



## **2021 General Municipal Election Candidate Information Package**

Nomination Day September 20, 2021

*12:00 noon*

*Papers to be filed at Town Office*

Election Day October 18, 2021

*10:00 am to 8:00 pm*

# TABLE OF CONTENTS

<b>INTRODUCTION</b>	<b>5</b>
<b>2021 GENERAL MUNICIPAL ELECTION</b>	<b>5</b>
<b>PURPOSES, POWERS AND CAPACITY OF MUNICIPALITIES</b>	<b>6</b>
<b>NOMINATIONS</b>	<b>7</b>
Nomination Day	
Nomination Form	
Filing of Nomination	
Withdrawal of Nomination	
Election by Acclamation	
<b>QUALIFICATION OF A CANDIDATE</b>	<b>9</b>
Qualification of a Candidate	
Ineligibility for Nomination as a Candidate	
<b>CAMPAIGN ADVERTISING</b>	<b>10</b>
Advertising	
Placement of Election Signage	
<b>CAMPAIGN CONTRIBUTIONS</b>	<b>11</b>
<b>ADVANCE POLLS</b>	<b>12</b>
Advance Polls	
Qualifications to Vote at an Advance Poll	
<b>ELECTION DAY</b>	<b>13</b>
Election Day	
Voting	
Voting Subdivision and Voting Station Locations	
Institutional Voting Stations	
Elector Eligibility	
<b>OFFICIAL AGENT</b>	<b>14</b>
<b>CAMPAIGN WORKER</b>	<b>14</b>
<b>SCRUTINEERS</b>	<b>14</b>
<b>VOTING STATION ATTENDANCE</b>	<b>15</b>
Voting Hours	
Ballot Count Attendance	
<b>ELECTION RESULTS</b>	<b>16</b>
Unofficial Election Results	
Official Election Results	

<b>RECOUNTS</b>	<b>17</b>
Recounts Before Official Results	
Returning Officer Recount	
Candidate or Agent Recount Request	
Candidate Notification on Recount	
Recount Procedures	
Judicial Recount	
<b>OFFICE OF MAYOR</b>	<b>18</b>
Term of Office	
Duties of Mayor	
Deputy Mayor Responsibilities	
Remuneration	
<b>OFFICE OF COUNCILLOR</b>	<b>20</b>
Term of Office	
Number of Councillors	
Remuneration	
<b>BENEFITS FOR ELECTED OFFICIALS</b>	<b>21</b>
<b>GENERAL INFORMATION FOR ELECTED OFFICE</b>	<b>22</b>
Time Commitment	
Council Orientation	
Attendance at Council Meetings	
Attendance at Council Budget Meetings	
Attendance at Committee Meetings	
Alberta Urban Municipalities Association (AUMA)	
Federation of Canadian Municipalities (FCM)	
Corporate Business Planning Sessions	
<b>CANDIDATE INFORMATION SESSION</b>	<b>25</b>
<b>COUNCIL CODE OF ETHICS/CONDUCT</b>	<b>25</b>
<b>COUNCIL PROCEDURAL BYLAW</b>	<b>25</b>

## **APPENDIXES**

- “A” Nomination Paper and Candidate’s Acceptance (Form 4)
- “A1” Candidate Information (Form 5)
- “B” Guidelines for Placement of Election Signs in the Town of Redwater
- “C” Statement of Scrutineer or Official Agent (Form 16)
- “D” Official Agent Proof of Identification for Section 52 Access (Form 11)
- “E” Campaign Worker Proof of Identification (Form 12)
- “F” Council and Appointed Members Remuneration Rates (Policy 122)
- “G” Strategic Plan (2020)
- “H” 2021 Final Budget
- “I” Candidates Guide – Running for Municipal Office in Alberta
- “J” Municipal Councillor’s Guideline for Pecuniary Interest
- “K” What Every Councillor Needs to Know
- “L” Code of Ethics, Conduct and CAO-Council Covenant (Policy 012)
- “M” Council Code of Conduct Bylaw (Bylaw 855)
- “N” Town of Redwater Procedural Bylaw

# INTRODUCTION

This handbook has been developed to assist you in your decision to run for the office of Mayor or Councillor in the Town of Redwater and to help candidates in preparing for the **October 18, 2021 General Municipal Election**. Based on questions most frequently asked by candidates prior to nomination day, this handbook contains information on positions to be elected, candidate eligibility, nomination procedures, the election process and applicable legislation.

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.

## 2021 GENERAL MUNICIPAL ELECTION

In the Province of Alberta, municipal elections are held every four years. In the Town of Redwater, the following municipal offices are set:

- 1 - Mayor
- 6 - Councillors

At the same time, there will be an election for a school board trustee. It is also anticipated that there will be a referendum question and senate vote.

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

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

### Alberta Queen's Printer

10611 – 98 Avenue, 5th Floor, Park Plaza, Edmonton, Alberta T5K 2P7

**Telephone:** 780-427-4952 **Fax:** 780-452-0668 **Website:** [www.qp.alberta.ca](http://www.qp.alberta.ca)

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

Ann Hall, Deputy Returning Officer

Town of Redwater

4924 – 47 Street, Box 397

Redwater, Alberta T0A 2W0

**Telephone:** 780-942-3519 **Fax:** 780-942-4321 **E-mail:** [ecdev@redwater.ca](mailto:ecdev@redwater.ca)

Please note that this is an information package only and it has no legislative sanction. For certainty, relevant statutes, regulations, bylaws, or legal counsel should be consulted. The public also has the option of calling Alberta Municipal Affairs with any questions regarding legislation @ 780-427-2225 or [lgsmail@gov.ab.ca](mailto:lgsmail@gov.ab.ca).

# PURPOSES, POWERS AND CAPACITY OF MUNICIPALITIES

Within Canada, there are three levels of government:

<b>Federal</b>	elected representatives are referred to as Members of Parliament (MPs)
<b>Provincial</b>	elected representatives are referred to as Members of the Legislative Assembly (MLAs)
<b>Local</b>	elected representatives are referred to as Mayor and Councillors

Individuals elected to the federal and provincial governments represent a particular political party (e.g. Liberal, Conservative, Wildrose, NDP, etc.) with the party having the most elected representatives forming the government. **Local government is not based on party politics.**

As outlined in the book *Government and Politics in Alberta* by A. Tupper and R. Gibbons, local government is a creation of the provincial government.

“Alberta’s municipalities are legally subordinate to the provincial government as is the case of municipalities in all of the provinces. Under the *Constitution Act*, national and provincial governments have separate spheres of power with local government falling under the purview of the provinces. Thus, constitutionally a province can create, change and abolish municipalities at will.”

The province provides the structure for local governments by statute with the *Municipal Government Act* being the primary set of rules under which municipalities operate.

The purpose, powers, duties and functions of municipalities are stated in Sections 3 through 6 of the *Municipal Government Act*. Generally, the purpose of a municipality is to provide good government, services, facilities or other things that are necessary or desirable, and to develop and maintain safe and viable communities by the power as well as other duties and functions imposed on them by the *Municipal Government Act* and other enactments.

# NOMINATIONS

Candidate packages will be available for pick up starting **December 18, 2020**. Nomination papers will be accepted from **Monday, January 4, 2021 to Monday, September 20, 2021 (Nomination Day) closing at 12 noon** during office hours. It is suggested that you call the Town office at 780-942-3519 to book an appointment.

## 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,
- has resided in Alberta for the 6 consecutive months immediately preceding election day and is a resident of Redwater on election day

The nomination shall be accompanied with a written acceptance sworn or affirmed 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 (if one has been appointed)
- that the person will accept the office if elected, and
- that the person will read and comply with the code of conduct 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.

As per Bylaw 862, a candidate in the Town of Redwater is required to pay a nomination **deposit of \$100.00** to file a nomination paper. This deposit must be paid by cash, by certified cheque or by money order.

A Nomination Paper and Candidate's Acceptance (Form 4) has been attached as Appendix "A" and Candidate Information (Form 5) has been attached as Appendix "A1". Copies of all election forms can be found online at <https://www.alberta.ca/municipal-election-forms.aspx>.

## Release of Information

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.

The contact information provided by candidates on the Nomination Paper and Candidate's Acceptance Form will be released to the news media upon request and provided in response to any inquiries.

## **Filing of Nomination**

Nominations for the offices of Mayor (1) and Councillor (6) will be received by the Returning Officer or Deputy Returning Officer from **Monday, January 4, 2021 to Monday, September 20, 2021 closing at 12 noon in the Town Administration Building, Council Chambers** located at 4924 – 47 Street, Redwater.

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*.**

Any person may file a nomination with the Returning Officer or Deputy Returning Officer.

The Returning Officer cannot accept nominations before Friday, January 1, 2021 or after 12 noon Monday, September 20, 2021 (nomination day). **Facsimiles will not be accepted.** Be sure nomination papers are complete and filed on time.

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 Thursday, and 8:30 a.m. until 4:00 p.m. on Friday. The Town office is closed for lunch every day from 12:00 – 12:30 p.m.

## **Withdrawal of Nomination**

At any point between Friday, January 1, 2021 to 12 noon on Monday, September 20, 2021, a candidate may withdraw their nomination, and up to **24 hours** after the close of the nomination period if more than the required number of candidates have been nominated for the office the candidate is seeking. *The Returning Officer cannot accept a withdrawal if it would result in less than the required number of candidates for that office.*

If a candidate wishes to withdraw, a written notice must be provided to the Returning Officer no later than **12:00 noon, Tuesday, September 21, 2021.**

## **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.

# QUALIFICATION OF A CANDIDATE

## 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 at least 18 years old,
- is a Canadian citizen,
- has resided in Redwater for the 6 consecutive months immediately preceding nomination day (September 20, 2021) 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 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. If a nomination is challenged, the courts will assess eligibility. If a nomination is not signed by at least 5 electors, the returning officer shall not accept it for filing.

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.

Under the *Criminal Code of Canada*, it is an offence to make a false affidavit and it is punishable by up to 14 years imprisonment.

## Ineligibility for Nomination as a Candidate

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

A person is not eligible to be nominated as a candidate if on nomination day:

- the person is the auditor for the Town of Redwater;
- the person is an employee of the Town of Redwater, 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 Redwater for any debt exceeding \$500 for more than 90 days;
- 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 he/she 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 Presiding 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 of not more than \$500.

## Placement of Election Signage

In accordance with the Town of Redwater Land Use Bylaw 811, campaign signs for general municipal or school board elections **do not** require a development permit when displayed for no more than 30 days. Election signs are subject to the further requirements of Section 3.2 (7) attached as Appendix "B".

The Town of Redwater may remove sign(s) not complying with the above requirements.

For further information respecting the placement of election signage, please contact the Town of Redwater Planning Department at 780-942-3519.

## CAMPAIGN CONTRIBUTIONS

The *Local Authorities Election Act* contains rules for dealing with campaign financing and disclosure. It can be accessed by visiting [www.qp.alberta.ca](http://www.qp.alberta.ca)

The legislation is binding on all candidates running for municipal election in Alberta. It is very important that candidates become familiar with the legislation as they are responsible for ensuring that their campaign complies with the provincial laws.

**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*, candidates may choose to entirely self-fund their campaign; any money up to and including \$10,000 paid by a candidate out of the candidate's own funds for the purposes of the candidate's election campaign is not a campaign contribution.

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.

If a candidate's election campaign is funded exclusively from campaign contributions from any person, corporation, trade union or employee organization or is funded from a combination of money paid by the candidate out of the candidate's own funds and campaign contributions from any person, corporation, trade union or employee organization, then, 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 municipality a disclosure statement in the prescribed form. Contributions by any person, corporation, trade union or employee organization to a candidate shall not exceed \$5,000 in any year.

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.

Section 147.4 of the *Local Authorities Election Act* outlines the requirements for candidates to file a campaign disclosure statement with the municipality on or before March 1 immediately following a general election. All candidates are required to file a disclosure statement using form 26, Campaign Disclosure Statement and Financial Statement, regardless of whether they were self-funded or not.

# **ADVANCE POLLS**

## **Advance Polls**

Advance polls are tentatively scheduled to be held at **Pembina Place** located at 4944 – 53 Street, in Redwater.

## **Qualifications to Vote at an Advance Poll**

Anyone who is an eligible elector of the Town of Redwater is eligible to vote at an advance voting station. Anyone voting in the Advance Poll cannot vote again on Election Day.

# ELECTION DAY

## Election Day

Election Day is **Monday, October 18, 2021**

## 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.

## Voting Station Location

The voting station will be located at: the **Pembina Place Cultural Centre**, 4944 – 53 Street

## Institutional Voting Station

An institutional voting station will be may established but only for persons confined to or resident of this facility:

**Redwater Health Care Centre** located at 4812 – 58 Street

**Diamond Spring Lodge** located at 4619 – 52 Ave

## Elector Eligibility

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

- is at least 18 years old,
- is a Canadian citizen, and
- has resided in Alberta for the 6 consecutive months immediately preceding election day and the person's place of residence is located in Redwater on Election Day.

An elector is eligible to vote only at the voting station established. Every person who attends at 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. *Identification is also required to vote.*

**The Town of Redwater does not compile a voters list.**

## OFFICIAL AGENT

A candidate may, when filing nomination papers, appoint an elector to be their official agent as per Section 68.1 of the *Local Authorities Election Act*.

A person who 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) is not eligible to be appointed as an official agent.

No candidate shall act as an official agent for any other candidate. The duties of an official agent are those assigned to the official agent by the candidate.

Every official agent before performing the duties of that office must complete the prescribed form, Statement of Scrutineer or Official Agent, attached as Appendix "C".

The official agent must present proof of identification (Form 11), attached as Appendix "D", provided by the candidate and signed by the Returning Officer or Deputy Returning Officer at each voting station attended.

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

## CAMPAIGN WORKER

Section 52 of the *Local Authorities Election Act* states a candidate, official agent or campaign worker who has produced identification that meets the requirements of the regulations, indicating that the person is a candidate, official agent or campaign worker shall not be obstructed or interfered with, the free access of the candidate, official agent or campaign worker accessing each residence in a building containing two or more residences.

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

## SCRUTINEERS

According to Section 69 of the *Local Authorities Election Act*, Scrutineers are to be at least 18 years old and must present to the presiding deputy a written notice, in a form acceptable to the returning officer,

- signed by the candidate, and
- stating that the person presenting the notice is to represent that candidate as the candidate's scrutineer at the voting station.

A person who 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) is not eligible to be appointed as a scrutineer.

Before a person is recognized as a scrutineer, the person shall make and subscribe before the presiding deputy at the voting station, a Statement of Scrutineer or Official Agent (Form 16) attached as Appendix "C".

# VOTING STATION ATTENDANCE

## Voting Hours

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

Section 69(3.1) states an official agent and a scrutineer can not be 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.

The Returning Officer or Presiding Deputy Returning Officer 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 voting register the reason for the objection and the name of the candidate, official agent or scrutineer making the objection, however the elector is permitted to cast a vote. A judge in a judicial recount may evaluate objections.

In accordance with Section 81, candidates, official agents, and scrutineers are permitted to attend 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. At voting stations, a candidate, official agent, or scrutineer can not 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, and scrutineers are permitted to observe the process of counting the ballots; however, Section 85(2) stipulates that **only one person representing a candidate is permitted to be present at each voting station.**

Candidates, official agents, and scrutineers are permitted to make objections to a ballot being counted as valid or a ballot being rejected. The objection is recorded, and the deputy makes the decision on the validity of the ballot. Objections are considered when determining a recount either by a Returning Officer or a judicial recount.

# ELECTION RESULTS

## Unofficial Election Results

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

- (a) Posted in the entrance of the Town Office
- (b) Town of Redwater website located at:

[www.redwater.ca](http://www.redwater.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 Friday, October 22, 2021** the Returning Officer will post the official election results at the Town Office and on the Town's website.

# RECOUNTS

## Recounts Before Official Results

Recounts called immediately after Election Day must be completed before the posting of the official results of the election. Therefore, recounts called immediately after Election Day must be completed before **noon on Friday, October 22, 2021**.

## Returning Officer Recount

On Tuesday, following Election Day, the Returning Officer examines the ballot account from every voting station in conjunction with the unofficial results. If there are sufficient “valid ballots objected to” or “rejected ballots other than those on which no vote has been cast” to affect the result of the election or the Returning Officer is of the opinion that there may have been an administrative or technical error that may cause an error in the count of votes, then the Returning Officer may make a recount.

## Candidate or Agent Recount Request

A candidate, official agent or scrutineer may make application to the Returning Officer within 44 hours (**by 4:00 p.m. Wednesday, October 20, 2021**) 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 of Recount

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

## Recount Procedures

The procedure for a recount is the same as for Election Day. After completion of the recount, if necessary, the Returning Officer adjusts 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 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 Redwater will not provide guidance on these sections of the Act.

# OFFICE OF MAYOR

## Term of Office

The term of office for the Mayor is **4 years**.

## Duties of Mayor (Chief Elected Official)

The Mayor is the chief elected official of the Town of Redwater 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 Redwater;
- develop and evaluate policies and programs of the Town of Redwater;
- 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 Redwater from the Town Manager;
- keep in confidence matters discussed in private at a Council or Council committee meeting until discussed at a public meeting;
- to adhere to the code of conduct;
- 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 perform:

- preside at Council meetings;
- perform other duties imposed by the *Municipal Government Act*, any other enactment or bylaw.

## Remuneration

Remuneration is \$3,125.91 per month. Please refer to Policy 122 for additional information including expense reimbursement (attached as Appendix "F").

# OFFICE OF DEPUTY MAYOR

## **Term of Office**

The term of office for a Deputy Mayor in Redwater is on a rotational basis with the term of **8 months**.

## **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 eight months 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, the Acting Mayor or another member of Council may be called upon to carry out these public relation duties.

## **Remuneration**

Remuneration is \$2,345.93 per month. Please refer to Policy 122 for further information including expense reimbursement (attached as Appendix "F").

# OFFICE OF COUNCILLOR

## Term of Office:

The term of office for a Councillor is **4 years**.

## Number of Councillors

**6 positions** are 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 Redwater;
- develop and evaluate policies and programs of the Town of Redwater;
- 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 Redwater from the Town Manager;
- keep matters discussed in private at a Council or Council committee meeting confidential until discussed at a public meeting;
- to adhere to the code of conduct;
- perform other duties and functions imposed by the *Municipal Government Act*, or any other enactment or by Council.

## Remuneration

Remuneration is \$1,562.97 per month. Please refer to Policy 122 for further information including expense reimbursement (attached as Appendix "F").

## **BENEFITS FOR ELECTED OFFICIALS**

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

- Extended Health and Vision Care - 100% of the premium is paid by the Town (optional)
- Dental coverage - 50% of the premium is paid by the Town (optional)
- Group Life Insurance - 100% of the premium is paid by the Town (optional)
- Group Accident Insurance – 100% of the premium is paid by the Town
- Employee Assistance Program – 100% of the 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

**External Orientation:** In accordance with the Municipal Government Act all elected officials will require orientation training, within 90 days of taking the oath of office, on the following topics:

- The role of municipalities in Alberta
- Municipal organizations and functions
- Key municipal plans, policies, and projects
- Roles and responsibilities of council
- Code of Conduct
- Roles and responsibilities of the CAO and staff
- Budget and financial administration
- Public participation

A regional orientation may be scheduled and is normally a full day in length.

**Internal Orientation:** In order for the new Council to become fully acquainted with the scope of the Town of Redwater, an orientation will be scheduled near the end of October. The orientation is a comprehensive session that will touch on the major topics relevant to Redwater Council. The orientation is a must to attend as it will assist those elected in the decision-making process. Please note, the timing will change if all of Council is acclaimed (the number of persons nominated is the same as the number required to be elected). If Council is acclaimed, Council Orientation will take the end of September.

## Attendance at Council Meetings

Regular meetings of Council are held every first and third Tuesday of the month commencing at 6:30 p.m. and ending usually between 8:30 p.m. and 9:30 p.m. In preparation for the meeting, an agenda package is prepared for Council members and is available no later than 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.

Committee of the Whole meetings are held on the fourth Tuesday of the month commencing at 6:00 p.m. and ending between 8:00 and 9:00 p.m.

The Organizational Meeting of the newly elected Council is scheduled for **October 26, 2021 commencing at 6:30 p.m.** Please note, this date will change if all of Council is acclaimed (the number of persons nominated is the same as the number required to be elected). If Council is acclaimed, the Organizational Meeting will take place on October 5, 2021, commencing at 6:30 p.m.

## **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. Generally, 3 special meetings are required to review the budget. An annual operating budget must be adopted by Council no later than December 31<sup>st</sup> of the preceding year in which it relates.

## **Attendance at Committee Meetings**

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

Council members are each expected to sit on several committees. The time commitment will vary depending on the committee.

**Council committees** include the following:

- Municipal Planning Commission
- Subdivision and Development Appeal Board
- Community Services Board
- Emergency Management Committee
- Facility Joint Use Committee (Redwater Schools/Town of Redwater)

**External committees** include the following:

- Capital Region Assessment Services Commission
- Capital Region Northeast Water Services Commission
- Federation of Alberta Gas Co-ops
- Redwater Library Board
- Northern Lights Library System
- Roseridge Regional Landfill Commission
- Sturgeon Regional Emergency Management Advisory Committee
- Homeland Housing Board

## **Alberta Urban Municipalities Association (AUMA)**

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

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

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. AUMA represents a unified voice to the provincial government on behalf of urban municipalities.

Every fall an AUMA convention is held that attracts approximately 1,200 delegates from urban Councils and administration. The convention held during election years is strongly geared towards newly elected Council members. For this reason, all successful candidates are strongly encouraged to set aside time to attend this convention. In 2020, due to COVID-19 guidelines, the convention was held virtually over 2 days.

The 2021 AUMA Convention is tentatively scheduled to be held **Tuesday, November 16 through to Friday, November 19** in Edmonton. Please mark these dates in your calendar. The costs associated with attending this convention is provided within the Town's budget.

### **Federation of Canadian Municipalities (FCM)**

FCM has been the national voice of municipal governments since 1901 and represents the interests of municipalities on policy and program matters that fall within federal jurisdiction.

FCM is dedicated to improving the quality of life in all communities by promoting strong, effective and accountable municipal government. Along with its policy interests, FCM remains a professional association serving elected municipal officials.

The Town of Redwater is a member of FCM and as such, members of Council have the opportunity to attend the annual conference at Council's discretion. Through the annual conference FCM policy on key issues is established. The first FCM Conference following the 2021 general municipal election is scheduled for June 2 to Monday, June 5, 2022 in Regina.

There are a number of other conferences that Council has the opportunity to attend throughout the year, dependent on budget allocations.

### **Corporate Business Planning**

It is recommended that each year Council meet to review the Strategic Plan.

A copy of the Town's Strategic Plan is available at the Town Office. The Strategic Plan is attached as Appendix "G".

A copy of the detailed 2021 Budget is available at the Town Office. A summary is attached as Appendix "H".

## **CANDIDATES INFORMATION SESSION**

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

<https://www.alberta.ca/municipal-elections.aspx>

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

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

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

For more information visit the following website:

<https://www.alberta.ca/municipal-affairs.aspx>

## **TOWN OF REDWATER CODE OF ETHICS/CONDUCT**

The Town of Redwater has a Code of Ethics/Conduct and Council-CAO Covenant to outline the roles and responsibilities of Council and Administration, and to clarify the expectations of each as well as a Council Code of Conduct Bylaw. (Appendix "L & M")

## **TOWN OF REDWATER PROCEDURAL BYLAW**

Every municipality adopts a procedural bylaw. This bylaw governs how Council meeting proceedings are undertaken. It is used to ensure orderly management and quality of interaction during Council meetings. It also details the terms of reference for three fundamental Council Standing Policy Committees. (Appendix "N")

# IMPORTANT DATES TO REMEMBER

September 20, 2021

## **NOMINATION DAY**

Nomination Papers will be accepted from  
January 4-September 20 until 12:00 PM  
Town Office

1 or 2 days last week of September 2021

## **INTERNAL COUNCIL ORIENTATION IF COUNCIL IS ACCLAIMED**

9:00 AM – 2:00 PM

Town Office

October 5, 2021

## **ORGANIZATIONAL MEETING IF COUNCIL IS ACCLAIMED**

6:30 PM

Council Chambers

October 16, 2021

## **TENTATIVE ADVANCE POLLS**

10:00 AM – 2:00 PM

Pembina Place

October 18, 2021

## **ELECTION DAY**

10:00 AM – 8:00 PM

Pembina Place

1 or 2 days last week of October 2021

## **INTERNAL COUNCIL ORIENTATION IF COUNCIL IS ELECTED**

9:00 AM – 2:00 PM

Town Office

October 26, 2021

## **ORGANIZATIONAL MEETING IF COUNCIL IS ELECTED**

6:30 PM

Town Office

3 Meetings dates

## **BUDGET WORKSHOPS**

Details TBD

Council Chambers

Tentative

## **REGIONAL COUNCIL ORIENTATION**

Details TBD

# 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

Nawaz Panhwer, Returning Officer                      780-942-3519  
 Title of the Responsible Official                                      Business Phone Number

LOCAL JURISDICTION: Town of Redwater , PROVINCE OF ALBERTA

We, the undersigned electors of Town of Redwater , 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 \_\_\_\_\_  
 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**

**FORM 5**

**CANDIDATE FINANCIAL INFORMATION**

**Local Authorities Election Act  
(Section 27)**

Candidate's Full Name, Address and Postal Code: \_\_\_\_\_

Address 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.

**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:

Larry Davidson, Returning Officer at 780-942-3519

## PART 3.0 – DEVELOPMENT PERMITS, RULES AND PROCEDURES

### 3.1 Control of Development

No development other than that indicated in **Section 3.2** of this Bylaw shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.

### 3.2 Development Not Requiring a Development Permit

The following development shall not require a development permit:

- (1) the carrying out of works of maintenance or renovation to any building, provided that such works do not include structural alterations;
- (2) the completion of a building which was lawfully under construction at the date of approval of this Bylaw, provided that the building is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted, and provided also that the building, whether or not a permit was granted in respect of it, is completed within a period of twelve (12) months from the said date of said approval;
- (3) the use of any such buildings as referred to in **Subsection (2)** above for the purpose for which construction was commenced;
- (4) the construction, completion, alteration, maintenance, or repair of public works, public services, and public utilities carried out by or on behalf of federal, provincial and municipal public authorities on land which is publicly owned or controlled;
- (5) the construction, completion, alteration, maintenance or repair of a road, lane or utility, undertaken upon a road right-of-way, utility easement or other lands or undertaken to connect the same with any lawful use of buildings or land;
- (6) the erection or placement of a temporary building or sign, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit has been issued under this Bylaw, provided the temporary building or sign is removed within thirty (30) days of substantial completion or as determined by the Development Authority;
- (7) the erection of campaign signs for federal, provincial, municipal or school board elections on privately-owned lots for no more than thirty (30) days, or such time as regulated under provincial or federal legislation provided that:

- (a) such signs are removed within seven (7) days after the election date,
  - (b) such signs do not obstruct or impair vision or traffic,
  - (c) such signs are not attached to fences, trees, or utility poles; and
  - (d) such signs indicate the name and address of the sponsor and the person responsible for removal;
- (8) the storage or use of up to a maximum of 43.3 kg (95.0 lbs.) of propane on a residential parcel for residential use. Of the 43.3 kg (95.0 lbs.) no tank larger than 15.9 kg (35.0 lbs.) will be allowed without a development permit. The placement of more than 43.3 kg (95.0 lbs.) of propane on a residential parcel requires a development permit;
- (9) the temporary placement of signs in the right-of-way of local roads, on privately owned lots, or on publically owned lots for the purpose of advertising events held or hosted by local not-for-profit organizations or for advertising local garage sales provided that:
- (a) the duration of sign placement is not greater than ten (10) consecutive days,
  - (b) the sign is removed within three (3) days of the event,
  - (c) the sign does not obstruct or impair vision, or pedestrian or vehicular mobility,
  - (d) the sign indicates the name and/or address of the event sponsor responsible for removal of the sign, and
  - (e) the dimensions of the sign are no larger than 0.61 m x 0.61 m (2 ft. x 2 ft.).
- (10) the placement of one (1) sign on internal sites, or two (2) signs on corner sites advertising a residential property for sale or rent displayed on the property to which it (or they) pertain(s) during the time the property is being offered for sale, with removal to be within one (1) month after the sale or rental agreement has been entered into, provided that such signs are a maximum of 0.6 m<sup>2</sup> (6.5 ft.<sup>2</sup>) in area and provided further that such signs are placed or erected no closer than 3.0 m (9.8 ft.) to a road right-of-way;
- (11) the placement of signs in Commercial or Industrial Districts provided they are inside the window or inside the building;
- (12) the construction of a fence less than 0.914 m (3.0 ft.) in height, or the maintenance, improvement or alteration of gates, fences, walls or other means of enclosure, unless the gate, fence, wall, etc. exceeds the regulations indicated in **Section 7.7** of this Bylaw; and/or the maintenance, improvement or alteration of a fence which affects no more than 20% of a single side of the fence, wall, gate, or enclosure;

## 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

Nawaz Panhwer, Returning Officer

780-942-3519

Title of the Responsible Official

Business Phone Number

LOCAL JURISDICTION: \_\_\_\_\_, PROVINCE OF ALBERTA

ELECTION DATE (OR VOTE ON A BYLAW OR QUESTION): \_\_\_\_\_

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

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

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

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

**OR**

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

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

opposing the passing of Bylaw No. \_\_\_\_\_

**OR**

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

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

voting in the **negative** on the question set out.

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

\_\_\_\_\_  
Signature of Scrutineer or Official Agent

**IT IS AN OFFENCE TO SIGN A FALSE STATEMENT**

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

*Local Authorities Election Act*  
(Section 52)

LOCAL JURISDICTION: \_\_\_\_\_, PROVINCE OF ALBERTA

ELECTION DATE: \_\_\_\_\_

VOTING SUBDIVISION OR WARD (If Applicable): \_\_\_\_\_

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

constitutes as identification for \_\_\_\_\_  
Name

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

serving in the capacity of \_\_\_\_\_  
Office

This appointment is in effect for the 20\_\_ campaign period.

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

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

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

\_\_\_\_\_  
Signature of Returning Officer or Deputy Returning Officer

\_\_\_\_\_  
Signature of Enumerator, Candidate, or Official Agent Named Above

# Campaign Worker Proof of Identification

*Local Authorities Election Act*  
(Section 52)

LOCAL JURISDICTION: \_\_\_\_\_, PROVINCE OF ALBERTA

ELECTION DATE: \_\_\_\_\_

VOTING SUBDIVISION OR WARD (If Applicable): \_\_\_\_\_

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

Name

of \_\_\_\_\_

Complete Address and Postal Code

serving in the capacity of \_\_\_\_\_

Office

This appointment is in effect for the 20\_\_\_\_ campaign period.

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

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

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

\_\_\_\_\_  
Candidate's Signature

\_\_\_\_\_  
Campaign Worker's Signature



## Policy Manual

Council and Appointed Members  
Remuneration Rates

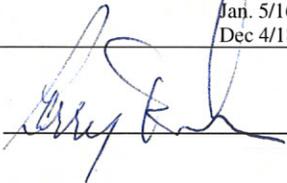
## APPROVED

RES. NO.: 08-363  
DATE: October 21, 2008

## REVISED

RES. NO.: 09-007, 09-336, 11-024, 11-355, 12-068, 12-319,  
14-245, 14-281, 15-248, 16-007, 18-019, 18-141,  
18-288, 18-303, 19-046, 19-259

Jan. 6/09, Dec 1/09, Jan 18/11, Dec 20/11, Ap.  
3/12, Dec 18/12, Nov 4/14, Dec 2/14, Dec 1/15,  
Jan. 5/16, Feb. 6/18, June 12/18, Nov 22/18,  
Dec 4/18 Mar 19/19, Nov 4/19

Signature of Approval of Authorized Personnel: 

**POLICY STATEMENT:**

Remuneration rates for elected officers and appointed committee members shall be determined by Council.

**PURPOSE:**

The Town is committed to providing a fair and reasonable level of remuneration for elected officers and appointed committee members.

**DEFINITIONS:**

- “Council”** means the Council of the Town of Redwater;
- “GST Expense Receipt”** means the receipt showing the GST number, in addition to the credit card slip;
- “Town”** means the Town of Redwater;
- “Town Manager”** means the Chief Administrative Officer as appointed by Council, or the Chief Administrative Officer’s designate.

**PROCEDURES:****ELECTED OFFICERS**

- Remuneration shall be paid monthly as follows:

<b>Mayor</b>	Honorarium	\$	2,066.64
	Allowance	\$	1,059.27
		<b>\$</b>	<b>3,125.91</b>
<b>Deputy Mayor</b>	Honorarium	\$	1,549.70
	Allowance	\$	796.23
		<b>\$</b>	<b>2,345.93</b>
<b>Councillor</b>	Honorarium	\$	1,033.33
	Allowance	\$	529.64
		<b>\$</b>	<b>1,562.97</b>

This remuneration is compensation for attending all Town Council meetings and related Standing Committee meetings, including the Redwater Library Board, within the Town. In addition to the remuneration outlined above, an Honorarium for attending **Conferences, Conventions and Seminars** outside the Town shall be paid as follows:

- a) \$150.00 per full day (over 4 hours)
- b) \$75.00 per ½ day (4 hours or less).

All calculations of time shall include travel time.

This Honorarium shall cover attendance at meetings and annual meetings to partner organizations to which Council is appointed or another Councillor taking the appointed Councillor's place (eg. Alberta Industrial Heartland Association (AIHA) or Northern Lights Library System (NLLS). However, this will not include those accompanying the appointed Councillor.

This Honorarium shall also apply to educational sessions with a formal agenda at relevant Conferences, Conventions or Seminars.

Conferences and Conventions shall include but not be limited to formal annual events hosted by organizations such as AUMA, FCM, Gas Federation and Library annual Conferences.

All Councillors may attend the annual AUMA Convention. When the Federation of Canadian Municipalities (FCM) Conference is held in Alberta, all Councillors are entitled to attend. If FCM is out of province, the Mayor and two Councillors and the Town Manager will be entitled to attend. Council will determine the rotation for attendance at out of province FCM Conference.

Seminars shall include but not be limited to educational opportunities provided by Legal Counsel or other groups and organizations where the material provided will enhance the Councillors knowledge with relation to Town Council activities.

This Honorarium does not include attendance at business functions or information sessions such as breakfasts, luncheons, parades or golf events that do not include formal agendas with associated educational material.

See Schedule A for a listing of common types of activities and whether these are eligible for this daily honorarium.

Accommodations, meals, parking and mileage are not included and may be claimed separately.

- 2. Remuneration shall continue during any leave up to 8 weeks, after which pay shall cease until the Councillor returns. However, monthly timesheets must continue to be submitted in accordance with the communicated deadlines.
- 3. Where remuneration is paid from another source a member of Council shall not be eligible for a claim from the Town.

4. Honorarium and Allowances shall be adjusted annually according to the Budget Development Policy or as otherwise decided by Council.
5. Council Allowances shall be reviewed annually during budget discussions.
6. Council members incurring meal costs while attending meetings within or outside the Town:
  - a) Expenses will be reimbursed upon the submission of actual GST expense receipts.
  - b) Name(s) of guests including company represented for a business meal must be provided on the receipt.
  - c) Council members may include gratuities up to 15% on the meal cost unless a mandatory tip is added automatically to the bill by the establishment.
7. Accommodation:
  - a) Expenses will be reimbursed upon the submission of actual GST expense receipts, if not already charged to a Town credit card.
  - b) Council members staying in private accommodations (family or friends) will be paid \$50.00 per night.
8. Other:
  - a) Council members will be reimbursed any registration fees unless already prepaid by the Town.
  - b) Any other travel related expense not included in this policy must receive pre-approval by the Mayor or in the absence of the Mayor, the Deputy Mayor.
  - c) Council members using their personal vehicle to conduct Town business shall be responsible for informing their insurance carrier.
9. Reimbursement of Expenses:
  - a) Expenses will be reimbursed upon the submission of an authorized expense claim form with accompanying GST expense receipts.
  - b) All Council members shall submit monthly, in accordance with the communicated deadline, an expense claim for their remuneration, allowances and other expenses which shall be verified by the Mayor or in the absence of the Mayor, the Deputy Mayor, or in the absence of both the Acting Mayor. This will be reimbursed via direct deposit with the month end payroll.
10. When a Councillor is unable to attend a meeting or conference after registration, the Councillor shall refund the Town for any non-refundable associated costs, unless the absence was due to an emergency. If there is a question whether an absence is defined as an emergency, Council shall make the determination. Refunds shall be deducted from the Councillors next monthly pay.
11. All Council members are eligible for benefits as long as they apply within 60 days of taking their official oath.
12. Remuneration paid to Councillors who are sanctioned will be decided by Council on a case by case basis.



## **APPOINTED MEMBERS AT-LARGE**

1. Remuneration paid to appointed committee members sitting on Town Boards and Commissions as provided in Schedule B shall be as follows:
  - a) \$25.00 per day or part day to a maximum of 12 meetings per calendar year. Payment shall be made on December 31<sup>st</sup> of each year or at the conclusion of their appointment.
  - b) \$200.00 per day over 4 hours and \$100 per day 4 hours or less for Subdivision and Development Appeal Board members who sit on an appeal hearing as per the Intermunicipal Subdivision and Development Appeal Board agreement pursuant to Bylaw 864.
  - c) Any committee member incurring expenses for attending meetings outside the Town as part of their duty as an appointment official shall be reimbursed dollar for dollar unless otherwise stated by resolution of Council.
2. Remuneration paid to appointed committee members shall be reviewed annually during budget discussions.

## **TRAVEL**

1. Mileage shall be paid based on Provincial Government Rates. Rate adjustments shall be in June and December of each year and shall be recorded in the Town Manager report at the first Council meeting of each of the months indicated.
2. Travel between the Town and home shall not be included.
3. Council are encouraged to travel together or with other municipal representatives.
4. The most direct, economical and time efficient mode of transportation shall be utilized.
5. Travel via airplane, taxi, bus, train or car rental will be reimbursed upon the submission of actual GST expense receipts, if not already charged to a Town credit card.



## Policy 122 Schedule A - Council Remuneration

Type of activity	Refundable
Administration Briefing or other meetings requested by the Town Manager	No
Attendance at Town events i.e. Volunteer Appreciation, Meet the Community, Family Day	No
Board/Committee meetings i.e. SREMP (anywhere) <i>except those specifically indicated below</i>	No
Breakfasts	No
Budget meetings	No
Business function with no formal agenda that is not educational	No
Council Orientation - training provided by Town staff in Town	No
Council Retreat/ Planning session	No
Golf Events	No
Luncheons	No
Meetings with representatives of other governments in the Town	No
Meetings with residents (anywhere)	No
Open House / Community Information meetings and events (anywhere)	No
Other training sessions facilitated by Town staff in Town i.e. Planning & Development	No
Parades	No
Payment made by outside body for attendance	No
Public/Special hearings (anywhere)	No
Regular Council meetings (anywhere)	No
Scheduled and non-scheduled meetings with the Town Manager	No
Signing of cheques and documents	No
Alberta Industrial Heartland (AIHA) - appointed or alternate Councillor only	Yes
Conventions/Conferences	Yes
Council Orientation (outside of Town)	Yes
Education Workshops i.e. Brownlee (outside of Town)	Yes
Northern Lights Library System (NLLS) - appointed or alternate Councillor only	Yes



## Policy 122 Schedule B - Appointed Members at Large Remuneration

Board / Commission	Eligible
Community Services Board	Yes
Library Board	No
Municipal Planning Commission	Yes
Subdivision and Development Appeal Board	Yes





# STRATEGIC PLAN

*BUILDING A SAFE, BEAUTIFUL  
AND SUSTAINABLE COMMUNITY*



# MESSAGE FROM COUNCIL

With the identified core values in mind, this Strategic Plan was developed to establish a road map to guide current and future councils. This plan will help council and administration work together toward a shared vision. This plan will help us identify successes and shortcomings while considering current obligations, funding availability and future needs. The Town of Redwater will continue to value regional and industrial partnerships while focusing on local needs to maintain autonomy to best represent our residents and businesses.

**TAXES, UTILITY  
RATES, FEES &  
CHARGES**

**SERVICES**

**QUALITY  
OF LIFE**

## **A ROADMAP TO AN EXCITING FUTURE**

Municipalities provide countless services every day that enhance the quality of life of its residents. Municipalities must consider financial stewardship, operational excellence, transparency and sustainability. These are the basic questions that municipalities ask when thinking about one of the most important tasks: strategic planning.

***“What are we doing?”***

***“Where are we going?”***

***“How can we get to where we want to go?”***



# MUNICIPAL SCAN

Having evidence and an understanding of the opportunities and challenges the Town of Redwater faces is the first step towards a roadmap for the future - Research and preparation are key to strategic planning success.

## **THE FOLLOWING IS A SUMMARY OF THE INFORMATION DEVELOPED AND CONSIDERED BY TOWN COUNCIL DURING THE STRATEGIC PLAN PREPARATION:**

- The Town has an increasingly younger demographic as people are attracted to jobs related to nearby industry. Being adjacent to significant industry provides numerous growth opportunities.
- There are challenges related to seniors housing and transportation.
- The Town has a strong industrial tax base providing a benefit of non-residential taxes.
- The new Municipal Government Act (MGA) is adding complexity to administrative tasks and is straining administrative resources.



## **INFRASTRUCTURE**

- Aging infrastructure is a significant challenge. (roadways, water, sewer, facilities)
- Infrastructure investment will be required if new development is to be attracted.
- The maintenance and replacement of infrastructure must be considered to ensure quality asset management.

## **FUNDING**

- There needs to be a strong link and balance between resident wants and resource realities.
- The Town is challenged by numerous capital resource needs and wants.
- Financial resources are at risk with the concern of possible reduced capital grants.
- There are opportunities for potential regional cooperation and cost sharing for service delivery and capital investment.



# OUR MISSION: BUILDING A SAFE, BEAUTIFUL AND SUSTAINABLE COMMUNITY

Town Council reviewed the many opportunities and challenges faced by the Town while considering the needs and wants of the community.

Council has identified key priority focus areas and objectives that will guide and support administrative corporate plans, business plans and budgets. The priorities and objectives will guide resource allocations to what matters most in the community.





# OUR VALUES

## INTEGRITY

The Town of Redwater approaches governance with transparency, honesty and consideration of community values.

## RESPONSIBILITY

The Town of Redwater provides high quality, efficient and effective service through commitment to ongoing improvement.

## COOPERATION

The Town of Redwater works well with community groups, regional neighbors, and other levels of government.

## COMMUNITY

The Town of Redwater strives toward having a safe, beautiful and sustainable home fostering a sense of community.

# OUR VISION



**COMMUNITY  
BEAUTIFICATION**



**COMMUNITY  
SUSTAINABILITY**



**CONNECTED  
COMMUNITIES**



**ECONOMIC  
GROWTH**



**GOOD  
GOVERNANCE**



**SERVICE  
EXCELLENCE**

# PRIORITY FOCUS AREA 1



# COMMUNITY BEAUTIFICATION

## GOAL STATEMENT

*We will actively foster town beautification embracing the Town's history and pride in community.*



## BROAD OBJECTIVES

### WE WILL...

- Take action ensuring a well-groomed community.
- Consider opportunities to enhance the community identity.
- Focus on season wide beautification actioning appropriate activities and long term strategies.
- Embrace community pride and resident involvement.
- Endeavour to work with the business community to enhance business beautification.
- Foster cooperation with community groups. (celebrating our identity and preserving history)
- Seek out specific opportunities for community revitalization and develop plans of action.



## PRIORITY FOCUS AREA 2



# COMMUNITY SUSTAINABILITY



### GOAL STATEMENT

*We embrace community sustainability focusing on well maintained and planned infrastructure, effective financial stewardship and excellence in service delivery.*

### BROAD OBJECTIVES

#### WE WILL...

- Continually review services and service levels to determine if they are sustainable and are meeting community needs.
- Endeavour to understand community needs vs wants.
- Prioritize long term planning focusing on infrastructure needs and financial constraints.
- Ensure we will strive for balanced service delivery serving the community as a whole.
- Take measures to understand what is affordable and achievable.
- Focus on a long term tax strategy to meet the community needs.
- Develop infrastructure strategies to protect and plan for the community's capital assets.



# PRIORITY FOCUS AREA 3



# CONNECTED COMMUNITIES

## GOAL STATEMENT

*We embrace connected communities by welcoming partnerships, fostering communication and pursuing healthy public engagement.*



## BROAD OBJECTIVES

### WE WILL...

- Educate, engage and inform the public: be accountable.
- Be approachable to the public, neighbors, other levels of government.
- Celebrate success illustrating what we accomplish.
- Be transparent with residents on value for tax dollars highlighting what we do.
- Cooperate regionally and seek opportunity for mutual benefit.
- Foster and embrace partnerships with community groups.
- Embrace positive messaging through communications.
- Pursue healthy and productive relationships regionally.
- Foster positive and effective communication between governance and administrative levels.

# PRIORITY FOCUS AREA 4



## ECONOMIC GROWTH



### GOAL STATEMENT

*We will pursue a healthy economy focusing on our potential in tourism, local business promotion and governance partnerships with business.*



### BROAD OBJECTIVES

#### WE WILL...

- Work toward economic and residential growth— through relationship building and marketing strategies.
- Focus on targeting business growth and attracting new business.
- Pursue the retention of existing business.
- Expand economic development ideas.
- Support tourism activities and strategies.
- Foster economic diversification.

# PRIORITY FOCUS AREA 5



## GOOD GOVERNANCE

### GOAL STATEMENT

*We actively pursue and embrace good governance and integrity by being accountable, responsible, transparent, focusing on the overall good of the community.*



### BROAD OBJECTIVES

#### WE WILL...

- Always be responsible and accountable.
- Embrace compliance with legislation.
- Consider all perspectives and make decisions for the overall good of the community.
- Foster good communication with the public, our neighbors and other levels of government.
- Pursue visionary thinking to foster the future for our community.
- Create a culture of positive commitments.
- Commit to statutory and strategic planning focusing on the maintenance of key planning documents and bylaws.
- Embrace a culture of mutual respect at all levels and focus on the development of productive relationships.

# PRIORITY FOCUS AREA 6



## SERVICE EXCELLENCE



### GOAL STATEMENT

*We proactively consider service delivery, focusing on doing the right things well, understanding core versus value-added services and communicating what we do.*

### BROAD OBJECTIVES

#### WE WILL...

- Align financial resources with priority service requirements.
- Measure our performance ensuring service-level achievement.
- Strive for service excellence through the pursuit of innovation and best practices.
- Foster the well-being of staff promoting health and morale.
- Position ourselves to be an employer of choice and attract high quality staff.
- Promote ability through ongoing professional development.
- Continually plan for succession and embrace change.
- Recognize our staff for accomplishments and quality service delivery.







**Town of Redwater**  
**Budget Summary 2021 - December 1, 2020**

	Budget Operating 2021	Budget Capital 2021	Budget Total 2021
<b>Revenue:</b>			
Taxation	\$ 4,089,672		\$ 4,089,672
Council	\$ -		\$ -
Administration	\$ 163,218		\$ 163,218
Police	\$ 26,655		\$ 26,655
Fire	\$ 44,715		\$ 44,715
Disaster Services	\$ 5,804		\$ 5,804
Bylaw	\$ 5,100		\$ 5,100
Transportation	\$ 500		\$ 500
Streets	\$ 61,683	\$ 234,461	\$ 296,144
Water	\$ 758,450	\$ 72,550	\$ 831,000
Sewer	\$ 424,324	\$ 900,000	\$ 1,324,324
Garbage	\$ 296,137		\$ 296,137
FCSS	\$ 66,090		\$ 66,090
Cemetery	\$ 3,400		\$ 3,400
Economic Development	\$ 22,550		\$ 22,550
Community Services	\$ 18,710		\$ 18,710
Planning & Development	\$ 19,200		\$ 19,200
Pool	\$ 75,857		\$ 75,857
Parks	\$ 6,500	\$ 84,300	\$ 90,800
Beautification	\$ 625		\$ 625
Pembina Place	\$ 456,549	\$ 1,699,476	\$ 2,156,025
Library	\$ 8,479		\$ 8,479
Gas	\$ 1,464,974	\$ 168,280	\$ 1,633,254
<b>Total Revenue</b>	<b>\$ 8,019,192</b>	<b>\$ 3,159,067</b>	<b>\$ 11,178,259</b>
<b>Expenses:</b>			
Taxation	\$ 962,460		\$ 962,460
Council	\$ 262,767		\$ 262,767
Administration	\$ 637,063		\$ 637,063
Police	\$ 66,471		\$ 66,471
Fire	\$ 83,231		\$ 83,231
Disaster Services	\$ 15,987		\$ 15,987
Bylaw	\$ 108,694		\$ 108,694
Transportation	\$ 243,580		\$ 243,580
Streets	\$ 498,151	\$ 234,461	\$ 732,612
Water	\$ 755,790	\$ 72,550	\$ 828,340
Sewer	\$ 372,677	\$ 900,000	\$ 1,272,677
Garbage	\$ 283,519		\$ 283,519
FCSS	\$ 131,127		\$ 131,127
Cemetery	\$ 825		\$ 825
Economic Development	\$ 202,134		\$ 202,134
Community Services	\$ 195,846		\$ 195,846
Planning & Development	\$ 160,007		\$ 160,007
Pool	\$ 234,922		\$ 234,922
Parks	\$ 260,134	\$ 84,300	\$ 344,434
Beautification	\$ 10,800		\$ 10,800
Pembina Place	\$ 1,085,040	\$ 1,699,476	\$ 2,784,516
Library	\$ 94,196		\$ 94,196
Gas	\$ 1,200,205	\$ 168,280	\$ 1,368,485
<b>Total Expenses</b>	<b>\$ 7,865,626</b>	<b>\$ 3,159,067</b>	<b>\$ 11,024,693</b>
<b>Balance</b>	<b>\$ 153,566</b>	<b>\$ -</b>	<b>\$ 153,566</b>
<b>Transfer to Reserves:</b>			
Fire	\$ 35,500		\$ 35,500
Water	\$ 31,200		\$ 31,200
Sewer	\$ 24,600		\$ 24,600
Garbage	\$ 10,680		\$ 10,680
Cemetery	\$ 400		\$ 400
Planning & Development	\$ -		\$ -
Parks	\$ 8,000		\$ 8,000
Pembina Place	\$ 10,000		\$ 10,000
Gas	\$ 33,186		\$ 33,186
<b>Total Transfer to Reserves</b>	<b>\$ 153,566</b>	<b>\$ -</b>	<b>\$ 153,566</b>
<b>Amortization:</b>			
Administration	\$ 24,962		\$ 24,962
Fire	\$ 57,566		\$ 57,566
Disaster Services	\$ 3,175		\$ 3,175
Bylaw	\$ 3,498		\$ 3,498
Streets	\$ 576,580		\$ 576,580
Water	\$ 59,073		\$ 59,073
Sewer	\$ 101,664		\$ 101,664
Garbage	\$ 3,200		\$ 3,200
Cemetery	\$ 280		\$ 280
Economic Development	\$ 4,065		\$ 4,065
Pool	\$ 29,926		\$ 29,926
Parks	\$ 48,492		\$ 48,492
Pembina Place	\$ 212,110		\$ 212,110
Gas	\$ 34,476		\$ 34,476
<b>Total Amortization</b>	<b>\$ 1,159,067</b>		<b>\$ 1,159,067</b>
<b>Balance after adjustments</b>	<b>\$ (1,159,067)</b>	<b>\$ -</b>	<b>\$ (1,159,067)</b>



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

---

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

© 2020 Government of Alberta.

This publication is issued under the Open Government Licence – Alberta (<http://open.alberta.ca/licence>).

# Table of Contents

<b>Introduction</b> .....	<b>5</b>
Local Authorities Election Act .....	5
Municipal Government Act.....	5
<b>Before Filing Nomination Papers</b> .....	<b>6</b>
Accepting Contributions or Incurring Expenses.....	6
Are you qualified to become a candidate?.....	6
Qualification Requirements in a Ward System.....	6
Qualification Requirements in a City with a Ward System .....	7
Qualification Requirements in a Summer Village.....	7
When is Nomination Day? .....	7
Ineligibility for Nomination .....	8
Other Considerations .....	9
Time Commitment .....	9
Remuneration.....	9
Roles and Responsibilities of an Elected Official.....	9
Administration of a Municipality.....	10
How else can I prepare? .....	11
Form of Nomination .....	12
What is included in the Form of Nomination? .....	12
<b>Nomination Period</b> .....	<b>14</b>
Filing the Nomination Form.....	14
How do I file my Nomination Form? .....	14
Do I have to file my Nomination Form in person?.....	14
Do I have to pay a deposit to file my Nomination Form? .....	15
Will I get my deposit back?.....	15

Withdrawing Nominations .....	15
Insufficient Nominations .....	16
Acclamations .....	16
Requirement for Election .....	16
Summer Villages .....	16
Late Filing of Nominations .....	16
<b>Candidate Contributions &amp; Expenses .....</b>	<b>18</b>
Contributions and Expenses .....	18
What are allowable campaign expenses? .....	18
Can I self-fund my campaign? .....	18
Contributions to Candidates .....	19
Contributions Not Belonging to Contributor .....	20
Anonymous and Ineligible Contributions .....	20
Fund-raising Functions .....	20
Loans .....	21
Campaign Expense Limits .....	21
Elections Alberta/Election Commissioner .....	21
<b>Campaigning .....</b>	<b>22</b>
How Do I Campaign? .....	22
Is there anything I cannot do during a Campaign? .....	22
Bribery .....	23
Undue Influence .....	23
Canvassing on Election Day .....	23
Is there a voters' list? .....	23

# 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.

*Municipal Affairs*

**Pecuniary Interest  
for  
Municipal Councillors**

January 2017

*Alberta* 

**Capacity Building, Municipal Services Branch**

*Pecuniary Interest for Municipal Councillors*

**Alberta Municipal Affairs**

© Her Majesty the Queen in Right of Alberta, as represented by the Minister of Municipal Affairs, 2017

[www.municipalaffairs.alberta.ca](http://www.municipalaffairs.alberta.ca)

This document is made available under the Open Government Licence – Alberta  
(<http://open.alberta.ca/publications/9781460132494>).

ISBN 978-1-4601-3248-7 (print)

ISBN 978-1-4601-3249-4 (PDF)

**Printed in Canada**

## Pecuniary Interest for Municipal Councillors

### 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:**

7th floor Park Plaza Building  
10611 - 98 Avenue NW  
Edmonton, AB T5K 2P7

**Phone:** 780-427-4952

**Fax:** 780-452-0668

**Email:** [qp@gov.ab.ca](mailto:qp@gov.ab.ca)

**Website:** [www.qp.alberta.ca/](http://www.qp.alberta.ca/)

# What Every Councillor Needs To Know!

**A Council Member Handbook**



Government

Alberta Municipal Affairs

**Municipal Capacity Building, Municipal Capacity and Sustainability Branch**

What Every Councillor Needs To Know!

A Council Member Handbook

**Alberta Municipal Affairs**

**©2017 Government of Alberta**

**[www.municipalaffairs.alberta.ca](http://www.municipalaffairs.alberta.ca)**

**ISBN 978-1-4601-3632-4 (PDF)**

*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.*

## Table of Contents

Introduction .....	1
Things to know! .....	2
Oath of Office .....	2
Your role.....	2
Be familiar with your legislation .....	4
<i>Municipal Government Act (MGA)</i> .....	4
<i>Freedom of Information and Protection of Privacy (FOIP) Act.</i> .....	4
How you can help.....	4
Understand the financial implications of your decisions .....	5
Let employees do their jobs.....	5
Understand and avoid pecuniary interest and conflict of interest .....	5
Information is public.....	6
The municipality's lawyer is not your lawyer .....	6
Team Approach.....	6
Governance.....	8
Chief Elected Official.....	8
Code of Conduct for Elected Officials .....	8
Councillor Liability.....	8
Council Meetings.....	8
Organizational Meeting .....	8
Regular and Special Meetings.....	9
Meetings Closed To The Public.....	9
Council Committees .....	10
Procedural Bylaw .....	10
Policy-Making and Program Monitoring.....	10
Public Participation Policy.....	10
Voting .....	11
Administration .....	12
Chief Administrative Officer.....	12
Designated Officers.....	12
Policies .....	12
Staff Development .....	12
Finance.....	13
Operating and Capital Budgets .....	13
Procedure for Expenditure Authorization .....	13
Borrowing.....	14
Auditor .....	14

Property Assessment, Taxation, and Other Revenues .....	15
Assessment .....	15
Property Taxation.....	15
Education Tax and Equalized Assessment .....	16
Planning and Development .....	17
Intermunicipal Development Plan .....	17
Municipal Development Plan.....	18
Area Structure and Redevelopment Plans.....	18
Listing and Publishing of Policies .....	18
Land Use Bylaws and Development Decisions .....	18
Subdivision .....	18
Subdivision or Development Agreements .....	19
Subdivision and Development Appeal Board .....	19
Intermunicipal Collaboration Framework .....	19
Municipal Collaboration and Mediation.....	20
Economic Development.....	20
Provincial Legislation .....	21
Domestic Trade Agreements .....	22

## ***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.

Alberta Queen's Printer is the official publisher of Alberta's laws and the Alberta Gazette, and partners with Government of Alberta ministries to produce and distribute various government publications. The most current legislation is available for purchase, viewing or printing at [www.qp.alberta.ca](http://www.qp.alberta.ca).

### **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).



## Policy Manual

**CODE OF ETHICS &  
COUNCIL - TOWN MANAGER  
COVENANT**

## APPROVED

RES. NO.: 14-180

DATE: September 2, 2014

## REVISED

RES. NO.: 16-100, 18-142

DATE: April 21, 2016, June 12, 2018

Signature of Approval of Authorized Personnel: \_\_\_\_\_

**PURPOSE:**

To establish the Town of Redwater Code of Ethics and Council – Town Manager Covenant within Policy.

**POLICY STATEMENT:**

The Town of Redwater maintains certain policies to guide Council, council committee appointed members at large and employees with respect to conduct expected in areas where improper activities could damage the reputation of the Town of Redwater.

The purpose of the Code of Ethics is to affirm, in a comprehensive statement the required standards of conduct and practices for all councillors, council committee appointed members at large and employees.

The purpose of the Council – Town Manager Covenant is to outline the roles and responsibilities of Council and the Town Manager respecting the activities of the Town of Redwater. It also forms the basis of the relationship between the Council and the Town Manager. By signing the document, each Councillor and the Town Manager agrees to adhere to the expectations laid out in the Covenant.

**PROCEDURES:**

Each Councillor, council committee appointed member at large and employee will execute the Code of Ethics and a copy will be kept in their personnel file and in the case of members at large, in the general Committee/Board/Commission File.

The Council –Town Manager Covenant will be executed by each member of Council and the Town Manager. A signed copy will be placed in the Policy Manual, with the minutes of the Council meeting where the Covenant was executed and within each respective personnel file.

The Council – Town Manager Covenant will be placed on each Organizational Meeting agenda following a general municipal election and further that it be brought before Council again after any by-election or when any new Town Manager is hired.

Schedule A: Council – Town Manager Covenant

Schedule B: Municipal Code of Ethics (Council Employees)

Schedule C: Municipal Code of Ethics (Community Services Board)

Schedule D: Municipal Code of Ethics (Municipal Planning Commission)

**ADDITIONAL REFERENCE:**

Council Code of Conduct Bylaw



# TOWN OF REDWATER

## THE COUNCIL – TOWN MANAGER COVENANT

---

**WE, AS MEMBERS OF COUNCIL, WILL:**

- Carry out our responsibilities as set out in the applicable legislation to the best of our abilities
- Make decisions which we believe to be in the best interest of our citizens, understanding that unless a recorded vote is requested, once a decision has been made by Council resolution, that decision becomes a decision of Council
- Review the background information and advice made available to us by the administration prior to rendering a decision
- Seek further input when we are unsure of the issues or uncertain as to the preferred course of action
- Refer any complaints, either written or verbal, about the decisions of Council or the actions of administration, to the Town Manager. for review, comment and follow-up (as appropriate)
- Refrain from making any commitments on behalf of Council to individual citizens or groups other than to take the request up with the Council or Town Manager and to respond appropriately
- Seek to participate actively in the decision-making process
- Refrain from any public or private criticism of our administration wherein individual employees are identified
- Act as good stewards of the municipality and as public servants of our citizens through ethical conduct
- Provide effective leadership though guiding the corporation and the municipality through annual or longer term goals and priorities, through the budget approval process and by agreeing to reasonable policies which reflect, in our views, the best interests of a majority of our citizens
- Ensure that we formally evaluate the performance of the Town Manager at least once annually and involve the Town Manager in this process so as to ensure a full understanding of the Council’s candid assessment.

**Signatures:**

Mayor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

*rst*



## TOWN OF REDWATER

### THE COUNCIL – TOWN MANAGER COVENANT

---

#### **I, THE TOWN MANAGER WILL:**

- Conduct myself as your chief policy advisor in an honest and ethical manner
- Ensure that the Chief Elected Official and Councillors are accorded respect in all of my personal and public comments
- Provide advice (on all issues) which is professionally sound, ethical, legal and in accordance to the policies and objectives of Council
- Guide the actions of the administration so that they are in accordance with the policies and objectives of Council
- Act only on the will of Council as a whole as established by the resolutions, policies and bylaws of Council
- Forward any complaints or concerns of Council to the appropriate department and individual so that reasonable and prompt follow-up is assured
- Ensure that Council is made aware of the full picture with regard to each issue at least to the extent that the administration is aware of such information and ensure that Council has access to the reasonable decision options as well as my recommendation as your Town Manager
- Seek to ensure that Council is aware of any key issues as they arise and thus avoid the problems associated with surprises
- Maintain a current understanding of the applicable legislation as well as relevant programs, policies and initiatives of the Provincial and Federal governments
- Admit to any mistakes of substance made by myself or my staff and take corrective action
- Listen carefully to the concerns of Council vis-à-vis my performance and seek to improve any deficiencies on an ongoing basis
- Ensure that all major issues are tracked in sufficient detail so as to advise Council of any progress, anticipated problems or decision points.

**Signature:**

Town Manager \_\_\_\_\_



## TOWN OF REDWATER MUNICIPAL CODE OF ETHICS

**All Municipal Councillors and Employees shall maintain the highest ideals of honor and integrity in public relationships and discharge faithfully the duties of office or employment without fear or favor.**

All Municipal Councillors and Employees shall:

- Continually strive to improve their professional ability and to encourage the development of competence of their associates in serving the municipality
- Recognize that the chief function of a municipal councillor and employee, at all times, is service to the municipality as a organization and services to the public in a manner which is courteous, equitable, efficient and effective
- Not conduct themselves in any way that would detract from the image of integrity or professionalism of the Town
- Avoid any situation which could impair their judgment in the performance of their duties or give that impression to others
- Resolve any conflict between their personal or private interests and their official duties in favor of the public interest
- Not disclose to any member of the public, either verbally or in writing, any secret or confidential information acquired by virtue of their official position
- Not knowingly engage in any unlawful activity
- Treat one another fairly to ensure that their work environment is free from discrimination or harassment
- Not, in the performance of their official duties, seek personal or private gain by granting preferential treatment to any persons or accepting gifts, which are over a minimal amount (\$100.00) other than for the purposes of networking and this shall be reported to the employees Manager or reported to Council for a Council Member. Any donation over \$100.00 in value will be considered a donation to the Town and distributed during Town events
- Not use or permit the use of government property of any kind for activities not associated with the performance of their official duties, unless they are authorized to do so
- Not express their personal views on matters of municipal political controversy or any Town policy when such comment is likely to impair public confidence in the objective and efficient performance of their duties
- Carry out decisions loyally, irrespective of the persons in power and irrespective of their personal opinions.

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

**Signed:** \_\_\_\_\_

**TOWN OF REDWATER  
MUNICIPAL  
CODE OF ETHICS**

**All Community Services Board Members shall maintain the highest ideals of honor and integrity in public relationships and discharge faithfully the duties of the Board without fear or favor.**

All Community Services Board Members shall:

- Carry out the responsibilities as set out in the applicable bylaws to the best of your abilities.
- Recognize that the primary function of a Board Member, at all times, is to provide service to the municipality as an organization and services to the public in a manner which is courteous, equitable, efficient and effective.
- Seek to participate actively in the decision-making process at Board Meetings.
- Not conduct themselves in any way that would detract from the image of integrity or professionalism of the Town.
- Refer any complaints, either written or verbal, about the decisions of the Board or the actions of administration, to the Chair and Community Services Manager for review (as appropriate).
- Not disclose to any member of the public, either verbally or in writing, any confidential information acquired by virtue of their official position.
- Refrain from any public or private criticism of administration or Board Members wherein individuals are identified.
- Refrain from making any comments on behalf of the Board to individual citizens or groups other than to take the request up with the Board or Community Services Manager to respond appropriately.
- Not express personal views on matters of municipal political controversy or any Town policy when such comment is likely to impair public confidence in the objective and efficient performance of their duties or that of the Board.
- Carry out decisions loyally, irrespective of the decisions made by the Board and irrespective of their personal opinions.
- Resolve any conflict between their personal or private interests and their official duties in favor of the public interest.
- Act in accordance with the Municipal Government Act as it relates to pecuniary interest.
- Follow the procedures as it relates to Board proceedings in accordance with the Town's Procedural Bylaw.
- Treat one another fairly to ensure that the work environment is free from discrimination or harassment.

*Approved by Council this 21<sup>st</sup> day of April, 2016 under Resolution 16-100*  
*Approved by Council this 12<sup>th</sup> day of June, 2018 under Resolution 18-142*



**TOWN OF REDWATER  
MUNICIPAL  
CODE OF ETHICS**

**All Community Services Board Members shall maintain  
the highest ideals of honor and integrity in public relationships and discharge  
faithfully the duties of the Board without fear or favor.**

*Signatures:*

Chair \_\_\_\_\_ Board Member \_\_\_\_\_

Board Member \_\_\_\_\_ Board Member \_\_\_\_\_

# **TOWN OF REDWATER MUNICIPAL CODE OF ETHICS**

**All Municipal Planning Commission Members shall maintain the highest ideals of honor and integrity in public relationships and discharge faithfully the duties of the Commission without fear or favor.**

All Municipal Planning Commission Members (MPC) shall:

- Carry out the responsibilities as set out in the applicable bylaws to the best of your abilities.
- Recognize that the primary function of a MPC Member, at all times, is to provide service to the municipality as an organization and services to the public in a manner which is courteous, equitable, efficient and effective.
- Seek to participate actively in the decision-making process at MPC Meetings.
- Not conduct themselves in any way that would detract from the image of integrity or professionalism of the Town.
- Refer any complaints, either written or verbal, about the decisions of the MPC or the actions of administration, to the Town Manager for review (as appropriate).
- Not disclose to any member of the public, either verbally or in writing, any confidential information acquired by virtue of their official position.
- Refrain from any public or private criticism of administration or MPC Members wherein individuals are identified.
- Refrain from making any comments on behalf of the MPC to individual citizens or groups other than to take the request up with the Town Manager to respond appropriately.
- Not express personal views on matters of municipal political controversy or any Town policy when such comment is likely to impair public confidence in the objective and efficient performance of their duties or that of the MPC.
- Carry out decisions loyally, irrespective of the decisions made by the MPC and irrespective of their personal opinions.
- Resolve any conflict between their personal or private interests and their official duties in favor of the public interest.
- Act in accordance with the Municipal Government Act as it relates to pecuniary interest.
- Follow the procedures as it relates to Commission proceedings in accordance with the Town's Procedural Bylaw.
- Treat one another fairly to ensure that the work environment is free from discrimination or harassment.

*Approved by Council this 21<sup>st</sup> day of April, 2016 under Resolution 16-100  
Approved by Council this 12<sup>th</sup> day of June, 2018 under Resolution 18-142*

# TOWN OF REDWATER MUNICIPAL CODE OF ETHICS

**All Municipal Planning Commission Members shall maintain the highest ideals of honor and integrity in public relationships and discharge faithfully the duties of the Commission without fear or favor.**

*Signatures:*

Chair \_\_\_\_\_ Board Member \_\_\_\_\_

Board Member \_\_\_\_\_ Board Member \_\_\_\_\_



# TOWN OF REDWATER

## BYLAW NO. 855

### COUNCIL CODE OF CONDUCT BYLAW

#### A BYLAW TO ESTABLISH A CODE OF CONDUCT FOR MEMBERS OF COUNCIL

WHEREAS, pursuant to section 146.1(1) of the *Municipal Government Act*, a Council must, by bylaw, establish a Code of Conduct governing the conduct of councillors;

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

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

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

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

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

#### 1. Short Title

This Bylaw may be referred to as the "Council Code of Conduct Bylaw".

#### 2. Definitions

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

- a) "Act" means the Municipal Government Act, R.S.A. 2000, c. M-26, and associated regulations, as amended;
- b) "Administration" means the administrative and operational arm of the Municipality, comprised of the various departments and business units and including all employees who operate under the leadership and supervision of the Town Manager;
- c) "Council" means the duly elected officers of the Municipality;
- d) "FOIP" means the Freedom of Information and Protection of Privacy Act, R.S.A. 2000, c. F-25, any associated regulations, and any amendments or successor legislation;
- e) "Investigator" means Council or the individual or body established by Council to investigate and report on complaints;
- f) "Member" means a Member of Council and includes a councillor or the Mayor;
- g) "Municipality" means the municipal corporation of the Town of Redwater;

- h) "Town Manager" means the chief administrative officer of the Municipality, or their designate.

### **3. Purpose and Application**

- 3.1 The purpose of this Bylaw is to establish standards for the ethical conduct of Members relating to their roles and obligations as representatives of the Municipality and a procedure for the investigation and enforcement of those standards.
- 3.2 The Code of Conduct is to be given a broad and liberal interpretation in accordance with the applicable legislation. It is not possible to write a Code of Conduct that covers every scenario and, accordingly, Members are to be guided by and conduct themselves in a manner that reflects the spirit and intent of this Code.

### **4. Representing the Municipality**

#### **4.1 Members shall:**

- a) act honestly and, in good faith, serve the welfare and interests of the Municipality as a whole;
- b) perform their functions and duties in a conscientious and diligent manner with integrity, accountability and transparency;
- c) conduct themselves in a professional manner with dignity and make every effort to participate diligently in the meetings of Council, committees of Council and other bodies to which they are appointed by Council; and
- d) aspire to be good public role models by governing their public behaviours in accordance with the Code and ensuring they conduct their personal affairs with integrity in accordance with the law.

### **5. Communicating on Behalf of the Municipality**

- 5.1 A Member must not claim to speak on behalf of Council unless authorized to do so.
- 5.2 Unless Council directs otherwise, the Mayor is Council's official spokesperson. In the absence of the Mayor it is the Deputy Mayor and in the absence of both the Mayor and Deputy Mayor the Acting Mayor. All inquiries from the media regarding the official Council position as well as any official communications or requests involving other levels of government must be addressed through Council's official spokesperson.
- 5.3 A Member who is authorized to act as Council's official spokesperson must ensure that their comments accurately reflect the official position and will of Council as a whole, even if the Member personally disagrees with Council's position.
- 5.4 As public figures and representatives of the Municipality, Members should act with discretion and be judicious in what material they post on social media. As with any other communications, Members are accountable for content and confidentiality. Members shall utilize social media sites in accordance with any policies and bylaws that reference the use of social media.
- 5.5 No Member shall make a statement when they know that statement is false.
- 5.6 No Member shall make a statement with the intent to mislead Council or members of the public.

## **6. Respecting the Decision-Making Process**

- 6.1 Decision making authority lies with Council, and not with any individual Member. Council may only act by bylaw or resolution passed at a Council meeting held in public at which there is a quorum present. No Member shall, unless authorized by Council, attempt to bind the Municipality or give direction to employees in Administration, agents, contractors, consultants or other service providers or prospective vendors to the Municipality.
- 6.2 Members shall conduct and convey Council business and all their duties in an open and transparent manner other than for those matters which by law are authorized to be dealt with in a confidential manner in an "in-camera" session, and in so doing, allow the public to view the process and rationale which was used to reach decisions and the reasons for taking certain actions.
- 6.3 Members shall accurately communicate the decisions of Council, even if they disagree with Council's decision, such that respect for the decision-making processes of Council is fostered.
- 6.4 Notwithstanding 6.3 Council acknowledges and respects that Members have the legal right to express their opinions, whether those opinions are complimentary or critical, subject to those limits prescribed by law. In the circumstance that a recorded vote occurs Members may communicate their voting position, even if it is in opposition of the adopted resolution.

## **7 Adherence to Policies, Procedures and Bylaws**

- 7.1 Members shall uphold the law established by the Parliament of Canada and the Legislature of Alberta and the bylaws, policies and procedures adopted by Council.
- 7.2 Members shall respect the Municipality as an institution, its bylaws, policies and procedures and shall encourage public respect for the Municipality, its bylaws, policies and procedures.
- 7.3 A Member must not encourage disobedience of any bylaw, policy or procedure of the Municipality in responding to a member of the public, as this undermines public confidence in the Municipality and in the rule of law.

## **8 Respectful Interactions with Members, Staff, the Public and Others**

- 8.1 Members shall act in a manner that demonstrates fairness, respect for individual differences and opinions, and an intention to work together for the common good and in furtherance of the public interest.
- 8.2 Members shall treat one another, employees of the Municipality and members of the public with courtesy, dignity and respect and without abuse, bullying or intimidation.
- 8.3 No Member shall use indecent, abusive, or insulting words or expressions toward another Member, any employee of the Municipality or any member of the public.



8.4 No Member shall speak in a manner that is discriminatory to any individual based on the person's race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation.

8.5 Members shall respect the fact that employees in Administration work for the Municipality as a corporate body and are charged with making recommendations that reflect their professional expertise and a corporate perspective and that employees are required to do so without undue influence from any Member or group of Members.

8.6 Members shall obtain information about the operation or administration of the Municipality from the Town Manager or a person designated by the Town Manager, in accordance with the Act and adhere to any policy or bylaw that refers to the conduct or ethics of Members.

8.7 Members must not:

- a) involve themselves in matters of Administration, which fall within the jurisdiction of the "Town Manager";
- b) use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any employee of the Municipality with the intent of interfering in the employee's duties; or
- c) maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of employees of the Municipality.

## **9 Confidential Information**

9.1 Members must:

- a) keep in confidence matters discussed in private at a Council or Council committee meeting until the matter is discussed at a meeting held in public;
- b) return all "in-camera" documents at the end of the "in-camera" session to the Town Manager or if the "in-camera" is in regard to the Town Manager, to the chair of the meeting.

9.2 In the course of their duties, Members may also become privy to confidential information received outside of an "in-camera" meeting.

Members must not:

- a) disclose or release by any means to any member of the public, including the media, any confidential information acquired by virtue of their office, unless the disclosure is required by law or authorized by Council to do so;
- b) access or attempt to gain access to confidential information in the custody or control of the Municipality unless it is necessary for the performance of the Member's duties and is not otherwise prohibited by Council, and only then if the information is acquired through appropriate channels in accordance with applicable Council bylaws and policies;

9.3 Confidential information includes information in the possession of, or received in

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

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

9.4 No Member shall use confidential information for personal benefit or for the benefit of any other individual organization.

## **10 Conflicts of Interest**

10.1 Members have a statutory duty to comply with the pecuniary interest provisions set out in Part 5, Division 6 of the Act and a corresponding duty to vote unless required or permitted to abstain under the Act or another enactment.

10.2 Members are to be free from undue influence and not act or appear to act in order to gain financial or other benefits for themselves, family, friends or associates, business or otherwise.

10.3 Members shall approach decision-making with an open mind that is capable of persuasion.

10.4 It is the individual responsibility of each Member to seek independent legal advice, at the Member's sole expense, unless otherwise determined by Council, with respect to any situation that may result in a pecuniary or other conflict of interest.

## **11 Improper Use of Influence**

11.1 No Member shall use the influence of the Member's office for any purpose other than for the exercise of the Member's official duties.

11.2 No Member shall act as a paid agent to advocate on behalf of any individual,

organization or corporate entity before Council or a committee of Council or any other body established by Council.

11.3 Members shall not contact or otherwise attempt to influence members of any adjudicative body regarding any matter before it relating to the Municipality.

11.4 Member shall refrain from using their positions to obtain employment with the Municipality for themselves, family members or close associates.

## **12 Use of Municipal Assets and Services**

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

a) municipal property, equipment, service, supplies and staff resources that are available to the general public may be used by a Member for personal use upon the same terms and conditions as members of the general public, including booking and payment of any applicable fees or charges;

b) electronic communication devices, including but not limited to desktop computers, laptops, tablets and smartphones, which are supplied by the Municipality to a Member. Use must be in accordance with any policy or bylaw referencing Member use of electronic devices.

## **13 Orientation and Other Training Attendance**

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

## **14. Remuneration and Expenses**

14.1 Members shall be transparent and accountable with respect to all expenditures and strictly comply with all municipal bylaws, policies and procedures regarding claims for remuneration and expenses.

## **15. Gifts and Hospitality**

15.1 Members may accept hospitality, gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation in accordance with any policy or bylaw referencing gifts and hospitality.

## **16. Election Campaigns**

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

## **17. Informal Complaint Process**

17.1 Any Member who has identified or witnessed conduct by a Member that the Member

reasonably believes, in good faith, is in contravention of this Bylaw may address the prohibited conduct by:

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

17.2 Members are encouraged to pursue this informal complaint procedure as the first means of remedying conduct that they believe violates this Bylaw. However, these individuals are not required to complete this informal complaint procedure prior to pursuing the formal complaint procedure outlined below.

## **18. Formal Complaint Process**

18.1 Any Member who has identified or witnessed conduct by a Member that the Member reasonably believes, in good faith, is in contravention of this Bylaw may file a formal complaint in accordance with the following procedure:

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



- h) a Member who is the subject of an investigation shall be afforded procedural fairness, including an opportunity to respond to the allegations before Council deliberates and makes any decision or any sanction is imposed;
- i) a Member who is the subject of an investigation is entitled to be represented by legal counsel, at the Member's sole expense.

## **19. Compliance and Enforcement**

19.1 Members shall uphold the letter and the spirit and intent of this Bylaw.

19.2 Members are expected to co-operate in every way possible in securing compliance with the application and enforcement of this Bylaw.

19.3 No Member shall:

- a) undertake any act of reprisal or threaten reprisal against a complainant or any other person for providing relevant information to Council or to any other person;
- b) obstruct Council, or any other person, in carrying out the objectives or requirements of this Bylaw.

19.4 Sanctions that may be imposed on a Member, by Council, upon a finding that the Member has breached this Bylaw may include:

- a) a letter of reprimand addressed to the Member;
- b) requesting the Member to issue a letter of apology;
- c) publication of a letter of reprimand or request for apology and the Member's response;
- d) suspension or removal of the appointment of a Member as the chief elected official under section 150(2) of the Act;
- e) suspension or removal of the appointment of a Member as the deputy chief elected official or acting chief elected official under section 152 of the Act;
- f) suspension or removal of the chief elected official's presiding duties under section 154 of the Act;
- g) suspension or removal from some or all Council committees and bodies to which Council has the right to appoint Members;
- h) reduction or suspension of remuneration as defined in section 275.1 of the Act corresponding to a reduction in duties, excluding allowances for attendance at Council meetings in accordance with Policy or bylaw referencing Council remuneration;
- i) any other sanction Council deems reasonable and appropriate in the circumstances provided that the sanction does not prevent a Member from fulfilling the legislated duties of a Member and the sanction is not contrary to the Act.

**20. Review**

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

READ a First time this 14 day of May 2018.

READ a Second time this 12 day of June 2018.

READ a Third time this 12 day of June 2018.

  
MAYOR

  
TOWN MANAGER

**TOWN OF REDWATER**  
**BYLAW 876**

---

A BYLAW OF THE TOWN OF REDWATER, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING THE PROCEEDINGS OF THE COUNCIL OF THE TOWN OF REDWATER.

WHEREAS, the *Municipal Government Act* provides that Council may make rules and regulations for calling meetings, governing its proceedings and the conduct of its members, appointing committees and generally for the transaction of business.

WHEREAS the Council of the Town of Redwater deems it necessary and expedient to make and establish rules and regulations according to which proceedings of the Council of the Corporation of the Town of Redwater shall be governed and conducted.

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

This Bylaw shall be cited as the "Procedural Bylaw" of the Town of Redwater

**1. DEFINITIONS**

- 1.1 "Acting Mayor" is the member of Council who is appointed by resolution of Council to act as Mayor in the absence or incapacity of the Mayor and Deputy Mayor;
- 1.2 "Ad Hoc Committee" means a Committee of Council, established for a specific period of time and for a specific purpose.
- 1.3 "Closed Session" is a Council Committee or Board session which is held in private pursuant to the *Municipal Government Act* and *Freedom of Information and Protection of Privacy Act* and may include any person or persons invited to attend by Council, Committee or Board members;
- 1.4 "Committee of the Whole" means a committee comprised of all councillors which conducts itself as a committee of council to discuss emerging issues, with no provision for resolutions of Council except to move in and out of closed session pursuant to the *Municipal Government Act* and the *Freedom of Information and Protection of Privacy Act*;
- 1.5 "Council" is the members of Council of the Town of Redwater elected pursuant to the provisions of the *Local Authorities Election Act*;
- 1.6 "Council Committee" means any committee, board or other body established by Council by Bylaw under the authority of the *Municipal Government Act*;
- 1.7 "Deputy Mayor" is the member of Council who is appointed pursuant to the *Municipal Government Act* to act as Mayor in the absence or incapacity of the Mayor;
- 1.8 "Mayor" is the Chief Elected Official for the Town of Redwater;
- 1.9 "Member at Large" means a member of the public appointed by Council to a Committee of Council;
- 1.10 "Presiding Officer" means the Mayor or in the absence of the Mayor, the Deputy Mayor, or in the absence of both, the Acting Mayor, or any other person so appointed to chair the meeting proceedings.
- 1.11 "Recording Secretary" means the individual recording the proceedings of the meeting.

- 1.12 “Recorded Vote” is the call, by a member, prior to the vote on a motion, for a record to be kept of the members voting for and against a motion;
- 1.13 “Special Resolution” is a resolution passed by a two-thirds majority of all Council members or two-thirds of all members of a Committee;
- 1.14 “Town” means the municipal corporation of the Town of Redwater;

## **2. APPLICATION**

- 2.1 This Bylaw shall govern the proceedings of Council and Council Committees and Boards and shall be binding upon all Council and Council Committees whether Councillors or Members-at-Large unless otherwise established by Bylaw or statute.
- 2.2 If a question relating to the procedures of Council or Council Committees is not answered by this Bylaw, the answer to the question is to be determined by referring to the most recent revision of Robert’s Rules of Order Newly Revised.
- 2.3 In the absence of any statutory obligation, any provision of the Bylaw may be waived by Special Resolution of Council in favour of dealing with the matter under consideration.
- 2.4 A resolution waiving any portion of this Bylaw as provided for in Section 2.3 shall only be effective for the meeting during which it is passed.

## **3. ORGANIZATIONAL MEETING**

- 3.1 The Council of the Town of Redwater shall hold its Organizational Meeting annually pursuant to the *Municipal Government Act*.
- 3.2 The agenda for the Organizational Meeting shall include the following:
  - 3.2.1 in the case of the first meeting following a general municipal election the Mayor must take the Oath of Office of Mayor and every Councillor must take the Oath of Office of Councillor;
  - 3.2.2 In the case of the first meeting following a general municipal election a Resolution is to be placed before Council for the appointment and election of the Deputy Mayor. This Resolution will establish that the Deputy Mayor serves at the pleasure of Council and can be removed without reason or cause by a majority vote. The selection of Deputy Mayor will be according to a rotational system whereby all Councillors are granted an opportunity to serve in that capacity;
  - 3.2.3 appoint the membership on Council Committees, Boards and Commissions;
  - 3.2.4 establish the signing authority for all banking matters;
  - 3.2.5 any such other business as is required by Council or the *Municipal Government Act* (ie: appointment of auditor, engineer or legal counsel).

#### **4. REGULAR, SPECIAL, COMMITTEE AND OTHER MEETINGS OF COUNCIL**

- 4.1 Regular meetings of Council shall be held on the first and third Tuesdays of each month in the Council Chambers of the Town Office.
- 4.2 Regular council meetings shall commence at 6:30 P.M. and stand adjourn no later than 10:00 P.M. unless Council passes a motion to extend the current meeting by unanimous consent. Such a motion must be passed no later than 9:30 P.M.
- 4.3 Public hearings shall be held on the same day as the regular meeting of Council commencing at 6:30 P.M., unless otherwise set by resolution of council, and the regular meeting of Council will follow immediately thereafter.
- 4.4 Committee of the Whole meetings shall be held on the fourth Tuesday of each month in the Council Chambers of the Town Office.
- 4.5 Committee of the Whole meetings shall commence at 6:00 P.M and stand adjourn no later than 9:00 P.M.
- 4.6 When the date of the regular meeting of Council or the Committee of the Whole meeting falls on a statutory holiday, the date of the meeting shall be on the Wednesday following, unless otherwise set by Council resolution.
- 4.7 Notice of regularly scheduled meetings need not be given.
- 4.8 As soon as there is a quorum of Council after the hour fixed for the meeting, the Presiding Officer must take the chair and begin the meeting.
- 4.9 A quorum is a majority of Council members. Council members available via teleconference or videoconference shall be considered present and part of the quorum. The Recording Secretary shall record by the name/s of the council members present via teleconference or videoconference that they, in fact, are present by telephone or videoconference. However, use of attendance by a Council member through teleconference or videoconference will only be allowed a maximum of three times per calendar year.
- 4.10 Unless a quorum is present within thirty (30) minutes after the time appointed for the meeting, the meeting will stand adjourned until the next regular meeting date or until a special meeting is called to deal with the matters intended to be dealt with at the adjourned meeting. The Recording Secretary shall record the names of the members of Council present at the expiration of the 30 minutes time limit.
- 4.11 In the event that quorum is lost after the meeting is called to order, the meeting shall be suspended until quorum is obtained. If quorum is not obtained within 30 minutes, the meeting shall stand adjourned.
- 4.12 Council may change the time, date or location of any meeting and any Committees may change the time, date or location of any of its meetings provided that in both cases at least twenty-four (24) hours' notice of the change is given:
  - 4.12.1 in writing or via telephone communication, to all Council members, and
  - 4.12.2 to members of the public by posting a notice of the change at the entrance of the Town office, on the Town's website or any other Town managed media source and in any other manner so directed by resolution of Council.
- 4.13 The Mayor may call a special meeting whenever the Mayor considers it appropriate to do so, and must call a special meeting if the Mayor receives a written request for the meeting, stating its purpose, from a majority of the councillors. The Chief Administrative Officer shall give notice to all members of Council of each special meeting as set out in Section 4.12.

- 4.14 Council may cancel any meeting and a Committee may cancel any of its meetings if notice is given as set out in Section 4.12.
- 4.15 Despite Section 4.12, the Mayor may call a Council meeting on shorter notice and without providing notice to the public provided all Council members are notified of the meeting and two-thirds of Council members give written consent to hold the meeting before the meeting begins. No business other than that stated in the notice shall be considered at any meeting described in this section unless all the members of Council are present, in which case, by unanimous consent, any other business may be transacted.
- 4.16 Members of Council who participate in any Council Committees, Boards and Commissions are required to report to the Council from time to time, all matters connected with the duties imposed on them respectively, and to recommend such action by Council in relation thereto as may be deemed necessary and expedient.
- 4.17 All meetings of Council will be held in public and no person may be excluded except for improper conduct or when Council makes a resolution to go in Closed Session.
- 4.18 Council may pass a resolution to form an Ad Hoc Committee for a specific purpose and timeframe, which may or may not include all members of Council and may include public representation.

## **5. AGENDAS**

- 5.1 The agenda orders the business for a regular Council meeting and will follow the appropriate order of business set out in Schedule "A"
- 5.2 The agenda orders of business for a Committee of the Whole meeting will follow the appropriate order of business set out in Schedule "B".
- 5.3 Notwithstanding the standard order of business, the Presiding Officer may arrange for all items dealing with a particular subject to be grouped together on the agenda of any individual meeting.
- 5.4 Prior to each regular or Committee of the Whole meeting the Chief Administrative Officer shall prepare an agenda of all business to be brought before Council at such meeting. To enable the Chief Administrative Officer to do so, all documents and notices of delegations intended to be submitted to the Council shall be placed in the hands of the Chief Administrative Officer not later than 4:00 P.M. on the Tuesday in the week before the regular Council meeting or Committee of the Whole meeting.
- 5.5 A person or a representative of any delegation or group of persons who wish to bring any matter to the attention of Council, or who wish to have any matter considered by the Council shall address a letter or other written communication to the Council outlining the subject and points they wish to discuss with Council. Such letter or communication shall be in the hands of the Chief Administrative Officer not later than 4:00 P.M. on the Tuesday in the week before the regular meeting. When a communication contains a request for an appearance to address the Council, the Council by resolution may hear the person, refer him to a Committee or, if the Council deems the matter to be urgent, deal with it at once but such person shall not speak for more than fifteen (15) minutes unless the time is extended by a majority vote of the Council. No person or group shall appear as a delegation to Council on the same or on a related subject, unless specifically requested by Council to do so.
- 5.6 When a person, or representative of a delegation or group, wishes to address the Council on a matter which is not on the agenda, the Council will defer the matter to another meeting of Council, unless it is deemed to be of an emergency nature of which council may add the delegation to the agenda, but only by Special Resolution.
- 5.7 Councillors that wish to provide a written report for inclusion in the agenda shall provide the report to the Chief Administrative Officer not later than 4:00 P.M. on the Tuesday in the week before the regular meeting.
- 5.8 The Mayor shall review the agenda with the Chief Administrative Officer prior to distribution to all members of Council.

- 5.9 The Chief Administrative Officer shall make available to each member of Council, a copy of the minutes of the last regular meeting and subsequent special meetings, a copy of the agenda and any material pertinent to the forthcoming regular meeting not later than the Friday before the holding of the said regular meeting. In addition, a statement of the year to date financial position of the Town will be provided once per month.
- 5.10 Any written communication intended for Council or a Committee which reaches the Chief Administrative Officer must:
- 5.10.1 be legible and coherent;
  - 5.10.2 provide a printed name and address and contact information on the communication;
  - 5.10.3 not be libellous, impertinent or improper.
- 5.11 If the requirements of Section 5.10 are met, the Chief Administrative Officer must:
- 5.11.1 refer the communication to the administration for a report or a direct response, and inform the members of Council through the agenda, of the referral;
  - 5.11.2 if it relates to an item already on an agenda, provide a copy of the communication to members of Council with the agenda or at the meeting;
  - 5.11.3 provide a copy of the communication or a summary of it to all members of Council with the agenda or at the meeting as information; or
  - 5.11.4 take any other appropriate action on the communication.
- 5.12 If the requirements of Section 5.10 are not met the Chief Administrative Officer may file the communication unless the Chief Administrative Officer determines the communication to be libellous, impertinent or improper, in which case the Chief Administrative Officer must summarize the communication and inform Council that it is being withheld. Council may direct the communication being withheld, to be forwarded to Council.
- 5.13 The Chief Administrative Officer must make reasonable efforts to respond to the person sending the communication and to advise that person of any action taken on the subject of the communication.

## **6. GENERAL PROCEEDINGS AT MEETINGS**

- 6.1 Council must vote to approve the agenda prior to transacting other business and may prior to the agenda approval:
- 6.1.1 add new items to the agenda but only by Special Resolution; or
  - 6.1.2 delete any matter from the agenda but only by Special Resolution for each deleted item.
- And in the case of additions or deletions to the agenda, after the additions or deletions are approved as required in 6.1.1 and 6.1.2, the agenda must be approved, as amended, prior to transacting other business.
- 6.2 The minutes of each meeting must be circulated to each member of Council prior to the meeting at which they are to be adopted. Debate on the minutes of a previous meeting is limited to ensuring that the minutes are accurate. If there are errors or omissions, Council must:
- 6.2.1 pass a resolution to amend the minutes; and
  - 6.2.2 adopt the minutes as amended and if there are no errors or omissions, Council must adopt the minutes as circulated.

- 6.3 Delegations appearing before council may be addressed by any member of Council through the Presiding Officer, by asking the delegation or the Chief Administrative Officer relevant questions but may not debate the matter or the answers. The presentations by a delegation may only be:
- 6.3.1 received as information without debate;
  - 6.3.2 referred without debate to a Committee or the Chief Administrative Officer for a report;
  - 6.3.3 debated if a Special Resolution is passed to allow a motion to be made without notice;
  - 6.3.4 limited to 15 minutes unless there is a Special Resolution to extend the allotted time.
- 6.4 An information report from a committee, agency or Administration that does not request Council action other than receipt as information may only be:
- 6.4.1 received as information without debate,
  - 6.4.2 referred to the Committee of the Whole or to the Chief Administrative Officer by majority vote without debate, or
  - 6.4.3 debated if a Special Resolution is passed to allow a motion to be made without notice.
- 6.5 Any Councillor may make a request for information to be provided to Council on any matter within the Town's jurisdiction. The Chief Administrative Officer or other management personnel will provide an answer to the inquiry at the next Council meeting or, if that is not possible will provide a progress report indicating when the answer to the inquiry may be expected.
- 6.6 Any member of Council desiring to speak shall address his remarks to the Presiding Officer, confine themselves to the question and avoid personality. Should more than one member desire to speak at the same time, the Presiding Officer shall determine who is entitled to the floor. Members of Council wishing to speak on a matter during a meeting must indicate their intention by raising their hand and any member of Council present via teleconference or videoconference, shall address the Presiding Officer by stating "I wish to speak on the matter at hand" and be recognized by the Presiding Officer. Each Council member shall not speak more than once until every member of Council has had the opportunity to speak except in the explanation of a material part of the speech which may have been misunderstood or in reply, to close debate, after everyone else wishing to speak has spoken.
- 6.7 Council need not deal with any item on the agenda if no motion is made about it.
- 6.8 Matters to be discussed pursuant to the *Municipal Government Act* and *Freedom of Information and Protection of Privacy Act* or any other statute as being confidential may be considered at a Closed Session meeting or portion of a meeting.
- 6.9 Council and Committees moving into Closed Session may, by resolution, include any person or persons in the meeting.
- 6.10 Council or any Council Committee has no power at a Closed Session to pass any Bylaw or resolution except for the resolution to revert back to an open meeting.
- 6.11 The rules of the Council shall be observed at a Closed Session as far as may be applicable.

## **7. DUTIES OF THE PRESIDING OFFICER**

- 7.1 The Presiding Officer shall preside over the conduct of the meeting, including the preservation of good order and decorum, ruling on points of order, deciding all questions of order and without argument or comment shall state the rule applicable to any point of practice or order if called upon to do so. The Presiding Officer's decision on a question of order may be appealed to Council.
- 7.2 If the Presiding Officer wishes to leave the chair for any reason, they must call on the next officer as described in Section 1.8, to preside.

## **8. DISCIPLINARY PROCEDURES**

- 8.1 Members of Council and Members at Large, shall not:
- 8.1.1 use offensive words or un-parliamentary language in the meeting or against Council, any Councillor or any other person;
  - 8.1.2 disobey the rules of the meeting or decision of the Presiding Officer or of members of Council or Members at Large on questions of order or practice; or upon the interpretation of the rules of the meeting;
  - 8.1.3 speak disrespectfully of the Sovereign, the Governor General, the Lieutenant Governor, or of Council or any other governing body in Canada;
  - 8.1.4 leave their seat or make any noise or disturbance while a vote is being taken and the result is declared;
  - 8.1.5 interrupt a member of Council or Member at Large while speaking, except to raise a point of order;
  - 8.1.6 discuss a vote of Council or Council Committees after the vote has been taken, unless to rescind;
  - 8.1.7 influence or communicate with any municipal employees except the Chief Administrative Officer or administrative personnel involved with Council Committees of which they are members; any other communication or inquiries must be through the Mayor, Deputy Mayor, Presiding Officer or Chief Administrative Officer.
- 8.2 When a Council member has been warned about breaches of order but continues to engage in them, the Presiding Officer may name the Council member by stating their name and declaring the offence. The Recording Secretary must note the offence in the minutes.
- 8.3 If a Council member who has been named apologizes and withdraws any objectionable statement, then the Council member may remain and continue participating in the meeting and the Presiding Officer may direct that the notation of the offence be removed from the minutes.
- 8.4 If the Council member fails or refuses to apologize, then that Council member must immediately leave the Council chambers and Council must vote on a motion to expel that Council member. A motion to expel must be decided without debate.
- 8.5 If a Council member who has been expelled pursuant to Section 8.4, refuses to leave the Council chambers, the Presiding Officer may request the Royal Canadian Mounted Police to remove the expelled Council member.
- 8.6 Any members of the public are not allowed to approach or to speak to any Council member during a council meeting without the Presiding Officer's permission. The Presiding Officer may order any member of the public who disturbs the proceedings of Council or a Committee meeting by words or actions, to be expelled. If the person refuses to leave voluntarily, the Presiding Officer may request the Royal Canadian Mounted Police to remove the person.

## **9. MOTIONS**

- 9.1 Every motion or resolution shall be stated clearly by the mover and when duly moved shall be open for consideration. After a motion has been stated or read, it shall be deemed to be in the possession of the Council.
- 9.2 When a motion is before the meeting and the mover wishes to withdraw or modify it, or substitute a different one in its place, and if no one objects, the Presiding Officer shall grant permission, however, if any objection is made, it is necessary to obtain leave by motion to withdraw and this motion cannot be debated or amended. Once the motion is withdrawn, the effect is the same as if it had never been made.
- 9.3 Any member of Council may require the motion under discussion to be read at any time during the debate, except when a member of Council is speaking.
- 9.4 Each member of Council or Council Committee will be limited to speak on any motion to ten (10) minutes.
- 9.5 The mover of a motion must be present when the vote on the motion is taken. Council members participating via teleconference or videoconference are deemed to be present at the meeting.
- 9.6 A motion is not required to be seconded.
- 9.7 When a motion is under debate, no motion shall be received other than a Motion to, in order of precedence:
  - 9.7.1 Fix the time for adjournment;
  - 9.7.2 Adjourn;
  - 9.7.3 Recess
  - 9.7.4 Raise a question of privilege
  - 9.7.5 Call for the orders of the day
  - 9.7.6 Withdraw;
  - 9.7.7 Table;
    - 9.7.7.1 A motion to table may be made when a member of Council wishes Council to decline to take a position on the main question. The motion is not debatable and, when passed, may be resurrected by a motion to raise from the table.
  - 9.7.8 Call the Question (that the vote must now be taken);
  - 9.7.9 Limit or extend limits of debate
  - 9.7.10 Postpone to a certain time or date;
    - 9.7.10.1 A motion to postpone to a certain time or date is debatable. Debate on the motion must be confined to its merits only, and cannot go into the main question except as necessary for debate of the immediately pending question. A motion to postpone to a certain time and date is generally used if Council would prefer to consider the main motion later in the same meeting or at another meeting.
  - 9.7.11 Refer;
    - 9.7.11.1 A motion to refer shall require direction as to the person or group to which it is being referred and is debatable. A motion to refer is generally used to send a pending question to a committee, department or selected person so that the question may be carefully investigated and put into better condition for Council to consider.

9.7.12 Amend;

- 9.7.12.1 Only one motion to amend at a time shall be presented to the main motion. When the amendment has been disposed of, another may be introduced. All amendments must relate to the matter being discussed in the main motion and shall not so substantially alter the motion as to change the basic intent or meaning of the main motion. The Presiding Officer shall rule on disputes arising from amendments.
- 9.7.12.2 The amendment shall be voted upon and, if any amendment is carried, the main motion, as amended, shall be put to the vote, unless a further amendment is proposed.
- 9.7.12.3 Nothing in this Section shall prevent other proposed amendments from being read for the information of the members of Council.

9.7.13. Postpone indefinitely;

- 9.7.13.1 A motion to postpone indefinitely must include a reason for postponement and is debatable. Debate can go into the main question. A motion of postpone Indefinitely is generally used as a method to dispose of a question without bringing it to a direct vote.
- 9.7.13.2. A motion to postpone indefinitely may only be brought back after
  - 9.7.13.2.1 more than one year from the date of postponement has passed,
  - 9.7.13.2.2 a general municipal election, or
  - 9.7.13.2.3 Special Resolution is passed allowing the motion to be brought back .

9.8 When the motion under consideration contains distinct propositions, the vote upon each proposition shall, at the request of any member of Council, be taken separately.

9.9 No motion shall be offered that is substantially the same as one on which judgment of the meetings has already been expressed during the same meeting.

9.10 Whenever the Presiding Officer or any other member of Council is of the opinion that a motion is contrary to the rules and privileges of the Council, they shall appraise the other members of Council thereof immediately, before putting the question, and shall cite the rule or authority applicable to the case without argument or comment. Whenever any matter of privilege arises, it shall be immediately taken into consideration.

9.11 Any member of Council may move that Council recess for a specific period. After the recess, business will be resumed at the point when it was interrupted. This motion may not be used to interrupt a speaker. A motion to recess may be amended only as to length of time, but neither the motion nor the amendment are debatable.

9.12 Unless otherwise specifically provided in this Bylaw, the following motions are debatable by the Council:

9.12.1 A motion arising out of any matter or thing included in the agenda for the Council meeting at which it is debated;

9.12.2 A motion to postpone or refer;

9.12.3 A motion for adoption of, rejection of, referral back or further consideration of a report to the Council, or a motion arising out of any matter dealt with in a report to the Council;

9.12.4 A motion for the second reading, or a motion for the third reading of a Bylaw;

9.12.5 A motion for the appointment or dismissal of a Committee member, or referral to a Committee of any matter before the Council;

- 9.12.6 A motion for amendment to any Bylaw properly before the Council, or to any matter arising directly out of any Bylaw properly before the Council;
- 9.12.7 Such other motion made upon routine proceedings of Council as may be necessary for conducting of the business of Council and the observance of its procedures.

## **10. NOTICE OF MOTION**

- 10.1 A member of Council may make a motion introducing a new matter only if:
  - 10.1.1 notice is given at the previous regular Council meeting;
  - 10.1.2 a legible copy of the content of the notice is made available to the Chief Administrative Officer no later than 4:00 P.M. on the Tuesday before the regular meeting; or
  - 10.1.3 Council passes a special resolution dispensing with notice.
- 10.2 A notice of motion must give sufficient detail that the subject of the motion and any proposed action can be determined and it must state the date of the meeting at which the motion will be made.
- 10.3 A notice of motion must be given without discussion of the matter, but any written copies distributed may include explanatory paragraphs.
- 10.4 When notice has been given, the Chief Administrative Officer will include the proposed motion in the agenda of the meeting for the date indicated in the notice. If a motion is not made at the meeting indicated in the notice, it will be removed from the agenda and may only be made by a new notice of motion.

## **11. VOTING**

- 11.1 A motion shall be carried when a majority of the members of Council present at a meeting vote in favour of the motion, unless otherwise specified in this Bylaw.
- 11.2 A motion is lost when the vote is tied.
- 11.3 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. If Council is unable to achieve a quorum at any meeting on an issue due to allowable abstentions, then Council must ask the Minister of Municipal Affairs for an order under the *Municipal Government Act*.
- 11.4 After the Presiding Officer finally puts any question to a vote, no member shall speak to the question nor shall any other motion be made until after the result of the vote has been declared. The decision of the Presiding Officer as to whether the question has been finally put forth shall be conclusive.
- 11.5 Votes on all motions must be taken as follows:
  - 11.5.1 Members of Council must be in their designated Council seat when the motion is put forth;
  - 11.5.2 The Presiding Officer must put forth the motion;
  - 11.5.3 All members of Council, including the Presiding Officer, must vote by a show of hands;
  - 11.5.4 The Presiding Officer must declare the result of the vote as carried or defeated.
- 11.6 Notwithstanding Section 11.5, if a member of Council is present via teleconference or videoconference, the Member of Council shall be considered to be in their designated Council seat and when the motion is put forth shall be recognized as for the motion by stating clearly "in favour" or if against the motion by stating clearly "against."
- 11.7 After the Presiding Officer declares the result of a vote, the members of Council may not change their vote for any reason.

- 11.8 Every member present, including the Presiding Officer, when a vote is called for, shall vote unless they are required or permitted to abstain from the question as provided for in the *Municipal Government Act*. If a Council Member who has heard the question refuses to vote, their name shall be recorded accordingly and they shall be deemed to have infringed this Bylaw and the *Municipal Government Act*, but the decision of the question on the other members' votes shall be valid.
- 11.9 Members of Council who have a reasonable belief that they have a pecuniary interest, as defined in the *Municipal Government Act*, in any matter before Council, any Committee of Council or any Board, Commission, Committee or Agency to which they are appointed as a representative of Council, shall if present, declare and disclose the general nature of the pecuniary interest prior to any discussion of the matter, abstain from discussions or voting on any question relating to the matter and shall remove themselves from the room until the matter is concluded unless the councillor is entitled to be heard by Council as a tax payer, an elector or an owner of property in accordance with the *Municipal Government Act*. The minutes shall indicate the declaration of disclosure, the time at which the member of Council left the room and the time the member of council returned.
- 11.10 Before Council takes a vote, a member of Council may request that the vote be recorded. When a member of Council requests a recorded vote, all members of Council present, unless required or permitted to abstain from voting, shall vote as the Presiding Officer calls for those in favour and against. The Recording Secretary shall, whenever a recorded vote is requested by a member of Council, record in the minutes the names of each member of Council present and whether the member of Council voted for or against the matter and the Presiding Officer shall announce the results of the vote.

## **12. BYLAWS**

- 12.1 Where a Bylaw is presented to a Council meeting for enactments, the Chief Administrative Officer shall cause the number and short title to appear on the agenda.
- 12.2 The following shall apply to the passage of all Bylaws:
- 12.2.1 A Bylaw shall be introduced for first reading by a motion that it be read a first time specifying the number of the Bylaw;
  - 12.2.2 After a motion for first reading of the Bylaw has been presented, members of Council may debate the substance of the Bylaw and propose and consider amendments to the Bylaw;
  - 12.2.3 Any proposed amendments shall be put to a vote if required, and if carried, shall be considered as having been incorporated into the Bylaw at first reading;
  - 12.2.4 When all amendments have been accepted or rejected, the Presiding Officer shall call for a vote on the motion for first reading of the Bylaw;
  - 12.2.5 When a Bylaw is subject to a statutory public hearing, a public hearing shall be held before second reading of the bylaw.
- 12.3 Three Readings
- 12.3.1 A Bylaw shall not be given more than two readings at one meeting unless the members of Council present at the meeting unanimously agree that the Bylaw may be presented for third reading at the same meeting at which it received two readings;
  - 12.3.2 A Bylaw shall be passed when a majority of the members of Council present vote in favour of third reading, provided that any applicable provincial statute does not require a greater majority.
- 12.4 When a Bylaw has been given three readings and is signed in accordance with the *Municipal Government Act*, it is considered an enactment of the Town and is effective immediately, unless the Bylaw or an applicable provincial statute provides otherwise.

- 12.5 The previous readings of a proposed Bylaw are rescinded if the proposed Bylaw does not receive third reading within two years of first reading or is defeated on second or third reading.
- 12.6 After passage, a Bylaw shall be signed by the Mayor or in the absence of the Mayor, the Deputy Mayor or in the absence of both, the Acting Mayor and the Chief Administrative Officer or in their absence the Corporate Services Manager and shall be impressed with the corporate seal of the Town.

### **13. PUBLIC HEARINGS**

- 13.1 The conduct of any statutory public hearing shall be governed by this Bylaw.
- 13.2 Wherever possible, persons interested in speaking at a public hearing should register with the Chief Administrative Officer prior to the public hearing.
- 13.3 The Presiding Officer shall declare the public hearing in session and shall outline public hearing procedures.
- 13.4 The Chief Administrative Officer or their designate, shall introduce the resolution or Bylaw and shall briefly state the intended purpose. Department presentations shall follow the introduction of the Bylaw or resolution.
- 13.5 The Presiding Officer shall request those who wish to make presentations to identify themselves. The Presiding Officer shall then open the floor to public presentations.
- 13.6 The Presiding Officer shall call upon those persons who have registered with the Chief Administrative Officer to speak first, followed by other persons at the meeting who have not registered to speak, but who wish to address Council. A person who does not identify themselves will not be given the opportunity to speak.
- 13.7 Presentations by the public may be made verbally. Written submissions, if available, shall be collected by the Chief Administrative Officer and retained for information purposes.
- 13.8 Verbal presentation shall be limited to ten (10) minutes unless there is a majority vote by Council to extend the allotted time.
- 13.9 Following public presentations, the Presiding Officer shall close the public hearing.
- 13.10 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 the Chief Administrative Officer or their designate, ask relevant questions, and then the Presiding Officer shall close the public hearing.
- 13.11 After the close of the public hearing, Council may debate matters raised at the public hearing during the regular Council meeting following the public hearing, or at the next scheduled meeting if the public hearing is not held during a regular scheduled council meeting, and may:
- 13.11.1 pass the Bylaw or resolution, or
  - 13.11.2 make any necessary amendments to the Bylaw or resolution and pass it without further advertisement or hearing.
- 13.12 When a public hearing on a proposed Bylaw or resolution is held, a member of Council:
- 13.12.1 must abstain from voting on the Bylaw or resolution if the member of Council was absent from all the public hearing, and
  - 13.12.2 may abstain from voting on the Bylaw or resolution if the member of Council was only absent from a part of the public hearing.

## 14. APPEAL RULING

- 14.1 The decision of the Presiding Officer shall be final, subject to an immediate appeal by a member of Council of the meeting. If the decision is appealed, the Presiding Officer shall give concise reasons for their ruling and the members of Council, shall decide the question. The ruling of the members of Council shall be final.

## 15. RECORD OF PROCEEDINGS

- 15.1 The Recording Secretary must prepare all Council and Committee minutes which will include:
- 15.1.1 all decisions and other proceedings;
  - 15.1.2 the names of the Council members present at and absent from the meeting;
  - 15.1.3 any abstention pursuant to a declaration of pecuniary interest made under the *Municipal Government Act* by any Council member and any other abstention permitted by statute; and
  - 15.1.4 the signatures of the Presiding Officer and the Chief Administrative Officer or their designate.

## 16. GENERAL

- 16.1 Bylaw 800 and Bylaw 814 are hereby repealed.
- 16.2 It is the intention of the Town Council that each separate provision of this bylaw shall be deemed independent of all other provisions, and it is further the intention of the Town Council that if any provision of this bylaw be declared invalid, that provision shall be deemed to be severed and all other provisions of the Bylaw shall remain in force and effect.

This Bylaw shall come into full force and effect upon the day it receives third and final reading by Council.

READ A FIRST TIME this 5<sup>th</sup> day of November, 2019.

READ A SECOND TIME this 7<sup>th</sup> day of January, 2020.

READ A THIRD TIME AND FINALLY PASSED this 7<sup>th</sup> day of January, 2020.

  
MAYOR

  
TOWN MANAGER

## Schedule A

### Council Regular Meeting Agenda

1. Call to Order
2. Public Hearing
3. Additions/Deletions to the Agenda
4. Approval of Agenda
5. Delegations
6. Adoption of Minutes
7. Business Arising Out of the Minutes and Unfinished Business
8. Bylaws
9. New Business
10. Reports
  - 10.1 Council
  - 10.2 Chief Administrative Officer
  - 10.3 Community Services
  - 10.4 Corporate Services
  - 10.5 Public Works
  - 10.6 Others
11. Correspondence & Information Items
12. Closed Session Items
13. Adjournment

## **Schedule B**

### **Committee of the Whole Meeting Agenda**

1. Call to Order
2. Additions/Deletions to the Agenda
3. Approval of Agenda
4. Unfinished Business
5. New Business
6. Reports
  - 6.1 Chief Administrative Officer
  - 6.2 Community Services
  - 6.3 Corporate Services
  - 6.4 Public Works
7. Closed Session Items
8. Adjournment