



2022 By-Election

Information Package for
2022-2025
Prospective Candidate
for the Office of Councillor

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INTRODUCTION

This handbook has been developed to assist you in your decision to run for council in the Town of Legal and to help candidates in preparing for the **Municipal By-Election being held on October 24, 2022.**

The term of the office remaining is for 3 years and concludes in October 2025

This information package is for your assistance and has no legislative sanction. It contains answers to the most frequently asked questions regarding election procedures, important facts candidates should be aware of and general information. It also includes some of the relevant excerpts from the *Local Authorities Election Act* and the *Municipal Government Act*. Both acts can be accessed on the Government of Alberta website at www.alberta.ca

Information Sources

“Running for Municipal Office in Alberta; A Candidate’s Guide” is attached and can also be found electronically at www.municipalaffairs.alberta.ca; Municipal Government Tab; Municipal Elections Tab.

Additional questions can also be answered by calling Alberta Municipal Affairs: 310-0000 or toll free 780-427-2225 or by email lgsmail@gov.ab.ca

Each candidate is responsible for ensuring his or her compliance with the laws governing elections and for obtaining any necessary legal advice. Please refer to specific legislation when references are made to legislation in this handbook

2022 BY-ELECTION

The Town of Legal conducts a general municipal election every four (4) years for the following municipal offices:

- Councillor (5) positions

Once the elections have been concluded, an organizational meeting will be held among the newly elected officials. Until the Mayor has been elected within the new council, the Chief Administrative Officer will chair the Organizational Meeting. Once the Mayor has taken the oath of office, the Deputy Mayor will be nominated and elected by the newly elected Members of Council.

A By-Election is held if a vacancy occurs before the term of the office expires.

All municipal elections in Alberta are conducted under the authority of the *Local Authorities Election Act*. You should be aware of the contents of this Act, as there may be severe penalties (including fines, imprisonment, and disqualification from elected office) if you are found to be in breach of its provisions.

As this information is not inclusive of all the information contained within the relevant pieces of legislation, any person wishing a complete copy of the *Local Authorities Election Act*, the *Municipal Government Act*, the *Education Act*, or any other piece of legislation should contact:

Alberta Queen's Printer
10611 – 98 Avenue
5th Floor, Park Plaza
Edmonton, Alberta T5K 2P7
Telephone: 780-427-4952
Fax: 780-452-0668
Website: www.qp.alberta.ca

Candidate Release of Information to the Public

Throughout the election campaign, the Returning Officer receives numerous requests for candidates' contact information. These come from the news media, organizers of election forums, and the public. In addition, the Deputy Minister of Municipal Affairs requires contact information for candidates.

For the Returning Officer to release contact information, candidates are asked to complete a Release of Candidate Information form and provide it to the Returning Officer along with their nomination paper. (Form 5, attached as *Appendix "B"*)

The contact information provided by candidates on this form will be released to the news media upon request and provided in response to any inquiries.

Qualification of a Candidate

Section 21 of the *Local Authorities Election Act* outlines qualification of a candidate. Generally, a person is eligible to be nominated as a candidate if on Nomination Day the person:

- is eligible to vote in that election.
- has been a resident of the Town of Legal for the 6 consecutive months immediately preceding Nomination Day of September 26, 2022; and
- is not otherwise ineligible or disqualified.

The nomination form requires the candidate to make an affidavit saying that the candidate is eligible to be elected, not disqualified from office, that the candidate will accept the office if elected and that relevant sections of the *Local Authorities Election Act* have been read and understood. The candidate must swear or affirm the affidavit before the Returning Officer or a Commissioner for Oaths.

The person who is nominated as a candidate is responsible for ensuring that the nomination filed meets the requirements of the *Local Authorities Election Act*. The Returning Officer is not responsible for reviewing the validity of information contained in nomination papers. The Returning Officer is required to refuse a candidate's nomination form if it has not been signed by the required number of eligible electors. If a nomination is challenged, the courts will assess eligibility.

Under the Criminal Code of Canada, it is an offence to make a false affidavit and it is punishable by up to two (2) years imprisonment.

Ineligibility for Nomination as a Candidate

Sections 22 and 23 of the *Local Authorities Election Act* details instances a person is not eligible to be nominated as a candidate in a general municipal election.

A person is not eligible to be nominated as a candidate in any local authority election if on Nomination Day:

- the person is the auditor for the Town of Legal;
- the person is an employee of the Town of Legal, unless on a granted leave of absence;
- the person's property taxes are more than \$50.00 in arrears;
- the person is indebted to the Town of Legal for any debt exceeding \$500 for more than 90 days; and/or
- the person has, within the previous 10 years, been convicted of an offence under the *Local Authorities Election Act*, or the *Canada Elections Act*.

As the foregoing information does not detail all instances of ineligibility, candidates are encouraged to consult the *Local Authorities Election Act*. It is the candidate's responsibility to ensure the candidate is not in violation of conditions of eligibility.

Candidates Checklist

- Learn as much as possible about the office you are interested in running for.
- Visit Municipal Affairs web site at www.alberta.ca to learn about more election information.
- Complete & submit your Nomination Paper before 12 noon of September 26, 2022.
- Provide release of Candidate Information Form to the Returning Officer on Nomination Day
- List your Official Agent information (if applicable).
- Provide all your designated Scrutineers with a signed Appointment of Scrutineer Form for use on Election Day.
- Remove all election signs within 3 days after the election.

The checklist above is intended to address some common questions raised during previous election campaign preparations. It has no legal validity and is by no means exhaustive.

Please use the *Local Authorities Election Act* to understand your duties & responsibilities.

NOMINATIONS

Nominations will be accepted from August 18, 2022 to September 26, 2022. The returning officer or substitute returning officer will accept nomination papers at the Town Office building (5021 50 Avenue) during regular office hours up until 12:00 Noon on nomination day – September 26. Nominations cannot be accepted after noon on nomination day.

Nomination Requirements

Nomination Papers:

Every nomination of a candidate, according to Section 27 of the *Local Authorities Election Act*, shall be in the prescribed form.

Required Signatures:

Your form must be signed by at least 5 people eligible to vote in the election and resident in the local jurisdiction on the date of signing the nomination. To ensure validity of nominations, a candidate may submit more than the required 5 electors' signatures. **An elector is someone who:**

- is at least 18 years old;
- is a Canadian citizen; and
- has resided in Alberta for the six (6) consecutive months immediately preceding election day and the person's place of residence is the Town of Legal on By-Election day.

The nomination shall be accompanied with a written acceptance signed in the prescribed form by the person nominated, stating:

- that the person is eligible to be elected to the office;
- the name, address, and telephone number of the person's official agent; and
- that the person will accept the office if elected.

3. Candidates Acceptance:

As a candidate you must swear or affirm that:

- You are eligible to be nominated and elected
- You are not disqualified from office
- You will accept the office if you are elected
- You have not been convicted of an offence under the *Local Authorities Election Act, the Election Act, the Canada Elections Act within the 10 previous years.*

All portions of your nomination paper must be completed, and the candidate's acceptance must be sworn or affirmed before a Commissioner for Oaths.

A Nomination Paper and Candidate's Acceptance (Form 4) can be found attached as *Appendix "A"*.

4. Nomination Deposit:

A nomination deposit is required in the amount of \$50.00, as per the Town of Legal *Deposit Accompanying Nomination Papers bylaw*. (Bylaw 08-2010) The deposit must be paid with cash, money order or certified cheque. (*Appendix "F"*)

5. Filing of Nomination:

You, or someone acting on your behalf, must submit your completed nomination paper and deposit, to the Returning Officer during office hours. Nomination Papers are accepted starting **Thursday, August 18, 2022 to Monday, September 26, 2022 (Nomination Day) closing at 12 noon**. Please call the Town Office at 780-961-3773 to book an appointment.

Ensure both forms, Form 4: Nomination Paper & Candidate's Acceptance and Form 5: Candidate Information, are filled out. Form 4: Nomination Paper & Candidate's Acceptance must be sworn or affirmed by a Commissioner for Oaths to be valid. **Faxed or electronically submitted nominations are not acceptable.**

The person who is nominated as a candidate is responsible for ensuring that the nomination filed meets the requirements of the *Local Authorities Election Act*.

After 12:00 noon on Nomination Day, a person may request to examine the filed nomination papers during regular business hours in the presence of the Returning Officer. Business hours are from 8:30 am until 4:30 pm Monday through Friday.

6. Withdrawal of Nomination

A person nominated as a candidate may withdraw as a candidate at any time during the nomination period.

Within **24 hours** after the close of the nomination period, a candidate may withdraw their nomination, provided that more than the required number of candidates has been nominated for the office the candidate is seeking. The Returning Office cannot accept a withdrawal if it would result in less than the required number of candidates for that office.

If a candidate wishes to withdraw, a written notice must be provided to the Returning Officer no later than 12:00 noon, Tuesday, September 27, 2022.

Election by Acclamation

If at the close of nominations, the number of persons nominated for any office is the same as the number required to be elected, the Returning Officer shall declare the persons nominated to be elected to the offices for which they were nominated.

CAMPAIGNING

Advertising

In accordance with Section 148(5) of the *Local Authorities Election Act*, candidates are not permitted to use a facsimile or representation of the ballot produced for election day in their advertising. The use of only the candidate's name and an "X" beside it does not constitute a form of the ballot.

Violations under Section 148 of the *Local Authorities Election Act* could result in a fine of not more than \$10,000.00 or to imprisonment for not more than 6 months or to both fine and imprisonment.

Candidate advertising on election day is not permitted inside or on the outside of a voting station. The Returning Officer or Deputy Returning Officer at the voting station will remove advertising, which contravenes Section 152 of the *Local Authorities Election Act*.

Violations under Section 152 of the *Local Authorities Election Act* could result in a fine or not more than \$500.

Placement of Signage

Election signs **do not require** a development permit from the Town of Legal.

Elections signs may be placed on private property with the permission of the landowner. For more detailed information, please see the attached "Guidelines for the Installation of Election Signs" requirements of Alberta Transportation. (*Appendix "H"*)

Campaign Contributions

In accordance with Part 5.1 of the *Local Authorities Election Act*.

Section 147 of the *Local Authorities Election Act* addresses the rules for dealing with campaign financing and disclosure. It can be accessed by visiting www.qp.alberta.ca .

The legislation is binding on all candidates running for municipal election in Alberta.

The material that follows is provided for information only. This summary is not intended to replace the candidate's responsibility for reading and understanding this legislation, or to seek appropriate legal or accounting advice from professionals as required. The candidate is responsible for ensuring that his or her campaign complies with all provincial laws.

Limitations on Contributions

147.2 (1) Only an individual ordinarily resident in Alberta may make a contribution to a candidate,

(2) No prohibited organization and no individual ordinarily reside outside Alberta shall make a contribution to a candidate,

(3) Subject to subsection (4), no individual ordinarily resident on Alberta shall contribute in any campaign period an amount that exceeds:

a) \$5000 to any candidate for election as a Councillor,

(4) A candidate may contribute an amount of up to \$10,000 that is not reimbursed to the candidate from the candidate's campaign account by the end of the campaign period to the candidate's own campaign expenses.

(4.1) Any amount paid by a candidate for campaign expenses from the candidate's own funds that is not reimbursed to the candidate from the candidate's campaign account by the end of the campaign period, including an amount referred to in subsection (4), is a contribution to the candidate's own campaign for the purposes of this Act.

Acceptance of Contributions

147.22(1) No person shall accept a contribution or incur a campaign expense unless the person has been nominated as a candidate.

(2) No candidate and no person acting for a candidate shall accept a contribution except during the campaign period.

(3) Subsections (1) and (2) do not apply to the following:

(a) a person who accepts not more than \$5000 in the aggregate per year in contributions outside the campaign period.

(b) a candidate who makes a contribution of not more than \$10 000 in the aggregate per year to the candidate's own campaign from the candidate's own funds.

Duties of Candidate

147.3 (1) A candidate shall ensure that

(a) a campaign account in the name of the candidate or the candidate's election campaign is opened at a financial institution for the purposes of the election campaign at the time of nomination or as soon as possible after the total amount of contributions first exceeds \$1000 in the aggregate.

Campaign disclosure statements

147.4 (1) On or before March 1 immediately following a general election or, in the case of a by-election, within 120 days after the by-election, a candidate shall file with the secretary of the candidate's local jurisdiction a disclosure statement in the prescribed form which must include:

- (a) the total amount of all contributions received during the campaign period that did not exceed \$50 in the aggregate from any single contributor,
- (b) the total amount contributed, together with the contributor's name and address, for each contributor whose contributions during the campaign period exceeded \$50 in the aggregate,
- (c) the total amount of money of all contributions received as referred to in section 147.22(3);
- (d) the total amount from fund-raising functions,
- (e) the total amount of other revenue,
- (f) the total amount of campaign expenses,
- (g) an itemized campaign expense report setting out the campaign expenses incurred by the candidate,
- (h) the total amount paid by the candidate out of the candidate's own funds not reimbursed from the candidate's campaign fund,
- (i) the total amount of any campaign surplus, including any surplus from previous campaigns, and
- (j) the amount of any deficit.

The prescribed form noted above is Form 26; Campaign Disclosure Statement and Financial Statement. (see *Appendix "P"*)

Campaign surplus

147.5(1) If a candidate's disclosure statement shows a surplus, the candidate, within 60 days after filing the disclosure statement with the local jurisdiction,

- a) shall, with respect to any amount that is \$1000 or more, donate an amount to a registered charity that results in the surplus being less than \$1000, and
- b) may, with respect to any amount that is less than \$1000,
 - (i) retain all or any portion of that amount, and
 - (ii) donate all or any portion of that amount to a registered charity.

(2) A candidate who donates an amount to a registered charity in accordance with subsections (1)(a) or (b)(ii) shall, within 30 days after the expiration of the 60-day period referred to in subsection (a), file an amended disclosure statement showing that the surplus has been dealt with in accordance with this section.

(3) This section applies to a candidate whether or not the candidate is elected.

ELECTION DAY

Election Day

Election Day is **Monday, October 24, 2022.**

Location

Location will be announced closer to the date

Voting

The Voting station will open at 10:00 a.m. and remain open continuously until 8:00 p.m.

The presiding deputy or another person presiding at the voting station, will immediately after the opening of the voting station, display the empty ballot box(es) to all present and then close and seal the ballot box(es). These boxes will remain closed and sealed during the hours of voting.

When the voting station is declared closed at 8:00 p.m., any elector in the voting station who wishes to vote shall be permitted to do so, but no other person shall be allowed to enter the voting station. When all the voters inside the voting station at the time the station closed have voted and left, the ballots will be counted.

Eligibility to Vote

47(1) A person is eligible to vote in an election held pursuant to the *Local Authorities Election Act* if the person:

- is at least 18 years old;
- is a Canadian citizen; and
- resides in Alberta and the person's place of residence is in the local jurisdiction on election day.

47(2) Subject to subsection (3) and sections 75, 77.1, 79, 81 and 83, an elector is eligible to vote only at the voting station for the voting subdivision in which the electors place of residence is located on election day.

The voter will take the ballot to the voting booth, mark it with an "X", and bring the ballot back to the deputy supervising the ballot box. The deputy will verify the initials and promptly deposit the ballot in the ballot box. The deputy may allow the elector to deposit the ballot into the ballot box.

The Town of Legal does not compile a voters list. Voter identification will be required. An Elector may vote after producing government issued identification containing the

elector's photograph, current address, and name, or one piece of identification authorized by the Chief Electoral Officer that establishes the elector's name and current address.

OPTION FOR OFFICIAL AGENT

An official agent and/or scrutineer is an individual appointed by the candidate to represent the candidates' interests at any voting station on Election Day. Candidates may choose to act as their own agent, but only one official agent or scrutineer can represent a candidate at any time at each voting station.

68.1(1) Each person nominated as a candidate may, on the nomination form, appoint an elector to be the candidate's official agent.

(1.1) If it becomes necessary to appoint a new official agent, the candidate shall immediately notify the Returning Officer in writing of the contact information of the new official agent.

(2) A person who has, within the previous 10 years, been convicted of an offence under the *Local Authorities Election Act*, the *Election Act*, the *Election Finances and Contributions Disclosure Act* or the *Canada Elections Act* (Canada) is not eligible to be appointed as an official agent.

(3) No candidate shall act as an official agent for any other candidate.

(4) The duties of an official agent are those assigned to the official agent by the candidate.

The official agent must present identification (Form 11 Enumerator, Candidate or Official Agent Proof of Identification for Section 52 Access), attached as *Appendix "C"*, provided by the candidate, and signed by the Returning Officer to the Deputy Returning Officer at each voting station attended.

The Returning Officer will provide the required number of Form 11, if requested by the candidate.

Campaign Worker

Section 52 of the *Local Authorities Election Act* states a person to whom an enumerator, a candidate, an official agent or a campaign worker on behalf of a candidate has produced identification in the prescribed form indicating that the person is an enumerator, a candidate, an official agent or a campaign worker shall not

- (a) obstruct or interfere with, or
- (b) cause or permit the obstruction or interference with

the free access of the enumerator, candidate, official agent, or campaign worker to each residence in a building containing 2 or more residences or to each residence in a mobile home park.

The required Campaign Worker Proof of Identification (Form 12) has been attached as *Appendix “D”*. This form, once completed, must be signed by the candidate.

Candidate’s Scrutineer

69(1) If, at any time during voting hours, a person who is at least 18 years old presents to the presiding Deputy a written notice, in a form acceptable to the Returning Officer,

(a) signed by the candidate, and

(b) stating that the person presenting the notice is to represent that candidate as the candidate’s scrutineer at the voting station, the person presenting the notice shall be recognized by the presiding Deputy as the scrutineer of the candidate.

(1.1) A person who has, within the previous 10 years, been convicted of an offence under the *Local Authorities Election Act*, the *Election Act*, the *Election Finances and Contributions Disclosure Act* or the *Canada Elections Act* (Canada) is not eligible to be recognized as a scrutineer.

(2) Before a person is recognized as a scrutineer, the person shall make and subscribe before the Presiding Deputy at the voting station a statement in the prescribed form (Statement of Scrutineer or Official Agent (Form 16) attached as *Appendix “E”*).

VOTING STATION

Voting Station Attendance

As stated in Section 69(3) of the *Local Authorities Election Act*, the presiding Deputy shall not permit a candidate to have an official agent or a scrutineer present while a candidate is present in a voting station during voting hours.

Section 69(3.1) states the presiding Deputy shall not permit a candidate to have both an official agent and a scrutineer present at the same time in a voting station during voting hours.

The same official agent or scrutineer does not have to remain at the same voting station during the whole of voting hours. Official agents and scrutineers may change voting stations throughout the day.

Section 69(5) states the presiding Deputy may designate the place or places at a voting station where a candidate, official agent or scrutineer of a candidate may observe the election procedure.

The candidate, official agent or scrutineer are not permitted to observe the marking of a ballot by an elector.

Ballot Count Attendance

Candidates, agents, or scrutineers observing the counting of ballots must be present in the voting station before 8:00 p.m., the close of voting. No one is permitted to enter the voting station after 8:00 p.m.

Candidates, official agents or scrutineers are permitted to observe the process of counting the ballots; however, Section 85(2) stipulates that only one is permitted to be present at each voting station.

Candidates, official agents or scrutineers are permitted to make objections to a ballot being counted as valid or a ballot being rejected. The Deputy records the objection.

ELECTION RESULTS

Unofficial Election Results

Following the close of voting stations at 8:00 p.m., unofficial election results will be available for the convenience of candidates and the public through the following sources:

- a) posted on the Town of Legal electronic sign on main street near the fire station.; and
- b) the Town of Legal website www.legal.ca

As it is difficult to determine when the unofficial election results will be available, your patience is requested while the election staff work towards providing the most timely and accurate results possible.

Official Election Results

At 12 noon on Friday, October 28, 2022 the Returning Officer will post the official election results at the Town Office and on the Town's website. This report will state all the votes cast for each candidate and declare which candidates have won the election. (See Section 97, *Local Authorities Election Act*)

RECOUNTS

Recounts Before Official Results

Request for Recounts must be made prior to Wednesday, October 26, 2022, 4:00 p.m. (See Section 98, *Local Authorities Election Act*)

Returning Officer Recount

On Tuesday, following election day, the Returning Officer examines the ballot account from every voting station in conjunction with the unofficial results. If there are sufficient “valid ballots objected to” or “rejected ballots other than those on which no vote has been cast” to affect the result of the election or the Returning Officer is of the opinion that there may have been an administrative or technical error that may cause an error in the count of votes, then the Returning Officer may make a recount. Candidates who may be affected by a recount will receive 12 (twelve) hours’ notice of the recount.

Candidate or Agent Recount Request

A candidate, official agent or scrutineer may make application to the Returning Officer within 44 hours (4:00 p.m. Wednesday, October 26, 2022) of the close of voting stations and no later. The application must show grounds that the Returning Officer considers reasonable for alleging that the record of the result of the count of votes at any voting station is inaccurate.

If the candidate, official agent, or scrutineer feels that a recount should be made under these circumstances, it is requested that contact be made with the Returning Officer as soon as possible.

Candidate Notification on Recount

Candidates who may be affected by a recount will receive 12 hours’ notice of the recount.

Recount Procedures

The procedure for a recount is the same as for election day. After completion of the recount, if necessary, the Returning Officer will adjust the ballot account for the voting station.

Judicial Recount

At any time within 19 days after the close of the voting stations on election day, any elector may apply to the Court by notice of motion for a recount. Sections 103 to 110 and Sections 112 to 115 of the *Local Authorities Election Act* outline the recount procedure. It is suggested that legal advice be consulted on these sections if a judicial recount request is considered, as the Town of Legal will not provide guidance on these sections of the Act.

If, under the strict examination of the Returning Officer, it is felt that circumstances warrant a recount, certain procedures are then undertaken. Information contained here outlines what may justify a recount, how to make this request, and the formal process that follows.

RULES OF RESIDENCE

Excerpts from the *Local Authorities Election Act*

For the purposes of the Local Authorities Act, the place of residence is governed by the following rules: (Sect 48)

- (a) a person may be a resident of only one place at a time for the purposes of voting under this Act;
- (a.1) if a person has more than one residence in Alberta, that person shall, in accordance with subsection (1.1), designate one place of residence as the person's place of residence for the purposes of this Act;
- (b) the residence of a person is the place where the person lives and sleeps and to which, when the person is absent, the person intends to return;
- (c) a person does not lose the person's residence by leaving the person's home for a temporary purpose.
- (d) subject to clause (e), a student who
 - (i) attends an educational institution within or outside Alberta,
 - (ii) temporarily rents accommodation for the purpose of attending an educational institution, and
 - (iii) has family members who are residents in Alberta and with whom the student ordinarily resides when not attending an educational institution is deemed to reside with those family members.
- (e) If a person leaves the area with the intention of making the person's residence elsewhere, the person loses the person's residence within the area.

ELECTED OFFICIALS

Once the official results are declared, an organizational meeting will be scheduled for the newly appointed council. The start of the meeting will be chaired by the Chief Administrative Officer (CAO). Once the Mayor has been elected, the Mayor will continue to chair the meeting. A Deputy Mayor is then elected, and official duties and responsibilities of a municipal council begin.

All elected officials must by oath, either swear or declare that they will faithfully, diligently and to the best of their ability fulfill the duties of the office to which they have been elected.

OFFICE OF MAYOR

Term of Office

The term of office for the Mayor is one (1) year.

Duties of a Mayor (Chief Elected Official)

The Mayor is the chief elected official of the Town of Legal and has duties that encompass those of both Councillor and chief elected official.

Section 153 of the Municipal Government Act outlines general duties of Councillors, which are as follows:

- consider and promote the welfare and interests of the Town of Legal;
- develop and evaluate policies and programs of the Town of Legal;
- participate in council meetings, council committee meetings and meetings of other bodies as appointed by Council;
- obtain information about the operation of administration of the Town of Legal from the Chief Administrative Officer;
- keep in confidence matters discussed in private at a council or council committee meeting until discussed at a public meeting; and
- perform any other duty or function imposed on Councillors by the Municipal Government Act, or any other enactment or by Council.

In addition to performing the duties of a Councillor, Section 154 of the Municipal Government Act outlines duties the chief elected official must:

- preside when in attendance at a council meeting unless a bylaw provides that another Councillor or other person is to preside; and
- perform any other duty imposed on a chief elected official by the Municipal Government Act or any other enactment or bylaw.

Remuneration of the Mayor

As of December 17, 2018, remuneration is \$975.00 per month. This fee is paid to cover all regular, and special and committee meetings, and shall be paid at the second regular meeting of each month. Meetings that are not considered meetings of Council shall be reimbursed at the rate of \$200.00 per full day (over 4 hours) and \$100.00 per half day (4 hours or less).

Attendance Conventions, seminars, workshops, refresher courses will be remunerated at \$200.00 per full day (over 4 hours), \$100.00 per half day (4 hours or less). \$50.00 per day for out-of-pocket expenses will be provided for overnight sessions or for full day attendance.

Please refer to the Council & Appointed Member remuneration Rates Policy for further information including expense reimbursement. (*Appendix G*).

OFFICE OF DEPUTY MAYOR

Term of Office

The term of office for a Deputy Mayor is one (1) year.

Duties of a Deputy Mayor

Section 152 of the Municipal Government Act outlines general duties of the Deputy Chief Elected Official. Generally, in the event the Mayor, through illness, absence, or other cause, is unable to perform the duties of the Mayor's office, In the absence of the Mayor, the Deputy Mayor chairs Council meetings, attends ceremonies, banquets, speaking engagements and the like. If the Deputy Mayor is not available, another member of Council may be called upon to carry out these public relation duties.

Remuneration of the Deputy Mayor

As of December 17, 2018, remuneration is \$825.00 per month. This fee is paid to cover all regular, and special and committee meetings, and shall be paid at the second regular meeting of each month. Meetings that are not considered meetings of Council shall be reimbursed at the rate of \$200.00 per full day (over 4 hours) and \$100.00 per half day (4 hours or less).

Attendance Conventions, seminars, workshops, refresher courses will be remunerated at \$200.00 per full day (over 4 hours), \$100.00 per half day (4 hours or less). \$50.00 per day for out-of-pocket expenses will be provided for overnight sessions or for full day attendance.

Please refer to the Council & Appointed Member remuneration Rates Policy for further information including expense reimbursement. (*Appendix G*).

OFFICE OF COUNCILLOR

Term of Office

The term of office for a Councillor is four (4) years with an annual organization meeting to elect a Mayor and Deputy Mayor

Number of Councillors

5 positions are available for the office of Councillor. Once the Mayor and Deputy Mayor are elected, 3 positions of Councillor remain.

Duties of a Councillor

Section 153 of the Municipal Government Act outlines general duties of Councillors, which are as follows:

- consider and promote the welfare and interests of the Town of Legal;
- develop and evaluate policies and programs of the Town of Legal;
- participate in council meetings, council committee meetings and meetings of other bodies as appointed by Council;
- obtain information about the operation or administration of the Town of Legal from the Chief Administrative Officer;
- keep matters discussed in private at a council or council committee meeting confidential until discussed at a public meeting; and
- perform other duties and functions imposed by the Municipal Government Act, or any other enactment or by Council.

Remuneration of Councillors

As of December 17, 2018, remuneration is \$825.00 per month. This fee is paid to cover all regular, and special and committee meetings, and shall be paid at the second regular meeting of each month. Meetings that are not considered meetings of Council shall be reimbursed at the rate of \$200.00 per full day (over 4 hours) and \$100.00 per half day (4 hours or less).

Attendance Conventions, seminars, workshops, refresher courses will be remunerated at \$200.00 per full day (over 4 hours), \$100.00 per half day (4 hours or less). \$50.00 per day for out-of-pocket expenses will be provided for overnight sessions or for full day attendance.

Please refer to the Council & Appointed Member remuneration Rates Policy for further information including expense reimbursement. (*Appendix G*).

GENERAL INFORMATION FOR ELECTED OFFICE

Time Commitment

The Municipal Government Act provides an outline of duties for members of Council; however, the Act does not indicate the number of hours per week members should spend in performing their duties. In fact, the number of hours per week will vary from municipality to municipality and from time to time throughout the year. The amount of time spent varies from one member of Council to another depending on the number of boards, Committees and commissions he or she represents, and the scope of work required for each one. There are certain minimum duties that need to be performed should a candidate be elected to Council. These include:

Council Orientation Training

For the new Council to become fully acquainted with the scope of the Town of Legal, an orientation will be scheduled. At the time of publication of this document, the exact date and location of Council Orientation is not yet confirmed. Potential candidates will be advised once confirmed.

Section 201 of the Municipal Government Act (MGA) states:

201.1(1) A municipality must, in accordance with the regulations, offer orientation training to each Councillor, to be held within 90 days after the Councillor takes the oath of office.

(2) The following topics must be addressed in orientation training under subsection (1):

- a) role of municipalities in Alberta;
- b) municipal organization and functions;
- c) key municipal plans, policies and projects;
- d) roles and responsibilities of council and Councillors;
- e) the municipality's code of conduct;
- f) roles and responsibilities of the chief administrative officer;
- g) budgeting and financial administration;
- h) public participation;
- i) any other topic prescribed by the regulations.

This is a comprehensive session and is a must attend as it will assist those elected in the decision-making process.

Council Meetings

Regular meetings of Council are held every first and third Monday of the month commencing at 7:00 p.m. and ending most times by 8:30 – 10:00 p.m. For the months of July and August, council meetings are reduced to 1 each month.

A Committee of Governance & Priorities (G&P) Meeting may be held periodically throughout the year.

In preparation for the meetings, an electronic agenda package is prepared for Council members and is generally available by 3:00 p.m. on the Thursday prior to the meeting to allow time for reading and reviewing the issues.

Reading and reviewing the agenda package beforehand allows members of Council to prepare for discussions of the issues at the meeting.

Organizational Meetings are held annually no later than 2 weeks after the 3rd Monday of October (per Municipal Government Act, Section 192)

Council Budget Meetings

Each year, in addition to the regular Council meetings, Council meets to review annual financial policies and resources for the upcoming fiscal year and Town department budgets. The schedule for the 2023 budget meetings will be set with the new council. An annual operating budget must be adopted by Council no later than December 31st of the preceding year in which it relates.

As well there will be several budget meetings as we move into the Fall, a Council Planning Retreat will be discussed with Council as a whole.

Committee Meetings

Annually, at the organizational meeting, Council makes appointments of members of Council to several boards, committees, and commissions. These boards, committees and commissions may be Council committees (that is, established by Town Council) or external committees (entities which are established externally but to which Council has the authority to make appointments to).

Council members are each expected to sit on several committees. The time commitment will vary depending on each committee. (*Appendix “K”*)

Alberta Urban Municipalities Association (AUMA)

AUMA was founded in 1905 and has a two-pronged mandate: as an advocate for urban Alberta municipalities and as a service provider for its members. The Town of Legal is a member of AUMA.

The mission of AUMA states that they will provide leadership in advocating local government interests to the provincial government and other organizations.

To achieve this mandate, the Association is dedicated to enhancing leadership in municipal governance by developing and maintaining responsive and professional relations with member municipalities, the provincial government, and the general public, and by providing services to member municipalities that support and strengthen their contributions to the well-being of urban communities. AUMA represents a unified voice to the provincial government on behalf of urban municipalities.

Every fall an AUMA convention is held that attracts approximately 1,200 delegates from urban councils and administration. The convention held during election years is strongly geared towards newly elected Council members. For this reason, all successful candidates are strongly encouraged to set aside time to attend this convention. The costs associated with attending this convention is provided within the municipal operating budget.

INFORMATION FROM ALBERTA MUNICIPAL AFFAIRS

Alberta Municipal Affairs hosts training sessions for prospective candidates. These sessions and the format will be announced soon. Further details will be posted on the Municipal Affairs website once training has been confirmed.

Also included in this package are several booklets published by Alberta Municipal Affairs. Much of the information has already been provided however it is advisable that these be reviewed as well.

- Candidate's Guide, Running for Municipal Office in Alberta (*Appendix "I"*)
- Municipal Councillors' Guidelines for Pecuniary Interest (*Appendix "O"*)
- What Every Councillor Needs to Know (*Appendix "N"*) (while you are not yet elected, this booklet provides excellent information on municipal operations that a candidate should be apprised of in advance of running for office).

For more information, visit <https://www.alberta.ca/municipal-elections.aspx>

TOWN OF LEGAL CODE OF CONDUCT

The Town of Legal has a Code of Conduct By-law to outline the roles and responsibilities of Council and Administration, and to clarify the expectations of each. (*Appendix "L"*)

TOWN OF LEGAL PROCEDURAL BYLAW

Every municipality adopts a procedural bylaw. This bylaw governs how Council meeting proceedings are undertaken. It is used to ensure orderly management and quality of interaction during Council meetings. (*Appendix "M"*)

DEFINITIONS

Below are some commonly used terms and their definitions as per the *Local Authorities Election Act*.

“**By-election**” means an election other than a general election or a first election;

“**Bylaw**” includes a resolution on which the opinion of the electors is to be obtained;

“**Candidate**” means an individual who has been nominated to run for election in a local jurisdiction as a councillor or school board trustee

“**Council**” means the council of a municipality as described in the *Municipal Government Act*;

“**Councillor**” means a member of council;

“**Deputy**” means the deputy returning officer;

“**Election**” means a general election, first election, by-election and a vote on a bylaw or question;

“**Election day**” means the day fixed for voting at an election;

“**Elector**” means a person eligible to vote at an election;

“**Elector register**” means the prescribed form on which the name of a person who has registered to vote is recorded;

“**General election**” means an election held for all the members of an elected authority to fill vacancies caused by the passage of time;

“**Local jurisdiction**” means a municipality or a school division as defined in the *Education Act*;

“**Nomination day**” means the day referred to in section 25 (1);

“**Nomination period**” means the relevant period referred to in section 25(2)

“**Officer**” means a returning officer or deputy;

“Official agent” means a person appointed as an official agent pursuant to section 68.1;

“Prescribed form” means the appropriate form as set out in the regulations;

“Presiding deputy” means a deputy who has been appointed as a presiding deputy pursuant to section 14, by a returning officer;

“Returning officer” means a person appointed under this Act as a returning officer and includes a person acting in the returning officer’s place;

“Scrutineer” means a person recognized as a scrutineer pursuant to section 69 or appointed pursuant to section 70;

“Spoiled ballot” means a spoiled ballot as described in section 65;

“Voting station” means the place where an election votes.

APPENDIXES

- “A” Nomination Paper and Candidate’s Acceptance (Form 4)
- “B” Candidate Financial Information (Form 5)
- “C” Official Agent Proof of Identification for Section 52 Access (Form 11)
- “D” Campaign Worker Proof of Identification (Form 12)
- “E” Statement of Scrutineer or Official Agent (Form 16)
- “F” Deposit Accompanying Nomination papers (Bylaw 08-2010)
- “G” Council & Appointed Member Remuneration Rates (Policy 5.0)
- “H” Alberta Transportation Guidelines for the Installation of Election Signs
- “I” A Candidates Guide – Running for Municipal Office in Alberta
- “J” 2022 Council Meeting Dates Calendar
- “K” List of Town Committees
- “L” Council Code of Conduct (Bylaw 03-2018)
- “M” Town of Legal Procedural Bylaw (Bylaw 05-2020)
- “N” What Every Councillor needs to know Handbook
- “O” Pecuniary Interest for Municipal Councillors
- “P” Campaign Disclosure Statement & Financial Statement (Form 26)

Nomination Paper and Candidate's Acceptance

Local Authorities Election Act
 (Sections 12, 21, 22, 23, 27, 28, 47,
 68.1, 151, Part 5.1)
Education Act (Sections 4(4), 74)

Note: The personal information on this form is being collected to support the administrative requirements of the local authorities election process and is authorized under sections 21 and 27 of the *Local Authorities Election Act* and section 33(c) of the *Freedom of Information and Protection of Privacy Act*. The personal information will be managed in compliance with the privacy provisions of the *Freedom of Information and Protection of Privacy Act*. If you have any questions concerning the collection of this personal information, please contact

 Title of the Responsible Official Business Phone Number

LOCAL JURISDICTION: Town of Legal, PROVINCE OF ALBERTA

We, the undersigned electors of Town of Legal, nominate
 Name of Local Jurisdiction and Ward (if applicable)

 Candidate Surname Given Names of

 Complete Address and postal code as a candidate at the election

about to be held for the office of _____
 Office Nominated for

of _____
 Name of Local Jurisdiction

Signatures of at least **5 ELECTORS ELIGIBLE TO VOTE** in this election in accordance with sections 27 and 47 of the *Local Authorities Election Act* and sections 4(4) and 74 of the *Education Act* (if applicable). If a city or a board of trustees under the *Education Act* passes a bylaw under section 27(2) of the *Local Authorities Election Act*, then the signatures of up to 100 electors eligible to vote may be required.

Printed Name of Elector	Complete Address and Postal Code of Elector	Signature of Elector

Candidate's Acceptance

I, the above named candidate, solemnly swear (affirm)

- THAT I am eligible under sections 21 and 47 (and section 12, in the case of summer villages) of the *Local Authorities Election Act* and sections 4(4) and 74 of the *Education Act* (if applicable) to be elected to the office;
- THAT I am not otherwise disqualified under section 22 or 23 of the *Local Authorities Election Act*;
- THAT I will accept the office if elected;
- THAT I have read sections 12, 21, 22, 23, 27, 28, 47, 68.1, and 151 and Part 5.1 of the *Local Authorities Election Act* and sections 4(4) and 74 of the *Education Act* (if applicable) and understand their contents;
- THAT I am appointing

Name, Contact Information or Complete Address and Postal Code and Telephone Number of Official Agent (if applicable)

as my official agent.

- THAT I will read and abide by the municipality's code of conduct if elected (if applicable); and
- THAT the electors who have signed this nomination paper are eligible to vote in accordance with the *Local Authorities Election Act* and the *Education Act* and resident in the local jurisdiction on the date of signing the nomination.

Print name as it should appear on the ballot

Candidate's Surname

Given Names (may include nicknames, but not titles, i.e., Mr., Ms., Dr.)

SWORN (AFFIRMED) before me

at the _____ of _____,

in the Province of Alberta,

this _____ day of _____, 20 _____.



Candidate's Signature

Signature of Returning Officer or Commissioner for Oaths
or Notary Public in and for Alberta
(Also include printed or stamped name and expiry date)

Commissioner for Oaths Stamp



RETURNING OFFICER'S ACCEPTANCE

Returning Officer signals acceptance by signing this form:

Signature of Returning Officer

**IT IS AN OFFENCE TO SIGN A FALSE AFFIDAVIT OR A FORM THAT
CONTAINS A FALSE STATEMENT**

Candidate Financial Information

Local Authorities Election Act
(Section 27)

Note: The personal information on this form is being collected to support the administrative requirements of the local authorities election process and is authorized under section 27 of the *Local Authorities Election Act* and section 33(c) of the *Freedom of Information and Protection of Privacy Act*. The personal information will be managed in compliance with the privacy provisions of the *Freedom of Information and Protection of Privacy Act*. If you have any questions concerning the collection of this personal information, please contact

_____ Title of the Responsible Official Business Phone Number _____

Candidate's Full Name _____

Candidate's Address and Postal Code _____

Address(es) of Place(s) where Candidate Records are Maintained _____

Name(s) and Address(es) of Financial Institutions where Campaign Contributions will be Deposited (if applicable)

Name(s) of Signing Authorities for each Depository Listed Above (if applicable)

Where there is any change in the above mentioned information, the candidate shall notify the local jurisdiction in writing within 48 hours of such changes by submitting a completed information form.

**Enumerator, Candidate or Official Agent Proof
of Identification for Section 52 Access**

Local Authorities Election Act
(Section 52)

LOCAL JURISDICTION: _____, PROVINCE OF ALBERTA

ELECTION DATE: _____

VOTING SUBDIVISION OR WARD (If Applicable): _____

For the purposes of access authorized under section 52 of the *Local Authorities Election Act*, this
constitutes as identification for _____

Name

of _____
Complete Address and Postal Code

serving in the capacity of _____
Office

This appointment is in effect for the 20 ____ campaign period.

Section 52 of the *Local Authorities Election Act* states that a person to whom an enumerator, a candidate, an official agent or a campaign worker on behalf of a candidate has produced identification in the prescribed form, indicating that the person is an enumerator, a candidate, an official agent or a campaign worker shall not

- (a) obstruct or interfere with, or
- (b) cause or permit the obstruction or interference with

the free access of the enumerator, candidate, official agent or campaign worker to each residence in a building containing 2 or more residences or to each residence in a mobile home park.

Signature of Returning Officer or Deputy Returning Officer

Signature of Enumerator, Candidate, or Official Agent Named Above

Campaign Worker Proof of Identification

Local Authorities Election Act
(Section 52)

LOCAL JURISDICTION: _____, PROVINCE OF ALBERTA

ELECTION DATE: _____

VOTING SUBDIVISION OR WARD (If Applicable): _____

For the purposes of access authorized under section 52 of the *Local Authorities Election Act*, this constitutes identification for _____

Name

of

_____ Complete Address and Postal Code

serving in the capacity of

_____ Office

This appointment is in effect for the 20____ campaign period.

Section 52 of the *Local Authorities Election Act* states that a person to whom an enumerator, a candidate, an official agent or a campaign worker on behalf of a candidate has produced identification in the prescribed form, indicating that the person is an enumerator, a candidate, an official agent or a campaign worker shall not

- (a) obstruct or interfere with, or
- (b) cause or permit the obstruction or interference with

the free access of the enumerator, candidate, official agent or campaign worker to each residence in a building containing 2 or more residences or to each residence in a mobile home park.

Candidate's Signature

Campaign Worker's Signature

Statement of Scrutineer or Official Agent

Local Authorities Election Act
(Sections 16(2), 68.1, 69, 70)

Note: The personal information on this form is being collected to support the administrative requirements of the local authorities election process and is authorized under sections 16(2), 68.1, 69 and 70 of the Local Authorities Election Act and section 33(c) of the Freedom of Information and Protection of Privacy Act.

Title of the Responsible Official Business Phone Number

LOCAL JURISDICTION: _____, PROVINCE OF ALBERTA

ELECTION DATE (OR VOTE ON A BYLAW OR QUESTION): _____

I, _____,
Name of Scrutineer or Official Agent

of _____
Complete Address and Postal Code

in the Province of _____, am at least 18 years of age and,
Name of Province

(a) For the purposes of an election, will act as scrutineer on behalf of _____
Name of Candidate
for the office of _____
Office for which Candidate was Nominated

OR

(b) For the purposes of a vote on a bylaw, will act as scrutineer for those persons who are interested in

(Check [✓] One) [] promoting the passing of Bylaw No. _____

[] opposing the passing of Bylaw No. _____

OR

(c) For the purposes of a vote on a question, will act as scrutineer on behalf of those persons who are interested in

(Check [✓] One) [] voting in the positive on the question set out.

[] voting in the negative on the question set out.

AND I will in all respects maintain and aid in maintaining the absolute secrecy of the vote.

Signature of Scrutineer or Official Agent

IT IS AN OFFENCE TO SIGN A FALSE STATEMENT

BY-LAW 08-2010
DEPOSIT ACCOMPANYING NOMINATION PAPER
TOWN OF LEGAL, ALBERTA

BY-LAW 08-2010, BEING A BY-LAW OF THE TOWN OF LEGAL, TO AUTHORIZE THE COUNCIL OF THE TOWN OF LEGAL TO REQUIRE THAT EVERY NOMINATION FOR COUNCIL IN ANY MUNICIPAL ELECTION BE ACCOMPANIED BY A DEPOSIT.

WHEREAS, Section 29(1) of the Local Authorities Election Act, Chapter cL-22 s29 R.S.A., 2000 allow that an elected authority may by by-law require that every nomination be accompanied by a deposit in the amount fixed in the by-law; and

WHEREAS, Section 29(2) of the Local Authorities Election Act, Chapter cL-21 s29 R.S.A., 2000 indicates that the amount fixed in a by-law may not exceed \$100; and

WHEREAS, The Town of Legal Council deem it to be expedient and proper to impose a deposit;

NOW THEREFORE BE IT RESOLVED, that:

- 1 A fee of \$50.00 shall be required to accompany every nomination for elected office in the Town of Legal.
- 2 The deposit shall accompany the nomination paper when filed and shall be provided in cash, by certified cheque or cash order or by money order.
- 3 The candidate's deposit shall be returned to him
 - a) if he is declared elected,
 - b) if he obtains a number of votes at least equal to 1/2 of the total number of votes cast for the candidate elected with the least number of votes, or
 - c) if he withdraws his name as a candidate in accordance with Section 32.

1 If a candidate dies before the closing of the voting stations on Election Day, the sum deposited by him shall be returned to his estate.

2 If a candidate does not obtain the number of votes described in subsection (2) (b), the deposit shall be paid into the general revenue of the local jurisdiction for which the deposit requirement has been established.

This by-law shall take effect on the day of the final reading thereof.

READ a first time this ~~19th~~ day of July 2010, A.D.

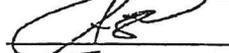


Mayor



Chief Administrative Officer

READ a second time this 19th day of July 2010, A.D.



Mayor

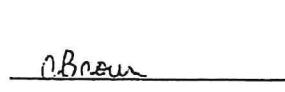


Chief Administrative Officer

READ a third time and finally passed this 19th day of July 2010, A.D.



Mayor



Chief Administrative Officer

**TOWN OF LEGAL
POLICY**

EFFECTIVE DATE	REVISED DATE	PURPOSE OF REVISION	MOTION #	POLICY #
January 1, 2007	December 20, 2010		#8429	5.0
	July 18, 2011		#8600	
	February 2012		#8723	
	September 4, 2012	Proposed	#8844	
	September 17, 2012	Defeated	#8851	
	March 18, 2013	Resolution of Council	#8966	
	February 2014		#9192	
	November 2, 2015		#9661	
	December 17, 2018	Increase Council monthly Remuneration, addition of Cost of Living Adjustment, removal of Fire Chief Remuneration	#10448	
	October 7, 2019	Added Fire Chief Remuneration	#10642	

TITLE:

Remuneration - for Mayor, Council, Fire Chief, Staff, Management and individuals approved by the CAO.

Per Diem – for Mayor, Council, Fire Chief, Staff, Management and individuals approved by the CAO for Conventions, Workshops, Seminars, Refresher Courses, and Out of Town meetings.

PURPOSE OF THIS POLICY:

To establish Remuneration Fees for Mayor, Council, Fire Chief, Staff, Management for Regular and Special Council Meetings, Committee of the Whole Meetings, Council appointed/Committee Meetings, Town/Community functions and events, training sessions, workshops, conventions, refresher courses, seminars, out of town meetings,

To establish Remuneration Fees for individuals that are requested to attend training sessions and workshops that are deemed to have a direct benefit to the operation of the Town approved by the CAO.

To establish Per Diem Fees for Mayor, Council, Staff, Management, approved individuals, office expense allowance, transportation, accommodations and travel.

POLICY STATEMENT:

MONTHLY REMUNERATION (Mayor & Council):

Regular monthly allowance (base salary) be paid to members of Council would be:

Mayor Monthly Fee: \$ 975.00
Deputy Mayor Monthly Fee: \$ 825.00
Councillor Monthly Fee: \$ 825.00

The monthly remuneration would mean all in-inclusive non-accountable amounts provided to

Council members for their time and service with respect to attending Municipal matters. These matters shall include:

- Dealing and responding to public concerns for citizens, clubs, organizations, businesses, etc.
- Attendance at Regular Council meetings scheduled on the 1st and 3rd Monday of each month unless otherwise stated by Council Resolution
- Attendance at Special Council meetings scheduled as required
- Administration Briefing Meetings requested by the CAO
- Attendance of Council appointed board/committee meetings *less than one hour* duration hosted in Legal
- Attendance at meetings/functions *less than one hour* duration hosted in Legal for the purpose of conducting Town business or representing the Town.
- Scheduled and non-scheduled meetings with CAO
- Signing of cheques and documents (letters, agreements, proclamations)
- Attendance of Volunteer Appreciation, Meet Your Community, Remembrance Day, Fete au Village, Family Day, Christmas Festival
- Notification of absences of any scheduled meeting be given to the Mayor and CAO respectively. If a member of Council is away for two (2) consecutive regular Council meetings (whether it falls in one month or two month period) excluding the months of July and August, members of Council will not be entitled to and will lose 100% of one month's honorarium.
- If a council member is absent from a scheduled meeting due to emergency reasons (personal sickness, sickness of a family member, death of an immediate family member, work related emergency) the above will not take effect and that council will not lose one month honorarium. Any other extenuating circumstances, the Council member shall notify the CAO and the CAO will bring the matter to Council. Council will determine if the absenteeism is warranted.
- Councillors and Mayor will be allowed one-month sick leave without loss of monthly honorarium with approval of Council.

Monthly payments are processed through the payroll schedule of the Town of Legal to members of Council on the 3rd Monday of the month.

REMUNERATION FEES FOR CONVENTIONS, SEMINARS, WORKSHOPS, REFRESHER COURSES & OUT OF TOWN MEETINGS

Mayor & Council

Expense claims will be paid a Remuneration Fee of \$100.00 per half day (under 4 hours including travel time), \$200.00 per full day (over 4 hours including travel time).

All Council members may attend the annual AUMA Convention the year they are newly elected. The subsequent years (second, third and fourth year of office) three (3) council members and the

CAO may attend the AUMA conference.

When the annual Federation of Canadian Municipalities (FCM) Conference is held in Alberta, all Council members are entitled to attend. If the annual Federation of Canadian Municipalities (FCM) Conference is held out of province, the Mayor or one Councillor and the CAO will be entitled to attend. If the CAO is unable to attend, a council member will be entitled to attend in his/her place. The Mayor will determine the rotation for attendance at the out of province FCM Conference. The attendance will be subject to the availability of budget funds. Pre-authorization for attendance to the AUMA and FCM conference will require a resolution of Council.

Council members that attend golf tournaments representing the Town of Legal shall be entitled to remuneration. Representation must be approved by Council.

Staff & Management and approved individuals

Staff, Management and individuals (approved by the CAO) that are requested to attend conventions, seminars, refresher courses, training sessions and workshops are entitled to \$200.00 per full day (over 4 hours including travel time), \$100.00 per half day (under 4 hours including travel time) should the event occur on a regular day off.

If the event occurs after the regular shift on a working day, \$200.00 shall be paid if over 4 hours including travel time and \$100.00 if 4 hours or less including travel time.

Attendance at Meetings (Staff & Management)

All staff shall be paid a remuneration fee of \$100.00 for each Special and Regular meeting of Council attended or other meetings attended at the request of Council and/or Management. Notwithstanding the above, management are not eligible to receive the \$100.00 Remuneration Fee for Regular and Special meetings of Council.

Fire Chief

Shall be paid an annual amount of \$1000.00 in December. If the individual is required by the Town to attend a meeting or training session, the individual shall be reimbursed at the rate of 100.00 per half day (4 hours or less) or \$200.00 per full day (over 4 hours).

Town Employees (optional)

Employees that serve on the Fire Department shall be paid an annual fee of \$850.00. \$425.00 shall be paid in June and \$425.00 shall be paid in December of each year. Should the employee vacate, terminate or cease employment with the Town, the annual fee will be pro-rated accordingly.

It is understood that this fee is to include time and expenses for attendance of meetings and courses outside regular working hours and is intended to ensure effective, well trained response personnel. The Town of Legal shall be responsible for registration fees only on the successful completion of any

required courses.

Cost of Living Adjustment (COLA)

An annual cost of living increase will be applied to the Mayor, Council and all employees to account for inflation and other increases in cost of living and ensure the Mayor, Council and all employees can maintain a quality standard of living and competitive with other municipalities. Cost of Living Adjustment to be determined annually by Council.

PER DIEM FEES

Mayor & Council

Per Diem Fees will be paid to members of Council based on the daily attendance at conventions, seminars, workshops, educational sessions and meetings which are held out of town.

\$50.00 per day for out of pocket expenses (such as meals) will be reimbursed for overnight sessions or for full day attendance (over 4 hours). Receipts are not required.

Reimbursement for parking fees shall be included on the monthly council expense sheets accompanied by a receipt.

Staff & Management and approved individuals

Per Diem paid to staff, management and individuals (approved by CAO) will be based on the daily attendance at conventions, seminars, workshops, educational sessions and meetings which are held out of town.

\$50.00 per day for out of pocket expenses (such as meals) will be reimbursed for overnight sessions or for full day attendance (over 4 hours). Receipts are not required.

Reimbursement for parking fees shall be included on the expense sheet accompanied by a receipt.

OFFICE EXPENSE ALLOWANCE

Mayor & Council

The Town will purchase and supply to each Council member a laptop or tablet solely for conducting Town business. The device will be maintained by the Town and at the end of the Council term the device will remain the property of the Town.

TRANSPORTATION (Mayor, Council, Staff & Management & approved individuals)

Mayor, Council, Staff, Management and approved individuals shall be reimbursed for the use of their personal vehicle to and from out of Town conventions, seminars, workshops, refresher courses, meetings at a rate as per attached "Schedule A". Any other mode of transportation (plane, car rental)

will require Council approval.

The Mayor, Councillors, Staff, Management and approved individuals are encouraged to car pool to Out of Town related functions, providing there is sufficient room in the vehicle to travel comfortably and scheduling coincides. Should Council member, management or staff decide not to carpool for the intention of extending the stay for personal reasons; mileage will be paid for travelling one way only. When car-pooling is available and a Council member, management or staff prefers not to carpool, mileage will be paid for travelling one way only.

ACCOMMODATIONS (Mayor, Council, Staff, Management and approved individuals)

When accommodations are required, it is recognized and assumed that Elected Officials, management, staff or approved individuals will stay at the designated hotels which have the negotiated preferred rates. If that option is not available, a single, standard room would be booked. Any extra costs associated with accommodations including; alcohol, room service, movies, personal travel taken during or after business trip, spouse's expenses if accompanying employee on trip, traffic citations (parking ticket or fines), massage services, hotel gym, sauna facilities, laundry services (unless in excess of 5 days which may warrant the use of laundry services) are not eligible and will not be reimbursed by the Town. All reservations will be booked through administration.

“Schedule A” – Policy #5.0

Price of Gasoline

Kilometre Rate

.64-.669	0.36
.67-.699	0.37
.70-.729	0.38
.73-.759	0.39
.76-.789	0.40
.79-.819	0.41
.82-.849	0.42
.85-.879	0.43
.88-.909	0.44
.91-.939	0.45
.94-.969	0.46
.97-.999	0.47
1.00-1.029	0.48
1.03-1.059	0.49
1.06-1.089	0.50
1.09-1.119	0.51
1.12-1.149	0.52
1.15-1.179	0.53
1.18-1.209	0.54
1.21-1.239	0.55
1.24-1.269	0.56
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1.54-1.569	0.66
1.57-1.599	0.67
1.60-1.629	0.68
1.63-1.659	0.69
1.66-1.689	0.70
1.69-1.729	0.71
1.73-1.759	0.72
1.76-1.789	0.73
1.79-1.819	0.74
1.82-1.849	0.75

Sign Removal

All election signs must be removed three days after the election. The removal shall include the sign panel, supporting structure and any tie wiring used to install and support the sign.

When the removal of an election sign is necessary due to safety or operational concerns, the appropriate Alberta Transportation district office will notify the responsible campaign office to take the required action. Failure to respond within the specified time will result in the sign being removed. Signs will be stored at the nearest highway maintenance facility or Alberta Transportation district office. The campaign office will be notified to arrange to have the signs picked up.

Signs that pose immediate hazard to the public will be removed immediately by Alberta Transportation's highway maintenance contractors without notification.

Alberta Transportation is not responsible for any signs damaged during the removal process. The campaign office is responsible for installing and removing election signs.

For more information contact the nearest Alberta Transportation district office.

Athabasca District Office
Unit #2, Jewell Building, 3603 - 53rd Street T9S 1A9
Phone: 780-675-2624 Fax: 780-675-5855
transdevelopmentathabasca@gov.ab.ca

Calgary District Office
2nd Floor, Willowden Business Park, 803 Manning Road N.E. T2E 7M8
Phone: 403-297-6311 Fax: 403-297-7662
transdevelopmentcalgary@gov.ab.ca

Edson District Office
Rm. 202, 111 - 54th St., Edson T7E 1T2 Phone: 780-723-8250 Fax:
780-723-8387
transdevelopmentedson@gov.ab.ca

Fort McMurray District Office
6th Floor, West Tower, Box 9, 9915 Franklin Ave. Fort McMurray T9H 2K4
Phone: 780-743-7376 Fax: 780-743-7215
Application, Permit, FM@gov.ab.ca

Grande Prairie District Office
1401, Provincial Bldg., 10320 99th St. Grande Prairie T8V 6J4
Phone: 780-538-5310 Fax: 780-538-5384
transdevelopmentgrandeprairie@gov.ab.ca

Hanna District Office
P.O. Box 1300, Hanna T0J 1P0
Phone: 403-854-5550 Fax: 403-854-3086
transdevelopmenthanna@gov.ab.ca

Lethbridge District Office
3rd Flr, Admin. Bldg., 909 3rd Ave. N., Lethbridge T1H 0H5
Phone: 403-381-5426 Fax: 403-382-4057
transdevelopmentlethbridge@gov.ab.ca

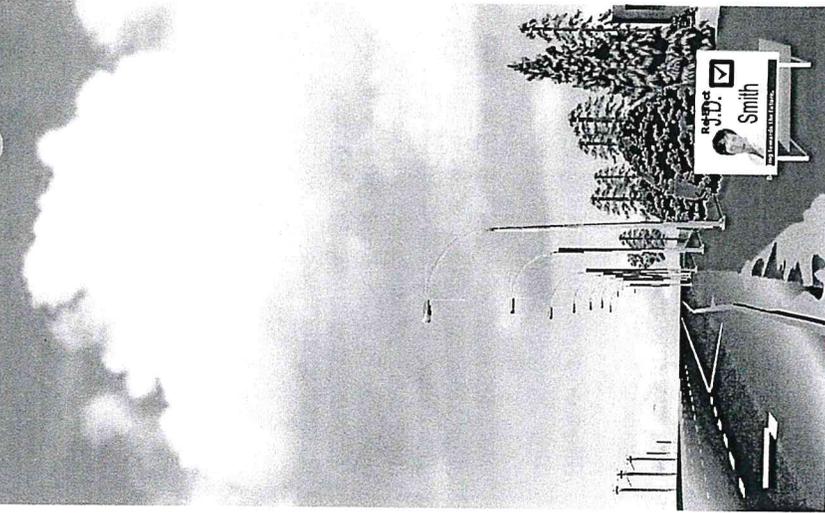
Peace River District Office
Bag 900, Box 29, 9621 96 Ave., 3rd Floor Peace River T8S 1T4
Phone: 780-624-6280 Fax: 780-624-2440
transdevelopmentpeacerever@gov.ab.ca

Red Deer District Office
401, 4920 - 51st St, Red Deer T4N 6K8 Phone: 403-340-5166 Fax:
403-340-4876
transdevelopmentreddee@gov.ab.ca

Stony Plain District Office
Rm. 223, Provincial Bldg., 4709 44th Ave. Stony Plain T7Z 1N4
Phone: 780-963-5711 Fax: 780-963-7420
transdevelopmentstonyplain@gov.ab.ca

Vermilion District Office
Box 28, 4701-52nd St., Vermilion T9X 1J9 Phone: 780-853-8178
Fax: 780-853-8270
transdevelopmentvermilion@gov.ab.ca

Guidelines for the Installation of Election Signs



Election Signs Guidelines

Those installing election signs on Alberta highways need to follow these guidelines:

1. For signs located within highway rights-of-way, the maximum sign size will be one and a half square metres. There is no size restriction for signs located on private property.
2. Election signs are temporary signs and are only permitted from the date the election is called until three days after the election.
3. Signs of the following types will not be allowed:
 - signs that display an intermittent flashing, rotating or moving light
 - signs that are floodlit which could cause visual distractions to the motoring public
 - signs that have any moving or rotating parts
 - signs that imitate the wording of a standard or commonly used highway traffic sign, such as stop, stop ahead or yield.
 - signs that imitate or resemble the visual appearance of a traffic control device (e.g., stop sign).

If a sign is in contravention of these guidelines, a peace officer or a person authorized by the road authority may, without notice or compensation, remove the sign, and may enter onto privately owned land to do so.

Location Guidelines

In general, election signs shall be placed as far from the shoulder line as practical, always allowing the travelling public to have an unobstructed view of the roadway.

The following shall be considered when placing election signs.

- Signs must be placed no closer than two metres from the edge of pavement (or, in the case of gravel roads, no closer than two metres from the shoulder of the road).
- During winter conditions, there is a high probability that signs less than six metres from the road will be either covered with snow or damaged during snow removal and sanding operations.
- No election signs will be allowed within the median of a divided provincial highway.
- No election signs shall be mounted on highway signs or sign posts. These signs will be removed immediately.
- No election signs shall be placed in or within 500 metres of construction zones.
- No election signs shall be placed that obstruct a motorist's view of an intersection in an urban area or within 250 metres of an intersection in a rural area.

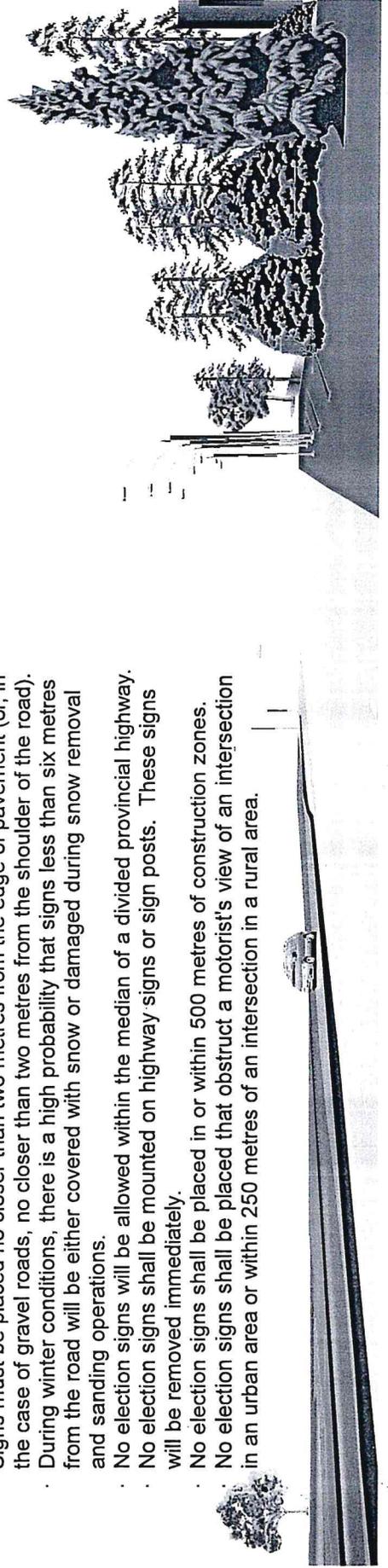
Safety Precautions

Those installing election signs must use safety precautions to ensure their safety and prevent driver distraction.

All persons working near the highway shall wear reflective vests and bright clothing.

Election signs shall be installed during daylight hours only.

Vehicles used for transporting election signs must be parked so as to minimize the impact to the travelling public (preferably on an approach), as far as possible from the travel lanes, and have four-way hazard warning signals operating at all times.



Running for Municipal Office in Alberta

A Guide for Candidates

Alberta Municipal Affairs

Updated 2017

Alberta Municipal Affairs

Running for Municipal Office in Alberta

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Introduction

This guide is designed to give prospective candidates an understanding of the process and legislative requirements for running for municipal office in Alberta.

This guide has no legislative sanction and therefore we recommend that you obtain a copy of the *Local Authorities Election Act* and other relevant statutes and regulations.

Local Authorities Election Act

The *Local Authorities Election Act (LAEA)* is the primary legislation that guides the conduct of a municipal or school board election or by-election. Copies can be obtained through the Alberta Queen's Printer, <http://www.qp.alberta.ca>, 780-427-4952.

All definitions, procedures and processes outlined in this guide are from the *LAEA*. Should you require further clarification on any definitions, procedures, or processes you are encouraged to review and consult the *LAEA*, ask the returning officer in your municipality, call a Municipal Advisor, or seek an independent legal opinion.

All forms, including the notice of intent to run, nomination form and candidate's acceptance, and campaign disclosure statement can be found on the Alberta Municipal Affairs website, or by contacting your municipality.

Municipal Government Act

The *Municipal Government Act (MGA)* is the primary legislation that governs municipalities. Copies can be obtained through the Alberta Queen's Printer, <http://www.qp.alberta.ca>, 780-427-4952.

Candidate Registration, Contributions & Expenses

Candidates are strongly encouraged to read and understand Part 5.1 of the *Local Authorities Election Act* as it pertains to Municipal Election Finance and Contribution Disclosure

Candidate Registration

LAEA s. 147.21

Beginning in 2014, candidates **may not** accept campaign contributions, including their own funds, unless they are registered with the municipality in which they intend to run. It is very important that candidates check with their municipality to learn where to find the registration information and how to become registered prior to accepting any campaign contributions.

If a candidate has funded their campaign exclusively from their own funds, up to \$10,000, they are not required to register with the municipality.

For more information about registering as a candidate you are encouraged to speak with the returning officer or chief administrative officer in your municipality. The municipality will have the required forms that you will need to complete.

Contributions and Expenses

What are allowable campaign expenses?

LAEA s. 118

The payments of the following expenses, related to the election campaign, are not considered a contravention of the legislation:

- Your personal expenses;
- Cost of acquiring premises, accommodation, goods or services for proper election campaign expenses;
- Payments for the costs of printing and advertising;
- Reasonable payment to any person for the hire of transportation used by a candidate or speakers in travelling to and from public meetings or by any person in connection with and for the proper purposes of an election.

Candidate Self-funded Contributions

LAEA s. 147.1

A candidate may entirely self-fund their campaign up to and including \$10,000. If a candidate self-funds their campaign, there is no need for the candidate to open a bank account specifically for campaign contributions.

LAEA s. 147.2

Contributions to Candidates

Candidates may accept contributions from any person, corporation, trade union or employee organization up to \$5,000.

A candidate must open a bank account in the name of the candidate or in the name of the campaign as soon as possible after the amount of contributions exceeds \$5000 in the aggregate **or** the amount of contributions and any amount of the candidate's own funds exceeds \$5,000.

It is important to know that contributions of real property, personal property, goods and services have a value. Receipts must be issued for every contribution received and be obtained for every expense throughout the duration of the campaign.

All campaign records of contributions and expenses should be kept for a minimum of two (2) years following the general election.

Anonymous & Ineligible Contributions

If a candidate receives an anonymous contribution, the candidate must return the contribution to the contributor immediately (if the identity of the contributor is known) or pay the total contribution to the municipality.

Before You File Your Nomination Paper

This section provides a brief overview of what to take into consideration prior to running for municipal office.

Are you Qualified?

LAEA s. 21(1)

To become a candidate you must be at least 18 years of age on nomination day, a Canadian citizen, and you must have been a resident of the local jurisdiction for the 6 consecutive months immediately preceding Nomination Day.

Qualification Requirements in a Ward System

In a municipality with a ward system, you must be a resident of the ward or the electoral division in which you intend to run for the 6 consecutive months immediately preceding nomination day.

Qualification Requirements in a City with a Ward System

In a city with a ward system, it is required that you have been a resident of the city for 6 months immediately preceding nomination day, not necessarily the ward in which you wish to run.

Qualification Requirements in a Summer Village

LAEA s. 12

In a summer village, you must meet the requirements for eligibility to vote in the election and have been a resident of Alberta for the 12 consecutive months immediately preceding Election Day.

Note: Nomination Day is 4 weeks prior to Election Day, unless a municipality has passed a bylaw under section 11(2) of the *Local Authorities Election Act*.

In the case of a general election, Election Day occurs on the 3rd Monday of October every 4 years. In the case of a by-election, Election Day will be set through a resolution of council.

In the case of a summer village, nomination day must occur in June and/or July and Election Day occurs 4 weeks following nomination day. Nomination day is set by council resolution.

Ineligibility for Nomination

You are **not** eligible to become a candidate under any of the following circumstances:

- if you are the auditor of the municipality;
- if your current property taxes are more than \$50 in arrears;
- if you are in default for any other debt to the municipality in excess of \$500 for more than 90 days; or
- if within the previous 10 years you have been convicted of an offense under the *Local Authorities Election Act*, or the *Canada Elections Act*.

If you are a judge, Member of Parliament, Senator, or Member of the Legislative Assembly, you must resign that position before you take office as a member of council.

If a person failed to comply with the requirements in the *LAEA* as they relate to campaign finance and disclosure and the secretary (chief administrative officer) transmitted a report in respect to that person, and/or the Court did not dispense with, or extend the time for compliance with respect to campaign finance and disclosure, a person is deemed to be ineligible. A person is deemed to be ineligible under these circumstances for either an 8 year period following the day that a report was transmitted by the secretary, or a 3 year period following the day the disclosure statement was filed with the municipality (which ever period expires first).

NOTE: If you are a municipal employee and you wish to run for municipal office, you must take a leave of absence as outlined in the *LAEA*. You may notify your employer on or after July 1 in the election year (on or after the day council passes a resolution setting Election Day in the case of a by-election) but before the last working day prior to Nomination Day.

Other Considerations

Time Commitment

The demands on your time while being an elected official will be heavy. You will be elected for a four-year term of office and during that time you will be required to attend:

- regular and special meetings of council;
- council committee meetings;
- meetings of other boards and agencies to which you are appointed as a council representative;
- conferences, conventions, seminars and workshops for training and discussion; and
- other events promoting your municipality.

Time must also be spent reading agenda material and talking with residents, the chief administrative officer (CAO) and other relevant stakeholders. This will all be part of the necessary preparation for meetings so that you can make informed decisions.

Remuneration

Elected officials generally receive remuneration or other financial compensation for the time and energy they have devoted to their community. The remuneration varies in each municipality, so check with your local municipal office to find out about remuneration for elected officials in your jurisdiction.

Roles and Responsibilities of an Elected Official

As a member of council you will have the opportunity to significantly influence the future of your community. Your effectiveness as a member of council depends on your ability to persuade the other members of council to adopt and support your view. Decisions of council may only be made by resolution or bylaw and must be made at public meetings, at which a quorum is present.

As an individual member of council you will not have the power to commit your municipality to any expenditure or to direct the activities of the municipal employees. Any promise you make as a part of your election campaign that involves municipal expenditures or the activities of the employees can only be carried out if you can convince a majority of council that it is a good idea.

The Canadian Constitution delegates responsibility for municipal institutions to the provinces. Through a variety of legislation, the Alberta Legislative Assembly has delegated some of its authority to municipal councils. The legislation you will refer to most often is the *Municipal Government Act*.

In accordance with the *Municipal Government Act*, a municipal council may pass legislation in the form of municipal bylaws. These bylaws remain in effect until they are amended or repealed. You will not be starting with a blank slate and creating your ideal municipality from scratch. If you are running with some kind of reform in mind, you will have to become familiar with what exists, how it has been created – by bylaw, resolution or policy – and why it exists before you will be able to start discussing your changes.

Municipalities often make local bylaws available to the public through their municipal websites.

Administration of a Municipality

As a member of council, it will be your duty to **establish** policy for your municipality. It is the job of the administration to **implement** the policy direction. Alberta municipalities have competent and dedicated administrators. The chief administrative officer is the only employee of Council, and you will rely on the support, advice, and assistance of your CAO if you are to be an effective member of council. The CAO's training, experience, and understanding of how and why things have developed the way they have will be an important resource for you.

How Else Can I Prepare?

The best way to find out what the job is all about is to spend some time reading council agendas and minutes, and talking to current members of council.

- Familiarize yourself with local bylaws and municipal legislation;
- Read council agendas and minutes;
- Sit in the gallery at council meetings; and
- Talk to municipal staff to find out what other information is available.

It is common practice in many municipalities to publish a prospective candidate's information guide. These guides will provide valuable insight into time commitments, practices, and expectations of holding office in that municipality.

Researching now will help you in your campaign and prepare you for assuming office.

Nomination Papers

This section provides a brief overview of the information included on the nomination paper and the nomination day process.

Form of Nomination

LAEA s. 27

Your nomination must be filed using the prescribed form (Form 3 – Nomination Paper and Candidate's Acceptance). Contact the local municipal office to determine where to get the nomination form and to seek advice on filling out the form accurately. The CAO, returning officer, or municipal clerk will be able to help you.

What is included in the Form of Nomination?

Your nomination paper must be signed by at least five (5) voters eligible to vote in the election. The signatures collected must be of people who are resident in the municipality on the date of signing the nomination, and include the voter's name, address (street address or legal description of residence) and signature.

- Cities with a population of at least 10,000 may pass a bylaw increasing the number of signatures required to a maximum of 100. Ensure that you check with the municipality to determine the number of signatures that you require.
- If you are seeking election in a municipality with a division or ward system, the voters signing your nomination form must be residents in the ward or division that are you running in.

LAEA s. 12

In Summer Villages, the nominators must:

- Be eligible to vote in the election;
- Be 18 years of age;
- A Canadian Citizen; and
- Named on the certificate of title as the person who owns property within the summer village or is the spouse or adult interdependent partner of the person named on the title.

In addition to the signatures, the nomination paper must also be complete with the written acceptance signed in the prescribed form by the person nominated.

If you do not have the required number of signatures on your nomination form, your form will not be accepted by the returning officer.

What is included in the Candidates Written Acceptance?

The candidate's written acceptance includes:

- That the person is eligible to be elected to the office;
- The name, address and telephone number of the person's official agent (if applicable);
- That the person will accept the office if elected.

The acceptance is an affidavit that must be sworn or affirmed before a Commissioner for Oaths or the returning officer.

Note: Under the Criminal Code (Canada), it is an offence to make a false affidavit and is punishable by up to 14 years imprisonment.

Nomination Day

Filing the Nomination Form

Once you have completed the nomination form, the next step is to ensure that you file the form on Nomination Day.

How do I file my Nomination Form?

LAEA s. 28

Completed nomination forms can be filed with the returning officer between 10am and 12noon on Nomination Day, four (4) weeks prior to Election Day. Municipalities may pass a bylaw prior to June 30th stating that the returning officer may receive nominations earlier than 10am and establish other locations where nominations may be received.

Municipalities will advertise a “Notice of Nomination Day” at least once a week for two weeks prior to Nomination Day that will indicate where and when the returning officer will receive the nominations. It is important to check the advertisement or with your municipality for the time and location to file your nomination papers.

Do I have to file my nomination form in person?

Nomination forms must be hand delivered. It is always a good idea to deliver your nomination form to the returning officer in person; however, anyone may file your nomination paper on your behalf. If you are unable to file your nomination paper yourself, ensure that the nomination paper is completed fully prior to Nomination Day. You, as the candidate, are responsible for ensuring that the nomination form is fully completed and meets the requirements for filing under section 27 of the *Local Authorities Election Act*.

Do I have to pay a deposit to file my nomination form?

LAEA s. 29

Municipalities may pass a bylaw requiring a deposit to accompany nominations. The amount fixed in bylaw may not exceed:

- \$1,000 in municipalities with a population over 10,000; and
- \$100 in all other municipalities.

When you inquire or pick up the nomination form from the municipality, ensure that you seek clarification on whether a deposit is required and the amount of the deposit.

If a deposit is required, it must be paid, in full, at the time you file your nomination form. A deposit must be payable to the municipality and may be paid using:

- Cash;
- Certified cheque; or

- Money Order,

Will I get my deposit back?

LAEA s. 30

Your deposit will be returned to you if you are:

- Elected; or
- If you get at least one-half the number of votes of the person elected to office, with the least number of votes.

Withdrawing Nominations

LAEA s. 32

Candidates may withdraw their nomination form within 24 hours (48 hours in a summer village) from the close of nominations, provided the number of candidates nominated exceeds the number of positions for the office you are seeking.

If candidates choose to withdraw, they must provide written notice, in person, to the returning officer.

Insufficient Nominations

LAEA s. 31

In the event that the number of nominations filed is less than the number of vacancies in the municipality, the returning officer will be available to receive nominations the next day (and for a period of up to 6 days, if required) from 10am to 12noon.

Nominations Equal Number of Vacancies

If, by noon on any of the days, the number of candidates nominated equals the number of vacancies in the municipality, nominations will be closed and the returning officer will declare the candidates elected by acclamation (no elected will be held).

Nominations Exceed Number of Vacancies

If more than the required nominations are received by noon on any of the days, nominations will be closed and the election will be held according to process.

Summer Villages

In the case of a summer village, the returning officer will announce the time and place when further nominations will be received.

Late Filing of Nominations

The returning officer **CANNOT** accept nominations after 12 noon on Nomination Day. Ensure that you check with your municipality on the time and location for filing nomination forms and ensure that you file your nomination paper on time at the location available.

Campaigning

Once you have filed your nomination form and your candidate's acceptance, there are several things to remember as you campaign to Election Day.

How do I Campaign?

There is no "standard" in campaigning when it comes to municipal elections. A candidate's campaign style will want to match the uniqueness of the municipality to the candidate's personality and available resources.

The purpose of campaigning is to convince the electors that you are the best candidate for the position in the municipality. Candidates have used various strategies including but not limited to:

- Door-knocking;
- Signage;
- Brochures or posters;
- Social media pages (Facebook, Twitter, Instagram) or websites; and
- Host a meet and greet event.

Is There Anything I Cannot Do During a Campaign?

There are a variety of offence provisions included in the *Local Authorities Election Act*; it is encouraged that candidates review and understand all offence provisions in the Act.

In addition to the offence provisions, it is essential that candidates seek additional clarification from municipal returning officers relating to campaign activities. Municipalities may have local bylaws that may address campaign activities including but not limited to the use and placement of campaign signage throughout the municipality.

If candidates require additional interpretation or clarification, they are encouraged to seek independent legal services if required.

Bribery

As a candidate, you cannot give, or promise to give, money or any other valuable consideration (such as an office or job) to anyone in return for their vote, or to agreeing not to vote.

In addition, an elector or resident of the municipality cannot accept money or any other valuable consideration in return for voting or not voting during an election.

LAEA s. 116

Undue Influence

LAEA s. 117

As a candidate, you cannot use, or threaten to use, violence, injury, damage or intimidation to compel a person to vote or refrain from voting at an election. You cannot obstruct the voting process or obstruct a person from accessing a voting station to vote during an election.

Canvassing on Election Day

LAEA s. 152

Candidates, official agents, or campaign volunteers cannot canvass or solicit votes in or immediately adjacent to, a voting station on Election Day. In addition, campaign materials (posters, pins, signage, etc.) cannot be displayed or distributed inside or on the outside of a building used as a voting station.

Election Day

You have filed your nomination papers, you've campaigned, and now you've reached Election Day! It is important that you understand the process for Election Day and seek clarification on any questions you may have.

How long are voting stations open on Election Day?

LAEA s. 46

Voting stations are open between the hours of 10am and 8pm on Election Day. Municipalities may pass a bylaw permitting voting stations to open earlier. It is advised that you confirm voting hours with your municipality.

Who is eligible to vote?

LAEA s. 47

A person is eligible to vote in a municipal election if the person:

- Is at least 18 years of age;
- Is a Canadian Citizen;
- Has resided in Alberta for the 6 consecutive months preceding election day;
- The person's place of residence is located in the area on Election Day.

LAEA s. 12

In the case of a summer village, a person is eligible to vote in a municipal election if the person:

- The person is eligible to vote under section 47;
- Is at least 18 years of age;
- Is a Canadian Citizen;
- Has resided in Alberta for the 6 consecutive months preceding election day;
- Is named on a certificate of title as the person who owns property within the summer village; or
- Is the spouse or adult interdependent partner of a person who owns property with the summer village.

Can people observe Election Day?

LAEA s. 69

Candidates, or official agents, or a candidate's scrutineer, may observe the processes at the voting station(s) on Election Day. The returning officer in your municipality will have details on how to appoint official agents and scrutineers. As well, the returning officer will explain the role and responsibilities of a candidate, official agent or scrutineer observing the election processes.

Is there a voters list?

LAEA s. 50

Municipalities may pass a bylaw allowing for the enumeration and use of a voters list. You may wish to confirm with your municipality; currently, there are no municipalities that use a voters list in municipal elections in Alberta.

Maintaining the Secrecy of the Vote

LAEA s. 55&56

All ballots, forms, ballot boxes, and voting machines (if applicable), are in the custody and control of the returning officer. Forms and statements made by the electors cannot be viewed by any person observing the election due to privacy reasons. All voter compartments are equipped with voting screens and instructions for electors to ensure secrecy.

At the close of the voting station and at the conclusion of the count, the ballot boxes are sealed and retained in a protected area for six (6) weeks following Election Day.

Are results made official on Election night?

LAEA s. 97

At the conclusion of the count, the returning officer may make unofficial results available. The official results are not posted or announced until 12 noon on the fourth day following Election Day.

Recount

LAEA s. 98**Who can ask for a recount?**

The returning officer may call for a recount of the votes cast at one or more of the voting stations if:

- a candidate or official agent or scrutineer shows grounds that the returning officer considers reasonable for alleging that the record of the result of the count at any voting station is inaccurate;
- the returning officer considered that the number of valid ballots objected to or rejected ballots other than those on which no vote was cast, was sufficient to affect the result of the election; or
- the returning officer is of the opinion that there may have been an administrative or technical error that may have caused an error in the count of votes.

When can a recount happen?

An application for a recount may be made within 44 hours immediately following the closing of voting stations on Election Day. No applications for recount will be accepted by the returning officer after the prescribed 44 hours has passed.

How will I know if a recount is happening?

If the returning officer calls for a recount they must, within 12 hours of the recount, notify any candidates who may be affected and those election officers that the returning officer deems necessary to conduct the recount.

Election Results

LAEA s. 97**Are results made official on Election night?**

At the conclusion of the count, the returning officer may make unofficial results available. Due to the ability for the returning officer to call a recount, official results are not posted or announced on election night.

When are election results official?

The returning officer is required to announce or post the official election results in the statement of results at 12 noon on the 4th day following Election Day, at the municipal office.

Campaign Financing

As noted above, Candidates are responsible for reading and understanding Part 5.1 of the *Local Authorities Election Act* as it pertains to Municipal Election Finance and Contribution Disclosure.

Campaign Disclosure Statements

Deadline to File

LAEA s. 147.4

Campaign disclosure statements (Form 21) must be filed with the returning officer or municipality on or before March 1 following a general election. In the case of a by-election, the disclosure statement must be filed within 180 days of the date that the by-election occurred.

What is included on the Disclosure?

The campaign disclosure statement contains information about the contributions received, any additional sources of funding, campaign expenditures, campaign deficits, or campaign surpluses.

The disclosure will include the name and address of those contributors whose donations exceeded \$100 in the aggregate, and the total amount of all contributions received that did not exceed \$100 in the aggregate.

Campaign Deficits

A candidate who incurs a deficit during an election and does not run the next general election, must clear that deficit and file an amended disclosure statement with the municipality showing the deficit has been eliminated.

Campaign Surplus

LAEA s. 147.5

A candidate who incurs a surplus during an election is required to provide all surplus funds to the municipality to be held in-trust until the next general election Nomination Day.

If the candidate does not run in the next general election, the candidate must direct the municipality to pay all surplus funds to the charity of the candidate's choice. If the municipality does not receive direction from the candidate, the surplus funds will become the property of the municipality.

Conclusion

Congratulations on taking the step to become a candidate in your municipal election!

In addition to this handbook, you are encouraged to review the *Local Authorities Election Act (LAEA)* in detail. If you have any questions about anything in the handbook or in the *LAEA*, you are encouraged to seek out additional clarification from your municipality (CAO or returning officer), legal counsel, or Alberta Municipal Affairs.

If you are elected, congratulations! You are encouraged to read “Now That You Are Elected.”

Good luck and enjoy the journey to becoming a candidate in Alberta municipal elections!

TOWN OF LEGAL – COUNCIL MEETING CALENDAR

2022

REGULAR COUNCIL MEETING DATES

GOVERNANCE & PRIORITIES MEETING DATES

HOLIDAY DATES

Jan 2022						
S	M	T	W	T	F	S
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30	31					

Feb 2022						
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Mar 2022						
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Apr 2022						
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May 2022						
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Jun 2022						
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Jul 2022						
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Aug 2022						
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Sep 2022						
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Oct 2022						
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Nov 2022						
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Dec 2022						
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JANUARY 1 – New Year's Day
 FEBRUARY 14 – Valentine's Day
 FEBRUARY 21 – Family Day
 MARCH 13 – Daylight Savings Time Begins
 MARCH 17 – St Patrick's Day

APRIL 15 – Good Friday
 APRIL 18 – Easter Monday
 MAY 8 – Mother's Day
 MAY 23 – Victoria Day
 JUNE 19 – Father's Day

JULY 1 – Canada Day
 AUGUST 1 – Heritage Day
 SEPTEMBER 5 – Labour Day
 OCTOBER 10 – Thanksgiving
 OCTOBER 31 – Halloween

NOVEMBER 6 – Daylight Savings Time Ends
 NOVEMBER 11 – Remembrance Day
 DECEMBER 25 – Christmas Day
 DECEMBER 26 – Boxing Day
 DECEMBER 31 – New Year's Eve

List of Town Committees

Alberta Bilingual Municipalities Association	1 Council Member & 1 Alternate
Budget Committee	All members of Council
Community Services Advisory Board	All members of Council
Edmonton Salutes	1 Council Member & 1 Alternate
Emergency Advisory Committee	All members of Council
Fete au Village Committee	1 Council Member & 1 Alternate
Friends of Legal Library Society	1 Council Member & 1 Alternate
Governance and Priorities Committee	All members of Council
Homeland Housing	1 Council Member
Intermunicipal Collaboration Framework & Intermunicipal Development Plan	3 Council Members
Legal & District Chamber of Commerce	1 Council Member & 1 Alternate
Regional Emergency Advisory Committee	1 Council Member & 1 Alternate
Rosieridge Waste Management Services Commission	1 Council Member & 1 Alternate
Steering Committee (Doctor)	1 Council Member & 1 Alternate
Sturgeon Regional Partnership	1 Council Member & 1 Alternate
Subdivision & Development Appeal Board	1 Council Member

TOWN OF LEGAL
BY LAW # 03-2018
COUNCIL CODE OF CONDUCT BYLAW

THE TOWN OF LEGAL IN THE PROVINCE OF ALBERTA, TO ESTABLISH THE CODE OF CONDUCT FOR MEMBERS OF COUNCIL.

WHEREAS, pursuant to Section 146.1(1) of the Municipal Government Act, a Council must, by Bylaw, establish a Code of Conduct governing the conduct of Councillors;

AND WHEREAS, pursuant to Section 153 of the Municipal Government Act, Councillors have a duty to adhere to the Code of Conduct established by the Council;

AND WHEREAS, the public is entitled to expect the highest standards of conduct from the Members that it elects to Council for the Town of Legal;

AND WHEREAS the establishment of a Code of Conduct for Members of Council is consistent with the principles of transparent and accountable government;

AND WHEREAS a Code of Conduct ensures that Members of Council share a common understanding for acceptable conduct extending beyond the legislative provisions governing the conduct of Councillors;

NOW, THEREFORE, the Council of the Town of Legal, in the Province of Alberta, duly assembled enacts as follows:

1.0 TITLE

- 1.1 This Bylaw may be cited as "COUNCIL CODE OF CONDUCT BYLAW."

2.0 DEFINITIONS

2.1 In this Bylaw, words have the meanings set out in the Act, except that:

- (a) "ACT" means the Municipal Government Act, R.S.A. 2000, c. M-26, any regulations thereunder and any amendments or successor legislation thereto;
- (b) "ADMINISTRATION" means the administrative and operational arm of the Municipality, comprised of the various departments and business units and including all Town staff who operate under the leadership and supervision of the CAO;
- (c) "CAO" means the Chief Administrative Officer of the Town of Legal, or their designate;
- (d) "CLOSED SESSION (In Camera)" means a meeting or a portion of a meeting that is closed to the public.
- (e) "COUNCIL MEMBER" or "MEMBER" means a Member of Town Council, including a Councillor, the Mayor and Deputy Mayor;
- (f) "FOIP" means the Freedom of Information and Protection of Privacy Act, R.S.A. 2000, c. F-25, any regulations thereunder, and any amendments or successor legislation thereto;
- (g) "INVESTIGATOR" means Council or the individual or body established by Council to investigate and report on complaints;
- (h) "MAYOR" means the Chief Elected Official of the Town;
- (i) "SOCIAL MEDIA" refers to freely accessible, third-party hosted, interactive web-based technologies used to produce, post and interact through text, images, video and audio to inform, share, promote, collaborate or network;
- (j) "TOWN" means the Municipal Corporation of the Town of Legal.

3.0 PURPOSE AND APPLICATION

- 3.1 The purpose of this Code of Conduct is to provide standards for the conduct of Council Members relating to their roles and obligations as elected representatives of the Town and a procedure for the investigation and enforcement of those standards. This Code of Conduct is one aspect of accountability and transparency both internally, as among Members and as between Council and Administration, as well as externally, with other orders of Government, the media and the public at large.

4.0 FRAMEWORK AND INTERPRETATION

- 4.1 This Code of Conduct provides a framework to guide ethical conduct in a way that upholds the integrity of the Town and the high standards of professional conduct the public expects of its local government elected representatives. This Code of Conduct is intended to supplement existing legislation governing the conduct of Council Members.
- 4.2 Along with the Bylaws and Policies of Council, the following Provincial and Federal legislation governs the conduct of Members:
- a. The Municipal Government Act
 - b. The Freedom of Information and Protection of Privacy Act
 - c. The Local Authorities Election Act
 - d. The Alberta Human Rights Act
 - e. The Occupational Health and Safety Act
 - f. The Criminal Code of Canada
- 4.3 The Code of Conduct is to be given a broad and liberal interpretation in accordance with applicable legislation. It is not possible to write a Code of Conduct that covers every scenario and, accordingly, Council Members are to be guided by and conduct themselves in a manner that reflects the spirit and intent of this Code.

5.0 STATEMENT OF PRINCIPLES AND VALUES

- 5.1 Council Members are expected to perform their functions of office with integrity, accountability and transparency and conduct themselves in a professional manner at all times.
- 5.2 Members have a duty to act honestly, in good faith, and in best interests of the Town.
- 5.3 Members shall
- a. uphold the law established by the Federal Parliament and the Alberta Legislature and the Bylaws and Policies adopted by Council;
 - b. carry out their duties in accordance with all applicable legislation, Bylaws and Policies pertaining to their position as an Elected Official;
 - c. observe the highest standard of ethical conduct and perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny; and
 - d. serve and be seen to serve the welfare and interests of the Town as a whole and the community at large in a conscientious and diligent manner and shall approach decision-making with an open mind.

6.0 CONFIDENTIAL INFORMATION

- 6.1 Council Members as a whole must be able to access information that is necessary to fulfill its decision-making duties and oversight responsibilities; however, individual Members must also recognize that the information they receive in their capacity as Elected Officials is subject to confidentiality and disclosure rules contained in Federal and Provincial legislation and Town Bylaws and Policies.
- 6.2 Council Members have a statutory duty to keep in confidence matters discussed in private at a Council or Council Committee meeting until discussed at a meeting held in public.
- 6.3 Members must return all closed session documents at the end of the closed session to



the CAO or if the closed session, is in regard to the CAO, the documents are returned to the Chair of the meeting.

6.4 In the course of their duties, Council Members may also become privy to confidential information received outside of a closed session meeting. Members must not:

- a. disclose or release by any means to any member of the public, including the media, any confidential information acquired by virtue of their office, unless the disclosure is permitted or required by law, as determined by the designated head of the Town for the purposes of FOIP;
- b. access or attempt to gain access to confidential information in the custody or control of the Town unless it is necessary for the performance of the Member's duties and is not otherwise prohibited by Council, and only then if the information is acquired through appropriate channels in accordance with applicable Council Bylaws and Policies;
- c. use confidential information for personal benefit or for the benefit of any other individual or organization.

6.5 Confidential information includes information in the possession of, or received in confidence by the Town that the Town is prohibited from disclosing pursuant to legislation, court order or by contract, or is required to refuse to disclose under FOIP or any other legislation, or any other information that pertains to the business of the Town, and is generally considered to be of a confidential nature, including but not limited to information concerning:

- a. the security of the property of the Town;
- b. a proposed or pending acquisition or disposition of land or other property;
- c. a tender that has or will be issued but has not been awarded;
- d. contract negotiations;
- e. employment and labour relations;
- f. draft documents and legal instruments, including reports, Policies, Bylaws and resolutions, that have not been the subject matter of deliberation in a meeting open to the public;
- g. law enforcement matters;
- h. litigation or potential litigation, including matters before administrative tribunals; and
- i. advice that is subject to solicitor-client privilege.

7.0 CONFLICTS OF INTEREST

- 7.1 Council Members are expected to make decisions for Municipal purposes for the welfare or interests of the Town as a whole.
- 7.2 Members are to be free from undue influence and not act or appear to act in order to gain financial or other benefits for themselves, family, friends or associates, business or otherwise.
- 7.3 Members have a statutory duty to comply with the pecuniary interest provisions set out in Part 5, Division 6 of the Act and a corresponding duty to vote unless required or permitted to abstain under the Act or another enactment.
- 7.4 Council Members shall not use their positions to obtain employment with the Town for themselves, family members or close associates.
- 7.5 Members shall not, in the exercise of an official power, duty or function, give preferential treatment to any individual or organization if a reasonably well-informed person would conclude that the preferential treatment was advancing a private interest.
- 7.6 No Council Member shall use the influence of their office for any purpose other than for the exercise of the Member's official duties.
- 7.7 No Member shall act as a paid agent to advocate on behalf of any individual, organization or corporate entity before Council or a Committee of Council or any other body established by Council.



7.8 Members shall not contact or otherwise attempt to influence members of any adjudicative body whose members have been appointed by Council regarding any matter before it.

8.0 RESPECT FOR THE TOWN AND ITS BYLAWS AND POLICIES

8.1 Members shall respect the Town as a Municipal institution, its Bylaws and Policies.

8.2 Members shall encourage public respect for the Town, its Bylaws and Policies.

8.3 A Member must not encourage disobedience of a Town Bylaw or Policy in responding to a member of the public, as this undermines confidence in the Town and in the rule of law.

8.4 Members shall conduct themselves with appropriate decorum at all times. As leaders in the community, Members are held to a higher standard of behaviour and conduct and must be mindful that as public figures the lines between public and private behaviour are not readily apparent, nor easily distinguishable by the public at large.

9.0 ATTENDANCE

9.1 Members have a statutory duty to participate in Council meetings and failure to attend as required may lead to a Member's disqualification under the Act.

9.2 Members are responsible for participating in Council Committee meetings and meetings of other bodies to which they are appointed by Council and failure to attend as required may lead to Member's being removed from the Committee or body or being subject to other sanctions outlined in this Bylaw.

10.0 CONDUCT AT MEETINGS

10.1 Council Members shall conduct themselves with decorum and make every effort to participate diligently in the meetings of Council, Committees of Council and other bodies to which they are appointed by Council.

10.2 Members shall comply with the provisions of the Procedure Bylaw, or any other rules of meeting procedure applicable to the body to which they have been appointed by Council.

10.3 Members shall act in a manner that demonstrates fairness, respect for individual differences, and an intention to work together for the common good and in furtherance of the public interest.

10.4 Members shall endeavour to conduct and convey Council business and all their duties in an open and transparent manner other than for those matters which by virtue of legislation are authorized to be dealt with in a confidential manner in a closed session, and in so doing, allow the public to view the process and rationale which was used to reach decisions and the reasons for taking certain actions.

11.0 RESPECT FOR DECISION MAKING PROCESS

11.1 Decision-making authority lies with Council, and not with an individual Member. Council may only act by Bylaw or resolution passed at a Council meeting held in public at which there is a quorum present, pursuant to Sections 180 and 181 of the Act.

11.2 A Member must not purport to bind Council, either by publicly expressing their personal views on behalf of Council when not authorized to do so or by giving direction to employees, agents, contractors, consultants or other service providers of the Town or prospective vendors.

11.3 Members shall accurately communicate the decisions of Council, even if they disagree with Council's decision, such that respect for the decision-making processes of Council is fostered.

12.0 EXTERNAL COMMUNICATIONS



- 12.1 This part of this Code of Conduct is not meant to limit public comment solely to Council's official spokesperson, but rather to recognize that the Town requires a single point of contact to speak with authority on behalf of Council. Council acknowledges and respects that Members have the legal right to express their personal opinions, whether those opinions are complimentary or critical, subject to those limits prescribed by law.
- 12.2 A Member must not purport to speak on behalf of Council unless authorized to do so.
- 12.3 Unless Council directs otherwise, the Mayor is Council's official spokesperson and in the absence of the Mayor it is the Deputy Mayor.
- 12.4 A Member who is authorized to act as Council's official spokesperson must ensure that their comments accurately reflect the official position and will of Council as a whole, even if the Member disagrees with Council's position.
- 12.5 No Member shall make a statement when they know that the statement is false.
- 12.6 No Member shall make a statement with the intent to mislead Council or members of the public.
- 12.7 Media Communications:
 - a. all inquiries from the media regarding the official Council position on an issue shall be referred to Council's official spokesperson.

13.0 USE OF SOCIAL MEDIA

- 13.1 As public figures and representatives of the Town, Council Members should act with discretion and be judicious in what material they post on social media. As with any other communications, Members are accountable for content and confidentiality.
- 13.2 No Member shall attempt to disguise or mislead as to their identity or status as an elected representative of the Town when using social media.
- 13.3 No Member shall use social media to publish anything that is dishonest, untrue, unsubstantiated, offensive, disrespectful, constitutes harassment, is defamatory or misleading in any way.

14.0 DISCRIMINATION AND HARASSMENT

- 14.1 Council Members have a duty to treat members of the public, one another and Town staff with dignity and respect and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination and harassment.
- 14.2 No Member shall use indecent, abusive, or insulting words or expressions toward any other Member, any staff member or any member of the public.
- 14.3 No Member shall speak in a manner that is discriminatory to any individual based on the person's race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation.

15.0 CONDUCT RESPECTING ADMINISTRATION

- 15.1 Council is the source of all governance authority and will make decisions on whether and to what extent to delegate Council's authority to others, including the Mayor, Committees of Council and to the CAO or designated officer. Under the direction of the CAO, staff in Administration serves Council as a whole. No individual Member has executive authority over Town staff.
- 15.2 Council Members shall respect the fact that staff work for the Town as a body corporate and are charged with making recommendations that reflect their professional expertise and a corporate perspective and carrying out directions of Council and administering the policies and programs of the Town, and that staff are required to do so without undue



influence from any Member or group of Members.

15.3 A Member must not:

- a. involve themselves in matters of Administration, which fall within the jurisdiction of the CAO in accordance with Section 201(2) of the Act;
- b. use, or attempt to use, their authority or Influence for the purpose of intimidating, threatening, coercing, commanding or influencing any staff member with the intent of interfering in staff's duties; or
- c. maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff.

15.4 Council Members shall obtain Information about the operation or administration of the Town from the CAO or a person designated by the CAO, in accordance with Section 153(d) of the Act.

16.0 USE OF MUNICIPAL PROPERTY AND RESOURCES

16.1 Council Members shall use Municipal property, equipment, services, supplies and staff resources only for the performance of their duties as a Member, subject to the following limited exceptions:

- a. Municipal property, equipment, service, supplies and staff resources that are available to the general public may be used by a Member for personal use upon the same terms and conditions as members of the general public, including booking and payment of any applicable fees or charges;
- b. electronic communication devices, included but not limited to, desktop computers, laptops, tablets and smartphones, which are supplied by the Town to a Member, may be used by the Member for personal use, subject to the terms and conditions described below.

16.2 Electronic communication devices provided by the Town are the property of the Town, and shall, at all times, be treated as the Town's property. Council Members are hereby notified that they are to have no expectation of privacy in the use of these devices and further that:

- a. all emails or messages sent or received on Town devices are subject to FOIP;
- b. all files stored on Municipal devices, all use of internal email and all use of the Internet through the Town's firewall may be inspected, traced or logged by the Town;
- c. In the event of a complaint pursuant to this Code of Conduct, the Investigator may require that any or all of the electronic communication devices provided by the Town to Members may be confiscated and inspected as part of the investigation including downloading information which is considered relevant to the investigation.

16.3 No Member shall use any property, equipment, services or supplies of the Town, including email, Internet services, or any other electronic communication device, if the use could be offensive or inappropriate.

17.0 ORIENTATION AND OTHER TRAINING ATTENDANCE

17.1 Every Member must attend the orientation training offered by the Municipality within 90 days after the Member takes the Oath of Office. Attendance at additional training sessions throughout the Council term is discretionary. Members may access additional training for the purposes of expanding their Municipal governance knowledge at the expense of the Municipality as budgeted.

18.0 REMUNERATION AND EXPENSES

18.1 Council Members shall comply with the provisions of all Council Policies and related procedures and guidelines with respect to claims for remuneration and expenses, including but not limited to, claims for per diems, mileage, travel, meals, lodging, event tickets, hosting and attendance at conferences, conventions, seminars, training courses and workshops.



18.2 Falsifying of claims, including receipts or signatures, by a Member is a breach of this Code of Conduct.

18.3 Members shall be transparent and accountable with respect to all expenditures.

19.0 ACCEPTANCE OF GIFTS AND HOSPITALITY

19.1 Members shall not accept gifts, hospitality or other benefits that would, to a reasonable member of the public, appear to be in gratitude for influence, to induce influence, or otherwise go beyond the necessary and appropriate public functions involved.

19.2 Members of Council are not precluded from accepting:

- a. rewards, gifts or benefits not connected with the performance or duties of office;
- b. political contributions that are accepted in accordance with applicable law;
- c. reasonable quantities of food and beverages at banquets, receptions, ceremonies or similar events;
- d. services provided without compensation by persons volunteering their time;
- e. food, lodging, transportation and entertainment provided by other levels of governments or by other local governments, boards or commissions;
- f. a reimbursement of reasonable expenses incurred in the performance of duties of office;
- g. token gifts such as souvenirs, mementoes and commemorative gifts that are given in recognition of service or for attending an event;
- h. gifts that are received as an incident of protocol or social obligation that normally and reasonably accompany the responsibility of office.

19.3 Gifts received by a Member on behalf of the Municipality as a matter of official protocol which have significance or historical value for the Municipality shall be left with the Municipality when the Member ceases to hold office.

19.4 Members of Council shall not accept invitations from contractors, or potential contractors to the Municipality to attend special events that may be viewed as creating an unreasonable level of access or indebtedness:

- a. access may be defined as prolonged period of contact with the Member(s) individually;
- b. indebtedness is based on the value of the event.

20.0 ELECTION CAMPAIGNS

20.1 No Member shall use any facilities, equipment, supplies, services, Municipal logo or other resources of the Municipality for any election campaign or campaign-related activity.

21.0 COMPLAINT PROCEDURES

21.1 Informal Complaint Procedure:

21.1.1 Any Member who has identified or witnessed conduct by a Member that the Member reasonably believes, in good faith, is in contravention of this Bylaw may address the prohibited conduct by:

- a. advising the Member that the conduct violates this Bylaw and encouraging the Member to stop;
- b. requesting the Mayor to assist in informal discussion of the alleged complaint with the Member in an attempt to resolve the issue. In the event that the Mayor is the subject of, or is implicated in a complaint, the person may request the assistance of the Deputy Mayor.

21.1.2 Individuals are encouraged to pursue this informal complaint procedure as the first means of remedying conduct that they believe violates this Bylaw. However, an individual is not required to complete this informal complaint procedure prior to pursuing the formal complaint procedure outlined below.

21.2 Formal Complaint Procedure

21.2.1 Any individual who identifies or witnesses behaviour or activity by a Council Member that they reasonably believe, in good faith, is in contravention of this Bylaw may file a formal complaint in accordance with the following procedure:

- a. all complaints shall be made in writing and shall be dated and signed by an identifiable individual;
- b. all complaints shall be addressed to the Investigator;
- c. The complaint must set out reasonable and probable grounds for the allegation that the Member has contravened this Bylaw, including a detailed description of the facts, as they are known, giving rise to the allegation;
- d. if the facts, as reported, include the name of one or more Members who are alleged to be responsible for the breach of this Bylaw, the Member or Members concerned shall receive a copy of the complaint submitted to the Investigator;
- e. upon receipt of complaint under this Bylaw, the Investigator shall review the complaint and decide whether to proceed to investigate the complaint or not. If the Investigator is of the opinion that a complaint is frivolous or vexatious or is not made in good faith, or that there are no grounds or insufficient grounds for conducting an investigation, the Investigator may choose not to investigate or, if already commenced, may terminate any investigation, or may dispose of the complaint in a summary manner. In that event, the complainant and Council, if Council is not the Investigator, shall be notified of the Investigator's decision;
- f. if the Investigator decides to investigate the complaint, the Investigator shall take such steps as they may consider appropriate, which may include seeking legal advice. All proceedings of the Investigator regarding the investigation shall be confidential;
- g. If the Investigator is not Council, the Investigator shall, upon conclusion of the investigation, provide the Council and the Member who is the subject of the complaint, the results of the Investigator's investigation;
- h. a Member who is the subject of an investigation shall be afforded procedural fairness, including an opportunity to respond to the allegations before Council deliberates and makes any decision or any sanction is imposed;
- i. a Member who is the subject of an investigation is entitled to be represented by legal counsel, at the Member's sole expense.

22.0 COMPLIANCE AND ENFORCEMENT

- 22.1 Members shall uphold the letter and the spirit and intent of this Bylaw.
- 22.2 Members are expected to co-operate in every way possible in securing compliance with the application and enforcement of this Bylaw.
- 22.3 No Member shall:
- a. undertake any act of reprisal or threaten reprisal against a complainant or any other person for providing relevant information to Council or to any other person;
 - b. obstruct Council, or any other person, in carrying out the objectives or requirements of this Bylaw.
- 22.4 Sanctions that may be imposed on a Member, by Council, upon a finding that the Member has breached this Bylaw may include:
- a. A letter of reprimand addressed to the Member;
 - b. Requesting the Member to issue a letter of apology;
 - c. Publication of a letter of reprimand or request for apology and the Member's response;
 - d. Suspension or removal of the appointment of a Member as the Chief Elected Official under Section 150(2) of the Act;
 - e. Suspension or removal of the appointment of a Member as the Deputy Chief Elected Official or Acting Chief Elected Official under Section 152 of the Act;
 - f. Suspension or removal of the Chief Elected Official's presiding duties under Section



154 of the Act;

- g. Suspension or removal from some or all Council committees and bodies to which Council has the right to appoint Members;
- h. Reduction or suspension of remuneration as defined in Section 275.1 of the Act corresponding to a reduction in duties, excluding allowances for attendance at Council meetings in accordance with Policy or Bylaw referencing Council remuneration;
- i. Any other sanction Council deems reasonable and appropriate in the circumstances provided that the sanction does not prevent a Member from fulfilling the legislated duties of a Member and the sanction is not contrary to the Act.

23.0 REVIEW

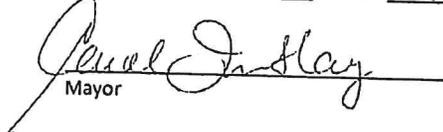
23.1 This Bylaw shall be brought forward for review at the beginning of each term of Council, when relevant legislation is amended, and at any other time that Council considers appropriate to ensure that it remains current and continues to accurately reflect the standards of ethical conduct expected of Members.

24.0 GENERAL

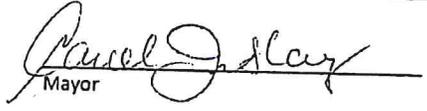
24.1 If any Section or parts of the Bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such Section or parts shall be deemed to be severable and all other Section or parts of the Bylaw shall be deemed to be separate and independent from and to be enacted as such.

24.2 Bylaw #03-2017 is hereby rescinded.

24.3 This Bylaw shall come into force and effect upon 3rd reading.

READ A FIRST TIME THIS 3 DAY OF July, 2018.

Mayor

Chief Administrative Officer

READ A SECOND TIME THIS 3 DAY OF July, 2018.

Mayor

Chief Administrative Officer

READ A THIRD TIME THIS 3 DAY OF July, 2018.

Mayor

Chief Administrative Officer



TOWN OF LEGAL
BYLAW #05-2020
PROCEDURAL BYLAW

A BYLAW OF THE TOWN OF LEGAL, IN THE PROVINCE OF ALBERTA, TO REGULATE THE PROCEEDINGS OF COUNCIL MEETINGS AND THE TRANSACTING OF BUSINESS BY COUNCIL FOR THE MUNICIPALITY.

WHEREAS, it is Council's desire to establish and follow a process and procedure of municipal governance that reflects an open, transparent government where decisions are made after all information has been provided; and

WHEREAS, pursuant to the *Municipal Government Act, R.S.A. 2000, c. M-26*, and amendments thereto, Council may pass bylaws in relation to the procedures of Council and Council Committees, and the conduct of elected officials and members of Council Committees; and

WHEREAS, Council hereby establishes the following rules and regulations for the order and conduct in which all Council and committee meetings shall transact its business.

NOW THEREFORE, the Council of the Town of Legal duly assembled enacts as follows:

1. TITLE

1.1 This Bylaw may be cited as the "Council Procedural Bylaw".

2. DEFINITIONS

- a. "Act" means the *Municipal Government Act (MGA), R.S.A. 2000, c.M-26*, any regulations thereunder and any amendments or successor legislation thereto.
- b. "Administration" means the administrative and operational arm of the Municipality, comprised of the various departments and business units and including all Town staff who operate under the leadership and supervision of the Chief Administrative Officer.
- c. "Agenda" means the agenda for regular or special meetings of Council prepared pursuant to Section 9 of this Bylaw.
- d. "Chief Administrative Officer (CAO)" means the Chief Administrative Officer of the Town of Legal, or their designate.
- e. "Closed Session (In Camera)" means a confidential portion of a council or committee meeting that is closed to the public in accordance with the *Freedom of Information and Protection of Privacy Act*, and at which only members of Council and other persons designated by Council may attend.
- f. "Committee" means any committee, board or other body established by Council under the *Municipal Government Act*.
- g. "Council" means the Council of the Town of Legal.
- h. "Councillor" means a member of Council including the Mayor elected pursuant to the provisions of the *Local Authorities Act*.
- i. "Delegation" means any person, or group of persons, firm or organization that is neither a member of the committee or council, wishing to address a committee or council upon a request to the Chief Administrative Officer.
- j. "Deputy Mayor" means the member who is appointed by Council pursuant to the *Municipal Government Act* to act as Mayor in the absence or incapacity of the Mayor.
- k. "Electronic Communications" means that members of Council may attend a Council or committee meeting through electronic communications. This can include using a telephone with the use of the speaker; via personal computer, or other means as technology advances.
- l. "Emergency" means a situation or the threat of an impending situation adversely affecting property and/or the health, safety and welfare of the Town of Legal, which by its nature and magnitude requires a timely, coordinated, and controlled response.
- m. "Emergent Resolution" means a resolution that is deemed to be necessary to take an expedient action for the benefit of the municipality that should happen before the next regularly scheduled Council meeting.
- n. "Governance and Priorities Committee" means the members of Council and administrative leadership team.
- o. "Mayor" means the Chief Elected Official of the Town of Legal, pursuant to the *Municipal Government Act*, and appointed by Council.
- p. "Meeting" means any regular, special or other meeting of Council or of a committee, as the context requires.

- q. "Member" means a member of Council duly elected and continuing to hold office, or where the context requires, a member of a Council Committee appointed by Council.
- r. "Member at Large" means a member of the public appointed by Council to a Committee of Council.
- s. "Municipality" means the Municipal Corporation of the Town of Legal.
- t. "Notice of Motion" is the means by which a member of Council brings business before Council that is not on the approved agenda.
- u. "Point of Order" is the raising of a question by a member to call attention to any departure from the Procedural Bylaw.
- v. "Point of Privilege" means that an interruption may occur only if necessary.
- w. "Presiding Officer" means the Mayor, or in the absence of the Mayor, the Deputy Mayor, or in the absence of the Deputy Mayor any other member of Council chosen to preside at the meeting.
- x. "Public Hearing" means a meeting of Council convened to hear matters pursuant to the *Municipal Government Act*.
- y. "Quorum" means the majority of all members of Council, being fifty percent (50%) plus one (1) unless Council provides otherwise in this Bylaw.
- z. "Recess" means to take a short break in the order of business or an agenda item of a meeting with the intent of returning to that order of business or agenda item at the same meeting.
- aa. "Recorded Vote" means the making of a written record of the name and vote of each member who votes on a question and each member present who does not vote.
- bb. "Special Meeting" means a meeting called by the Mayor pursuant to the *Municipal Government Act*.
- cc. "Special Resolution" means a resolution passed by a two-thirds (2/3) majority of all Council members or two-thirds (2/3) of all members of a Committee.

3. APPLICATION

- 3.1 Words importing the masculine gender only, include the feminine gender whenever the context so requires and vice-versa.
- 3.2 Words importing the singular shall include the plural or vice-versa whenever the context so requires.
- 3.3 This Bylaw shall govern the proceedings of Council, Governance and Priorities Committee, and Council Committees established by Council and shall be binding upon all Committee members whether Council or Members at Large.
- 3.4 Any matter of meeting conduct, which is not herein provided for, shall be determined in accordance with the *Municipal Government Act*; and then, "*Roberts Rules of Order*", in that order.
- 3.5 In the absence of statutory obligation, any provision of this Bylaw may be temporarily altered or suspended by an affirmative vote of two-thirds (2/3) of all members present. A motion to temporarily alter or suspend this Bylaw is not debatable or amendable.
- 3.6 This Bylaw shall not be repealed, amended or suspended, unless it is repealed, amended or suspended, pursuant to the special provisions for procedural bylaw amendment contained in the *Municipal Government Act*.

4. ORGANIZATIONAL MEETING

- 4.1 Council shall hold an Organizational Meeting not later than two (2) weeks after the third Monday in October each year.
- 4.2 The Chief Administrative Officer shall set the time and place for the Organizational Meeting, the business of the meeting shall be limited to:
 - 4.2.1 Election of Mayor and Deputy Mayor:
 - a. The Chief Elected Official, who shall be referred to as the Mayor, unless the Council directs that another title appropriate to the office be used, shall be appointed by Council, pursuant to the *Local Authorities Election Act, Statutes of Alberta 2000, c. L-21*, and amendments thereto.



- b. The Deputy Mayor shall be appointed by Council, pursuant to the *Local Authorities Election Act, Statutes of Alberta 2000, c. L-21*, and amendments thereto.
- c. The Mayor and Deputy Mayor shall take the prescribed oath of office.
- d. Until the Mayor has taken the oath of office, the Chief Administrative Officer shall chair the Organizational Meeting.

4.2.2 Setting the date and location of Regular Meetings:

- a. The date and time of regular Council meetings will be determined at the annual Council Organizational meeting.
- b. Regular meetings of Council shall be located in the Council Chambers of the Town of Legal Municipal Office.

4.2.3 The appointments of members to Committees which Council is entitled to make:

- a. Appointments of Council members to Committees shall be for a term of one (1) year, unless otherwise specified and reviewed at the Organizational Meeting.

4.2.4 Any other business required by the *Municipal Government Act*, or which Council or the Chief Administrative Officer may direct.

4.2.5 Additional items following an election year:

- a. Oath of Office – every member of Council must take the official oath of office prescribed by the *Oaths of Office Act*. The *Municipal Government Act* states that members of Council may not carry out any power, duty or function until they have taken the official oath.
- b. Councillor Code of Conduct Bylaw – every member of Council must review as per the Council orientation process.
- c. Procedural Bylaw – every member of Council must review as per the Council orientation process.

5. REGULAR AND SPECIAL MEETINGS

5.1 All Council meetings will be advertised in accordance with the *Municipal Government Act*.

5.2 If there are changes to the date and time of a regular meeting, the municipality must give at least twenty-four (24) hours' notice of the change to all members and post the notice in a public office. Posting a public notice in the front foyer of the Town of Legal's Municipal Office is sufficient notice to the public if administration is unable to advertise the change in the local newspaper.

5.3 All meetings will be open to members of the public, except for Closed Session portions of the meeting.

5.4 Council has the authority to move into "Closed Sessions" pursuant to the *Municipal Government Act* for the purposes of:

- a. Protecting the Municipality, its operations, economic interests and delivery of its mandate from harm that could result from the release of certain information;
- b. To comply with Division Two of Part One of the *Freedom of Information and Protection of Privacy Act*.

5.5 Matters which may be discussed in a Closed Session include the following:

- a. Wages, salary and other personnel matters;
- b. Any information regarding contract negotiations;
- c. The acquisition, sale, lease or exchange of land;
- d. Matters involving litigation, or the discussion of legal advice provided to the Town of Legal;
- e. Matters concerning RCMP investigations or confidential reporting; and
- f. Information pertaining to the Town's accounting practices.

5.6 Council or Committee has no power at a Closed Session to pass any Bylaw or resolution apart from the resolution necessary to revert back to an open meeting.

6. QUORUM

- 6.1 As soon after the hour of the meeting as there is a quorum present, the Mayor shall take the Chair and call the meeting to order. A quorum is three (3) members who are eligible to vote.
- 6.2 In case the Mayor or Deputy Mayor is not in attendance within fifteen (15) minutes after the hour appointed for a meeting and a quorum is present, the Chief Administrative Officer shall call the meeting to order and a Chairman shall be chosen by the Councillors present who shall preside during the meeting or until the arrival of the Mayor or Deputy Mayor.
- 6.3 If there is no quorum present within thirty (30) minutes after the time appointed for a regular meeting of Council, the Chief Administrative Officer shall record the names of the members of Council who are present and the meeting shall be absolutely adjourned until the next regular meeting, unless a special meeting has been duly called in the meantime. Notice of adjournment shall be posted on the outside door of access to the Council Chambers.
- 6.4 Whenever a vote on a motion before Council cannot be taken because of a loss of quorum resulting from:
- a. The declaration of pecuniary interest or conflict of interest; or
 - b. From a Councillor or Mayor not being present for all or part of a Public Hearing;
- then the motion shall be the first order of business to be proceeded with and disposed of at the meeting of Council under that particular order of business.
- 6.5 If a quorum is lost for any other reason than those aforementioned in Section 6.4, the meeting is adjourned.

7. MEETING THROUGH ELECTRONIC COMMUNICATIONS

- 7.1 Council members may attend a Council meeting by means of electronic communication. Acceptable alternatives include: through the use of a telephone (with the speaker on), ensuring that dialogue is available for both parties; through the use of a personal computer; or other means as technology advances.
- 7.2 A Council member may attend regular or special Council meetings by means of electronic communication a maximum of three (3) times per calendar year, unless otherwise approved by Council.
- 7.3 A Council member shall be permitted to attend a meeting using electronic communication if that location is able to support its use, ensuring that all Council members participating in the meeting are able to communicate effectively.
- 7.4 A Council member attending a meeting via electronic communications is deemed to be present at the meeting for whatever period of time the connection via electronic communications remain active.
- 7.5 The Mayor, Deputy Mayor or Presiding Officer shall announce to those in attendance at the Council meeting that a Council member is attending the meeting by means of electronic communications.
- 7.6 When a vote is called, Council members attending the meeting by means electronic communications shall be asked to state their vote only after all other Council members present at the meeting have cast their votes by a show of hands.
- 7.7 When a Council member attends a Closed Session by means of electronic communication, they will be required to confirm that they have attended the Closed Session alone in keeping with the definition in this Bylaw of "Closed Session" by providing a statutory declaration or affidavit sworn or declared before the Chief Administrative Officer or Commissioner for Oaths prior to the next regular Council meeting.

8. CANCELLATION OF MEETINGS

- 8.1 A regular meeting may be cancelled:



- a. By a vote of the majority of members at a previously held meeting; or
- b. With the written consent of a majority of members, providing twenty-four (24) hours' notice is provided to members and the public; or
- c. With the written consent of two-thirds (2/3) of the members of Council if twenty-four (24) hours' notice is not provided to the public.

8.2 A special meeting of Council may be cancelled:

- a. By the Mayor if twenty-four (24) hours written notice is provided to all members and the public; or
- b. By the Mayor, with the written consent of two-thirds (2/3) of the members, if less than twenty-four (24) hours' notice is provided to all members.

8.3 Notice of a cancelled or rescheduled regular Council meeting will be posted on the Town of Legal website, and if time permits, advertised in the local newspaper.

9. **AGENDAS FOR COUNCIL MEETINGS**

9.1 The agenda for each regular meeting shall be prepared by the Chief Administrative Officer or designate and provided together with copies of all pertinent correspondence, statements and reports to each member of Council by circulating them by electronic or other means as directed by the Chief Administrative Officer 4:30 P.M. on the Thursday prior to the meeting.

9.2 If past the deadline, items may be brought forth for placement on the revised agenda. The revised agenda will be submitted to each member of Council by 4:30 P.M. prior to the meeting on Monday afternoon.

9.3 Any member of Council, a Town Official, or any other person wishing to have an item of business placed on the agenda for a regular Council meeting, shall make the submissions to the Chief Administrative Officer not later than 12:00 noon on the Thursday of the week prior to the meeting, and/or at the Chief Administrative Officer's discretion. The submission shall contain adequate information to the satisfaction of the Chief Administrative Officer to enable Council to consider the matter.

9.4 No item of business shall be considered by the Council if the item has not been placed on the agenda. The agenda of the Council as distributed may be amended if the members of Council present, by a two-thirds (2/3) majority vote, agree to add the item to the agenda. The Mayor, any Councillor, and/or the Chief Administrative Officer shall be given an opportunity to state why an item shall receive consideration on the agenda because of its nature before the motion is put to a vote.

9.5 When a communication intended for Council is received by the Chief Administrative Officer, they shall place it on the agenda of Council, unless the Chief Administrative Officer considers the matter contained in the communication to be impertinent, improper, libellous or administrative in nature; in which case the Chief Administrative Officer shall advise the originator that the communication is not being sent to the Council.

9.6 The order of business as established in this Bylaw shall apply for all regular Council meetings unless the members of Council present, by a two-thirds (2/3) majority vote, agree to any change.

9.7 The order of business on the agenda shall be as follows:

1. Call to order
2. Additions and/or Deletions to Agenda
3. Adoption of Agenda
4. Public Hearing (if applicable)
5. Adoption of Previous Minutes
6. Delegations, Petitions or Presentations
7. Unfinished Business
8. Reports
9. Correspondence
10. New Business
11. Closed Session
12. Adjournment

9.8 Closed Session:

9.8.1 In a Closed Session Items shall be distributed as follows:

- a. Confidential material, stamped or watermarked "Confidential" on each page, is to be distributed to each Council member after Council has passed a resolution to move into a Closed Session and all documents are to be returned to the Chief Administrative Officer or their designate at the conclusion of the Closed Session portion of the meeting;
- b. Confidential material, stamped or watermarked "Confidential" on each page, greater than ten (10) pages be distributed to each Council member electronically (packages to be digitized as "Read Only") uploaded to a secure server separate from the main agenda with password protection that limits access to Council members only by 4:30 P.M. the Friday prior to the meeting.

10. MINUTES

- 10.1 The Chief Administrative Officer may delegate any duties relating to Council to other administrative personnel, but shall accept all responsibilities of the duties.
- 10.2 If a member of Council arrives late, leaves before the meeting is adjourned, or is temporarily absent from the meeting, it shall be so recorded in the minutes.
- 10.3 The Chief Administrative Officer shall record in the minutes each time a member of Council is absent, and each time a member of Council refrains from discussion and voting by reason of absence or pecuniary interest as well as the general nature of the pecuniary.
- 10.4 The Chief Administrative Officer shall, whenever a recorded vote is requested by a member of Council, record in the minutes the name of each member of Council present and whether each member voted for or against the matter.
- 10.5 An administrative personnel shall record the motion to proceed to a Closed Session where Council shall state the section of the enabling *Freedom of Information and Protection of Privacy Act*.
- 10.6 An administrative personnel shall record the names of one or more persons attending the Closed Session along with stating the reason for their attendance in the minutes of the Council meeting.

11. DELEGATIONS, PETITIONS OR PRESENTATIONS

- 11.1 Delegations shall be received at regular Council meetings or Governance and Priorities Committee meetings.
- 11.2 When a person wishes to appear before the Council to present a petition or speak on behalf of a delegation the information will be submitted in accordance with Section 9.3 of this Bylaw and the presentation to Council shall be limited to fifteen (15) minutes, followed by questions from Council members. When individuals wish to appear before the Council during a Public Hearing, their appearance shall be limited to five (5) minutes.
- 11.3 The Delegations portion of Council meetings shall provide:
 - a. An opportunity for individuals to appear as a formal delegation (i.e., they have submitted information in accordance with Section 9.3 of this Bylaw and their submission has been included in the agenda package distributed to Council); and
- 11.4 All persons wishing to address Council will be required to give their name, topic of concern and whether there has been any previous contact with a member of Council or Administration regarding the matter.
- 11.5 In the event that all persons who expressed an interest to speak at a Council meeting cannot be heard within the allotted amount of time for presentations, they will be invited to attend and appear before the next regular Council meeting, otherwise a time extension beyond the fifteen (15) minutes is subject to the discretion of the Presiding Officer.
- 11.6 Council will not entertain submissions from the public on issues that are before the Subdivision and Development Appeal Board, the courts, or require a statutory Public Hearing.

11.7 A response to each speaker's comments/concerns will be provided through one (1) or more of the following:

11.7.1 A resolution of Council at the regular Council meeting; or

11.7.2 Referral of the matter to the Chief Administrative Officer for review and recommendation at a subsequent time, depending on the significance of the issue and the time required to adequately research the matter.

11.8 Council shall hear no more than four (4) delegations at any one (1) meeting of Council unless Council allows otherwise. All rules of Council in this Procedural Bylaw shall apply to each and every member of the delegation.

12. GENERAL RULES OF COUNCIL

12.1 Meetings of Council shall adjourn at 11:00 P.M. if in session at that hour, unless the members of Council present, by a two-thirds (2/3) majority vote, agree to extend the time.

12.2 Every person wishing to speak during a Council meeting shall address the Mayor or Presiding Officer. The address to the Mayor or Presiding Officer shall be "Your Worship" and no person shall be permitted to speak unless and until, that person has been recognized by the Presiding Officer; and then, only so long as all remarks are addressed to the Presiding Officer.

12.3 Council or Council Committee meetings may be filmed or recorded by accredited media upon written permission of Council.

12.4 Personal smartphones, tablets, recording devices and other electronic devices must be turned off or set in the silent mode prior to entering Council Chambers by members of the gallery, unless otherwise authorized by Council. Use of Smartphones, tablets, recording devices and other electronic devices by Council is prohibited. Signs advising members of the gallery are to be posted on restrictions on use of electronic devices in Council Chambers. The Mayor is to make note of Council Chamber restrictions at the start of each meeting.

12.5 A meeting may be adjourned by a motion or the declaration of the Presiding Officer. A declaration by the Mayor to adjourn a meeting may be appealed through a motion decided by a majority of members.

13. MOTIONS

13.1 The time limit for speaking shall be set at three (3) minutes and the number of times that a member may speak on the same motion or matter will be twice (2).

13.2 After a motion is made, it may be withdrawn by the mover at any time before a vote is taken or an amendment is made.

13.3 The Chief Administrative Officer shall record all motions in writing before the motion is debated or put to a vote.

13.4 All motions shall be stated by the Presiding Officer or Chief Administrative Officer before being debated or voted upon.

13.5 When speaking to a motion a member shall, before entering upon the substance of his remarks, state whether he is for or against the motion.

13.6 No motion shall be offered that is substantially the same as one that has already been expressed during the same meeting.

13.7 Where a matter under consideration contains several distinct propositions, a member may request, or the Mayor may direct, that each proposition be made as a separate motion.

13.8 After the vote has been called for by the Mayor or Presiding Officer, no member shall speak to the motion, nor shall any other motion be made until after the result of the vote has been declared.

- 13.9 Voting on all motions shall be done by clearly raising one (1) hand in such a clear manner that they may be easily counted by the Presiding Officer. When using electronic communications, the Mayor or Presiding Officer will ask whether the member is voting for or against the motion. After the Mayor or Presiding Officer has counted the vote, the Mayor or Presiding Officer shall declare whether it was "carried", "carried unanimously", or "defeated". Except where provided for in this Bylaw or by the applicable legislation, a majority vote of the members present who are eligible to vote, shall decide a question or motion before the Council. If the vote results in a tie, the motion will be considered defeated.

14. MOTIONS BEFORE COUNCIL

- 14.1 No motion will be made while a delegate is present.
- 14.2 All relevant parties must be notified in writing of the decision of Council.
- 14.3 When a motion has been made and is being considered by the Council, no other actions may be considered except:
- a. A motion to refer the motion to some other party for consideration, or to withdraw the motion;
 - b. A motion to amend the motion;
 - c. A motion to table the motion (the motion remains pending in order to address another urgent matter at that meeting);
 - d. A motion to postpone the motion to a future date (not beyond the third month from when it was presented);
 - e. A motion to adjourn the meeting, and any necessary resultant motion to postpone shall not be debated except as to the time when the matter will again be considered; or,
 - f. A motion of privilege, an incidental or a subsidiary motion.
 - g. When the Mayor or Presiding Officer is called on to decide a Point of order or practice, the point shall be stated clearly and without unnecessary comment, except to cite the specific departure from the Procedural Bylaw.
 - h. The Mayor or Presiding Officer shall preserve order and decorum and shall decide questions of order, subject to an appeal to the Council by resolution; and the decision of the Presiding Officer shall be final unless reversed by a majority vote of members present.
 - i. A motion to appeal the decision of the Mayor is an appeal which Council must decide, and must be made before other business is resumed. If the decision of the Mayor is appealed, the Mayor shall give concise reasons for such ruling and Council, without debate, shall decide the question. The ruling of Council shall be final.
- 14.4 A motion to refer, adjourn, postpone or to table, until it is voted upon, shall preclude all amendments to the main motion. A motion to refer or postpone is debatable, while a motion to table is not. A motion to adjourn is not debatable except as allowed in Section 14.3(e) above.
- 14.5 Each motion to amend or motion to amend an amendment to a motion:
- a. Must be relevant to the motion on which it is proposed. Any amendment that raises a new question can only be considered as a new distinct motion;
 - b. Must not propose a direct negative which would be considered out of order;
 - c. Shall be put to the Council in the reverse order to that in which they are moved, and must be decided upon or withdrawn before the main question is put to a vote. Only one amendment at a time to the main motion shall be allowed; and, only one (1) amendment to an amendment shall be allowed at one (1) time;
 - d. Shall not be moved by the original mover of the motion or the amendment;
 - e. Must not enlarge the scope of the amendment (an amendment to an amendment), but should only deal with matters not covered by the original amendment;
 - f. Shall only be sub-amended one (1) time. A request for a second amendment to an amendment would require the current motion to be defeated and a new motion to be moved.
- 14.6 A motion to reconsider a motion shall:
- a. only be made at the same meeting the motion was decided;
 - b. only be made by a member who voted with the prevailing side of the motion involved;
 - c. not be proposed more than once for a specific motion at any one (1) meeting of Council;

- d. be decided by a majority of the members of Council present; and,
- e. not be allowed on a motion of adjournment.

14.7 A motion to rescind a previous motion of Council may:

- a. Be made by any member of the Council; and
 - i. be offered at any time subsequent to the meeting at which the original motion was passed;
 - ii. be passed by:
 - 1. a vote of two-thirds (2/3) of the members of Council (who hold office at the time) when the motion is without notice; and
 - 2. a simple majority of the members of Council present when notice has been given. Notice shall be through a Notice of Motion or the inclusion of the item on an agenda delivered to the members of council before the meeting.

14.8 A motion to rescind a previous motion of Council as per Section 14.7 shall not be made:

- a. If the previous motion has not been acted upon to the extent that the Municipality has undertaken or become subject to any liability or obligation; or
- b. was not a motion for a reading of a bylaw.

14.9 A motion that will address a bylaw for first reading shall be decided without amendment or debate, but motions for subsequent readings are debatable. Each bylaw shall be read a first, second and third and final time before being signed by the Mayor and Chief Administrative Officer. Unanimous agreement is required to have the third and final reading at the same meeting. A motion cannot amend or change a bylaw; only an amending bylaw can make the change.

15. NOTICE OF MOTION

- 15.1 Council members may bring forward notices of motion as an item on the agenda of a regular Council meeting. Once the Notice of Motion is stated, it will be recorded in the meeting's minutes.
- 15.2 A written copy of the Notice of Motion shall be provided to the Chief Administrative Officer prior to the meeting's adjournment.
- 15.3 The Notice of Motion will be placed on the next regular Council Meeting agenda that the elected official who made the Notice of Motion is present, to vote whether the matter will proceed.
- 15.4 Once approved by Council, a Notice of Motion given at a regular Council meeting will be addressed in a time frame not beyond the end of the third month from when it was presented, unless Council directs differently.
- 15.5 A Notice of Motion cannot be made at a Special Council meeting.
- 15.6 A Notice of Motion is not debatable until a Council member moves the motion.

16. VOTING – PECUNIARY INTEREST

- 16.1 Members of Council who have a reasonable belief that they have a pecuniary interest (as defined in the *Municipal Government Act*) in any matter before Council, any Committee of Council or any Board, Commission, Committee or agency to which they are appointed as a representative of Council, shall, if present, declare and disclose the general nature of the pecuniary interest prior to any discussion of the matter, abstain from discussions or voting on any questions relating to the matter and shall remove themselves from the room until the matter is concluded.
- 16.2 Where the member of Council has left the meeting under Section 16.1:
 - a. The reason for and time of the member of Council's departure, and return, if any, shall be recorded in the minutes;
 - b. If Council amends the motion before it, Council shall recess to allow the Chief Administrative Officer to endeavour to advise the member of Council who has left the meeting of the amendment so that the Councillor may determine whether they remain in a conflict of interest; and



- c. Council shall not consider any other agenda item until the Chief Administrative Officer has endeavoured to advise the member of Council who left the meeting because of a conflict that there is a new agenda item before the meeting.

17. PETITIONS

- 17.1 Statutory petitions will be submitted to the Chief Administrative Officer and will be processed in accordance with the *Municipal Government Act*.
- 17.2 On receipt of a non-statutory petition, the Chief Administrative Officer may do the following:
 - a. Include it as an item on the agenda for the next regular meeting of Council in full or summary form;
 - b. Refer it to administration for a report to Council or appropriate Council Committee;
 - c. Circulate it to the members of Council individually as information if it does not require any further action by Council.

18. COMMITTEES AND BOARDS

- 18.1 The Council shall appoint representatives to such Committees, Boards and Commissions as required by legislation, agreement or bylaw and as they deem necessary. Unless an immediate appointment is required mid-term, these appointments shall be made on an annual basis at the Organizational Meeting.
- 18.2 The Council may make appointments to a Committee at any time, providing that the Council has adopted a bylaw or resolution specifying the terms of reference of the Committee. Terms of reference will be adopted by bylaw if the Committee is being delegated budgetary responsibilities; whereas adoption through resolution may be used for other Committee's terms of reference.
- 18.3 A special Committee may be appointed at any time by the Council or by the Mayor acting upon the instructions of the Council, providing that a motion has been adopted specifying the matters to be dealt with by the Committee.
- 18.4 The business of standing and special Committees including Council Committee meetings in Closed Session, shall be conducted in accordance with the rules governing procedure in the Council, except that no motion need be recorded, no member shall be limited as to the number of times allowed to speak to the questions under consideration and no member may move the previous question.
- 18.5 It shall be the duty of the Chairman of each Board or Committee (or their designee) to summon members for meetings.
- 18.6 The Mayor shall be ex-officio member of all Council Committees and bodies which Council has a right to appoint members under the *Municipal Government Act* (does not apply to certain Committees, e.g. Subdivision Development Appeal Board, Assessment Review Board, etc.); and should they so desire, may direct another Councillor to attend a meeting in their place.
- 18.7 Appointed Council members shall keep the rest of the Council informed of the actions of Committees or Boards to which they are appointed by Council, by providing regular activity highlights through their written Councillors' reports.

19. BYLAWS

- 19.1 Bylaws shall be passed in accordance with the *Municipal Government Act*.
- 19.2 Every proposed bylaw must have three (3) distinct and separate readings.
- 19.3 If a bylaw fails to receive third reading, it shall remain on the agenda to be dealt with at the next regular meeting of Council.
- 19.4 A proposed bylaw must not have more than two (2) readings at a Council meeting unless the Councillors present unanimously agree to consider third reading at that meeting.
- 19.5 Every bylaw which has been passed by Council shall immediately after being signed be securely filed.



19.6 The Presiding Officer shall initial each page of the passed bylaw.

20. PUBLIC HEARINGS

20.1 The conduct of any Public Hearing shall be governed by the *Municipal Government Act* and this Bylaw.

20.2 Public Hearings shall be advertised to the public in accordance with the *Municipal Government Act*.

20.3 Wherever possible, persons interested in speaking at a Public Hearing should register with the Chief Administrative Officer prior to the Public Hearing.

20.4 The Mayor shall declare the Public Hearing in session and shall outline the Public Hearing Procedures.

20.5 The Chief Administrative Officer shall introduce the resolution or bylaw and shall briefly state the intended purpose. Department presentations shall follow the introduction of the bylaw or resolution.

20.6 The Mayor shall request those who wish to make presentations to identify themselves. The Mayor shall then open the floor to public presentations.

20.7 The Mayor shall call upon those persons who have registered with the Chief Administrative Officer to speak first, followed by other persons at the meeting who have not registered to speak but who wish to address Council. A person who does not identify himself or herself will not be given the opportunity to speak.

20.8 Presentations by the public may be made verbally, in writing, or both. Written submissions shall be collected by the Chief Administrative Officer and retained for information purposes.

20.9 Verbal presentations shall be limited to five (5) minutes unless there is consent by Council to extend the allotted time.

20.10 Following public presentations, the Mayor shall close the Public Hearing.

20.11 If no one is present to speak to a proposed bylaw which requires a Public Hearing, Council may hear an introduction of the matter from administration, ask relevant questions, and then must vote to close the Public Hearing.

20.12 After the close of the Public Hearing, Council may debate matters raised at the Public Hearing during the regular Council meeting following the Public Hearing and may;

- a. pass the bylaw or resolution; or
- b. make any necessary amendments to the bylaw or resolution and pass it without further advertisement or hearing.

20.13 When a Public hearing on a proposed bylaw or resolution is held, a Member:

- a. must abstain from voting on the bylaw or resolution if the member was absent from all of the Public Hearing; and
- b. may abstain from voting on the bylaw or resolution if the member was only absent from a part of the Public Hearing.

21. GOVERNANCE AND PRIORITIES COMMITTEE

21.1 There shall be a Governance and Priorities Committee comprising all Councillors.

21.2 The general responsibility of the Governance and Priorities Committee shall be to analyze any and all matters placed before it, as set out in the *Municipal Government Act*, and indicate to Council by recommendation the ways and means of dealing with the said matters before it and to advise the course of action.

21.3 Subject to the Act, the Governance and Priorities Committee may consider any matter that Council may consider, including but not limited to discussion and debate of the following matters:

- a. Budget;
- b. Audit;
- c. Transportation Issues;
- d. Development Issues;
- e. Strategic planning;
- f. Legislative reform;
- g. Policing matters;
- h. Policy formulation; and
- i. Corporate planning.

21.4 The Governance and Priorities Committee may:

- a. Conduct non-statutory public hearings;
- b. Receive delegations and submissions;
- c. Meet with other municipalities and other levels of government; and
- d. Recommend appointments of members of the public to Council Committees, or other Committees and other bodies on which the Town is entitled to have representation.

21.5 Council may receive briefings in Governance and Priorities Committee meetings.

21.6 In addition to the restrictions contained in the *Municipal Government Act*, the Governance and Priorities Committee shall not hold statutory public hearings.

21.7 The Governance and Priorities Committee may make the following motions:

- a. To receive agenda reports as information
- b. To refer matters to administration or a Committee for further review.
- c. To direct that the matter be brought to Council for consideration.

21.8 A quorum of the Governance and Priorities Committee is a majority of Councillors.

21.9 At a Governance and Priorities Committee meeting, the procedures of Council shall be relaxed as follows:

- a. A Councillor may speak even though there is no motion on the floor, but if there is a motion on the floor a Councillor shall only address that motion;
- b. A Councillor may speak more than once, on a matter provided that each Councillor who wishes to speak to the matter has already been permitted to do so;
- c. No notice need be given of any motion to be made.

21.10 The Governance and Priorities Committee may consider a matter in Closed Session, in accordance with the *Municipal Government Act* and *Freedom of Information and Protection of Privacy Act, R.S.A., 2000, c-F-25*.

21.11 No motions may be made when the Governance and Priorities Committee is sitting in Closed Session in accordance with the *Freedom of Information and Protection of Privacy Act, R.S.A., 2000, c-F-25* except motions to reconvene the Governance and Priorities Committee meeting.

22. MISCELLANEOUS

22.1 No member shall:

- a. use offensive words in or against the Council;
- b. speak to a subject except upon the question in debate;
- c. reflect upon any vote of Council except for the purpose of moving that such a vote be rescinded or reconsidered; or
- d. resist the rules of the Council or disobey the decision of the Mayor or of the Council on any question of order or practice or upon the interpretation of the rules of the Council. If any member shall so resist or disobey, they may be ordered by a majority vote of the Council to leave their seat for that meeting and should they refuse to do so, the Mayor, Deputy Mayor



or other Presiding Officer may request that they be removed by law enforcement. Should the offender provide an ample apology they may, by majority vote of the Council, (without debate), be permitted to return to their seat.

22.2 Council may adjourn from time to time to a fixed future date, any regular or special meeting of Council which has been duly convened but not terminated. The object of adjourning is to finish the business which the meeting was called, but which has not been completed.

22.3 No member of the Council shall have the power to direct or interfere with the performance of any work of the Corporation. Council members may seek information through the office of the Chief Administrative Officer.

23. SEVERABILITY

23.1 If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed, and the remainder of the Bylaw is deemed valid.

24. REPEAL

24.1 Bylaw No. 67-93 and Bylaw No. 73-93 are hereby repealed.

25. EFFECTIVE DATE

25.1 This by law shall come into full force and effect on the date of its final passing.

Read a first time this 30 day of March, 2020.

Read a second time this 30 day of March, 2020.

Read a third and final time this 30 day of March, 2020.



Mayor



Chief Administrative Officer

What Every
Councillor
Needs To Know!

A Council Member Handbook

Alberta 

Government

Alberta Municipal Affairs

Municipal Capacity Building, Municipal Capacity and Sustainability Branch

What Every Councillor Needs To Know!

A Council Member Handbook

Alberta Municipal Affairs

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The contents of this publication are intended to provide general information. Readers should not rely on the contents herein to the exclusion of independent legal advice.

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Introduction

Congratulations! The electors of your municipality have put their trust in you to make decisions that are in their best interest. Elected office is one of the highest orders of public service. It offers the opportunity to significantly influence the quality of life in your community.

This booklet presents an overview of your responsibilities as a municipal councillor and is intended to help you to understand the powers and duties of a municipal council as a whole and you as an individual councillor. It also provides the context of the Chief Administrative Officer's (CAO) role in the municipality and helps you to understand how vital this relationship is.

The *Municipal Government Act (MGA)* provides the basic legislative framework for Alberta's municipalities. Council members must also grasp and comply with federal and provincial legislation and regulations affecting municipalities. In Alberta, cities, towns, villages, summer villages, municipal districts, specialized municipalities and improvement districts constitute municipalities. Councils have numerous powers, duties and responsibilities. You will benefit from your time on council as you meet new people and develop a greater understanding of the local government process and its role in your community. Your community will benefit from your leadership, vision, and service. Best wishes for your success, and for the success of your community.

This guide is an information summary only and has no legislative sanction. For certainty, refer to the *Municipal Government Act*, copies of which are available for purchase from Alberta Queen's Printer Bookstore. It is recommended that municipalities obtain legal advice for interpretation.

Note: Proposed amendments to the MGA that have not been proclaimed as of (publication date) are not reflected in this document. Additionally, as part of the *Municipal Government Act (MGA)* Review process, all MGA regulations related to property assessment and planning and development were reviewed to support the proposed amendments. The review has resulted in updates to a number of existing regulations and creation of new ones. To view and provide comments on these regulations, visit <http://mgareview.alberta.ca/get-involved/regulations-review/>.

Things to know!

Oath of Office [s. 156]

Before taking part in your first council meeting or performing any councillor duty, you will be required to make and subscribe to the official oath of office. By taking the oath, you swear or promise that you will diligently, faithfully, and to the best of your ability, fulfill the duties of the office to which you have been elected.

Your role

Council is the governing body of the municipal corporation. As a councillor, you will exercise the powers of the municipality through decisions passed by bylaw or resolution at a public meeting and define the policies and direction that your municipal administration will put into action.

Every councillor must understand the municipal purposes in section 3.

The purposes of a municipality are

- a) to provide good government,
 - a.1) to foster the well-being of the environment,
- b) to provide services, facilities or other things that, in the opinion of council, are necessary or desirable for all or a part of the municipality,
- c) to develop and maintain safe and viable communities.
- d) to work collaboratively with neighbouring municipalities to plan, deliver and fund intermunicipal services.

The MGA also provides municipal government with natural person powers for the purpose of exercising their authority. Natural person powers give municipality's similar flexibility to that of individuals and corporations in managing their organizational and administrative affairs. These powers may help a municipality – without the need for more specific legislative authority – enter into agreements or acquire land and equipment. For example, if a municipality has authority to establish a public transit system, it may use natural person powers to contract services and purchase buses. It is important to be aware that natural person powers are limited by legislation.

Council's principal role in the municipal organization:

A council is responsible for [s. 201(1)]

- a) Developing and evaluating the policies and programs of the municipality;
Council's primary role is to ensure that services are provided to citizens and property owners. This involves establishing policies about what programs and services are to be delivered, the level at which they are delivered, and the budgetary requirements. Council evaluates the policies and programs through information obtained from the CAO and feedback from the citizens.
- b) Carrying out the powers, duties and functions expressly given to council under the Act or any other legislation.
Council is responsible for ensuring that the municipality acts within its enabling legislation. A municipality can be taken to court by any person if it is perceived to be acting outside its legal

authority. As well, council is responsible for ensuring that the municipality meets all requirements established in legislation, such as the requirement to hold public hearings on certain matters, develop a budget and levy taxes, appoint an auditor, etc. The legislation establishes minimum requirements; however, council can go beyond these minimums, provided that they act within their legislative authority.

Section 201(2) states clearly that a council must not exercise a power or function or perform a duty that is by this or another enactment or bylaw specifically assigned to the chief administrative officer or a designated officer.

As indicated above, council develops and evaluates its policies and programs; it is the CAO that implements them.

To carry out these roles, the MGA provides the following:

General duties of councillors [s. 153]

Councillors have the following duties:

- a) to consider the welfare and interests of the municipality as a whole and to bring to council's attention anything that would promote the welfare or interests of the municipality;
 - a.1) to promote an integrated and strategic approach to intermunicipal land use planning and service delivery with neighbouring municipalities;
- b) to participate generally in developing and evaluating the policies and programs of the municipality;
- c) to participate in council meetings and council committee meetings and meetings of other bodies to which they are appointed by the council;
- d) to obtain information about the operation or administration of the municipality from the chief administrative officer or a person designated by the chief administrative officer;
- e) to keep in confidence matters discussed in private at a council or council committee meeting until discussed at a meeting held in public;
 - e.1) to adhere to the code of conduct established by the council under section 146.1(1);
- f) to perform any other duty or function imposed on councillors by the MGA or any other enactment or by the council.

Your job as a councillor is to work with other council members to set the overall direction of the municipality in your role as a policy-maker. The policies that council sets are the guidelines for administration to follow as it handles the operations of the municipality. Much of your time on council will be spent considering new policies and programs and reviewing the current ones to make sure they are working as they should. In the spirit of collaboration, a municipality may enter into an agreement respecting services with Indigenous peoples or a Métis settlement and is required to consult with Indigenous peoples or Métis settlement when developing certain land use plans.

General duties of chief elected official (CEO) [s. 154]

- a) to consider the welfare and interests of the municipality as a whole and to bring to council's attention anything that would promote the welfare or interests of the municipality;
 - a.1) to promote an integrated and strategic approach to intermunicipal land use planning and service delivery with neighbouring municipalities;

- b) to participate generally in developing and evaluating the policies and programs of the municipality;
- c) to participate in council meetings and council committee meetings and meetings of other bodies to which they are appointed by the council;
- d) to obtain information about the operation or administration of the municipality from the chief administrative officer or a person designated by the chief administrative officer;
- e) to keep in confidence matters discussed in private at a council or council committee meeting until discussed at a meeting held in public;
 - e.1) to adhere to the code of conduct established by the council under section 146.1(1);
- g) to perform any other duty or function imposed on councillors by the MGA or any other enactment or by the council.

In practice, the CEO is also generally the main spokesperson for the municipality, unless that duty is delegated to a councillor.

These legislated duties supersede any duty to any individual or group of residents.

Be familiar with your legislation

Municipalities are often described as “creatures of province”; the only powers that they have are those set out in provincial legislation and those implied or necessarily incidental to them. If you do not have a grasp of the basics, you will not understand what the municipality can, cannot, must and must not do. Although you can rely on the CAO to inform you of the legislated requirements of the MGA, it is recommended that you have a brief read through the legislation to understand why you are doing what you are doing.

The *Municipal Government Act (MGA)* is the most important Act a councillor should be familiar with. It lays the foundation for how municipalities operate, how municipal councils function, and how citizens can work with their municipalities. The MGA is the legislative framework in which all municipalities and municipal entities across the Province of Alberta operate.

The *Freedom of Information and Protection of Privacy (FOIP) Act* provides the Government of Alberta’s general policy on access to information and the protection of personal information in the public sector. It provides for public accountability through a right of access to records under the control of public bodies and mandates how a public body is to collect, use and disclose an individual’s personal information.

These are the two most important pieces of legislation that apply to municipalities. Some of the more common pieces of legislation that affects municipalities are listed at the end of this document.

How you can help

Orientation and Training Opportunities [s. 201.1]

Understanding the relationships, roles and the responsibilities of an elected official and the associated limitations, will be critical to your success in the position. Whether you are newly elected or a returning official, you should take every opportunity to learn about your municipality; key issues affecting the community; and governing processes and procedures. It is mandatory for each municipality to offer orientation training to each councillor, to be held within 90 days after the councillor takes the oath of office.

The orientation training must include:

- the role of municipalities in Alberta;
- municipal organization and functions;
- key municipal plans, policies and projects;
- roles and responsibilities of council and councillors;
 - the municipality's code of conduct;
- roles and responsibilities of the chief administrative officer and staff;
- budgeting and financial administration;
- public participation policy; and
- any other topic prescribed by the regulations.

Your associations, Alberta Urban Municipalities Association (AUMA) and the Alberta Association of Municipal Districts and Counties (AAMDC), jointly offer orientation sessions that cover some of these requirements. They also offer conferences throughout the year that will provide invaluable information and networking opportunities.

In addition, Alberta Municipal Affairs provides workshops on the roles and responsibilities of council, councillors and administration. These workshops are offered on a regional basis in the months following a municipal general election and on an 'as requested' basis through-out your term.

If you are newly elected, attending training, conferences and workshops is an excellent way to obtain the information you need to serve effectively. If you are a returning councillor, your knowledge and experience holds significant value for the new councillor.

Understand the financial implications of your decisions

Almost everything the municipality is engaged in will have a cost associated with it. You will spend a lot of time assessing the financial implications of council policy decisions. You will need to balance the desire for municipal services with the amount of property taxes and user fees that the local residents are willing to pay for those services.

Let employees do their jobs

The CAO is your only employee in most instances. You may have a bylaw which states that designated officers report directly to council. All other municipal employees report to the CAO. Staying out of the day-to-day operation of the municipality allows councillors to concentrate on policy-making and program monitoring. Councillors should work with the CAO to keep informed on what the municipality is doing and will depend on the administrator to provide information so that they can make sound decisions. Effective councils set policy; they do not micro-manage or perform any administrative duties. Refer to section 201(2).

Understand and avoid pecuniary interest and conflict of interest

As a public servant, you are responsible for upholding the public interest ahead of any private interests you may have. These rules are designed to protect the public interest while ensuring that your ability to work is not adversely affected by your election to council. In order that the public interest is served and seen to be served, it is important that you be open and honest about dealing

with the municipality. Be fair to yourself, your electors, and your municipality by keeping your private interests in harmony with the public interest.

Pecuniary interest is a matter which could monetarily affect the councillor or an employer of the councillor, or the councillor's family. Conflict of interest is a situation in which the concerns or aims of two different parties are incompatible or a situation in which a person is in a position to derive personal benefit from actions or decisions made in their official capacity.

The MGA provides the definition and application of pecuniary interest and the municipality's Code of Conduct for Elected Officials bylaw should define what constitutes a conflict of interest. Know how and when to report either, what to do in each case, and the consequences of not following the provincial legislation or local bylaw. Attempting to influence in any way, any decision in which you have a pecuniary interest is reason for disqualification from council. The municipal code of conduct will also have repercussions for conflict of interest that is not declared. If either is ignored, council decisions may be challenged.

For further information on pecuniary interest, please visit www.municipalaffairs.alberta.ca/documents/Pecuniary_interest_%202017.pdf.

Information is public

All information received, sent, stored or collected by a municipality is public information unless it falls within the limited exceptions under the FOIP Act. Yes, this applies to email and electronic records too. Ask your duly appointed FOIP officer (often the CAO), what the rules are.

The municipality's lawyer is not your lawyer

The municipality's lawyer takes instructions from council as a whole through the CAO. Also, any legal advice received is privileged and is not to be shared outside of council. In a question of pecuniary interest, or if you are facing charges, you will be directed to seek your own counsel.

Municipalities and council members are subject to the laws in force in Alberta. For example, municipalities are subject to workplace safety laws, emergency management laws, environmental law, and employment laws, among many others. Council management decisions have legal consequences, and councils should be aware of legal risks in decision making. Councillors should be open to advice from the CAO and open to obtaining expert legal advice. You are responsible for your own words. Councillors should not make defamatory statements, whether inside or outside of council meetings. You need to be diligent to avoid putting the municipality or yourself at risk of committing an offence or being found liable for civil damages.

Team Approach

Working as a team with the rest of council and administration will contribute to making your time on council a success. It isn't always going to be easy. Your influence as a council member rests on your ability to persuade other members of council to consider your point of view. When an issue is being studied, be sure to express your views as part of the debate.

Disagreements among council members on specific issues are common. The respectful exchange of ideas and opinions leads to good decisions. While working through these debates, keep in mind that

you all share the same desire for your municipality to be strong, safe, and viable. You may have different views about how to get there, but you do share broader common goals.

Most votes on a council resolution do not require a consensus of all councillors. As a result, there will be many occasions where a decision is made that you did not support with your vote. However, once the resolution has been passed, it becomes the official direction of the municipality. The health and ongoing success of a municipality is largely dependent upon the ability of councillors to respect and support the decisions of council in principle, despite your personal views during the debate.

Some municipalities have a communications policy in place that directs media through prescribed channels. Becoming familiar with communications procedures will allow you, council, and administration to work as a team and deliver a cohesive message.

These are things that a councillor must know to do their job with integrity. The remainder of this booklet provides information on other aspects of the legislation that a councillor should be aware of to ensure your municipality is accountable to the taxpayer. As a councillor, you are elected to look after the interests of the entire municipality. Council's effectiveness depends on you providing input as a representative of the people who elected you.

Governance

Chief Elected Official (CEO) [s. 150, 154 and 155]

The title CEO may be changed to one that council believes is appropriate to the office, such as mayor or reeve.

The CEO of a city or town is elected by a vote of a municipality's electors, unless council passes a bylaw requiring council to appoint the CEO from among the councillors. In a village, summer village, or municipal district, council appoints the CEO from among the councillors unless it passes a bylaw providing that the official is to be elected by a vote of the municipality's electors.

Code of Conduct for Elected Officials [s. 146.1 and 153, Alberta Regulation]

A council must have a code of conduct bylaw which applies to each councillor equally. The bylaw must establish how council members will behave with each other, employees, and the public. It must also provide for a complaint and resolution process, and for sanctions as outlined in the regulation. This bylaw will help to ensure that all Albertans have effective and accountable representation, and set province-wide expectations for all elected officials. This bylaw must be reviewed every 4 years as councils are elected.

Councillor Liability [s. 249, 275 and 535]

The question of liability may arise as a result of councillors' actions. However, section 535 of the MGA was written to protect councillors from personal liability while acting in good faith for the municipality. This section does not apply in circumstances of defamation and does not protect the municipal corporation from any such liability.

There are several provisions in the MGA that could potentially create a liability on individual councillors. Section 249 deals with unauthorized expenditures and section 275 which deals with borrowings, loans, or guarantees that cause the municipality to exceed its debt limit.

While it is important to be aware of the potential for personal liabilities there is little precedent for the use of these provisions.

Council Meetings [Alberta Regulation]

A regulation defines a council meeting as, when used in reference to a council, a meeting under section 192, 193 or 194 of the Act, or a meeting under section 195 of the Act if a council committee meeting. These are an organizational meeting, a regular meeting, a special meeting or a committee of council meeting.

Organizational Meeting [s. 159 and 192]

The first meeting of council you attend will be the organizational meeting, held within two weeks of the election, or sooner if an election was not required. This marks the official commencement of the term of office and the completion of the previous council's term. This meeting allows council to address preliminary matters such as appointing a CEO if necessary, appointing a deputy CEO, and appointing people to the various committees and other bodies associated with council. If other regular business is to be conducted, the organizational meeting must be adjourned and the regular meeting convened and recorded as a separate meeting.

Regular and Special Meetings [s. 153, 181, 193, 194, 196, 197, 198, and 199]

It is up to council to decide how many meetings are needed to govern the affairs of the municipality. The decision to hold regular meetings must be made at a meeting with all councillors present, normally the organizational meeting. The time and place of a regular meeting can be changed. All councillors do not have to be at the meeting to change the time or place; but all councillors and public must be given 24 hours-notice of the change.

The timing of regular council meetings does not always align with urgent business that requires council attention. There will be times when a special meeting is required. Section 194 of the *MGA* states that a special meeting may be called if the CEO believes one is needed and must be called if a majority of councillors request one in writing.

Council and council committees can hold meetings by means of electronic or other communication facilities, (Section 199) rather than in person. Notice must be given to the public of such a meeting, including the way it will be conducted. The facilities must enable all the meeting's participants to watch or hear each other, and the public to watch or listen.

Meetings Closed To The Public (In-Camera Meetings)[s. 1(3), 197, Alberta Regulation]

There are times when council or a council committee must discuss something in private. A meeting or part of a meeting is considered to be closed to the public if:

- a) any members of the public are not permitted to attend the entire meeting or part of the meeting,
- b) the council, committee or other body holding the meeting instructs any member of the public to leave the meeting or part of the meeting, other than for improper conduct, or
- c) the council, committee or other body holding the meeting holds any discussions separate from the public during the meeting or part of the meeting.

The *MGA* and the *FOIP Act* set out some very limited exceptions in which meetings may be closed to the public. Personnel matters, where it would be unfair to the people involved to have the issue discussed in public, are a common example. In order to recognize specific circumstances that necessitate confidentiality of council discussions, section 197(2) of the *MGA* allows meetings that are closed to the public where the subject matter falls within one of the exceptions to disclosure in Division 2 Part 1 of the *FOIP Act*. The exceptions include matters where disclosures could be harmful to personal privacy, individual or public safety, law enforcement, intergovernmental relations, or economic or other interests; reveal confidential evaluations, local public confidences, or advice from officials; or disclose information that is subject to legal privilege.

Even then, before closing all or any part of a meeting to the public, a council or council committee must pass a resolution approving the part of the meeting that is to be closed, and indicate the exception to disclosure in Division 2 of Part 1 of the *FOIP Act*. All resolutions have to be made in a public session.

All public have the right to attend a council meeting except for someone who has been expelled due to improper conduct in that meeting. The provisions of the *MGA* regarding public presence at meetings are intended to promote public involvement and the accountability of the local government process.

Council Committees [s. 145 and 203]

If council creates council committees, it must be done by bylaw. The bylaw would establish the reason for the committee, the meeting procedures, and appoint committee members among other things. Council may decide to create a temporary committee to look at a specific issue. There may also be standing committees which run from year to year to deal with ongoing issues.

Council may delegate some of its power making to its committees. Any powers delegated would be outlined in the bylaw that created the committee. Some council decisions, such as passing bylaws or adopting the budget, cannot be delegated.

When council is part of an emergency services committee, it may have specific responsibilities in the case of a local emergency. Council should be aware of what those responsibilities are and how they are to be carried out. The emergency response framework is described in the *Emergency Management Act* and its regulations.

Procedural Bylaw [s. 145(b)]

A municipality may have a procedural bylaw to provide a standard format for council meetings and make it easier for members of council, staff, media, and public to understand the decision-making process. A procedural bylaw should set the date and time of regular council meetings, provide for the order of business, set rules regarding the proceedings at regular meetings of council, and describe how items may be put on the council agenda and method of distributing the agenda for council meetings, among other things. This bylaw should be reviewed every four years as councils are elected.

Policy-Making and Program Monitoring

Council is responsible for considering the types and levels of services that are necessary or desirable for the municipality. This responsibility involves providing input into the municipality's programs and services (policy-making) and making sure that administration provides the programs and services in the best possible way (program monitoring).

Council policy provides the basis for consistent decisions. Administration is responsible for providing the programs and services to the residents according to council policy.

Program monitoring is staying up to date through information obtained from the CAO and assessing the results against what council planned to achieve.

Public Participation Policy [s. 216, Alberta Regulation]

It is always important for a council to work with citizens to request input and address concerns. Each council is required to establish a public participation policy that will tell the electors how they can take part in important decisions of council that are not otherwise regulated. The policy should identify the types or categories of approaches the municipality will use to engage their stakeholders as well as the circumstances in which the opportunity will be exercised. Examples to be considered in the policy could include holding a 'town hall' to discuss the budget process or to explain the auditor's report. This policy is intended to promote consistent expectations and increases public confidence in the local government decision making process.

Voting [s. 183, 184, 185, and 172]

Council makes decisions. Under the MGA, a councillor is required to vote on all resolutions and bylaws unless required or permitted to abstain from voting under other legislated provisions or the Code of Conduct Bylaw. Council must ensure that each abstention and the reason for it are recorded in the minutes of the meeting.

If there is a public hearing on a proposed bylaw or resolution, a councillor must abstain from voting on the bylaw or resolution if they were absent from all of a public hearing, and may abstain if absent for a part of a public hearing. Section 172 of the MGA states that councillors must also abstain from voting on matters in which they have a pecuniary interest.

At any time before a vote is taken, a councillor may request that the vote be recorded. The minutes must show the names of the councillors present and how they voted.

Each councillor has one vote. A resolution is passed by receiving the majority of votes from the councillors in attendance at the meeting. When there is a tie vote on a resolution, it is defeated.

A quorum must be present at a council meeting for any resolution or bylaw to be valid. A quorum is a majority of councillors making up the municipal council. For example, if council consists of seven councillors (including the CEO); four councillors would constitute a quorum.

Administration

Chief Administrative Officer (CAO) [s. 153.1, 205, 205.1, 207, 208, and 209]

Every council must establish, by bylaw, a position of CAO. The CAO is an integral advisor to council in supporting the development and implementation of strategic objectives and policies. The CAO builds strong working relationships with stakeholders and provides mentorship and strategic guidance to their staff by fostering a culture of municipal excellence throughout the organization.

A primary duty of the CAO is to provide the same information to all councillors. When a councillor asks the CAO a question, it is their duty to provide that same information to all other councillors.

The CAO works collaboratively with council in building the community and effectively representing the interest of the municipality. As the administrative leader, the CAO will mentor, coach, and guide the performance of municipal staff to meet the needs of the community through public service excellence and a high degree of personal initiative.

A performance appraisal system for the CAO is a key building block for a lasting and positive relationship between council and the CAO. Even though the current relationship may be good, a formal appraisal process provides the opportunity to discuss opportunities for improvement. The MGA therefore requires that council provide the CAO with an annual written performance evaluation.

Designated Officers (s. 209 and 210)

A CAO may delegate any of his or her powers, duties, or functions to a designated officer or an employee. Designated officer positions are established by bylaw and are under the CAO's supervision, unless otherwise provided by bylaw. A designated officer may also delegate any of those powers, duties, or functions to an employee of the municipality. When a designated officer position has not been assigned, that duty falls back on the CAO.

Policies

The importance of policies is paramount in providing consistency and transparency to the CAO and the tax payer. Most successful municipalities maintain a policy manual with an index to enable easy reference. Policies should be approved by council, and should be periodically reviewed and updated to ensure they are still relevant.

Staff Development

Human resources are as important as financial resources. A variety of educational opportunities are available for both new and experienced municipal administrators. The most successful municipalities encourage staff development and training to ensure that their employees are able to effectively carry out their duties and stay familiar with new developments in the field of municipal administration.

Finance

The majority of activities that take place in any municipality have a cost associated with them. As a member of council, you will spend a substantial amount of time assessing the financial implications of council decisions on the local taxpayers.

Operating and Capital Budgets [s. 242, 243, 244, 245, 246, 247, 283.1]

The budget is the center of the municipal finance system. The priorities of council will necessarily be reflected in the funding priorities established in the budget. Through the budget, council sets the municipality's priorities for the next year (or number of years) by allocating funding for each program, service, or project. Careful and realistic budget planning and control can translate into better and more cost-effective services for the community.

Best practices indicate that sustainable municipalities have a strategic plan that maps out longer term goals and identifies the municipality's priorities over a number of years. A strategic plan can provide year to year guidance and direction to the annual budget process, and provides the longer-term context for annual goals.

The MGA requires that every municipality adopt an annual operating and a capital budget or a single annual budget that incorporates both operating and capital items. Property and business tax bylaws cannot be passed until a budget has been adopted. Municipal budgets must include sufficient revenues to cover planned expenditures. Reserve funds may be used to balance the budget. Municipalities are not permitted to allow the accumulated surplus, net of equity in tangible capital assets, to be less than zero.

The operating budget is a detailed estimate of how much your municipality needs to spend to meet its ongoing financial obligations and provide programs and services to the residents. The capital budget identifies the sources and uses of funding for fixed assets such as buildings, roads, vehicles, water and sewer facilities, and land.

Beginning in 2020, municipalities are required to have written three-year financial and five year capital plans in addition to the annual budget. Financial plans must identify expected revenues and expenditures as well as project the annual and accumulated surplus or deficit. The capital plan must meet the minimum of five years but a longer term plan is encouraged. The plan must identify planned capital property additions as well as allocated or anticipated sources of funding. Both the capital plan and operational plan must be reviewed and updated annually.

The budget is one of, if not the most, important council policy decision Council should receive regular reports from administration that compare actual financial results to the budget.

Procedure for Expenditure Authorization [s. 248 and 249]

Each council must establish procedures to authorize and verify expenditures that are not included in a budget. Such policies typically set thresholds for at what level the CAO or his/her designate can make an expenditure not included in the budget and when those expenditures must be brought to council for approval.

It is also important to note that if you, as a councillor, make an unauthorized expenditure, or vote to spend granted or borrowed funds for a purpose other than that for which they were granted or

borrowed, you could be held personally liable under section 249 of the MGA for the amount of the expenditure, grant, or borrowing.

Borrowing [s. 249, 252, and 275]

The Minister of Municipal Affairs has, by regulation, established municipal debt and debt service limits. As long as a municipality is within the limits, no provincial approvals are required for borrowing, but the Minister's approval is required for any borrowing beyond the debt limits. If you vote for a borrowing that puts the municipality above the regulated debt or debt service limit, you could be held personally liable for the amount of the borrowing, unless the borrowing is approved by the Minister.

Auditor [s. 276, 277, 278, and 280; Alberta Regulation 313/2000]

Each council must appoint an auditor for the municipality and must submit audited financial statements and an audited financial information return to the Minister of Municipal Affairs by May 1 of each year. In addition, the financial statements or a summary of them must be made available to the public by May 1 of each year. The financial statements must disclose the municipality's debt limits, as well as the salaries of the CEO, individual councillors, the CAO, and the designated officers of the municipality.

Property Assessment, Taxation, and Other Revenues

Assessment [s. 285, 298, 454, 454.1, 454.2, 454.3, 460, 460.1, 468, and 470]

Property assessment is the process of assigning a dollar value to a property for taxation purposes. In Alberta property is taxed based on the *ad valorem* principle. *Ad valorem* means “according to value.” This means that the amount of tax paid is based on the value of the property.

Assessments for all types of property are prepared by professional, certified assessors. Provincial assessors designated by the Minister of Municipal Affairs assess designated industrial property, while municipal assessors employed or contracted by municipalities assess all other types of property. Under provincial legislation, a council must appoint, by bylaw, a designated municipal assessor. A designated assessor is responsible for the completion of a number of tasks laid out by provincial legislation and regulations.

After the assessed value of a property has been determined, the property is assigned an assessment class. The assessment class determines the tax rate that will be applied to each property, as assessment classes may have different tax rates.

The municipal assessor is responsible for assigning assessment classes to property. Property is classified according to its actual use. The classes set out in the MGA are Class 1 – residential; Class 2 – non-residential; Class 3 – farmland; and Class 4 – machinery and equipment.

To ensure that property owners have a voice in the property assessment system, the MGA has set out a complaints and appeals system for property owners who have concerns about their assessment.

Property Taxation [s. 242, 297, 318, 354, 355, and 359.1]

Each year, municipal councils determine the amount of money they need to operate their municipality through the budget process. From this amount, the council then subtracts known revenues (for example, licences, grants, and permits). The remainder is the amount of money the municipality needs to raise through property taxes in order to provide services for the year.

Very simply, the revenue requirement divided by the total assessment equals the tax rate.

The tax rate is applied to each individual property assessment using the following formula:

Property assessment x Tax rate = Taxes payable.

Council is required to pass a property tax bylaw annually (Section 353). Council may set different municipal tax rates for each of the four assessment classes each year; however the difference between non-residential and residential tax rates can be no more than 5:1. Council may also set different tax rates for vacant and improved non-residential property and for different sub-classes of residential property. Council can only affect the tax rate by changing the revenue requirement (budget).

In addition to municipal tax rates, municipalities must set tax rates to raise funds that are requisitioned for cost sharing programs such as the Alberta School Foundation Fund and seniors lodges, etc.

Once the tax notices are mailed, the property tax rate bylaw cannot be amended unless approved by Ministerial Order.

For more information on Property Assessment and Taxation please visit:
www.municipalaffairs.gov.ab.ca/mc_property_assessment_and_taxation.

Education Tax and Equalized Assessment

Property assessment is used as the basis on which to requisition property taxes from all or a number of municipalities for the financial support of several regional and provincial programs. Equalized assessment is a process that levels the playing field for municipalities so that property tax requisitions and grants can be fairly allocated.

Just as property owners pay taxes in proportion to the value of the property they own, municipalities are required to contribute to the provincial education and other requisitions based on the proportion of assessment within their jurisdictions. Equalized assessments are used to determine the specific contributions to be made by each municipality, and they are also used in formulas for provincial grants to municipalities.

Inter-municipal fairness and equity is important when requisitioning property taxes from municipalities or calculating grants. In this regard, it is usually necessary to make some adjustments in the assessment base figures that each municipality reports to the province before those assessments are used to determine each municipality’s contribution to a regional or provincial program, or its equitable share of grant dollars. These adjustments are made through the equalized assessment process.

The MGA requires that most properties be assessed at market value. Ideally, all properties would be assessed at 100 per cent of market value. In practice, however, assessments may vary from market value to a limited degree. Because this variance may occur, equalization is used to adjust each municipality’s assessments to 100 per cent of market value. The equalization process removes the variations in assessment levels to make the assessment bases more comparable among municipalities. The process produces a set of adjusted, or “equalized,” assessments that can then be used to distribute **requisitions*, or allocate grants, among municipalities in a fair and equitable manner.”

Legislative Provisions

Process	Legislation
Equalized Assessment	<i>Municipal Government Act</i> , s. 317-s. 322, s.325 Alberta Regulation 220/2004, s. 10, s.13-s.19 <i>School Act</i> , s. 161(1)-(4)
*Requisitions	<i>Municipal Government Act</i> , s. 326(a)
Education Property Tax Requisitions <ul style="list-style-type: none"> • Alberta School Foundation • School Board Requisitions 	<i>School Act</i> , s. 164(1)-(8), s. 174(1)-(13) <i>Municipal Government Act</i> , s. 359.1(1)-(8) <i>Municipal Government Act</i> , s. 359.2(1)-(8)
Seniors Lodge Requisition (Management Body)	<i>Alberta Housing Act</i> , s. 7

Planning and Development

Council shapes the physical future of the community through its authority over land-use planning and development control. It is the responsibility of council to focus on the future of the community as a whole while balancing the current rights, needs and concerns of property owners and residents. The purpose of planning is to achieve the orderly, economical and beneficial development, use of land and settlement without infringing on the rights of individuals, except as necessary for the community. A number of tools are available to council for this purpose.

The MGA identifies the hierarchy and relationship of statutory plans. The order is:

Intermunicipal Development Plans (IDPs) – all other plans must be consistent with the IDP.

Municipal Development Plans (MDPs) must be consistent with the IDP.

Area Structure Plans (ASPs) and Area Redevelopment Plans (ARDs) must be consistent with any MDP and IDPs. The IDP prevails to the extent of the conflict or inconsistency between the plans.

ALSA Regional Plan (ALSA s. 20, 21, and 22; MGA s. 630.2 and 638.1)

Alberta Land Stewardship Act (ALSA) regional plans inform land-use decisions. They build on existing policies and initiatives by establishing a set of strategic directions to achieve the regional vision and outcomes, include regional objectives, strategies and actions undertaken to support achievement of the regional vision and outcomes and indicators to measure and evaluate progress and enable achieving the strategic direction and strategies and actions. Under ALSA, land-use decision-makers and the provincial government will coordinate their planning and decision-making.

The current MGA land-use policies will be phased out as new regional plans under the ALSA come into force. The MGA will provide authority, through regulation, to create land-use policies for municipal planning matters that are not included in a regional plan.

Where there is an approved ALSA regional plan, the subdivision authority, development authority, municipal planning commission, and subdivision and development appeal board of the municipalities within that region must act in accordance with the applicable ALSA regional plan's policies and outcomes.

Intermunicipal Development Plan [s. 631]

Two or more municipalities must adopt an inter-municipal plan (IDP) (within two years of MGA amendments being proclaimed) to address issues of mutual concern with respect to designated lands. The plan must provide for the future use of land, the manner of and proposals for future development, the provision of transportation systems and environmental matters, the co-ordination of intermunicipal programs, or other matters relating to the area. The plan must include a procedure to resolve, or attempt to resolve, conflicts; a procedure to amend or repeal the plan; and provisions relating to plan administration. The Minister may require two (2) or more municipalities to enter into an inter-municipal development plan. A Growth Management Board (GMB) is required to create a framework only for those matters that are not addressed in the growth plan. GMB members must create a framework with non-GMB municipalities where there is a common boundary.

Municipal Development Plan [s. 632 and 636]

Every council with a population greater than 3500 must adopt a municipal development plan (MDP). The MDP provides a general framework for development within the municipality and is the official statement of your municipality's policies concerning the desired future pattern of development. The municipality must afford opportunity to affected persons as well as neighbouring municipalities to review and make comment on the plan. Inter-municipal issues such as coordination of land use and infrastructure must be addressed in the municipality's own municipal development plan when there is not an IDP respecting these matters.

Area Structure and Redevelopment Plans [s. 633, 634, 635, and 636]

Council may, by bylaw, adopt an area structure plan (ASP) to provide a framework for subdivision and development for a particular area. The area structure plan will generally describe the sequences of development, proposed land use, population density, and the location of major transportation routes and public utilities.

When an area is undergoing redevelopment, council may adopt an area redevelopment plan, (ARP) which, in addition to providing guidelines, may result in a redevelopment levy being used to acquire land for park, school, or recreation purposes in the redevelopment area.

Listing and Publishing of Policies [s.638.2]

Every municipality must be more transparent with their planning documentation. They must list, publish and keep updated the list of all planning policy documents, and describe how they relate to each other and to the municipality's statutory plans. The information must be published on their municipal website. A development authority, subdivision authority, subdivision and development appeal board, the Municipal Government Board (MGB) or a court shall not have regard to any policy unless it is listed and published. All documents must be listed and published effective January 1, 2019.

Land Use Bylaws and Development Decisions [s. 639, 640, 640.1, 641, 642, 683.1, 685, and 686]

All municipalities must have a land use bylaw (LUB). This bylaw provides a specific means of implementing the policies that are expressed in a general way in the municipal development plan. The bylaw provides for a system of development permits and divides the municipality into land use districts or 'zones', including direct control, prescribing permitted and discretionary uses for land, and development standards for each land use district. Council must establish a development authority to administer the development approval process. Development decisions may be appealed to the Subdivision and Development Appeal Board (SDAB).

Subdivision [s. 623, 652, 653.1, 654, 655, and 678]

Dividing a piece of land into two or more parcels generally requires approval from a subdivision authority. The authority ensures that the land to be subdivided is appropriate for its proposed use. Council must establish the subdivision authority by bylaw and delegate powers in accordance with the MGA. Subdivision decisions can be appealed to the SDAB, or in certain situations to the Municipal Government Board. While a subdivision is approved by the subdivision authority, any changes to zoning that accompany the subdivision must be brought to council for approval by bylaw.

Subdivision or Development Agreements [s. 650 and 655]

Prior to a subdivision or development having full approval, your municipality may require a developer to enter into a subdivision or development agreement as a condition of approval. These agreements may address construction or payment of a road, walkway, public utility, parking/loading and unloading facilities, off-site levies and security to ensure that the terms of the agreement are carried out. In addition, requirements of inclusionary housing may be addressed in the agreement. After legal consultation, administration will bring the agreement forward to council for acceptance, after which the application can be given final approval.

Subdivision and Development Appeal Board [s. 627, 678, and 686]

A municipal council is required to establish a subdivision and development appeal board (SDAB) to act as a quasi-judicial body to deal with subdivision, development and stop order appeals. Members of council cannot form the majority on the SDAB or intermunicipal board.

A council that establishes a SDAB must appoint a clerk as a designated officer. Members and clerks must have completed the mandatory training. Appeal matters are addressed by the MGB. This sets out the jurisdictional matters that the board must act within. The SDAB must hold a public hearing to deal with an appeal.

For more information on the services of the Planning and Development, please refer to www.municipalaffairs.alberta.ca/am_planning_and_development.

Intermunicipal Collaboration Framework (Part 17.2)

The purpose of this part is to require municipalities to develop an intermunicipal collaboration framework among two or more municipalities to provide for the integrated and strategic planning, delivery and funding of intermunicipal services, to steward scarce resources efficiently in providing local services, and to ensure municipalities contribute funding to services that benefit their residents.

This framework is mandatory and must be in place within three years of proclamation and reviewed every five years to ensure continued application of the documents.

Municipal Collaboration and Mediation (s. 690)

Alberta Municipal Affairs Intermunicipal Relations team provides assistance in building collaboration and relationships between and within municipalities across Alberta. The team helps municipalities assess what resources and support you may need to collaborate on, or resolve, any internal or intermunicipal issue. In the next three years, this team will have a specific focus to help municipalities create their Intermunicipal Collaboration Frameworks (ICFs) by assisting with access to resources and supports such as facilitation, mediation, and tools.

The Intermunicipal Relations team:

- works with municipalities to assess the most appropriate tools, services and supports they need to proactively collaborate on, or resolve, any internal or intermunicipal issue;
- works with municipalities to ensure that all the necessary preparations are in place to convene a collaborative or dispute resolution process;
- provides a roster of qualified private sector mediators available to work with municipalities;
- works with municipalities to design collaboration, relationship building and dispute resolution training programs, including preparation for collaboration, mediation, internal communication and public participation;
- facilitates applications for grant funding towards the cost of retaining private sector facilitators, mediators or consultants.

It is important to note that the *MGA* requires municipalities to attempt negotiations and mediation before bringing an inter-municipal land use dispute or a contested annexation to the Municipal Government Board. The Intermunicipal Relations team provides support for municipalities wanting or needing to go to mediation for an annexation of intermunicipal land use dispute.

Municipalities can use facilitated negotiations for any inter-municipal service, issue or dispute at any stage in their negotiations.

For more information on these services of the Intermunicipal Relations team, please refer to www.municipalaffairs.alberta.ca/MDRS.cfm.

Economic Development

The Economic Developers Association of Alberta (EDA Alberta) is an incorporated, non-profit organization formed to enhance the economic development profession in the province, providing an active network of communication, information and education. EDA coordinates programs and workshops for municipal councils and economic development committee members to help communities with their economic plans by creating an awareness of what they can do on the local front to enhance their economic development activities. The website is www.edaalberta.ca.

Provincial Legislation

This list is not all-inclusive; however, these additional Acts may impact a municipality.

Alberta Land Stewardship Act (ALSA) sets out the legal basis for regional land use planning in Alberta. It requires decision-making and local government bodies to review their regulatory instruments then make any necessary changes to ensure these instruments comply with the regional plan.

Cemeteries Act controls the disposition of human remains, ensures cemeteries meet requirements of local authorities, and protects consumers who invest in pre-need cemetery supplies and services. Awareness may be necessary as some municipalities own and operate cemeteries.

Emergency Management Act (EMA) governs measures taken during an emergency and requires municipalities to establish an emergency plan. It outlines the roles and responsibilities of the Minister of Municipal Affairs, the provincial government, and local authorities. The *EMA* provides the authority for the granting of additional powers during a state of emergency or a state of local emergency and governs the coming into force, expiration, and termination of these states of emergency.

Employment Standards Code establishes Alberta's minimum standards of employment in many areas including payment of wages, hours of work, overtime, vacation and holidays, leaves and termination of employment. It establishes the processes by which an employee can seek recourse if the standards have not been met.

Forest and Prairie Protection Act enables the protection of the forests and prairies of Alberta from wildfire. This legislation makes the chief elected official, each councillor and the chief administrative officer, by virtue of their offices, fire guardians in and for the municipal district except that part of the municipal district that is within a forest protection area.

Highways Development and Protection Act delineates the responsibilities and powers of the authorities that oversee the various categories of highways and roads in Alberta. It also prohibits and limits certain developments near highways and roads.

Interpretation Act sets out rules for interpreting legislation (various presumptions, definitions, rules of statutory interpretation and construction) that apply to all Alberta Acts and regulations, and who can act under legislation.

Land Titles Act details the legal mechanism for registration of land related documents and establishes priority between them. The government guarantees the title and a fund is established to compensate people who have been deprived of an interest in land, for situations such as an error made by the Registrar, fraud or forgery.

Local Authorities Elections Act (LAEA) governs municipal elections by establishing procedures around campaigning, voting and counting of votes.

Oaths of Office Act applies to oaths of allegiance, official oaths and judicial oaths. All elected officials must take an oath of office before they can fulfill their duties. It provides that any

person required by statute to make an oath is permitted to make a solemn affirmation instead of taking an oath.

Occupational Health and Safety Act (OHS) sets out the framework for health and safety in Alberta's workplaces, including municipalities.

Peace Officers Act establishes the roles of peace officers (non-police) in Alberta and allows different levels of government the opportunity to obtain peace officer status for community safety enhancement and specialized law enforcement needs. This act establishes the requirement for authorization of employers and appointment of peace officers including the application process, suspension/cancellations, employer liability and responsibility, the role of the Director of Law Enforcement, oversight process and the mechanism for public complaints. It also provides the offences and penalties.

Safety Codes Act establishes a unifying framework for the administration of ten safety disciplines which each have their own safety codes and standards. The Public Safety Division of Alberta Municipal Affairs administers the framework, including development of codes and standards adopted in Alberta, providing advice and technical support to the public, industry, all municipalities and the Safety Codes Council, monitoring the work of municipalities, corporations and agencies that administer the Act or provide services under the Act, and managing agencies under contract to provide services such as permits and inspections for municipalities that do not administer the Act in their jurisdiction.

Traffic Safety Act promotes safety on the province's highways, the definition of which includes any street, road, sidewalk or bridge that the public is ordinarily entitled or permitted to use.

Weed Control Act defines the actions municipalities in Alberta must take with respect to weed control, issuances of notices and the conditions necessary for appeal.

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Domestic Trade Agreements

Alberta municipalities are party to two trade agreements: the New West Partnership Trade Agreement (NWPTA) and the Agreement on Internal Trade (AIT). Through these agreements, the province has sought to reduce trade barriers, enhance labour mobility and open investment opportunities for Albertans and Alberta businesses. The Canadian Free Trade Agreement (CFTA) came into effect on July 1, 2017 replacing the Agreement on Internal Trade (AIT) that had been in force since 1995.

More information on how the procurement practices of Alberta municipalities are impacted by these trade agreements is available at economic.alberta.ca/trade-agreements.asp.



Pecuniary interest for municipal councillors

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Pecuniary Interest for Municipal Councillors

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The Government of Alberta and Municipal Affairs will not be liable for any damages that result from the use of this guide. While Municipal Affairs attempts to ensure the accuracy of the information contained within this guide, a municipality and/or councillor may wish to obtain advice from a lawyer, in order to ensure the legislative requirements with regards to pecuniary interest provisions are met. Municipal Affairs and the Government of Alberta do not warrant or make any other representations regarding the use, accuracy, applicability, or reliability of this guide.

It is important to recognize that this guide has been developed as a reference for, and as an explanatory document to the *Municipal Government Act* (MGA). This guide is not legal advice, and it cannot be used in place of consulting with a lawyer. This guide cannot anticipate every aspect, circumstance or situation that municipalities or councillors may encounter. If a municipality or councillor needs help finding a lawyer, please visit the Law Society of Alberta website.

Should this guide conflict with the *Municipal Government Act* (MGA), RSA 2000, Chapter M-26, in word or interpretation, the legislation shall prevail.

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Pecuniary Interest

Alberta's municipal councillors have a strong record of public service to their communities. As a public servant, you are responsible for upholding the public interest ahead of any private interests you may have.

The *Municipal Government Act* (MGA) describes pecuniary interest and sets out the procedures you must follow if a matter in which you have a pecuniary interest comes up at a council meeting or a committee of council meeting. These rules are designed to protect the public interest while ensuring that your ability to work is not adversely affected by your election to council.

In order that the public interest is served and seen to be served, it is important you be open and honest about dealing with the municipality. Be fair to yourself, your electors and your municipality by keeping your private interests in harmony with the public interest.

This document is only a guide to the legislation. It is recommended you consult your solicitor for advice on specific situations.

Definition

Section 170 of the MGA describes pecuniary interest as something which could monetarily affect you, your spouse, or adult interdependent partner, your children, your parents or the parents of your spouse (in other words, your immediate family), or a business which employs you or in which you have an interest.

Specifically, pecuniary interest means an interest in a matter which could monetarily affect:

- You;
- a corporation, other than a distributing corporation, in which you are a shareholder, director or officer;
- a distributing corporation in which you; beneficially own voting shares carrying at least 10% of the voting rights attached to the voting shares of the corporation or of which you are a director or officer; and/or
- a partnership or firm of which you are a member.

This section also says that *"a councillor has a pecuniary interest in a matter if (a) the matter could monetarily affect the councillor or an employer of the councillor, or (b) the councillor knows or should know that the matter could monetarily affect the councillor's family."* You must decide when you have a pecuniary interest. Council cannot make the decision for you.

Exceptions

Several exceptions are listed in section 170(3) of the MGA so that an overly-restrictive interpretation of the provisions will not disrupt the affairs of the municipality or your function as a councillor.

A councillor does not have a pecuniary interest only because of any interest:

- the councillor, an employer of the councillor or a member of the councillor's family may have as an elector, taxpayer or utility customer of the municipality;
- the councillor or a member of the councillor's family may have by reason of being appointed by the council as a director of a company incorporated for the purpose of carrying on business for and on behalf of the municipality or by reason of being appointed as the representative of the council on another body;
- the councillor or member of the councillor's family may have with respect to any allowance, honorarium, remuneration or benefit to which the councillor or member of the councillor's family may be entitled by being appointed by the council to a position described above;
- the councillor may have with respect to any allowance, honorarium, remuneration or benefit to which the councillor may be entitled by being a councillor;
- the councillor or a member of the councillor's family may have by being employed by the Government of Canada, the Government of Alberta or a federal or provincial Crown corporation or agency, except with respect to a matter directly affecting the department, corporation or agency of which the councillor or family member is an employee;
- a member of the councillor's family may have by having an employer, other than the municipality, that is monetarily affected by a decision of the municipality;
- the councillor or a member of the councillor's family may have by being a member or director of a non-profit organization as defined in section 241(f) or a service club;
- the councillor or member of the councillor's family may have:
 - by being appointed as the volunteer chief or other volunteer officer of a fire or ambulance service or emergency measures organization or other volunteer organization or service;
or
 - by reason of remuneration received as a volunteer member of any of those voluntary organizations or services.

- the councillor, an employer of the councillor or a member of the councillor's family that is held in common with the majority of electors of the municipality or, if the matter affects only part of the municipality, with the majority of electors in that part;
- the interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence the councillor; or
- they discuss or vote on a bylaw that applies to businesses or business activities when the councillor, an employer of the councillor or a member of the councillor's family has an interest in a business, unless the only business affected by the bylaw is the business of the councillor, employer of the councillor or the councillor's family.

What to Do

Section 172 of the MGA sets out the procedure you must follow if a matter in which you have a pecuniary interest comes before any meeting in which you are taking part in your capacity as a member of council. Failure to follow these procedures could lead to your disqualification from council.

This section says that you may not take part in the discussion and decision-making on any matter in which you have a pecuniary interest. The legislation attempts to ensure that you are not discriminated either for or against by virtue of your membership on council.

If you have a pecuniary interest:

- you are to disclose that you have an interest and its general nature;
- you are to abstain from any discussion of the matter and from voting; and
- you are to leave the room until the matter has been dealt with, and you should make sure that your abstention is recorded in the minutes.

For example, you might say *“Mr. Mayor, I am abstaining on this matter because I am a shareholder in the company. I am leaving the room and I ask that my abstention be recorded.”*

If the matter is one in which you, as an elector or property owner, have a right to be heard by council (for example, a land use bylaw amendment, lane or street closure, etc.), you are to disclose your interest and abstain, but you may remain in the room to be heard by council in the same manner as any person who is not a member of council. In this case, you should follow the procedure required of any other person to be placed on the list of delegations to be heard by council. When the matter comes up for hearing, you might say *“Madam Mayor, I am abstaining from this matter because I own the property affected. I ask that my abstention be recorded.”*

You should then leave the council table and go to the area where the public sits. The mayor should call you to make your presentation in the same manner as any other person. You should state your case, answer any questions that may be asked of you and then be seated in the public area for the remainder of the public hearing.

When council debates the matter, it would be advisable to leave the room during the decision-making process.

Temporary Absence

On occasion, you may be temporarily absent from a meeting when a matter in which you have an interest comes up for discussion. If so, upon returning to the meeting, or as soon as you discover that the matter was discussed, you are to disclose the general nature of your interest. The MGA requires the secretary to note your disclosure in the minutes.

The purpose of this provision is to ensure that a member of council does not avoid disclosing an interest by simply leaving the meeting before the matter is discussed and returning after the discussion is complete. If some matter is discussed by council while you are temporarily absent from a meeting, upon your return and as soon as you become aware of the matter, you should get the attention of the chair and say something like *“Mr. Mayor, during my absence a matter was discussed in which I have an interest. I am disclosing that my husband is an employee of the company and I ask that my disclosure be recorded in the minutes.”*

All Meetings

The disclosure and abstention rules apply to every meeting of council and any of its committees. They also apply to you at a meeting of any board, committee or agency to which you are appointed as a representative of council (section 172(6) of the MGA). In other words, any time you are acting as a councillor, the disclosure and abstention rules apply to you.

It is important to remember to ask the secretary at any of these meetings to record your abstention and to check that it is actually included in the minutes.

Doing Business

Although there is no prohibition on doing business with the municipality when you are a member of council, every contract or agreement with the municipality in which you have an interest must be approved by council (section 173 of the MGA). So, if your council has delegated purchasing authority to administration, it is important that those officials know of any business interests that you have and that you make sure council approves of any contract with your business. You cannot raise the matter in council, but, if you submit a bid or offer, you can note the matter must

receive council approval. If it doesn't, you will be disqualified and the contract has no force or effect.

The following are the only exceptions:

- if the contract or agreement is for the performance of work or the provision of a service in the case of an emergency; or
- if the contract or agreement is for the sale of goods or services to the municipality or to persons contracting with the municipality at competitive prices by a dealer in those goods or services, that is incidental to, or in the ordinary course of business; or
- the agreement was entered into before your term of councillor started.

Statement of Disclosure of Interests

If you have extensive business interests, it may be difficult for you to know when these businesses are dealing with your municipality. It may be even more difficult for purchasing agents to identify a contract that requires the approval of council because a member of council has an interest.

In such cases, it may help everyone involved – yourself included – if a listing of interests is available in the office. Council may, by bylaw, require its members to file a statement with a designated officer showing the names of their immediate family members and any business in which they have an interest (section 171 of the MGA). The designated officer then compiles a list of all the names reported on the statements and provides it to the employees of the municipality indicated in the bylaw.

This provision is permissive. This means the council has the power to pass such a bylaw; however, is not required to do so.

Remember

If you vote on a matter in which you have pecuniary interest, you are subject to disqualification, even if you vote against your interest.

Ask to have your abstention recorded in the minutes of the meeting. The rules apply at all meetings of your council and its committees, and at the meetings of any board, commission, committee or agency to which you are appointed as a representative of the council.

If your council passes a bylaw requiring a statement of disclosure of interests, keep your statement up-to-date by regularly informing the designated officer of additions or deletions.

If you are in doubt as to whether you have a pecuniary interest, obtain a written legal opinion from your own solicitor.

The Government of Alberta and Municipal Affairs will not be liable for any damages that result from the use of this guide. While Municipal Affairs attempts to ensure the accuracy of the information contained within this guide, a municipality and/or councillor may wish to obtain advice from a lawyer, in order to ensure the legislative requirements with regards to pecuniary interest provisions are met. Municipal Affairs and the Government of Alberta do not warrant or make any other representations regarding the use, accuracy, applicability, or reliability of this guide.

It is important to recognize that this guide has been developed as a reference for, and as an explanatory document to the *Municipal Government Act* (MGA). This guide is not legal advice, and it cannot be used in place of consulting with a lawyer. This guide cannot anticipate every aspect, circumstance or situation that municipalities or councillor may encounter. If a municipality or councillor needs help finding a lawyer, please visit the Law Society of Alberta website at www.lawsociety.ab.ca/.

Copies of the *Municipal Government Act* and the *Local Authorities Election Act* can be purchased from Alberta Queen's Printer Bookstore or accessed on the Queen's Printer website:

7th floor Park Plaza Building
10611 - 98 Avenue NW
Edmonton, AB T5K 2P7

Phone: 780-427-4952

Fax: 780-452-0668

Email: qp@gov.ab.ca

Website: www.qp.alberta.ca/

Campaign Disclosure Statement and Financial Statement

*Local Authorities Election Act
(Sections 147.3, 147.4)*

NOTE: The personal information on this form is being collected to support the administrative requirements of the local authorities election process and is authorized under section 147.4 of the *Local Authorities Election Act* and section 33(c) of the *Freedom of Information and Protection of Privacy Act*. The personal information will be managed in compliance with the privacy provisions of the *Freedom of Information and Protection of Privacy Act*. If you have any questions concerning the collection of this personal information, please contact

Title of the Responsible Official	Business Phone Number
LOCAL JURISDICTION _____, PROVINCE OF ALBERTA	
Full Name of Candidate _____	
Candidate's Mailing Address _____	
_____ , Alberta	
Postal Code _____	

This form, including any contributor information from line 2, is a public document.

Pre-Campaign Period Report

1. Pre-Campaign Period Contributions (up to a limit of \$5,000 per year or \$10,000 from candidate's own funds per year) _____
2. Pre-Campaign Period Expenses _____

Campaign Period Revenue

CAMPAIGN CONTRIBUTIONS:

1. Total amount of contributions of \$50.00 or less _____
 2. Total amount of all contributions of \$50.01 and greater, together with the contributor's name and address (attach listing and amount) _____
- NOTE:** For lines 1 and 2, include all money and valued personal property, real property or service contributions.
3. Deduct total amount of contributions returned _____
 4. NET CONTRIBUTIONS (line 1 + 2 - 3) _____ **\$0.00**

OTHER SOURCES:

5. Total amount contributed out of candidate's own funds _____
6. Total net amount received from fund-raising functions _____
7. Transfer of any surplus or deficit from a candidate's previous election campaign _____
8. Total amount of other revenue _____
9. TOTAL OTHER SOURCES (add lines 5, 6, 7 and 8) _____ **\$0.00**
10. Total Campaign Period Revenue (add lines 4 and 9) _____ **\$0.00**

Campaign Period Expenditures

- | | | | | |
|------------------------------------|------------|--------------|-------------|---------------|
| 11. Total Campaign Period Expenses | Paid _____ | Unpaid _____ | TOTAL _____ | \$0.00 |
|------------------------------------|------------|--------------|-------------|---------------|

The Candidate must attach an itemized expense report to this form.

Campaign Period Surplus (Deficit) (deduct line 11 from line 10)	\$0.00
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A candidate who has incurred campaign expenses or received contributions of \$50,000 or more must attach a review engagement statement to this form.

ATTESTATION OF CANDIDATE

This is to certify that to the best of my knowledge this document and all attachments accurately reflect the information required under section 147.4 of the *Local Authorities Election Act*.

Date yyyy-mm-dd

Signature

Forward the signed original of this document to the address of the local jurisdiction in which the candidate was nominated for election.

IT IS AN OFFENCE TO FILE A FALSE STATEMENT