



1037 Herron Ave.  
PO Box 279  
Pincher Creek, AB  
T0K 1W0  
p. 403.627.3130  
f. 403.627.5070

[info@mdpinchercreek.ab.ca](mailto:info@mdpinchercreek.ab.ca)  
[www.mdpinchercreek.ab.ca](http://www.mdpinchercreek.ab.ca)

### Prospective Candidate Package - Division 4 By-Election

1. Code of the West (extracted from <https://mdpinchercreek.ab.ca> )
2. Area Map – MD of Pincher Creek (<https://mdpinchercreek.ab.ca>)
3. Regular Council Meetings are held on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of the month starting at 6:00 p.m. Please view the Council Calendar on the MD's web page <https://mdpinchercreek.ab.ca>
4. Approved Council meeting agendas and minutes are located on the MD's web page <https://mdpinchercreek.ab.ca>
5. MD procedural bylaw
  - a. Bylaw 1276-17 (amended 1301-19)
  - b. Bylaw 1301-19
6. C-CO-001 Councillor Remuneration Policy
7. What Every Candidate Needs to Know
8. Election Signs
9. Local Authority Elections Act (LAEA)
  - a. Third Party Advertising
  - b. Accountability and Transparency
  - c. General Q & A
  - d. Pecuniary Interest of a Councillor
10. Notice of Nomination Day (Form 3)
11. Form of Nomination (Form 4) **\*With the exception of Nomination Day, please contact MD Office prior to bringing in Nomination papers to ensure Returning Officer is available.**

### Contacts

Returning Officer: Maureen Webster  
Phone: 403 627-3130  
Email: [AdminPayHR@mdpinchercreek.ab.ca](mailto:AdminPayHR@mdpinchercreek.ab.ca)

Substitute Returning Officer: Jessica McClelland  
Phone: 403 627-3130  
Email: [Communications@mdpinchercreek.ab.ca](mailto:Communications@mdpinchercreek.ab.ca)

*MD of Pincher Creek is a community that manages growth and supports our western heritage while preserving our natural environment.*

## **Code of the West**

The Code of the West was first chronicled by the famous western writer, Zane Grey. The men and women were bound by an unwritten code of conduct. The values of integrity and self-reliance guided their decisions, actions and interactions. In keeping with that spirit, we offer this information to help the citizens of the Municipal District of Pincher Creek No. 9 who wish to follow in the footsteps of those rugged individualists by living outside city limits.

## **Introduction**

This document is not intended to dissuade anyone from living in the country, but it is important to know that life in the country is very different from life in the city.

Rural governments provide a different type of service than that provided in urban areas. The following information is provided to help make an educated and informed decision when choosing to purchase or develop land outside the boundaries of incorporated cities, towns or villages.

## **Agriculture**

- Agriculture is an important business in the Municipal District of Pincher Creek No. 9. If you choose to live among the farms and ranches of our rural countryside, do not expect the M.D. to intervene in the normal day-to-day operations of your agri-business neighbours.
- Farmers often work around the clock, especially during planting and harvest time. Dairy operators sometimes milk without stopping and hay is often swathed or baled at night. Low-flying planes and crop duster planes may fly overhead during irregular hours. It is possible that adjoining agricultural uses may disturb your peace and quiet.
- Land preparation and other operations can cause dust, especially during windy and dry weather.
- Chemicals (mainly fertilizers and herbicides) are often used in growing crops. You may be sensitive to these substances and a few people actually have severe allergic reactions.
- Animals and their manure can cause objectionable odours. What else can we say?
- The Municipal District of Pincher Creek No. 9 has a closed range law, except for specific roads. This means that your neighbour's cattle, sheep or other livestock should not be on your property. It is the responsibility of the rancher or farmer to keep his/her livestock off your property, as it is your responsibility to ensure that your pets, and/or livestock remain on your own land.
- Before buying land, you should know if it has noxious weeds that may be expensive to control and that you may be required to control. Some plants are poisonous to horses and other livestock. The Agricultural and Environmental Services Department will be able to provide some information with regard to weeds on properties located in the M.D.
- Animals, including farm animals can be dangerous, bulls, stallions, pigs, rams, etc. can attack human beings. It is not safe to enter pens where animals are kept and persons should not access lands without the consent of the landowner.
- There is a limit to the amount of grazing the land can handle. The MD's Agricultural Services Board, and the Provincial Governments Alberta Agriculture, Food and Rural Development can assist with grazing concerns.

## **Mother Nature**

- There can be both positive and negative aspects to the physical characteristics of your property. Trees are a wonderful environmental amenity, but can also involve your home in a fire. Homes built in forested areas face the very real potential of being damaged or destroyed by wildland fires. Here are a few simple things a property owner can do to reduce the risk and danger:

- Clear land around the house of excess trees and ground Vegetation; a minimum 10 metre clear or “defensible space” around structures, consisting of maintained and watered lawn, pruned shrubs and trees can help mitigate the spread of wildland fires to buildings.
- Replace combustible roofs and other building materials with non-combustibles; store other combustible materials such as firewood away from your house.
- Maintain adequate access roads and driveways and remove overgrowth and flammable vegetation immediately adjacent to the traveled roadway.
- If you live in an area with a civic address, have it posted and visible at the intersection of your driveway and the M.D. road.
- Provide a reliable water supply.
- Develop a fire safety plan for your home and your family.
- Many fires start from initially controlled burns in barrels, brush piles, etc. It is important that all fires be attended at all times and to be certain the fire is completely out. Burning permits are required in the Municipal District of Pincher Creek No. 9 and can be obtained from the Pincher Creek Fire Hall.
- Respect the danger of fire in wildland areas by learning more about wildland fires and BE PREPARED. If you start a wildland fire, you will be responsible for paying the cost of extinguishing that fire. Please contact Emergency Services (403 627-5333) for more information.
- Steep slopes can slide in unusually wet weather. Large rocks can also roll down steep slopes and present a great danger to people and property.
- Expansive soils can buckle concrete foundations and twist steel I-beams. You can determine the soil conditions on your property if you have a soil test performed by a qualified professional. It is recommended that this test be completed before any development or construction on the property.
- North facing slopes or canyons rarely see direct sunlight in the winter. There is a possibility that snow will accumulate and not melt throughout the winter.
- The topography of the land will tell you where water will go in the case of heavy precipitation. Pay close attention to these areas in order to determine how water will flow on your land and develop accordingly.
- A flash flood may occur, especially during summer months and turn a dry gully into a river. It is wise to take this possibility into consideration when building. You need to ask if your property is in a flood zone. Development (construction) in a 1:100 year flood plain, as determined by Alberta Environment, is prohibited in the M.D.
- Winter and spring run-off can cause a very small creek to become a major river. Many residents use sand bags to protect their homes.
- Nature can provide you with some wonderful neighbours, such as deer and eagles that are positive additions to the environment. However, even “harmless” animals like a deer can cross the road unexpectedly and cause traffic accidents. Rural development often encroaches on the traditional habitat of animals/wildlife that can be dangerous or become a nuisance. You need to know how to deal with them safely and effectively. In general, it is best to enjoy wildlife from a distance. Let the animals be themselves, watch, but avoid chasing them or allowing your pets to do so. Also, know that if you do not handle your pet refuse and trash properly, it could cause problems for you, your neighbours and the wildlife.
- Many areas in the M.D. are open for hunting. Hunting, while providing recreational opportunities, is a tool for managing wildlife populations. It also involves individuals who may trespass, litter and fire guns. Property owners need to verify if their property is in a shooting or no shooting zone.

## The Property

- **Permits & Approvals:** construction of residences and buildings in the M.D. require development permits. The permitting process helps assure you that your proposed project is in conformance with applicable M.D. by-laws and statutory plans and is consistent with requirements regulating property and uses such as setbacks, minimum frontage, potable water supply and sewage disposal systems. As well, permits are often required from other agencies, such as Alberta Transportation or Alberta Environment. Although the M.D. has no jurisdiction in these areas, it can usually assist you through the process. Before commencing construction, be sure you have obtained the appropriate permits.
- There are parcels of land in the M.D. that are separate for the purpose of taxation but are not considered legal lots in the sense that a building permit can be issued due to size and setback restrictions. What a property may be used for is also dependent on its zoning. When considering purchasing property located in the M.D., contacting the Development Department (627-3130) will enable the proposed purchaser to determine the correct zoning of the property and any development restrictions that may apply to it.
- Easements may require you to allow construction of roads, power lines, water lines, sewer lines, etc. across your land. Check these issues carefully by obtaining an up-to-date title for the property.
- Most property owners do not own the mineral rights under their property. Owners of minerals rights have the ability to change the surface characteristics in order to extract their minerals. It is very important to know what minerals may be located under the land and who owns them. Much of the rural land in the M.D. can be used for resource extractions, subject to current land use zoning standards.
- You may be provided with a plan of your property but unless the land has been surveyed and pins placed by a licenced surveyor, you cannot assume that the plan is accurate.
- Fences that separate properties can be misaligned with the property lines. A survey of the land is the only way to confirm the location of your property lines. Verification of the location of property lines is the responsibility of the property owner. Property lines disputes are a civil matter that the M.D. does not become involved in.
- Many subdivisions and developments have covenants that limit the use of the property. It is important to obtain a copy of the covenants (or confirm that there are none) and make sure that you can live with those rules. Also, a lack of covenants can cause problems between neighbours. The M.D. becomes involved in the enforcement only of those covenants that are registered in the name of the M.D.
- Storm water flows through most low areas at some time or another. If you build in these low areas, you may be flooded. If you fill in the low areas, you may be unintentionally relocating the floodwaters that could cause problems for others. This type of action requires special approvals from Alberta Environment. Proceeding without approvals could lead to private civil actions in court.
- Surrounding properties may not remain as they are today. You can check with the Planning Department (ORRSC 1-877-329-1387) and Development Department (403-627-3130) to find out if there is an area structure plan for the area, how neighbouring properties are currently zoned, and what future developments may be in the planning stages.
- Purchase of property may not give you the right to use the water from any streams or other sources crossing your land. Other users may have senior rights to the water that may limit your use, or you may be required to obtain an approval to access the water.
- (Items 12 – 13 should be verified with the Province) It is important to make sure you have sufficient water access to reflect operations to maintain fruit trees, pastures, gardens, livestock etc.
- Many creeks, streams, rivers and wetlands are regulated by either the Provincial or Federal Governments. These regulations establish setbacks and buffer zones adjacent to these various

bodies of water. Natural vegetation cannot be disturbed in these areas. If you are contemplating development on property near water, marsh, or other wet areas, be sure to check with Public Lands Division, Alberta Environment, before commencing any work.

- Flowing and standing water can be a hazard, especially to young children. Many roadside ditches are also constructed to retain storm water flows, which can also be hazardous. Before you decide to locate your home near an active creek or stream, consider the possible danger to your family.

## **Access**

- Emergency response times for police, fire suppression, medical care, etc. cannot be guaranteed. Under some conditions, you may find that emergency response takes longer than in an urban area.
- There can be problems with the legal aspects of access, especially if you gain access across property belonging to others via privately owned easements or access roads. It is wise to obtain legal advice and understand the easements that may be necessary.
- You can experience problems with the maintenance and costs of maintaining your road. The Municipal District of Pincher Creek maintains 1,000 kilometers of roads, but many rural properties are served by privately owned access roads that are maintained by private parties or other landowners. There are some M.D. roads, not maintained by the M.D. year round – no grading or snow plowing. There are some public roads and rights-of-way that are not maintained by anyone. Make sure you know what type of road maintenance to expect and the service provider. The road quality needs to be appropriate for use by emergency response vehicles and is usually the responsibility of the landowner to construct and/or upgrade the access road to M.D. standards.
- Extreme weather conditions can destroy roads. Some public and private roads may not be built to current standards and may not be sufficient to withstand the test of time.
- Many large construction vehicles cannot navigate small, narrow roads. If you plan to build, it is prudent to check out construction access.
- School buses travel only on roads designated as school bus routes. If you live on a private road, you may need to drive your children to the nearest M.D. road or bus stop so they can get to school. Even so, buses travel on so many miles of roads that it is impossible to assign a higher priority to one school bus route than another. Be sure to check with your local school district.
- In extreme weather, even the M.D. maintained roads can become impassable. You may need a four-wheel drive vehicle to travel during these episodes, which could last for several days. School buses and other types of vehicles may not be able to travel during these times.
- Natural disasters, especially floods, can destroy roads. The Municipal District of Pincher Creek No. 9 repairs and maintains M.D. roads. Private roads and accesses are the responsibility of the landowners who use those roads. It is important that roads be constructed to set standards insuring that culverts are installed where appropriate, as seemingly slow-flowing “small” waterways can become raging torrents that wash out roads, bridges and culverts.
- Unpaved roads generate dust. If you reside near an unpaved road, you may want to have the road treated for dust suppression. Upon request, the Municipal District of Pincher Creek No. 9 may apply dust control product on Municipal roads, adjacent to a resident to suppress dust. No warranty is provided with dust control. The person requesting the service shall be charged a fee each time the dust control product is applied on the road.
- Unpaved roads are not always smooth, are often slippery when wet and muddy during the spring thaw. You may experience an increase in vehicle maintenance costs when you regularly travel on rural, M.D. roads. Potholes and washboards usually are created by traffic traveling too fast on unpaved roads.
- Check with Canada Post to determine the mail delivery system for your area. Contact the newspaper of your choice to determine methods of delivery in the rural area. Parcel and overnight package

delivery may not be available for rural addresses. Confirm with the service providers as to the status of service in your area.

## **Utility Services**

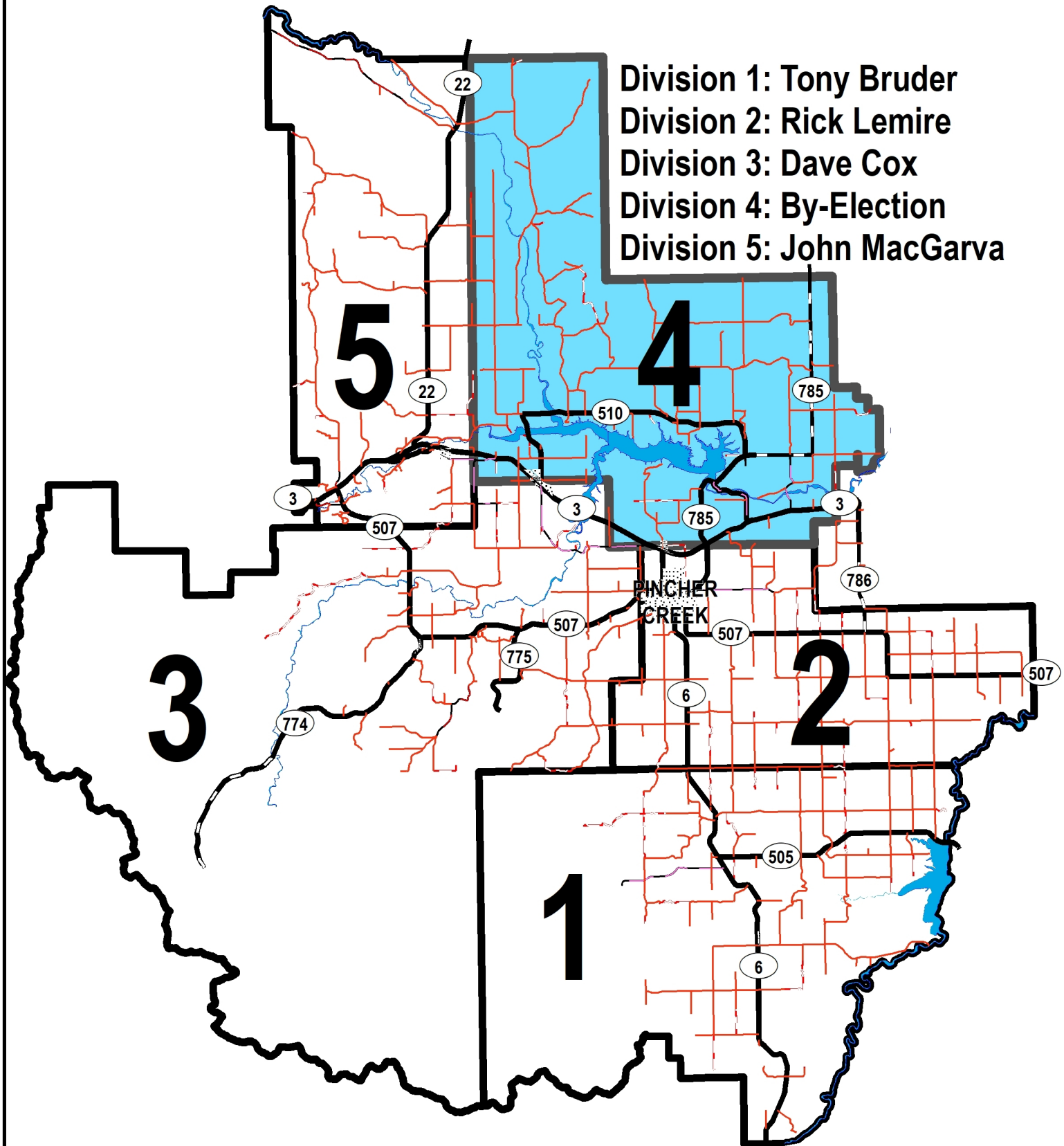
- Telephone communications can be a problem. If you have a private line, it may be difficult to obtain another line for FAX or computer modem uses. As well, cellular phones may not work in all areas.
- If sewer service is not available, as is generally the case in rural areas, you will need to use an approved on-site septic system or other treatment process. The type of soil you have for a leach-field will be very important in determining the cost and function of your system.
- You will need to find a water supply, sufficient to your needs. The most common sources of water in rural areas are private wells. Private wells are regulated by the Natural Resources Service, Alberta Environment. The cost for drilling and pumping can be considerable. The quality and quantity of well water can vary considerably from location to location and from season to season. It is strongly advised that you research this issue very carefully.
- Not all wells can be used for watering, landscaping and/or livestock. If you have other needs, make certain you have the proper approvals before you invest. It may also be difficult to find enough water to provide for your needs, even if you can secure the proper permit.
- Electrical service may not be readily available in every area of the Municipal District of Pincher Creek No. 9. It is important to determine the proximity of electrical power, as it can be very expensive to extend power lines to remote areas.
- It may be necessary to cross property owned by others in order to extend electrical service to your property in the most cost efficient manner. It is important to make sure that the proper easements are in place to allow lines to access your property.
- Electrical power may not be available in two-phase and three-phase service configurations. If you have special power requirements, it is important to know what level of service can be provided to your property.
- If you are purchasing land, with the plan to build at a future date, there is a possibility that electrical lines (and other utilities) may not be large enough to accommodate you if others connect during the time you wait to build.
- Power outages can occur in outlying areas with more frequency than in developed areas, particularly if power lines are difficult to access. A loss of electrical power can interrupt your supply of water from a well and the ability to utilize gray water or black water sewer systems. Interruptions in power may cause you to lose the food in your freezer or refrigerator, flooding from loss of use of your sump pump and may cause problems with computers and other sensitive electrical devices as well.
- House to house trash removal is provided in the Hamlets of Lundbreck and Beaver Mines. In most cases, your trash dumpster may be several miles from your home. Your option may be to haul your trash yourself to the Crowsnest/Pincher Creek Landfill, south of Cowley. Recycling is more difficult because pick-up is not available in most rural areas. Recycling depots are located at Cameron's in the Town of Pincher Creek and at the Twin Butte Store.

## **Conclusion**

There are several unique challenges that M.D. residents, Council and Administration confront, as presented in this article. Working together can make the difference. The information is by no means exhaustive. There are other issues you may encounter that we have overlooked and we encourage you to be vigilant in your duties to explore and examine those things that could cause your move to be less than you expect. The Municipal District of Pincher Creek No. 9 staff will be happy to answer any additional questions you may have.

# MD of Pincher Creek Councillor Division Map

February 1, 2024



**MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9  
BYLAW NO. 1276-17**

A Bylaw of the Municipal District of Pincher Creek No. 9 in the Province of Alberta, to deal with procedure and the transacting of business by the Council of the Municipal District of Pincher Creek No. 9

**WHEREAS** the *Municipal Government Act*, being Chapter M-26 Revised Statutes of Alberta, 2000, as amended from time to time, provides for the regulations of the proceedings of Council and Committees thereof, to provide for dealing with petitions, and submissions to Council;

**NOW THEREFORE**, the Council of the Municipal District of Pincher Creek No. 9, duly assembled, ENACTS AS FOLLOWS:

- 1. THIS BYLAW MAY BE CITED AS “THE PROCEDURE BYLAW NO. 1276-17”.**
- 2. DEFINITIONS AND INTERPRETATION:**
  - a. In this Bylaw:
    - (1) “Acting Reeve” means the Councillor selected by the Council, pursuant to the provisions of Section 6, to preside at a regular meeting thereof in the absence or incapacity of both the Reeve and Deputy Reeve;
    - (2) “Agenda” means the agenda for a Regular or Special Meeting of Council, prepared pursuant to Section 7;
    - (3) “Bylaw” means a bylaw of the Municipal District Of Pincher Creek No. 9;
    - (4) “Council” means the Reeve and Councillors of the MD, being elected pursuant to the provisions of the *Municipal Government Act*, whose term is unexpired, who have not resigned and who continue to be eligible to hold office as such under the terms of the *Municipal Government Act*;
    - (5) “Councillors” means a Councillor of Council, duly elected and continue to hold office;
    - (6) “Deputy Reeve” means the Councillor who is elected by Council, pursuant to the provisions of Section 6, to act as Reeve;
    - (7) “MD” means the Corporation of the Municipal District of Pincher Creek No. 9 and where the context so requires, means the area included within the boundaries of the MD;
    - (8) “New Business” means business dealing with a matter which has not been introduced at the same or previous meeting, and of which no notice has been given of the intention to present it;
    - (9) “Quorum” means the majority:
      - (a) of the valid, subsisting Councillors of Council; or
      - (b) in the case of the Committee, Board or other organized and recognized group, unless the bylaw or resolution establishing such a body specifies a different quorum, the majority of members constitutes quorum.
  - b. Wherever this bylaw requires that a motion be made, a bylaw be passed or any other action be taken by a vote of Council, the requirements shall be interpreted as meaning such majority of the Councillors of Council who are present and voting on the matter.

**3. APPLICATION OF BYLAW**

- a. This bylaw applies to:
  - (1) all Regular and Special Meeting of Councils; and
  - (2) the conduct of the meetings of all Committees of Council.

**4. ORGANIZATIONAL MEETING OF COUNCIL**

- a. The Chief Administrative Officer shall fix the time and place for the first Organizational Meeting of Council following the general election. In other years, the Organizational Meeting shall be scheduled in accordance with the *Municipal Government Act*.
- b. At the commencement of the Organizational Meeting, the CAO shall call the meeting to order and shall preside over the meeting until the Council elects a person to be Reeve.
- c. Once elected, the Reeve shall preside over the meeting.
- d. All Committees, Boards and other bodies that Council is entitled to appoint, shall be reviewed annually at the time of the Organizational Meeting, as set by Statute.
- e. The business of Council at the Organizational Meeting shall be limited to the calling of the meeting, the administration of the Oath, and the introduction of new Councillors, the election of Reeve, Deputy Reeve, and the election of Councillors to act on Committees, Commissions, Boards and other bodies, on which Council is entitled to representation, and such other business as required by the *Municipal Government Act*.
- f. All meetings of Council shall be held in the Council Chambers of the MD Administration Building, unless Council directs otherwise.

**5. PLACES, DATES AND TIME OF MEETINGS**

- a. Regular Council Meeting shall be held on the Second and Fourth Tuesday of every month, for all business of Council.
- b. Council may, at any Regular Meeting of Council, direct that:
  - (1) any Council meeting will be held on a day, other than the date on which it would fall due;
  - (2) any meeting of Council may commence at any time other than that set for such meeting in the Section, and;
  - (3) any Council meeting may be cancelled.
- c. Unless otherwise determined, Council meetings shall commence at 1:00 pm.
- d. All matters of business, which appear on the Council's agenda for a meeting and which have not been dealt with, shall be deemed to be postponed until the next regular meeting of Council (when a meeting has been adjourned).
- e. If it appears to the Reeve that any matter included in the agenda for a Council meeting, which were not disposed of by the meeting prior to the adjournment thereof are of an urgent nature, which requires action before the next Regular Meeting he/she shall call, pursuant to the provisions of the *Municipal Government Act*, a Special Meeting of Council to deal with such matters.
- f. A Special Meeting of Council may be called in accordance with the *Municipal Government Act*.

**6. DEPUTY REEVE AND ACTING REEVE**

- a. The Council, at its Organizational Meeting in each year, shall elect one of its' Councillors as Deputy Reeve.
- b. Council, may at any time, appoint one of its Councillors to be Acting Reeve in the absence or inability of the Reeve and the Deputy Reeve to act.
- c. The Deputy Reeve, at the request of the Reeve, may chair any meeting of Council.

**7. AGENDA FOR COUNCIL MEETINGS**

- a. The CAO, shall prepare an agenda which shall:
  - (1) list the items and order of business to be conducted at the meeting, as per Appendix "A", attached to, and forming part of this bylaw;
  - (2) include the minutes of any previous meeting or meetings for approval;
  - (3) list or contain any other matter or thing which Council may from time to time direct.
- b. The agenda shall be prepared digitally and in hard copy and made available, at the Administration Office and electronically by the end of the business day, the Thursday before the meeting for which it is prepared.
- c. Unless Council directs otherwise, no material will be accepted which has not been included in the agenda provided.

**8. COMMENCEMENT OF COUNCIL MEETING**

- a. If there are not sufficient Councillors assembled at any meeting, physically or electronically, to constitute a quorum within half an hour from the time of commencement of the meeting, the CAO shall record the names of all Councillors present at that time, and unless a Special Meeting is duly called in accordance with the *Municipal Government Act* in the meantime, Council shall be deemed to be adjourned until the next regular meeting.
- b. When Council is unable to meet for want of quorum, the agenda delivered for the proposed meeting shall be considered at the next Regular Meeting, prior to the consideration of the agenda for the subsequent meeting, or at a Special Meeting called for that purpose.
- c. If there is a quorum present at the time the meeting should be called to order, and the Reeve and Deputy Reeve are absent, the CAO shall call the meeting to order and shall call for an Acting Reeve to be chosen by resolution of those Councillors present.

**9. CONTROL AND CONDUCT OF COUNCIL MEETINGS**

- a. The Chairperson shall be responsible for the control of the meeting.
- b. When a Councillor or any individual wishes to speak at a Council meeting, he/she shall address the chair.
- c. When a Councillor or any individual is addressing the Council, he/she:
  - (1) shall not speak disrespectfully of Her Majesty the Queen, or her official representative of her government;
  - (2) shall not use offensive words in referring to any Councillor of the Council, any official, any employee of the MD, or public person;

- (3) shall not shout or immoderately raise his/her voice or use profane, vulgar or offensive language;
  - (4) shall not reflect on any past vote of Council except when moving to rescind it and when so doing, shall not reflect on the motives of the Councillors who voted for the motion, and;
  - (5) shall assume personal responsibility for any statement he/she quotes to Council, or upon request of Council, shall give the source of the information.
- d. No Councillor shall leave the Council Chambers after a question is put to vote until the vote is taken.
  - e. The Chairperson may direct that any person in the audience who persistently creates a disturbance during a meeting may be removed.

#### **10. PROCEEDINGS AT MEETINGS**

- a. Subject to the other provisions of this section, the order of business for a meeting shall be contained in the Agenda for the meeting.
- b. The order of business for a Regular Meeting of Council shall be determined with the adoption of the Agenda.
- c. The Reeve and Council, may by resolution, cause the meeting of Council to be recessed.

#### **11. COMMUNICATIONS AND PETITIONS**

- a. Where a person wishes to bring any matter to the attention of Council, or have any matter considered by Council, the request shall:
  - (1) be written legibly;
  - (2) be signed by the correct name of the writer;
  - (3) contain the full mailing address of the writer;
  - (4) indicate if the writer wishes to address Council on the matter, or to answer questions in relation to the communication.
- b. A group of persons who wish to present to Council a petition on any matter within its jurisdiction may do so in accordance with the *Municipal Government Act*.
- c. When a communication intended for Council is received and a ruling is requested, the CAO shall:
  - (1) include it as an item on the Agenda for the next Regular Meeting of Council.

#### **12. PERSONS WISHING TO ADDRESS COUNCIL**

- a. Person or persons wishing to address Council may only do so during the Delegation section of the Regular Council Agenda. During this time, Council will hear input and further clarification on a particular agenda item. Council will be provided the opportunity to ask questions of the delegation.
- b. Delegations will be allotted ten (10) minutes to speak to a particular agenda item.
- c. Delegations requiring additional time to that allotted have the opportunity to request further time from Council. Council may agree to provide additional time by way of a resolution, carried by the majority of Council Members present.

#### **13. MOTIONS**

- a. The Reeve or presiding officer, may not put forth a motion.

- b. Every motion shall be stated clearly by the mover.
- c. After a motion has been moved, it is the property of Council and may not be withdrawn without the consent of the majority of Council.
- d. When a motion has been made and is being considered by Council, no Councillor may make any other motion, except:
  - (1) a motion to amend the main question, or an amendment to it, without changing the main intent;
  - (2) a motion to table the main question, to a time later in the same meeting;
  - (3) a motion to postpone the main question until another meeting date;
  - (4) a motion to adjourn the meeting.

#### **14. TABLING MOTION**

- a. A Councillor moving a motion to table any matter shall include in the tabling motion:
  - (1) the time at the present meeting in which the matter is to be considered;
  - (2) a reason that the matter is to be tabled.
- b. A motion to table a matter shall not be debated except as to the time when Council will again consider the motion.

#### **15. POSTPONEMENT MOTION**

- a. A matter which has been postponed to a particular date, shall not be again considered by Council before the date set except on a vote of two-thirds of the Councillors of Council present and voting on it.

#### **16. AMENDMENTS TO MOTIONS**

- a. No amendment shall be made to the following:
  - (1) a motion to table a question;
  - (2) a motion to postpone;
  - (3) a motion to adjourn a meeting.
- b. While a motion is under discussion by Council, a Councillor may not move:
  - (1) an amendment which does not relate to the subject matter of the main motion;
  - (2) an amendment directly contrary to the main motion.
- c. Where an amendment has been moved to a motion, which is under discussion, an amendment to the amendment may be moved, but no further amendment may be moved to the amendment or to the main motion, until after the amendment to the amendment is voted upon.
- d. A Councillor who moved a motion may not move an amendment to it.
- e. The Reeve or other presiding officer, shall not put the main motion under debate, until all amendments to it have been put forth and voted upon.
- f. When all amendments are voted upon, the Reeve or other presiding officer shall put the main motion incorporating therein any amendments already adopted.

**17. DEBATE ON AGENDA ITEM**

- a. Motions are to be placed on the table, prior to debate on the matter.
- b. The Reeve will determine the order in which Councillors are to speak.
- c. Councillors may speak more than once to any motion or question.

**18. VOTING ON MOTIONS**

- a. When a motion has been put to a vote, no Councillor shall debate further on the question, except to request that the motion be read aloud.
- b. When the Reeve or presiding officer is of the opinion that a motion is unacceptable, or contrary to the rules of procedure and privileges, he shall apprise immediately, the Councillors present.
- c. Unless disqualified from voting by reason of a direct or indirect pecuniary interest, the Reeve, when present, and each Councillor shall vote on every motion before Council.
- d. If a Councillor refuses or fails to vote on an issue, he/she shall be deemed to have voted in the affirmative on the matter and shall be so recorded.
- e. No Councillor who is absent from the Council Chambers when the vote is put is entitled to vote.
- f. If any Councillor of the Council should call for a poll of the Councillors for a recorded vote prior to the vote being taken on a motion, the names of those who voted for and those who voted against the motion, shall be entered into the minutes.

**19. RECONSIDERING AND RESCINDING A MOTION**

- a. When a Councillor wishes to reconsider, alter or rescind any motion already passed when such matter does not appear on the Agenda, he/she shall bring the matter before Council.
- b. Any motion approved by Council may be rescinded by a motion of Council.

**20. MOTION TO ADJOURN**

- a. A Councillor may move a motion to adjourn the meeting at any time, except when:
  - (1) another Councillor is in possession of the floor;
  - (2) the Councillors are voting;
  - (3) a previous motion to adjourn has been defeated and no other intermediate proceedings have taken place.

**21. IN-CAMERA**

- a. Unless otherwise determined by Council, upon the passing of a motion that the Council go into In-Camera, the Reeve shall be the Chairperson thereof and shall:
  - (1) maintain order in the In-Camera meeting.
- b. The rules of order for the conduct of a meeting of Council shall apply to the In-Camera meeting.
- c. The In-Camera meeting has no power to pass any bylaw or resolution apart from the resolution necessary to revert back to an open meeting.

## **22. BYLAWS**

- a. The CAO is responsible for the preparation of bylaws. A draft bylaw will be presented for first reading.
- b. Where a bylaw is presented to Council for enactment, the CAO shall cause the number and short title of the bylaw to appear on the Agenda in the appropriate place.
- c. Every bylaw shall have three readings.
- d. A bylaw shall be introduced for first reading by specifying its number and short title.
- e. After a Councillor has made the motion for the first and before third reading of the bylaw, Council may:
  - (1) debate the substance of the bylaw; and
  - (2) propose and consider amendments to the bylaw.
- f. All amendments made to the bylaw are considered approved, once the bylaw receives third reading.
- g. A motion for third reading of a bylaw shall give the number and the short title of the bylaw.
- h. Unless the Councillors at a meeting unanimously agree, that a bylaw may be presented to Council for third reading, at the same meeting at which it has received two readings, the bylaw shall not be given more than two readings at one meeting.
- i. If a Council unanimously agrees that a bylaw may be presented for third reading at a meeting which it has received two readings, the third reading requires no greater majority or affirmative votes to pass the bylaw than if it had received a third reading at a subsequent meeting.
- j. After Council votes affirmatively for a third reading of a bylaw, it:
  - (1) becomes a municipal enactment of the MD; and
  - (2) is effective immediately, unless the bylaw provides otherwise.
- k. After passage, a bylaw shall be signed by the Reeve or Deputy Reeve, and the CAO, or Acting CAO.
- l. Where prescribed by provincial statute requiring a bylaw to be submitted to the electorate for voting, Council shall follow the requirements as set out in the relevant statutes. After it has received its first reading by Council, it shall not again be debated in Council before the electorate has voted on it.

## **23. COMMITTEES**

- a. The Reeve is a member of all Council committees and all bodies to which Council has the right to appoint members under the MGA;
- b. The CAO is a non-voting ex-officio member of all Committees.

## **24. OTHER**

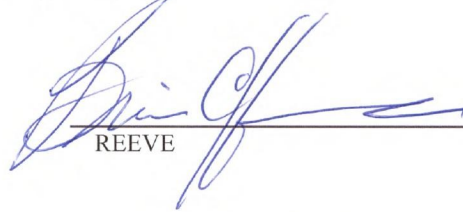
- a. When any matter relating to proceedings in Council or in the Committees thereof arises, which is not covered by a provision of this bylaw, the matter shall be decided by a reference to the current edition of Robert's Rules of Order.
- b. If there is a conflict or inconsistency between this bylaw or other legislation, the bylaw is of no effect to the extent of the inconsistency. (MGA, Sec 13).

- c. Bylaw Nos. 1139-08, 1186-09, 1194-10, and 1212-11 are all repealed at third and final reading of this bylaw

READ A FIRST TIME THIS 23<sup>rd</sup> day of May, 2017

READ A SECOND TIME THIS 11<sup>th</sup> day of July, 2017.

READ A THIRD TIME THIS 11<sup>th</sup> day of July, 2017



REEVE



CHIEF ADMINISTRATIVE OFFICER

**AGENDA  
COUNCIL MEETING  
MUNICIPAL DISTRICT OF PINCHER CREEK  
Date  
Time**

- A. ADOPTION OF AGENDA
- B. DELEGATIONS
  - 1. Name of Organization
    - Correspondence from Organization
- C. MINUTES
  - 1. Council Meeting Minutes
    - Minutes of Council Meeting
- D. UNFINISHED BUSINESS
  - 1. Item
    - Correspondence / Documents / Report
- E. CHIEF ADMINISTRATOR OFFICER'S (CAO) REPORTS
  - 1. **Operations**
    - a) Name of Report
      - Report from Staff Member with date of report
  - 2. **Planning and Development**
    - a) Name of Report
      - Report from Staff Member with date of report
  - 3. **Finance**
    - a) Name of Report
      - Report from Staff Member with date of report
  - 4. **Municipal**
    - a) Name of Report
      - Report from Staff Member with date of report
- F. CORRESPONDENCE
  - 1. **For Action**
    - a) Subject Matter
      - Letter, with date
  - 2. **For Information**
    - a) Subject Matter
      - Letter, with date

Appendix “A”  
Bylaw No. 1276-17 – Procedure Bylaw

G. COMMITTEE REPORTS / DIVISIONAL CONCERNS

Division 1

Division 2

Division 3

Division 4

Division 5

H. IN-CAMERA  
- Legal, Land, Labour

I. NEW BUSINESS

J. ADJOURNMENT

**MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9**

**BYLAW NO. 1301-19**

**A BYLAW OF THE MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9 IN THE PROVINCE OF ALBERTA, TO DEAL WITH PROCEDURE AND THE TRANSACTING OF BUSINESS BY THE COUNCIL OF THE MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9.**

---

WHEREAS the *Municipal Government Act*, being Chapter M-26 Revised Statutes of Alberta 2000, as amended from time to time, provides for the regulations of the proceedings of Council and Committees thereof, to provide for dealing with petitions, remonstrance and submissions of Council;

AND WHEREAS the Council of the Municipal District of Pincher Creek No. 9 deems it appropriate to amend Procedure Bylaw No. 1276-17 to remain in compliance with provisions contained within the *Municipal Government Act* ;

NOW THEREFORE the Council of the Municipal District of Pincher Creek No. 9, duly assembled ENACTS AS FOLLOWS:

- 1.0 This Bylaw may be cited as "THE PROCEDURE BYLAW AMENDMENT BYLAW NO. 1301-19".
- 2.0 Bylaw No. 1276-17 is amended by deleting 18(d) within Section 18, Voting on Motions.
- 3.0 Bylaw No. 1276-17 is amended by renaming Section 21. from "In-Camera" to "Closed Meeting Session".
- 4.0 Bylaw No. 1276-17 "Appendix A" as shown.
- 5.0 This bylaw shall come into force and effect upon passing thereof.

READ a first time this 26<sup>th</sup> day of February, 2019.

READ a second time this 26<sup>th</sup> day of February, 2019.

READ a third time and finally passed this 26<sup>th</sup> day of February, 2019.

  
REEVE

  
CHIEF ADMINISTRATIVE OFFICER  
Sheldon Steinke, CLGM

Appendix "A"

Bylaw No. 1301-19 – Procedure Bylaw

**AGENDA  
COUNCIL MEETING  
MUNICIPAL DISTRICT OF PINCHER CREEK  
Date  
Time**

- A. ADOPTION OF AGENDA
- B. DELEGATIONS
  - 1. Name of Organization
    - Correspondence from Organization
- C. MINUTES
  - 1. Council Meeting Minutes
    - Minutes of Council Meeting
- D. BUSINESS ARISING FROM THE MINUTES
- E. UNFINISHED BUSINESS
  - 1. Item
    - Correspondence / Documents / Report
- F. COMMITTEE REPORTS / DIVISIONAL CONCERNS
  - Division 1
  - Division 2
  - Division 3
  - Division 4
  - Division 5
- G. CHIEF ADMINISTRATOR OFFICER'S (CAO) REPORTS
  - 1. **Operations**
    - a) Name of Report
      - Report from Staff Member with date of report
  - 2. **Planning and Development**
    - a) Name of Report
      - Report from Staff Member with date of report
  - 3. **Finance**
    - a) Name of Report
      - Report from Staff Member with date of report
  - 4. **Municipal**
    - a) Name of Report
      - Report from Staff Member with date of report

H. CORRESPONDENCE

1. **For Information**

- a) Subject Matter
  - Letter, with date

I. CLOSED MEETING SESSION

- 1. Item to be discussed
  - FOIP Section as appropriate

J. NEW BUSINESS

K. ADJOURNMENT



---

**TITLE: COUNCILLORS AND MEMBERS AT LARGE REMUNERATION**

Approved by Council  
Revised by Council  
Revised by Council  
Revised by Council

Date: June 28, 2016  
Date: November 7, 2017  
Date: February 12, 2019  
Date: September 26, 2023

---

***PURPOSE OF POLICY***

The purpose of this policy is to set out fair and equitable compensation to members of the Council for performing their roles and responsibilities as Councillors for the Municipal District of Pincher Creek No. 9 (MD).

---

**POLICY STATEMENT**

1. The MD will provide compensation and expense reimbursement to Councillors incurred while fulfilling official duties.

**DEFINITIONS**

2. For the purpose of this policy, the following definitions shall apply:
  - a. "Councillor" shall mean a person who is an official by an election to represent the Municipal District of Pincher Creek No. 9.
  - b. "Community" shall mean any meeting held within the boundaries of the Municipal District of Pincher Creek No. 9.
  - c. "Members at Large" shall mean community members appointed by Council to sit on boards and committees.
  - d. "Volunteer Hours" shall mean a contribution of time, effort and talent to a need, cause or mission without compensation of a per diem or mileage. Volunteering is about being able to contribute some of your own time to help people in our community.

**GENERAL GUIDELINES**

3. The Municipal Government Act allows for compensation for Councillors.
4. Reeve and Council shall act as good stewards of taxpayer dollars by conducting themselves in a manner that maximizes the benefit and value to the community, its residents, and businesses.
5. A resolution of the Council is required for a Councillor to attend a conference, in-service, or meeting other than those committees and organizations they are appointed to at the organizational meeting or otherwise referenced in this policy.
6. Per diems and mileage paid to Councillors by Committees or Boards of which they are members, are to be paid directly to the MD.

7. Changes to stipends and per diems in this policy shall be based on market studies comparing the MD to municipalities of a similar nature. The MD strives to maintain compensation equal to the average.
8. Changes to mileage shall be based on CRA's automobile allowance rates and updated as part of the policy review.
9. Any changes shall be approved in the year of an election by the outgoing Council, for the incoming Council, unless unforeseen circumstances present a rationale for earlier adoption.

### **MONTHLY STIPEND**

10. A Monthly Stipend is a monthly allowance paid to each Councillor in recognition of their commitment to attend/travel to issues and concerns not otherwise covered in this policy. Such commitments may include but are not limited to, attending/traveling to ratepayer concerns, meeting preparation, holiday parties, luncheons, volunteer hours, etc.
11. Councillors shall be compensated with a monthly stipend of \$950. This amount shall be prorated during an election month.

### **REEVE STIPEND**

12. A Reeve Stipend is a monthly allowance paid to the Reeve in recognition of the additional responsibilities attached to the office, including but not limited to signing of documents, meetings with the CAO, etc.
13. The Reeve shall be compensated with a monthly Reeve stipend of \$250. This amount shall be prorated during an election month.

### **PER DIEMS**

14. Councillors and Members at Large appointed to Council approved Boards and Committees are entitled to submit per diems to the Municipality for reimbursement.
15. Councillors and Members at Large attending eligible training are entitled to submit per diems to the Municipality for reimbursement.
16. Members at Large shall be compensated with the following per diem(s):
  - a. Half Day (<4 hours) – \$137.50
  - b. Full Day (>4 hours) – \$275.00

These rates shall include travel time to and from a residence only when traveling to attend a meeting outside of the community.

17. Councillors shall be compensated with the following per diem(s):

- a. *Virtual Hourly (<1 hour)* - \$50
- b. Half Day (>0 but <4 hours) – \$137.50
- c. Full Day (>4 hours but <9 hours) – \$275.00
- d. Full Day + Half Day (>9 hours) - \$412.50

These rates shall include travel time to and from a residence only when traveling to attend a meeting outside of the community.

## **MILEAGE**

18. Councillors and Members at Large may claim mileage if their personal vehicle is used on Municipal business. This includes, travel to and from meetings, conventions and/or other work related activities.

19. When an appropriate Municipal vehicle is available, it is preferable that it be used by Councillors for travel on Municipal business. If a Municipal vehicle is not available or is not a practical alternative in a particular circumstance, a private vehicle may be used and a claim made for the full prescribed mileage rate. When a private vehicle is used to travel on MD business but also to accommodate personal uses, mileage claims will be paid only at 50% of the prescribed mileage rate.

20. Eligible Mileage shall be set per Municipal Policy and/or Resolution.

## **INFORMATION TECHNOLOGY ALLOWANCE**

21. Councillors shall receive an allowance of \$100 per month (or \$1,200 per year) to offset technology costs incurred while in office.

## **TRAINING AND CONFERENCES**

22. All Councillors are authorized to attend the Spring and Fall Rural Municipalities of Alberta (RMA) Conventions, Brownlee Emerging Trends, Assessment Review Board Training, and/or Councillor Onboarding.

23. One Councillor is authorized to attend the annual FCM Convention, with the intention of the Councillors rotating from one year to the next.

24. Councillors and Members at Large attending other training or conferences require Council approval if per diems and expenses are to be claimed. However, other training and conference registration shall be limited to \$1,000 per Councillor or \$500 per Member at Large, and a maximum of two full days of per diems claimed.

## **OTHER EXPENSES**

25. The Municipality shall provide reimbursement for other appropriate municipal expenses provided an itemized receipt is attached. Such items may include but are not limited to, food, parking, accommodation, conference registration, etc.
26. The Municipality shall deny any ineligible expenses incurred that are not appropriate for municipal business. Such items may include but are not limited to personal services, alcohol, spousal expenses, recreation tickets, etc.

#### **RETIREMENT GIFTS**

27. The Municipality may provide a retirement gift for Councillors. The value of the retirement gift shall be \$150 for the first term, plus \$25 for each additional year served.



**Rick Lemire**  
Reeve



**Roland Milligan**  
Chief Administrative Officer



# What every councillor needs to know

A council member's handbook

The Government of Alberta and Municipal Affairs will not be liable for any damages that result from the use of this handbook. While Municipal Affairs attempts to ensure the accuracy of the information contained within this handbook, a municipality or councillor may wish to obtain advice from legal counsel. Municipal Affairs and the Government of Alberta do not warrant or make any other representations regarding the use, accuracy, applicability, or reliability of this handbook.

Should this handbook conflict with the *Municipal Government Act (MGA)*, RSA 2000, Chapter M-26, the *Local Authorities Election Act (LAEA)*, or any other enactment, the legislation, as the case may be, shall prevail. August 2021

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What every councillor needs to know: A council member's handbook | Municipal Affairs

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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 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.

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.

## **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 "Borrowing".

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

## **The Chief Elected Official (CEO)**

(MGA s. 150, 154 and 155)

The 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 s. 201.1)

Understanding the relationships, roles and the responsibilities of an elected official and the associated limitations, will be critical to your success in the position. Orientation training must be offered to each councillor, to be held within 90 days after taking the oath of office.

Whether you are newly elected or a returning official, you should take every opportunity to learn about your municipality; key issues affecting the community; and governing processes and procedures. It is mandatory for each municipality to offer orientation training to each councillor within 90 days after the councillor takes the oath of office. This training must include:

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

Your associations, Alberta Urban Municipalities Association and the Rural Municipalities of Alberta, offer 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 holds 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 your municipal association 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 in order 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 isn't always going to be easy. Your influence as a council member rests on your ability to persuade other members of council to consider your point of view. When an issue is being studied, be sure to express your views as part of the debate.

Disagreements among council members on specific issues are common 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 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 s. 156)

Before taking part in your first council meeting, you will be required to make and subscribe to the official oath. By 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 s.159 and 192)

The first meeting of council will be the organizational meeting, held within two weeks of the 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**

Your municipality may have a procedural bylaw (s. 145(b)) 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 s. 153, 181, 193, 194, 196, 197, 198, and 199)

It is up to council to decide how many meetings are needed to govern the affairs of the municipality. The decision to hold regular meetings must be made at a meeting with all councillors present. 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 below. 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, (Section 199) rather than in person. Notice must be given to the public of such a meeting, including the way it will be conducted. The facilities must enable all the meeting's participants to watch or hear each other, and the public to watch or listen.

## Meetings Closed to the Public

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. In order 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 s. 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 also abstain from voting on matters in which you have a pecuniary (monetary) interest.

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.

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

## **Pecuniary Interest**

(MGA s. 170 and 172)

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. Further information can be found in the handout "*Pecuniary Interest for Municipal Councillors*", available online at <https://open.alberta.ca/publications/pecuniary-interest-for-municipal-councillors-2021>.

## **Council Committees**

(MGA s. 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. 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.

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 Chief Administrative Officer (CAO).

### **Chief Administrative Officer (CAO)**

(MGA s. 205, 205.1, 207, 208, and 209)

Every council must establish, by bylaw, a position of 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, advice 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 your 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 s. 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 should be 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 are able to 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 s. 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 a number of 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 a number of years. A strategic plan can provide year-to-year guidance and direction to the annual budget process, and provides the longer-term context for annual goals.

The MGA requires that every municipality adopt an annual operating and a capital budget. 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, some times unexpected circumstances may result in the municipality having a deficit at year end. As long as 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 in order to receive provincial Municipal Sustainability Initiative 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 actually 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 s. 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 s. 249, 252, and 275)

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

## **Auditor**

(MGA s. 276, 277, 278, and 280; Alberta Regulation 313/2000)

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

# Property Assessment, Taxation, and Other Revenues

## Assessment

(MGA s. 285, 298, 454, 454.1, 454.2, 454.3, 460, 460.1, 468, and 470)

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

Each municipality is responsible for ensuring that each property owner pays his or her 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
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 appoint, by bylaw, a designated assessor. A designated assessor is responsible for the completion of a number of tasks laid out by provincial legislation and regulations.

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

The 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
- 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 (LARB). Residential property with four or more dwelling units or non-residential property will be heard by a Composite

Assessment Review Board (CARB). 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 Queen's Bench of Alberta (CQB).

## **Property Taxation**

(MGA s. 242, 297, 318, 354, 355, 356, and 359.1)

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

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

## **Education Tax and Equalized Assessment**

(MGA s. 318, 359.1 and 359.2; School Act: Part 6 Division 3, s. 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; however, assessments may vary from market value to a limited degree. Because this variance may occur, equalization is used to adjust each municipality's assessments to 100 per cent of market value. The equalization process removes the variations in assessment levels to make the assessment bases more comparable among municipalities. The process produces a set of adjusted, or "equalized," assessments that can then be used to distribute requisitions, or allocate grants, among municipalities in a fair and equitable manner.

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

## **Other Taxes and Revenues**

(MGA s. 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.

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 Web Portal**

Information on all provincial grant programs supporting municipalities is available on the Municipal Grants Web Portal at: [www.municipalaffairs.alberta.ca/municipalgrants.cfm](http://www.municipalaffairs.alberta.ca/municipalgrants.cfm).

Within this portal, each municipal grant program has its own information page. These pages contain:

- a description of the program, including the type of projects supported and the eligibility requirements;
- links to copies of program guidelines, application forms, and reporting documents;
- a downloadable key dates calendar;
- links to program websites; and
- contact information for provincial program staff should you have any questions.

Contact the Municipal Assessment and Grants Division at 780-422-7125 (or toll-free in Alberta at 310-0000) for more details about the grant programs.

## **Planning and Development**

Council shapes the physical future of the community through its authority over land-use planning and development control. It is the responsibility of council to focus on the future of the community as a whole while balancing the current rights, needs and concerns of property owners and residents. A number of tools are available to council for this purpose.

### **Alberta Land Stewardship Act (ALSA) Regional Plan**

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

If an 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, land-use bylaws, 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 the plans to achieve compliance.

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

### **Intermunicipal Development Plan**

(MGA s. 631, 636, 637 and 638)

Two or more municipalities may adopt an intermunicipal plan (IDP) to address issues of mutual concern with respect to designated lands. The plan must provide for the future use of land, the manner of and proposals for future development, or other matters relating to the area. The plan must include a procedure to resolve, or attempt to resolve, conflicts; a procedure to amend or repeal the plan; and provisions relating to plan administration. 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 require two (2) or more municipalities to enter into an intermunicipal development plan.

### **Municipal Development Plan**

(MGA s. 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 neighbouring municipalities to review and make comment on the plan. Intermunicipal issues such as coordination of land use and infrastructure must be addressed in the municipality's own municipal development plan. A municipal development plan must be consistent with existing intermunicipal development plan

### **Intermunicipal Collaboration Framework**

(MGA s. 708.28 – 708.43)

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, the stewardship of scarce resources efficiently in providing local services, and to ensure municipalities contribute funding to services that benefit their residents.

If the municipalities involved in an ICF cannot reach an agreement on the framework or disagree on its application, the MGA includes an arbitration process to follow to attempt to resolve any such matters if the ICF dispute resolution process is not successful.

### **Area Structure and Redevelopment Plans**

(MGA s. 633, 634, 635, 636, 637 and 638)

Council may, by bylaw, adopt an area structure plan (ASP) to provide a framework for subdivision and development for a particular area. The area structure plan will generally describe the sequences of development, proposed land use, population density, and the location of major transportation routes and public utilities. An ASP or ARP must be consistent with the municipality's MDP and existing IDPs. When an area is undergoing redevelopment, council may adopt an area redevelopment plan, (ARP) which, in addition to providing guidelines, may result in a redevelopment levy being used to acquire land for park, school, or recreation purposes in the redevelopment area.

## **Land Use Bylaws**

(MGA s. 638.2, 640, 642, 685, and 686)

All municipalities must have a land use bylaw (LUB). This bylaw provides a specific means of implementing the policies that are expressed in a general way in the municipal development plan. For instance, if a council wishes to adopt a direct control district in the land use bylaw, council must also adopt a municipal development plan 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 of a permitted use, a development permit must be issued. Where an application is for a discretionally use, it may be approved with or without conditions, or it may be refused. If an application is refused the applicant may appeal 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 propose development may make submissions to the development authority and may also appeal the decision of the development authority.

## **Subdivision**

(MGA s. 623, 638.2, 652, 654, 655, and 678)

Dividing a piece of land into two or more parcels generally requires approval from a subdivision authority. The authority ensures that the land to be subdivided is appropriate for its proposed use. Council must establish the subdivision authority by bylaw and decide on its membership. Decisions can 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 s. 638.2, 650 and 655)

Prior to a subdivision or development having full approval, your municipality may require a developer to enter into a subdivision or development agreement. These agreements ensure that certain conditions of the proposed development are documented and met. After legal consultation, administration will bring the agreement forward to council for acceptance, after which the application can be given final approval.

## **Subdivision and Development Appeal Board**

(MGA s. 627, 678, and 686)

A municipal council is required to establish a subdivision and development appeal board (SDAB) to act as a quasi-judicial body to deal with subdivision and development appeals. No more than one members of council can serve on a panel hearing a matter under the SDAB. Appeals are usually made by the applicant for a subdivision approval or a development permit, or by persons affected by the development authority's decision. The SDAB appeal hearing must be a public hearing.

## Municipal Collaboration and Mediation

Annexation and Intermunicipal Land Use Disputes (MGA s. 690)

Alberta Municipal Affairs Intermunicipal Relations team provides assistance in building collaboration between and within municipalities across Alberta.

The team provides a number of courses to build knowledge in the fields of negotiation, dispute resolution, public input and workplace conflict, and helps municipalities to work within their own organization and intermunicipally to build capacity to collaborate.

The team also provides mediation/facilitated negotiation services to municipalities who have disputes with another municipality or with a regional entity such as a regional services commission. The team:

- works with municipalities to determine whether or not disputes are suitable for mediation;
- works with municipalities to ensure all the necessary preparations are in place to convene a dispute resolution process;
- provides a roster of qualified private sector mediators available to work with municipalities;
- works with municipalities to design dispute resolution training programs, including preparation for mediation, best practices for municipalities, when to use mediation, etc.; and
- provides funding, on a proportional basis, to the parties to cover the costs of retaining the private sector mediator(s).

The MGA requires municipalities to attempt negotiations and consider mediation before bringing an intermunicipal land use dispute under section 690, amalgamation under section 104, or a contested annexation under section 112 to the Land and Property Rights Tribunal.

Municipalities can use facilitated negotiations for any intermunicipal matters at any stage in their negotiations.

For more information on the services of the Intermunicipal Relations team, visit: <https://www.alberta.ca/municipal-dispute-resolution-services.aspx>.

## Economic Development

The Economic Developers Association of Alberta (EDA Alberta) is an incorporated, non-profit organization formed to enhance the economic development profession in the province 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 [www.edaalberta.ca](http://www.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 Queen's Printer Bookstore:

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

**Phone:** 780-427-4952 (or toll-free in Alberta at 310-0000)

**Fax:** 780-452-0668

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

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

## Overview

You do not require a permit to install an election sign along provincial highways, however you must follow the provincial guidelines.

## General guidelines

- the maximum sign size permitted in a highway right-of-way (the existing highway limits) is 1.5 m<sup>2</sup>
- election signs are temporary and are only permitted from the date the election is called until 3 days after the election
- signs must meet eligibility criteria (see ineligible election sign types below)

If a sign does not comply with these guidelines, a peace officer or an authorized representative, without notice or compensation, may remove the sign.

### Ineligible election sign types

Election signs must not:

- display an intermittent flashing, rotating or moving light
- be floodlit which could distract drivers
- have any moving or rotating parts
- imitate the wording of a standard or commonly used highway traffic sign, such as stop, stop ahead or yield
- imitate or resemble a traffic control device, such as a stop sign

Signs should also not include associated yard lights, area lighting and other lights that, are excessively distracting to the public or create a traffic hazard.

## Location guidelines

Election signs should be placed as far from the shoulder line as practical, always allowing drivers to have an unobstructed view of the road.

When placing election signs, consider:

- signs must be placed no closer than 2 m from the edge of pavement (or, in the case of gravel roads, no closer than 2 m from the shoulder of the road)
- during winter conditions, there is a high probability that signs less than 6 m from the road will be either covered with snow or damaged during snow removal and sanding operations

No election signs:

- are allowed within the median of a divided provincial highway
- can be mounted on highway signs or sign posts (these signs will be removed immediately)
- can be placed in or within 500 m of construction zones
- are allowed to obstruct a driver's view of an intersection in an urban area or within 250 m of an intersection in a rural area

## Safety precautions

Take precautions when installing election signs to ensure your safety and prevent driver distraction:

- anyone working near the highway must wear reflective vests and bright clothing
- election signs can only be installed during daylight hours
- vehicles used for transporting election signs must:

## Election Signs

<https://www.albera.ca/election-signs>

- be parked to minimize the impact to drivers (preferably on an approach), as far as possible from the travel lanes
- have 4-way hazard warning signals operating at all times

## Sign removal

All election signs must be removed within 3 days after the election. The campaign office is responsible for installing and removing election signs.

Removal includes:

- the sign panel
- supporting structure
- any tie wiring used to install and support the sign

Signs that pose an immediate hazard to the public will be removed immediately by highway maintenance contractors without notification.

When the removal of an election sign is necessary due to safety or operational concerns, the appropriate district office will notify the responsible campaign office to take the required action:

- failure to respond within the specified time will result in the sign being removed
- signs will be stored at the nearest highway maintenance facility or district office
- the campaign office will be notified to arrange to have the signs picked up

We are not responsible for any signs damaged during the removal process.

## Contact

For more information about highway development and permits:

Election Signs  
<https://www.albera.ca/election-signs>

- use the [Roadside Management Classification Map](#) to explore which type of highway network your proposed development is on or nearby
- find your district by checking the [Transportation Region and District Offices map](#) (PDF, 2.4 MB)
- find a [Transportation District Office](#) (PDF, 386 KB) near you

## Sign Removal

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

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

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

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

For more information contact the nearest Alberta Transportation district office.

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

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

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

Fort McMurray District Office  
6<sup>th</sup> Floor, West Tower, Box 9, 9915 Franklin Ave. Fort McMurray T9H 2K4  
Phone: 780-743-7376 Fax: 780-743-7215  
[Application.Permit.FM@gov.ab.ca](mailto:Application.Permit.FM@gov.ab.ca)

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

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

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

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

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

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

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

# Guidelines for the Installation of Election Signs



Government  
of Alberta ■

## Election Signs Guidelines

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

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

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

## Location Guidelines

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

The following shall be considered when placing election signs.

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



## Safety Precautions

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

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

Election signs shall be installed during daylight hours only.

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

# Implementation Fact Sheet

## Third Party Advertising Amendments

### *Local Authorities Election Act, 2018 & 2020\**

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#### Third Party Advertising

**Legislation:** *Local Authorities Election Act* (LAEA)

**Section Numbers:** Part 8

#### Previous Requirement

Prior to 2018, third party advertising in municipal and school board elections was not addressed in the LAEA.

#### What has changed?

Rules have been added governing the finances and accountability of third parties that advertise to promote or oppose the election of a candidate during the election period (May 1 – close of voting stations on Election Day in the year of an election).

The rules for contributions, receipting, handling of funds and disclosure for third party advertisers will generally parallel the rules that apply to municipal and school board candidates, as well as requirements set out for provincial campaigns, where possible.

Like the rules for provincial campaigns, certain prohibited corporations, non-residents and registered charities will be unable to make contributions to third party advertisers; however, Alberta corporations and trade unions will generally be able to make contributions for such advertising.

#### What does the public need to know?

Third parties interested in advertising during a municipal or school board election to oppose or promote a candidate will be required to register with the municipality or school board in which they intend to advertise.

Third party advertisers will be required to file disclosure statements detailing advertisements, expenses, and contributions received.

Third party advertisers will be required to know who is eligible to make a contribution, registration requirements and all reporting requirements to the municipality.

Third party advertisers who undertake advertising to promote or oppose a candidate in more than ten local jurisdictions may register directly with a Minister-appointed provincial registrar. If a third party is registered with the provincial registrar, they are not required to register with the local jurisdiction.

#### What do municipalities or school boards need to know?

Municipalities and school boards will be responsible for maintaining a register of all third parties that have incurred (or plan to incur) advertising expenses or accepted (or plan to accept) advertising contributions of at least \$1,000. They will also be responsible for collecting the required disclosure statements from the third parties per the relevant sections in Part 8 of the LAEA.

Local jurisdictions that make the register and disclosure statements available to the public may wish to consider developing a policy that addresses how the documents will be disclosed.

#### When do these changes take place?

The amendments to the LAEA came into force December 11, 2018 and September 1, 2020.

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\*Amendments passed in July 2020 under Bill 29: *The Local Authorities Election Amendment Act*

# Implementation Fact Sheet

## Accountability and Transparency Amendments *Local Authorities Election Act*, 2018 and 2020

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### Advertisement Distribution and Campaign Activities at a Voting Station

**Legislation:** *Local Authorities Election Act*  
(*LAEA*)

**Section Numbers:** s. 152, s. 152.1

#### Previous requirement:

1. The *LAEA* prohibited the distribution of pamphlets and materials inside the voting station as well as the display of these materials on the inside or outside of the voting station but did not prohibit the distribution of materials outside of the building, or any other campaign activities in or around a voting station.
2. The *LAEA* allowed for the removal of campaign advertising, and specified that the deputy returning officer is not liable for trespass or damages for carrying out the removal.

#### What has changed?

1. \*The *LAEA* extends the prohibition of campaign activities and advertising within the boundaries of land on which a building is located for the use as a voting station. s. 152.

The *LAEA* also prohibits activities in and around a voting station that would involve soliciting votes or communicating for the purpose of influencing votes. s. 152.1

2. The *LAEA* was amended to clarify that the returning officer may request/require/instruct that campaign advertising be removed, and instruct those obstructing the voting process or taking part in campaign activities to leave the property. s. 152.1

#### What do prospective candidates need to know?

Candidates are prohibited from any type of campaign activities and any actions considered to be an attempt to solicit or influence votes in and on the property surrounding a building used as a voting station. Those found guilty may be subject to a fine of up to \$500.

#### What does the public need to know?

Your voting environment will be protected from outside influence. If an elector feels that there are campaign activities taking place at the voting station, they can report them to the Returning Officer who has the authority to stop the activity, require the individual(s) taking part in the activity to leave, or request that the individual(s) move locations.

The Returning Officer has the authority to request the assistance of a Peace Officer to aid in maintaining public access to the voting station or to remove a person who has refused to comply with the orders of the Returning Officer.

#### What do municipalities and school boards need to know?

The Returning Officer has the discretion to have advertising removed and instruct those considered to be obstructing the voting process or campaigning to leave the property. The Returning Officer may request the assistance of a Peace Officer if deemed necessary.

#### When do these changes take place?

The amendments to the *LAEA* came into force January 1, 2019.

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\*Amendments passed in July 2020 under Bill 29: *The Local Authorities Election Amendment Act*

## List of Candidates

**Legislation:** *Local Authorities Election Act (LAEA)*

**Section Numbers:** s. 28(10)

### Previous requirement:

There was no requirement in the *LAEA* for a list of candidates to be posted following nomination day.

Municipalities were required to report nomination information to Municipal Affairs which then posts the information on the ministry website.

### What has changed?

Municipalities and school boards are required to post the names of candidates within 48 hours following the close of nominations.

The returning officer must post or direct someone to post at the office of the local jurisdiction, the names of those nominated. s. 28(10)

## What does the public need to know?

A List of Candidates will be made available by the municipality within 48 hours of Nomination Day. The list is required to be posted at the office of the local jurisdiction but municipalities and school boards may also choose to post the list on local websites or social media pages. It is recommended that the public check with their municipality to determine where they can find the list of candidates.

## What do municipalities and school boards need to know?

The Returning Officer must ensure a List of Candidates is posted at the office of the local jurisdiction, within 48 hours of Nomination Day.

## When do these changes take place?

The amendments to the *LAEA* came into force January 1, 2019.

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\*Amendments passed in July 2020 under Bill 29: *The Local Authorities Election Amendment Act*

# Local Authorities Election Act: Question & Answers

Updated October 2020

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## Election Planning/Logistics

**Given the length of the nomination period, who can accept the nomination papers during this time? Must a returning officer be available as of January 1? Can an assigned municipal employee (such as the CAO) accept the nomination papers in the beginning?**

The *Local Authorities Election Act* (LAEA) allows returning officers to be appointed by council at any time prior to June 30 in the year of a general election. In the absence of council appointing a returning officer, the powers, duties and functions are the responsibility of the Chief Administrative Officer (CAO) (section 13).

Section 14 also allows the returning officer (CAO) to delegate any of their duties to a deputy returning officer. This means the CAO could appoint one or more deputy returning officer(s), to be able to accept nomination papers.

**The requirement to keep election materials for a period of three months in the *Alberta Senate Election Act* does not align with the requirement to destroy local government election materials between 6 to 12 weeks following election day in the LAEA. Do you anticipate a regulation to reconcile this discrepancy?**

Municipal Affairs is aware of the discrepancy between the timelines. Until Elections Alberta and Municipal Affairs review this matter further, there are different retention/destruction timelines for Senate Election Act material and LAEA materials.

**Do joint election agreements need to be completed prior to January 1, 2020?**

No. There is no legislative requirement to have joint agreements in place prior to January 1, 2021. The timing of when agreements are completed is up to each local jurisdiction. In the absence of an agreement, each local jurisdiction is responsible for the duties and functions as outlined in the LAEA.

## Nomination Process/Candidate Eligibility

**What is the rationale behind the seven month nomination period?**

The LAEA was streamlined to reduce instances of multiple time periods, such as the notice of intent to run, a four-year “campaign period” and a single nomination day.

The nomination period now aligns with the beginning of the campaign period, the ability to accept contributions and incur expenses. It means candidates are no longer required to file a notice of intent to run.

**If the nomination period starts January 1, 2021, when do nomination packages have to be ready for potential candidates?**

Returning officers may determine what information is included in nomination packages and when they are made available to potential candidates.

**Is a person pursuing civil litigation against the municipality eligible for nomination?**

Yes. Sections 22 and 23 of the LAEA list the circumstances in which a person would not be eligible for nomination and does not include ongoing litigation matters.

**What are the ramifications to council decisions when an existing member declares their nomination in January, or well before nomination day?**

Until a general election has occurred and the newly elected individuals have taken their Oath of Office, councillors remain in office with full authority and responsibilities as outlined in the *Municipal Government Act*.

The code of conduct bylaws of municipalities may address campaign-related issues.

**Is nomination day closed at 12:00 noon on September 20, 2021?**

Yes.

**Can candidates file and withdraw their nomination papers numerous times between January and September (during the nomination period)?**

Nothing in the legislation prevents a candidate from submitting and withdrawing nomination papers between January 1, 2021 and 12:00 noon on September 20, 2021.

**Will there be a prescribed form for nomination withdrawal?**

No. The returning officer has the ability to determine the appropriate written format for how candidates may withdraw their nominations.

**Our understanding from the LAEA is a nominee must be a resident for six months prior to January 1, 2021, so that would be June 1, 2020. Can someone be nominated as a candidate if they are not a resident as of January 1, but intend to reside in the municipality six months prior to September 20, 2021?**

It is the position of Municipal Affairs that when a person signs their nomination paper they are eligible under section 21 and not otherwise ineligible under section 22 and 23 of the LAEA. That includes meeting the six month eligibility requirement. Candidates may seek independent legal advice if they are unsure of their eligibility under the LAEA.

The returning officer does not have the authority to challenge the validity of the information provided on the nomination papers. Electors have the responsibility to question the validity of the nomination papers and it also may be challenged through the court.

**If self-funded candidates are spending zero dollars on campaigning, what is the trigger for filing nomination papers?**

Candidates must be nominated before incurring any campaign expenses or accepting contributions. However, a person may accept up to \$5,000 in the aggregate or contribute up to \$10,000, per year, outside of the campaign period.

Candidates must be aware that section 147.1(1)(a) defines campaign expenses as any expense incurred (including a non-monetary contribution received) by a candidate to the extent that the property or service is used to directly promote or oppose a candidate during a campaign period.

If an individual does not intend to spend any money, or accept contributions (either monetary or in-kind), the decision to file nomination papers is the choice of the candidate.

**January 1, 2021 is a statutory holiday. Do we need to be available to accept nominations that day?**

No. The *Interpretation Act* states that if the time limited for registration or filing of an instrument expires or falls on a day on which the office in which the instrument is required to be registered or filed is not open during its regular hours of business, the instrument may be registered or filed on the day next following on which the office is open.

Local offices are not required to be open on the January 1 statutory holiday. The filing of nomination papers may begin on the next business day.

**Can a municipality still require a fee for filing nomination papers?**

Yes. An elected authority may still require every nomination to be accompanied by a deposit in an amount fixed by bylaw.

**Is the candidate registry still needed?**

No. The requirement for a candidate registry/notice of intent to run was removed from the LAEA during the 2018 amendments.

**Will there be a process/procedure to confirm candidates that have filed nomination papers early are still eligible to run and/or interested in running?**

No. It is the responsibility of each candidate to ensure they remain eligible for nomination throughout the nomination period.

**When will the prescribed nomination forms be available?**

Forms and other resource materials will be made available as soon as possible on Alberta.ca. The LAEA Forms Regulation will be available from [Queens Printer](#).

**Can we require candidates to make an appointment to submit nomination papers to ensure the necessary staff are in the office to receive the forms?**

The LAEA, section 28, states that nominations shall be submitted at the local jurisdiction office at any time during the nomination period and the legislation does not provide for altering this provision.

## Election Day Logistics

**Are there statutory forms for vouching?**

Yes. Form 14, Statement of Voucher, must be completed when a person is relying on the vouching process to confirm identity.

**Is a Hutterite Colony considered one household for purposes of vouching?**

The household definition for a Hutterite Colony is not separately addressed in the LAEA. Independent legal advice should be obtained if this matter will impact your local election administration.

**Will Municipal Affairs be working with Alberta Education to offer support around the use of schools as voting stations?**

Each local jurisdiction, including school divisions and associated schools, are responsible for determining voting station locations. Municipalities have the autonomy to work with the local school divisions to determine the potential use of schools for voting stations.



## Candidate Contributions and Financial Disclosure

### **Do self-funded candidates need to file a disclosure statement?**

Yes. Section 147.4 requires that candidates file campaign disclosure statements. All candidates are required to file disclosure statements regardless of whether or not they were self-funded.

### **Can surplus funds be donated to a society or does it have to be a registered charity?**

Section 147.5 states that campaign surpluses greater than \$1,000 must be donated to a registered charity (or a portion must be donated to result in the surplus being less than \$1,000).

Registered charity is defined under section 1(t.4) of the LAEA and means a registered charity within the meaning of subsection 248(1) of the Income Tax Act (Canada).

### **Would a candidate personally get the tax receipt from the charity if surplus funds were required to be donated?**

The LAEA does not provide details regarding tax receipts from donating a campaign surplus to a registered charity. Candidates can contact their accountant or the Canadian Revenue Agency to obtain more information.

### **Does a candidate get a tax receipt or is it just a donation, no receipt expected?**

Section 147.3(e) requires that candidates obtain receipts for all expenses incurred and every contribution received. The LAEA is not specific regarding a receipt for surplus funds being donated to a registered charity.

### **Can you please confirm: municipalities with surplus funds held in trust need to donate on behalf of candidates, and arrange tax receipts in their names?**

Section 147.51 states that the candidate in respect of whom the amount is held in trust must dispose of their own surpluses if greater than \$1,000 (or donate an amount that will result in the surplus being less than \$1,000). Funds less than \$1,000 may be released and used as the candidate sees fit or be donated to a registered charity. Candidates have until January 1, 2022, and if no further instructions have been provided, the surplus becomes the property of the local jurisdiction.

### **Can surplus funds, currently held in-trust from previous elections, be returned to contributors?**

Section 147.5 requires surplus funds to be donated to a registered charity as defined under the Income Tax Act.

### **Can candidates access their 2017 election surplus to fund their 2021 election campaigns?**

Candidates who have surplus funds less than \$1,000 are permitted to retain their surplus funds to use as they see fit, or are able to donate them to a registered charity. Any surplus greater than \$1,000 must be donated to a registered charity or a portion of the surplus be donated to a registered charity that results in the surplus being less than \$1,000.

### **Can a campaign surplus be donated to the municipality?**

Section 147.5 states that surplus funds are to be donated to a registered charity as defined by the *Income Tax Act*. The only instances where a surplus may become the property of the local jurisdiction is for surplus funds currently held in-trust and if the candidates do not dispose of those funds or provide instructions prior to January 1, 2022 (section 147.51).

## Third-Party Advertising

**Do third-party advertisers have to register with the municipality if they are advertising in less than 10 jurisdictions?**

Yes, section 164 of the LAEA requires that a third-party must register with the local jurisdiction they intend to advertise in when it has incurred expenses (or intends to) or has accepted contributions (or intends to) of at least \$1,000.

A third-party register with the provincial registrar when it is registered in more than 10 local jurisdictions.

## Senate Elections and Referendums

**Can we can apply our voting procedures to the Senate Election and Referendum (e.g., advanced vote, institutional, special ballots, use of electronic voting equipment and combination of multiple ballots on one ballot card)?**

Yes, all voting procedures used in conducting the municipal election apply to the Senate Election and Referendum Vote. If a municipality is offering advance voting, institutional voting and/or special ballots, then the senate and referendum ballot will also need to be provided to electors voting by those methods.

If electronic voting equipment is being used, it can also be used for the senate and referendum ballot. A consolidated ballot can also be used, provided the requirements for ballots under the legislation are followed (minimum font sizes, instructions, etc.). The longer retention period for senate election ballots will also apply, should municipal and senate election ballots be combined.

**Is there a regulation on grant funding for referenda (different than Senate grant)?**

No. There are currently no regulations under the *Referendum Act*. A grants regulation is required to provide Municipal Affairs with the formula for paying grants to municipalities for the conduct of a referendum vote.

**The Senate Election Grants Regulation states that when an election is already occurring under the LAEA, we will receive \$1 per capita or \$1,000 whichever is greater. Is based on total population or eligible voters or per ballot cast?**

This is a population-based formula.

**Who is providing ballots for Senate and Referendum elections?**

For the Senate Election, Elections Alberta will provide ballots to municipalities completing a hand count. Municipalities using electronic voting equipment will be responsible for supplying the ballots.

For the Referendum Vote, the responsibility for providing ballots is not outlined in the *Referendum Act*. Information will be disseminated in the event regulations are enacted under the *Referendum Act*.

**If there is an acclamation in a jurisdiction or ward, will the municipality still be required to hold elections for Senate and/or referendum questions?**

Yes, the Senate Election and Referendum Vote are provincial elections. All eligible electors in Alberta must have a voting opportunity for those two events. Municipalities with acclamations will still be required to provide voting opportunities in the jurisdiction or ward with the acclamation.

### **Will senate and referendum ballots be physically separate from municipal ballots?**

For municipalities completing a manual count, these ballots will be separate from the municipal ballots and will be collected in separate ballot boxes. For municipalities using electronic voting equipment, the ballots can be together or physically separated, depending on the municipality's decisions around consolidating the ballots and tabulator set-up and post-event ballot storage.

### **How does the senate election apply to a summer village?**

As the Senate Election (and Referendum Vote) are provincial elections, all eligible Alberta electors, including those in summer villages, need to be provided with a voting opportunity.

Municipal Affairs is responsible for arranging the conduct of the Senate Election and Referendum Vote in summer villages, so will be making arrangements for this to occur. Summer villages will be receiving additional information on the options available for conducting these votes.

### **If we are using electronic voting and a recount is requested, is the results tape the only item that will be requested?**

Should a recount be applied for under the *Alberta Senate Election Act*, Elections Alberta will collect all ballots from municipalities that completed a hand count.

For municipalities using electronic voting equipment, Elections Alberta will collect the reports or materials used in determining the results in that jurisdiction. This could include the results tape, vendor reports, and/or ballot accounting forms. The tabulator ballots will not be collected.

### **What is the number of potential referendum questions?**

Until the Order in Council is issued, the number or content of the questions is unknown.

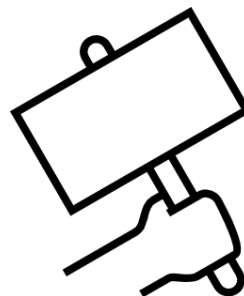
### **Will Elections Alberta provide advertising for municipalities for the Senate election and Referendum questions?**

Elections Alberta is planning to have an informational advertising campaign during the Senate Election/Referendum period. The campaign will focus on informing electors about the additional events taking place with the municipal elections, where to access information, and to encourage electors to vote. Elections Alberta will share materials that are developed for online and social media use with municipalities.

Legislated advertising for senate elections, including the notice of election under section 35 of the LAEA, will be the responsibility of municipalities. Form 6 has been adjusted through the Senate Election and Local Authorities Election Forms Regulation.

### **Provincial election signage is permitted from the date the election is called until three days after election. What is the election call date now?**

For questions specifically about when campaign signage is permitted under provincial elections, including senate elections and referendum questions, please contact Elections Alberta (780-427-7191 or [info@elections.ab.ca](mailto:info@elections.ab.ca)).



## COVID-19

**Section 77 (special ballots) is only available for those who are disabled or out of the jurisdiction on election day. Will there be an order or special dispensation for those who may be in quarantine or self-isolation due to COVID-19?**

Municipal Affairs is aware of concerns regarding the application of provisions of the LAEA, including special ballots, given COVID-19. The Ministry is committed to reviewing provisions of the LAEA in the event that COVID-19 continues throughout 2021.

**Elections Canada brought forward a legislative amendment to allow two days of voting (Saturday & Sunday), rather than the usual Monday Election Day. This will allow voters more time to vote, assist with physical distancing, allow youth to work the polls, and open up using schools as polling stations. Will Elections Alberta consider doing something similar?**

Municipal Affairs is monitoring election processes being implemented across Canada given a number of provincial and municipal elections occurring during COVID-19. The ministry will use this information to inform future decisions.

**Will there be changes to the legislation to allow a municipality to turn away voters who are showing symptoms of COVID-19?**

Municipal Affairs is committed to protecting fundamental rights of democracy, and that includes voting while also ensuring any recommendations or orders from the Chief Medical Officer of Health can be followed.

**Will there be COVID-19 guidelines for polling stations (contact tracing forms, sanitizing poll booth after each voter, etc.)?**

Municipal Affairs will rely on the expertise of Alberta Health Services and information relating to processes related to COVID-19. Information will be released when it becomes available.

## Additional Information

**Q: Will there be training or information resources for candidate and/or third-party advertisers and is there an anticipated timeframe?**

Additional resources will be released on Alberta.ca in fall 2020.

**Is there a "subscription" to receive notification for the training modules?**

Information is sent directly to Chief Administrative Officers across Alberta. The ministry will continue to work with the provincial elected and administrative associations when additional training opportunities are scheduled and resources are available.

**Will there be training for returning officers if they are not in place until June 30, 2021?**

Resources for returning officers will be made available on Alberta.ca and continue to be available throughout 2021.

**Is there a resource available outlining key dates for summer villages?**

Resources will continue to be drafted and released through fall 2020 and spring 2021.

All resources will be made available on Alberta.ca when they become available.

**Are there resources available for municipalities including updated FAQs, information sheets, manuals, and candidate information?**

Resources, when available, will be posted to Alberta.ca and may be used by local jurisdictions.

**Will there be candidate information sessions since nominations can be submitted after January 1, 2021?**

Municipal Affairs is exploring options for candidate training and details will be released on Alberta.ca when information becomes available.

**What should municipalities be doing now in preparation for January 1, 2021?**

Local jurisdictions must be in a position to accept nomination papers beginning January 1, 2021. Before January 1, 2021 local authorities should have processes in place to facilitate this.

**What is needed to be on municipal websites for January 1, 2021?**

This is a local decision and each jurisdiction may make a variety of information available. There is no legislated requirement for information to be posted on websites prior to January 1, 2021.

## **Municipal Election Support**

If you have municipal election questions, please contact us at:

780-427-2225 (or toll-free by first dialing 310-0000)

email: [ma.lgsmail@gov.ab.ca](mailto:ma.lgsmail@gov.ab.ca)

# Pecuniary interest for municipal councillors

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JANUARY 2021

Classification: Public

## Pecuniary Interest for Municipal Councillors

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 councillor may wish to obtain advice from a lawyer, in order to ensure the legislative requirements with regards to pecuniary interest provisions are met. Municipal Affairs and the Government of Alberta do not warrant or make any other representations regarding the use, accuracy, applicability, or reliability of this guide.

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

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

January 2021

ISBN 978-1-4601-5015-3

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# Pecuniary Interest

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

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

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

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

## Definition

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

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

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

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

## Exceptions

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

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

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

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

## What to Do

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

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

If you have a pecuniary interest:

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

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

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

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

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

## Temporary Absence

On occasion, you may be temporarily absent from a meeting when a matter in which you have an interest comes up for discussion. If so, upon returning to the meeting, or as soon as you discover that the matter was discussed, you are to disclose the general nature of your interest. The MGA requires the secretary to note your disclosure in the minutes.

The purpose of this provision is to ensure that a member of council does not avoid disclosing an interest by simply leaving the meeting before the matter is discussed and returning after the discussion is complete. If some matter is discussed by council while you are temporarily absent from a meeting, upon your return and as soon as you become aware of the matter, you should get the attention of the chair and say something like *“Mr. Mayor, during my absence a matter was discussed in which I have an interest. I am disclosing that my husband is an employee of the company and I ask that my disclosure be recorded in the minutes.”*

## All Meetings

The disclosure and abstention rules apply to every meeting of council and any of its committees. They also apply to you at a meeting of any board, committee or agency to which you are appointed as a representative of council (section 172(6) of the MGA). In other words, any time you are acting as a councillor, the disclosure and abstention rules apply to you.

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

## Doing Business

Although there is no prohibition on doing business with the municipality when you are a member of council, every contract or agreement with the municipality in which you have an interest must be approved by council (section 173 of the MGA). So, if your council has delegated purchasing authority to administration, it is important that those officials know of any business interests that you have and that you make sure council approves of any contract with your business. You cannot raise the matter in council, but, if you submit a bid or offer, you can note the matter must

receive council approval. If it doesn't, you will be disqualified and the contract has no force or effect.

The following are the only exceptions:

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

## **Statement of Disclosure of Interests**

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

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

This provision is permissive. This means the council has the power to pass such a bylaw; however, is not required to do so.

## **Remember**

If you vote on a matter in which you have pecuniary interest, you are subject to disqualification, even if you vote against your interest.

Ask to have your abstention recorded in the minutes of the meeting. The rules apply at all meetings of your council and its committees, and at the meetings of any board, commission, committee or agency to which you are appointed as a representative of the council.

If your council passes a bylaw requiring a statement of disclosure of interests, keep your statement up-to-date by regularly informing the designated officer of additions or deletions.

If you are in doubt as to whether you have a pecuniary interest, obtain a written legal opinion from your own solicitor.

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

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

**Phone:** 780-427-4952

**Fax:** 780-452-0668

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

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

## Notice of Nomination Day

Local Authorities Election Act  
(Section 26)

LOCAL JURISDICTION: Municipal District of Pincher Creek No.9, PROVINCE OF ALBERTA

Notice is hereby given that Nomination Day is May 2, 2024 and that nominations for the  
Date

election of candidates for the following offices will be received at the location of the local jurisdiction

office set out below within the period beginning on February 14, 2024  
Date

and ending at 12:00 noon on Nomination Day.

Office(s)	Number of Vacancies	Ward or Electoral Division Number (If Applicable)
Councilor	1	4

Location (Address) of Local Jurisdiction Office:

Municipal District of Pincher Creek No.9

1037 Herron Avenue

Pincher Creek, Alberta

DATED at the Administration Office of Municipal District of Pincher Creek No. 9, in the  
Province of Alberta, this 14 day of February, 20 24.

  
Returning Officer

## Nomination Paper and Candidate's Acceptance

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

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

Executive Assistant

403-627-3130

Title of the Responsible Official

Business Phone Number

LOCAL JURISDICTION: Municipal District of Pincher Creek No.9, PROVINCE OF ALBERTA

We, the undersigned electors of Ward/Division 4, nominate  
Name of Local Jurisdiction and Ward (if applicable)

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

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

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

of \_\_\_\_\_  
Name of Local Jurisdiction

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

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

## Candidate's Acceptance

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

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

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

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

Print name as it should appear on the ballot

\_\_\_\_\_  
Candidate's Surname

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

SWORN (AFFIRMED) before me

at the \_\_\_\_\_ of \_\_\_\_\_,

in the Province of Alberta,

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.



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

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

\_\_\_\_\_  
Commissioner for Oaths Stamp

## RETURNING OFFICER'S ACCEPTANCE

Returning Officer signals acceptance by signing this form:

\_\_\_\_\_  
Signature of Returning Officer

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