

Summer Village of Nakamun Park
Regular Meeting of Council, Held November 19th, 2024

Additions to the Regular Council meeting Agenda, November 19th, 2024:

- (2-3) i. **Business 6(d) – Interim Operating Budget 2025**
 - a. RFD 2024-56 is attached for background and recommendations
- (4-9) ii. **Business 6(e) – Bylaw 2024-11 (Section 256 Borrowing Bylaw, Renewal for 2025)**
 - a. RFD 2024-57 is attached, with background and a copy of the bylaw for consideration.
- (10-16) iii. **Business 6(f) – CAO Evaluations, 2024**
 - a. RFD 2024-58 is attached for review and direction.

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Summer Village of Nakamun Park Request For Decision - (RFD) 2024-56

Meeting:	Regular Council
Meeting Date:	November 19th, 2024
Originated By:	Dwight Moskalyk, Chief Administrative Officer
Title:	Interim Operating Budget, 2025.
Agenda Item Number:	6(d) – Regular Business

BACKGROUND/PROPOSAL:

The Summer Village of Nakamun Park approves the budget for any given year in April, or sometimes May, of the subject year. A result of this schedule is that for the first several months of the year the municipality must operate under an 'interim operating budget' – as defined and authorized under the Municipal Government Act, Sections 242 and 243.

Prior to the Municipal Accountability Program (MAP) review initiative by the Government of Alberta, it was common for municipalities to pass the required "interim operating budget motion" as the first business item of the new year. However, during initial MAP reviews province-wide it became clear that further clarification was needed as the intent of the section was being interpreted differently by municipalities and Municipal Affairs. Specifically, it was clarified that an interim operating budget – if used – must be authorized by resolution prior to the start of the subject year (so approved in the year prior to the referenced budget year).

The purpose of this item on the agenda is simply to seek Council's approval of the 2025 interim operating budget in keeping with the process noted above.

DISCUSSION/OPTIONS/BENEFITS/DISADVANTAGES:

It should be noted that some municipalities choose to approve a complete budget for the beginning of the new year, rather than use the interim budget mechanism. The Summer Village of Nakamun Park, and many other smaller municipalities, prefer to pass budgets in April or May as this allows them to align with the provincial budget – which is particularly helpful in that it allows us to include actual requisition numbers for school and seniors levies as well as a host of other requisitions. In a smaller community, even the smallest change to these funding mechanisms at the provincial level can have significant impacts at the municipal level. For this reason, we continue to recommend using the interim operating budget process.

COSTS/SOURCE OF FUNDING (if applicable):

The cost of the interim operating budget is covered in the short term by municipal reserves until the operating budget is passed at which time the costs are transferred and covered under current year taxes.



RECOMMENDED ACTION:

1. That Council approve the 2025 Interim Operating Budget at one half of the approved 2024 Operating Budget value and that this Interim Operating Budget cease to have force or effect upon the approval and passing of the 2025 Operating Budget.

Initials show support – Reviewed By:

CAO: *D. Moskalyk*

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Summer Village of Nakamun Park Request For Decision - (RFD) 2024-57

Meeting:	Regular Council
Meeting Date:	November 19th, 2024
Originated By:	Dwight Moskalyk, Chief Administrative Officer
Title:	Bylaw 2024-11, Borrowing Bylaw Establishing (Renewing) the Municipality's Line of Credit
Agenda Item Number:	6(e) – Regular Business

BACKGROUND/PROPOSAL:

For several years now, initially in response to – and still primarily in consideration of – our emergency response preparedness needs, the municipality has maintained a line of credit (LOC) with our designated financial institution of record (ATB Financial). This LOC is technically a type of borrowing, although there is no immediate need to access any of the provided credit. Under the MGA, borrowing must be arranged by bylaw, with advertising required for certain types (long term borrowing). As the borrowing addressed in Bylaw 2024-11 is not a long term borrow (we renew the matter annually), we need only the bylaw and do not require advertising.

With the exception of a new bylaw number and revised dates (to reflect the effective date ending December 31st, 2025), this bylaw is the same as previous versions. A copy of the draft is attached for review.

DISCUSSION/OPTIONS/BENEFITS/DISADVANTAGES:

As we have discussed this matter in prior years, it is expected that Council is well versed on the reason and rationale behind this bylaw. There have been no revisions to the Act, nor substantive changes to the text of the bylaw (save the revised effective date reference) that would warrant any major discussion. This bylaw is to arrange a renewal of this authorisation for borrowing to throughout the next operating year.

However, a more general discussion on the relevance of this bylaw (in light of pending changes to the Emergency Management Framework) may be timely to have. Notwithstanding comments from Council on this matter, Administration is of the opinion that regardless of the situation with who may be providing our Emergency Management Services in the years ahead, the obligations of the municipality to be prepared for a response (including bridging funding withing jeopardizing the operating budget or reserves) remains, so this bylaw is still relevant. Furthermore, this Line of Credit is technically not for a specific purpose (other than the Section 256 matters referenced), so it could be accessed for other "emergency" situations such as major repairs, major works, etc. as we wait for grant funding to come in. I do not foresee and issue with liquidity at all, but it is good business practice to have an LOC of sometime just in case.

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COSTS/SOURCE OF FUNDING (if applicable):

At this time, there is no cost to having the LOC arranged.

If the municipality needs to access the LOC it would be subject to the posted interest rate, which cannot exceed 10%/annum, and would be subject to repayment at the direction of the municipality (through taxes, reserves, grant funding, etc.).

RECOMMENDED ACTION:

1. That Council give all required readings to pass Bylaw 2024-11 as presented, or with amendments, and authorize execution of same by Mayor Pederson and CAO Moskalyk.

Initials show support – Reviewed By:

CAO: *D. Moskalyk*

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BYLAW 2024-11
BEING A BYLAW OF THE SUMMER VILLAGE OF NAKAMUN PARK, IN THE
PROVINCE OF ALBERTA, FOR THE PURPOSE SPECIFIED IN SECTION
256 OF THE MUNICIPAL GOVERNMENT ACT

WHEREAS the Council of the Summer Village of Nakamun Park (hereinafter called the "Corporation") in the Province of Alberta, considers it necessary to have secured prearranged borrow for certain sums of money for the purpose of an operating Line of Credit for interim financing in the event of a local emergency or to cover unforeseen urgent operating expenditures not included in the operating budget over the period from the date of this Bylaw through to December 31, 2025.;

WHEREAS Section 251 of the Municipal Government Act allows for municipalities to undertake borrowing so long as that borrowing is authorized by bylaw and incorporated the prescribed details set out in Section 251;

WHEREAS Section 256 of the Municipal Government Act establishes the provisions by which a municipality may undertake borrowing for operational expenditures, and that bylaws securing such borrowing do not need to be advertised so long as the term of the borrowing does not exceed three years;

AND WHEREAS the Summer Village of Nakamun Park's banking institution, ATB Financial, renews operating Lines of Credit annually (hence a borrowing term of one year);

NOW THEREFORE pursuant to the provisions of the Municipal Government Act, it is hereby enacted by the Council of the Corporation as a Bylaw that:

1. The Corporation is hereby authorized to borrow from ATB Financial, ("ATB") up to the principal sum of \$150,000.00 repayable upon demand at a rate of interest per annum from time to time established by ATB, not to exceed 10%, and such interest will be calculated daily and due and payable monthly on the last day of each and every month.
2. The borrowing is a line of credit repayable on demand and the Corporation is required to pay accrued interest monthly.
3. The Chief Elected Officer and the Chief Administrative Officer are authorized for and on behalf of the Corporation:
 - a) to apply to ATB for the aforesaid loan to the Corporation and to arrange with ATB the amount, terms and conditions of the loan and security or securities to be given to ATB;

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BYLAW NO. 2024-11
SUMMER VILLAGE OF NAKAMUN PARK
Municipal Government Act RSA 2000 Chapter M-26
Section 251 - 263

- b) in preparation of security for any money borrowed from ATB
- i. to execute promissory notes and other negotiable instruments or evidences of debt for such loans and renewals of all such promissory notes and other negotiable instruments or evidences of debts;
 - ii. to give or furnish to ATB all such securities and promises as ATB may require to secure repayment of such loans and interest thereon; and
 - iii. to execute all security agreements, hypothecations, debentures, charges, pledges, conveyances, assignments and transfers to and in favour of ATB of all or any property, real or personal, moveable or immovable, now or hereafter owned by the Corporation or in which the Corporation may have any interest, and any other documents or contracts necessary to give or to furnish to ATB the security or securities required by it.
4. The source or sources of money to be used to repay the principal and interest owing under the borrowing from ATB are: Taxes, Reserves, Grants
5. The amount to be borrowed and the term of the loan will not exceed any restrictions set forth in the Municipal Government Act.
6. In the event that the Municipal Government Act permits extension of the term of the loan and in the event the Council of the Corporation decides to extend the loan and ATB is prepared to extend the loan, any renewal or extension, bill, debenture, promissory note, or other obligation executed by the officers designated in paragraph 3 hereof and delivered to ATB will be valid and conclusive proof as against the Corporation of the decision of the Council to extend the loan in accordance with the terms of such renewal or extension, bill, debenture, promissory note, or other obligation, and ATB will not be bound to inquire into the authority of such officers to execute and deliver any such renewal, extension document or security.
7. This Bylaw comes into force on the final passing thereof.

WE HEREBY CERTIFY that the foregoing Bylaw was duly passed by the Council of the Corporation therein mentioned at a duly and regularly constituted meeting thereof held on the 19th day of November, 2024 at which a quorum was present, as entered in the minutes of the said Council, and that the Bylaw has come into force and is still in full force and effect.

THIS MUNICIPAL BORROWING BYLAW, inclusive of its Certificate: (a) may be executed electronically; and (b) may be delivered by email, facsimile or other functionally-equivalent means.

READ a first time this 19th day of November, 2024.

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BYLAW NO. 2024-11
SUMMER VILLAGE OF NAKAMUN PARK
Municipal Government Act RSA 2000 Chapter M-26
Section 251 - 263

READ a second time this 19th day of November, 2024.

UNANIMOUS CONSENT to proceed to third reading this 19th day of November, 2024.

READ a third and final time this 19th day of November, 2024.

SIGNED this 19th day of November, 2024.

WITNESS our hands and the seal of the Corporation this 19th day of November, 2024.

Mayor, Keith Pederson

Chief Administrative Officer, Dwight Moskalyk

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Summer Village of Nakamun Park Request For Decision - (RFD) 2024-58

Meeting:	Regular Council
Meeting Date:	November 19th, 2024
Originated By:	Dwight Moskalyk, Chief Administrative Officer
Title:	CAO Evaluations 2024
Agenda Item Number:	6(f) – Regular Business

BACKGROUND/PROPOSAL:

As Council will recall, section 205.1 of the MGA mandates that council must give the CAO a written performance evaluation each year, as part of regular business. As in the past, our normal process for this is that administration prepares the prescribed evaluation forms and distributes to councillors, council completes their individual form and then provides to the Mayor who compiles comments and meets with the CAO to review. As part of this process we add to our regular meeting agenda this business matter, demonstrating that administration provided the forms and having council set a date (deadline) amongst themselves for when they will get their report in to the Mayor, or designate, to compile the comments.

A copy of the evaluation form used is attached for reference. A copy of pages 135-137 of the MGA (sections related to CAO) are also included for quick reference).

DISCUSSION/OPTIONS/BENEFITS/DISADVANTAGES:

The evaluation must be completed annually, and once provided to the CAO it is kept on file and as part of the service contract/personnel file. The comments are considered privileged information.

The form used for the evaluations covers the major duties and responsibilities set out for the CAO in the MGA (section 207 and 208) and includes some additional areas for specific comment on various items.

COSTS/SOURCE OF FUNDING (if applicable):

N/A

RECOMMENDED ACTION:

1. That Council receives the CAO performance evaluation template as presented and establishes _____, _____, 2024 as a deadline for councillors to complete their comments and provide same to Mayor Pederson to compile and review with the CAO.

Initials show support – Reviewed By:	CAO: D. Moskalyk
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- (i) are recorded in the English language,
 - (ii) include the names of the councillors present at the council meeting,
 - (iii) are given to council for adoption at a subsequent council meeting, and
 - (iv) are recorded in the manner and to the extent required under section 216.4(6) when a public hearing is held;
- (b) all bylaws, minutes of council meetings and other records and documents of the municipality are kept safe;
 - (c) the Minister is sent a list of all the councillors and any other information the Minister requires within 5 days after the term of the councillors begins;
 - (d) the council is advised in writing of its legislative responsibilities under this Act.

(2) Subsection (1) applies to the chief administrative officer in respect of council committees that are carrying out the powers, duties and functions delegated to them by the council.

RSA 2000 cM-26 s208;2015 c8 s22;2019 c22 s10(7);2022 c16 s(83)

Delegation by chief administrative officer

209 A chief administrative officer may delegate any of the chief administrative officer's powers, duties or functions under this Act, including the chief administrative officer's duties referred to in section 208(1), or under any other enactment or bylaw to a designated officer or an employee of the municipality.

RSA 2000 cM-26 s209;2015 c8 s23

Designated officers

210(1) A council may

- (a) by bylaw establish one or more designated officer positions, give each of the positions a different title and specify which powers, duties and functions of a designated officer under this or any other enactment or bylaw are to be carried out by which positions, and
- (b) appoint individuals to the designated officer positions.

(2), (3) Repealed 2022 c16 s9(44).

(4) Unless otherwise provided by bylaw, all designated officers are subject to the supervision of and accountable to the chief administrative officer.

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(5) A chief administrative officer may exercise all of the powers, duties and functions of a designated officer under this or any other enactment or bylaw if

- (a) no position of designated officer has been established by council,
- (b) the position of designated officer is vacant, or
- (c) this or any other enactment or bylaw refers to a designated officer and the power, duty, function or other thing relating to the designated officer has not been assigned to any designated officer by council.

RSA 2000 cM-26 s210;2022 c16 s9(44)

Revocation

211(1) A municipality may revoke with or without cause the appointment of a person to the position of a designated officer.

(2) A designated officer whose appointment is revoked without cause is, subject to any written agreement between the municipality and the officer, entitled to reasonable notice or to compensation instead of reasonable notice.

(3) A designated officer whose appointment is revoked with cause is, subject to any written agreement between the municipality and the officer, not entitled to reasonable notice or to compensation instead of reasonable notice.

1994 cM-26.1 s211;1995 c24 s25

Delegation by designated officer

212 A designated officer may delegate any of the officer's powers, duties or functions under this or any other enactment or bylaw to an employee of the municipality.

1994 cM-26.1 s212

Fidelity bond

212.1(1) Starting with the 1998 financial year, the council of each municipality must annually obtain a fidelity bond, or equivalent insurance, in an amount the council considers appropriate.

- (2) The fidelity bond or equivalent insurance must cover
 - (a) the chief administrative officer of the municipality,
 - (b) the designated officers of the municipality, and
 - (c) other employees of the municipality

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while carrying out duties relating to any money or security belonging to or held by the municipality.

1997 c19 s3

Signing or authorization of municipal documents

213(1) Minutes of council meetings, and minutes of council committee meetings dealing with a power, duty or function delegated by council to the council committee, must be signed by

- (a) the person presiding at the meeting, and
- (b) a designated officer.

(2) Repealed 2022 c16 s9(45).

(3) Bylaws must be signed by

- (a) the chief elected official, and
- (b) a designated officer.

(4) Agreements and cheques and other negotiable instruments must be signed or authorized

- (a) by the chief elected official or by another person authorized by council to sign them, and
- (b) by a designated officer,

or by a designated officer acting alone if so authorized by council.

(5) A signature may be reproduced by any method if so authorized by council.

RSA 2000 cM-26 s213;2022 c16 s9(45)

Destruction of records

214(1) A council may authorize the destruction of the original bylaws and minutes of council meetings if the originals have been recorded by a method that will enable copies of the originals to be made.

(2) A council may pass a bylaw respecting the destruction of other records and documents of the municipality.

