shown on the tax arrears list.

**Meets Legislative Requirements:** N/A

**Recommendations/Action Items:** N/A

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

### 3. Tax Recovery Auctions – Land (Mandatory)

#### **Legislative requirements: MGA 418-422**

1. Has the municipality offered for sale at public auction any parcel of land shown on its tax arrears list within the timeframe provided if the tax arrears are not paid?
2. Did the council set:
  - a. for each parcel of land to be offered for sale at public auction, a reserve bid that is as close as reasonably possible to the market value of the parcel; and
  - b. any conditions that apply to the sale.
3. Did the municipality advertise the public auction:
  - a. in one issue of The Alberta Gazette, not less than 40 days and not more than 90 days before the date of the public auction; and
  - b. in one issue of a newspaper having general circulation in the municipality, not less than 10 days and not more than 20 days before the date of the public auction.
4. Does the advertisement specify the date, time, and location of the public auction, the conditions of sale, and a description of each parcel of land to be offered for sale?
5. Does the advertisement state the municipality may, after the public auction, become the owner of any parcel of land not sold at the public auction?
6. Did the municipality send a copy of the advertisement placed in The Alberta Gazette to:
  - a. the owner of each parcel of land to be offered for sale;
  - b. each person who has an interest in any parcel to be offered for sale that is evidenced by a caveat registered by the Registrar; and
  - c. each encumbrance shown on the certificate of title for each parcel to be offered for sale?
7. Did the municipality adjourn the holding of a public auction to any date within 2 months after the advertised date?
  - a. If so, did the municipality post a notice in a place accessible to the public during regular business hours, showing the new date on which the public auction is to be held?

**Comments/Observations:** The Town of Onoway has not been required to conduct a tax sale recently for any parcel of land on its tax arrears list but administration is aware of the legislation.

**Meets Legislative Requirements:** N/A

**Recommendations/Action Items:** N/A

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

#### 4. Tax Recovery Auctions – Designated Manufactured Homes (Mandatory)

**Legislative requirements: MGA 436.08-436.13**

1. Not later than August 1 following the preparation of the tax arrears list, has the municipality in respect to each designated manufactured home (DMH) shown on the tax arrears list sent a written notice to:
  - a. the owner of the DMH;
  - b. the owner of the manufactured home community where the DMH is located; and
  - c. each person who has a security interest in or a lien, writ, charge, or other encumbrance against the DMH?
2. Does the notice state that if the tax arrears are not paid before March 31 in the next year, the municipality will offer the DMH for sale at public auction?
3. Has the municipality offered for sale at public auction any DMH shown on its tax arrears list within the timeframe provided if the tax arrears are not paid?
4. Did the council set:
  - a. for each DMH to be offered for sale at public auction, a reserve bid that is as close as reasonably possible to the market value of the parcel; and
  - b. any conditions that apply to the sale.
5. Did the municipality advertise the public auction in one issue of a newspaper having general circulation in the municipality, not less than 10 days and not more than 30 days before the date of the public auction?
6. Does the advertisement specify the date, time, and location of the public auction, the conditions of sale, and a description of each DMH to be offered for sale?
7. Did the municipality send a copy of the advertisement to:
  - a. the owner of the DMH;
  - b. the owner of the manufactured home community where the DMH is located; and
  - c. each person who has a security interest in or a lien, writ, charge, or other encumbrance against the DMH?
8. Did the municipality adjourn the holding of a public auction to any date within 2 months after the advertised date?
  - a. If so, did the municipality post a notice in a place accessible to the public during regular business hours, showing the new date on which the public auction is to be held?

**Comments/Observations:** The Town of Onoway has not been required to conduct a tax sale recently for a designated manufactured home on its tax arrears list but administration is aware of the legislation.

**Meets Legislative Requirements:** N/A

**Recommendations/Action Items:** N/A

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

### 3.9 Planning and Development

#### 1. Municipal Development Plan (Mandatory)

**Legislative requirements:** MGA 216.4, 606, 632, 641, 692

1. Has the municipality adopted a Municipal Development Plan (MDP) by bylaw?
2. Does the MDP address:
  - a. future land use;
  - b. future development;
  - c. coordination of land use, growth patterns and infrastructure with adjacent municipalities (if there is no intermunicipal development plan);
  - d. transportation systems within the municipality and in relation to adjacent municipalities;
  - e. provision of municipal services and facilities;
  - f. policies respecting municipal reserve lands; and
  - g. policies respecting the protection of agricultural operations?

**Comments/Observations:** Bylaw 776-20 was passed on September 17, 2020, adopting a municipal development plan for the Town of Onoway. The town has an intermunicipal development plan with Lac Ste. Anne County. Bylaw 776-20 does not contain policies respecting the protection of agricultural operations as required by section 632(3)(f) of the MGA.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** Bylaw 776-20 must be amended or replaced to include policies respecting the protection of agricultural operations to meet legislative requirements.

**Resources:** Municipal Affairs has prepared a [Guidebook for preparing a municipal development plan](#). 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.

Administration is working with the contracted Development Officer to implement.

## 2. Land Use Bylaw (Mandatory)

**Legislative requirements:** *MGA 606, 640, 642(1), 692(4), Subdivision and Development Regulation 84/2022*

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

**Comments/Observations:** Bylaw 712-13 land use passed on March 6, 2014, and amendments up to bylaw 746-18 passed on August 16, 2018, were found compliant during the town's 2019 MAP review. Subsequent amendments in 2021 passed on October 7, 2021, and a current notice for an amendment under 807-24, the notice for 807-24 meets legislative compliance.

**Meets Legislative Requirements:** Yes

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

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

### 3. Subdivision and Development Appeal Board (Mandatory)

**Legislative requirements:** *MGA 627, 628, Subdivision and Development Regulation 84/2022*

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:
  - a. municipal employees;
  - b. members of the municipal planning commission; and
  - c. 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 752-18 passed on December 20, 2018, establishes the subdivision and development appeal board for the Town of Onoway, excluding members in accordance with the *MGA*. Bylaw requires members to complete training before participating and clerks to be designated officers, and they must meet the training requirements before appointment. At the October 26, 2023, organizational meeting, council resolution 293/23 appointed two SDAB designated officers/clerks and ten board members.

There are no council members appointed to the SDAB as they are members of the municipal planning commission. Bylaw 752-18 under section 2.9. requires the town annually submit to the province the number of SDAB clerks and members appointed including status of the required training, the 2022 MIR report includes that a SDAB has been established but does not include the appointees or training information.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** Appointees must have the required training and the town must include all required information in the annual Municipal Information Return.

**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.

Administration has confirmed all required training and will be submitted with the Annual MIR in 2025.

#### 4. Off-site Levies (Discretionary)

**Legislative requirements: MGA 648, 648.2**

1. Has the municipality by bylaw provided for the imposition and payment of a levy in respect to land that is to be developed or subdivided, and authorized an agreement to be entered into in respect of the payment of the levy?
2. Does the bylaw impose an off-site levy on land owned by a school board that is to be developed for a school?
3. Does the bylaw provide for the payment of capital costs relating to one or more of:
  - a. new or expanded facilities for the storage, transmission, treatment or supplying of water;
  - b. new or expanded facilities for the treatment, movement or disposal of sanitary sewage;
  - c. new or expanded storm water drainage facilities;
  - d. new or expanded roads required for or impacted by a subdivision or development;
  - e. new or expanded transportation infrastructure required to connect, or to improve the connection of, municipal roads to provincial highways resulting from a subdivision or development;
  - f. land required for or in connection with any of the above facilities;
  - g. new or expanded community recreation facilities;
  - h. new or expanded fire hall facilities;
  - i. new or expanded police station facilities; or
  - j. new or expanded libraries?
4. Does another off-site levy bylaw apply to the same lands for the same purpose?
5. Was the off-site levy bylaw advertised?
6. Does the calculation of the off-site levy:
  - a. take into account criteria such as area, density or intensity of use;
  - b. recognize variation among infrastructure, facility and transportation infrastructure types;
  - c. maintain consistency across the municipality for that type of infrastructure, facility or transportation infrastructure; and
  - d. be fair and reasonable in the municipality?
7. Does the bylaw include a requirement for periodic reviews of the off-site levy calculation?

**Comments/Observations:** Bylaw 511-98 establishes an off-site levy for the Town of Onoway. The bylaw does not include a requirement for periodic reviews of the off-site levy calculation as required by section 648.2(5) of the MGA.

**Meets Legislative Requirements:** No

**Recommendations/Action Items:** Bylaw 511-98 should be amended to include a requirement for periodic reviews of the off-site levy calculation 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.

Administration will amend Bylaw 511-98 to include this requirement for periodic reviews of the off-site levy calculation.



## 5. Municipal Planning Commissions (Discretionary)

### Legislative requirements: MGA 625

1. Has the municipality established a municipal planning commission by bylaw?
2. Has the municipality entered into an agreement with one or more municipalities to establish an intermunicipal planning commission or an intermunicipal service agency by bylaw?
3. Does the bylaw establishing the municipal planning commission or the agreement establishing an intermunicipal planning commission:
  - a. provide for the applicable matters described in section 145(3);
  - b. prescribe the functions and duties of the commission, including but not limited to subdivision and development powers and duties, and
  - c. in the case of an intermunicipal planning commission, provide for its dissolution.
4. Does the bylaw delegate, by agreement, any of its subdivision authority or development authority powers, duties, or functions to:
  - a. municipal planning commission,
  - b. a regional services commission, or
  - c. an intermunicipal service agency?

**Comments/Observations:** Bylaw 523-98 passed on November 9, 1998, establishes the town's municipal planning commission, and meets the legislative requirements. At the October 26, 2023 organizational meeting, resolution 331/23 appoints council as a whole to the municipal planning commission. The bylaw does not delegate any of its subdivision or development authority powers, duties, or functions.

**Meets Legislative Requirements:** Yes

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

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

## 6. Area Structure Plans (Discretionary)

### **Legislative requirements: MGA 633**

1. Has the municipality adopted an area structure plan for the purpose of providing a framework for subsequent subdivision and development of an area of land?
2. Does the area structure plan describe:
  - a. the sequence of development proposed for the area;
  - b. the land uses proposed for the area, either generally or with respect to specific parts of the area;
  - c. the density of population proposed for the area either generally or with respect to specific parts of the area; and the general location of major transportation routes and public utilities?
3. Does the area structure plan contain any other matters, including matters relating to reserves, as the council considers necessary?

**Comments/Observations:** Bylaw 690-10 passed on May 10, 2010 adopts an area structure plan for the Town of Onoway. The plan addresses the sequence of development proposed for the area, the land uses proposed for the area, the density of population proposed for the area, and the general location of major transportation routes and public utilities. The area structure plan is compliant with the legislation.

**Meets Legislative Requirements:** Yes

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

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

## 7. Area Redevelopment Plans (Discretionary)

### **Legislative requirements: MGA 634, 635, 647**

1. Has the municipality designated an area of the municipality as a redevelopment area for the purpose of any or all the following:
  - a. preserving or improving land and buildings in the area;
  - b. rehabilitating buildings in the area;
  - c. removing buildings from the area;
  - d. constructing or replacing buildings in the area;
  - e. establishing, improving or relocating roads, public utilities or other services in the area;
  - f. facilitating any other development in the area?
2. Has the municipality, by bylaw, adopted an area redevelopment plan?
3. Does the plan describe:
  - a. the objectives of the plan and how they are proposed to be achieved;
  - b. the proposed land uses for the redevelopment area;
  - c. if a redevelopment levy is to be imposed, the reasons for imposing it;
  - d. any proposals for the acquisition of land for any municipal use, school facilities, parks and recreation facilities or any other purposes the council considers necessary; and
  - e. contain any other proposals that the council considers necessary?
4. Does the plan bylaw provide for the imposition and collection of a levy to be known as a "redevelopment levy", and authorize a designated officer, with or without conditions, to perform any function with respect to the imposition and collection of that redevelopment levy?

**Comments/Observations:** The Town of Onoway has not designated an area of the municipality as a redevelopment area.

**Meets Legislative Requirements:** N/A

**Recommendations/Action Items:** N/A

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

## 8. Joint Use and Planning Agreements (For Discussion)

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

1. Where a school board is operating within the municipal boundaries of a municipality, has the municipality entered into an agreement with the school board?
2. Does the agreement contain provisions:
  - a. establishing a process for discussing matters relating to:
    - i. the planning, development and use of school sites on municipal reserves, school reserves and municipal and school reserves in the municipality;
    - ii. transfers under section 672 or 673 of the MGA of municipal reserves, school reserves and municipal and school reserves in the municipality;
    - iii. disposal of school sites;
    - iv. the servicing of school sites on municipal reserves, school reserves and municipal and school reserves in the municipality;
    - v. 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
    - vi. how the municipality and the school board will work collaboratively,
  - b. establishing a process for resolving disputes, and
  - c. establishing a time frame for regular review of the agreement, and may, subject to the governing legislation, contain any other provisions the parties consider necessary or advisable?

**Comments/Observations:** The Town of Onoway does not have a joint use and planning agreement currently. The CAO was advised of the upcoming legislative requirements.

**Meets Legislative Requirements:** N/A

**Recommendations/Action Items:** N/A

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

## 9. Reserve Lands (Mandatory)

**Legislative requirements: MGA 664.1(1), 666(1), 667(1), 669(1), 672(1), 673(1), 674(1), 676(1)**

1. Does the municipality receive "subdivision approval applications" for approval to subdivide a parcel of land?
2. Does the municipality as a subdivision authority require the owner of a parcel of land that is the subject of a proposed subdivision:
  - a. To provide part of that parcel of land as municipal reserve, school reserve or municipal and school reserve?
  - b. to provide money in place of municipal reserve, school reserve or municipal and school reserve, or
  - c. to provide any combination of land or money referred above?
3. If money is required to be provided in place of municipal reserve, school reserve or municipal and school reserve, does the municipality ensure the applicant provide:
  - a. a market value appraisal of the land as of a specified date occurring within the 35-day period following the date on which the application for subdivision approval is made as if the use proposed for the land conforms with any use prescribed in a statutory plan or land use by law for that land, and
  - b. on the basis of what might be expected to be realized if the land were in an unsubdivided state and sold in the open market by a willing seller to a willing buyer on the date on which the appraisal is made? Or
  - c. if the applicant and the subdivision authority agree, a land value based on a method other than those described above?
4. Has the municipality as a subdivision authority directed that the requirement to provide all or part of the municipal reserve, school reserve or municipal and school reserve be deferred against:
  - a. the remainder of the parcel that is the subject of the proposed subdivision approval, or
  - b. other land of the person applying for subdivision approval that is within the same municipality as that parcel of land, or both?
5. Has the municipality ensured if a school board holds an interest in a school reserve, municipal and school reserve or municipal reserve under this or previous legislation and declares that the reserve is surplus to the school board's needs, the school board must transfer its interest in the land to the municipality where the reserve is located, for the consideration agreed on between them?
6. Has the municipality transferred municipal reserve of its interest in municipal and school reserve to a school board?
7. Did the municipality hold a public hearing in accordance with the legislation and advertise in accordance with the legislation before any of the following occurs:
  - a. the sale, lease or other disposal of municipal reserve, community services reserve or municipal and school reserve
    - i. by a council, or
    - ii. municipal and school reserve by a council and a school board; or
  - b. the making of a bylaw requiring the school building footprint of a school reserve, municipal and school reserve or municipal reserve referred to in above to be designated as community services reserve; or
  - c. the disposal of conservation reserve by a municipality as permitted by legislation.
8. Has the municipality sold, leased, or otherwise disposed of conservation reserve?
9. Has the municipality ensured that lands designated as conservation reserve remains in its natural state?
10. Has the municipality by bylaw, after giving notice in accordance with the legislation and holding a public hearing in accordance with the legislation:
  - a. used an environmental reserve for a purpose not specified in the legislation; or
  - b. transferred an environmental reserve to the Crown or an agent of the Crown for consideration, as agreed, or
  - c. leased or disposed of an environmental reserve other than by a sale for a term of not more than 3 years; or
  - d. change the boundaries of an environmental serve or environmental reserve easement in order to correct an omission, error or other defect in the certificate of title, or to rectify an encroachment problem or other concern.

**Comments/Observations:** The Town of Onoway has subdivided lands that included part of the subdivision as municipal reserves. The town has not disposed of any municipal or school reserves.

**Meets Legislative Requirements:** Yes

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

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

---

## Section 4: Conclusion

Your participation and cooperation during the 2024 Municipal Accountability Program review are appreciated. This report is intended to help the Town of Onoway reach full mandatory legislative compliance.

No confidential information is contained within this report; therefore, the report in its entirety is to be shared with council during an open session 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 posted on the municipality's website.

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.