

# MAPS Review for the Summer Village of Sunrise Beach

"svsunrisebeach@wildwillowenterprises.com" [svsunrisebeach@wildwillowenterprises.com]

Sent: 2/28/2020 10:32 AM

To: ""lucien.cloutier@gov.ab.ca"" <lucien.cloutier@gov.ab.ca>

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Good Morning Lucien,

Please see attached two signed Bylaws passed at our February 25, 2020 meeting. The first is the Bylaw Enforcement Officers Bylaw #160-2020. The second is the Borrowing Bylaw # 161-2020. I have also attached the Oath Of Office for the Bylaw Officer and the Development Officer.

Feel free to contact me if you have any questions.

**Susan Dales**  
Administrative Assistant

## Summer Village of Sunrise Beach

PO Box 1197

Onoway, AB T0E 1V0

Phone: 780.967.0271 Fax: 780.967.0431

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----- Original Message -----

Subject: Message from "RNP002673CAFBE7"

From: "administration@wildwillowenterprises.com" <administration@wildwillowenterprises.com>

Date: 2/28/20 10:43 am

To: "sunrise" <svsunrisebeach@wildwillowenterprises.com>

This E-mail was sent from "RNP002673CAFBE7" (MP C3504).

Scan Date: 02.28.2020 10:43:20 (-0700)

Queries to: administration@wildwillowenterprises.com

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Attachments: [MAPS SUNRISE.pdf](#)

# Summer Village of Sunrise Beach

## MAP Review Report

August 27, 2019

1. Voting:

- we are aware that each elected official present at a Council meeting must vote on all matters put before them and must vote in such a way that is visible and in the case of teleconference heard by the public. I can advise that Council has followed this practice since our August 27, 2019 review, and all Council members present raise their hand or make a point of being heard.

2. Pecuniary Interest:

- we are now aware that in the minutes we are to state the reason an elected official excuse themselves from voting. The minutes of January 22, 2019 should have reflected the reason the Councillor was not voting and this case it was a pecuniary interest as the councillor's husband completes snow removal. In future the minutes will reflect the general nature of the pecuniary interest.

3. Establishment of the Chief Administrative Officer Position:

- we are now aware that a bylaw establishing the position of Chief Administrative Officer does not exist and at the November 26, 2019 meeting Bylaw 156-2019 a bylaw to Establish the Position of Chief Administrative Officer was passed. The noted minutes including resolutions 156-19 to 159-19 and the bylaw are attached.

\* 4. Borrowing Bylaw: # 161-2020

- we are now aware that our short-term Borrowing Bylaw 151-2019 does not include the maximum rate of interest, the term and terms of repayment of the borrowing, according the MGA. We will contact the ATB and get the terms and interest rate and once approved we will forward the new Bylaw on to you.

5. Assessment Review Board Bylaw:

- we are aware that the LARB and CARB must be established by Bylaw and that this bylaw should address member appointments and terms of delegations and that a designated officer must be appointed as clerk, and all active members including the clerk must have the mandatory training prior to hearing an appeal. The Summer Village has a contract with Lac Ste. Anne County for the provision of LARB and CARB. The Summer Village had Bylaw 152-2019 establishing the CARB & LARB. We also had Bylaw 153-2019 establishing the position of the designated officer but as pointed out in the review this bylaw did not align with the MGA requirements as such, Bylaw 157-

2019 to Establish a Designated Officer was passed at the November 26, 2019 meeting and resolution 164-19 was passed at the same meeting stating the appointed Assessment Review Board clerks. Bylaw 157-2019 and the minutes with the resolutions 160-19 to 164-19 are attached.

**\* 6. Bylaw Enforcement Officer Bylaw: # 160-2020**

- we are now aware that a Bylaw for the municipal enforcement officer needs to have the powers and duties listed and have disciplinary procedures; penalties and an appeal process. Once a Bylaw Enforcement Officer Bylaw is passed it will be forwarded on to you.

**7. Procedural Bylaw:**

- we are now aware that Bylaw 126 -11 our Procedural Bylaw, must be repealed or replaced to ensure that the procedures for electronic meeting, committee of the whole meetings, and council participation are in accordance, and consistent with, the MGA. If the purpose of the committee of the whole meetings is to discuss matters in a closed-session, then this can be done as part of the regular council meeting, following provisions of section 197 of the MGA. Bylaw 155-2019 Procedure and Conduct of Council was passed at the November 26, 2019 by resolutions 152-19 to 155-19 meeting. The Bylaw and minutes are attached.

**8. Operating Budget:**

- we are now aware that we must pass the interim operating budget prior to January 1<sup>st</sup> for the next fiscal year, and we will ensure we bring forward the 2020 interim operating budget prior to the end of 2019. At the November 26, 2019 meeting resolution 167-2019 passing the 2020 interim budget was passed. The minutes are attached.

**9. Capital Budget:**

- Starting in 2020 we will ensure that items in the capital budget are better defined and the source of funding for that capital expenditure is also defined within the budget.

**10. Content of Tax Notices:**

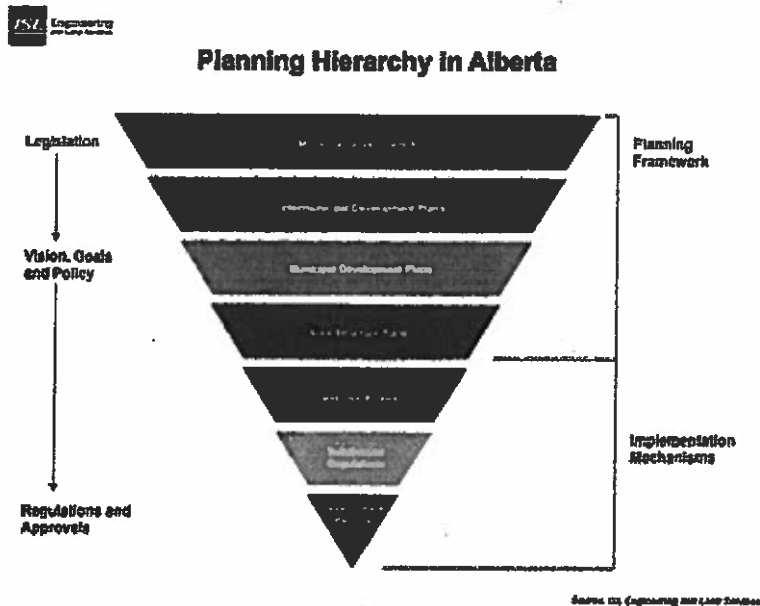
- we are now aware that information on how to request a receipt for taxes paid must be on the tax notice. We have amended our tax notice template to include information regarding how to obtain a tax receipt, see attached.

11. Municipal Development Plan:

- we are now aware that the Municipal Development Plan must include the coordination of land use, growth patterns and infrastructure with adjacent municipalities. Currently Sunrise Beach, along with 6 other municipalities has received a grant to complete our Municipal Development Plans. At this time we have a draft however it will probably not be passed until the summer due to public consultation.

12. Listing and Publishing Policies Related to Planning Decisions:

- we are aware that municipal website needs a list of approved policies used to make planning/ development decisions; a summary of these policies and their relationship to each other and to statutory plans and bylaws passed under Part 17 of the MGA; and documents incorporated by reference in any bylaws passed under Part 17. The document below has been added to our website to indicate the Planning Framework for the decisions made within the Summer Village.



**BYLAW NO. 160-2020**  
**SUMMER VILLAGE OF SUNRISE BEACH**  
**Municipal Government Act RSA 2000 Section 555-556**

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BEING A BYLAW OF THE SUMMER VILLAGE OF SUNRISE BEACH, IN THE PROVINCE OF ALBERTA, TO SPECIFY THE POWERS AND DUTIES OF BYLAW ENFORCEMENT OFFICERS AND TO ESTABLISH A DISCIPLINARY PROCEDURE AND PROCESS FOR MISUSE OF POWER

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**WHEREAS**, Section 556 of the *Municipal Government Act* provides every council must by bylaw specify the powers and duties of bylaw enforcement officers and establish disciplinary procedures applicable to its bylaw enforcement officers;

**AND WHEREAS**, Section 210(1) of the *Municipal Government Act* provides that a council may, by bylaw, establish one or more positions to carry out the powers, duties and functions of a designated officer;

**NOW THEREFORE**, the Council for the Summer Village of Sunrise Beach, duly assembled, enacts as follows:

**PART 1 -  
INTERPRETATION**

**Short Title**

1. This bylaw may be cited as the "Bylaw Enforcement Officer Bylaw."

**Definitions**

2. In this Bylaw, unless the context otherwise requires:
  - (a) **"Bylaw Enforcement Officer"** means an individual who has been appointed pursuant to this Bylaw as a Bylaw Enforcement Officer for the Village;
  - (b) **"Chief Administrative Officer" or "C.A.O."** means the individual appointed by Council as the Chief Administrative Officer of the Village or his or her delegate;
  - (c) **"Council"** means the municipal council for the Summer Village;
  - (d) **"Assistant C.A.O."** means the individual appointed by the C.A.O. as the Village's Assistant C.A.O.;
  - (e) **"Municipal Tag"** means a tag or similar document issued by the Village pursuant the *Municipal Government Act* that alleges a bylaw offence and provides a person with the opportunity to pay an amount to the Village in lieu of prosecution for the offence;

(f) **"Village"** means the municipal corporation of the Summer Village of Sunrise Beach, in the Province of Alberta or, if the context requires, the geographical area within the boundaries of the municipality:

(g) **"Violation Ticket"** has the meaning given to it in the *Provincial Offences Procedure Act*.

### **Rules of interpretation**

3. The headings in this Bylaw are for guidance purposes and convenience only.
4. Every provision in this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
5. In this Bylaw, a citation of or reference to any enactment of the Province of Alberta or of Canada, or of any other bylaw of the Village, is a citation of or reference to that enactment or bylaw as amended, whether amended before or after the commencement of the enactment or bylaw in which the citation or reference occurs.
6. Nothing in the Bylaw relieves a person from complying with any provision of any provincial or federal legislation or regulation, other bylaw of any requirement of any lawful permit, order or license.

## **PART 2 - CHIEF ADMINISTRATIVE OFFICER**

### **Powers and duties**

7. The Chief Administrative Officer:
  - (a) may appoint one or more individuals as Bylaw Enforcement Officers in accordance with this Bylaw;
  - (b) may revoke, suspend, or modify the appointment of Bylaw Enforcement Officers in accordance with this Bylaw;
  - (c) may authorize or require Bylaw Enforcement Officers to carry out any powers and duties necessary to fulfill their responsibility for the preservation and maintenance of the public peace;
  - (d) may establish the standards of uniform, insignia, and identification for Bylaw Enforcement Officers;
  - (e) will ensure complaints of misuse of power by Bylaw Enforcement Officers are investigated and dealt with in accordance with this Bylaw,

- (f) will report on the status and effectiveness of bylaw enforcement within the Village, when requested to do so by Council; and
- (g) may delegate any of the C.A.O.'s powers, duties, or functions contained in this section to any employee of the Village, including the option to further delegate those powers, duties, and functions.

### **PART 3 - BYLAW ENFORCEMENT OFFICERS**

#### **Appointment**

- 8.
  - (1) To be eligible for appointment as a Bylaw Enforcement Officer, individuals must provide to the Chief Administrative Officer:
    - (a) recent criminal records check acceptable to the C.A.O.;
    - (b) a recent driver's abstract acceptable to the C.A.O.; and
    - (c) any other requirements specified by the C.A.O.
  - (2) The Chief Administrative Officer may impose terms and conditions on a Bylaw Enforcement Officer appointment.

#### **Oath of office**

- 9. A Bylaw Enforcement Officer must, before starting his or her duties, take an official oath.

#### **Powers and duties**

- 10.
  - (1) Subject to the terms and conditions of their appointment by the C.A.O., the powers and duties of Bylaw Enforcement Officers are as follows:
    - (a) to enforce the bylaws of the Village;
    - (b) to provide public education on the Village's bylaws and enforcement services;
    - (c) to conduct routine patrols to ensure compliance with bylaws;
    - (d) to respond to and investigate complaints and alleged breaches of bylaws;
    - (e) to exercise all the powers and duties of a designated officer to conduct any inspections, remedies, or enforcement authorized or required by a bylaw or enactment

in accordance with Section 542 of the *Municipal Government Act*;

- (f) to exercise all the powers and duties of a designated officer to issue written orders pursuant to Section 545 and 546 of the *Municipal Government Act*;
  - (g) to issue warning notices, Municipal Tags and Violation Tickets for offences under bylaws;
  - (h) to prepare and relay information's;
  - (i) to assist in the prosecution of bylaw offences, including the gathering of evidence, the swearing of complaints, preparation of prosecution files, ensuring the attendance of witnesses, and attending Court and providing evidence as required;
  - (j) to perform all other duties as may from time to time be assigned by the C.A.O.
- (2) Bylaw Enforcement Officers must comply with their appointment and exercise their powers and duties in accordance with all Summer Village policies, procedures, and guidelines.

### **Officer identification**

11. While acting in the course of their duties Bylaw Enforcement Officers shall carry on their person identification, in a form approved by the C.A.O., evidencing their appointment as a Bylaw Enforcement Officer.

### **Appointment ceases to be in effect**

12. A Bylaw Enforcement Officer's appointment ceases to be in effect
- (a) when the Bylaw Enforcement Officer ceases to be employed or engaged by the Village in the capacity of a Bylaw Enforcement Officer,
  - (b) when the Bylaw Enforcement Officer's appointment is revoked in accordance with this Bylaw, or
  - (c) while the Bylaw Enforcement Officer's appointment is suspended in accordance with this Bylaw.
13. Upon a Bylaw Enforcement Officer appointment ceasing to be in effect, other than when suspended, the Bylaw Enforcement Officer shall immediately return to the C.A.O. all Municipal Tag and Violation Ticket books and any other materials or equipment supplied to the Bylaw Enforcement Officer by the Village.



## **PART 4 - MISUSE OF POWER**

### **Complaints**

14.

(1) If a person believes that a Bylaw Enforcement Officer has misused their power, the person may file a complaint in accordance with this Part.

(2) A complaint made under subsection (1) shall:

(a) be in writing,

(b) include the full name of the complainant,

(c) include contact information for the complainant,

(d) indicate the reasons for the complaint and,

(e) be sent to the Summer Village, attention C.A.O Bylaw Enforcement Services

15.

(1) The Assistant C.A.O. may summarily dismiss a complaint that, in the opinion of Assistant C.A.O.:

(a) does not comply with section 14(2),

(b) is made more than 180 days after the alleged misuse of power,

(c) does not raise an issue of misuse of power by a Bylaw Enforcement Officer; or

(d) is frivolous or vexatious.

(2) If the Assistant C.A.O. dismisses a complaint under subsection (1), the Assistant C.A.O. shall send a notice to the complainant:

(a) specifying the reasons for the dismissal; and

(b) advising of the right of appeal to the Chief Administrative Officer.

### **Investigations**

16. Unless a complaint is summarily dismissed, the Assistant C.A.O. shall, within 30 days of receiving a complaint:

(a) send written acknowledgement of receipt of the complaint to the complainant;

(b) advise the Bylaw Enforcement Officer of the allegations in the complaint and provide the Bylaw Enforcement Officer with a reasonable opportunity to respond to the allegations:  
and

(c) commence an investigation into the complaint.

17.

- (1) The Assistant C.A.O. may conduct an investigation into a complaint in the manner that the Assistant C.A.O. considers appropriate and may, but is not required to, hold a hearing into the matter.
- (2) If the Assistant C.A.O. decides to hold a hearing into a matter of complaint, the Assistant C.A.O. shall specify the procedure and send the complainant and the Bylaw Enforcement Officer notice of the procedure that will be used.

18.

- (1) Despite no complaint having been received, if the Assistant C.A.O. has reason to believe that a Bylaw Enforcement Officer has misused their power the Assistant C.A.O. may conduct an investigation.
- (2) If an investigation is conducted under subsection (1), the Assistant C.A.O. shall give the Bylaw Enforcement Officer notice of the matter being investigated and an opportunity to respond to the matter of concern.

19. Upon concluding an investigation, the Assistant C.A.O. shall decide that either:

- (a) the Bylaw Enforcement Officer did not misuse their power; or
- (b) the Bylaw Enforcement Officer misused their power.

### **Sanctions and penalties**

20. If the Assistant C.A.O. decides that the Bylaw Enforcement Officer misused their power, the Assistant C.A.O. shall:

- (a) warn the Bylaw Enforcement Officer;
- (b) reprimand the Bylaw Enforcement Officer;
- (c) suspend the Bylaw Enforcement Officer from duty for an appropriate period of time;
- (d) dismiss the Bylaw Enforcement Officer; or
- (e) sanction or penalize the Bylaw Enforcement Officer in any other appropriate manner not inconsistent with Village policies, procedures and guidelines.

### **Written Decision**

21.

- (1) Within 30 days of concluding an investigation, the Assistant C.A.O. shall send written notice of the Assistant C.A.O.'s decision to the complainant (if any) and to the Bylaw Enforcement Officer.
- (2) The written notice of decision must include:
  - (a) reasons for the Assistant C.A.O.'s decision, and
  - (b) notice advising of the right of appeal to the Chief Administrative Officer.

## **PART 5 - APPEALS**

### **Notice of Appeal**

22.

- (1) Within 14 days of receiving the receipt of the Assistant C.A.O.'s written decision, the complainant or the Bylaw Enforcement Officer may appeal the decision to the Chief Administrative Officer.
- (2) An appeal under subsection (1) shall:
  - (a) be in writing,
  - (b) include the full name of the appellant,
  - (c) include contact information for the appellant,
  - (d) set out the grounds for the appeal, and
  - (e) be send to the Village, attention: Chief Administrative Officer

23.

- (1) The Chief Administrative Officer may summarily dismiss an appeal that, in the opinion of C.A.O., does not comply with Section 22.
- (2) If the C.A.O. dismisses an appeal under subsection (1), the CAO shall send a notice to the appellant specifying the grounds and giving the reasons for the dismissal.

### **Conduct of Appeal**

24. Unless an appeal is summarily dismissed, the Chief Administrative Officer shall, within 30 days of receiving a notice of appeal:

- (a) send written acknowledgement of receipt of the appeal to the appellant;

(b) send the Assistant C.A.O. a notice requiring the Assistant C.A.O. to, within 7 days, forward all documents relating to the original complaint (if any), as well as the subsequent investigation and decision; and

(c) send the respondent (if any) a copy of the notice of appeal.

25.

(1) The Chief Administrative Officer may conduct the appeal as the C.A.O. considers appropriate and may, but is not required to, conduct a new investigation and hold a new hearing.

(2) In conducting the appeal, the C.A.O. shall specify the procedure and send the parties notice of the procedure that will be used.

26.

(1) Upon concluding the appeal, the Chief Administrative Officer shall dismiss or allow the appeal in whole or in part.

(2) If, in allowing the appeal in whole or in part, the C.A.O. finds that the Bylaw Enforcement Officer has misused his or her power, the C.A.O. may exercise any of the powers of the Assistant C.A.O. as set out under Section 20.

### **Written Decision on Appeal**

27.

(1) Within 30 days of concluding the appeal, the Chief Administrative Officer shall send written notice of the C.A.O.'s decision to the appellant and respondent (if any).

(2) If, in allowing the appeal, in whole or in part, the C.A.O. finds that the Bylaw Enforcement Officer has misused his or her power, the C.A.O. may exercise any of the powers of the Assistant C.A.O. as set out under Section 20.

### **Appeal is Final**

28. The Chief Administrative Officer's decision regarding an appeal is final and conclusive with no further right of appeal to the Court.

**Effective Date**

29. This bylaw shall come into force when it has received third and final reading and has been signed.

READ a first time this 25<sup>th</sup> day of February 2020.

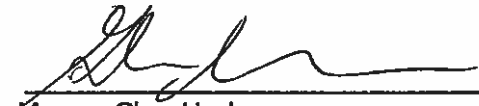
READ a second time this 25<sup>th</sup> day February, 2020.

Unanimous Consent to Proceed to third reading on

this 25<sup>th</sup> of February, 2020.

READ a third time and final time this 25<sup>th</sup> day of February 2020

Signed this 25<sup>th</sup> day of February, 2020.

  
\_\_\_\_\_  
Mayor, Glen Ussleman

  
\_\_\_\_\_  
Chief Administrator Officer, Wendy Wildman

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**BEING A BYLAW OF THE SUMMER VILLAGE OF SUNRISE BEACH, IN THE  
PROVINCE OF ALBERTA, FOR THE PURPOSE SPECIFIED IN SECTION 259  
OF THE MUNICIPAL GOVERNMENT ACT  
BYLAW NO. 161-2020**

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**WHEREAS** the Council of the Summer Village of Sunrise Beach (hereinafter called the "Corporation") in the Province of Alberta, considers it necessary to borrow certain sums of money for the purpose of:

Interim financing for various capital/operation costs.

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

1. The Corporation borrow from ATB Financial, previously Alberta Treasury Branches ("ATB") up to the principal sum of \$200,000.00 repayable upon demand at a rate of interest per annum from time to time established by ATB, and such interest will be calculated daily and due and payable monthly on the last day of each and every month.
2. 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;
  - (b) as 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 instrument 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 furnish to ATB the security or securities required by it.

3. The source or sources of money too be used to repay the principal and interest owing under the borrowing from ATB are:

For Operating Expenditures – taxes reserves, or grants

4. The amount to be borrowed and the term of the loan will not exceed any restrictions set forth in the Municipal Government Act.

5. 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.

6. This Bylaw comes into force on the final passing thereof and rescinds Bylaw 151-2019.

### **Certificate**

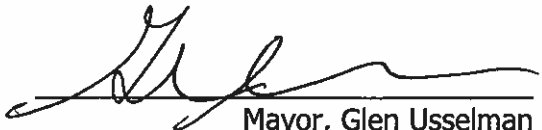
WE HEREBY CERTIFY that the foregoing Bylaw was duly passed by the Council of the Corporation there in mentioned at a duly and regularly constituted meeting thereof held on the 28<sup>th</sup> day of May, 2019 at which quorum was present, as entered in the minutes of the said Council, and that the Bylaw 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.

WITNESS our hands and the seal of the Corporation this 25<sup>th</sup> day of February, 2020.

BYLAW NO. 161-2020

Municipal Government Act RSA 2000 Chapter M-26  
Section 259 Borrowing Bylaw



Mayor, Glen Usselman



Chief Administrative Officer Wendy Wildman





Summer Village of  
Sunrise Beach

## OATH OF OFFICE

I, **Tom Puffer**, do swear that I will diligently, faithfully, and to the best of my ability, execute according to law, the office of Animal Control Officer for the Summer Village of Sunrise Beach.

So help me God.

Sworn before me at the )  
Town of Onoway in the )  
Province of Alberta this )  
9th day of September A.D. )  
2015.

Wendy Wildman  
Commissioner for Oaths/Chief Administrative Office  
Province of Alberta  
Expiry March 6, 2016



## ***OATH OF OFFICE***

I, ***Tony Sonnleitner***, do swear that I will diligently, faithfully, and to the best of my ability, execute according to law, the office of Development Officer for the Summer Village of Sunrise Beach.

Sworn before me at the  
Town of Onoway in the Province  
of Alberta this 18th day of December  
A.D. 2019.

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)

Wendy Wildman  
Commissioner for Oaths/Chief Administrative Officer  
Province of Alberta  
Expiry March 06, 2022