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Municipality: SANDY BEACH

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| Disposition of Election Material                | The CAO indicated that the election materials were destroyed; however, affidavits confirming the destruction of election materials could not be located.   |
| Assessment Roll                                 | Bylaw 2003-02 was passed on May 12, 2003 establishing the position of assessor for the summer village; however, the bylaw does not establish the assessor as a designated officer of the summer village as required by section 284.2(1) of the MGA. A qualified assessor was appointed by council (council resolution 127-20) at the September 26, 2020 organizational meeting. The assessment roll is available for viewing at the summer village office without a fee; therefore, no bylaw is required.  |
| Assessment Review Boards                        | <p>The village passed an assessment review board bylaw (bylaw 01-2010) on April 13, 2010. Section 3 of the bylaw establishes four local assessment review boards and three composite assessment review boards. The establishment of multiple assessment review boards is inconsistent with section 454 of the MGA which requires only one of each to be allowed.</p> <p>Section 6 and 7 of the bylaw allow for any combination of council members and public members to comprise a panel of a board, which contravenes section 454.11(3)(a) of the MGA. The MGA provision allows only one member of council to sit on a panel unless approval is granted by the Minister.</p> <p>Members of the assessment review boards and the clerk have been appointed and received the required training. Two members-at-large have been appointed to the boards and have received the required training.</p>   |
| Discretionary Bylaws (Procedural, if available) | <p>The summer village’s procedural bylaw (bylaw 04-2016) was passed on December 8, 2016. Section 4.7.5 states “any member of council who has a conflict of interest in a matter before council must declare same prior to discussion, and abstain from voting on said matter”. The MGA does not include provisions for conflict of interest or permit councillors to abstain from voting due to a conflict of interest. Section 172 of the MGA includes provisions for a member to declare a pecuniary interest. If a member of council declares a pecuniary interest, the member must state the general nature of the pecuniary interest, abstain from discussing and voting on the matter, and leave the council chambers until the conclusion of the matter. The minutes of the council meeting must record the reason provided by the member of council.</p> <p>Section 4.11 states “standing committees shall be established by council from time to time and shall be governed by the Terms of Reference adopted by council. This is in contravention of section 145 of the MGA, which requires that in the event council committees are established, they must be established by bylaw.</p> <p>Section 7 of the bylaw also permits a councillor to be expelled from a meeting and facility for improper conduct. This section should be reviewed to ensure that council members are not excluded from meetings, as it is the position of Municipal Affairs that the expulsion of a councillor contravenes section 153(c) of the MGA by preventing a member of council from fulfilling their legislated duty to participate in council meetings.</p> |
| Bylaw Revisions and Amendments                  | The summer village typically repeals and replaces bylaws as opposed to revising bylaws. The summer village’s land use bylaw (bylaw 02-2012) has been consolidated to include all amendments passed to date; however, the municipality has not enacted a bylaw under section 69 of the MGA authorizing a designated officer to consolidate bylaws.  |

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| Three-Year Operating and Five-Year Capital Plans | The Summer Village of Sandy Beach passed bylaw 01-2020 on December 19, 2019 enacting a four-year financial plan for 2020-2023. Neither the four-year financial plan or the operational budget for 2020-2023 adopted on April 16, 2020 include the accumulated surplus/deficit as required by the Municipal Corporate Planning Regulation 192/2017. In addition, a 5-year capital plan has not been adopted.   |
| Subdivision and Development Appeal Board (SDAB)  | Bylaw 01-2019 was passed on January 26, 2019 and authorizes the summer village to enter into an intermunicipal subdivision and development appeal board. The agreement excludes municipal employees, members of the municipal planning commission, and those with development or subdivision powers from serving on the board. A clerk has been appointed to the board, and has received the required training. Members appointed to the board have also received the required training. The summer village has submitted their 2019 statistical information return reporting that the clerk and members are trained. Section 9 of the agreement states that the fee for an appeal will be the fee established by resolution of council for the county from time to time. This is in contravention of section 8(c)(i) of the MGA which requires the establishment of fees for licenses, permits and approvals to be set by bylaw. |
| Pecuniary Interest                               | The meeting minutes of the June 18, 2020 council meeting indicate a member of council recused themselves from discussion; however, the minutes do not record a declaration of a pecuniary interest nor the general nature of the pecuniary interest as required by legislation.   |
| Nomination Forms                                 | Nomination forms for the 2017 general election were not available.  |
| Ballot Account                                   | The ballot account for the 2017 general election was not available.   |
| Capital Budget                                   | A resolution of council adopting a 2020 capital budget was not available.   |