



# Candidates Information Package

2024 By-Election

Wednesday, January 10, 2024

**The material that follows is provided for information only it has no legislative sanction. 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.**

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## APPENDIXES

- “A” Nomination Paper and Candidate’s Acceptance (Form 4)
- “B” Release of Candidate and Official Agent Information Forms
- “C” Election Signs- Town of Westlock (Includes Policy and information from the Land Use Bylaw and Traffic Bylaw
- “D” Guidelines for the Installation of Election Signs
- “E” Candidate Financial Information (Form 5)
- “F” Enumerator, Candidate or Official Agent Proof of Identification for Section 52 Access (Form 11)
- “G” Campaign Worker Proof of Identification (Form 12)
- “H” Statement of Scrutineer or Official Agent (Form 16)
- “I” List of Town Committees
- “J” A Candidates Guide: Running for Municipal Office in Alberta

### Additional Information:

- i) Council Remuneration Policy No. P-57-2014  
<https://westlock.ca/Home/DownloadDocument?docId=2916718c-8b55-40f7-9500-ce7252a488f2>
- ii) Council Procedure Bylaw 2021-13  
<https://westlock.ca/Home/DownloadDocument?docId=197f124a-ee5c-4549-839d-fd3d6f2f5e28>
- iii) Pecuniary Interest for Municipal Councillor’s Guideline  
[http://www.municipalaffairs.alberta.ca/documents/Pecuniary\\_interest\\_%202017.pdf](http://www.municipalaffairs.alberta.ca/documents/Pecuniary_interest_%202017.pdf)
- iv) What Every Councillor Needs to Know!  
<https://open.alberta.ca/dataset/99f3a22d-1c4a-4ea0-937f-59277245f23e/resource/a5a1e60c-2ecf-4950-8046-18ea139d19e3/download/what-every-councillor-needs-to-know.pdf>

## INTRODUCTION

This handbook has been developed to assist you in your decision to run for the office of Mayor and Councillor in the Town of Westlock and to help candidates in preparing for the **By-Election on January 10, 2024**.

**The term of the Election is until the next Municipal General Election on October 20, 2025.**

This handbook is intended to provide a GENERAL overview of basic information candidates should know about legislation governing general municipal elections and the election process. It is NOT a substitute for the actual legislation. It is the candidate's responsibility to become familiar with the applicable legislation.

Running for Municipal Office in Alberta; A Candidate's Guide is attached or can be found electronically at [www.municipalaffairs.alberta.ca](http://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.

## 2024 MUNICIPAL BY-ELECTION

The Town of Westlock is conducting a municipal by-election due to council resignations:

- Mayor (1) position
- Councillor (1) position

The Mayor and Councillors are elected "at-large", meaning each person elected represents the Town as a whole and not a particular ward or section of the Town.

All municipal by-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 *School Act*, or any other piece of legislation should contact:

Alberta King's Printer  
Park Plaza  
Suite 700, 10611 - 98 Avenue  
Edmonton, Alberta T5K 2P7  
Telephone: 780-427-4952  
Fax: 780-452-0668  
Website: <https://kings-printer.alberta.ca/>

If you have any questions respecting this material or the election process, please contact:

Annette Boissonnault, Returning Officer  
Town of Westlock  
10003 – 106 Street  
Westlock, Alberta T7P 2K3  
Telephone: 780-350-2101  
Fax: 780-349-4436  
E-mail: [aboissonnault@westlock.ca](mailto:aboissonnault@westlock.ca)

Please note that this is an information package only and it has no legislative sanction. For certainty, relevant statutes, bylaws or legal counsel should be consulted.

## NOMINATIONS

### Nomination Day

Nomination day for the offices of Mayor and a Councillor is Wednesday, December 13, 2023.

### Nomination Form

Every nomination of a candidate, according to Section 27 of the *Local Authorities Election Act*, shall be in the prescribed form and signed by at least 5 electors eligible to vote in that 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
- resides in Alberta and the person's place of residence is the Town of Westlock on 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.

In accordance with Section 151 of the *Local Authorities Election Act* it is an offence for a candidate to sign a candidate's acceptance form that contains a false statement. The offence is subject to a fine of not more than \$1,000.

A Nomination Paper and Candidate's Acceptance (Form 4) has been attached as Appendix "A".

**Filing of Nomination** – nominations do not require a deposit.

Nominations for the offices of mayor and a councillor will be received by the Returning Officer between **November 15, 2023 and 12:00 noon on nomination day Wednesday, December 13, 2023** at the Municipal Office located at 10003 – 106 Street, Westlock.

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*. Emails and Facsimiles of nomination will not be accepted.** Be sure nomination papers are filed on time.

Any person may file a nomination with the Returning Officer.

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 a.m. until 4:30 p.m. Monday through Friday.

## 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, Thursday, December 14, 2023**.

## 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.

## RELEASE OF INFORMATION TO THE PUBLIC

### Candidates

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 general 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, if applicable, a Release of Official Agent Information form (attached as Appendix "B") and provide it to the Returning Officer with their nomination paper.

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 Westlock for the 6 consecutive months immediately preceding nomination day of December 13, 2023; 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.

In accordance with Section 151 of the *Local Authorities Act* it is an offence for a candidate to sign a candidate's acceptance form that contains a false statement. The offence is subject to a fine of not more than \$1,000.

**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* detail 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 Westlock;
- the person is an employee of the Town of Westlock, 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 Westlock 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*, the *Election Act* or the *Canada Elections Act* (Canada).

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.**

## **CAMPAIGN ADVERTISING**

### **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, Substitute 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**

The Town of Westlock has established regulation and guidelines for the placement of election signs.

For further information respecting the placement of election signage, please contact the Town of Westlock Planning Department at 780-349-4444.

Attached is the Election Signage Policy P-49-2013 and information from the Town of Westlock Land Use Bylaw 2022-12, as well as the Traffic Bylaw 2015-05. (Appendix "C") and "Guidelines for the Installation of Election Signs" requirements of Alberta Transportation. (Appendix "D")



# CAMPAIGN CONTRIBUTIONS

## *Local Authorities Election Act*

### Part 5.1 Municipal Election Finance and Contribution Disclosure

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

[https://kings-printer.alberta.ca/570.cfm?frm\\_isbn=9780779839575&search\\_by=link](https://kings-printer.alberta.ca/570.cfm?frm_isbn=9780779839575&search_by=link)

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.**

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

#### 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 (complete Form 5 Candidate Financial Information, attached as Appendix E, and submit to the Returning Officer).

## **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.

For information purposes only the prescribed form noted above is Form 26; Campaign Disclosure Statement and Financial Statement.

## **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.

# BY-ELECTION DAY

## By-Election Day

Election Day is **Wednesday January 10, 2024.**

## Voting

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

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.

At the time of publication of this document, the location of the polling station on Election Day has not yet been determined.

## Institutional Station Location

At the time of publication of this document, locations of institutional voting stations have not yet been confirmed.

## 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 located in the local jurisdiction on election day.

An elector is eligible to vote only at the voting station established. Every person who attends a voting station for the purpose of voting shall make a statement, in the prescribed form that the person is eligible to vote as an elector before being given a ballot.

**The Town of Westlock 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

**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 “F”, 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 “G”. 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 “H”).

## VOTING STATION ATTENDANCE

### Voting Hours

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.

A candidate, official agent or scrutineer may make objections to an elector being permitted to vote as per Section 54(1). A deputy shall note in the elector register the reason for the objection and the name of the candidate, official agent or scrutineer making the objection and shall initial the objection; however, the elector is permitted to cast a vote.

In accordance with Section 81; Attendance at an Institutional Vote, official agents and scrutineers are permitted to attend at institutional voting stations. However, they may attend only if the vote is conducted at a fixed location in a public area of the institution and may not attend voting conducted in the room of a resident of the institution. As at voting stations, a candidate, an official agent or a scrutineer cannot be present at the institution at the same time. A candidate may not have both an official agent and a scrutineer attend an institutional vote at the same time.

### **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.

## **BY-ELECTION RESULTS**

### **Unofficial By-Election Results**

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

- a) posted in the entrance of the Town Office; and
- b) the Town of Westlock website located at: [www.westlock.ca](http://www.westlock.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 **noon on Sunday January 14, 2024** the Returning Officer will post the official election results at the Town Office and on the Town's website.

## **RECOUNTS**

### **Recounts Before Official Results**

Request for Recounts must be made prior to Friday, January 12, 2024, 4:00 p.m.

## Returning Officer Recount

On Monday, following by-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 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. Friday, January 12, 2024**) 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.

## Recounts 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 Westlock will not provide guidance on these sections of the Act.

# OFFICE OF MAYOR

## Term of Office

The term of this office for the Mayor is until October 2025 when the next regular Municipal Election will take place.

## Duties of a Mayor (Chief Elected Official)

The mayor is the chief elected official of the Town of Westlock 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 Westlock;
- develop and evaluate policies and programs of the Town of Westlock;
- 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 Westlock 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

As of January 1, 2022, remuneration is \$1,399.28-weekly. Please refer to the Remuneration- Mayor and Council Policy P-57-2014, for further information including expense reimbursement.

## DEPUTY MAYOR

### Term of Office

The term of office for a Deputy Mayor is **four (4) months** and rotates through the term, in alphabetical order.

### 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, each member of Council (other than the Mayor) is appointed as the Deputy Mayor for a period of 4 months, rotating in the four-year term. 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.

# OFFICE OF COUNCILLOR

## This Term of Office

This term of office for the councillor position is **until October 2025** when the next regular election will be held.

## Number of Councillors

**1 position** is available for the office of councillor.

## 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 Westlock;
- develop and evaluate policies and programs of the Town of Westlock;
- 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 Westlock 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

As of January 1, 2022, remuneration is \$886.56 bi-weekly. Please refer to the Remuneration- Mayor and Council Policy P-57-2014, for further information including expense reimbursement.

## Benefits for Elected Officials

Benefits for elected officials of the Town of Westlock are as follows:

- Accidental Death & Dismemberment, and Basic Life are both mandatory; 100% of the premium is paid by the Elected Official.
- Extended Health and Vision Care; 100% of the premium is paid by the Town;
- Dental coverage; 100% of the premium is paid by the Town;
- Dependant Life (if applicable); Elected Official pays 100% of this premium; and
- Employee Assistance Program; 100% of this premium is paid by the Town.



# 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 or breadth of work 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

In order for the new Council to become fully acquainted with the scope of the Town of Westlock, 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 required 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.

## Attendance to Council Meetings

Regular meetings of Council are held every second and fourth Monday of the month commencing at 6:30 p.m. and ending most times by 9:00 – 9:30 p.m. A Committee of the Whole Meeting is held the third Monday of the month, commencing at 6:30 p.m.

In preparation for the meeting, an electronic agenda package is prepared for Council members and is generally available by 4:30 p.m. on the Friday 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. Refer to Bylaw 2014-10 Council Procedure for additional information on council meetings.

### **Attendance at 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.

### **Attendance at 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).

Council members are each expected to sit on a number of committees. The time commitment will vary depending on each committee. See Appendix "I, List of Town Committees."

### **Alberta Municipalities (AM)**

AM 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 Westlock is a member of AM

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

In order 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. AM represents a unified voice to the provincial government on behalf of urban municipalities.

Every fall an AM convention is held that attracts approximately 1,200 delegates from urban councils and administration. Successful candidates are strongly encouraged to set aside time to attend this convention.

### **Information from Alberta Municipal Affairs**

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

- A Candidate's Guide: Running for Municipal Office in Alberta (Appendix "J")

FORM 4

## 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

Municipal Clerk

780-350-2101

Title of the Responsible Official

Business Phone Number

LOCAL JURISDICTION: TOWN OF WESTLOCK, PROVINCE OF ALBERTA

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

\_\_\_\_\_ of  
Candidate Surname Given Names

\_\_\_\_\_ as a candidate at the election  
Complete Address and postal code

about to be held for the office of \_\_\_\_\_  
Office Nominated for

of the Town of Westlock.  
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**



**Release of Candidate Information**

I, \_\_\_\_\_, hereby consent to the release by the Town of  
(Candidate name)

Westlock the following personal information about me to the Province of Alberta, and any interested person or organization, including the news media, from the date of signing of this Release until the completion of the 2024 By-Election.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Campaign Office Address: \_\_\_\_\_

Phone numbers: \_\_\_\_\_  
Campaign Office Home  
Cell Other Other

E-mail Address: \_\_\_\_\_

Website Address: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

The personal information that is being collected under the authority of the *Local Authorities Election Act* will be used for the purpose of providing candidates with election information and providing contact information about candidates to members of the public and the news media during the 2021 elections. It is protected by the privacy provisions of the *Freedom of Information and Protection of Privacy Act*. If you have any questions about the collection, contact the FOIP Coordinator at 780-350-2101.



**Release of Official Agent Information**

I, \_\_\_\_\_, Official Agent for \_\_\_\_\_  
(Official Agent name) (Candidate)

for the office of \_\_\_\_\_ hereby consent to the release by  
(Mayor or Councillor)

the Town of Westlock the following personal information about me to the Province of Alberta,  
and any interested person or organization, including the news media, from the date of signing of  
this Release until the completion of the 2024 By-Election.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone numbers: \_\_\_\_\_  
Home Work

\_\_\_\_\_ Other  
Cell

E-mail Address: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

The personal information that is being collected under the authority of the *Local Authorities Election Act* will be used for the purpose of providing candidates with election information and providing contact information about candidates to members of the public and the news media during the 2021 elections. It is protected by the privacy provisions of the *Freedom of Information and Protection of Privacy Act*. If you have any questions about the collection, contact the FOIP Coordinator at 780-350-.2101.

# **ELECTION SIGNS**

## **Appendix "C"**

A permit is not required to install an election sign with the Town of Westlock. However, there are policies and bylaws you must follow to ensure the sign is placed properly and does not pose a hazard to pedestrians or vehicular traffic.

Prior to placing any election sign, please ensure you have familiarized yourself with the attached policies and bylaws. Any sign placed in contravention of the Town's Bylaws and policies will be removed. All relevant policies and bylaws have been compiled for your reference in the attached pages.

If you have any questions about the enclosed, please contact the Town of Westlock's Development Services at 780-349-4444.

**Title:** Election Signage

**Resolution:** 101-2013, 2023-0006

**Revised:**

Jan 9/23

**Special Notes/Cross Reference:**

**Next Review Date:**

**Traffic Bylaw; Land Use Bylaw**

**POLICY STATEMENT** : The Town of Westlock recognizes the importance of campaigning and the use of signage.

**PURPOSE** : Establish guidelines for installation of election signs within the Town of Westlock. The purpose of the election sign regulations is to create a reasonable balance between communicating for election purposes, reducing sign clutter, and keeping our streets safe.

#### RESPONSIBILITIES

1. The Candidate is at all times responsible to ensure compliance with Town Bylaws and Policies.
2. The Town of Westlock Planning and Development Department is the point of contact for this Policy.

#### DEFINITIONS

1. *Election Sign* – a temporary sign designed or intended to be displayed in connection with a: federal election or referendum; provincial election, referendum or plebiscite; or local government election.
2. *Highway* – means a provincial highway under the *Highways Development and Protection Act*, as amended.

#### LOCATION GUIDELINES

1. Election signs shall be placed in accordance with the regulations of the Town's Land Use Bylaw and Traffic Bylaw, as amended.
2. Candidates may place signs on private property only with the consent of the property owner. Candidates are encouraged to obtain the homeowner's permission before placing a sign adjacent to their property.
3. 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.
4. The following shall be considered when placing election signs:
  - a. Election signs shall be placed with a minimum spacing distance of **10 metres (32.8 feet)** between the same candidate's signs.





- b. Signs must be placed no closer than **2 metres (6.6 feet)** from the edge of pavement.
- c. During winter conditions, there is a high probability that signs near the road will be either covered with snow or damaged during snow removal and sanding operations.
- d. No election signs will be allowed within the median of Highway #44 or Highway #18.
- e. No election signs shall be placed in or within **500 metres (1,640 feet)** of highway construction zones.
- f. No election signs shall be placed that obstruct a motorist's view of an intersection within the Town limits.

### SAFETY PRECAUTIONS

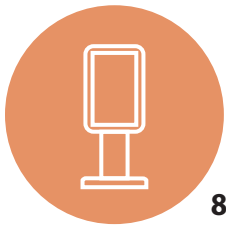
1. Those installing election signs must use safety precautions to ensure their safety and prevent driver distraction.
2. All persons working near the highway shall wear reflective vests and bright clothing.
3. Election signs shall be installed during daylight hours only.
4. Vehicles used for transporting election signs must be parked so as to minimize the impact to the travelling public, as far as possible from the travel lanes, and have four-way hazard warning signals operating at all times.

### SIGN REMOVAL

1. All election signs **must be removed no later than fourteen (14) days after the election**. The removal shall include the sign panel, supporting structure, stakes, and any tie wiring used to install and support the sign.
2. Signs that pose a hazard to the public, or safety or operational concerns may be removed without notice or compensation, by the Town of Westlock. Signs will be stored at the Town of Westlock Public Works workshop for seven days.
3. The Town of Westlock is not responsible for any signs damaged during the removal process.

  
Mayor Ralph Leriger

  
CAO Simone Wiley



## **8.7 ELECTION SIGNS**

- 8.7.1 Election signs installed within a highway right-of-way shall have a maximum sign area of 1.5m<sup>2</sup> (16.1ft<sup>2</sup>).
- 8.7.2 Election signs installed on private property shall have a maximum sign area of 1.0m<sup>2</sup> (10.8ft<sup>2</sup>).
- 8.7.3 Election signs shall be removed by no later than fourteen (14) days after the election of which they refer.
- 8.7.4 Election signs shall:
- a) Not imitate the wording of a standard or commonly used highway traffic sign, such as stop, stop ahead, or yield;
  - b) Not be animated, illuminated, rotating, flashing, or have moving lights or other electrical features;
  - c) Not have attachments such as balloons, kites, or inflatable devices;
  - d) Not contain an electronic message component;
  - e) Not resemble traffic control devices;
  - f) Not be placed in such a way as to create a potential hazard to vehicular or pedestrian traffic and must not obstruct the view of any portion of a traffic control device or signal;
  - g) Not be placed within centre medians and traffic islands; and
  - h) Be self supporting and not attached to any Town property such as fences, benches, trees, street light poles, traffic signal poles, or fire hydrants.
- 8.7.5 Election signs placed on a corner lot shall be setback a minimum of 3.0m (9.8ft) from the front and front flanking property lines.

## **8.8 ELECTRONIC MESSAGE SIGNS**

- 8.8.1 A sign located within a Residential Land Use District shall not have an electronic message component.
- 8.8.2 A sign with an electronic message component shall not be located within 300.0m (984.3ft) of any other Electronic Message Sign facing the same oncoming traffic.
- 8.8.3 An Electronic Message Sign shall not include illumination that may compete with or dull the contrast of a traffic control device or traffic control signal for oncoming vehicular traffic.

BEING A BYLAW OF THE TOWN OF WESTLOCK IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF TRAFFIC SAFETY AND REGULATING AND CONTROLLING THE OPERATION OF MOTOR VEHICLES AND OFF HIGHWAY VEHICLES WITHIN THE CORPORATE LIMITS OF THE TOWN.

2. A Bicycle found Parked or left abandoned on any Sidewalk or impeding Pedestrian Traffic in a manner as identified under subsection (1) may be taken into custody by a Peace Officer and impounded.
3. Any Bicycle not equipped as required by the *Act* or the regulations thereto may be similarly impounded.
4. Bicycles that are abandoned or unclaimed shall be kept and disposed of pursuant to *Municipal Government Act* and Town Policy.
5. Any Bicycle impounded under subsection (2) may be released to the Owner once any payment of any penalties has been made.

## SECTION 6 TRAFFIC CONTROL DEVICES

- 6.1 The power to prescribe where Traffic Control Devices are to be located within the Town, including traffic control devices restricting the speed of vehicles, is hereby delegated to the C.A.O. Traffic Control Devices located by the C.A.O., shall be deemed to have been made by Bylaw of the Town.
- 6.2 No Person shall, unless prior written permission is obtained from the Town, place or erect any signage adjacent to any Municipal Road, on any highway right of way including the service road right of way, or on any Boulevard that could be confused with a Traffic Control Device.
- 6.3 No Person shall pull down, deface or destroy any sign, board or notice lawfully placed on any Municipal Road.
- 6.4 Notwithstanding anything contained herein, the Town may remove any signage authorized in accordance with this Bylaw if it is deemed to interfere with an authorized Traffic Control Device or if it is deemed to restrict visibility at junctions or Intersections of Municipal Roads, or in any other way creates a potential hazard for Pedestrians or Motor Vehicles.
- 6.5 In addition to any penalty imposed by law, any sign found posted in contravention of this Bylaw may be seized and held by Town for retrieval by the sign's Owner. Signs shall be kept for a period not exceeding sixty (60) days.

## SECTION 7 SPEED LIMITS

- 7.1 Except where otherwise posted, the maximum speed limit for any Municipal Road within the Town of Westlock is forty (40) kilometer per hour.



## 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](mailto:transdevelopmentathabasca@gov.ab.ca)

Calgary District Office  
2nd Floor, Willowglen Business Park, 803 Manning Road N.E. T2E 7M8  
Phone: 403-297-6311 Fax: 403-297-7682  
[transdevelopmentcalgary@gov.ab.ca](mailto: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](mailto:transdevelopmentedson@gov.ab.ca)

Fort McMurray District Office  
6<sup>th</sup> 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](mailto: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](mailto: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](mailto: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](mailto:transdevelopmentlethbridge@gov.ab.ca)

Peace River District Office  
Bag 900, Box 29, 9621 96 Ave., 3<sup>rd</sup> Floor Peace River T8S 1T4  
Phone: 780-624-6280 Fax: 780-624-2440  
[transdevelopmentpeaceriver@gov.ab.ca](mailto:transdevelopmentpeaceriver@gov.ab.ca)

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

**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

Municipal Clerk780-350-2101\_\_\_\_\_  
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: the Town of Westlock, PROVINCE OF ALBERTA

ELECTION DATE: January 10, 2024

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: the Town of Westlock, PROVINCE OF ALBERTA

ELECTION DATE: January 10, 2024

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



# Appendix "H"

FORM 16

## 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*. 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

Municipal Clerk

780-350-2101

Title of the Responsible Official

Business Phone Number

LOCAL JURISDICTION: the Town of Westlock, PROVINCE OF ALBERTA

ELECTION DATE (OR VOTE ON A BYLAW OR QUESTION): January 10, 2024

I, \_\_\_\_\_,  
Name of Scrutineer or Official Agent

of \_\_\_\_\_  
Complete Address and Postal Code

in the Province of Alberta, 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**

**TOWN OF WESTLOCK**  
**COUNCIL COMMITTEES and AFFILIATED BOARD and COMMITTEE APPOINTMENTS**

## Appendix "I"

TOWN COMMITTEES	FREQUENCY OF MEETINGS	MEMBERS	ALTERNATE MEMBERS
COMMUNITY EVENTS COMMITTEE	Quarterly		
COMMUNITY FUTURES TAWATINAW REGION *	5 meetings per year- call of the chair.		
EMERGENCY MANAGEMENT COMMITTEE	Twice a year - call of the chair		
EMPLOYEE COLLECTIVE BARGAINING COMMITTEE	Curent Agreement expires Dec. 31, 2022		
FCSS ADVISORY BOARD <sup>∇</sup>	Once per quarter		
FINANCIAL FRAMEWORK TASK FORCE	TBD		
FOUNDATION TASK FORCE	As required, with an end date of this Task Force by May 2024		
HEALTH & SAFETY COMMITTEE	Once a month		
HOMELAND HOUSING BOARD <sup>σ</sup>	9 meetings per year		
MUNICIPAL PLANNING COMMISSION (MPC) <sup>∇Δ</sup>	As required		
REGIONAL ECONOMIC DEVELOPMENT ACTION COMMITTEE	As required		
REGIONAL WASTE MGMT SERVICES COMMISSION <sup>σ</sup>	Call of the Chair		
REGIONAL WATER SERVICES COMMISSION <sup>σ</sup>	Once a month		
SPORTS MEMORABILIA COLLECTION MANAGEMENT TASK FORCE <sup>∇</sup>	Terms of Reference state to be completed by June 2024		
SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB) <sup>∇</sup>	As required		
WESTLOCK AND DISTRICT AGRICULTURAL SOCIETY*	Once a month		
WESTLOCK AND DISTRICT TRACTOR MUSEUM FOUNDATION, operating as the Canadian Tractor Museum*	Once a month		
WESTLOCK INTERMUNICIPAL LIBRARY BOARD <sup>σ</sup>	Once a month		
WESTLOCK REGIONAL MUNICIPAL AIRPORT ADVISORY BOARD <sup>∇</sup>	Minimum 2 times per year		
YELLOWHEAD REGIONAL LIBRARY BOARD <sup>σ</sup>	Board - 4 times a year Committee meetings as required.		

<sup>∇</sup> Established by Bylaw

<sup>σ</sup> Established by Agreement

<sup>Δ</sup> Requirement of  
Provincial Legislation

\* By Organization's  
Request



# A Candidate's Guide:

## Running for Municipal Office in Alberta

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## A Candidate's Guide: Running for Municipal Office in Alberta

Published by Alberta Municipal Affairs

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 candidate may wish to obtain advice from a lawyer, in order to ensure the correct steps are taken throughout the election process. 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 *Local Authorities Election Act*. 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 candidates may encounter while working through their specific election process. If a municipality or candidate 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, or the Local Authorities Election Act in word or interpretation, the legislation shall prevail.

December 2020

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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.

It is important candidates read and understand the offences in the *Local Authorities Election Act* as they relate to their campaign. Offences are in place to ensure candidates run their campaigns on a level playing field and to ensure that candidates are being held to a high standard. Offences are not taken lightly, and if found guilty of an offence, candidates can face fines, imprisonment, disqualification from office, and the inability to run in future elections. If there are any questions regarding compliance with the legislation, candidates are encouraged to seek out independent legal counsel.

This guide is not legally binding and we recommend 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 main legislation that guides the conduct of a municipal election or by-election. Copies can be obtained through the Alberta Queen's Printer, [qp.alberta.ca](http://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 legislation, ask the returning officer in your municipality, or seek an independent legal opinion.

All forms required by legislation can be found in the *Local Authorities Election Act Forms Regulation*, on the Government of Alberta 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, [qp.alberta.ca](http://qp.alberta.ca), 780-427-4952.

Section references noted throughout the document refer to:

- *Local Authorities Election Act*, RSA 2000, c L-21 (LAEA)
- *Municipal Government Act*, RSA 2000, c M-26 (MGA)

# Before Filing Nomination Papers

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

## Accepting Contributions or Incurring Expenses

As of January 1, 2019, candidates are no longer required to register or file a notice of intent to run with their municipality prior to filing nomination papers.

If candidates have previously filed a notice of intent to run with the municipality they intend to run in, candidates will still be required to file a nomination paper in order to be a candidate under the *Local Authorities Election Act*. As of January 1, 2019, the notice of intent to run no longer enables candidates to accept contributions.

**LAEA  
s.147.22**

**A candidate may not accept contributions OR incur campaign expenses until the candidate files a nomination paper with the municipality or school board that they intend to run in (with some exceptions under section 147.22(3)). A nomination may not be filed until:**

**LAEA  
s.25(2)**

- January 1 of the election year, for general election candidates,
- The day a resolution or bylaw is set for a by-election, for by-election candidates.

**LAEA  
s.21(1)**

## Are you qualified to become a candidate?

To become a municipal 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 six consecutive months immediately preceding Nomination Day.

**LAEA  
s.21(1)**

## Qualification Requirements in a Ward System

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



**LAEA  
s.21(2)**

## **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 six months immediately preceding nomination day, not necessarily the ward in which you wish to run.

**LAEA  
s.12(b)  
s.12(h)**

## **Qualification Requirements in a Summer Village**

The requirements to become a candidate in a summer village election differ than those in other municipalities. Candidates are encourage to review the *LAEA* to understand the eligibility requirements in summer villages. Candidates must:

- meet the voter eligibility requirements
  - o 18 years or older,
  - o a Canadian citizen, and
  - o named or have a spouse/partner who is named as owner on the title of property within the summer village), and
- have been a resident of Alberta for the 12 consecutive months immediately preceding Election Day.

It is not necessary to be a full-time resident of the summer village but candidates must meet the requirements to vote in a summer village.

**LAEA  
s.25(1)  
s.25(2)(a)**

## **When is Nomination Day?**

In the case of general elections, Election Day occurs on the third Monday in October every four years. Candidates can begin to file nomination papers on January 1 in the year of the election, up until Nomination Day, four weeks prior to Election Day. If a municipality has passed a bylaw under section 11(2) of the *Local Authorities Election Act*, which allows for Election Day to be held on the Saturday immediately before the 3<sup>rd</sup> Monday in October, the last day to file nomination papers would then fall on the Saturday, four weeks prior to Election Day. Nomination Day is the last day a person may file a nomination to become a candidate in the election.

**\*If a senate election or provincial referendum is held in conjunction with the municipal election, municipalities are not permitted to hold their general election on Saturday.**

**LAEA  
s.25(2)(b)**

In the case of a by-election, Election Day will be set through a resolution of council. Candidates can begin to file nomination papers the day following when the resolution was passed up until Nomination Day, four weeks prior to Election Day.

**LAEA  
s.12(a)(i)  
s.12(d)**

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

**s.22(1)**

## Ineligibility for Nomination

**No one is eligible to become a candidate under any of the following circumstances:**

- if you are the auditor of the municipality;
- if your property taxes are more than \$50 in arrears (excluding indebtedness on current taxes, and indebtedness for arrears of taxes for which the person has entered into a consolidation agreement with the municipality);
- 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*, the *Election Act*, *Election Finances and Contributions Disclosure Act*, or the *Canada Elections Act*.

**MGA  
s.174(1)(c)**

If you are a judge, Member of the Senate or House of Commons of Canada, or Member of the Legislative Assembly, you must resign that position before you take office as a member of a municipal council.

**LAEA  
s.22(1.2)**

A person will be ineligible for nomination if they have failed to comply with the campaign finance and disclosure requirements of the LAEA 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.

A person is deemed to be ineligible under these circumstances for either an eight-year period following the day that a report was transmitted by the secretary, or a three-year period following the day the disclosure statement was filed with the municipality (which ever period expires first).

**LAEA**  
**s.22(1.1)**  
**s.22(5)**  
**s.22(5.1)**

**NOTE:** *If you are a municipal employee and you wish to run for local office, or a school board employee running for election as trustee of a school board, you must take a leave of absence without pay as outlined in the LAEA. This point does not apply if you perform duties for a jurisdiction in a volunteer capacity. 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. Any employee who requests a leave of absence without pay in accordance with those conditions must be granted it.*

## Other Considerations

### Time Commitment

The demands on your time while being an elected official can 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 should also be spent reading agenda material and talking with residents, the chief administrative officer and other relevant stakeholders. This work will all be part of the necessary preparation for meetings so 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. As the remuneration varies in each municipality, 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 be an

active member of the team and to respectfully 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 elected official, you will also have to find the balance between representing the views of those who elected you and your own individual convictions.

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 alone. Any promise you make as a part of your election campaign that involves municipal expenditures or the activities of employees can only be carried out if you can obtain the support of your fellow council members in carrying out that promise.

The Canadian Constitution grants 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* as this is the legislation that allows for many decisions that council can make.

**MGA**  
**s. 7**

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 proposed changes.

Municipalities often make local bylaws available to the public through their municipal websites. Otherwise, you can ask for copies at the municipal office.

## **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 (CAO) is often said to be the only direct 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 relevant municipal documents and talking to current members of council. You may also wish to:

- familiarize yourself with local bylaws and municipal legislation;
- read council agendas and minutes;
- observe council meetings from the gallery; 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 required forms (Form 4 – Nomination Paper and Candidate's Acceptance and Form 5 – Candidate Information). 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.

**LAEA  
s.27(1)**

### What is included in the Form of Nomination?

Generally, your nomination paper must be signed by at least five (5) voters eligible to vote in the election. The signatures collected must be from 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. You may begin to collect signatures at any time but cannot file your nomination papers with the returning officer until January 1 in the year of the election. In the case of a by-election, candidates may begin to file their nomination papers the day following when the resolution was made to set the date. In the case of summer villages, the council is required to set Election Day and nomination day will be four weeks prior to election at the times and location provided for through council resolution. It is often a good idea to obtain more than the required number of signatures in the event that one or more persons were not eligible to sign the nomination form.

**LAEA  
s.27(2)**

- Cities with a population of at least 10,000 may pass a bylaw increasing the number of voters' signatures required to a maximum of 100. Ensure that you check with the municipality to determine the number of signatures that you require for nomination.

**LAEA  
s.27(3)**

- 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(b)**

In summer villages, the nominators must be:

- eligible to vote in the election;

- 18 years of age;
- a Canadian Citizen; and
- either residents or those 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 a candidate's information changes, that information must be updated with the local jurisdiction, in writing, within 48 hours of that change.

**LAEA  
s.28(4)**

The returning officer will not accept the following:

- A nomination that is not completed in the prescribed form.
- A nomination that is not signed by at least the minimum number of persons required to sign the nomination.
- A nomination that is not sworn or affirmed by the person nominated (your municipal office may have information regarding who the Commissioner for Oaths are in your area).
- A nomination that is not accompanied by a deposit (if required by bylaw).

**LAEA  
s.68.1**

## **Official Agent**

On the nomination form, you may choose to appoint an elector to be your official agent. This person may act as the signing authority for the campaign bank account and manage aspects of your campaign as directed by you. No candidate may act as an official agent for another candidate.

If you have appointed an official agent, you must include the information on the candidate's nomination form. If, at any time, the information changes or there is a need to appoint a new official agent, the candidate is required to notify the returning officer immediately.

# Nomination Period

## Filing the Nomination Form

**LAEA  
s. 27**

Once you have completed the nomination form, the next step is to ensure that you file the Nomination Paper and Candidate's Acceptance Form (Form 4), as well as the Candidate Information Form (Form 5) during the nomination period, prior to the final Nomination Day.

**LAEA  
s.25**

### How do I file my Nomination Form?

Completed nomination forms can be filed with the returning officer at any time beginning on January 1 in the year of the general election and until four (4) weeks prior to Election Day. In the case of a by-election, the returning officer can begin to accept nomination papers the day following the day when the resolution was made by council setting the date for the by-election.

**LAEA  
s. 12(d)**

For summer villages, nominations for councillor must be received by the returning officer in June or July (or both), in the year of the general election. The date, time and location of where nomination papers will be accepted must be established by council.

**LAEA  
s.26**

Municipalities will advertise in one of three ways:

- in a newspaper, or another publication circulating in the area once a week for two weeks prior to the close of nominations,
- a direct mail-out or delivery of a notice to every residence at least one week prior to the close of nominations, or
- in accordance with their advertisement bylaw.

The advertisement 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.

**LAEA  
s.28(3)**

### Do I have to file my Nomination Form in person?

Nominations shall be submitted to the returning officer, or their designate, at any time during the nomination period. It is best to deliver your nomination form in person; however, anyone may submit your nomination paper on your behalf. If you are unable to submit your



nomination paper yourself, ensure that the forms are completed fully prior to it being filed with the returning officer because, as the candidate, it is your responsibility for ensuring that your forms are fully completed and meet the requirements for filing under section 27 of the *Local Authorities Election Act*.

## **LAEA s.29**

### **Do I have to pay a deposit to file my Nomination Form?**

Municipalities may pass a bylaw requiring a deposit to accompany nominations. The amount fixed in the 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.

## **LAEA s.30**

### **Will I get my deposit back?**

Your deposit will be returned to you if you:

- are elected,
- get at least one-half the number of votes of the person elected to office with the least number of votes, or
- withdraw as a candidate within 24 hours of the close of nominations.

## **LAEA s.32**

### **Withdrawing Nominations**

Candidates may withdraw their nomination form at any time during the nomination period and up to 24 hours (48 hours in a summer village) after the close of the nomination period,

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.

The returning officer cannot accept a withdrawal if the number of nomination papers received, equal the number of vacant offices.

**LAEA  
s.31**

## Insufficient Nominations

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 from 10 a.m. to 12 p.m. This process continues for up to six business days (calendar days in summer villages) until an adequate number of nominations are received. If, at the end of the six-day period, insufficient nominations continue, municipalities are required to contact the Minister of Municipal Affairs.

**LAEA  
s.34**

## Acclamations

If, by noon on any of the six days described above, 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 election will be held).

**LAEA  
s.35**

## Requirement for Election

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.

**LAEA  
s.12(d)**

## 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 12:00 p.m. on Nomination Day (four weeks prior to Election Day). Ensure you check with your municipality on the time and location for filing nomination forms and ensure you file your nomination paper well in

advance at the location available. Despite the name of “Nomination Day”, it is useful to think of it as a nomination deadline day. There is no need to wait until Nomination Day to file forms and if there is any question of your availability, be sure to file your forms prior to this date.

# Candidate Contributions & Expenses

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

## Contributions and Expenses

**LAEA  
s.147.1(1)(a)**

### What are allowable campaign expenses?

At a basic level, a “campaign expense” is an expense a candidate makes in the course of a campaign to help get elected. Technically, this includes any expense incurred, or non-monetary contribution received, by a candidate to the extent that the property or service that the expense was incurred for, or that was received as a non-monetary contribution, is used to directly promote or oppose a candidate during a campaign period. “Campaign expense” includes an expense incurred for, or a non-monetary contribution, in relation to:

- The production of advertising or promotional material,
- The distribution, broadcast or publication of advertising or promotional material in any media or by any other means during a campaign period, including by the use of a capital asset,
- The payment of remuneration and expenses to or on behalf of a person for the person’s services as a chief financial officer in any other capacity,
- Securing a meeting place, or
- The conduct of opinion polls, surveys or research during a campaign period.

**LAEA  
s.147.2(4)**

### Can I self-fund my campaign?

Yes, candidates may choose to entirely self-fund their campaign; however, contribution limits apply to self-funded campaigns. A candidate may contribute up to and including \$10,000 to his or her own campaign.

Excluded from the \$10,000 would be any amounts that the candidate is reimbursed from the campaign account if it is reimbursed before the end of the campaign period and the funds were used to pay for campaign expenses.

A candidate takes a risk by making expenditures based on anticipated future contributions, in the event that the future contributions don't materialize.

**LAEA  
s.147.2**

## **Contributions to Candidates**

No contributions may be accepted until the nomination period commences (January 1 of an election year for a general election and the day after the resolution/bylaw is passed for a by-election) and a candidate files nomination papers.

\*Although contributions cannot be accepted in the campaign period until a person has filed nomination papers, the legislation does provide the ability for a potential candidate to incur expenses and accept minimal contributions outside of the campaign period and prior to filing nomination papers. A person may accept up to \$5,000 annually in contributions outside of the campaign period, as well as contribute up to \$10,000 of their own funds outside of the campaign period.

**LAEA  
s.147.2(5)**

After a person files nomination papers in the campaign period, the person officially becomes a candidate and may accept contributions of up to \$5,000 from any person who is ordinarily a resident in Alberta.

Candidates cannot accept contributions from any prohibited organization, including a corporation or unincorporated organization.

Candidates, or those acting on their behalf, should not directly or indirectly solicit contributions if the candidate knows or ought to know that the potential contributor

- does not ordinarily reside in Alberta,
- is a corporation or unincorporated organization, or
- will exceed the contribution limits.

**LAEA  
s.147.3(1)(a)  
&  
LAEA  
s.147.3(1)(c)**

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 from any person(s) exceeds \$1,000 in the aggregate, including any money paid by the candidate out of their own funds. Money in that account must then only be used for the payment of campaign expenses.

**LAEA  
s.147.1(1)(c)  
&  
LAEA  
s.147.3(1)(e)**

Contributions of real property, personal property, goods and services have to be valued. Throughout the duration of the campaign, receipts must be issued for every contribution

received, and be obtained for every expense. Receipts will assist candidates in creating itemized expense reports and can be used as proof of contributions.

**LAEA  
s.147.1(1)(c)**

Campaign contributions do not include services provided by a volunteer who voluntarily performs the services and receives no compensation, directly or indirectly, in relation to the services or the time spent providing the services.

**LAEA  
s.147.3(1)(f)**

All campaign records of contributions and expenses must be kept for a minimum of three (3) years following the date the disclosure statements were required to be filed. That date is on or before March 1 immediately following a general election, or within 120 days of a by-election.

**LAEA  
s.147.24**

### **Contributions Not Belonging to Contributor**

Individuals cannot contribute to a candidate if the funds they are contributing do not belong to that individual, or if the funds were given to the individual by another individual or a prohibited organization (corporations, trade unions, employee organizations, unincorporated organizations) for the purpose of making a contribution to a particular candidate. Candidates shall not solicit nor accept a contribution if they know or ought to know that it is prohibited.

**LAEA  
s.147.23**

### **Anonymous and 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 can be established), or donate the total contribution to a registered charity or the local municipality.

**LAEA  
s.147.31**

### **Fund-raising Functions**

“Fund-raising functions” includes any social function held for the purpose of raising funds for an election campaign.

**LAEA  
s.147.31(2)**

Candidates must ensure they record the gross income from any fundraising function held for their campaign. In addition, if the function is held by the sale of tickets, the amount of the contribution is to be determined using the following rules:

**LAEA  
s.147.31(3)**

- If the individual charge is \$50 or less, it is not considered a contribution unless the individual who pays the charge specifically requests it to be a contribution. If a request is made, half of the amount is allowed for expenses and half is considered a contribution.

Even if the amount is not considered a contribution, the candidate may choose to still issue a receipt and keep a record of the transaction.

- If the individual charge is more than \$50 but less than \$100, \$25 is allowed for expenses and the balance is considered to be a contribution.
- If the contribution is more than \$100, 25 per cent of the amount is allowed for expenses and the remaining balance is considered to be a contribution.

**LAEA**  
**s.147.32**  
**LAEA**  
**s.147.4(1)(b)**

As a part of the candidate's responsibilities, they, or a person acting on their behalf, **must** issue a receipt for every contribution received. If a contribution is in excess of \$50, the name and address, and the amount of the contribution must be recorded because it is required to be included with the campaign disclosure statements.

**LAEA**  
**s.147.33**

## **Loans**

Candidates may borrow money only from a financial institution and shall record all loans and their terms. All loans and their terms must be reported accordingly to the local jurisdiction.

Only a person ordinarily resident in Alberta may make a payment on behalf of the borrower (the candidate) in respect to a loan. If the individual is not reimbursed by the borrower (candidate) before the candidate is required to file a disclosure statement, any payment made towards a loan becomes a contribution by that individual and a contribution accepted by the candidate.

**LAEA**  
**s.147.34**

## **Campaign Expense Limits**

The *Local Authorities Election Act* allows for the establishment of a regulation that sets out the amount of money that may be spent by candidates during the campaign period. There is no regulation for the purpose of the 2021 municipal election and therefore candidate spending is not restricted.

**LAEA**  
**Part 8**  
**s.190-205**

## **Elections Alberta/Election Commissioner**

As of August 1, 2019, the Alberta Election Commissioner, under Elections Alberta, has authority in local elections across Alberta. The Election Commissioner may investigate any matter that may constitute an offence under Part 5.1, Campaign Finance and Contribution Disclosure, or Part 8, Third-Party Advertising of the *LAEA*.

For more information regarding the authority of the Election Commissioner, including contact information please visit:

<https://www.elections.ab.ca/compliance-enforcement/complaints/>.

## 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 are no "standard" or legislative requirements for 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 you are the best candidate for the position. Candidates have used various strategies, like:

- door-knocking;
- signage;
- brochures or posters;
- participating in local candidate debates or forums;
- social media pages or websites; and
- hosting 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* that candidates should review and understand.

In addition, it is essential that candidates seek clarification from returning officers relating to campaign activities. Municipalities may have local bylaws that 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 should seek independent legal services if required.



**LAEA  
s.116**

## **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 by agreeing to refrain from voting.

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.117**

## **Undue Influence**

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.

**LAEA  
s.150, 152,  
152.1**

## **Canvassing on Election Day**

Candidates, official agents, or campaign volunteers cannot canvass or solicit votes in a voting station or on the property used for a voting station on an advance vote or 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.

**LAEA  
s.50**

## **Is there a voters' list?**

Municipalities may pass a bylaw allowing for the enumeration and use of a voters' list. You may wish to confirm with your municipality; it is not a common practice to use a voters' list in municipal elections in Alberta.

# Additional Information 1

Town of WESTLOCK

POLICY No. P-57-2014

**Title:** REMUNERATION – Mayor and Council

**Resolution No.** 026.2006

401.2007; 402.2007; 403.2007, 024.2008; 025.2008

180-2010; 2017-0186, 2019-03, 2022-0100, 2022-0298

**Revised:** 24 Jan 2006; 10 Dec 2007;

28 Jan 2008; 10 May 2010, Jan 2014;

17 July 2017; 14 Jan 2019; 11 Apr 2022;

12 Dec 2022

**Special Notes/Cross Reference:**

**Next Review Date:**

May 2026

**POLICY STATEMENT :** Members of Council shall receive remuneration and reimbursement of expenses while undertaking Town related business, in accordance with this policy, and approved annual budget allocations. Each member of Council will also be provided with the option of participating in the Group Employee Health Benefits Program, as applicable to elected officials.

**PURPOSE :** To establish a fair and equitable method of remuneration and compensation for expenses to members of Council as they carry out their responsibilities. This policy provides guidelines for the provision of compensation to election officials.

## **GUIDELINES / PROCEDURES / RESPONSIBILITIES:**

### **1.0 HONORARIA**

**1.1** The Town of Westlock pays to their elected officials a monthly Honorarium, for the following:

- a) Preparation for Council meetings or Council Committee meetings.
- b) Attendance at Council and Committee of the Whole meetings.
- c) Attendance at Council appointed committees as the main board member(s) or alternate member(s).
- d) Meetings with Administration.
- e) Dealing with and responding to public concerns from residents, organizations and business, etc.
- f) Cheque and other document signing.
- g) Attendance at ceremonies, banquets, parades, luncheons within the Town of Westlock.
- h) Attendance at Town social events (Christmas Party, joint municipal social events).
- i) Duties of Commissioner of Oaths.
- j) Budget meetings.

**1.2.** Honorarium rates will be increased each January at the same rate as the non-union staff approved cost of living allowance as determined by Council during budget discussions.

#### **Rates as of 01 January 2022**

Mayor \$ 1399.28 bi-weekly

Councillors \$ 886.56 bi-weekly



- a) The annual honorarium shall be paid in accordance with Revenue Canada's provisions for Municipal Officials
- b) Payments are processed to members of Council on the same payroll schedule as Town of Westlock Employees.
- c) Honorarium will be retained by the Council member if they are absent from a meeting.
- d) If a Council member's absence is greater than eight (8) weeks and requires an extension by Council resolution per the *Municipal Government Act*, a second resolution will be required in order for a Council member to retain their honorarium during the absence.

1.3. Council members will be allowed one-month sick leave without loss of monthly honorarium.

## **2.0 PER DIEM RATE and EXPENSES**

A **Per Diem Rate** shall be paid to all members of Council for time spent undertaking certain Town related activities. These activities shall be compensated for upon submission and approval of an expense claim upon completion of the activities.

Expense claim forms shall be submitted monthly.

The Mayor shall be responsible for approving Councillor's claims and the Deputy Mayor is responsible for approving the Mayor's claims. The Chief Administrative Officer shall be the second signing authority.

In the absence of the Mayor and/ or Deputy Mayor the outgoing Deputy Mayor may sign the claims. A claim that is not approved may be taken to Council to appeal the decision.

*All per diem claims must be submitted for the final pay period of the calendar year. All expense claims for the year January 1 – December 31, must be submitted by January 15 of the year following the expenditure.*

All claims related to this policy will be paid, only when;

- a) pre-authorization for attendance is given by resolution of Council where required.
- b) the claim is in accordance with budget funds available.
- c) expenses are not reimbursed through Board or Committee budgets.

The Per Diem rates shall be as follows for the time incurred for the approved activities. Per diem rates will be adjusted at the same rate and time as the Honoraria rate as per section 1.2.

Time calculated for the per diem shall include travel time to and from the activity with the starting point being the Town of Westlock.

\$ 260.00 per day	-	four (4) hours or more in duration
\$ 160.00 per day	-	less than 4 hours

**2.1** For all members of Council per diems are paid for the following;

- a) Attendance at Special Meetings of Council.
- b) Meeting attendance for Board, committees and commissions that Councillors are appointed to by resolution of Council outside of Westlock. Appointed alternate attendees are allotted a per diem to a maximum of three (3) meetings per year when accompanied and requested by the main board member(s). Appointed alternates will be paid full per diem and expenses when attending in place of the main board member at meetings outside of Westlock.
- c) Ceremonies, grand openings, parades, banquets, social events, by formal written invitation, in official duty as the representative of the Town held outside of Westlock. (Where attendance at these events is not in official duty, no expenses or per diem will be paid).
- d) Planning and strategic initiative sessions.
- e) Attendance at conferences, seminars, workshops, Council orientation, and courses with content/ subject matter directly related to Council appointments whether in-person or virtually.
- f) Alberta Municipalities (AM) Conference - All Council members may attend the annual AM convention.
- g) FCM Conference - When the Annual Federation of Canadian Municipalities Conference is held in Alberta all Council members may attend. The Mayor and two council members may attend the FCM Conference when it is held out of province. The rotation for attendance at the FCM Conference will be determined at the Organizational Meeting of Council.

**2.2** For all members of Council per diems are paid for the following when attendance is approved by Council Resolution, or by prior approval from the Mayor.

- a) Ceremonies, grand openings, parades, banquets, social events, without formal written invitation, in official duty as the representative of the Town held outside of Westlock. (Where attendance at these events is not in official duty, no expenses or per diem will be paid).
- b) Attendance at conferences, seminars, workshops and courses with content / subject matter not directly related to Council appointments.
- c) Elected Official meetings with Provincial or Federal elected officials (ie Ministers / MLA / MP).
- d) Any other Town business not identified in 1.1, or 2.1.

If a spouse or guest is requested or expected to be in attendance, these expenses will also be compensated. Costs such as meal tickets and mileage, will be considered, however, appropriate discretion will be used in all cases.

### **3.0 POLITICAL EVENTS**

Should a Council member attend a political event on behalf of the Town of Westlock, for which proceeds support a political party or candidate, The Town of Westlock shall not reimburse any portion of a meal or event expense that constitutes proceeds to a political party, constituency association or candidate. Town of Westlock cheques, purchase orders, or procurement cards shall not be used to pay for any portion of a meal or event expense that constitutes proceeds to a political party, constituency

association or candidate.

The individual purchasing the ticket for a political event may retain the tax receipt for his or her own purpose; the tax receipt should be in the name of the individual purchasing the ticket.

#### **4.0 EXPENSES**

Expenses incurred shall be reimbursed upon submission and approval of an expense claim.

##### **Travel – Car**

Mileage rate will be set by the Town's Travel, Hospitality & Expense Reimbursement Policy as amended from time to time.

Mileage claims to Edmonton and return shall be compensated at 170 km travelled.

Mileage claims to Calgary will be compensated at 400 km one way, 800 km round trip.

Councillors are encouraged to carpool to Town-related functions.

##### **Travel – Taxi, Bus, Airplane, Parking**

Travel will be by the most cost-effective means. Reimbursed as per receipts submitted with claim.

##### **Meal Allowance**

Mayor and Council are to claim either the meal allowance or submit receipts for meals. The amount permitted to claim without a receipt is noted within the Town's Travel, Hospitality & Expense Reimbursement Policy as amended from time to time.

When breakfast, lunch or dinner are provided at a conference or meeting, then the meal allowances or receipt meal will not be reimbursed, unless approved by Mayor.

##### **Accommodation Allowance**

Council may claim a \$30.00 overnight hosting expense if they find accommodations with a friend or family member at their destination or may claim hotel receipts submitted with expense claim form.

##### **Personal Expense**

For each full 24-hour period spent traveling on Town business, a Council member may claim an allowance for personal expenses of \$20.00 to cover incidentals.

##### **Telephone**

A \$50.00 communication allowance will be provided monthly to each councillor for the use of their personal cell phone.

This allowance does not apply to the Mayor as the Mayor does have the option to have a town provided cell phone through the Council Electronic Devices Policy. If the Mayor chooses not to have a town provided cell phone, then the Mayor would also qualify for the communication allowance.

**5.0. COUNCIL HEALTH BENEFITS PROGRAM**

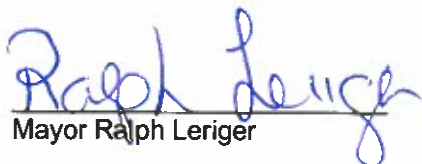
Elected officials may participate in the municipal employee's health benefits program with the exception of short term and long-term disability. Participation will be administered pursuant to the regulations established by the policy holder. Elected officials will be responsible for payment of benefit coverage premiums on the same cost share ratio as applicable to the non-union municipal employees.

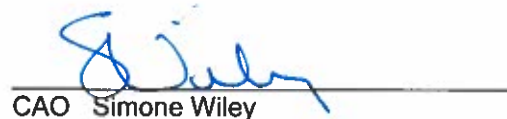
Elected officials shall be entitled up to a maximum of \$500.00 per year in a health spending account through the benefit provider of the Town's choice.

Elected officials shall be entitled to a 30% discount on one single or one family full facility pass per year to Town of Westlock Recreational Facilities.

**6.0. POLICY REVIEW**

This policy shall be reviewed in May, following each municipal election.

  
Mayor Ralph Leriger

  
CAO Simone Wiley

BEING A BYLAW OF THE TOWN OF WESTLOCK IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF ORDERLY PROCEEDINGS OF COUNCIL MEETINGS AND THE TRANSACTING OF BUSINESS BY COUNCIL OF THE TOWN OF WESTLOCK.

**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;

**NOW THEREFORE** the Council of the Town of Westlock, in the Province of Alberta, duly assembled and under the powers conferred upon it by the *Municipal Government Act*, RSA 2000, Chapter M-26, and amendments thereto, enacts as follows:

**1) TITLE**

This Bylaw may be cited as the "Council Procedure Bylaw".

**2) DEFINITIONS**

In this Bylaw:

**"Adjourn"** used in relation to any meeting, except at a Public Hearing, means to terminate the meeting.

**"Administrative Inquiry"** is a request from a Member of Council to the Administration for the future provision of information.

**"Agenda"** means the items of business of a meeting and the associated reports, bylaws or other documents.

**"CAO"** means the Chief Administrative Officer of the Town of Westlock within the meaning of the *Municipal Government Act*, section 205, or their designate.

**"Chair"** means the Mayor, Deputy Mayor or other Person who has authority to preside over a meeting; and shall be able to vote on matters.

**"Challenge"** means an appeal of the ruling of the Chair.

**"Closed"** means a meeting closed to the public at which only Councillors and other Persons specified by Council may attend at which no resolution or bylaw may be passed, except a resolution to revert to a meeting held in public.

**"Committee of the Whole"** means a committee comprised of all Councillors that conducts itself as a committee of Council.

**"Council"** means the municipal Council of the Town of Westlock.

**"Council Meetings"** means a Regular, Committee of the Whole, Organizational and Public Hearing meetings of Council; or any other meeting in which there is a Quorum of Council.

**"Councillor"** means a Member of Council, including the Mayor, who is duly elected and continues to hold office.



**"Council Committee"** means a committee, board or other body established by Council, by bylaw or resolution under the MGA, section 1(1).

**"General Municipal Election"** means an election held in the Town to elect the members of Council as described in the *Local Authorities Election Act*.

**"Inaugural Meeting"** means the Organizational Meeting immediately following the General Election.

**"MGA"** means the *Municipal Government Act*, R.S.A. 2000, c. M-26, any regulations thereunder, and any amendments or successor legislation thereto. Any direct quote from the MGA contained within this bylaw will be italicized and cannot be amended or revised by Council.

**"Mayor"** means the chief elected official of the Town of Westlock within the meaning of the *Municipal Government Act*, section 150, and is a Member of Council.

**"Member"** means a Member of Council duly elected and continuing to hold office, or a Member of a Committee duly appointed by Council.

**"Minutes"** are the record of decisions of a meeting.

**"Motion"** a formal proposal by a Member, in a meeting, that the group take a certain action. Motion can also be referred to as a resolution.

**"Notice of Motion"** means notice that an item will be placed on the next council meeting agenda.

**"Orders of the Day"** means a requirement that the Chair return to the pre-determined agenda, including adjourning at the pre-determined time, unless a Motion to extend the discussion occurring at that time or a Motion to extend the meeting is adopted, Schedule A.

**"Organizational Meeting"** means the meeting the *Council must hold annually not later than 2 weeks after the 3<sup>rd</sup> Monday in October*.

**"Pecuniary Interest"** means a Pecuniary Interest pursuant to sections 169 to 173 of the *Municipal Government Act*; sometimes referred to as Conflict of Interest.

Pecuniary Interest refers to a Council Member:

- who has a personal interest which would conflict with his or her obligation as a Member of Council to fairly consider a matter before Council, or
- whose ethical integrity of the Council Member may be in doubt if that Council Member was to participate in the consideration of the matter before Council.

**"Person"** means an individual, partnership, association, corporation, trustee, executor, administrator or legal representative.



**“Point of Information”** is a question to obtain information on the procedures of Council to assist a Member to:

- a) make an appropriate Motion,
- b) raise a point of order,
- c) understand the procedure, or;
- d) understand the effect of a Motion.

**“Point of Interest”** means a request from a Council Member to share a comment, information, or commendation about an individual, group, organization, or event.

**“Point of Order”** means a request that the Chair enforce the rules of procedure.

**“Point of Privilege”** does not relate to the pending business. An immediate and overriding request made to the Chair on any matter related to the rights and privileges of Council or individual Councillors and includes the:

- a) comfort of Councillors,
- b) conduct of Town employees or members of the public in attendance at the meeting,
- c) accuracy of the reports of Council’s proceedings, or
- d) reputation of Councillors or Council.

**“Postpone”** means to delay the consideration of any matter, either:

- a) to later in the meeting,
- b) to a specified time and/or date,
- c) until the occurrence of an event, or
- d) indefinitely.

**“Previous Question”** means a motion to end debate and vote on the Motion under debate.

**“Public Hearing”** means a meeting or portion of a meeting that Council is required to hold for statutory hearings.

**“Quorum”** means the minimum number of members that must be present at a meeting for business to be legally transacted.

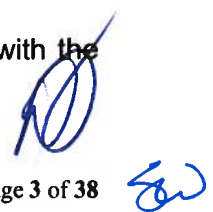
**“Recess”** means to take a short break in the order of business or an Agenda item of a meeting with the intent of returning to that order of business or Agenda item at the same meeting.

**“Reconsider”** means a Motion made by a Member who voted on the prevailing side of a Motion adopted by Council with the purpose of reconsidering the vote on a Motion dealt with earlier in that same meeting. If it is adopted by a majority vote, the Motion will be back again before Council.

**“Refer”** means to send a pending Motion or Agenda item to a Council Committee or administration for investigation and report.

**“Renew”** means to bring forward to a later meeting a previously defeated Motion.

**“Rescind”** means to bring forward to a later meeting a previously successful Motion with the intent of revoking the original Motion.

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**“Rise and Report”** means a Motion to put forward to a Council Meeting may be made any time and must be decided without debate.

**“Table”** means to Lay on the Table, a Motion to set aside a main Motion temporarily to take up a more pressing or important issue.

**NUMBER and GENDER REFERENCES** - All References in this Bylaw will be read with such changes in number and gender as may be appropriate according to whether the Reference is to a male or female person, or a corporation or partnership.

Marginal notes and headings in the Bylaw are for Reference purposes only.

**3) APPLICATION AND INTERPRETATION**

- a) This Bylaw shall apply to all Council Meetings.
- b) Council may make this Bylaw applicable to other Council Committees, either in whole or in part.
- c) Where Council makes this Bylaw applicable to a Council Committee, it shall apply with all necessary modifications, and
  - i. any reference to the Mayor shall be treated as a reference to the Chair of the Council Committee,
  - ii. any reference to a Councillor shall be treated as a reference to a Member of the Council Committee, and
  - iii. any reference to Council shall be treated as reference to the Council Committee.
- d) The precedence of the rules governing the procedures of Council is:
  - i. the *MGA*,
  - ii. other provincial legislation,
  - iii. this Bylaw, and
  - iv. Robert's *Rules of Order* Newly Revised.
- e) Council may waive all or part of the provisions of this Bylaw for a defined time if the Councillors present vote unanimously to do so. However, this Bylaw must be amended or repealed by bylaw.

**4) COUNCIL MEETINGS**

**a) Regular Council Meetings**

- i. Unless Council by resolution from time to time otherwise determines, regular meetings shall be held in the Town Council Chambers on the second and fourth Monday of each month



beginning at 6:30 p.m. For the months of July, August, and December of each year, there shall be one (1) regular meeting of Council held on the second Monday of those months.

- ii. Council meetings shall Adjourn within three (3) hours of commencement unless members of Council by a two-thirds (2/3) majority vote agree to an extension of time.
- iii. When the date of a regular Council Meeting falls on a statutory holiday, the date of the meeting shall be changed to the following day.

**b) Committee of the Whole Meetings**

- i. Unless Council by resolution from time to time otherwise determines, Committee of the Whole meetings shall be held in the Town Council Chambers on the third Monday of each month beginning at 6:30 p.m. For the months of July, August, and December of each year, there shall be no Committee of the Whole meeting.
- ii. Committee of the Whole meetings shall Adjourn within three (3) hours of commencement unless members of Council by a two-thirds (2/3) majority vote agree to an extension of time.
- iii. When the date of a Committee of the Whole Meeting falls on a statutory holiday, the date of the meeting shall be changed to the following day.

**c) Inaugural Meeting**

- i. The Organizational Meeting immediately following a general municipal election shall be called the Inaugural Meeting.
- ii. At the Inaugural Meeting immediately following a general municipal election, the CAO shall Chair the meeting until the Mayor has taken the oath of office.
- iii. As the first order of business at the Inaugural Meeting, each Councillor shall take the prescribed oath of office.

**d) Organizational Meeting**

- i. An Organizational Meeting will be held each year in accordance with the requirements established in the MGA, section 192(1) *not later than 2 weeks after the 3<sup>rd</sup> Monday in October.*
- ii. At the annual Organizational Meeting, Council will:
  - establish Council seating,
  - set Council meeting dates,



- set Council Committee appointments, and
- conduct other business as identified within the Organizational Meeting agenda.

**5) MEETING THROUGH ELECTRONIC COMMUNICATIONS**

- a) Councillors may attend a Council Meeting by means of electronic communications.
- b) A Councillor must notify the Mayor and CAO of their intentions to meet through electronic means the Friday immediately prior to the Council Meeting.
- c) Unless extenuating circumstances require additional electronic attendance, a Councillor may attend a regular Council Meeting by means of electronic communications no more than four (4) times a year.
- d) A Councillor shall only be permitted to attend a meeting by means of electronic communications if the location in which the meeting is to be held is equipped in a manner such that enables all Councillors participating in the meeting to watch or hear one another.
- e) A Councillor attending a meeting by electronic communications is deemed to be present at the meeting for whatever period of time the connection via electronic communications remains active.
- f) The Mayor shall announce to those in attendance at the meeting that the Councillor is attending the meeting by means of electronic communications.
- g) When a vote is called, Councillors attending by means of electronic communications shall be asked to state their vote only after all Councillors present in the meeting have cast their votes by a show of hands.
- h) A Councillor attending a Closed session by electronic communications must ensure that they are in a secure location.

**6) NOTICE OF REGULAR AND COMMITTEE OF THE WHOLE COUNCIL MEETINGS**

- a) Council, by resolution, may change the frequency, time, date, or location of any meeting.
- b) Notification of calling additional, a change in time, date, location, or cancellation of any meeting of Council or Committee of the Whole will be provided to Council Members and the public. For all meetings requiring notice, the CAO shall ensure the notice is:
  - i. issued a minimum of twenty-four hours prior to the meeting date,
  - ii. delivered, faxed or emailed to each Member, and
  - iii. posted on the Town of Westlock website and social media avenues, and/ or



- iv. posted in the newspaper or radio advertisement or other announcement.

**7) SPECIAL COUNCIL MEETINGS**

- a) Under section 194 of the MGA, the Mayor
  - i. *may call a Special Council Meeting whenever the Mayor considers it appropriate to do so, and*
  - ii. *must call a Special Council Meeting if the Mayor receives a written request for the meeting, stating its purpose, from a majority of the Councillors.*
- b) *A Special Council Meeting called under Section 7, must be held with fourteen (14) days after the date the Mayor receives the request, or any shorter period provided for by bylaw.*
- c) *The Mayor calls a Special Council Meeting by giving at least twenty-four (24) hours' notice in writing to each Councillor and the public stating the purpose of the meeting and the date, time, and place at which it is to be held. The CAO shall ensure the notice is:*
  - i. *issued a minimum of twenty-four hours prior to the meeting date,*
  - ii. *delivered, faxed, or emailed to each Member, and*
  - iii. *posted on the Town of Westlock website and social media avenues, or*
  - iv. *posted in the newspaper or radio advertisement or other announcement.*
- d) *A Special Council Meeting may be held with less than twenty-four (24) hours' notice to all Councillors and without notice to the public if at least two-thirds (2/3) of the whole Council agrees to this in writing before the beginning of the meeting.*
- e) *No matter other than that stated in the notice calling the Special Council meeting may be transacted at the meeting unless the whole Council is present at the meeting and the Council agrees to deal with the matter in question.*

**8) QUORUM**

- a) Quorum of Council is a majority of Council Members.
- b) If Quorum is not achieved within thirty (30) Minutes after the time the meeting was scheduled to begin, the CAO will record the names of those present and the meeting will be rescheduled.



- c) If at any time during a meeting the Quorum is lost, the meeting will be recessed and if a Quorum is not achieved again within fifteen (15) minutes the meeting will be deemed to be adjourned.
- d) If a meeting is adjourned for failure to constitute a Quorum or due to a loss of Quorum, the Agenda for that meeting shall be considered at the next scheduled Council meeting, unless a Special Meeting is conducted to complete such business.

**9) CHAIRMANSHIP OF MEETINGS**

**a) The Chair:**

- i. Opens, chairs and preserves order in Council Meetings.
- ii. Decides all questions of procedure.
- iii. Ensures that each Councillor who wishes to speak on a debatable Motion is granted the opportunity to do so.
- iv. Determines the speaking order when two (2) or more Members of Council or others wish to speak.
- v. Decides who, aside from Councillors, may address Council.
- vi. May speak and debate.
- vii. Vote on matters.

**b) When the Chair makes a decision on a question of procedure, (except an administration or legal opinion on procedure as requested by Council or Councillor), he must provide a reason for the decision.**

**c) Chair assignments:**

- i. The Mayor chairs all Regular, Special, Committee of the Whole and Organizational Meetings of Council.
- ii. The Deputy Mayor chairs Council meetings when the Mayor is absent or unable to act as Mayor and shall have all the powers and responsibilities of the Mayor under this Bylaw during the absence or incapacity of the Mayor.
- iii. In the absence or inability of the Mayor and Deputy Mayor to act, the next Member of Council scheduled to be Deputy Mayor on the roster shall Chair Council Meetings and shall have all the powers and responsibilities of the Mayor under this Bylaw.
- iv. The Deputy Mayor roster shall be for a four (4) month term, determined alphabetically by the last name of the Councillors.



**10) DUTIES OF THE CAO**

- a) The CAO shall, subject to the *MGA*, sections 207 to 209, and the CAO's Bylaw:
  - i. Provide Council with information and advice with respect to the operation of the Town of Westlock,
  - ii. Review recommendations for resolutions and make them available to Council,
  - iii. When requested, provide information and advice to Council on procedural matters of Council,
  - iv. Record Minutes of the meetings of Council and provide secretariat functions for Council Meetings, and
  - v. Review proposed bylaws to ensure compliance with this Bylaw and to advise Council of the existence of complementary and conflicting provisions in other bylaws.
- b) The CAO shall have custody of the corporate seal. The corporate seal shall only be used under the direction of the CAO as prima facie evidence that the Town has assented to those documents to which the seal is affixed.

**11) AGENDA**

- a) The Agenda orders the business for a meeting and will follow the appropriate Orders of the Day set out in Schedule A.
- b) The Agenda for each Council Meeting is established, reviewed, and authorized by the CAO.
- c) All material for inclusion in the Agenda shall be completed and submitted to the Clerk's office no later than 12:00 p.m. on the Wednesday immediately prior to the Monday on which the Council Meeting is held.
- d) The CAO will distribute the Council Agenda to Council and administration by Friday end of day, prior to the Council Meeting.
- e) The Agenda and all associated reports, bylaws or other documents (unless they may be withheld under the *Municipal Government Act*, *Freedom of Information & Protection of Privacy Act*, or any bylaw or policy dealing with access to information) will be made available to the general public and media representatives Monday morning prior to the Council Meeting.
- f) Reports and supplementary materials to items on the Agenda that are received too late to be included with the Agenda will be made available to Council, administration, and the media in paper or electronic format as soon as is reasonably possible.





- g) The first order of business at any Council Meeting shall be consideration of the proposed Agenda and adoption of it, subject to any amendment that Council may approve by resolution.
- h) The order of business at a Council Meeting shall be the order of the items on the adopted Agenda.
- i) The Chair shall introduce the Agenda item.
  - The CAO shall provide background information if required.
  - The Chair shall ask for any questions by Council on the item. The Chair may limit the number of questions from Council provided each Councillor has had an equal opportunity for questions.
  - The Chair may ask for a Motion, or the Chair or Councillor may put forward a Motion.
  - A Motion must be made on the Agenda item before it is debated.
- j) After adoption of the Agenda, Council may alter the order of the items on the Agenda, by majority vote, for convenience of the meeting.
- k) The order of business at a Meeting is the order of the items on the Agenda except when:
  - i. a previous meeting has been adjourned for lack of Quorum and no Special Meeting has been called to deal with the business of the adjourned meeting, the Agenda items from the adjourned meeting must be dealt with before any items on the current Agenda,
  - ii. Council alters the order of business for the convenience of the meeting by a two-thirds (2/3) vote,
  - iii. the same subject matter appears in more than one place on the Agenda and Council decides, by Motion, to deal with all items related to the matter at the same time, and
  - iv. Council decides not to deal with an item on the Agenda and no Motion is made about it.
- l) A Motion calling Orders of the Day (requiring Council to adhere to its schedule) is not debatable or amendable.

**12) MINUTES**

- a) The CAO or his or her designate will prepare a written record of all Council Meetings that includes:
  - i. the names of the members of Council present at and absent from the meeting, CAO and/or delegated authority, staff, and the recording secretary,
  - ii. all decisions, other proceedings, and outcomes,



- iii. the names of members of the public who speak to an item during Question Period,
  - iv. any abstentions made under the *MGA*, sections 183 and 184, by any Member of Council and the reason for the abstention (i.e., absent from Public Hearing), and
  - v. any abstentions made as a result of a Pecuniary Interest and the reason for the abstention, as per sections 170 and 172 of the *MGA*.
- b) When the vote on a Motion is carried or defeated, the Minutes shall reflect "Carried" or "Defeated."
  - c) When a Motion is specifically asked to be recorded by a Member of Council, the Minutes shall reflect the number of votes for and against a Motion, as well as the names of the members that voted in favour of and the names of those that were opposed to the Motion.
  - d) The Chair shall request a Motion to adopt the Minutes.
  - e) Minutes shall have the signatures of the Chair and the CAO or their designate.
  - f) Unless otherwise authorized in this bylaw, discussion, questions, and debate shall not be recorded in the Minutes.
  - g) A summary of any verbal presentation made and/or a copy of written materials provided by members of the public will be recorded in the Minutes.
  - h) When a meeting is closed to the public to discuss a matter that is within one of the exceptions to disclosure in the *Freedom of Information and Protection of Privacy Act*, the reason for closing the meeting shall be recorded in the Minutes.
  - i) Minutes of a meeting shall be adopted by Motion at the following meeting, regardless of whether the same Members are present.
  - j) Any Member may request a correction to the Minutes before they are adopted. Corrections are deemed adopted when the Motion to adopt the Minutes has been carried.
  - k) The Minutes of a previous meeting shall not be read aloud unless directed by a unanimous vote of the Members present.
  - l) The CAO is authorized to provide for audio/video recording of any meeting.
  - m) An audio/video recording provided by the CAO may be used to determine the accuracy of a portion of the Minutes.



**13) PROCEEDINGS AT MEETINGS**

- a) All discussion at a meeting of Council is directed through the Chair who will be addressed as "Your Worship", "Mayor", or "Mister/Madam Chair".
- b) When two or more Members wish to speak to a matter, the Chair shall decide who is entitled to speak. A Motion may be made that any Person who is addressing the Chair 'be now heard' or 'do now speak' and such Motion shall be put without debate.
- c) A Councillor may ask questions of administration or other Councillors on any Motion or amendment to a Motion through the Chair.
- d) A Councillor may speak to answer questions put by other Councillors, through the Chair.
- e) When a Member of Council wishes to leave the Council Chambers while a Council meeting is in progress:
  - i. the Member of Council shall await the formal acknowledgement of the Chair before leaving; and
  - ii. the time of the Member's departure, and return, if any, shall be recorded in the Minutes.
- f) To ensure that Quorum is not lost, the Chair may Recess the meeting briefly if a Member of Council wishes to leave the meeting but intends to return.
- g) No Councillor shall leave the Council meeting after a question is put to a vote until the vote is taken.
- h) A Council Member shall not speak on any matter for longer than ten (10) minutes unless otherwise permitted by the Chair.
- i) No Member shall interrupt any other Person who has been recognized by the Chair and has the floor.
- j) Councillors who have been assigned their turn to speak may only be interrupted by other Councillors including the Chair:
  - i. when a Councillor is discussing a subject and no Motion is on the floor,
  - ii. when a Councillor has exceeded the time limit to speak,
  - iii. by a call for Orders of the Day,
  - iv. by a Point of Privilege,
  - v. by a Point of Order;
  - vi. by an objection to the consideration of a Motion, or

- vii.** by a Challenge.
- k)** A Councillor who is speaking when a Point of Order or Point of Privilege is raised will cease speaking immediately.
- l)** If a Councillor wishes to raise a Point of Order or a Point of Privilege, the Member, upon recognition, shall then state briefly the grounds of same.
- m)** The Chair may grant permission:

  - i.** to the Councillor raising the point to explain the point briefly, and
  - ii.** to the Councillor who was speaking to respond briefly,
  - iii.** but a Point of Order or Point of Privilege is not debatable or amendable.
- n)** The Chair may seek advice from the CAO on a Point of Order or Point of Privilege to determine whether a matter is within the jurisdiction of the Council.
- o)** The Chair must rule on a Point of Order or Point of Privilege and no vote will be taken unless there is a Challenge by a Member of Council to the ruling.
- p)** A Point of Order or Point of Privilege shall take precedent over all other business and any appeal shall be determined by a majority vote which shall not be reconsidered or rescinded.
- q)** Closed Agenda items sent to Council through an electronic Agenda are to be kept confidential and deleted upon the completion of the meeting.

**14) DELEGATIONS AND REQUESTS TO COUNCIL**

- a)** A Person or delegation wishing to make formal representation directly to council at a regular council meeting shall advise the CAO no later than 12:00 noon on the Wednesday before the upcoming regular meeting of council. The written request shall include the contact information of the Person wishing to appear before council along with a brief explanation of the subject to be addressed and the specific request to be made to Council.
- b)** Any delegations wishing to submit written material to Council must provide an original copy of material to the CAO by the Agenda deadline of 12:00 noon on the Wednesday before a council meeting.
- c)** After receiving the request to speak, the CAO may place the request on the agenda.
- d)** Council may:

  - i.** refer the matter to a Committee to be heard,
  - ii.** hear from the Person making a direct request, or



- iii. refuse to hear from the Person making a direct request.
- e) A Committee may;
  - i. hear any Person referred to it by Council or making a direct request to be heard by that Committee, or
  - ii. refuse to hear from any Person referred to it by Council or making a direct request to be heard by that Committee.
- f) When hearing from the public, Council does not require a Motion on the floor.
- g) The following procedures will apply to delegations before Council or a Committee:
  - i. the Chair will introduce the delegations, and
  - ii. the delegation shall present from the delegation table and will:
    - state their name and address, and
    - indicate if they are speaking on their own behalf, a client, a company, or a group of citizens (i.e., club or organization).
- h) After a delegation has spoken, members of Council will ask only questions of clarification that are relevant to the subject of the delegate's session and will avoid repetition. Persons speaking to the subject will be restricted to speaking to the relevant subject matter only.
- i) Each Person or delegation appearing before Council shall be limited to a maximum of fifteen (15) Minutes of presentation time unless the Chair, at their discretion, agrees to extend the time.
- j) Any Councillor may ask the CAO relevant questions after the delegation has spoken.

**15) PROCEDURE FOR ADMINISTRATION TO PRESENT ITEMS FOR COUNCIL CONSIDERATION**

The procedure for the two-stage discussion of Motions shall be:

- administration presents and clarifies with Council; and
- discussion among Council members.

**16) RULES FOR MOTIONS**

- a) A Motion must be made by a Councillor prior to any debate or vote occurring. It must be concise and unambiguous.
- b) A seconder to a Motion is not required.
- c) Council shall consider only one Motion at a time.
- d) After a Motion has been moved, and stated by the Chair, it may not be withdrawn without the majority consent of Council.


**e)** The following Motions are not debatable by Council:

- i.** to raise a Point of Privilege,
- ii.** to call for Orders of the Day,
- iii.** to raise a Point of Order,
- iv.** to withdraw a Motion,
- v.** to Recess or Adjourn the meeting, or
- vi.** to challenge a ruling of the Chair.

**f)** When a Motion has been made and is being considered, no Councillor may make any other Motion except:

- i.** as set out in Section 16) e) above,
- ii.** to amend the Motion,
- iii.** to refer the main Motion to the Committee of the Whole, to administration, to a Council Committee, or to some other Person or group for consideration,
- iv.** to Postpone consideration of the Motion, or
- v.** to Table the Motion.

**g)** Motions shall have precedence in accordance with the order that they are listed in Section 16) e) and f).

**h)** A Motion is defeated when the vote is tied.

**17) MOTION TO RECONSIDER**

**a)** If a Motion is voted on by Council, a Councillor who voted on the prevailing side may move, at the same meeting or continuation thereof, that the vote be reconsidered, provided that the vote has not caused an irrevocable action.

**b)** If a Motion is defeated, the same Motion shall not be renewed unless:

- i.** a General Municipal Election has been held, or
- ii.** one (1) year has passed since the date that the Motion was defeated.



**18) RENEW OR RESCIND A MOTION**

- a) Notwithstanding "Motion to Reconsider" Section b) above, if a Motion is defeated, a Councillor may introduce a Motion calling on Council to Renew at a subsequent meeting if:
  - i. a two-thirds (2/3) majority of Council grants leave to a Councillor to introduce a Motion calling on Council to Renew, or
  - ii. the Councillor who wishes to have Council Renew a Motion provides previous notice by setting out in writing what special or exceptional circumstances warrant further debate.
- b) If a Motion succeeds, a Councillor may introduce a Motion calling on Council to Rescind the Motion or amend a Motion previously adopted provided that the Councillor sets out in writing what special or exceptional circumstances warrant further debate.
  - i. In emergent situations, where previous notice to Rescind or amend a Motion previously adopted is not practical, a Motion to Rescind or amend a Motion previously adopted shall require a two-thirds vote of Councillors present at the Council Meeting at which the rescinding or amending Motion is introduced.
  - ii. If a Motion to Reconsider is passed the original Motion is on the floor.
  - iii. A Motion to Rescind, Renew or amend a Motion previously adopted may not be introduced where the vote on the original Motion has caused an irrevocable action.
  - iv. Council may consider a matter Closed in accordance with the *Freedom of Information and Protection of Privacy Act*.
  - v. No Motions may be made when Council is sitting in Closed session except the Motion to return to the public forum.
- c) If a Motion is contrary to the rules and privileges of Council, the Chair may refuse to accept it and must cite the rule or authority applicable without other comment.
- d) If a Motion cannot be voted on because there would be no quorum due to any abstention allowed or required by statute, then the matter will be dealt with as unfinished business and proceeded with at the next regular meeting of Council.

**19) AMENDMENTS TO MOTIONS**

An amendment proposed to a Motion must be relevant to its subject matter and must not propose a direct negative of the Motion.

- a) Any Councillor, other than the Councillor who moved the main Motion, may move to amend a Motion.

- b) The Chair shall allow only one (1) amendment to the main Motion and one (1) amendment to the amendment to be advanced and considered at a time.
- c) Council must vote:
  - i. on an amendment to the amendment, if any, before voting on the amendment, and
  - ii. on any amendment before voting on the main Motion.
- d) When an amendment is on the floor, Council may debate only the merits of the Amendment and shall not debate the merits of the Motion to which it is applied.
- e) The Chair shall not put the main Motion under debate to a vote until all amendments to it have been put to a vote of council.
- f) Once the amendments to the main Motion have been voted on, the Chair shall put forth the main Motion under debate to council for a vote, incorporating the amendments that have been passed by council.
- g) Notwithstanding anything in this section, a Motion may with the consent of the mover be withdrawn or the wording thereof changed.

**20) MOTION TO CHALLENGE**

- a) Any ruling of the Chair may be challenged.
- b) A Motion to Challenge may be made only at the time of the ruling, whether or not another speaker has the floor.
- c) A Motion to Challenge is debatable unless it relates to decorum, the priority of business, or an undebatable pending Motion.
- d) If a Motion is made to Challenge, the Chair must state the question "Is the ruling of the Chair upheld?" The Chair may participate in debate on the Challenge without leaving the chair.
- e) If the Chair refuses to put the Challenge to Council, Council may request the Deputy Mayor to assume the Chair in order that the Challenge to the Chair's ruling can be put to Council. The result of the vote is as binding as if conducted under the Chair and the Chair shall abide by the result.
- f) Unless there is a two-thirds (2/3) vote against it, the ruling of the Chair will be upheld (it requires a majority vote in the negative to overturn the Chair's ruling; a tie sustains the decision of the Chair and the appeal is defeated).



**21) MOTION TO LIMIT OR END DEBATE**

- a) Upon a reasonable opportunity for discussion of a Motion, in the opinion of the Chair, being afforded and when no other Person is holding the floor a Motion may be made that the question be called.
- b) A Motion that the question be called is neither amendable nor debatable and if such Motion is passed, the main Motion or amendment (as the case may be), shall be voted upon without further amendment or debate. If the Motion is not passed, debate upon, or amendment to, the main Motion may continue.

**22) NOTICE OF MOTION**

- a) Prior to Council adjourning a regular Council Meeting, Councillors will be given an opportunity to bring a Notice of Motion by reading into the Minutes the Notice of Motion.
- b) A Notice of Motion must give sufficient detail so that the subject of the Motion and any proposed action can be determined.
- c) A notice must be given without discussion of the matter, but any written copies distributed may include explanatory paragraphs.
- d) A Notice of Motion given at a regular Council Meeting will automatically appear on the Agenda of the next regular Council Meeting.
- e) A Notice of Motion cannot be made at a Special Council Meeting.
- f) A Notice of Motion is not debatable until a Councillor moves the Motion.

**23) MOTION FOR PREVIOUS QUESTIONS**

- a) If the Previous Question is moved, the Chair must state that the Previous Question has been moved and immediately take the vote on the Motion for the Previous Question.
- b) Unless a Motion to Table is made, when a Motion for the Previous Question is carried, the Motion to which it applies must be called without further debate or amendment.

**24) MOTION TO RECESS**

- a) The Chair, without a Motion, may Recess the meeting for a specific period of no more than ten (10) minutes.
- b) Any Councillor may move that Council Recess for a specific period.
- c) After the Recess, business will be resumed at the point where it was interrupted.



**25) MOTION TO REFER**

- a) A Councillor may move to Refer any Motion and any pending amendments to the appropriate Council Committee or administration for investigation and report.
- b) A Motion to Refer:
  - i. precludes all further amendments to the Motion, until the Motion to Refer has been addressed by Council,
  - ii. is debatable,
  - iii. shall include instructions indicating what the receiving body is to do and the date by which Council requires a response, and
  - iv. may be amended only as to the body to which the Motion is Referred and the instructions on the Referral.
- c) The Chair shall refuse to accept a Motion to Refer that would have the effect of defeating the Motion to which it applies.
- d) Once the body to which a resolution has been referred commences its deliberations, the body may recommend for adoption, any amendment to the resolution so referred, without regard to any amendments considered by Council prior to that referral. The resolution proposed by the referral body shall be as if introduced to Council for the first time, and Council shall be free to consider any amendment to it.

**26) OBJECTION TO CONSIDERATION OF A MOTION**

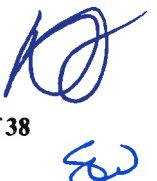
- a) A Councillor may move to Object to the Consideration of a Motion prior to any debate on the Motion and the Chair must state the question "Will the Motion be considered?"
- b) A Motion to Object to the Consideration of a Motion is not debatable or amendable.
- c) The Motion objected to will be heard unless there is a two-thirds (2/3) vote against hearing it.
- d) If Council passes a Motion to Object to the Consideration of a Motion, the Motion objected to may be brought before Council only by renewal.

**27) POINT OF ORDER**

- a) A Point of Order which requires immediate attention, may interrupt a speaker and is not debatable or amendable.
- b) The Chair must rule on the Point of Order and no vote will be taken unless there is a Challenge.

**28) POSTPONING MOTIONS**

- a) A Motion may be postponed:
  - i. to later in the Meeting to enable Council to deal with other more pressing matters,
  - ii. to a specified time and/or date,
  - iii. until the occurrence of an event, or
  - iv. indefinitely.
- b) A Motion to postpone indefinitely is debatable and debate may deal with the merits of the Motion being postponed.
- c) A Motion to postpone indefinitely may only be brought back after:
  - i. more than a year from the date of the postponement,
  - ii. a General Election, or
  - iii. a Special Resolution is passed allowing it to be brought back.
- d) The effect of the Motion to postpone a Motion indefinitely is to suppress it throughout the current Council term.
- e) A Motion to postpone to a definite time may be made at any time during debate.
  - i. A Motion to postpone to a definite time is only debatable as to advisability of the postponement and is amendable only as to the time specified.
  - ii. A Motion to postpone takes precedence over any other Motion connected with the Motion being postponed.
- f) If a Motion has been postponed to a specified time and/or date or until the occurrence of an event, the Motion is automatically placed on an Agenda for consideration at that time and date or upon the occurrence of the event.
  - i. It will take priority over all other unfinished business at that time.
  - ii. It may not be brought back before that time without a Special Resolution.
- g) A Motion that has been postponed under Section 26a)i or 26a)iv may be considered at any time by a two-thirds (2/3) majority vote of the current Council.
- h) If a Motion to consider a postponed Motion is defeated, it may only be made again after Council has addressed some other matter or business.

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- i) When a Motion that has been postponed is brought back to Council, it is brought back with all Motions connected with it, exactly as it was when postponed.

**29) PRIVILEGED MOTION**

- a) The following Motions are privileged Motions and may, if the Chair determines that they are of overriding importance, interrupt the debate on another Motion:
  - i. a call of Orders of the Day,
  - ii. a Point of Privilege,
  - iii. a Motion to Recess,
  - iv. a Motion to Adjourn, and
  - v. a Motion to fix the time to Adjourn.

**30) POINT OF PRIVILEGE MOTION**

- a) A Councillor may raise a Point of Privilege to remedy any pressing situation at any time.
- b) The Chair must immediately decide whether to accept the Point of Privilege.
- c) If the Point of Privilege is accepted, it must be dealt with immediately.

**31) SPLITTING A MOTION**

- a) When a Motion is lengthy, complicated or contains a series of independent issues a Councillor may request that the Motion be split into parts so that each part may be voted upon individually. The Chair shall grant this request.
- b) A Councillor who requests that a Motion be split into parts may reword the parts so that the syntactical integrity of each part is maintained, but in doing so shall not change the intent of each part.
- c) The CAO may, on the request of the Chair, assist with phrasing the Motions that would result from a Motion being split so that the Motions may be dealt with most effectively by Council.

**32) TABLING MOTIONS**

- a) A Motion may be tabled by a majority vote of Council to enable Council to deal with other more pressing matters. It is not amendable or debatable.
- b) A Motion to Table:
  - i. includes all other Motions, and



- ii. takes precedence over any other Motion connected with the Motion being tabled.
- c) A Motion that has been tabled may be raised from the Table at any time by a majority vote of Council.
- d) If a Motion to raise a Motion from the Table is defeated, it may only be made again after Council has addressed some other matter or business.
- e) When a Tabled Motion is raised from the Table, it is brought back with all Motions connected with it, exactly as it was when laid on the Table.
- f) A Motion fails if it is not raised from the Table within one (1) year of being Tabled, it then becomes a new Motion.
- g) If a Motion is not raised from the Table prior to the General Municipal Election held after it was Tabled, it may not be raised from the Table but may be made only as a new Motion.

**33) VOTES OF COUNCIL**

- a) Each Council Member present must vote on every Motion, unless the Member is required or permitted to abstain from voting under the *MGA*, sections 169 to 173, 183, and 184, or as required under common law.
- b) Any Councillor who fails to vote will be recorded as having voted in the affirmative unless a statute expressly allows or requires an abstention.
- c) Votes on all Motions must be taken as follows:
  - i. except for a meeting conducted through electronic or other communication facilities, Council Members must be in their designated Council seat when the Motion is considered,
  - ii. the Chair puts the Motion to a vote,
  - iii. Council Members vote by a show of hands or other method agreed to by Council, and
  - iv. the Chair declares the result of the vote.
- d) A Motion is carried when a majority of Council Members at a meeting vote in favour of a Motion, unless otherwise specified in this Bylaw.
- e) After the Chair declares the result of the vote, Council Members may not change their vote for any reason.
- f) A question on the results of a vote may be resolved by the Chair immediately calling for a confirmation of the voting results on the Motion.

**34) PECUNIARY INTEREST**

- a) As per section 172 of the *MGA*, a Member who has a Pecuniary Interest in a matter before Council shall:
  - i. *disclose the general nature of the Pecuniary Interest, and*
  - ii. *leave the meeting before debate and return after the vote is declared.*
- b) The Member declaring a Pecuniary Interest is not considered part of the Quorum for the item.
- c) Pecuniary Interests are to be noted in the meeting Minutes stating the Agenda item in which they pertain to.
- d) Pecuniary Interest for Closed items is to be noted under the "Closed" heading; however, the description is not required.

**35) RULES FOR BYLAWS**

- a) The CAO must approve the form of every proposed bylaw prior to its submission to Council.
- b) Each proposed bylaw must include a bylaw number and a concise title indicating the purpose of the bylaw, which must be included on the Agenda of the meeting at which the bylaw is to be introduced.
- c) Council members will be provided the opportunity to review a copy of the proposed bylaw, in its entirety, prior to any Motion for the first reading.
- d) A proposed bylaw will be introduced at a Council Meeting by a Motion that the bylaw be read a first time. Council may hear an introduction of the proposed bylaw from the administration and/or applicant.
- e) After first reading has been given, subject to the requirements of the *MGA*, sections 187 and 230, any Councillor may move that the bylaw be read a second time.
- f) Council may not give a bylaw more than two readings at a meeting unless Council members present at the meeting unanimously agree to consider third reading at that meeting.
- g) Any amendments to the bylaw that are passed by Council before the Motion for third reading is passed are deemed to have received first and second reading and are incorporated into the proposed bylaw.
- h) The CAO may draw Council's attention to an error or propose a minor change without affecting the substance of a proposed bylaw and may recommend that Council consider an amendment to correct the error.

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- i) If amendments to the proposed bylaw have been carried, a Councillor may request an opportunity to review the full text of the bylaw as amended prior to third reading and the Chair shall provide a Recess for the Councillor to do so.
- j) If any reading of a proposed bylaw fails, all previous readings are rescinded.
- k) A bylaw is rescinded if the bylaw does not receive third reading within two (2) years from the date of the first reading.
- l) A bylaw is effective from the date of third reading unless the bylaw, or any applicable statute, provides for another effective date.
- m) The Chair and the CAO must sign and seal the bylaw as soon as reasonably possible after third reading is given.
- n) Once a bylaw has been passed, it may only be amended or repealed by another bylaw made in the same way as the original bylaw, unless another method is specifically authorized by another enactment.

**36) ADMINISTRATIVE INQUIRIES**

- a) A Councillor wishing to make an information request of administration shall present it to Council at the appropriate time on the Agenda of a Regular Council Meeting or Committee meeting.
- b) If the CAO is unable to answer the information request at the meeting, the CAO will forward the request to the appropriate official or body in the Town for a response.
- c) Unless the information request specifies that the Councillor wishes the information to appear on a subsequent Agenda, the information will be forwarded directly to all Councillors.
- d) A Councilor requesting a copy of a document that contains exceptions to disclosure under the *Freedom of Information and Protection of Privacy Act*; must be made by an Administrative Inquiry. The Councillor requesting the document must put forward a Motion that identifies the document and the reason why the document is being requested.
- e) If the CAO determines that the requested information should not be supplied, as the corporation has an obligation to keep it private under the provisions of the *Freedom of Information and Protection of Privacy Act*, the CAO shall file a response with Council stating the reasons for withholding the information.
- f) If the CAO determines that the time and cost of compiling the information will be considerable, the CAO shall request a resolution of Council to approve the request either at the same meeting or a future meeting.
- g) If a Councillor who has made an information request wishes to withdraw the request, at the appropriate time on the Agenda that Councillor shall so inform Council.

- h) Administrative Inquiries made at a Council Meeting will be responded to at the next meeting of Council following the meeting at which the inquiry was submitted, unless:
  - i. the financial or other resources required to answer the inquiry are substantial and a decision of Council or the CAO is required to approve such allocation of resources, or
  - ii. additional time is required to prepare the response or compile the requested information.
- i) Council Members will be advised as to when the response to an Administrative Inquiry will be provided.

**37) ADJOURNING THE MEETING**

- a) When the Chair is satisfied that all the business and purposes of a meeting have been addressed, the Chair may Adjourn the meeting or request a Motion to Adjourn the meeting.
- b) Any Councillor may move to Adjourn the meeting at any time.
- c) A Motion to Adjourn is not debatable or amendable and requires a majority vote. This Motion cannot be reconsidered.
- d) Council will take up a Motion pending at the time of adjournment, and it shall become the first item under unfinished business at the next meeting.
- e) Before putting the Motion for adjournment, the Chair must allow an opportunity for any Notices of Motion to be given.

**38) COMMUNICATION TO COUNCIL**

- a) Any communication intended for Council or a Committee will be forwarded to the CAO in writing and must:
  - i. be legible and coherent,
  - ii. name the individual authorized to speak,
  - iii. indicate the proposed bylaw or resolution to be spoken to,
  - iv. be signed by the Person giving the authorization,
  - v. be able to identify the writer and the writer's contact information, and
  - vi. not be libelous, impertinent, or improper.





- b) If the standards set out in Section 36 a) are met and the CAO determines the communication is within the governance authority of Council, the CAO will:
  - i. if it relates to an item already on the Agenda, deliver a copy of the communication or a summary of it to the Mayor and Councillors prior to or at the meeting at which the Agenda is being considered,
  - ii. refer the communication to administration for a report or a direct response, and inform the Councillors of the referral,
  - iii. send a copy of the communication or a summary of it to all Councillors for information, or
  - iv. take any other appropriate action on the communication.
- c) If the standards set out in Section 36 a) are not met, the CAO may file the communication, or dispose of it, unless the CAO determines the communication to be libelous, impertinent, or improper, in which case the CAO must summarize the communication and inform Council that it is being withheld.
  - i. Council may direct that any communication withheld under this Section be forwarded to members of Council.
  - ii. The CAO must make reasonable efforts to respond to the Person sending the communication and to advise the Person of any action taken on the subject of the communication.
- d) Council may:
  - i. refer any communication to administration for a report, and
  - ii. give other instructions on the communication.
- e) Council may not debate the subject of a communication without a two-thirds vote in favor of debate or without prior notice.
- f) When a communication requests Council or a Committee to Reconsider, Rescind, or Renew a previous decision, the CAO must inform the Person sending the communication that the request can only be dealt with in accordance with Section 16 of this bylaw.
- g) Any matter required to be brought to Council by way of a petition must be supported by a petition that complies with the *MGA*, sections 219 through 226, and sections 231 through 234, or other legislation.
- h) Within a regular Council Meeting, Councillors must present in writing or verbally:
  - i. Notice of Motion, and
  - ii. reports on any meetings attended or matter dealt with at the request of Council.



- i) Councillors must submit to the CAO for the municipal records as soon as they become available:
  - i. all Minutes of non-municipal Committees on which they sit, and
  - ii. any report or records of a meeting.

**39) CONDUCT IN COUNCIL MEETINGS**

**MEMBERS OF PUBLIC**

- a) The members of the public during a meeting will:
  - i. not approach or speak to Council without permission of the Chair,
  - ii. not speak on any matter for longer than ten (10) minutes unless permitted by the Chair,
  - iii. maintain order and quiet, and
  - iv. not interrupt a speech or action of Council or another Person addressing the Members.
- b) The Chair may order a member of the public who creates a disturbance or acts improperly at a meeting to be expelled.
- c) A Person who refuses to leave may be guilty of an offence and liable to penalties set out by statute.
- d) The Chair may request a Peace Officer to remove the Person.

**MEMBERS OF COUNCIL**

- a) Members of Council during a meeting will not:
  - i. speak disrespectfully, use offensive words, or un-parliamentary language,
  - ii. address Members without permission,
  - iii. carry on a private conversation,
  - iv. break the rules of Council or disturb the proceedings,
  - v. leave their seat or make any noise or disturbance while a vote is being taken or the result declared, or
  - vi. disobey the decision of the Chair on any question of order, practice, or interpretation.

- b) A Member of Council who persists in a breach of section a) after having been called to order by the Chair, may at the discretion of the Chair, be ordered to leave for the duration of the meeting.
- c) When a Councillor has been warned about breaches of order but continues to engage in them the Chair may name the Councillor by stating his name and declaring the offence.
- d) The CAO must note the offence in the Minutes.
- e) If a Councillor, who has been named; apologizes and withdraws any objectionable statements, then:
  - i. that Councillor may remain and continue participating in the Meeting, and
  - ii. the Chair may direct that the notation of the offence be removed from the Minutes; or
- f) If a Councillor, who has been named, fails or refuses to apologize, then:
  - i. that Councillor must immediately leave Council Chambers,
  - ii. Council must, without debate, vote on a Motion to expel that Councillor, and
  - iii. a majority vote carries the Motion.
- g) If a Councillor has been expelled pursuant to Section f) that Councillor must leave Council Chambers immediately.
- h) The Chair may request a Peace Officer to remove an expelled Councillor if that Councillor does not leave voluntarily.
- i) At the discretion of the Chair, a Member of Council may resume his or her seat after making an apology for the member's offending conduct.

**40) INFORMATION TECHNOLOGY**

- a) The intent is to ensure that Council and the Public are aware of all communications occurring within or outside of the Council Chambers during meetings.
  - i. No Member shall engage in use of social media or instant messaging such as email messaging and texting during a meeting.
  - ii. Cell phones are to be placed in the "silent mode" during a meeting. Messages may be checked during a Recess.
  - iii. General internet access by Council Members during a meeting is prohibited. Should access be required, the CAO will access the internet in order that all present at the meeting can view the information.

**41) PUBLIC HEARINGS / STATUTORY HEARINGS**

- a) When a Council is permitted to delegate a hearing by statute, Council may delegate the responsibility to hold the hearing to any Committee.
- b) As per section 230(1) of the *MGA*, the Public Hearing on any proposed bylaw or resolution must be held before the Chair has put:
  - i. *a Motion on the resolution, or*
  - ii. *a Motion for the second reading of a bylaw.*
- c) As per section 230(4) of the *MGA*, in the Public Hearing, Council
  - i. *must hear any Person, group of Persons, or Person representing them, who claim to be affected by the proposed bylaw or resolution and who has complied with the procedures outlined by the Council, and*
  - ii. *may hear any other Person who wishes to make representations and who Council agrees to hear.*
- d) "Adjourn" used in relation to a Public Hearing means to take a break in the hearing with the intent of returning to the Public Hearing at another meeting or later in the same meeting.
- e) "Close" used in relation to a Public Hearing means to terminate the Public Hearing.
- f) Public Hearings shall be heard during the Regular Meetings of Council or Special Council Meetings.
- g) The order of business for each item of a Public Hearing shall be:
  - Public Hearing Regarding: Details of Hearing
  - Public Hearing Declared Open
  - Background and Review
  - Details of Proposed Amendments
  - Formal Correspondence/Submissions Received (if any)
  - Presentations
  - Applicants
  - Other
  - Questions/Comments from Council Members
  - Summary
  - Hearing Closed
- h) Administration will introduce, present, and respond to questions of clarification on the proposed bylaw or resolution.

- i) The CAO shall inform Council of any written submissions and the numbers in favour of and opposed to the matter. Any Councillor or the public may review the written submissions received before the commencement of the Public Hearing or during the Public Hearing.
- j) The Chair must ask if anyone is present to speak to the proposed bylaw or resolution. All questions are to be directed through the Chair.
- k) If a Person indicates their presence to speak to the proposed bylaw or resolution, then the following procedures will apply:
  - i. a Person will be allowed five (5) minutes to speak,
  - ii. those in favor will speak first,
  - iii. followed by those opposed,
  - iv. any applicants if applicable, and
  - v. others.
- l) Persons addressing Council should:
  - i. state their name and address, and
  - ii. Indicate if they are speaking on their own behalf, a client, company, or a group of citizens (i.e., club or organization).
- m) After a Person has spoken, a Councillor may ask that speaker relevant questions.
- n) Any Councillor may ask the CAO through the Chair relevant questions after all Persons who wish to speak have been heard.
- o) Council must allow an opportunity to all Persons to respond to any new information that has arisen.
- p) If a Public Hearing is adjourned, Council shall not receive any additional submissions in relation to the subject matter until it reconvenes the Public Hearing.
- q) If no one is present to speak to a proposed bylaw or resolution 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 statutory hearing.
- r) The Public Hearing must be closed before Council debates the proposed bylaw or resolution.
- s) If Council wishes to make amendments to the proposed bylaw or resolution, Council will:
  - i. direct the CAO to amend the bylaw or resolution,

- ii. give second reading to the bylaw with amendments; or
  - iii. move the resolution and amend.
- t) After the close of the Public Hearing Council may:
  - i. pass the bylaw or resolution, or
  - ii. defeat the bylaw or resolution.
- u) A Councillor who was absent for all of the Public Hearing on a proposed bylaw or resolution must not vote.
- v) A Councillor who was absent for part of the Public Hearing may choose not to vote.
- w) If a Councilor does not vote, the abstention must be recorded.
- x) If there is more than one (1) Public Hearing on the Agenda, there shall be a Motion to Adjourn or close one (1) Public Hearing before the Chair opens another Public Hearing.
- y) Matters that are related to the same topic may be addressed in the same Public Hearing.
- z) Council may hold public meetings to solicit input from the public on issues for which a Public Hearing or a statutory hearing is not required. Public meetings means a meeting at which members of the public may attend and may be invited to make submissions to Council but which is not a Public Hearing.

**42) REPRESENTATIVES**

- a) If a Person is unable to attend a hearing, that Person may authorize an individual to speak on his behalf.
- b) The authorization must:
  - i. be in writing,
  - ii. name the individual authorized to speak,
  - iii. indicate the proposed bylaw or resolution to be spoken to, and
  - iv. be signed by the Person giving the authorization.
- c) The authorized speaker must state the name of the Person that the speaker represents and must present the written authorization to the CAO.
- d) If an authorized speaker represents more than one Person, the speaker will be allowed only five (5) minutes to speak, unless Council decides otherwise.



**43) COMMITTEE OF THE WHOLE**

- a) Any Councillor may move that an item be referred to the Committee of the Whole.
- b) The Mayor, Deputy Mayor, or in their absence the next Deputy Mayor in rotation, will preside over the Committee of the Whole.
- c) Quorum of Committee of the Whole is a majority of Councillors
- d) Procedures in Committee of the Whole only differ from Council's in that:
  - i. Councillors may speak more than once, provided that all Councillors who wish to speak to the matter have been permitted to speak, and
  - ii. the proceedings will not be recorded except the Motions.
- e) The only Motions permitted are:
  - i. to adopt reports or recommendations, and to recommend amendments;
  - ii. to amend its own reports or recommendations, and
  - iii. to Rise and Report to a Council Meeting.
- f) Rise and Report, a Motion to put forward to a Council Meeting, may be made at any time and must be decided without debate.
- g) Any matter which has not been decided will be considered lost.
- h) Any Councillor may move to adopt the recommendations of the Committee of the Whole and debate will only be allowed on any amendments proposed by Committee of the Whole.

**44) COUNCIL COMMITTEE**

- a) Council Committees are established by bylaw or resolution and are subject to revision by bylaw or resolution as required.
- b) The membership of the Committees will be determined as follows:
  - i. membership of Councillors, except the Mayor, is for a total of one year on a Committee as determined at the Organizational Meeting, and
  - ii. if a Councillor vacates the office of Councillor during the term of office:
    - the Person elected as Councillor in a by-election shall take the place of the vacating Councillor on Committee membership until



the next General Election or Organizational Meeting, unless the Mayor determines the committees for the newly elected Member, or

- if no by-election is held, Council may appoint another Councillor to fill the vacancy.
- c) All Councillors may attend any meeting of any Committee; however, they are there only to observe unless the Chair asks for their input.
  - d) The Mayor is a member, by virtue of office, of all Committees unless Council has decided that the Mayor is an actual member of a particular Committee.
  - e) If the Mayor is present at Committee meetings, the Mayor must be counted to determine Quorum and has all the rights and privileges of the other Committee members including the right to make Motions and vote.
  - f) If a Quorum is not possible because of the absence of one or more members of a Committee, any Councillor present at the Committee meeting will become an alternate Member of the Committee and will be counted to determine Quorum.
  - g) If more than one Councillor is present, priority for selection as an alternate Member will be determined in accordance with the Deputy Mayor rotation schedule beginning with the current Deputy Mayor.
  - h) Alternate membership will cease when there is a Quorum of members regularly appointed under this Bylaw.
  - i) Committees have full authority to exercise or perform any power or duty delegated under this or any other bylaw.
  - j) Any Member of a Committee may, prior to a vote being taken, request that an item be referred to Council and it must be referred without debate.
  - k) Any Committee may submit its reports directly to Council without a Committee recommendation.
  - l) Committees must not appropriate, expend, or direct the expenditure of any money not provided for in the budget approved by Council or by a special or supplementary budget adjustment approved by Council.

**45) COMMITTEES – GENERAL DUTIES AND RESPONSIBILITIES**

- a) Each Committee elects a Chair from among the members of the Committee at the first meeting after each Organizational Meeting.
- b) If the Committee is unable to elect a Chair, then Council must select the Chair from among the members of the Committee at the next regular Council Meeting.
- c) The members of the Committee must elect a Vice-Chair who will preside at meetings of the Committee in the absence of the Chair.

- d) If neither the Chair nor Vice-Chair is present at a Committee meeting, the Committee must elect a Chair from among its members for that meeting.
- e) The duties of all the Committees will be mandated by bylaw or resolution as desired by Council.

**46) PROCEDURES FOR COUNCIL COMMITTEES**

- a) Council may by bylaw or resolution establish a Council Committee to investigate and report to Council on any matter.
- b) Council may appoint, by resolution, Councillors, Town employees, or other individuals to Council Committees.
- c) When a Council Committee is established by bylaw or resolution, Council must:
  - i. name it,
  - ii. establish Terms of Reference,
  - iii. establish the term of appointment, or direct that the committee exists at the pleasure of Council,
  - iv. establish requirements for reporting to Council or a Standing Committee, and
  - v. allocate any necessary budget or other resources.
- d) A Council Committee may establish, on an annual basis, a schedule of its meetings.
- e) An annual schedule established under Section d) must be filed with the CAO a minimum of three (3) working days prior to the first meeting. The CAO will post a monthly schedule of meetings on the Town website.
- f) The Chair may call a meeting of the Committee at any time and must do so if a majority of Committee members so request in writing, including a statement of the purpose of the meeting.
- g) A Special Meeting requested by Committee members must be held within fourteen (14) days after the request is received.
- h) Notice of Committee of Council meetings not approved in their annual schedule or cancellation of a previously called meeting must comply with Section 6 of this Bylaw and be filed with the CAO a minimum of forty-eight (48) hours prior to the meeting.
- i) Quorum is a majority of Members of a Council Committee unless specified otherwise by this or any other bylaw.
- j) Minutes must be prepared for all Council Committee meetings and will include:
  - i. all decisions and other proceedings,





- ii. the names of the Committee members present at and absent from the meeting,
  - iii. any abstentions made under the *MGA*, sections 170, 172, 183, and 184, by any Member and the reason for the abstention, and
  - iv. the signatures of the Chair and the Recording Secretary.
- k) The Minutes of each meeting must be circulated prior to the meeting at which they are to be adopted:
  - i. if there are errors or omissions, the Committee must pass a Motion to amend the Minutes and adopt the Minutes as amended, or
  - ii. if there are no errors or omissions, the Committee must adopt the Minutes as circulated.

**47) PROCEDURES WHEN A COMMITTEE SITS AS A QUASI-JUDICIAL TRIBUNAL (SUBDIVISION AND DEVELOPMENT APPEAL BOARD)**

- a) Membership of a committee sitting as a Quasi-Judicial Tribunal needs to be an odd number.
- b) When a committee acting as a Quasi-Judicial Tribunal needs to increase its membership to create an odd number, the following procedures will be used:
  - i. the Mayor will be requested to the meeting while the Committee is sitting as a Quasi-Judicial Tribunal, or
  - ii. when the Mayor is not available or already in attendance, then the Quasi-Judicial membership will be augmented by using the Deputy Mayor roster beginning with the current Deputy Mayor.
- c) While the committee is sitting as a Quasi-Judicial Tribunal, only members of the committee, appellants, or affected parties may participate in the meeting.
- d) Once the Quasi-Judicial Tribunal has completed hearing the appeal(s), the additional Member of the committee, other than the Mayor, will no longer be part of the committee nor be able to make a Motion and vote.
- e) Appeal Hearings will be scheduled pursuant to the *MGA*, sections 678 to 682, within the time guidelines as stated by that *Act*.
- f) The following procedures will be used when hearing an Appeal:
  - i. the Clerk will call the appeal,
  - ii. the committee will hear from the presenters in attendance in the following order:

- the appellant or his agent,
- other affected parties, and
- Administration.

- g) Each presenter will have five (5) minutes to make a presentation.
- h) Presenters may be given additional time at the discretion of the Committee.
- i) After the Person has spoken, any committee Member may ask that speaker relevant questions.
- j) The Appellant will have an opportunity to respond to any new information.
- k) If required, the Committee can ask the appellant clarification question prior to its deliberation and decisions on the appeal.
- l) The Committee will then make its decision on the appeal.
- m) Written notification of the decisions will be forwarded to the appellant or his agent at the address provided within the time guidelines as given in the *MGA*, section 680(3) and (4).

**48) BOARD AND COMMITTEE CITIZEN APPOINTMENTS**

- a) The CAO will advertise for and appoint citizen members for Town Boards or Committees as per the Town's Recruitment and Selection to Council Committees Policy P-73-2015.

**49) ROBERT'S RULES**

- a) When any matter relating to the proceedings of Council is not addressed in the *MGA* or in this Bylaw, the provisions of the most recent version of Robert's Rules of Order Newly Revised will govern the matter.
- b) In the event of a conflict between the provisions of this Bylaw and Robert's Rules of Order Newly Revised, the provision of this Bylaw shall prevail.

**50) SEVERABILITY**

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.

**51) REPEAL**

That Council Procedural Bylaw 2014-10 and all amendments hereto are hereby repealed.



**52) EFFECTIVE DATE**

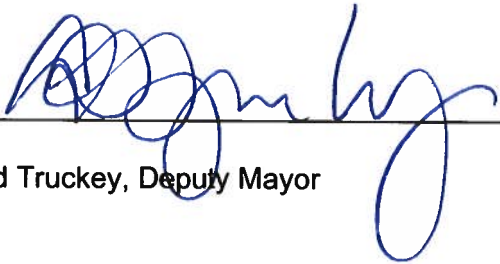
This Bylaw becomes effective upon third and final reading.

READ a first time this 14<sup>th</sup> day of June 2021.


READ a second time this 14<sup>th</sup> day of June 2021.

Unanimous consent for third and final reading this 14<sup>th</sup> day of June 2021.

READ a third time and finally passed this 14<sup>th</sup> day of June 2021.



David Truckey, Deputy Mayor



Simone Wiley, CAO

**Schedule A**

**Orders of the Day**

**Regular Meeting of Council Order of Business**

Call to Order  
Adopt Agenda  
Adopt Minutes  
Public Hearings (if required)  
Delegations (if any)  
Delegation Business (if any)  
Old Business  
New Business  
Correspondence for Action  
Correspondence for Information  
Department Reports 1<sup>st</sup> meeting of the month  
Council Committee Reports 2<sup>nd</sup> meeting of the month  
Administrative Inquiries  
Notices of Motion  
Question Period  
Closed Meeting Items  
Adjournment

**Council Committee of the Whole Meeting Order of Business**

Call to Order  
Adopt Agenda  
Adopt Minutes  
Old Business  
New Business  
Closed Meeting Items  
Adjournment

Disclaimer: The Orders of the Day presented in "Schedule A" do not apply to Council Committee meetings. Committees will set their own agenda.



**Additional Information 3**

*Municipal Affairs*

**Pecuniary Interest  
for  
Municipal Councillors**

January 2017

*Alberta* 

**Capacity Building, Municipal Services Branch**

*Pecuniary Interest for Municipal Councillors*

**Alberta Municipal Affairs**

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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 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.

**This document is only a guide to the legislation. It is recommended that 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, or 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
- 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.

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

## Pecuniary Interest for Municipal Councillors

capacity as a member of council. Failure to follow these procedures could lead to your disqualification from council.

### 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:

- 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



## **Pecuniary Interest for Municipal Councillors**

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* 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
- 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.

## **Pecuniary Interest for Municipal Councillors**

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 that 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
- 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

## Pecuniary Interest for Municipal Councillors

agents to identify a contract which 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 families 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.

**This guide is an information summary only and has no legislative sanction. For certainty, refer to the *Municipal Government Act* and the *Local Authorities Election Act*. Copies can be purchased from Alberta Queen's Printer Bookstore:**

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## **Additional Information 4**

# What Every Councillor Needs To Know!

**A Council Member Handbook**



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](http://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, 356, 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](http://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"> <li>• Alberta School Foundation</li> <li>• School Board Requisitions</li> </ul>	<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](http://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](http://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](http://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](http://economic.alberta.ca/trade-agreements.asp).