



The Village of
Nampa
A Place Close To The Heart

VILLAGE OF NAMPA

NOMINATION PACKAGE

**FOR MUNICIPAL COUNCILLOR GENERAL
ELECTION
2025**

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*This package is for information only and has no legislative sanction.
Relevant statutes, regulations, and bylaws should be consulted in their entirety.*

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INTRODUCTION

ELECTED POSITIONS

Village of Nampa's electoral structure consists of five local Councillors.

INFORMATION SOURCES

This information package has been assembled for your assistance; however, it is not inclusive of all the information contained within the specific Acts and other legislation. A copy of the *Local Authorities Election Act (LAEA)* is included in this package. Any person wanting a complete copy of the *Municipal Government Act (MGA)* may purchase one from Alberta King's Printer:

5th Floor, Park Plaza
10611-98th Avenue
Edmonton, AB
T5K2P7
Phone: 780-4274952
Fax: (780) 452-0668

The *Municipal Government Act* is also available for viewing online, https://kingsprinter.alberta.ca/1266.cfm?page=m26.cfm&leg_type=Acts&isbncln=9780779849215 or in person at the Village of Nampa Office Building.

RETURNING OFFICER

A Returning Officer is a person appointed for the purpose of conducting an election under the *Local Authorities Election Act*. If you require additional information regarding the election, please contact the Returning Officer.

Cathy Armstrong, Returning
Officer Phone: (780) 322-3852
Email: cao@nampa.ca

ADDITIONAL RESOURCES For an overview of the 2025 municipal election and post-election responsibilities for



Candidate Information

PURPOSES, POWERS, AND CAPACITY OF MUNICIPALITIES

The Canadian Constitution delegates responsibility for municipal institutions to the provinces. The Province of Alberta provides the structure for local governments by statute with the *Municipal Government Act* establishing the primary set of rules under which municipalities operate. The purposes, powers, and capacity of municipalities as stated in Section 3 of the *Municipal Government Act* are as follows:

- (3)** The purposes of a municipality are:
- (a) to provide good government;
 - (a.1) to foster the well-being of the environment;
 - (a.2) to foster the economic development of the municipality
 - (b) to provide services, facilities or other things that, in the opinion of council, are necessary or desirable for all or part of the municipality; and
 - (c) to develop and maintain safe and viable communities.
 - (d) To work collaboratively with neighbouring municipalities to plan, deliver and fund intermunicipal services.

Councillors' principal roles in the municipal organization and their general duties are stated in Section 201 of the *Municipal Government Act* and are as follows:

- (201)** (1) A Council is responsible for:
- (a) developing and evaluating the policies and programs of the municipality;
 - (b) repealed 2015 c8 s20;
 - (c) carrying out the powers, duties, and functions expressly given to it under the *Municipal Government Act* or any other enactment.
- (2) A Council must not exercise a power or function or perform a duty that is by the *Municipal Government Act* or another enactment or bylaw specifically assigned to the Chief Administrative Officer or a designated officer.

UNDERSTANDING THE POSITION

Do You Understand the Position?

As a member of Council, you will have the opportunity to significantly influence the future of your community. Your influence as a member of Council depends on your ability to collaborate and persuade other members of Council to adopt your ideas. **All decisions must be made at meetings, held in public, at which a quorum is present.**

As an individual member of Council, you cannot unilaterally direct municipal staff or commit the municipality to any expenditures. Promises you make as part of your election campaign that involves municipal expenditures or the activities of employees must be approved by a majority if Council votes to take effect. All decisions must comply with the MGA.

Are You Familiar with Local Legislation?

Local legislation is in the form of bylaws. Generally, these remain in effect until they are amended or repealed, so you will not be starting with a blank slate and creating your ideal municipality from scratch. If you are running for office with some kind of reform in mind, you will have to become familiar with what exists, how it has been created, and why it exists before you will be able to start discussing your changes.

Before proposing changes, familiarize yourself with:

- **The Land Use Bylaw**
- **The Municipal Development Plan**
- **The council Meeting Procedural Bylaw**
-

Do You Know How the Municipality is Administered?

As a member of Council, it will be your duty to establish policy for the Village. It is the job of the Administration to implement the policy. Village of Nampa has staff who will provide support, advice, and assistance to Council. Their training, experience, will be a valuable resource in understanding existing systems and making informed decisions.

What Other Information Should You Have?

The best way to find out what the job is all about is to read through Council agendas and minutes, available for viewing at the Village office and posted on our website at www.nampa.ca. Council meetings are generally held the third Tuesdays of each month starting at 7:00 p.m. in Council Chambers at the Village of Nampa Office Building.

BEFORE YOU FILE

Before you file a nomination paper, you should consider the following:

Are You Qualified?

To become a candidate, you:

- (1) must be at least **18 years of age** on nomination day;
- (2) must be a **Canadian citizen**;
- (3) for position of Councillor, must have been a resident of the electoral division of The

- Village of Nampa for the **six months** preceding nomination day; and
- (4) are not otherwise ineligible or disqualified

Eligibility Restrictions

You cannot run for Council:

- (1) If you are the auditor of the municipality;
- (2) If you are an employee, unless granted a leave of absence;
- (3) If you owe property taxes exceeding \$50 in arrears or you are in default, for more than 90 days, on any other debt in excess of \$500 to the municipality;
- (4) If, within the previous 10 years, you have been convicted of an offence under the *Local Authorities Election Act*, the *Election Act*, or the *Canada Elections Act*.

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

Further information regarding ineligibility is noted in Sections 22 and 23 of the *Local Authorities Election Act*.

ROLES AND RESPONSIBILITIES OF OFFICIALS IN A LOCAL GOVERNMENT

The term of office is four (4) years.

The Village of Nampa's electoral structure consists of five (5) councillors, including the Mayor who is elected by Council annually at Council's Organization Meeting.

Council roles and responsibilities

The Council is the governing body of the municipal corporation. The *Municipal Government Act* provides that Council can exercise the powers of the municipal corporation only by bylaw or resolution.

The Councillors

Pursuant to Section 153 of the *Municipal Government Act*, 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;
 - (e) To maintain confidentially on matters discussed in private at a council or council committee meeting until disclosed in public;
(e.1) to adhere to the Council Code of Conduct established under section 146.1(1) of the MGA;
 - (f) To perform any other duty or function imposed on councillors by the *Municipal Government Act* or any other enactment or by the council.

The Chief Elected Official (the Mayor)

In addition to performing the duties of a Councillor, the Mayor has specific responsibilities including:

- Chairing Council Meetings
- Acting as the primary spokesperson for the Village, unless delegated otherwise
- Seeking consensus among Council members
- Serving as an ex officio member on various boards and committees
- Representative the Village ceremonial duties
- Liaison with other levels of government

The Mayor must also perform any other duties required by the *Municipal Government Act* or any other legislation

The Deputy Mayor will assume these responsibilities when the Mayor is not available.

The Role of the Municipality

A Councillor is elected to consider the interests of the entire municipality and must prioritize municipal interest over those in the community or personal connections. Councillors must ensure that decisions are free from personal gain and do not advantage themselves, their immediate family, or friends. Decisions should be beneficial to the municipality.

Chief Administrative Officer (CAO)

Every Council must establish, bylaw, the position of Chief Administrative Officer (CAO). The CAO is the administrative head of the municipality and is responsible for:

- Implementing the policies and programs established by Council
- Advising and informing Council on the operation of the municipality
- Ensuring appropriate staffing is in place

Councillors focus on policy making and program monitoring while avoiding involvement in day-to-day administration. Collaboration with the CAO ensures informed decision-making and effective governance.

TIME COMMITMENT

The role of Councillor demands significant time and dedication. During your four-year term of

office you will be required to attend:

- **Regular meetings of Council**, which are normally held on the third Tuesday of each month, commencing at 7:00 p.m., and usually last one - two hours. In preparation for these meetings, an agenda is prepared and sent to each Councillor prior to the next Council meeting to allow time for reading and reviewing the material
- **Meetings of other committees, boards, commissions, and agencies** to which you are appointed as Village of Nampa representative. Meeting times for these committees, boards, commissions, and agencies vary from annual, quarterly, monthly, or on an ad-hoc basis, and the time commitment varies depending on the committee
- Conferences, conventions, seminars, and workshops for training and discussion
- Social and other events promoting the Village of Nampa.

You will also need to spend time reading material and talking with residents, the Village CAO, and others. This will all be part of the necessary preparation for meetings so that you can make informed decisions.

MANDATORY COUNCILLOR TRAINING (NEW FOR 2025)

As per the *Municipal Government Act*, section 201.1, all Councillors must attend mandatory orientation training before or on the day of the first organizational meeting following a general election. The training will cover:

- The role of municipalities in Alberta;
- Municipal organization and function;
- Roles and responsibilities of Council and Councillors;
- The Municipalities code of conduct;
- Roles and responsibilities of the Chief Administrative Officer and staff;

Scheduled Date: October 29, 2025 (Location to be determined)

Additional mandatory training and attendance on topics such as municipal plans, policies, budgeting, financial administration, and public participation will occur before or on the same day as the first regular Council meeting, with a possible extension of up to 90 days. **The date and location for this training is still to be determined.**

COUNCIL REMUNERATION AND BENEFITS

Council Remuneration is governed through Village of Nampa Policy Travel and Subsistence, and Honorarium for Council and Board Appointments, which are included in this package.

COUNCIL COMMITTEES

The following are committees that Councillors may be appointed to:

- Economic-Tourism Development Committee
- Family & Community Support Services (FCSS)
- Mackenzie Municipal Services Agency (MMSA)

- Mighty Peace Tourist Association
- Municipal Planning Commission (MPC)
- Nampa & District Agricultural Society
- Nampa & District Daycare Society
- Nampa & District Historical Society
- Nampa Golden Pioneers
- Nampa Municipal Library Board
- NEW Water Ltd.
- North Peace Housing Foundation
- Northern Alberta Elected Leaders
- NSC/VON Intermunicipal Development Plan
- Peace Library System (PLS)
- Peace Region Economic Development Alliance (PREDA)
- Peace Regional Health Care Attraction and Retention Committee
- Peace Regional Subdivision & Development Board
- Peace Regional Waste Management Company (PRWMC)
- RCMP Community Advisory Committee
- Regional Assessment Review Board

NOMINATION PROCESS

Filing Your Nomination

To file your nomination, complete **Form 4 – Nomination Paper and Candidate’s Acceptance**, enclosed in this package. The Form must be signed by five people eligible to vote in the election. Additionally, Form 4 – Nomination Paper and Candidates Acceptance must be submitted with **Form 5 – Candidate Financial Information** for the nomination process to be complete.

Important:

Only individuals eligible to vote in an election may sign nomination papers. A person is eligible to vote in a election held pursuant to the *Local Authorities Election Act* if the person:

- (1) is at least 18 years of age
- (2) is a Canadian citizen; and
- (3) resides in Alberta and the persons place of residence is located in the Village of Nampa on election day.

For each elector, signing the form, the person’s name address (legal civic address of the residence of the elector), and signature must be included.

To ensure validity of the nomination paper, it is recommended to collect more than the required five signatures.

The nomination form requires you to swear an affidavit confirming that you are eligible for nomination,

that you are not disqualified from office, and that you will accept the office if you are elected.

Nomination Period and Nomination Day

- **Nomination Period is Wednesday January 1, 2025 until September 22, 2025**
- **Nomination Day is Monday September 22, 2025 until 12 p.m. noon sharp.**

The completed Forms 4 – Nomination Paper and Candidates acceptance and Form 5 – Candidate Financial Information is to be filed together with the Returning Officer during the Nomination Period. Submissions are accepted:

- Monday – Friday from 8:30 a.m. – 4:30 p.m. at the Village of Nampa Office Building, located at 9902 102 Avenue.
- Nomination Day **until 12 p.m. noon sharp**

If you need a Commissioner of Oaths to sign your Form, please note Village of Nampa’s CAO can sign. Alternatively, you can have the form signed by a Commissioner of Oaths elsewhere before you file your forms in person.

Nominations submitted by fax or e-mail WILL NOT be accepted.

Examination of Nomination Papers

After nominations have been closed on Nomination Day, Section 34(3) of the *Local Authorities Election Act* states:

- At any time after 12 noon on nomination day until the term of the office to which the filed nomination papers relate has expired, a person may request to examine the filed nomination papers during regular business hours and in the presence of the returning officer, deputy, or secretary.

Withdrawing of Nomination

Section 32 of the *Local Authorities Election Act* states that:

- (1) A person nominated as a candidate may withdraw as a candidate at any time during the nomination period.
- (2) Subject to subsection (3), at any time within 24 hours after the close of the nomination period, if more than the required number of candidates for any particular office are nominated, any person so nominated may withdraw as a candidate for the office for which the candidate was nominated by filing with the Returning Officer a withdrawal in writing.

Insufficient Nominations

- Section 31 of the *Local Authorities Election Act* states that, if the number of nominations filed is less than the number of vacancies, the returning officer will be available the next day (and for up to six business days) from 10 a.m. until 12 p.m. noon to receive further nominations.
- If, by noon on any of the days, the number of candidates nominated equals the number of vacancies, nominations will be closed and the returning officer will declare the

candidates elected by acclamation. That means the candidates are elected without the necessity of actually holding an election.

- If more than sufficient nominations are received by noon on any of the days, nominations will be closed and the election will be held as originally planned.

No Late Nominations

The Returning Officer cannot accept nominations after noon on Nomination Day.

Ensure that your nomination papers are filed on time - Monday, September 22, 2025, between 10 am and 12 p.m. noon sharp.

CANDIDATE INELIGIBILITY

Section 22 of the *Local Authorities Election Act* outlines conditions that disqualify individuals from being nominated as candidates.

Ineligibility for Nominations

- A person is not eligible to be nominated as a candidate, if on Nomination Day the following apply:
 - The person is a auditor of the municipality
 - Is an employee of the municipality, unless the person take a leave of absence.
- In debt to the municipality exceeding \$50, which excludes:
 - (i) debt for current taxes, and
 - (ii) overdue taxes that have been entered into a payment agreement with the municipality, and the person is not in default of the payment agreement
- In debt to the municipality for \$500 or more and in default for more than 90 days
- The person, within the last 10 years has been convicted of an offense under this Act, the *Elections Act*, the *Elections Finances and Contributions Disclosure Act*, or the *Canada Elections Act*.
- The person is employed by the Office of the Ombudsman, unless the person takes a leave of absence.
- If there is a report from the municipality regarding a candidate's failure to file a disclosure statement of contributions and expenses.
- The person uses or expends a contribution after the written notice for contributions and expenses has been given to the municipality.

Other Ineligibilities

- A person is not eligible to be nominated for more than one office of the same municipality
- A member who is in office on a municipality is not eligible to be nominated or elected to the same or any other office of the elected municipality, unless:
 - unless the member's term of office is expiring, or
 - if the member's term of office is not expiring, the member has resigned that office effective 18 days or more before nomination day.

For the complete legislation, please review Sections 22 and 23 from the *Local Authorities Elections Act*, which is part of this package.

DISQUALIFICATION OF COUNCILLORS

Reasons for Disqualification

The *Municipal Government Act* outlines the reasons that a Councillor may be disqualified. A Councillor is disqualified from council if

- When the Councillor was nominated, the Councillor was not eligible for nomination as a candidate under the *Local Authorities Election Act*.
- The Councillor ceases to be eligible for nomination as a candidate under the *Local Authorities Election Act*;
- The Councillor fails to file a disclosure statement of contributions and expenses on time.
- The Councillor has not been relieved of the obligation to file the disclosure statement by a court order.
- The Councillor becomes a judge, member of the Senate, House of Commons of Canada, or Legislative Assembly of Alberta.
- The Councillor is absent from all regular meetings held during any consecutive 60-day period that starts from the first meeting missed, unless:
 - o The Councillor is convicted of an offence that is punishable by imprisonment for 5 or more years, or under sections 123, 124 or 125 of the *Criminal Code* (Canada).
- The Councillor does not vote on a matter at a Council meeting that they are present at, unless the Councillor is required or permitted to abstain from voting.
- The Councillor contravenes Section 172 and 173 of the MGA pertaining to pecuniary interest.
- The Councillor becomes an employee of the municipality.
A councillor is not disqualified by being absent from regular council meetings if:
 - The absence is authorized by a Council resolution passed at any time before the end of the last regular Council meeting in the 60-day period, or
 - If there are no regular Council meetings during the 60-day period before the end of the next regular Council meeting, or
 - The absence is in accordance with the Council Procedural Bylaw.
- A Councillor is not considered to be absent from a Council meeting if they are away on Council business at the direction of Council.
- A Councillor disqualified is eligible to be elected at the next general election of the municipality if the person is eligible for nomination under the *Local Authorities Elections Act*.

For the complete legislation, please review Section 174 of the *Municipal Government Act*

Monday, October 20, 2025

**Each voting station will be open promptly at
10 a.m. and will be kept open continuously until
8 p.m.**

Election Process

All ballot boxes are kept in the control of the Deputy Returning Officer in each voting station until the closing of the vote. The ballot boxes are sealed after the ballots are counted. The Returning Officer must store them sealed, in a protected area, until the time when the ballot boxes and contents may be destroyed (unless otherwise ordered by a judge) 6 weeks from the day of voting.

Unofficial results may be made available following the counting of the ballots. The official results will be announced at noon on the fourth day after the election - Friday, October 24, 2025.

The voting station will be in the Village Office Council Chambers located in Nampa Regional Civic Center 9902 102 Avenue.

ELIGIBILITY TO VOTE

Excerpts from Section 47 the *Local Authorities Election Act*:

(1) A person is eligible to vote in an election held pursuant to this Act if the person

- (a) is at least 18 years old,
- (b) is a Canadian citizen, and
- (c) has resided in Alberta and the person's place of residence is located in the local jurisdiction on election day.

(2) ...an elector is eligible to vote only at the voting station for the voting subdivision in which the elector's place of residence is located on Election Day.

NOTE: "Area" in Section 47(1)(c) above means the area within the boundaries of the local jurisdiction, where the person's residence is located.

RULES OF RESIDENCE

Excerpts from Section 48 of the *Local Authorities Election Act*:

(1) For the purposes of this Act, the place of residence is governed by the following rules:

(a) a person may be a resident of only one place at a time for the purposes of voting under this Act;

(a.1) if a person has more than one residence in Alberta, that person shall, in accordance with subsection (1.1), designate one place of residence as the person's place of

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

(1.1) For the purposes of subsection (1)(a.1), a person shall designate the person's place of residence in accordance with the following factors in the following order of priority:

- (a) the address shown on the person's driver's licence or motor vehicle operator's licence issued by or on behalf of the Government of Alberta or an identification card issued by or on behalf of the Government of Alberta;
- (b) the address to which the person's income tax correspondence is addressed and delivered;
- (c) the address to which the person's mail is addressed and delivered.

****New for 2025****

PERMANENT ELECTORS REGISTER

Excerpts from Section 49 of the Local Authorities Elections Act:

- (1)** Subject to this section, a municipality must prepare a permanent electors register of residents in the municipality who are eligible to vote that is compiled and revised primarily using information received from the Chief Electoral Officer.
- (2)** A municipality may use any other information obtained by or available to the municipality to supplement the information received under subsection (1) in compiling and revising a permanent electors register.
- (2.1)** A municipality must enter in the permanent electors register any information referred to in subsection (5) that is collected under this Act during an election.
- (2.2)** A person may be added to the permanent electors register when the municipality has the information with respect to that person that is referred to in subsection (4)(a), (b) and (e).
- (2.3)** Notwithstanding this section, a summer village may, but is not required to, prepare a permanent electors register and enter into an agreement with the Chief Electoral Officer for the purposes of this section.
- (3)** The permanent electors register may be compiled or revised manually or by means of any computer-based system and may be kept in printed form or may be stored in any computer based system or any other information storage device that is capable of reproducing any required information in legible printed form within a reasonable time.

(4) The permanent electors register may contain only the following information about persons ordinarily resident in the municipality who are electors or may be eligible to be electors:

(a) the residential address, including the postal code of the residence of the person, and the mailing address, including the postal code, if the mailing address is different from the residential address,

(b) the surname, given name and middle initial of the person,

(c) the residential telephone number of the person,

(d) the gender of the person,

(e) the day, month and year of birth of the person, and

(f) repealed 2018 c23 s20,

(g) whether the person is a public-school resident or a separate school resident.

(5) The information referred to in subsection (4)(d) and (e) obtained under this Act may be used only to verify the identification of an elector when compiling or revising the permanent electors register.

(6) Persons are entitled to have access to information in the permanent electors register about themselves or about another person on whose behalf they are authorized to act, to determine whether the information is correct.

(7) No candidate, official agent or scrutineer shall take a photograph or make a copy of the permanent electors register.

ELECTOR IDENTIFICATION REQUIREMENTS

Excerpts from Section 53 of the *Local Authorities Election Act*:

- (1) Every person who attends at a voting station for the purpose of voting must be permitted to vote if:
- (a) the person
 - (i) Is named on the permanent electors register, and
 - (ii) Produces one piece of identification issued by a Canadian government, whether federal, provincial or local, or an agency of that government, that contains a photograph of the person

OR

- (b) the person
 - (i) makes a statement in that the person is eligible to vote as an elector in the presence of an officer at the voting station, in the prescribed form, and
 - (ii) repealed 2024 c11 s1 (25).
 - (iii) Validates the person's identity and address of the person's residence in accordance with subsection (3).
- (2) A statement referred to in subsection (1)(b)(i) must include the address of the person's residence.
- (3) A person may validate the person's identity and the address of the person's residence for the purpose of subsection (1)(b)(ii)

Electors who are not on the permanent electors register wishing to vote in the 2025 municipal election, in addition to making the statements (Form 8 Voting Register), will be required to produce a valid government-issued identification containing the elector's photograph, current address (where the voter lives & sleeps) and full surname and given name. This includes an Operator's (Drivers) License or an Alberta Identification Card.

If the Elector is unable to produce government-issued identification, the elector must produce one piece of identification that establishes the elector's current address (where the voter lives and sleeps).

Please see the Voter Identification Requirements included in this package.

CAMPAIGN INFORMATION

Excerpts from Section 148 of the *Local Authorities Election Act*:

- (5) No person shall print or distribute or cause to be printed or distributed in any advertisement, handbill, placard, poster, circular, pamphlet, newspaper or other paper a form of ballot printed by the returning officer, indicating or showing it to be marked for any candidate or candidates.
- (6) Notwithstanding anything in this section, the returning officer may at any time after

nomination day cause a facsimile of the ballot for chief elected official, member of an elected authority, bylaw or question to be published as often as the returning officer considers necessary in a newspaper circulating in the area, for the information of the electors.

- (7) A person who contravenes subsection... (5) is guilty of an offence and liable to a fine of not more than \$10,000 or to imprisonment for not more than 6 months or to both fine and imprisonment.

PLACEMENT OF CAMPAIGN LITERATURE (ELECTION SIGNS)

Under the regulations passed pursuant to the *Safety Codes Act Electrical & Communication Utility System* of the Province of Alberta, electrical utility poles and structures shall be kept free of all materials not required for the system. Action may be taken against candidates or their agents who deface utility poles with election campaign literature.

Signs may be placed on private property with the permission of the landowner.

Candidates are responsible to ensure that all advertising be promptly removed from both public and private property immediately following the election (within 3 days).

ADVERTISEMENT DISTRIBUTION

On Election Day – It is an offence to canvass or solicit votes in or immediately adjacent to a voting station. It is also an offence to display or distribute campaign materials inside or on the outside of a voting station.

No campaign signs are allowed on the properties where the voting stations are located.

Excerpts from Section 152 of the *Local Authorities Election Act*:

- (1) Subject to subsection (2), a person who, on Election Day,
- (a) displays inside or on the outside of a building used for a voting station, or
 - (b) distributes within a building used for a voting station or within the boundaries of the land on which a building used for a voting station is located, station an advertisement, handbill, placard, poster, circular, pamphlet, newspaper or other paper except those posted by the deputy in accordance with this Act is guilty of an offence and liable to a fine of not more than \$500.00
- (2) When a voting station located in a building containing a complex of interlocking offices, stores or other facilities, the prohibition in subsequence (1) applies only to the store, office or facility comprising the area used as a voting station.
- (3) Repealed 2018 c23 s53
- (4) Where a person displays an advertisement, handbill, placard, poster, circular, pamphlet, newspaper or other paper contrary to subsection (1), the deputy may cause it to be removed, and neither the deputy nor any person acting under the deputy's instructions is liable for trespass or damages resulting from or caused by the removal.

INTERFERENCE WITH POSTED DOCUMENTS

Excerpts from Section 153 of the *Local Authorities Election Act*:

A person who, without authorization, takes down, covers up, mutilates, defaces or alters any notice or other document required to be posted under this Act is guilty of an offence and liable

- (a) if the person is an officer, to a fine of not more than \$1,000, and
- (b) in any other case, to a fine of not more than \$200.

****NEW FOR 2025****

CAMPAIGN CONTRIBUTIONS- NOTICE REQUIRES RE: CONTRIBUTIONS AND EXPENSES

As per section 147.22 of the *Local Authorities Election Act*

147.22(1) No individual and no person acting for the individual shall accept a contribution or incur a campaign expense unless the individual has given written notice in accordance with this section. **A Notice of Intent form has been included in this package.**

(2) An individual who intends to be nominated or has been nominated to run for election in a local jurisdiction as a candidate must give written notice to the local jurisdiction in which the individual intends to be or has been nominated.

(3) A written notice under subsection (2) must include, in respect of the individual's candidacy,

- (a) the full name, address and contact information of the individual,
- (b) the address of the place or places where records of the individual are maintained and of the place to which communications may be addressed,
- (c) the names and addresses of the financial institutions to be used by or on behalf of the individual as depositories for campaign contributions made to that individual, and
- (d) the names of the signing authorities for each depository referred to in clause (c).

(4) No candidate and no person acting for a candidate shall accept a contribution in respect of an election outside the campaign period for that election.

The Village of Nampa is required by legislation to keep a register of candidates that have given notice under section 147.22 and make it publicly available on the Village website.

CAMPAIGN CONTRIBUTIONS – DISCLOSURE REQUIREMENTS

Candidates participating in municipal elections are required to comply with disclosure requirements. A campaign disclosure statement must be filed with the Village of Nampa on or before March 1 of each year if contributions were received in the previous year. This includes self-funded campaigns.

The campaign disclosure statement is filed on a prescribed form that includes information about campaign contributions received, other sources of funding, campaign expenditures, and the campaign surplus or deficit. Where the campaign was for a by-election, the statement must be filed within 120 days after the by-election.

Part 5.1 of the Municipal Election Finance and Contribution Disclosure, of the *Local Authorities Election Act*, lists the requirements in relation to campaign contributions.

Key Legislative Requirements:

- Limitations and restrictions are placed on the campaign contributions that may be made by the candidate and any other person, corporation, trade union, or employee organization.
- Candidates are required to make an accounting for all funds received, which includes opening a separate bank account for campaign contributions once a certain dollar level is reached.
- Candidates are required to file a disclosure statement that includes information regarding the campaign contributions received and a list of campaign expenses.
- Requirements on how surplus campaign funds are to be disposed of.

A candidate who incurs a deficit in campaign finances must clear that deficit and file an amended disclosure statement showing funds received to eliminate the deficit.

It is recommended that all candidates refer to Part 5.1 (Section 147.1 to 147.92) of the *Local Authorities Election Act* to ensure proper process if being following in regard to campaign contributions.

ALLOWABLE CAMPAIGN EXPENSES

The payment of the following expenses (related to the campaign) is not considered a contravention of the legislation:

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

CAMPAIGN CONTRIBUTIONS

A candidate must open a bank account in their own name or the name of the campaign as soon as possible after the amount of contributions exceeds **\$1,000** in aggregate or the amount of contributions and any of the candidate's own funds exceeds **\$1,000** in aggregate.

All contributions must be deposited in that account, and the money is to be used only for campaign expenses. Contributions of real and personal property and services have a value. Receipts must be issued for every contribution and obtained for every expense. Records of all contributions and expenses are to be kept for at least 3 years.

Any anonymous or ineligible contributions received in excess of \$50.00 must be returned to the contributor immediately or paid to the municipality.

CANDIDATES' OFFICIAL AGENT

A candidate may, when filing his/her nomination papers, appoint an elector to be his/her official agent.

Excerpts from Section 68.1 of the *Local Authorities Election Act*:

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

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

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

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

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

NOTE: Appointment of the Candidate's Official Agent is accomplished by filling in the necessary information on the candidate's Nomination Paper (included in this package).

CANDIDATES' SCRUTINEERS

A candidate may, by written notice to the presiding deputy, appoint one scrutineer to represent him/her at each voting station. The scrutineer shall be at least 18 years of age. The scrutineer shall subscribe a Statement in the prescribed Form 16 – Statement of Scrutineer or Official Agent before a presiding deputy at the voting station.

If a candidate would like to either personally or by way of the official agent or a scrutineer, observe the election process at one or more of the voting stations, the following process shall be followed:

Excerpts from Section 69 of the *Local Authorities Election Act*:

Appointment of Scrutineer

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

(a) signed by a candidate, and

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

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

(2) Before a person is recognized as a scrutineer, the person shall make and subscribe before the presiding deputy at the voting station a statement in the prescribed Form 16 – Statement of Scrutineer of Official Agent.

Number of Scrutineers Permitted

- (3) The presiding deputy shall not permit a candidate to have an official agent or a scrutineer present while the candidate is present in a voting station during voting hours.
- (3.1) The presiding deputy shall not permit a candidate to have both an official agent and a scrutineer present at the same time in a voting station during voting hours.

Candidate as a Scrutineer

- (4) A candidate or official agent personally may
 - (a) undertake the duties that the candidate’s scrutineer may undertake, and
 - (b) attend any place that the candidate’s scrutineer is authorized by this Act to attend.

Scrutineer at the Voting Station

- (5) The presiding deputy may designate the place or places at a voting station where a candidate, an official agent or a scrutineer of a candidate may observe the election procedure, and in designating the place or places, the presiding deputy shall ensure that the candidate, official agent or scrutineer can observe any person making a statement under section 53(1)(b) or (2), or 78.
 - (5.1) A Scrutineer may preform the duties of a scrutineer at more than one voting station.
- (6) When, in the provisions of this Act that relate to the election of a member of an elected authority, expressions are used requiring or authorizing an act or thing to be done or implying that an act or thing is to be done in the presence of an official agent, a scrutineer or a candidate, the expression is deemed to refer to the presence of those official agents and scrutineers
 - (a) that are authorized to attend, and
 - (b) that have in fact attended at the time and place where that act or thing is being done, and if the act or thing is otherwise properly done, the non-attendance of an official agent or a scrutineer at that time and place does not invalidate it.

NOTE: Enclosed in this package is a form that is acceptable to the Returning Officer and is provided for your convenience in the event that you wish to appoint scrutineers. You may make copies of this form as required.

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT (FOIP)

What is FOIP?

The *Freedom of Information and Protection of Privacy Act* aims to strike a balance between the public’s right to know and access information and the individual’s right to privacy as related to information and records in the custody or under the control of the Village of Nampa.

Access to Information

The *FOIP Act* promotes and transparent and accountable government by granting individuals the right to see their own information and other Village records, subject to specific expectations. Access may be restricted if disclosure could:

- Be an unreasonable invasion of another's property
- Cause harm to another person or organization
- Interfere with public safety or
- Harm law enforcement efforts

Privacy Protection

The *FOIP Act* prevents others from seeing an individual's personal information without his/her consent and ensures that it is protected from unauthorized collection, use, or disclosure. Under the *FOIP Act*, the Village of Nampa must follow strict guidelines for the use of personal information.

Records of Elected Officials

Certain records of elected officials are excluded from the *FOIP Act*:

- Personal or constituency records of a Council member are excluded from the Act
 - [Section 4(1)(m)]. This exclusion is intended to cover records such as private correspondence of an elected official that has not yet been sent or received by the official in his or her capacity as a Council member but which may be maintained in his or her office for convenience.
 - Records relating to the election campaign of a Council member (other than those records required to be submitted to the authority governing the election).
 - Records relating to the private business activities of a Council member.

- **Records dealing with the business of the Village of Nampa are subject to the Act even if they are stored at a Councillor's home.**

For more information regarding FOIP and how it relates to you, contact the Village of Nampa at 780-322-3852

OFFENCES

Excerpts from Section 148, 150, and 151 of the *Local Authorities Election Act*:

- (1)** No person shall
 - (a) without authority supply a ballot to any person,
 - (b) fraudulently put into a ballot box any paper other than a ballot that the person is authorized by this Act to deposit,
 - (c) fraudulently take a ballot out of the voting station,
 - (d) without authority destroy, take, open or otherwise interfere with any ballot box or packet of ballots then in use for the purpose of an election.
 - (2)** No person shall
 - (a) request a ballot in the name of some other person, whether the name is that of a person living or dead or of a fictitious person, or
 - (b) having voted once, request at the same election a ballot in the person's own name.
 - (3)** No person shall vote knowing that the person has no right to do so.
 - (3.1)** No person shall obstruct any person carrying out an inquiry, investigation or examination under this Act or withhold from that person or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation or examination.
 - (4)** No person shall make or sign a false statement for any purpose related to an election or vote held or to be held under this Act.
 - (5)** No person shall print or distribute or cause to be printed or distributed in any advertisement, handbill, placard, poster, circular, pamphlet, newspaper or other paper a form of ballot printed by the returning officer, indicating or showing it to be marked for any candidate or candidates.
 - (6)** Notwithstanding anything in this section, the returning officer may at any time after nomination day cause a facsimile of the ballot for chief elected official, member of an elected authority, bylaw or question to be published as often as the returning officer considers necessary in a newspaper circulating in the area, for the information of the electors.
 - (7)** A person who contravenes subsection (1), (2), (3), (3.1), (4) or (5) is guilty of an offence and liable to a fine of not more than \$10 000 or to imprisonment for not more than 6 months or to both fine and imprisonment.
-
- (1)** Every returning officer, deputy, candidate, constable, official agent and scrutineer in attendance at a voting station shall maintain and aid in maintaining the secrecy of the voting at the voting station.
 - (2)** No person shall interfere with or attempt to interfere with an elector when the elector is marking the elector's ballot, or shall otherwise attempt to obtain at the voting station information as to which candidate or candidates any elector at that voting station is about to vote or has voted for.
 - (3)** No person shall
 - (a) during the hours when a voting station is open, canvass or solicit votes in a building where the voting station is located, or
 - (b) make any communication to an elector in a voting station respecting the election otherwise

than through the deputy.

- (4) When a voting station is located in a building containing a complex of interlocking offices, stores or other facilities, the prohibition in subsection (3) applies only to the store, office or facility comprising the area used as a voting station.
- (5) No person shall display at the voting station or distribute or post in it a specimen ballot paper marked for a candidate or any other material purporting to explain to the electors how to vote or leave or post a ballot or other material in a voting compartment other than the material that is required to be posted in accordance with this Act.
- (6) No person shall communicate at any time to any person any information obtained at a voting station as to which candidate any elector at that voting station is about to vote or has voted for.
- (7) No returning officer, deputy, official agent or scrutineer in attendance at the counting of the votes shall communicate or attempt to communicate any information obtained at that counting as to which candidate or candidates any vote is given for.
- (8) No person shall directly or indirectly induce an elector to display the elector's ballot, after the elector has marked it, so as to make known to any person the name of any candidate for whom the elector has or has not marked the elector's ballot.
- (9) A person who contravenes this section is guilty of an offence and liable to a fine of not more than \$5,000 or to imprisonment for a term not exceeding 2 years or to both fine and imprisonment.

A candidate for elective office who signs a candidate's acceptance form that contains a false statement is guilty of an offence and liable to a fine of not more than \$1,000 (Section 151).



8. Village of Nampa Policies

POLICY TITLE: LEG 06-07 Honorariums and Loss of Earnings

POLICY PURPOSE:

To establish the recipients of and circumstances of payment of honorariums and loss of earnings.

POLICY:

1. Members of Council will receive a meeting honorarium when attending regular and Special Meetings of Council.
2. Members of Council will receive a Committee Meeting Honorarium when attending Council Committee Meetings.
3. Village Staff shall receive time off in lieu for attending Village business after normal working hours. i.e. training or meetings.

SCHEDULE OF RATES - EXPENSE REIMBURSEMENT

1. Travel Allowance
 - \$.61cents kilometre
 - Receipted Hotel Accommodations
 - \$25.00 per night for accommodations in lieu of hotel charges
 - Breakfast - \$25.00
 - Dinner - \$30.00
 - Supper - \$35.00
2. Honorarium for Meetings
 - \$ 75.00 for meetings (3 hrs or less)
 - \$ 125.00 for all meetings (over three hours but less than 5 hours)
 - \$ 250.00 meeting (all day meeting)
3. Honorarium Monthly
 - \$ 500.00 per month for the Mayor
 - \$ 450.00per month for Council

The following rates and fees are established to the policy of expenses reimbursement for the Village of Nampa effective November 15, 2022



9. Forms

Notice of Intent

Local Authorities Election Act (Section 147.22)

LOCAL JURISDICTION: _____, PROVINCE OF ALBERTA

Election Date: _____
date

I, _____, of

_____ complete address and postal code

intend to be nominated, or have been nominated, to run for election as a candidate in the

_____ name of local jurisdiction and ward, if applicable

I understand that by completing this form, I am declaring my intent to become a candidate as defined in the *Local Authorities Election Act*, which carries with it certain obligations and responsibilities.

Candidate Information

Title Candidate Last Name Candidate First Name

Gender Telephone Number Email Address

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):

SWORN (AFFIRMED) before me at the _____

of _____, in the Province of Alberta, this _____

day of _____, 20 ____

Signature of Returning Officer or Commissioner for Oaths or Notary Public in
and for Alberta

Signature of Candidate

Commissioner for Oaths Stamp

RETURNING OFFICER'S ACCEPTANCE

Returning office 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

The personal information collected through this form is for administering the election. This collection is authorized by section 33(c) of the *Freedom of Information and Protection of Privacy Act*. For questions about the collection of personal information, contact your local municipal office.

NOMINATION PAPER AND CANDIDATE'S ACCEPTANCE

Local Authorities Election Act
 (Sections 12, 21, 22, 23, 23.1, 27, 28,
 47, 68.1, 151, 158.3, Part 5.1)
Education Act (Sections 4(4), 74)

The personal information collected through this form is for administering the election. This collection is authorized by section 33(c) of the *Freedom of Information and Protection of Privacy Act*. For questions about the collection of personal information, contact

Business Title/Organization _____ Business Phone Number _____

Address _____ City or Town _____ Province _____ Postal Code _____

LOCAL JURISDICTION: _____, PROVINCE OF ALBERTA

We, the undersigned electors of _____
 Name of Local Jurisdiction and Ward (if applicable)

nominate _____ of
 Candidate's Surname and Given Names

_____ Complete Address and Postal Code

as a candidate at the election about to be held for the office of _____
 Office Nominated for

of _____
 Name of Local Jurisdiction

The candidate's local political party or slate is _____ (if applicable).

Provide 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,

I am not otherwise disqualified under section 22, 23 or 23.1 of the *Local Authorities Election Act*,

I will accept the office if elected,

I have read sections 12, 21, 22, 23, 23.1, 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,

I am appointing _____
Name, Contact Information or Complete Address and Postal Code, and Telephone Number of Official Agent
as my official agent (if applicable),

I have provided a criminal record check with my nomination package (if applicable),

I will read and abide by the municipality's code of conduct if elected (if applicable), and

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
Candidate's 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_____.



Signature of Candidate

Signature of Returning Officer or
Commissioner for Oaths



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

RETURNING OFFICER'S ACCEPTANCE

Returning Officer signals acceptance by signing this form:

Signature of Returning Officer

Candidate Financial Information

*Local Authorities Election Act
(Section 27)*

The personal information collected through this form is for administering the election. This collection is authorized by section 33(c) of the *Freedom of Information and Protection of Privacy Act*. For questions about the collection of personal information, contact

Business Title/Organization _____ Business Phone Number _____

Address _____ City or Town _____ Province _____ Postal Code _____

Candidate's Full Name _____

Candidate's Address and Postal Code _____

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

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

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

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



The Village of
Nampa
A Place Close To The Heart

Consent to Release of Personal Information

NAME: _____

ADDRESS: _____

PHONE: _____

CELL: _____

FAX: _____

EMAIL: _____

ELECTORAL DIVISION: _____

DISCLAIMER

I, _____
as a potential candidate for the position of Councillor, give permission for my name and
phone number to be released for publication purposes, both to the press and to the
Village of Nampa for use on their website.

Signature

Date



APPOINTMENT OF CANDIDATE'S SCRUTINEER

Local Jurisdiction: Village of Nampa, Province of Alberta

ELECTION DATE: October 20, 2025

TO: PRESIDING DEPUTY RETURNING OFFICER

I, _____ hereby appoint
(Name of Candidate, Please Print)

_____ To act as my Scrutineer in
(Name of Scrutineer, Please Print)

Village of Nampa

(Signature of Candidate)

(Date of Appointment)



10. Resources



A Candidate's Guide:

Running for Municipal Office in Alberta

Elections during the COVID-19 pandemic
This guide is only applicable for the 2021 general election year

NOTE: This guide reflects modifications made to the *Local Authorities Election Act (LAEA)* in light of public health orders and/or recommendations from the Chief Medical Officer of Health regarding the COVID-19 pandemic. As such, the information in this guide is specific to the 2021 general election year only.

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

Published by Alberta Municipal Affairs

The Government of Alberta and Municipal Affairs will not be liable for any damages that result from the use of this guide. While Municipal Affairs attempts to ensure the accuracy of the information contained within this guide, a municipality and/or candidate may wish to obtain advice from a lawyer, in order to ensure the correct steps are taken throughout the election process. Municipal Affairs and the Government of Alberta do not warrant or make any other representations regarding the use, accuracy, applicability, or reliability of this guide.

It is important to recognize that this guide has been developed as a reference for, and as an explanatory document to the *Local Authorities Election Act*. This guide is not legal advice, and it cannot be used in place of consulting with a lawyer. This guide cannot anticipate every aspect, circumstance or situation that municipalities or candidates may encounter while working through their specific election process. If a municipality or candidate needs help finding a lawyer, please visit the Law Society of Alberta website. Should this guide conflict with the *Municipal Government Act* (MGA), RSA 2000, Chapter M-26, or the **Local Authorities Election Act** in word or interpretation, the legislation shall prevail.

December 2020

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NOTE: This guide reflects modifications made to the *Local Authorities Election Act (LAEA)* in light of public health orders and/or recommendations from the Chief Medical Officer of Health regarding the COVID-19 pandemic. As such, the information in this guide is specific to the 2021 general election year.

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Introduction

Per Ministerial Order MSD:103/20, the following section of the *LAEA* is modified to address challenges presented by the COVID-19 pandemic and ensure municipalities have the tools necessary to adhere to public health orders while conducting the municipal general election in 2021:

- **Section 30(1) is modified to allow the deposit to be provided to the returning officer by in-person payments using a debit card or a credit card.**

This modification is in effect only for the 2021 general election year. For all other election events, please refer to the regular version of this guide.

A copy of the Ministerial Order can be viewed at: gp.alberta.ca

Alberta Education may have another Ministerial Order that is specific for School Board Trustee candidates for the 2021 general election.

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.

NOTE: This guide reflects modifications made to the *Local Authorities Election Act (LAEA)* in light of public health orders and/or recommendations from the Chief Medical Officer of Health regarding the COVID-19 pandemic. As such, the information in this guide is specific to the 2021 general election year only.

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, 780-427-4952 (toll-free by first dialing 310-0000).

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, 780-427-4952 (toll-free by first dialing 310-0000).

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)

NOTE: This guide reflects modifications made to the *Local Authorities Election Act (LAEA)* in light of public health orders and/or recommendations from the Chief Medical Officer of Health regarding the COVID-19 pandemic. As such, the information in this guide is specific to the 2021 general election year.

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.

NOTE: This guide reflects modifications made to the *Local Authorities Election Act (LAEA)* in light of public health orders and/or recommendations from the Chief Medical Officer of Health regarding the COVID-19 pandemic. As such, the information in this guide is specific to the 2021 general election year only.

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 3rd 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.**

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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).

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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

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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.

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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.

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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 you check with the municipality to determine the number of signatures 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;

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- 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.

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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

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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*.

During the COVID-19 pandemic, it is strongly recommended that candidates contact the local jurisdiction office to ask if the building is open to the public to accept nominations in person and if not, to inquire if there are alternative ways to submit the nomination forms. The specific requirement of the *LAEA* to submit nomination forms can be met by having forms mailed or delivered by courier. This could pose a risk for delivery guarantee that candidates should be aware of as it is the responsibility of the candidate to meet the requirements of the *LAEA* and have information submitted to the local jurisdiction office by the deadline on nomination day.

Local jurisdictions can also accept nomination forms at specific times set by the returning officer, by appointment, or at a secure drop box.

LAEA
s.29
Ministerial
Order No.
MSD:130/20

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,
- money order, or
- **debit or credit card.**

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**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).

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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.

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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.

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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.

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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.

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- 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:

www.elections.ab.ca/compliance-enforcement/complaints/.

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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.

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**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.



Pecuniary and Conflict of Interest for Councillors

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

Copies of the *Municipal Government Act* and the *Local Authorities Election Act* can be purchased from Alberta King's Printer Bookstore or accessed on the King's Printer website:

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Note: This document has been updated to reflect the addition of conflict of interest provisions in the MGA. There are significant differences between the declaration processes for pecuniary interest and conflict of interest. As such, the matters will be dealt with separately.

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

1. Pecuniary Interest

Alberta's municipal councillors have a strong record of public service to their communities. As an elected official, 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.

In order that the public interest is served and seen to be served, it is important that you are open and honest about dealings with the municipality.

Definition

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

Pecuniary interest means an interest in a matter which could monetarily affect:

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

This section also states 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 or the chief administrative officer cannot make the decision for you.

Exceptions

Several exceptions are listed in section 170(3) of the *MGA*.

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

- the councillor, an employer of the councillor, or a member of the councillor's family may have as an elector, taxpayer, or utility customer of the municipality;
- the councillor or a member of the councillor's family may have by reason of being appointed by the council as a director of a company incorporated for the purpose of carrying on business for and on behalf of the municipality or by reason of being appointed as the representative of the council on another body;
- the councillor or member of the councillor's family may have with respect to any allowance, honorarium, remuneration or benefit to which the councillor or member of the councillor's family may be entitled by being appointed by the council to a position described above;

- the councillor may have with respect to any allowance, honorarium, remuneration or benefit to which the councillor may be entitled by being a councillor;
- the councillor or a member of the councillor's family may have by being employed by the Government of Canada, the Government of Alberta or a federal or provincial Crown corporation or agency, except with respect to a matter directly affecting the department, corporation or agency of which the councillor or family member is an employee;
- a member of the councillor's family may have by having an employer, other than the municipality, that is monetarily affected by a decision of the municipality;
- the councillor or a member of the councillor's family may have by being a member or director of a non-profit organization as defined in section 241(f) or a service club;
- the councillor or member of the councillor's family may have:
 - by being appointed as the volunteer chief or other volunteer officer of a fire or ambulance service or emergency measures organization or other volunteer organization or service; or
 - by reason of remuneration received as a volunteer member of any of those voluntary organizations or services.
- the councillor, an employer of the councillor or a member of the councillor's family that is held in common with the majority of electors of the municipality or, if the matter affects only part of the municipality, with the majority of electors in that part;
- the interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence the councillor; or
- they discuss or vote on a bylaw that applies to businesses or business activities when the councillor, an employer of the councillor or a member of the councillor's family has an interest in a business, unless the only business affected by the bylaw is the business of the councillor, employer of the councillor or the councillor's family.

What to Do

Section 172 of the *MGA* sets out the procedure you must follow if a matter in which you have a pecuniary interest arises in a council or committee of council meeting. Failure to follow these procedures could lead to your disqualification from council.

This section says that you may not take part in the discussion and decision-making on any matter in which you have a pecuniary interest. The legislation attempts to ensure that you are not influencing council's discussion or decision by your presence.

If you have a pecuniary interest:

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

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

If the matter is one in which you, as an elector or property owner, have a right to be heard by council (for example, a land use bylaw amendment, lane or street closure, etc.), you are to disclose your interest and abstain, but you may remain in the room to be heard by council in the same manner as any person who is not a member of council. In this case, you should follow the procedure required of any other person to be placed on the list of delegations to be heard by council. When the matter comes up for hearing, you might say *“Madam Mayor, I am abstaining from this matter because I own the property affected. I ask that my abstention be recorded.”*

You should then leave the council table and go to the area where the public sits. The mayor should call you to make your presentation in the same manner as any other person. You should state your case, answer any questions that may be asked of you and then be seated in the public area for the remainder of the public hearing.

When council debates the matter, it would be advisable to leave the room during the decision-making process.

Temporary Absence

On occasion, you may be temporarily absent from a meeting when a matter in which you have a pecuniary 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 in accordance with section 172(4). 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 a 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(1) of the *MGA*). In other words, any time you are acting as a councillor, the disclosure and abstention rules apply to you.

It is important to remember to ask the secretary at any of these meetings to record your abstention and to check that it is included in the minutes.

Business with the Municipality

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*). 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 ensure council approves of any contract with your business. If, as an elected official, you submit a bid or offer for a contract or agreement, you should note in your submission that the matter must receive council approval under section 173 of the *MGA*. If council does not approve the contract or agreement, you will be disqualified from council under section 174 of the *MGA* and the contract or agreement will have no force or effect.

The following are the only exceptions:

- if the contract or agreement is for the performance of work or the provision of a service in the case of an emergency; or
- if the contract or agreement is for the sale of goods or services to the municipality or to persons contracting with the municipality at competitive prices by a dealer in those goods or services, that is incidental to, or in the ordinary course of business; or
- the agreement was entered into before your term of councillor started.

Statement of Disclosure of Interests

If you have extensive business interests, it may be difficult for you to know when these businesses are dealing with your municipality. It may be even more difficult for purchasing agents to identify a contract that requires the approval of council because a member of council has an interest.

In such cases, it may help everyone involved – yourself included – if a listing of interests is available in the office. Council may, by bylaw, require its members to file a statement with a designated officer showing the names of their immediate family members and any business in which they have an interest (section 171 of the *MGA*). The designated officer then compiles a list of all the names reported on the statements and provides it to the employees of the municipality indicated in the bylaw.

This provision is enabling. 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.

2. Conflict of Interest

Prior to the introduction of Bill 20, the *Municipal Affairs Statutes Amendment Act, 2024*, councillors were only required or permitted to abstain from discussion and voting on matters before council when they had a pecuniary interest or due to an absence from a public hearing. Councillors can now abstain from a vote or discussions on a matter if they believe they may have a conflict of interest or perceived conflict of interest.

Conflict of interest means a matter that could affect a private interest of the councillor or an employer of the councillor. It is also considered a conflict of interest if the councillor knows or should know that the matter affects the private interests of their family.

Similar to the *Conflicts of Interest Act*, which defines the ethics rules for members of the legislative assembly, the *MGA* defines what a private interest is not rather than providing a definitive list of potential private interests.

A private interest is not something that:

- is of general application;
- affects a councillor as one of a broad class of the public;
- concerns the remuneration and benefits of a councillor; or
- an interest that is trivial.

It is not possible to define every situation that presents a conflict of interest. However, these provisions enable councillors to abstain from voting or discussing a matter in which there may be a conflict of interest or perceived conflict of interest. This is important to build trust in locally elected officials and the decisions that they make as members of council.

What to Do for a Conflict of Interest

Section 172.1(1) and (2) of the *MGA* set out the procedure you may follow when you believe you may have a conflict of interest or perceived conflict of interest in a matter before council, a council committee, or any other body to which you are appointed as a representative of council.

If you believe you may have a conflict of interest:

- you may disclose the general nature of the conflict of interest;
- once you have disclosed the conflict of interest, you may abstain from any discussion of the matter and from voting; and
- you may leave the room until the matter has been dealt with, and you should make sure that your abstention and the disclosure of the conflict of interest or perceived conflict of interest is recorded in the minutes.

No Review of Conflict of Interest

If a councillor decides to take or not take any of the actions under section 172.1(2) after disclosing a conflict of interest or perceived conflict of interest, that decision cannot be considered during any hearing respecting the potential disqualification of the councillor. Nor can that decision be considered when determining the validity of a complaint alleging a breach of the code of conduct bylaw (Section 172.2 of the *MGA*).

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



What every councillor needs to know

A council member's handbook

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Introduction

Congratulations on your election to council. This booklet presents an overview of your responsibilities as a municipal councillor and is intended to help you understand the powers and duties of a municipal council.

History of Local Government in Alberta

The first local government election in Alberta was held in 1883 under the Northwest Municipal Ordinance. Rural local government began with herd districts in 1883, fire districts in 1886, and statute districts in 1887, which were combined into local improvement districts in 1897. Urban local government began with unincorporated town ordinances in 1888. The village ordinance followed in 1895.

In 1912, separate acts were put in place for towns, villages, rural municipal districts, and improvement districts. Cities were incorporated by special charter.

Municipal Government Act

In 1967, the various pieces of municipal legislation were consolidated into the original *Municipal Government Act (MGA)*.

In 1994, a further consolidation and revision of municipal legislation took place. The 1994 revisions gave municipalities greater autonomy in local decision making and incorporated the provisions of the former *Planning Act*.

The current *MGA* is the primary statute governing the affairs of your municipality. The *MGA* has undergone extensive review and amendments. Your chief administrative officer (CAO) should provide you with a copy.

Section 3 of the *MGA* states the purposes of a municipality are:

- to provide good government;
- to foster the well-being of the environment;
- to foster the economic development of the municipality;
- 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;
- to develop and maintain safe and viable communities; and
- to work collaboratively with neighbouring municipalities to plan, deliver and fund intermunicipal services.

A municipality is a corporation and has the powers of a natural person, except to the extent that those powers are limited by the *MGA* or any other enactment. The introduction of natural person powers provides council with a great deal of flexibility in terms of how the municipality is organized and administered, what services are provided, and how those services are delivered.

The power to pass bylaws is stated in general terms. This gives councils broad authority and respects their right to govern the municipality in the way that council considers appropriate within the jurisdiction provided under the *MGA*. However, bylaws authorized by the *MGA* or any other enactment are subordinate to federal and provincial legislation and regulations.

Council Roles and Responsibilities

Council is the governing body of the municipal corporation and the custodian of its legislative powers. As a councillor, you will exercise the powers of the municipality through decisions made at council meetings and define the policies and direction your municipal administration will put into action.

The *MGA* provides that councils can only exercise the powers of the municipal corporation in the proper form, either by bylaw or by resolution. What this means is that no individual or group of councillors can make a decision or ask administration to take action; this can only be done through an appropriate bylaw or resolution passed at a public meeting of council where quorum is present.

Your job as a councillor is to work with other council members to set the overall direction of the municipality through your role as a policy maker. The policies 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.

Councillor Duties

Under Section 153 of the *MGA*, all councillors have the following duties:

- 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;
- to promote an integrated and strategic approach to intermunicipal land use planning and service delivery with neighbouring municipalities;
- to participate generally in developing and evaluating the policies and programs of the municipality;
- to participate in council meetings and council committee meetings and meetings of other bodies to which they are appointed by the council;
- 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;
- to keep in confidence matters discussed in private at a council or council committee meeting until discussed at a meeting held in public;
- to adhere to the code of conduct established by the council by bylaw; and
- to perform any other duty or function imposed on councillors by this or any other enactment or by the council.

Code of Conduct

The *MGA* requires every council in Alberta to establish a code of conduct bylaw governing the conduct of councillors. This bylaw must apply to all councillors equally. Additionally, a council may by bylaw, in its sole discretion, establish a code of conduct governing the conduct of members of council committees and other bodies established by the council who are not councillors.

There is no model code of conduct prescribed by legislation. Instead, the Code of Conduct for Elected Officials Regulation simply mandates what topics must be addressed at a minimum, namely:

- representing the municipality;
- communicating on behalf of the municipality;
- respecting the decision-making process;
- adherence to policies, procedures and bylaws;
- respectful interactions with councillors, staff, the public and others;
- confidential information;

- conflicts of interest;
- improper use of influence;
- use of municipal assets and services; and,
- orientation and other training attendance.

Every code of conduct bylaw must include a complaint system outlining who can make complaints, the method by which complaints can be made, the process to determine a complaint's validity, and the process to determine how sanctions will be imposed for valid complaints.

A council is prohibited from including provisions or sanctions that prevent a councillor from fulfilling their legislated duties as a councillor and a councillor may not be disqualified or removed from office for a breach of the code. Councillors are strongly encouraged to review and become familiar with their municipality's bylaw as abiding by it is an important councillor duty.

Councillor Liability

As you carry out these duties, the question of liability may arise as a result of your actions; however, Section 535 of the *MGA* was written to protect you from personal liability while acting in good faith for your 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 impose liability on a councillor. One of these is found in Section 249 which deals with unauthorized expenditures, and is discussed later in more detail under "Procedure for Expenditure Authorization." Another is found in Section 275 which deals with borrowings, loans, or guarantees that cause the municipality to exceed its debt limit, and is discussed later in more detail under the section titled "Borrowing."

While it is important to be aware of these liabilities, they should not be a concern as long as the municipality follows appropriate processes.

The Chief Elected Official

(*MGA* Sections 150, 154 and 155)

The chief elected official (CEO), in addition to performing a councillor's duties, must preside when attending a council meeting unless a bylaw provides otherwise. The CEO must also perform any other duty imposed under the *MGA* or any other enactment. In practice, the CEO is also generally the main spokesperson for the municipality, unless that duty is delegated to another councillor. 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.

Orientation and Training Opportunities

(MGA Section 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. Municipalities are required to offer orientation training and each councillor is required to attend the orientation training offered [**Section 201.1(1)**]. The topics that must be covered are broken into two parts.

The first part of the training must be held prior to, or on the same day as, the organizational meeting following a general election. In the case of a by-election, this first training session must be attended on or before the day the councillor takes the oath of office.

The topics in the first part of the training that must be covered are:

- the role of municipalities in Alberta;
- municipal organization and function;
- roles and responsibilities of council and councillors;
- the municipality's code of conduct; and
- roles and responsibilities of the CAO and staff.

Training on the second group of topics must be attended prior to, or on the same day as, the first regularly scheduled council meeting, or in the case of a councillor elected via by-election, within 90 days of taking the oath of office.

The topics in the second part that must be covered are:

- key municipal plans, policies and projects;
- budgeting and financial administration;
- public participation; and
- any other topic prescribed by the regulations.

Council has the authority to extend the time for the second part of training by resolution for up to 90 days [**Section 201.1(2)**].

Within 90 days of taking office, all newly elected municipal chief elected officials and councillors must also complete required online emergency management training offered by the Alberta Emergency Management Agency. More information can be found at www.alberta.ca/training-requirements-and-mandatory-exercises.

Your associations, Alberta Municipalities and Rural Municipalities of Alberta, offer educational sessions for elected officials. They also offer conferences throughout the year that will provide invaluable information and networking opportunities.

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 hold significant value for new councillors.

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 regarding the municipality's programs and services (policy making) and making sure administration provides the programs and services in the best possible way (program monitoring).

Policy making provides a way of ensuring that consistent decisions are made on similar matters. Policies should establish general guidelines that council sets for administration to follow. Administration then provides programs and services to the residents according to those policies.

Program monitoring involves staying up to date on the programs and services the municipality offers and assessing the results against what council planned to achieve.

The Entire Municipality

As a councillor, you are elected to look after the interests of the entire municipality. If you are a councillor in a municipality that has wards, you will have to be careful you do not place the interest of the ward or electoral division above the interest of the whole municipality. As difficult as it may be at times, you must base any decision you make on what is best for the entire municipality. Council's effectiveness depends on you providing input as a representative of your area, while thinking and voting for the needs of the whole municipality.

Time Management

As a council member, there will be significant demands on your time. There will be council, council committees, and various other meetings to attend. To participate effectively in all these meetings, you should review meeting materials and become familiar with the issues that will be discussed. Conferences and workshops sponsored by the municipal associations or educational institutions will help provide you with the tools to be an effective elected official. If you choose to attend, these will also help you to understand the wider picture on issues affecting the whole province or other municipalities. Telephone calls, visits from your electors, and community events are all important components of the job. Managing time to adequately deal with both personal and public demands is an important part of becoming an effective member of council.

Team Approach

Working as a team with the rest of council and administration will contribute to making your time on council a success. It may not always 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 and healthy. The respectful exchange of ideas and opinions will lead 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 their personal views during the debate.

Some municipalities have a communications policy in place in addition to the code of conduct bylaw 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.

Oath of Office

(MGA Section 156)

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

Organizational Meeting

(MGA Sections 159 and 192)

The first meeting of council will be the organizational meeting, held within two weeks of the general election (or by August 31 for a summer village), or sooner if an election was not required. This marks the official commencement of your term of office and the completion of the previous council's term. This meeting allows council to address preliminary matters such as electing a CEO if necessary, electing a deputy CEO, and commonly includes 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.

Procedural Bylaw

(MGA Section 145)

Your 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 may provide for naming and prescribing the responsibilities of council committees, provide for the order of business and method of distributing the agenda for council meetings, set rules regarding the proceedings at regular meetings of council, and describe how items may be put on the council agenda.

Regular and Special Meetings

(MGA Sections 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. The time and place of a regular meeting can be changed by resolution of council. While all councillors do not have to be at the meeting to change the time or place, all councillors and public must be given 24 hours notice of the change.

All council and council committee meetings must be open to the public, except as noted in the following section. Only people who have been expelled from the meeting because of improper conduct have no right to attend. The provisions of the *MGA* regarding public presence at meetings are intended to promote public involvement and the accountability of the local government process.

The timing of regular council meetings does not always align with urgent business that requires council attention. There will be times when a special council 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 if a bylaw has been passed in accordance with Section 199. 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

There are times when council or a council committee must discuss something in private. Personnel matters, where it would be unfair to the people involved to have the issue discussed in public, are a common example. To recognize specific circumstances that necessitate confidentiality of council discussions, Section 197(2) of the *MGA* allows meetings (or portions of 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 *Freedom of Information and Protection of Privacy 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.

Resolutions or bylaws cannot be passed while in a closed session, other than a motion to proceed with the meeting in an open session. Any decisions must still be made at a meeting open to the public. Under Section 153 of the *MGA*, councillors are required to keep in confidence matters discussed in private at a council or council committee meeting. They must keep this confidence until the matter is discussed at a meeting held in public.

Voting

(*MGA* Sections 183, 184, 185, and 172)

You are on council to make decisions. Under the *MGA*, you are required to vote on all resolutions and bylaws unless you are required or permitted to abstain from voting under other legislated provisions. 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, you must abstain from voting on the bylaw or resolution if you were absent from all of a public hearing, and you may abstain if you were absent for a part of a public hearing. Section 172 of the *MGA* states that you must abstain from voting on matters in which you have a pecuniary (monetary) interest. You may also choose to abstain from voting if you believe you have, or it may be perceived you have, a conflict of interest (Section 172.1(1)).

At any time before a vote is taken, you 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 motion, the motion is defeated.

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 your council consists of seven councillors (including the CEO), four councillors would constitute a quorum.

Pecuniary and Conflict of Interest

(MGA Sections 170, 172 and 172.1)

Membership on council is a position of public trust. The *MGA* describes pecuniary interest and sets out the procedure you must follow if a matter in which you have a pecuniary interest comes up at a meeting in which you are participating as a member of council. Failure to follow these procedures can lead to disqualification.

The *MGA* was also recently amended to address non-pecuniary conflicts of interest. If a matter arises where a councillor believes they have, or will be perceived to have, a conflict of interest, they may disclose the general nature of the conflict before or during discussion on the matter. If the general nature of the conflict is disclosed, councillors may then abstain from a vote or discussions on the matter. Further information on this can be found in the "Pecuniary and Conflict of Interest for Municipal Councillors" resource available online at [Pecuniary and conflict of interest for councillors - Open Government](#).

Council Committees

(MGA Sections 145 and 203)

Council may create council committees, by bylaw, and appoint committee members. Council may decide to create a temporary committee to look at a specific issue. There may also be standing committees that run from year to year to deal with ongoing issues.

Committees can play a bigger role in making decisions on issues for council. If council wants a committee to make decisions, council may delegate some of its powers to the committee by bylaw. If a committee makes a decision delegated to it by council, it is then as if the council made the decision itself. Some council decisions, such as passing bylaws or adopting the budget, cannot be delegated to a committee.

If council is part of an emergency services committee, you may have some specific responsibilities in the case of a local emergency. You need to know what those responsibilities are and how they are to be carried out. The system of emergency response is described in the *Emergency Management Act*.

Municipal Organization and Administration

A vital part of the smooth operation of municipal government is the interaction between council and administration. Understanding how administration works will help you carry out your role as a municipal councillor.

Your administration exists to take care of the everyday work of running a municipal government. This includes providing a variety of programs and services based on the priorities council has set for the municipality. As a councillor, residents will ask you for information on the municipality's programs and services. Your most important contact is the CAO.

Chief Administrative Officer

(MGA Sections 205, 205.1, 207, 208, and 209)

Every council must establish, by bylaw, a position of chief administrative officer (CAO). Council may give the position an appropriate title. The CAO is the administrative head of the municipality and is directly responsible to council for the operational performance of the organization. The CAO is responsible to implement the decisions of council, implement the municipality's policies and programs, advise and inform council on the operation of the municipality, and perform any other duties assigned by council. The CAO, together with the administrative team, will also provide advice, information, and recommendations to council on any matters that council is dealing with.

Successful municipalities have found that clear lines of communication and accountability are essential for effective operation. This is generally achieved when the CAO is provided with the authority to take council direction (through resolutions and bylaws) and implement that direction through the administrative team. Although well intentioned, individual councillor's attempts to become involved by providing direction to the administrative team can blur this accountability. It is important for council to develop a strong working relationship with the CAO based on mutual respect and trust and allow the CAO to direct and set priorities for the administrative team.

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

(*MGA* Sections 209 and 210)

A CAO may delegate any of their powers, duties, or functions to a designated officer or an employee. Designated officer positions are established by bylaw and are subject to 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.

Policies

The importance of policies will become apparent the first time you try to find out if a past council established guidelines on a certain matter. Most successful municipalities maintain a policy manual or files together with an index to enable easy reference. Policies should be approved by council and periodically reviewed and updated to ensure that they continue to be relevant.

Organizational Chart

Most municipalities maintain an organizational chart of the administration structure. A review of the organizational chart will help you to understand the types of functions and services the municipality provides, and how it is organized to deliver those services.

Staff Development

Your human resources are as important as your 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 their employees can effectively carry out their duties and stay familiar with new developments in the field of municipal administration.

Finance

Almost everything the municipality is engaged in will have a cost associated with it. You will spend a lot of time on council assessing the financial implications of decisions.

Operating and Capital Budgets

(*MGA* Sections 242, 243, 244, 245, 246, and 247)

The budget is the center of the municipal finance system. Service delivery and project development are always subject to constraints, but financial constraints are generally the most limiting. As a result, 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.

Many municipalities have a strategic plan that maps out longer term goals and identifies the municipality's priorities over several 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. Property and business tax bylaws cannot be passed until both budgets have been adopted. It should be noted that municipalities are not allowed to budget for a deficit; however, sometimes unexpected circumstances may result in the municipality having a deficit at year end. If the deficit does not cause the municipality to have an overall accumulated deficit, net of the value of tangible capital assets, then the municipality remains on-side with legislative requirements and can budget to recover that deficit in future years as council sees fit.

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.

Long Range Financial Plans

A long-range capital infrastructure plan, covering at least three to five years, is required to receive provincial Local Government Fiscal Framework grant funding. The plan should set out what capital expenditures are needed and when, the future cost of maintaining the asset, when it has been built or purchased, and how the assets will be financed. Additionally, municipalities are required to have, at minimum, a three-year financial plan and five-year capital plan. These plans allow council to see the long-term impact of decisions made today, ensuring council is considering the continued sustainability of the municipality when making financial decisions.

The budget is a plan of council expenditures and revenues over the course of the year. Council needs to keep an eye on what is happening to make sure the municipal operations match the budget. It is recommended that council receive regular financial reports at least quarterly from administration that compare actual results to the budget. Financial reports are a good source of information and budget control.

Procedure for Expenditure Authorization

(*MGA* Sections 248 and 249)

Each council must establish procedures to authorize and verify expenditures that are not included in a budget. 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

(*MGA* Sections 249, 252, and 275)

The Minister of Municipal Affairs has, by regulation, established municipal debt and debt service limits. If a municipality is within its limits, no provincial approvals are required for borrowing, but the Minister's approval is required for any borrowing beyond the regulated 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

(MGA Sections 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

(MGA Sections 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.

Each municipality is responsible for ensuring that each property owner pays their share of taxes. Property assessment is the method used to distribute the tax burden among property owners in a municipality.

The market value based standard is used to determine the assessed values for the majority of properties in Alberta. Market value is the price a property might reasonably be expected to sell for if sold by a willing seller to a willing buyer after appropriate time and exposure in an open market.

Some types of properties are difficult to assess using a market value based assessment standard because they seldom trade in the marketplace (and when they do trade, the sale price usually includes non-assessable items that are difficult to separate from the sale price); they cross municipalities and municipal boundaries; or they are of a unique nature. Municipal Affairs prescribes rates and procedures to assess these types of properties, which are referred to as “regulated property”. Rates and procedures are determined by what a type of property is used for, its activity, or its production capability. There are four types of regulated property:

1. Farmland;
2. Designated industrial property;
3. Machinery and equipment; and
4. Railway property.

Assessments for all types of property are prepared by professional certified assessors. Assessors receive training in a variety of areas including property valuation techniques, legislation, and quality assurance. The assessor designated by the Minister of Municipal Affairs assesses designated industrial property, while assessors employed or contracted by municipalities assess all other types of property. Under provincial legislation, a municipality must establish, by bylaw, the position of assessor, and appoint an individual to the position. An appointed municipal 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 assessor for the municipality is responsible for assigning the assessment classes to property. Property is classified according to its actual use. The classes are set out in the *MGA*. They are:

- Class 1 – residential;
- Class 2 – non-residential;
- Class 3 – farmland; and
- Class 4 – machinery and equipment.

Each year, every municipality is required to send an assessment notice to every assessed person listed on the assessment roll. Each municipality must publish a notification in one issue of a local newspaper to announce that the assessment notices have been mailed to property owners within the municipality.

To ensure 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.

The process involves filing a complaint with the municipality's assessment review board. The type of property the complaint is about will determine the type of assessment review board that will hear the complaint. Residential property with three or fewer dwelling units, farmland, or a tax notice other than a property tax notice will be heard by a Local Assessment Review Board. Residential property with four or more dwelling units or non-residential property will be heard by a Composite Assessment Review Board. If the taxpayer believes an error in law or jurisdiction has been made by the assessment review board, the decision may be appealed to the Court of King's Bench of Alberta.

Property Taxation

(*MGA* Sections 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, licenses, grants, and permits). The remainder is the amount of money the municipality needs to raise through property taxes to provide services for the year.

This revenue requirement is then used to calculate the tax rate. The tax rate is the percentage of assessed value at which each property is taxed in a municipality. The revenue requirement is divided by the assessment base (the total value of all assessed properties in the municipality).

The tax rate calculation is expressed in the following formula:

$$\text{Revenue requirement} / \text{Assessment base} = \text{Tax rate.}$$

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

$$\text{Property assessment} \times \text{Tax rate} = \text{Taxes payable.}$$

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 once 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, if the municipality has, by bylaw, established sub-classes of residential assessment.

If, after sending out the tax notices, the municipality discovers an error or omission in the tax rates, the bylaw can be amended to correct the error, new tax notices sent out and a copy of the new bylaw must be provided to the Minister within 30 days.

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. This is discussed in the next section.

For more information on Property Assessment and Taxation, visit alberta.ca/municipal-property-assessment.

Education Tax and Equalized Assessment

(MGA Sections 318, 359.1 and 359.2; School Act: Part 6 Division 3, Section 174; Alberta Regulation 22/2004-Sec 10)

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 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.

Intermunicipal 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, 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.

For more information on Equalized Assessment, visit: open.alberta.ca/publications/5333000.

Other Taxes and Revenues

(MGA Sections 7, 360, 371, 381, 382, 388, 393, and 399)

In addition to the property tax levy, a municipality may impose a business tax, a special tax, or a local improvement tax. As well, the MGA provides for taxes within a business improvement area and on well drilling equipment (although the well drilling tax rate has been set at 0, and is not expected to be reinstated).

Under Section 360 of the MGA, franchise agreements may exist between a municipality and a utility service (power, gas, cable, telephone) that, among other things, provide for the payment of a franchise fee. The fee is usually a percentage of the distribution charges levied by the utility company, and is a rate set for rent of the municipal rights-of-way, the exclusive franchise rights granted within a municipality, and the property taxes that would otherwise be paid by the utility.

There are other sources of revenue available, mainly user fees. Utility charges for water, sewer treatment, and garbage collection are common in Alberta municipalities. Council may want to develop a policy setting the rates based on the degree of cost recovery considered desirable (full cost recovery is normal for utilities). Fees can also be set for other services, such as recreational facilities, photocopying, or meeting room rentals.

Municipal Grants Listing

Information on all provincial and federal grant programs supporting municipalities is available at: municipalaffairs.alberta.ca/all-grants.

This website includes:

- a brief description of the program, including the type of projects supported and the eligibility requirements;
- information on which ministry administer the program; and
- links to program websites.

Municipal Grant Funding Reports

Information on provincial and federal grant dollars provided to Alberta municipalities and summary reports of grants provided by Government of Alberta ministries by grant type is available at: alberta.ca/lookup/grant-funding-reports.aspx.

Planning and Development

Council shapes the physical future of the community through its authority over land-use planning and development; this authority is exercised through statutory plans, the land use bylaw, and other bylaws and policies. It is the responsibility of council to focus on the future of the community, while balancing the current rights, needs and concerns of property owners and residents. A number of tools are available to council for this purpose.

Alberta Land Stewardship Act Regional Plan

(ALSA Sections 20, 21, and 22; MGA Sections 618.3 and 618.4.)

If an *Alberta Land Stewardship Act (ALSA)* regional plan is approved or amended, municipalities within an applicable ALSA regional plan are required to review their regulatory instruments, such as but not limited to, existing statutory plans, the land-use bylaw, policies and procedures, and make any amendments to comply with the ALSA regional plan. After the review, municipalities are required to file a statutory declaration with the Land

Use Secretariat stating that the review is complete, and that the municipality is 'in compliance' with the regional plan. The *ALSA* regional plan establishes the time within which municipalities must review and amend existing planning documents to show compliance.

Where there is an approved *ALSA* regional plan, municipal council, the subdivision authority, development authority, municipal planning commission, subdivision and development appeal board, etc., within that region must act in accordance with the applicable *ALSA* regional plan's regulation and policies. Note- as of December 2024, regional plans are in place in the South Saskatchewan and the Lower Athabasca regions.

Intermunicipal Development Plan

(*MGA* Sections 631, 636, 637 and 638)

Two or more municipalities adopt an intermunicipal plan (IDP) to address issues of mutual concern with respect to designated lands. The plan must address the future use of land, the manner of and proposals for future development, or other matters relating to the area, etc. 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.

If the municipalities cannot agree on the need for an IDP or the issues in the IDP, the Land and Property Rights Tribunal can hear the matter. The Minister may then require two (2) or more municipalities to enter into an intermunicipal development plan.

Municipal Development Plan

(*MGA* Sections 632, 636, 637 and 638)

Every council of a municipality 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, school boards, adjacent First Nations or Metis Settlements, as well as adjacent municipalities, to review and make comment on the plan. A municipal development plan must be consistent with an intermunicipal development plan.

Intermunicipal Collaboration Framework

Part 17.2 (*MGA* Sections 708.26 – 708.52)

Each municipality that shares a common boundary with another municipality must have an Intermunicipal Collaboration Framework (ICF). This framework must provide for the integrated and strategic planning, delivery, and funding of intermunicipal services, steward scarce resources efficiently in providing local services, and ensure municipalities contribute funding to services that benefit their residents.

The framework must describe the services to be provided under it that benefit residents in the municipalities; identify which municipality is responsible for providing which services and outline how the services will be delivered and funded; and contain provisions establishing a process for resolving disputes that occur while the framework is in effect.

If the municipalities involved in an ICF cannot reach an agreement on the framework, disagree on its application, interpretation, or are unable to resolve their dispute related to the framework within one year after starting their ICF dispute resolution process, the *MGA* includes a mandatory and binding arbitration process to resolve any such issues.

Area Structure and Redevelopment Plans

(MGA Sections 633, 634, 635, 636, 637 and 638)

Council may, by bylaw, adopt an area structure plan (ASP) to provide a framework for subsequent 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 and may address matters related to reserve land dedication or money in lieu of land dedication.

When an area is undergoing redevelopment, council may adopt an area redevelopment plan (ARP) and must describe the objectives of the plan and how they are proposed to be achieved, the proposed land uses, etc. In addition, a redevelopment levy may be used to acquire land for park, school, or recreation purposes in the redevelopment area.

An ASP or ARP must be consistent with the municipality's MDP and existing IDPs.

Land-use Bylaws

(MGA Sections 638.2, 640, 642, 685, and 686)

All municipalities must have a land-use bylaw (LUB). This bylaw is the central planning document that provides a specific means of implementing statutory plans and policies. For instance, if a council wishes to adopt a direct control district in the land-use bylaw, council must also adopt an MDP that establishes that direction. All statutory documents must be consistent with each other. The LUB provides for a system for issuing development permits and divides the municipality into land use districts or 'zones' 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 and make decisions.

When an application conforms to the provisions of the LUB and is for a permitted use, a development permit must be issued with or without conditions as provided for in the bylaw. Where an application is for a discretionally use, it may be approved with or without conditions as provided for in the bylaw, or it may be refused. Development permit applications may be appealed to the subdivision and development appeal board (SDAB) or in certain situations to the Land and Property Rights Tribunal of Alberta. Additionally, people who believe they may be affected by the proposed development may appeal the decision of the development authority.

Subdivision

(MGA Sections 623, 638.2, 652, 654, 655, and 678)

Dividing a piece of land into two or more parcels or consolidating two or more lots 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. Decisions may be appealed to the subdivision and development appeal board, or in certain situations to the Land and Property Rights Tribunal of Alberta. 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 prior to approval of the subdivision application.

Subdivision or Development Agreements

(MGA Sections 638.2, 650 and 655)

As a condition of subdivision or development approval, your municipality may require a developer to enter into agreements to address matters related to roads; pedestrian walkways; public utilities; off-street or parking facilities or loading and unloading facilities; to pay off-site levies or redevelopment levies imposed by bylaw; etc. These

agreements ensure that certain conditions of the proposed development are documented and completed. Municipalities may obtain legal advice to address the subdivision or development agreement.

Subdivision and Development Appeal Board

(MGA Sections 627, 678, and 686)

A municipal council is required to establish a SDAB to act as a quasi-judicial body to deal with subdivision and development appeals. No more than one member of council can serve on a panel hearing a matter under the SDAB unless the Minister of Municipal Affairs authorizes it. The SDAB appeal hearing must be a public hearing.

Economic Development

The Economic Developers Alberta (EDA) is an incorporated, non-profit organization formed to enhance the economic development profession in the province of Alberta, 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. You can visit their website at edaalberta.ca.

Conclusion

This document is a starting point, not the final word. 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 *MGA* and request your own legal advice. Copies of the *MGA* or other legislation mentioned in this document can be downloaded or purchased from Alberta King's Printer Bookstore:

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