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## **Background**

Section 26 of the *Safety Codes Act* (Act) allows for the accreditation of municipalities. Under the Act and as delegated by Ministerial Order 2/03, the Administrator may, by Order, designate a municipality as an accredited municipality and authorize it to administer all or part of the Act with respect to any or all things, processes, or activities to which the Act applies that are within the boundaries of the municipality.

The Administrator may also designate two or more municipalities as accredited municipalities authorized to jointly administer all or part of the Act with respect to any or all things, processes or activities to which the Act applies within the boundaries of those municipalities.

The Act provides that the Administrator may include terms and conditions and specify locations and facilities in an Order of Accreditation. The Act also provides that the Administrator may, by order, based on reasonable and probable grounds, suspend or cancel an Order of Accreditation.

The Safety Codes Council (Council) has established this policy in accordance with section 18 of the Act and Ministerial Order 11/94. The policy assists the Administrator in carrying out delegated authorities and duties under the Act, and preserving the integrity of the safety codes system through maintaining appropriately qualified accredited municipalities.

## **Policy**

### **Scope of Accreditation**

1. Municipal accreditation shall be discipline specific. A municipality may be individually accredited or jointly accredited with another municipality or municipalities in the building, fire, electrical, plumbing, or gas disciplines.

### **Eligibility for Accreditation**

2. When applying for a new accreditation or making an amendment to the scope of an existing accreditation, a municipality shall submit:
  - a) a completed application form, signed by an authorized representative of the municipality;

- b) a proposed Quality Management Plan (QMP) or revisions to its current QMP in a form that is acceptable to the Administrator;
  - c) a proposed QMP or revisions to the scope or service levels of a current QMP must include a resolution<sup>1</sup> from the municipal council in support of the application, and be signed by the Chief Elected Official and Chief Administrative Officer of the municipality;
  - d) a transition plan for locations where deemed applicable;
  - e) the application fee; and
  - f) any other information required by the Administrator.
- 3.** In the case of a joint accreditation, the proposed QMP shall be endorsed by the municipal council of each municipality that is party to the joint accreditation, and signed by the Chief Elected Official and Chief Administrative Officer of each party to the joint accreditation.
- 4.** A proposed QMP shall meet the requirements established in the Accreditation General Policy.
- 5.** A transition plan for a new accreditation or amendment to the scope of an existing accreditation, shall establish how the transfer of safety codes administration to an accredited Municipality or the provincial government will occur and include the following:
- a) a mutually agreed upon date(s) for transfer of jurisdictional responsibilities and services, failing which a reasonable date for the same shall be set by the Administrator;
  - b) a communication plan to advise potentially affected parties;
  - c) how active and outstanding permits, inspections, non-compliances, and orders will be addressed during the transition;
  - d) the transfer of records, files and data; and
  - e) any other considerations identified by the Administrator.

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1. Revised quality management plans submitted to support an Accreditation Update application do not need to be supported by a resolution from a municipal council.

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**Consideration of Accreditation Application**

6. In considering an application for a new accreditation or an amendment to an existing accreditation, the Administrator may consider any information deemed relevant to the application, including but not limited to:
  - a) information provided by the municipality as part of its application;
  - b) municipal capacity to provide effective, efficient, professional and ethical administration of the safety codes system;
  - c) current and past safety performance of the municipality, including any previous performance as an accredited municipality;
  - d) written submission forwarded by affected organizations within the municipal jurisdictional boundaries;
  - e) information identified during a meeting between the Administrator, municipality and affected organizations within the municipal jurisdictional boundaries; and
  - f) submission of an acceptable transition plan for locations where deemed applicable.
7. The Administrator, upon receipt of a completed application for new accreditation or an amendment to the scope of an existing accreditation, shall direct that a notice of that application be provided to affected organizations within the municipal jurisdictional boundaries.
8. The Administrator shall, at time of directing the provision of notice under section 7, set terms and conditions respecting the written submissions or how information will be collected from affected organizations within the municipal jurisdictional boundaries.
9. Affected organizations may make written submission about a notice received under section 7 to the Administrator with a copy to the applicant. Any information obtained by the Administrator will be provided to the applicant, who may make written representations on that material to the Administrator.
10. The Administrator may accredit a municipality provided that the municipality has successfully satisfied the requirements as described in section 2, and that any written submission provided by an affected organizations within its municipal jurisdictional boundaries have been considered.

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11. The Administrator shall provide a copy of the completed transition plan to the jurisdictional authority as identified in Section 5, once the new accreditation or amendment to the scope to an existing accreditation has been approved and a reasonable effective date established.

### **Accreditation Overlap**

12. In the event that the Administrator is of the opinion that an overlap in the administration of safety codes system exists, the Administrator shall:
- a) advise the Minister of the overlapping accreditations, the nature of overlap, and request a resolution under Section 29 of the Act; and
  - b) provide to the affected accredited parties, copy of the information submitted to the Minister.

### **Maintenance of Accreditation**

13. A municipality shall adhere to its Order of Accreditation and approved QMP.
14. An Order of Accreditation is not assignable or transferable.
15. The Administrator may direct an accredited municipality to review or amend its QMP.
16. Amendments to an Order of Accreditation or QMP require the approval of the Administrator.
17. An accredited municipality shall provide the Administrator with 60 days written notice of its intention to voluntarily relinquish its accreditation.
18. An accredited municipality shall provide the Administrator with a transition plan should the municipality choose to voluntarily relinquish its accreditation in one or more discipline or part of discipline.
19. An accredited municipality shall review the administration of its QMP and submit a report<sup>2</sup> to the Administrator summarizing the results of the review on an annual

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2. The Annual Internal Review report does not need to be submitted to the Council in a year in which the municipality is also subject to a Council audit.

basis, including:

- a) organizational successes in administering the QMP;
- b) opportunities for improving QMP administration and a plan for implementing those improvements;
- c) status update on improvements to QMP administration that were identified during previous annual internal QMP reviews;
- d) any proposed amendments to its QMP; and
- e) any other information required by the Administrator.

- 20.** An accredited municipality shall be subject to an external review program or audit established and conducted by the Council or an agent of the Council.
- 21.** A municipality shall provide the Administrator with an update on the implementation of a transition plan described in section 5 upon request from the Administrator.
- 22.** At written request of the affected accredited corporations within municipal jurisdictional boundaries, the Administrator shall provide a copy of the municipalities' approved QMP and may charge a fee of the requesting party to do so.

### **Corrective Action**

The Council is committed to working with accredited municipalities to resolve identified performance issues and deficiencies, but there are situations in which corrective action through suspension or cancellation of an Order of Accreditation may be warranted.

- 23.** Grounds for corrective action may include but are not limited to:
  - a) failing to meet requirements in legislation, an Order of Accreditation, QMP, or Council policy;
  - b) not cooperating with or refusing to comply with requests from the Administrator;
  - c) not cooperating with or refusing to address deficiencies or follow recommendations identified through a review or audit conducted by the Council or its agent;
  - d) using unqualified staff or failing to have sufficient number of appropriate safety codes officers to respond to workload;
  - e) bad practices, poor procedures, or poor quality work in administering the Act;
  - f) unethical or unprofessional behaviour or practice in administering the Act;

- g) interfering with or attempting to interfere with the independence and impartiality of any safety codes officer(s);
  - h) fraud, related criminal activity, or bad faith in administering the Act;
  - i) failing to submit required Council fees or levies;
  - j) keeping poor or improper records related to administration of the Act;
  - k) conflict of interest in administering the Act;
  - l) bringing Alberta's safety codes system into disrepute; or
  - m) breach of confidentiality under section 63 of the Act or the Freedom of Information and Protection of Privacy Act.
- 24.** Corrective action may include but is not limited to any one or more of the following:
- a) letter of reprimand;
  - b) short-term suspension of an Order of Accreditation (up to 30 days);
  - c) long-term suspension of an Order of Accreditation (1-6 months); or
  - d) cancellation of an Order of Accreditation.
- 25.** Written notice shall be provided to an accredited municipality that is subject to corrective action. The notice will:
- a) identify the corrective action that will be taken and the timeframe within which the corrective action must be completed;
  - b) provide the reasons for the corrective action;
  - c) provide direction respecting the right of appeal should the affected parties wish to appeal the corrective action; and
  - d) be signed by the Administrator.
- 26.** If a municipal Order of Accreditation is suspended or cancelled, the Designation of Powers held by safety codes officers employed by that municipality are also suspended or cancelled.

### **Reinstatement of Accreditation**

- 27.** The Administrator may reinstate a municipal Order of Accreditation that has been suspended or cancelled if:
- a) the issue(s) that resulted in the suspension or cancellation are corrected to the satisfaction of the Administrator;

- b) the municipality develops a plan, approved by the Administrator, to ensure that the issue(s) that resulted in the suspension or cancellation will not re-occur; and
  - c) the applicable reinstatement fee has been paid to the Council.
28. The Administrator may waive or shorten a previously imposed suspension of a municipal Order of Accreditation if the conditions of section 25 are met.