

2009 Bill 202

Second Session, 27th Legislature, 58 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 202

**MUNICIPAL GOVERNMENT
(MUNICIPAL AUDITOR GENERAL)
AMENDMENT ACT, 2009**

MR. JOHNSTON

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 202
Mr. Johnston

BILL 202

2009

MUNICIPAL GOVERNMENT (MUNICIPAL AUDITOR GENERAL) AMENDMENT ACT, 2009

(Assented to _____, 2009)

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Amends RSA 2000 cM-26

1 This Act amends the *Municipal Government Act*.

2 The following is added after section 279:

Office of the Municipal Auditor General

279.1(1) The Lieutenant Governor in Council may, on the recommendation of the Minister, appoint a Municipal Auditor General, who shall hold office for a term not exceeding 5 years.

(2) The Municipal Auditor General must be a chartered accountant, certified management accountant or certified general accountant.

(3) The Minister shall provide for the payment of the remuneration and expenses of the Municipal Auditor General and for the office and staff of the Municipal Auditor General in the annual estimates for the Minister's department.

(4) The powers, duties and functions of the Municipal Auditor General are to

- (a)** conduct random audits of municipalities and make recommendations respecting their financial statements

Explanatory Notes

- 1** Amends chapter M-26 of the *Municipal Government Act*.
- 2** Creation of the Office of the Municipal Auditor General.

and any systems or programs related to the disbursement of public money;

- (b) require a municipality to notify the Municipal Auditor General within a specified time period of the action it proposes to take to give effect to any recommendations under clause (a);
- (c) report to the Minister when a municipality fails to take action that the Municipal Auditor General considers to be adequate and appropriate to give effect to any recommendations under clause (a);
- (d) make recommendations to the Minister regarding the annual financial statements and financial information return required for municipalities, including requirements respecting the accounting principles and standards to be used;
- (e) perform additional duties and functions that are conferred on the Municipal Auditor General by the regulations or that are from time to time assigned by the Minister;
- (f) prepare and submit annual reports to the Minister respecting the work of the Municipal Auditor General.

(5) When a municipality or the Minister receives recommendations or a report under this section, the Municipal Auditor General shall make the recommendations or the report available to the public as soon as possible.

(6) The Municipal Auditor General is at all reasonable times and for any purpose related to the exercise or performance of the Municipal Auditor General's powers and duties under this Act entitled to access to the records of a municipality.

(7) In performing any duty or function under this Act, the Municipal Auditor General may by notice require a person to

- (a) attend before the Municipal Auditor General to give evidence under oath, and
- (b) produce any records respecting the matter referred to in the notice.

(8) The Municipal Auditor General may delegate any duty or function conferred or imposed on the Municipal Auditor General under this Act except the duty to report under

subsection (4), which may only be delegated with the consent of the Minister.

(9) The Minister may make regulations

- (a) respecting the activities of the Municipal Auditor General and the manner in which the activities shall be carried out;
- (b) prescribing additional duties and functions of the Municipal Auditor General.

3 Section 281 is amended by repealing subsection (3) and substituting the following:

(3) The auditor must report to the council, the Municipal Auditor General and the Minister regarding any improper or unauthorized transaction or non-compliance with this or another enactment or a bylaw that is noted during the course of an audit.

4 The following is added after section 281:

Requirements for audit plans

281.1 The Minister may make regulations respecting the terms and requirements of an audit plan for a municipality.

5 This Act comes into force on Proclamation.

3 Section 281(3) presently reads:

(3) The auditor must separately report to the council any improper or unauthorized transaction or non-compliance with this or another enactment or a bylaw that is noted during the course of an audit.

4 Requirements for audit plans for municipalities.

5 Coming into force.

