

SUMMER VILLAGE OF NAKAMUN PARK

AGENDA

Wednesday February 17th, 2021 – at The Onoway Civic Centre 5:00 P.M.

1. Call to order:
2. Agenda: a) Wednesday February 17th, 2021 Regular Council Meeting
3. Minutes: (1-3) a) Wednesday January 20th, 2021 Regular Council Meeting
b)
4. Appointment: a) N/A
5. Bylaws/Policies: a) (Refer to 6. Business (b), (c), (d), (e).)
b)
6. Business
 - (4-5) a) Municipal Accountability Program (MAP) Review 2020, Report and Responses – RFD-2021-7 is attached with background. The Report will be provided during the meeting, along with Administration’s responses. As noted, once accepted by Council this report will be available to the public.
 - (6-20) b) MAP Review 2020, Compliance Matter, Council Procedural Bylaw #2021-1 – Attached is RDF 2021-8 with background. Also attached is proposed replacement Council Procedural Bylaw – #2021-1 – which will replace the existing version and address the noted compliance matter.
 - (21-25) c) MAP Review 2020, Compliance Matter, Assessment Classification and Assessment Sub-Classes Bylaw #2021-2 – Attached is RFD 2021-9 with background. Also attached is a proposed new Assessment Classification Bylaw - #2021-2 – which is a new bylaw and will address the noted compliance matter.
 - (26-33) d) MAP Review 2020, Compliance Matter, Bylaw Enforcement Officer Bylaw #2021-3 – Attached is RFD 2021-10 with background. Also attached is a proposed new Bylaw Enforcement Officer Bylaw -#2021-3 – which is a new bylaw and will address the noted compliance matter.
 - (34-40) e) MAP Review 2020, Compliance Matter, Subdivision and Development Appeal Board Bylaw #2021-4 – Attached is RFD 2021-11 with background. Also attached is a proposed replacement Subdivision and Development Appeal Board Bylaw - #2021-4 – which will replace the existing version and address the noted compliance matter.
 - (41-42) f) Election 2021 – Key Dates and Voting Options – Attached is RFD 2021-12 with background for review.
 - g)

SUMMER VILLAGE OF NAKAMUN PARK

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Wednesday February 17th, 2021 – at The Onoway Civic Centre 5:00 P.M.

- h)
- 7. Financial
 - a) Income and Expense Statements – December 2020 (to be circulated during the meeting)
 - b)
- 8. Councillor Reports
 - a) Mayor
 - b) Deputy Mayor
 - c) Councillor
- 9. Administration Reports
 - a)
 - CAO
 - a. Audit 2020
 - b. Budget 2021
 - c. New Radar Signs
 - d. Office Matters
 - e. Website Notices
 - i. Election
 - ii. MAP Report
 - iii. Docks
 - b)
- 10. Information and Correspondence
 - a) - N/A
- 11. Closed Meeting
 - a) - N/A
- 12. Next Meeting Date
 - a) Schedule the next regular council meeting for March 17th, 2021.
- 13. Adjournment

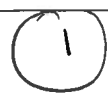
Upcoming Meetings:

March 17th, 2021 – Regular Council Meeting

February 27th, 2021 – SVLSACE Meeting (at Onoway Heritage Centre)

MINUTES OF THE REGULAR MEETING OF COUNCIL OF THE SUMMER VILLAGE OF NAKAMUN PARK, IN THE PROVINCE OF ALBERTA, HELD ON WEDNESDAY JANUARY 20th, 2021 AT 5:00 P.M. AT THE ONOWAY CIVIC CENTRE.

	PRESENT	<p>Mayor: Marge Hanssen (via teleconference) Deputy Mayor: Carleigh LeClair (via teleconference) Councillor: Harry Kassian (via teleconference)</p> <p>Administration: Dwight Moskalyk, CAO</p> <p>Appointments: n/a</p> <p>Absent: n/a</p> <p>Public Works: n/a Public at Large: n/a</p>
1.	CALL TO ORDER	Mayor Hanssen called the meeting to order at 5:01 p.m.
2.	AGENDA 1 - 21	MOVED by Councillor Kassian that the agenda for the January 20 th , 2021 regular council meeting be approved as presented. CARRIED.
3.	MINUTES 2 - 21 3 - 21	MOVED by Deputy Mayor LeClair that the minutes for the Wednesday November 18 th , 2020 regular council meeting be approved as presented. CARRIED. MOVED by Deputy Mayor LeClair that the minutes for the Wednesday December 16 th , 2020 special council meeting be approved as presented. CARRIED.
4.	APPOINTMENT	N/A
5.	BYLAW	N/A
6.	BUSINESS 4 - 21 5 - 21	MOVED by Deputy Mayor LeClair that Council accept the Fire Services Partnership 2021 Memorandum and Operating Budget as information and approve and authorize execution of the Fire Services Amending Agreement with the Town of Onoway as presented with an effective start date of January 1 st , 2021, thereby extending the fire services contract an additional five years (expiring in December 2025). CARRIED. MOVED by Mayor Hanssen that Council approve the continuation of the Summer Village of Nakamun Park's membership in the Alberta Urban Municipalities Association (AUMA) for 2021 and authorize payment of the requisitioned membership dues of \$876.99. CARRIED



MINUTES OF THE REGULAR MEETING OF COUNCIL OF THE SUMMER VILLAGE OF NAKAMUN PARK, IN THE PROVINCE OF ALBERTA, HELD ON WEDNESDAY JANUARY 20th, 2021 AT 5:00 P.M. AT THE ONOWAY CIVIC CENTRE.

	<p>6 – 21</p> <p>7 – 21</p> <p>8 – 21</p> <p>9 – 21</p> <p>10 – 21</p> <p>11 - 21</p>	<p>MOVED by Mayor Hanssen that Council appoint Dwight Moskalyk as Returning Officer and Diane Wannamaker as Substitute Returning Officer for the 2021 Municipal Elections.</p> <p style="text-align: right;">CARRIED</p> <p>MOVED by Councillor Kassian that Council defer a decision on shared location or potential key election dates until more information of the option for special and mail-in ballot options is available.</p> <p style="text-align: right;">CARRIED</p> <p>MOVED by Mayor Hanssen that Council ratifies authorization for the Summer Village of Nakamun Park to participate in a 2021 Alberta Community Partnership Application, under the Intermunicipal Collaboration (IC) – Explore and Opportunity Stream, to study the potential for regionalization of shared and common services among the partner members, subject to there being no financial cost to participate, with the Summer Village of Val Quentin acting as Managing Partner.</p> <p style="text-align: right;">CARRIED</p> <p>MOVED by Mayor Hanssen that Council ratifies authorization for the Summer Village of Nakamun Park to participate in a 2021 Alberta Community Partnership Application, under the Municipal Restructuring (MR) – Restructuring Study Stream, to establish a process to facilitate the prospective amalgamation of regional summer villages, subject to there being no financial cost to participate, with the Summer Village of Sunset Point acting as Managing Partner.</p> <p style="text-align: right;">CARRIED</p> <p>MOVED by Councillor Kassian that Council approves the Assessment Services Renewal Agreement with Municipal Assessment Services Group Inc. extending this service provision an additional three years effective January 1st, 2021 and termination on December 31st, 2023, subject to the terms and fee schedule as presented.</p> <p style="text-align: right;">CARRIED</p> <p>MOVED by Mayor Hanssen that Council authorizes the attendance of council and administration at the 2021 Emergency management Stakeholder Summit, currently scheduled as a virtual conference on March 23rd and 24th, 2021.</p> <p style="text-align: right;">CARRIED</p>
7.	FINANCIAL	N/A
8.	COUNCIL REPORTS 12 - 21	<p>MOVED by Councillor Kassian that Council accept the Council Reports for information, as presented.</p> <p style="text-align: right;">CARRIED.</p>

(2)

MINUTES OF THE REGULAR MEETING OF COUNCIL OF THE SUMMER VILLAGE OF NAKAMUN PARK, IN THE PROVINCE OF ALBERTA, HELD ON WEDNESDAY JANUARY 20th, 2021 AT 5:00 P.M. AT THE ONOWAY CIVIC CENTRE.

9.	ADMINISTRATION /PUBLIC WORKS REPORTS 13 - 21	MOVED by Mayor Hanssen that Council accept the Administration and Public Works reports for information, as presented. CARRIED.
10.	INFORMATION / CORRESPONDENCE 14 - 21	MOVED by Councillor Kassian that the following items be accepted as information: a) Government of Alberta, Municipal Affairs – December 3 rd , 2020 letter confirming the formation of (and delegation of applicable emergency management authorities to) the Ste. Anne Summer Villages Emergency Management Advisory Committee partnership. b) WILD Water Commission, 2021 Rates and Fees – January 6 th , 2021 letter from Chairman Olsvik enclosing the referenced 2021 rates and fees for member information. Administration will incorporate same into the budget, where applicable. CARRIED.
11.	CLOSED MEETING	N/A
12.	NEXT MEETING 15 - 21	MOVED by Mayor Hanssen that the next regularly scheduled meeting be held on Wednesday February 17 th , 2021 at 5:00 p.m. in the Town of Onoway Council Chambers. CARRIED.
13.	ADJOURNMENT	Mayor Hanssen declared the meeting adjourned at 5:40 p.m.

Mayor Marge Hanssen

Chief Administrative Officer Dwight Moskalyk

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Summer Village of Nakamun Park Request For Decision - (RFD) 2021-7

Meeting:	Regular Council
Meeting Date:	February 17th, 2021
Originated By:	Dwight Moskalyk, Chief Administrative Officer
Title:	Municipal Accountability Program Report (2020)
Agenda Item	6(a) – Business
Number:	

BACKGROUND/PROPOSAL:

The Municipal Accountability Program (MAP) Review is an initiative of Alberta Municipal Affairs to promote better governance and legislative compliance in municipalities. This program applies to municipalities of a certain size, including summer villages, and is scheduled to occur once every 4 years for each municipality. The review entails sharing core documents, bylaws, policies and financial reports with a team of Municipal Advisors and then following up with an in-person (or video) interview with the Administration and MA to review a subset of process and operating matters for compliance.

The Summer Village of Nakamun Park received word that they would have their (first) MAP review in fall of 2020. Administration was able to present the required background documents by August 31st 2020 and the CAO meet with the MAP Advisor assigned to our review on October 20th, 2020. The final MAP report was provided to Administration on December 18th, 2020 and the next step in the process is to respond with a plan of action to address any legislative or process gaps identified in the report; Administration had eight weeks to provide this response and we have submitted that response, as well as started the process of drafting any required bylaws etc. to meet the noted gaps.

Although this is billed as an "Administrative" item, we are encouraged to review the finding with Council and ensure the report and our responses are shared with the public. As such, the report and Administration's responses will be presented during the meeting for Council's information.

DISCUSSION/OPTIONS/BENEFITS/DISADVANTAGES:

Administration is overall satisfied with the findings of the report and we see no major issues with meetings the gaps identified. We do have some concerns with a few of the findings as presented, either because of the subjective nature of the matter or the inconsistency we note from the interpretations in other MAP reviews our office has been a part of, but we have taken the time to respond and share those concerns in various feedback opportunities.

Administration has set an aggressive goal of dealing with the bulk of the matters noted in the report by April 30th, 2021. Some of these matters are purely administrative and require no action from council, but others do require resolution from council – in which case my goal is stated as getting the matter to council by that date. One issue that is going to possibly take some additional



consideration is a revised draft Land Use Bylaw; these are expensive to complete and we usually hold-off until there is a long list of changes before making any revisions and given the minor nature of the matter noted may be worth holding off until after the election cycle.

As a course of action, administration is asking Council to accept the report and Administration's responses as information and authorize them to be posted to the website.

COSTS/SOURCE OF FUNDING (if applicable)

The cost of compliance will be accounted for in the current administration contract, with any anticipated or incurred additional costs relating to legal review, public hearings, public consultation etc. addressed in the 2021 operating budget.

RECOMMENDED ACTION:

- a) That Council accept the 2020 Municipal Accountability Program Review Report and Administration's responses to this report as presented, and authorize Administration to share this report on the municipal website.

Initials show support – Reviewed By:	CAO: <i>D. Moskalyk</i>
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Summer Village of Nakamun Park Request For Decision - (RFD) 2021-8

Meeting:	Regular Council
Meeting Date:	February 17th, 2021
Originated By:	Dwight Moskalyk, Chief Administrative Officer
Title:	MAP Compliance – Bylaw 2021-1 – Procedural Bylaw
Agenda Item	6(b) – Business
Number:	

BACKGROUND/PROPOSAL:

Page 35 of the Municipal Accountability Program (MAP) Review Report for 2020 details an area of legislative non-compliance in the municipality's procedural bylaw, and prescribes a remedial action. Specifically, the report outlines section 51 of Bylaw 2020-1 as being non-compliant and offers that this section, dealing with how committees are established and governed, we revised and incorporated in a new bylaw.

Administration has drafted a revised bylaw, Bylaw 2021-1, being a new procedural bylaw. A draft is attached for Council's consideration.

DISCUSSION/OPTIONS/BENEFITS/DISADVANTAGES:

The only change in bylaw #2021-1 from the existing version is to strike reference to committees being established or governed by *policy or* bylaw in Section 51. It was noted in the MAP report that committees, by virtue of Section 145 of the Municipal Government Act, may only be established and regulated by Bylaw (not policy or bylaw).

No other areas of non-compliance were noted in the substance of bylaw 2020-1, so the new bylaw 2021-1 introduces the change, and references that the previous version 2020-1 is rescinded on adoption of the 2021-1.

COSTS/SOURCE OF FUNDING (if applicable)

The cost of compliance will be accounted for in the current administration contract, with any anticipated or incurred additional costs relating to legal review, public hearings, public consultation etc. addressed in the 2021 operating budget.

RECOMMENDED ACTION:

- a) That Council gives all required readings to, and passes, Bylaw 2021-1 as presented during the February 18th, 2021 council meeting.

Initials show support – Reviewed By:	CAO: D. Moskalyk
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**A BYLAW OF THE SUMMER VILLAGE OF NAKAMUN PARK IN THE PROVINCE
OF ALBERTA TO REGULATE THE PROCEDURE AND CONDUCT OF COUNCIL
AND COUNCIL COMMITTEE MEETINGS.**

WHEREAS, the Council of the Summer Village of Nakamun Park considers it expedient and desirable for effective governance to regulate the procedure and conduct of Council, Councillors and others attending Council and Council committee meetings in the Summer Village of Nakamun Park;

NOW THEREFORE, the Council of the Summer Village of Nakamun Park hereby enacts as follows:

Citation

1. This Bylaw may be cited as the "The Procedure Bylaw".

Definitions

2. In this bylaw:
 - a) "CAO" means the Chief Administrative Officer or their delegate, for the Summer Village of Nakamun Park;
 - b) "Closed Meeting" means a part of the meeting closed to the public at which no resolution or Bylaw may be passed, except a resolution to revert to a meeting held in public;
 - c) "Council" means the Mayor and Councillors of the Summer Village of Nakamun Park for the time being elected pursuant to the provisions of the *Local Authorities Election Act* and the *Municipal Government Act* whose term is unexpired, who have not resigned and who continue to be eligible to hold office under the terms of the related provincial legislation;
 - d) "Delegation" means any person that has permission of Council or the CAO to appear before Council or a committee of Council to provide pertinent information and views about the subject before Council or Council committee;
 - e) "Deputy Mayor" shall mean the member selected by Council to preside at a meeting of Council in the absence of the Mayor;
 - f) "FOIP" means the Freedom of Information and Protection of Privacy Act of Alberta;
 - g) "Mayor" shall mean the member selected by Council at the Organizational meeting to hold that position and to preside at a meeting of Council;
 - h) "Member" means a Councillor or person at large appointed by Council to a committee of Council;
 - i) "Meetings" means meetings of Council and Council committees;
 - j) "Municipality" means the Municipality of the Summer Village of Nakamun Park, a municipal corporation of the Province of Alberta and includes the area contained within the boundaries of the Municipality.

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Application

3. This bylaw applies to all members attending meetings of Council and committees established by Council of the Municipality.

Severability

4. If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

General

5. The General Duties of Council shall adhere to the duties and responsibilities contained within Section 153 of the MGA as set out in Appendix A.
6. The General Duties of the Chief Elected Official shall adhere to the duties and responsibilities contained within Section 154 of the MGA as set out in Appendix B.
7. No Member of Council shall direct or interfere with the performance of any work for the Municipality and shall seek all information through the office of the Chief Administrative Officer or their designate.
8. Members of Council shall subscribe to the Code of Conduct for Members of Council as set out in the Summer Village of Nakamun Park's Code of Conduct Bylaw.
9. A breach of any section of this Bylaw by any Member of Council may place the Member of Council in the position of censure by Council.
10. Public Hearings held with respect to bylaws, when required or when requested by Council, will be held prior to second reading. Public Hearings shall be conducted in accordance with the procedures set out in Appendix C.

Meetings

11. The regular meetings of Council shall be established by resolution of Council at its annual organizational meeting and shall prescribe the intended date (or recurring day of the month), time and location of the meeting, respecting the availability of current council and the expressed desire to make public engagement as convenient as reasonably possible.
12. Special meetings of Council shall be established as required by Council according to the provisions of the Municipal Government Act and the public shall be given notice.
13. Council, by resolution, may establish other Council meeting dates.
14. The meetings of Council committees shall be established by resolution of each

- committee and the public must be given notice or advertised as required by the provisions of the Municipal Government Act.
15. The times for the beginning of Council committee meetings shall be set by resolution of each committee.
 16. As soon after the hour of which the meeting was called, and a quorum is present, the Mayor shall take the chair and call the meeting to order.
 17. In a case where the Mayor is not in attendance within fifteen (15) minutes after the hour of which the meeting was called, and a quorum is present, the Deputy Mayor shall call the meeting to order.
 18. If a quorum is not present within thirty (30) minutes after the time fixed for the meeting, the CAO shall record the names of the members present and the meeting shall stand adjourned until the next meeting;
 19. Recordings: Council or Council committee meetings may not be filmed or voice-recorded.
 20. Other Recordings: Any other person may not use a mechanical or electronic recording device at a public Council or Council Committee Meeting or a Public Hearing. All such devices must be removed from the meeting room.
 21. Recording Devices: No concealed electronic recording devices, including but not limited to cellular telephones, are permitted at any meetings.

Conduct of Meetings

22. Each member or delegate, as the case may be, shall address the chair but shall not speak until recognized by the chair.
23. The presiding officer with the approval by resolution of the members, may authorize a person in the public gallery to address members only on the topic being discussed at that time and within the time limits specified by the presiding officer.
24. A resolution does not require a seconder.
25. A resolution may be withdrawn at any time before voting subject to no objection from any member, as the case may be.
26. The following resolutions are not debatable by members:
 - a) adjournment
 - b) to take a recess
 - c) question of privilege
 - d) point of order
 - e) to limit debate on a matter before members

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- f) on division of a question
 - g) postpone the matter to a time certain
 - h) to table the matter
27. The Mayor or presiding officer may enter into any debate and make resolutions in the same manner as any member without relinquishing the chair.
28. Where an item has been brought before Council, the same item cannot be tabled more than three times.
29. Where a matter or issue has been brought before Council, the same matter or issue cannot be heard more than three times unless there is new information be presented about the issue or matter.
30. Where a question under consideration contains distinct propositions, the vote upon each proposition shall be taken separately when any member so requests or when the presiding chair so directs.
31. Whenever the presiding officer is of the opinion that a motion is contrary to the rules and privileges of Council, he/she shall inform the member thereof immediately, before putting the question, and shall cite his reasons applicable to the case without argument or comment.
32. The Mayor or presiding officer shall preserve order and decorum and shall decide questions or order, subject to an appeal to the Council by resolution. Decisions of the presiding officer shall be final unless reversed or altered by a majority vote of members present.
33. In all cases not provided for in the proceedings of the Council, a two-thirds majority of Council shall determine to uphold the ruling of the presiding officer or not as the case may be.
34. When a motion has been made and is being considered by Council no other motion may be made and accepted, except:
- a) a motion to refer the main question to some other person or group for consideration
 - b) a motion to amend the main question
 - c) a motion to table the main question
 - d) a motion to postpone the main question to some future time
 - e) a motion to adjourn the meeting, provided that a motion to table shall not be debated except as to the time when the matter will again be considered.
35. After any question is finally put by the Mayor or other presiding officer no member shall speak to the question, nor shall any other motion be made until after the result of the vote has been declared. The decision of the Mayor or the presiding office as to whether the question has been finally put shall be conclusive.

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36. Any member of the Council can call for a recorded vote, the names of those who vote for and those who vote against the motion shall be entered in the minutes. A request for a recorded vote must precede the voting on a motion.
37. Voting on all matters shall be done by raising of the hand in such a clear manner that they may be easily counted by the presiding officer. Where applicable, such as in an electronic meeting, verbal confirmation of Member votes shall be offered at the prompt of the Chair; in such cases votes in-favour shall be called out as "aye," and votes in opposition to the motion shall be called out as "nay."
38. Council may adjourn from time to time to a fixed future date any regular or special meeting of Council that has been duly convened but not terminated. The object of adjourning is to finish the business that the meeting was called to transact in the first place, but which has not been completed.
39. A formal motion will be made to go to a "Closed Meeting" session, identifying Division 2 Parts 16 to 29 (Exceptions to Disclosure) of the Freedom of Information and Privacy Act. Confidential items can include items under Division 2 Parts 16 to 29 of the Freedom of Information and Privacy Act and as identified within the Municipal Government Act under Section 197, as confidential items of discussion between Council, Administration and invited persons. When a meeting is closed to the public, no resolution or bylaw may be passed at the meeting, except a resolution to revert to a meeting of a council or council committee held in public. No minutes, notes, or recordings of the discussions will take place and any printed reports provided to Council will be retrieved by the CAO. After the closed meeting discussions are completed, any members of the public who are present outside the meeting room must be notified that the rest of the meeting is now open to the public, and a reasonable amount of time must be given for those members of the public to return to the meeting before it continues. Where a council or council committee closes all or part of a meeting to the public, the council or council committee may allow one or more other persons to attend, as it considers appropriate, and the minutes of the meeting must record the names of those persons and the reasons for allowing them to attend.

Delegations

40. A person or a representative of any delegation or group of persons who wish to bring any matter to the attention of Council, or who wish to have any matter considered by Council shall address a letter or other written communication to the Council outlining the subject to be discussed. The letter shall be signed by the correct name of the writer; the address of the writer, the phone number of the writer and, if available, the email address of the writer and delivered or mailed to the CAO. The letter must arrive by 1:00 p.m. on a business day at least five (5) days immediately preceding the meeting at which it is to be presented. If the person wishes to appear before Council on the matter it shall be stated in the letter.
41. Delegates shall be granted a maximum of fifteen (15) minutes to present the matter outlined in the letter. Where the presiding officer determines that additional time shall

be granted to a delegation the length of the extension shall be specified and the presiding officer may limit the time. The number of times that a member or delegate may speak on the same question or resolution is three (3) times, having due regard to the importance of the matter.

42. Delegations that have not submitted a letter in accordance with section 41 may be granted a brief opportunity to outline the matter they wish to present to Council, and following that outline, the presiding officer and members shall determine if the delegation is to be granted time under section 42 to present the matter outlined.
43. Members of the public who constitute the gallery in the Council Chambers during a Council meeting may not address Council without permission of the Council, shall maintain order and quiet, and shall not applaud or otherwise interrupt any speech or action of members of Council. Should the behavior of a member or members of the gallery become unruly, they shall be required to leave the meeting immediately.
44. Council shall hear all delegations that have brought their items of business onto the agenda in the order in which they are placed on the agenda or the order may be changed by a majority vote of members present. All rules of Council in this Bylaw shall apply to each and every member of the delegation. Delegations shall have fifteen (15) minutes for presentation.

Rules of Order

45. Any matter of meeting conduct which is not herein provided for shall be determined in accordance with "Roberts Rules of Order."

Agenda and Order of Business

46. Prior to each meeting, the CAO shall prepare a statement of the order of business to be known as the "Agenda" of all matters to be brought before Council. To enable the CAO to do so, all documents and notice of delegation, intended to be submitted to the Council, shall be received by the CAO not later than 1:00 p.m. on a business day at least five (5) days before the meeting.
47. The CAO shall place at the disposal of each member a copy of the agenda and all supporting materials not later than 4:30 p.m. two (2) days before the meeting.
48. Where the deadlines in section 46 and 47 are not met, the agenda and support materials shall be deemed to be acceptable when the agenda is adopted at the meeting.
49. The business intended to be dealt with shall be stated in the agenda in the following order where applicable:
 1. Call to Order
 2. Agenda Adoption
 3. Minutes Adoption
 4. Appointments

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5. Bylaws/Policies
 6. Business
 7. Financial
 8. Council Reports
 9. Administration Reports
 10. Information & Correspondence
 11. Closed Meeting
 12. Next Meeting Date
 13. Adjournment
50. The order of business established in section 50 shall apply unless altered by the presiding officer with no objection from members, or otherwise determined by a majority vote of the members present, and the vote upon a matter of priority of business shall be decided without debate.
51. Standing Committees of Council shall be established and governed by bylaw approved by Council. Where appropriate authority is delegated to a Standing Committee, such committee and its mandate shall be established by bylaw.

Recording of the Minutes

52. The CAO may delegate any duties to a recording secretary but shall accept all responsibilities of the duties.
53. If a member of Council arrives late, leaves before the meeting is adjourned, or is temporarily absent from the meeting, it shall be so recorded in the minutes.
54. After each meeting, the CAO shall prepare a statement of what was done at the meeting which will be known as the "Minutes" of the meeting. The minutes will be the written record of the proceedings of the meeting and will be a record of what was done at the meeting, and not what was said at the meeting.

Bylaws

55. Where a bylaw is presented to Council for enactment, the CAO shall cause the number and the short title of the bylaw to appear on the Agenda in the appropriate place.
56. Every bylaw shall have three separate and distinct readings.
57. After a member has made the motion for the second reading of the bylaw Council may:
- a) debate the substance of the bylaw; and
 - b) propose and consider amendments to the bylaw.
58. A proposed amendment shall be put to a vote and if carried shall be considered as having been read a first time and incorporated in the bylaw.

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59. Unless the members present at a meeting unanimously agree that a bylaw may be presented to Council for a third reading at the same meeting at which it has received two readings, the bylaw shall not be given more than two readings at one meeting.
60. Where required by provincial statute, a bylaw shall be advertised or submitted to the electorate for voting as set out in the relevant statutes.
61. Bylaws shall not be repealed, amended or suspended, except so far as the terms thereof themselves permit, unless it is repealed, amended or suspended by:
 - a) a Bylaw unanimously passed at a regular or special meeting of the Council at which all members thereof are present; or
 - b) a Bylaw passed at a regular meeting of Council, pursuant to a notice in writing given and openly announced at the preceding meeting of the Council and setting out the terms of the substantial effect of the proposed Bylaw.

Website

62. The Regular Council Meeting agenda will be posted on the Summer Village website prior to the Council meeting after it is prepared and distributed to Council.
63. Special Council Meeting agendas will be posted on the Summer Village website prior to the Special Council Meeting after it is prepared and distributed to Council.
64. Unapproved meeting minutes are to be posted on the Summer Village website within seven (7) business days of the meeting.
65. Approved minutes are to be posted on the Summer Village website within seven (7) business days of the meeting.
66. Other items will be posted on the Summer Village website as directed by the CAO or designate.

This Bylaw repeals Bylaw #2020-01 and comes into full force and effect upon third and final reading.

READ a first time this _____ day of _____, 2021.

READ a second time this _____ day of _____, 2021.

UNANIMOUS CONSENT to proceed to third reading this _____ day of _____, 2021.

READ a third and final time this _____ day of _____, 2021.

SIGNED this _____ day of _____, 2021.

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Mayor, Margaret Hanssen

Chief Administrative Officer, Dwight Moskalyk

DRAFT

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SUMMER VILLAGE OF NAKAMUN PARK
APPENDIX A

Municipal Government Act Division 3
Duties, Titles and Oaths of Councillors

General duties of Councillors

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Councillors have the following duties:

- (a) to consider the welfare and interests of the municipality as a whole and to bring to council's attention anything that would promote the welfare or interests of the municipality;
- (a.1) to promote an integrated and strategic approach to intermunicipal land use planning and service delivery with neighbouring municipalities;
- (b) to participate generally in developing and evaluating the policies and programs of the municipality;
- (c) to participate in council meetings and council committee meetings and meetings of other bodies to which they are appointed by the council;
- (d) to obtain information about the operation or administration of the municipality from the chief administrative officer or a person designated by the chief administrative officer;
- (e) to keep in confidence matters discussed in private at a council or council committee meeting until discussed at a meeting held in public;
- (e.1) to adhere to the code of conduct established by the council under section 146.1(1);
- (f) to perform any other duty or function imposed on Councillors by this or any other enactment or by the council.

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SUMMER VILLAGE OF NAKAMUN PARK
APPENDIX B

Municipal Government Act Division 3
Duties, Titles and Oaths of Councillors

General duties of chief elected official
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- (1) A chief elected official, in addition to performing the duties of a Councillor, must
 - (a) preside when in attendance at a Council meeting unless a bylaw provides that another Councillor or other person is to preside, and
 - (b) perform any other duty imposed on a chief elected official by this or any other enactment or bylaw.
- (2) The chief elected official is a member of all Council committees and all bodies to which Council has the right to appoint members under this Act, unless the Council provides otherwise.
- (3) Despite subsection (2), the chief elected official may be a member of a board, commission, subdivision authority or development authority established under Part 17 only if the chief elected official is appointed in the chief elected official's personal name.

1994 cM-26.1 s154;1995 c24 s21

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SUMMER VILLAGE OF NAKAMUN PARK
APPENDIX C

Public Hearing Procedure

Policy

Council may adopt a procedure for statutory public hearings.

Council shall abide by the underlying principles for statutory public hearings. The process will adhere as closely to the procedures outlined as possible although Council may adjust the process in order to accommodate a smooth flow of the proceedings provided that there is adherence to the underlying principles.

Council may follow this process for those non-statutory public hearings on issues that Council determines would benefit from public input.

Public Hearing Principles:

These principles shall apply only to the process for bylaws or resolutions that require a public hearing or that Council determines would benefit from a public hearing, and not to other bylaws or resolutions:

1. Council shall hear any person, group of persons, or persons representing them, who claims to be affected by a proposed bylaw or resolution and who has complied with the procedures outlined by Council.
2. Council, by majority vote, may decide to hear from any person other than those outlined in principle number 1.
3. The public hearing shall be held at a regular or special meeting of Council.
4. The public hearing shall be held before second reading of a bylaw or before Council votes on a resolution.
5. After the public hearing, Council may pass the bylaw or resolution, or make any amendments that it considers necessary.
6. If Council determines that the amendments to a bylaw or resolution that requires a statutory public hearing have changed the intent of the bylaw, Council shall re-advertise the public hearing, and commence with first reading of the bylaw again.

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Public Hearing Procedures

Definitions

1. "Chairman" refers to the Presiding Officer officiating the Public Hearing
2. "Secretary" refers to the CAO or his/her designate

SUMMER VILLAGE OF NAKAMUN PARK PUBLIC HEARING

Date Time

Bylaw #

INTRODUCTION & PROCEDURES

- 1 (Chairman) "The following Public Hearing is held pursuant to the Municipal Government Act"
- 2 (Chairman) "The following rules of conduct will be followed during the Public Hearing:"
Presentation should be brief and to the point
The order of presentation shall be
 - o Entry of written submission
 - o Comments from the ****
 - o Those supporting the Bylaw
 - o Those opposing the Bylaw
 - o Any other person deemed to be affected by the BylawThe Public Hearing purpose is "to receive comments from any interested parties on the proposed Bylaws"

"I hereby declare the Public Hearing relating to Bylaw **** open"

- 3 (Secretary) "The purpose of Bylaw **** is to amend ***.

First Reading was given to Bylaw **** on (insert date) •

Notice of this Public Hearing was advertised on the website, on the (insert various method of advertising) in the week of (insert date)

The following written comments have been received to (insert d-ate)

- 4 (Chairman) "Are there any late written submissions relating to the Bylaw?"

(Note: If there are any, the secretary to read letter into record) "Comments from the *** Department"

"Is there anyone who supports the Bylaw and wishes to speak?" "Is there anyone who opposes the Bylaw and wishes to speak?"

"Is there anyone deemed to be affected by the Bylaw and wishes to speak?"

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- 5 (Chairman) "Are there any further comments from the **** Dept."
- 6 (Chairman) "Do the Councilors have any further questions"
- 7 (Chairman) "If not, I hereby declare this Public Hearing relating to Bylaw **** be closed and will adjourn this Public Hearing.

DRAFT



Summer Village of Nakamun Park Request For Decision - (RFD) 2021-9

Meeting:	Regular Council
Meeting Date:	February 17th, 2021
Originated By:	Dwight Moskalyk, Chief Administrative Officer
Title:	MAP Compliance – Bylaw 2021-2 – Assessment Classification and Assessment Sub-Classes Bylaw
Agenda Item Number:	6(c) – Business

BACKGROUND/PROPOSAL:

Page 30 of the Municipal Accountability Program (MAP) Review Report for 2020 details an area of legislative non-compliance in the municipality's legislative framework and prescribes a remedial action. The report references a non-compliance in the tax rate bylaw, however this issue is not with the wording of the tax rate bylaw itself, but rather the absence of a supplementary bylaw required in order to use the tax rate bylaw framework used.

Administration has drafted a new bylaw, Bylaw 2021- 2, being a new Assessment Classification and Assessment Sub-Classes bylaw. A draft is attached for Council's consideration.

DISCUSSION/OPTIONS/BENEFITS/DISADVANTAGES:

The purpose of bylaw 2021-2 is to, by bylaw authorize the Assessor use the specified sub-set of assessment classifications when creating the assessment roll. Administration uses the annual assessment roll to calculate the mill rates for each sub-class in the tax rate bylaw. The issue noted in the report is that the Summer Village has two municipal mill rates for each of its assessment classes (Improved Residential and Vacant Residential, Improved Non-Residential and Vacant Non-Residential). In order to continue with this split mill rate we need a bylaw to authorize the split assessment.

Administration has reviewed this matter with the Assessor and agreed to this Bylaw. For completeness, we have included the full slate of applicable classifications and sub-classifications, although not all of them apply to the community at this time. For those assessment classes to which no assessment is assigned we will assign an applicable tax rate but will not collect any tax revenue from that class. Administration will cover the reason for this during the meeting.

COSTS/SOURCE OF FUNDING (if applicable)

The cost of compliance will be accounted for in the current administration contract, with any anticipated or incurred additional costs relating to legal review, public hearings, public consultation etc. addressed in the 2021 operating budget.

RECOMMENDED ACTION:

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- a) That Council gives all required readings to, and passes, Bylaw 2021-2 as presented during the February 18th, 2021 council meeting.

Initials show support – Reviewed By: **CAO: *D. Moskalyk***

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A BYLAW OF THE SUMMER VILLAGE OF NAKAMUN PARK, IN THE PROVINCE OF ALBERTA, FOR MATTERS RELATED TO CLASSIFICATION OF ASSESSMENT AND ESTABLISHMENT OF ASSESSMENT SUB-CLASSES

WHEREAS, PURSUANT TO Part 2 of the Municipal Government Act, being Chapter M-26 R.S.A 2000 and amendments thereto, Council may enact a Bylaw;

AND WHEREAS PURSUANT TO Part 9 of the Municipal Government Act, being Chapter M26 R.S.A 2000 and amendments thereto, which details the rights, duties and obligations of the municipality in appointing and authorizing an assessor and procuring property assessment for the purpose of taxation;

AND WHEREAS PURSUANT TO Section 297 of the Municipal Government Act, RSA 2000, c. M-26 and amendments thereto, a municipality may pass a bylaw setting the assessment sub-classes for residential and non-residential property authorizing the assessor to assign these sub-classes in preparing the assessment and supplementary assessment of property, and;

AND WHEREAS, the Council of the Summer Village of Nakamun Park deems it proper and expedient to pass such a Bylaw;

NOW THEREFORE the Council of the Summer Village of Nakamun Park, in the Province of Alberta, duly assembled, enacts as follows:

1. TITLE

1.1. This bylaw may be cited as "Assessment Classification and Sub-Classes Bylaw"

2. DEFINITIONS

2.1 "**Act**" means the Municipal Government Act, RSA 2000, c/ M-26 and amendments thereto,

2.2 "**Assessed Property**" means assessed property as defined in Section 284 of the Act,

2.3 "**Assessment Roll**" means assessment roll as defined in Section 303 of the Act,

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- 2.4 **"Non-Residential Assessment Class Property"** means non-residential property as defined in Section 297(4)(b),
- 2.5 **"Residential Assessment Class Property"** means residential property as defined in Section 297(4)(c),
- 2.6 **"Supplementary Assessment"** means an assessment made pursuant to Section 314 of the Act,
- 2.7 **"Supplementary Assessment Roll"** means a supplementary assessment roll as defined by Section 315 of the Act,
- 2.8 **"Vacant"** means a parcel of land districted in the municipal Land Use Bylaw, as amended, for development.

3. CLASSIFICATION OF ASSESSMENT AND ESTABLISHMENT OF SUB-CLASSES

- 3.1 For the purpose of the Assessment Roll, prepared annually for taxation, all Assessment Class Property within the Summer Village of Nakamun Park is hereby divided into the following assessment sub-classes:
- a) Class 1 – Residential:
 - a. Sub-Class (1.0) – Residential Improved
 - b. Sub-Class (2.0) – Residential Vacant
 - b) Class 2 – Non-Residential:
 - a. Sub-Class (1.1) – Commercial Improved
 - b. Sub-Class (1.2) – Commercial Vacant
 - c. Sub-Class (2.1) – Industrial Improved
 - d. Sub-Class (2.2) – Industrial Vacant
 - e. Sub-Class (3.1) – Linear
 - f. Sub-Class (4.1) – Designated Industrial
 - g. Sub-Class (5.1) – Machinery and Equipment
 - c) Class 3 – Farmland:
 - a. Sub-Class (1.1) - Farm Land Only
 - d) Class 4 – Machinery and Equipment:
 - a. Sub-Class (1.1) – Machinery and Equipment
- 3.2 That the Municipal Assessor is hereby authorized to compile assessments and present the annual assessment tax roll for the Summer Village of Nakamun Park with the prescribed assessment classifications established in this Bylaw.

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4. **COMING INTO FORCE**

This Bylaw shall become effective when it has received third and final reading and has been signed by the Mayor and Chief Administrative Officer.

READ a first time this 17th day of February 2021.

READ a second time this 17th day of February 2021.

UNANIMOUS CONSENT to proceed to third reading 17th day of February 2021.

READ a third and final time this 17th day of February 2021.

SIGNED this 17th day of February 2021.

Mayor, Marge Hanssen

C.A.O., Dwight Moskalyk

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Summer Village of Nakamun Park Request For Decision - (RFD) 2021-10

Meeting:	Regular Council
Meeting Date:	February 17th, 2021
Originated By:	Dwight Moskalyk, Chief Administrative Officer
Title:	MAP Compliance – Bylaw 2021-3 – Bylaw Enforcement Officer Bylaw
Agenda Item Number:	6(d) – Business

BACKGROUND/PROPOSAL:

Page 34 of the Municipal Accountability Program (MAP) Review Report for 2020 details an area of legislative non-compliance in the municipality's legislative framework and prescribes a remedial action. The report references that it is a requirement to establish a Bylaw Enforcement Officer Position by bylaw. This bylaw must include, as detailed in the act, a mechanism for establishing the position, the duties of the position, how complaints against the position are received and investigated, and a disciplinary and appeals mechanism for the position.

Administration has drafted a new bylaw, Bylaw 2021- 3, being a Bylaw Enforcement Officer bylaw. A draft is attached for Council's consideration.

DISCUSSION/OPTIONS/BENEFITS/DISADVANTAGES:

The purpose of bylaw 2021-3 is to establish and regulate the position of the Bylaw Enforcement Officer for the municipality. Because the Summer Village has not, at least in recent years, had a dedicated Bylaw Officer, this bylaw was overlooked as it was understood that other service contracts and bylaws covered this requirement (i.e. CPO or Development Officer, other designated officers). In effect, these joint positions (i.e. CPO/Bylaw Officer) can exist but we still need a separate mechanism established to govern and regulate this specific position.

The draft presented was borrowed from a recent bylaw prepared following another MAP review, so we are confident that it meets the requirement.

COSTS/SOURCE OF FUNDING (if applicable)

The cost of compliance will be accounted for in the current administration contract, with any anticipated or incurred additional costs relating to legal review, public hearings, public consultation etc. addressed in the 2021 operating budget.

RECOMMENDED ACTION:

- a) That Council gives all required readings to, and passes, Bylaw 2021-3 as presented during the February 18th, 2021 council meeting.

Initials show support – Reviewed By:	CAO: D. Moskalyk
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A BYLAW OF THE SUMMER VILLAGE OF NAKAMUN PARK, IN THE PROVINCE OF ALBERTA, FOR THE ESTABLISHMENT AND REVIEW OF THE BYLAW ENFORCEMENT OFFICER POSTION WITHIN THE MUNICIPALITY

WHEREAS, PURSUANT TO Part 2 of the Municipal Government Act, being Chapter M-26 R.S.A 2000 and amendments thereto, Council may enact a Bylaw;

AND WHEREAS PURSUANT TO Part 13 Section 556 of the Municipal Government Act, being Chapter M26 R.S.A 2000 and amendments thereto, the municipality must pass a bylaw relating to the establishment, designation of powers and duties, and review of the position of a Bylaw Enforcement Officer;

AND WHEREAS the Council of the Summer Village of Nakamun Park deems it proper and expedient to pass such a Bylaw;

NOW THEREFORE the Council of the Summer Village of Nakamun Park, in the Province of Alberta, duly assembled, enacts as follows:

1. **TITLE**

1.1. This bylaw may be cited as "Bylaw Enforcement Officer Bylaw"

2. **DEFINITIONS**

2.1. "**Bad Faith**" means filing the complaint with intentional dishonesty or with the intent to mislead,

2.2. "**Bylaw**" means a Bylaw or any of the Bylaws of the Municipality,

2.3. "**Bylaw Enforcement Officer**" means a person appointed to the position of Bylaw Enforcement Officer For the Summer Village of Nakamun Park and who has taken the oath prescribed by the Oaths of Office Act,

2.4. "**Chief Administrative Officer**" means the Chief Administrative Officer of the municipality or their designate,

2.5. "**Council**" means the municipal council of the Summer Village of Nakamun Park,

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2.6. **"Frivolous"** means a complaint made merely to harass or embarrass the responding party,

2.7. **"Misuse of Power" by the Bylaw Enforcement Officer shall mean any one or more of the following:**

2.7.1. Failure to perform or carry out the duties of the office as required by law;

2.7.2. Failure to carry out the duties and responsibilities granted to the position of Bylaw enforcement officer in their appointment to the office.

2.8. **"Municipality"** means the Summer Village of Nakamun Park,

2.9. **"Vexatious"** means a complaint that has no basis in fact or reason, with its purpose to bother, annoy and embarrass the Bylaw Enforcement Officer or Municipality.

3. **ESTABLISHMENT OF THE POSITION**

3.1. The Position of Bylaw Enforcement Officer for the Summer Village of Nakamun Park is hereby established.

4. **POWERS AND DUTIES OF THE BYLAW ENFORCEMENT OFFICER**

4.1. The Powers and Duties of the Bylaw Enforcement Officer for the Summer Village of Nakamun Park shall be:

4.1.1. To Enforce the municipal bylaws within the boundaries of the municipality;

4.1.2. To follow the directions of the Chief Administrative Officer and the report to the Chief Administrative Officer as required;

4.1.3. To respond and investigate to complaints related to animal control; untidy/unsightly and various other municipal bylaws currently existing or as may lawfully arise, whether those complaints originate from the public or from the office of the Chief Administrative Officer;

4.1.4. To conduct routine patrols of the municipality;

4.1.5. To issue notices, tickets or tags;

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- 4.1.6. To assist in the prosecution of bylaw contravention, including appearances in court to provide evidence;
- 4.1.7. To perform all other duties as may be assigned, from time to time, by the Chief Administrative Officer;
- 4.1.8. To take the Oath of Office as prescribed by the *Oaths of Office Act* upon being appointed as a Bylaw Enforcement Officer and to carry upon his person at all such times when acting as Bylaw Enforcement Officer evidence in writing of their appointment to this position;
- 4.1.9. The Bylaw Enforcement Officer will be a Designated Officer under this Bylaw for the purpose of enforcement of orders issued under section 545 or 546 of the Municipal Government Act.

5. COMPLAINTS

- 5.1. In order to ensure a transparent and accountable bylaw enforcement mechanism within the Municipality, and as required under the Municipal Government Act, the Summer Village of Nakamun Park hereby establishes the following to address complaints:
 - 5.1.1. Any Complaint concerning the misuse of power of a Bylaw Enforcement Officer shall be dealt with in accordance under the provisions set out in this Section and shall be forwarded directly to the Chief Administrative Officer for review and action;
 - 5.1.2. All Complaints shall be in writing and addressed to the Chief Administrative Officer;
 - 5.1.3. Upon receipt of any Complaint, the Complaint shall be immediately forwarded to the Chief Administrative Officer;
 - 5.1.4. The Chief Administrative Officer shall provide to the Complainant within thirty (30) days, and in writing, acknowledgement that the Complaint has been received;
 - 5.1.5. The Chief Administrative Officer shall notify the Bylaw Enforcement Officer involved in the Complaint when appropriate. In situations where such notification

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may unduly influence or negatively impact an internal investigation or place the complainant in an unduly unfavourable position the Bylaw Enforcement Officer's notification may be delayed for a period of time at the discretion of the Chief Administrative Officer.

6. INVESTIGATIONS

- 6.1. In determining the validity of a Complaint, the Chief Administrative Officer, or their designate, shall conduct an investigation by the following method:
 - 6.1.1. An interview shall be conducted with the complainant, any witness the Bylaw Enforcement Officer(s) involved, if they so consent, and any other person who may have knowledge relevant to the occurrence, and the statements of these people shall be taken for the record;
 - 6.1.2. The Bylaw Enforcement Officer(s) shall be allowed the opportunity to make a full response to the allegations and investigates. The response shall be in writing and directed to the Chief Administrative Officer;
 - 6.1.3. Upon receiving the Bylaw Enforcement Officer's response and any other information the Chief Administrative Officer believes necessary or appropriate in the circumstance to determine the facts, the Chief Administrative Officer shall either dismiss the complaint as unfounded or as unsubstantiated, or find that the Bylaw Enforcement Officer has misused their power;
 - 6.1.4. If the Chief Administrative Officer finds determined a misuse of power occurred, the appropriate corrective disciplinary measures shall be commenced.
 - 6.1.5. Upon conclusion of the investigation, the Chief Administrative Officer shall provide notice in writing within five (5) business days to the Bylaw Enforcement Officer of the allegations made and the finds of the investigation;
 - 6.1.6. The Chief Administrative Officer may choose not to investigate a complaint if it is, in the opinion of the Chief Administrative Officer, that the Complaint falls into one of the noted categories, as defined in this Bylaw:
 - 6.1.6.1. Frivolous
 - 6.1.6.2. Vexatious
 - 6.1.6.3. Bad Faith

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- 6.1.7. Where a Complaint is not investigated for any of the noted reasons under 6.1.6, above, the Chief Administrative Officer shall explain the rationale for this conclusion in writing and provide this to the Complainant, along with the advise that they may appeal this decision directly to Council for further review.
- 6.1.8. The Chief Administrative Officer may resolve complaints informally, arriving at a solution that is satisfactory to the Complainant and the Bylaw Enforcement Officer against whom the Complaint is directed. Written notice that the Complaint has been so resolved will be provided to the Complainant within five (5) business days.

7. DISCIPLINARY ACTION

- 7.1. If it has been determined that a misuse of power has been committed by the Bylaw Enforcement Officer, any one of the following measures may be taken by the Chief Administrative Officer:
- 7.1.1. A Warning;
 - 7.1.2. A Written Reprimand;
 - 7.1.3. Forfeiture of Hours of Work Accumulated Through Overtime, Not Exceeding Ten (10) Hours;
 - 7.1.4. Suspension From Duties Without Pay For A Period Not to Exceed Ten (10) Hours of Work;
 - 7.1.5. Dismissal.
- 7.2. If the disciplinary action is dismissal, the Chief Administrative Officer may, at their sole discretion, offer the Bylaw Enforcement Officer the opportunity to resign from their office within a specified amount of time determined by the Chief Administrative Officer, rather than being dismissed, if the situation so warrants.
- 7.3. Where the Bylaw Enforcement Officer is to be dismissed, or permitted to resign:
- 7.3.1. That Action shall be held in abeyance, and
 - 7.3.2. The Bylaw Enforcement Officer shall be placed under suspension without pay, until a period of appeal to Council has lapsed or until the appeal has been concluded.
- 7.4. Where a Bylaw Enforcement Officer is found to have misused their power but on appeal is found that they have not misused their power, any disciplinary action imposed on the Bylaw Enforcement Officer shall be rescinded and any pay, benefits, or

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time forfeited or lost because of a suspension shall be returned to the Bylaw Enforcement Officer.

- 7.5. Where requested in writing by the Bylaw Enforcement Officer, the Employer shall provide the Bylaw Enforcement Officer with a copy of the transcript and any document and reports used in the Bylaw Enforcement Officer's hearing.
- 7.6. When a period of three (3) years has elapsed from the day an official warning or reprimand was issued to a Bylaw Officer, the official warning shall:
- 7.6.1. Be removed from the Bylaw Enforcement Officer's file and destroyed, and
 - 7.6.2. Not be used or referred to in any future proceedings respecting that Bylaw Enforcement Officer.
- 7.7. When a period of five (5) years has elapsed from the day the disciplinary action was imposed on a Bylaw Enforcement Officer, any record of the disciplinary proceedings respecting the discipline or contravention shall:
- 7.7.1. Be removed from the Bylaw Enforcement Officer's file and destroyed, and
 - 7.7.2. Not be used or referred to in any future proceedings respecting the Bylaw Enforcement Officer.

8. APPEAL PROCEDURES

- 8.1. A Bylaw Enforcement Officer may appeal in writing the decision of the Chief Administrative Officer within thirty (30) days from the day that the final notification is received by the Bylaw Enforcement Officer.
- 8.2. The Appeal shall be filed with the Mayor, or Chief Elected Official, of the Municipality.
- 8.3. Council shall hold a hearing into the appeal within forty-five (45) days of the receipt of the appeal by the Mayor.
- 8.4. Council shall give reasonable notice of the hearing to the appellant, to the Chief Administrative Officer and to such parties as considered to be affected by the hearing.
- 8.5. Council shall review the complaint and investigation report, and review any other relevant materials or related documents associated with the complaint.
- 8.6. Council, in considering the appeal, may dismiss the appeal; may allow the appeal and impose or vary the discipline, as outlined in Section 7.

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8.7. Within thirty (30) days of concluding the appeal, the Mayor shall send written notice of Council's decision to the Bylaw Enforcement Officer and Complainant.

8.8. The written notice of decision must include reasons for Council's decision.

8.9. Council's decision regarding the appeal is final and conclusive with no further right of appeal to the court.

9. COMING INTO FORCE

This Bylaw shall become effective when it has received third and final reading and has been signed by the Mayor and Chief Administrative Officer.

READ a first time this 17th day of February 2021.

READ a second time this 17th day of February 2021.

UNANIMOUS CONSENT to proceed to third reading 17th Day of February 2021.

READ a third and final time this 17th day of February 2021.

SIGNED this 17th day of February 2021.

Mayor, Marge Hanssen

C.A.O., Dwight Moskalyk

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Summer Village of Nakamun Park Request For Decision - (RFD) 2021-11

Meeting:	Regular Council
Meeting Date:	February 17th, 2021
Originated By:	Dwight Moskalyk, Chief Administrative Officer
Title:	MAP Compliance – Bylaw 2021-4 – Subdivision and Development Appeal Board Bylaw
Agenda Item Number:	6(e) – Business

BACKGROUND/PROPOSAL:

Page 65 of the Municipal Accountability Program (MAP) Review Report for 2020 details an area of legislative non-compliance in the municipality's legislative framework and prescribes a remedial action. The report references an inconsistency in the establishment section of the existing Subdivision and Development Appeal Board (SDAB) bylaw, 2018-7, such that the full list of persons who may not sit on the SDAB Board are not explicitly excluded.

Administration has drafted a new bylaw, Bylaw 2021- 4, being a Subdivision and Development Appeal Board bylaw, that incorporates the required changes. A draft is attached for Council's consideration.

DISCUSSION/OPTIONS/BENEFITS/DISADVANTAGES:

The purpose of bylaw 2021-4 is to add provisions for the following items into the substance of the text of the existing bylaw under section 2.1 (Board Establishment):

Insert:

- c) No Councillor who is a current member of Council for the Summer Village of Nakamun Park shall be eligible for appointment to, or may serve as a member on, the Board.
- d) No person having, or being granted, subdivision authority for the municipality shall be eligible for appointment to, or may serve as a member on, the Board.
- e) No person who is a current municipal employee for the Municipality shall be eligible for appointment to, or may serve as a member on, the Board.

Excepting the administrative amendment to references the rescinding of bylaw 2018-7 on the passing of bylaw 2021-4, there are no other recommended changes to the SDAB bylaw.

One note is that an alternative to (c), above was to revise bylaw 2019-1 (Subdivision Authority Bylaw) to preclude council's participation in that. Administration rejected that alternative as we use a composite SDAB board anyway and do not need to contemplate Council being part of an SDAB Board in its own municipality.

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COSTS / SOURCE OF FUNDING (if applicable)

The cost of compliance will be accounted for in the current administration contract, with any anticipated or incurred additional costs relating to legal review, public hearings, public consultation etc. addressed in the 2021 operating budget.

RECOMMENDED ACTION:

- a) That Council gives all required readings to, and passes, Bylaw 2021-4 as presented during the February 18th, 2021 council meeting.

Initials show support – Reviewed By: CAO: <i>D. Moskalyk</i>
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**A BYLAW OF THE SUMMER VILLAGE OF NAKAMUN PARK, IN THE
PROVINCE OF ALBERTA TO ESTABLISH A SUBDIVISION AND
DEVELOPMENT APPEAL BOARD.**

WHEREAS the *Municipal Government Act* section 627 provides that a council must establish a subdivision and development appeal board.

AND WHEREAS the *Municipal Government Act* section 628 details what must be included in any bylaw or agreement providing for the establishment and function of a subdivision and development appeal board and its administrative components.

AND WHEREAS Council wishes to exercise its authority pursuant to the *Municipal Government Act* by entering into an agreement to procure subdivision and development appeal board services,

NOW THEREFORE the Municipal Council of the Summer Village of Nakamun Park, in the Province of Alberta, duly assembled, hereby enacts as follows:

1. TITLE

- 1.1. This Bylaw may be cited as the "Subdivision and Development Appeal Board Bylaw".

2. ESTABLISHMENT

- 2.1. That a board known as the Subdivision and Development Appeal Board (SDAB) of the Summer Village of Nakamun Park, hereinafter called the "Board" is hereby established;
- a) The Summer Village of Nakamun Park shall appoint a minimum of three (3) members to the Board by resolution of Council;
 - b) No person who is a Development Officer or a member of a Municipal Planning Commission shall be appointed to act as a member of the Board.
 - c) No Councillor who is a current member of Council for the Summer Village of Nakamun Park shall be eligible for appointment to, or may serve as a member on, the Board.
 - d) No person having, or being granted, subdivision authority for the municipality shall be eligible for appointment to, or may serve as a member on, the Board.
 - e) No person who is a current municipal employee for the Municipality shall be eligible for appointment to, or may serve as a member on, the Board.

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- c) Each Board Member and the Clerk of the SDAB shall be appointed for a term not to exceed three (3) years and may be re-appointed upon the expiry of its members; more than one clerk may be appointed;
 - d) Any vacancy caused by the death, retirement or resignation of a member shall be filled by resolution of Council; and
 - e) A member shall not be disbanded or discharged without cause.
- 2.2. There must be three (3) members of the Board to constitute a quorum for the making of all decisions and for doing any action required or permitted to be done by the Board.
- 2.3. A decision of the Board shall be made only by those members present at a meeting duly convened.
- 2.4. The decision of the majority of the members presents at a meeting duly convened shall be deemed to be the decision of the Board.
- 2.5. The Board shall hold such meetings as are necessary to fulfill the Board's responsibility.
- 2.6. Hearings on appeals filed will be held at a location established by the Clerk.
- 2.7. The Summer Village of Nakamun Park will compensate the board members and clerk.
- 2.8. The Clerk shall prepare and maintain a record of written minutes of the business transacted at all meetings of the Board, copies of which shall be regularly filed with the Council of the Summer Village of Nakamun Park.
- 2.9. On or before January 1st each year the municipality must submit an annual report to the province containing information on the number of SDAB clerks and members they have appointed, and those who have completed and enrolled in the required SDAB training.
- 2.10. A member of any SDAB must not participate in a hearing unless the member has successfully completed a training program.
- 2.11. SDAB members must take a refresher course every three (3) years to stay current on appeal matters (such as changes in law, planning and/or administration).

- 2.12. Council must appoint one or more clerks. Clerks of an SDAB must be appointed as a designated officer, and they are not eligible for appointment if the training requirements are not successfully met.
- 2.13. Board members and clerks are required to undergo mandatory training based on a standard training program to be approved by the Minister of Municipal Affairs. All SDAB members and clerks must successfully complete the SDAB training as approved by the Minister by April 1, 2019.
- 2.14. The SDAB Clerk administers and oversees the scheduling and recording of SDAB hearings. The training requirements and qualifications for SDAB clerks differ from the training requirements for SDAB members based on their different roles. SDAB clerks must take a refresher on the SDAB training every three (3) years to stay current with the roles and responsibilities of the position.
- 2.15. The rates for remuneration, traveling and other expenses of the Board Member and Clerk shall be the rates agreed to in the corresponding service agreement, as negotiated from time to time.
- 2.16. The Board shall elect a Chairman from the Board members in attendance at any required meeting.
- 2.17. The election of Chairman shall occur at the beginning of each meeting.

3. FUNCTION AND OPERATION

- 3.1. The Board shall hear appeals where a Development Authority or Subdivision Authority or Development Officer or Council:
 - a) refuses or fails to issue a development permit to a person within 40 days of receipt of the application;
 - b) issues a development permit subject to conditions;
 - c) issues an order under section 645 of the Municipal Government Act; or
 - d) issues a decision on a subdivision application.
- 3.2. The Board shall hear appeals from any other person affected by an order, decisions on subdivision and development applications of a Development or Subdivision Authority or development permit of a Development Officer.

- 3.3. The Board Secretary or a duly appointed officer of the Summer Village of Nakamun Park shall give at least five (5) working days' notice in writing of the public hearing to:
- a) the appellant;
 - b) the Development or Subdivision Authority from whose order, decision or development permit the appeal is made; and
 - c) those owners required to be notified under the Land Use Bylaw and any other person that the Board Secretary or a duly appointed officer of the Summer Village of Nakamun Park considers to be affected by the appeal and should be notified.
- 3.4. In determining an appeal, the Board:
- a) shall comply with any regional plan, statutory plan, and subject to clause (c), any land use bylaw or land use regulations in effect and must have regard to but is not bound by the subdivision and development regulations;
 - b) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision of its own; and
 - c) notwithstanding the development permit, that the proposed development does not comply with the land use bylaw or land use regulations if, in its opinion:
 - (i) the proposed development would not:
 - a. unduly interfere with the amenities of the neighborhood; or
 - b. materially interfere with or affect the use, enjoyment or value of neighboring properties; and
 - (ii) the proposed development or subdivision does not conflict with the use prescribed for that land or building in the Land Use Bylaw or Land Use regulations.
- 3.5. The Board shall give its decision in writing together with reasons for the decision within fifteen (15) working days of the conclusion of the hearing.

4. GENERAL

- 4.1. Each provision of this Bylaw is independent of all other provisions. If any provision of the Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- 4.2. This Bylaw rescinds any previous bylaw, specifically Bylaw #2018-7, referencing the establishment of a subdivision and development appeal board in and for the Summer Village of Nakamun Park and shall come into full force when it receives THIRD and FINAL reading and is duly signed.

5. COMING INTO FORCE

This Bylaw shall come into effect upon the third and final reading and signing of this Bylaw

READ a first time this ____ day of _____ 2021.

READ a second time this ____ day of _____ 2021.

UNANIMOUS CONSENT to proceed to third reading this ____ day of _____ 2021.

READ a third and final time this ____ day of _____ 2021.

SIGNED this ____ day of _____ 2021.

Mayor, Marge Hanssen

Chief Administrative Officer, Dwight Moskalyk

DRAFT

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Summer Village of Nakamun Park Request For Decision - (RFD) 2021-12

Meeting:	Regular Council
Meeting Date:	February 17th, 2021
Originated By:	Dwight Moskalyk, Chief Administrative Officer
Title:	Election 2021 – Key Dates and Voting Options
Agenda Item Number:	6(f) – Business

BACKGROUND/PROPOSAL:

During the January 20th, 2021 meeting, Council resolved to appoint their Returning Officer and Substitute Returning Officer. However, some additional information was requested prior to deciding on the election date and voting methods that would be used. It was discussed that Nakamun Park would prefer to hold its own election (i.e. opt out of the offered joint election facility) and that they would, if possible, like an option for mail-in ballots.

Council must select an Election Day, from which the Nomination Date is established (4 weeks prior), and they must determine a location for each and whether they want an advance poll (and if so where) or if they want to offer mail-in voting (as an alternative to, or supplement to, the advance vote option).

DISCUSSION/OPTIONS/BENEFITS/DISADVANTAGES:

Election Day: Election day may be any time in July or August, and we typically hold it on a Saturday at the Village Shop. The time for Election Day is legislated at 10:00am through 7:00pm. The available dates for Election Day (assuming we use the existing staff pool) are: July 3rd, July 24th, July 31st, August 7th, August 21st, and August 28th. However, July 3rd will mean an early/short Nomination Day and August 21st/28th are too late in the season to meet to the August 31st Organizational Meeting requirement. So, I am suggesting Election Date of July 31st, 2021 (or July 24th, 2021 as alternate).

Nomination Date: Nomination Day must be held 4 weeks prior to the established Election Day, ending at 12:00noon on that day. In Summer Villages the date, time and location of where nomination papers are accepted is at the discretion of Council. Assuming July 31st, 2021 is the Election Date, I would recommend that Council approve a Nomination Day of July 3rd, 2021 at 12:00 noon held at the Village Shop. I would also recommend that Council authorize a nomination period whereby a potential candidate may file their nomination papers at anytime between June 1st, 2021 and the established nomination day during regular business hours, by appointment, with the returning officer at the municipal office. If the July 24th, 2021 Election Day is selected, we would have a June 26th, 2021 Nomination Day (same time and location).

Other Voting Options: Usually the municipality also holds an advance vote. This is typically undersubscribed but is appreciated but those who need to use it. Administration has also confirmed that Council may, by resolution, allow for mail-in ballots. I do not think we have enough



budget or organizational flexibility to do both an advance vote and allow for mail-in ballots. My recommendation is that Council consider one or the other:

Advance Vote: is what people are used to, but it is a costly option and usually results in a small percentage of the overall ballot count. It is easy to conduct but does require additional location (rental) and a full complement of election staff. If you want to go that route, we need to set a date, time and location. If we use the St. Albert Inn again, we will need a room and three staff for the (half) day plus travel ~ so estimate that at \$750.

Mail-in Ballots: This is a more costly alternative but is anticipated to yield a higher return of ballots. People will also appreciate, I think, the remote vote option given the lingering COVID situation. This option is more administratively burdensome because of the requirement for record keeping and package preparation/sending and receiving – both of which result in higher costs. However, the main concern is that the short turn around in nomination day to election day may result in late ballots, which the RO must not accept, or a delay in official vote count (we are waiting on feedback on this from Municipal Affairs). For reference, if everyone requested a mail-in ballot (assume 175 properties with two per property) we would need to send out 350 ballots and each ballot package would have three envelopes (one large, one medium and one small) as well as instruction papers and postage for two of the envelopes ~ so let us say \$4.00 plus cost to prepare, so say around \$2,000 for this option on the high end.

COSTS/SOURCE OF FUNDING (if applicable)

The Election 2021 cost will be covered under the 2021 budget. Partly from current year tax revenue and partially from a reserve transfer from the election reserve (recall we save ¼ of the estimated election cost annually in each of the off-years and the balance in the election year).

RECOMMENDED ACTION:

- a) That Council gives sets _____(date), from 10:00am through 7:00pm, as Election Day, to be held at _____(location).
- b) That Council thereby establishes _____ (date), from 10:00am through 12:00noon, as Nomination Day, to be held at _____(location).
- c) That Council authorize the Returning Officer to receive nomination papers during a Nomination Period beginning June 1st, 2021 and ending on Nomination Day, whereby nomination papers received outside of Nomination Day shall be received by the Returning Officer, by appointment, during the regular business hours at the municipal office at 4808-51st, Onoway, Alberta.
- d) That Council either authorizes an advance vote (at date, time, location) or provides for mail-in ballots (and set the deadline for requesting a mail-in (special) ballot and method by which the mail-in ballot application may be requested (mail, fax, email, in-person)).

Initials show support – Reviewed By: _____ **CAO: D. Moskalyk**

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