2021 Municipal Election

Monday, October 18, 2021

In the Village of Andrew, the electors elect 5 councillors to a term of office for four years. There is no limit on the number of times a Councillor can be re-elected. After the general municipal election, the five (5) councillors elect among themselves a Mayor at an Organizational Meeting held annually in October.

This webpage is intended to provide all the information you need to participate in the 2021 municipal election as a candidate and an elector. Information will be updated periodically.

Please direct any questions about the election to Roseann Weleschuk by email at andrew@mcsnet.ca or phone 780-365-3687.

Candidate Information

Eligibility

You are eligible to run as a candidate if you meet ALL of the following criteria:

- ✓ At least 18 years of age on Nomination Day
- ✓ Canadian citizen
- ✓ Resident of the local municipality for six consecutive months preceding Nomination Day

Nominations

New for 2021 Election, the Local Authorities Act (LAEA) prescribes nomination period begins January 1 (Monday, January 4, 2021) until 12:00 p.m. on September 20, 2021.

The official list of Village of Andrew candidates who have filed their nomination papers to run in the 2021 Municipal Election will be posted on the Village of Andrew website, as well as the bulletin board in the Village Complex.

Nomination Forms(.pdf)

Form 4 - Nomination Paper and Candidate's Acceptance

Form 5 – Candidate Information

Key Dates for 2021 Election

Nomination Day Closes -	Monday, September 20, 2021
Advance Vote Day -	Saturday, October 16, 2021
Election Day -	Monday, October 18, 2021
Organizational Meeting/ Swearing In Ceremony	Wednesday, October 27, 2021
Date to File Campaign Disclosure	On or before Tuesday, March 1, 2022

Local Election Rule Changes

The Government of Alberta has updated the Local Authorities Election Act that outlines election rules in municipalities, school boards, Metis Settlements and irrigation districts. The following Bills have been passed since the last Municipal Election was held:

Bill 45: The Local Authorities Election Amendment Act 2020 (No.2) received royal assent on December 9, 2020 to ensure fairness among third-party advertisers and minimize duplication when a provincial referendum or senate vote are held in conjunction with municipal elections.

Bill 29: The Local Authorities Election Amendment Act was passed on July 21, 2020 to allow people to donate to as many candidates as they choose and give candidates more flexibility to get their message out to the voters.

Bill 23: An Act to Renew Local Democracy in Alberta was passed on December 5, 2018, to limit campaign contributions, ban corporate and union donations and improve transparency and accountability.

Please view the pages below for important summary of changes for candidates:

Campaign Finance and Contribution Disclosure Amendments(.pdf)

Government of Alberta Local Election Rule Changes

Election Signs

You must follow the guidelines:

- ✓ 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
- ✓ If a sign does not comply with these guidelines, a Peace Officer may, without notice or compensation, remove the sign.

Visit the **Alberta Government Election Signs** webpage for the requirements on eligibility, placement, safety precautions, and removal.

Voter Information

- ✓ You are eligible to vote if you meet **ALL** of the following criteria:
- ✓ At least 18 years of age
- ✓ Canadian citizen
- ✓ Resides in the Village of Andrew and the person's residence is located in the Village of Andrew on Election Day
- ✓ Provided the required proof of eligibility as required by Section 53 of the Local Authorities Election Act

Elector Forms (.pdf)

Form 10 – Instructions for Electors

Form 13 – Elector Register

Village of Andrew

5021 50 Street

Andrew, AB T0B 0C0

Phone: (780) 365-3687

Email: andrew@mcsnet.ca

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Nomination Information

Thank you for your consideration to be a candidate in the 2021 Election. This guide will provide you with the required documents to submit your nomination requirements, and important forms to consider throughout your campaign. This guide is a compliment to the Candidate Information Guide found on 2021 Election (link to webpage) page of our website. Both guides may be updated frequently. It is advised that you check the Election 2021 website often.

As a candidate, it is your responsibility to ensure that you comply with all the aspects of the election process. The Returning Officer and election staff are not responsible for any errors or omissions.

Should you have any questions please do not hesitate to contact the Returning Officer:

Roseann Weleschuk

Returning Officer, Village of Andrew

Email: andrew@mcsnet.ca

Phone: 780-365-3687

This guide provides reference to provincial legislation. Candidates may obtain a copy of the Local Authorities Election Act, Municipal Government Act or Education Act the following source:

The Queen's Printer,

Main Floor, Park Plaza

10611 98th Avenue NW Edmonton, AB T5K 2P7

Email: qp@gov.ab.ca

Website: www.qp.alberta.ca

Nomination Checklist

Prior to submitting your Nomination package, please ensure that you:

- ✓ Review the requirements to become a candidate
- ✓ Print and complete the appropriate Form 4 – Nomination Paper & Candidate's Acceptance
- ✓ Have a Commissioner of Oaths or Returning Officer sign your form
- ✓ Print and complete Form 5 – Candidate Financial Information
- ✓ Print and complete the Candidate Information Disclosure Form
- ✓ Print and complete the Candidate/Agent Communications Consent Form

Resources

Local Authorities Election Act

Municipal Government Act

Roles and Responsibilities of Municipal Officials

Implementation Fact Sheets: Local Authorities Election Act, 2018 & 2020

FORM 4

Nomination Paper and Candidate's Acceptance

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

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

_____ _____
Title of the Responsible Official Business Phone Number

LOCAL JURISDICTION: _____, PROVINCE OF ALBERTA

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

_____ _____ of
Candidate Surname Given Names

_____ as a candidate at the election
Complete Address and postal code

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

of _____.
Name of Local Jurisdiction

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

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

Candidate's Acceptance

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

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

  _____

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

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

Print name as it should appear on the ballot

_____ _____

Candidate's Surname — Given Names (may include nicknames, but not titles, i.e., Mr., Ms., Dr.)

SWORN (AFFIRMED) before me

at the _____ of _____ ,

in the Province of Alberta,

this _____ day of _____ , 20____ .

_____

Candidate's Signature

_____

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

Commissioner for Oaths Stamp

RETURNING OFFICER'S ACCEPTANCE

Returning Officer signals acceptance by signing this form:

_____

Signature of Returning Officer

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

FORM 5

Candidate Financial Information

Local Authorities Election Act
(Section 27)

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

_____ _____
Title of the Responsible Official Business Phone Number

Candidate's Full Name _____

Candidate's Address and Postal Code _____

_____

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

_____

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

_____

_____

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

_____

_____

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

2021 Municipal Election

Candidate Information Disclosure

I, _____ hereby

Candidate's Name

(Please check one)

- **Authorize**
- **Do not authorize**

Village of Andrew to disclose my phone number(s) and e-mail address to the public, the media, or other candidates.

Contact Information:

Primary Phone: _____

Secondary Phone: _____

E-mail: _____

Social media/website _____

Section 39 of the Freedom of Information and Protection of Privacy Act states that a public body may use personal information only for the purpose for which the information was collected or for a use consistent with that purpose, if the individual the information is about has identified the information and consented, in a prescribed manner, to the use. If you have any questions about the collection, use or disclosure of your personal information, contact the Returning Officer at 780-365-3687 or andrew@mcsnet.ca

I acknowledge having read and understood this release and accept the terms within.

Signature of Candidate: _____

Date: _____

2021 Municipal Election

Candidate/Official Agent Communications Consent

Your personal information is being collected and used for the purpose of receiving communications from the Village of Andrew Returning Officer for the 2021 Municipal Election. The information is collected pursuant to Section 33(c) of the Freedom of Information and Protection of Privacy Act. If you have any questions about the collection and use of the information, please contact the Returning Officer at 780-365-3687 or email andrew@mcsnet.ca .

Candidate

CONTACT INFORMATION:

Name: _____

Mailing Address: _____Postal Code: _____

Email: _____

Telephone: _____ Cell phone: _____

Communications Consent

- Yes, I consent to receive candidate information emails from the Village of Andrew Returning Officer.

_____

Candidate Signature

Official Agent

CONTACT INFORMATION:

Name: _____

Mailing Address: _____Postal Code: _____

Email: _____

Telephone: _____ Cell phone: _____

Communications Consent

- Yes, I consent to receive candidate information emails from the Village of Andrew Returning Officer.

_____

Official Agent Signature

A Candidate's Guide:

Running for Municipal Office in Alberta

Elections during the COVID-19 pandemic

This guide is only applicable for the 2021 general election year

Alberta

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

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

Published by Alberta Municipal Affairs

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

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

December 2020

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Classification: Public

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Introduction

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

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

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

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

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

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

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

This guide is not legally binding and we recommend you obtain a copy of the *Local Authorities Election Act* and other relevant statutes and regulations.

Classification: Public

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

Local Authorities Election Act

The *Local Authorities Election Act* (LAEA) is the main legislation that guides the conduct of a municipal election or by-election. Copies can be obtained through the Alberta Queen's Printer, qp.alberta.ca, 780-427-4952 (toll-free by first dialing 310-0000).

All definitions, procedures and processes outlined in this guide are from the LAEA. Should you require further clarification on any definitions, procedures or processes you are encouraged to review and consult the legislation, ask the returning officer in your municipality, or seek an independent legal opinion. All forms required by legislation can be found in the *Local Authorities Election Act Forms Regulation,* on the Government of Alberta website, or by contacting your municipality.

Municipal Government Act

The *Municipal Government Act* (MGA) is the primary legislation that governs municipalities. Copies can be obtained through the Alberta Queen's Printer, qp.alberta.ca, 780-427-4952 (toll-free by first dialing 310-0000).

Section references noted throughout the document refer to:

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

Classification: Public

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Before Filing Nomination Papers

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

Accepting Contributions or Incurring Expenses

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

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

LAEA s.147.22

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

LAEA s.25(2)

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

LAEA s.21(1)

Are you qualified to become a candidate?

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

LAEA s.21(1)

Qualification Requirements in a Ward System

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

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LAEA s.21(2)

Qualification Requirements in a City with a Ward System

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

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

Qualification Requirements in a Summer Village

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

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

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

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

When is Nomination Day?

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

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

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LAEA s.25(2)(b)

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

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

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

s.22(1)

Ineligibility for Nomination

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

- if you are the auditor of the municipality;
- if your property taxes are more than $50 in arrears (excluding indebtedness on current taxes, and indebtedness for arrears of taxes for which the person has entered into a consolidation agreement with the municipality);
- if you are in default for any other debt to the municipality in excess of $500 for more than 90 days; or
- if within the previous 10 years you have been convicted of an offense under the *Local Authorities Election Act*, the *Election Act, Election Finances and Contributions Disclosure Act*, or the *Canada Elections Act*.

MGA s.174(1)(c)

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

LAEA s.22(1.2)

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

- the secretary (chief administrative officer) transmitted a report in respect to that person, and/or
- the court did not dispense with, or extend the time for compliance.

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

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

NOTE: *If you are a municipal employee and you wish to run for local office, or a school board employee running for election as trustee of a school board, you must take a leave of absence without pay as outlined in the LAEA. This point does not apply if you perform duties for a jurisdiction in a volunteer capacity. You may notify your employer on or after July 1 in the election year (on or after the day council passes a resolution setting Election Day in the case of a by-election) but before the last working day prior to Nomination Day. Any employee who requests a leave of absence without pay in accordance with those conditions must be granted it.*

Other Considerations

Time Commitment

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

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

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

Remuneration

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

Roles and Responsibilities of an Elected Official

As a member of council, you will have the opportunity to significantly influence the future of your community. Your effectiveness as a member of council depends on your ability to be an active member of the team and to respectfully persuade the other members of council to

Classification: Public

adopt and support your view. Decisions of council may only be made by resolution or bylaw and must be made at public meetings, at which a quorum is present. As an elected official, you will also have to find the balance between representing the views of those who elected you and your own individual convictions.

As an individual member of council, you will not have the power to commit your municipality to any expenditure or to direct the activities of the municipal employees alone. Any promise you make as a part of your election campaign that involves municipal expenditures or the activities of employees can only be carried out if you can obtain the support of your fellow council members in carrying out that promise.

The Canadian Constitution grants responsibility for municipal institutions to the provinces. Through a variety of legislation, the Alberta Legislative Assembly has delegated some of its authority to municipal councils. The legislation you will refer to most often is the *Municipal Government Act* as this is the legislation that allows for many decisions that council can make.

MGA s. 7

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

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

Administration of a Municipality

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

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How else can I prepare?

The best way to find out what the job is all about is to spend some time reading relevant municipal documents and talking to current members of council. You may also wish to:

- familiarize yourself with local bylaws and municipal legislation;
- read council agendas and minutes;
- observe council meetings from the gallery; and
- talk to municipal staff to find out what other information is available.

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

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

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Nomination Papers

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

Form of Nomination

LAEA s. 27

Your nomination must be filed using the required forms (Form 4 – Nomination Paper and Candidate's Acceptance and Form 5 – Candidate Information). Contact the local municipal office to determine where to get the nomination form and to seek advice on filling out the form accurately. The CAO, returning officer, or municipal clerk will be able to help you.

LAEA s.27(1)

What is included in the Form of Nomination?

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

LAEA s.27(2)

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

LAEA s.27(3)

- If you are seeking election in a municipality with a division or ward system, the voters signing your nomination form must be residents in the ward or division that are you running in.

LAEA s.12(b)

In summer villages, the nominators must be:

- eligible to vote in the election;

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- 18 years of age;
- a Canadian Citizen; and
- either residents or those named on the certificate of title as the person who owns property within the summer village or is the spouse or adult interdependent partner of the person named on the title.

In addition to the signatures, the nomination paper must also be complete with the written acceptance signed in the prescribed form by the person nominated. If a candidate's information changes, that information must be updated with the local jurisdiction, in writing, within 48 hours of that change.

LAEA s.28(4)

The returning officer will not accept the following:

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

LAEA s.68.1

Official Agent

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

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

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

Nomination Period

Filing the Nomination Form

LAEA s. 27

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

LAEA s.25

How do I file my Nomination Form?

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

LAEA s. 12(d)

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

LAEA s.26

Municipalities will advertise in one of three ways:

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

The advertisement will indicate where and when the returning officer will receive the nominations. It is important to check the advertisement or with your municipality for the time and location to file your nomination papers.

LAEA s.28(3)

Do I have to file my Nomination Form in person?

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

Classification: Public

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

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

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

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

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

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

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

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

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

- cash,
- certified cheque,
- money order, or
- debit or credit card.

Classification: Public

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LAEA s.30

Will I get my deposit back?

Your deposit will be returned to you if you:

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

LAEA s.32

Withdrawing Nominations

Candidates may withdraw their nomination form at any time during the nomination period and up to 24 hours (48 hours in a summer village) after the close of the nomination period, provided the number of candidates nominated exceeds the number of positions for the office you are seeking.

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

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

LAEA s.31

Insufficient Nominations

In the event that the number of nominations filed is less than the number of vacancies in the municipality, the returning officer will be available to receive nominations the next day from 10 a.m. to 12 p.m. This process continues for up to six business days (calendar days in summer villages) until an adequate number of nominations are received. If, at the end of the six-day period, insufficient nominations continue, municipalities are required to contact the Minister of Municipal Affairs.

LAEA s.34

Acclamations

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

Classification: Public

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LAEA s.35

Requirement for Election

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

LAEA s.12(d)

Summer Villages

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

Late Filing of Nominations

The returning officer **CANNOT** accept nominations after 12:00 p.m. on Nomination Day (four weeks prior to Election Day). Ensure you check with your municipality on the time and location for filing nomination forms and ensure you file your nomination paper well in advance at the location available. Despite the name of "Nomination Day", it is useful to think of it as a nomination deadline day. There is no need to wait until Nomination Day to file forms and if there is any question of your availability, be sure to file your forms prior to this date.

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Candidate Contributions & Expenses

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

Contributions and Expenses

LAEA s.147.1(1)(a)

What are allowable campaign expenses?

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

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

LAEA s.147.2(4)

Can I self-fund my campaign?

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

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

Classification: Public

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

LAEA s.147.2

Contributions to Candidates

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

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

LAEA s.147.2(5)

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

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

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

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

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

A candidate must open a bank account in the name of the candidate or in the name of the campaign as soon as possible after the amount of contributions from any person(s) exceeds $1,000 in the aggregate, including any money paid by the candidate out of their own funds. Money in that account must then only be used for the payment of campaign expenses.

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

Contributions of real property, personal property, goods and services have to be valued. Throughout the duration of the campaign, receipts must be issued for every contribution received, and be obtained for every expense. Receipts will assist candidates in creating itemized expense reports and can be used as proof of contributions.

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LAEA s.147.1(1)(c)

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

LAEA s.147.3(1)(f)

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

LAEA s.147.24

Contributions Not Belonging to Contributor

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

LAEA s.147.23

Anonymous and Ineligible Contributions

If a candidate receives an anonymous contribution, the candidate must return the contribution to the contributor immediately (if the identity of the contributor can be established), or donate the total contribution to a registered charity or the local municipality.

LAEA s.147.31

Fund-raising Functions

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

LAEA s.147.31(2)

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

LAEA s.147.31(3)

- If the individual charge is $50 or less, it is not considered a contribution unless the individual who pays the charge specifically requests it to be a contribution. If a request is made, half of the amount is allowed for expenses and half is considered a contribution. Even if the amount is not considered a contribution, the candidate may choose to still issue a receipt and keep a record of the transaction.

Classification: Public

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

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

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

LAEA s.147.33

Loans

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

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

LAEA s.147.34

Campaign Expense Limits

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

LAEA Part 8 s.190-205

Elections Alberta/Election Commissioner

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

For more information regarding the authority of the Election Commissioner, including contact information, please visit:
www.elections.ab.ca/compliance-enforcement/complaints/.

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Campaigning

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

How do I campaign?

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

The purpose of campaigning is to convince the electors you are the best candidate for the position. Candidates have used various strategies, like:

- door-knocking;
- signage;
- brochures or posters;
- participating in local candidate debates or forums;
- social media pages or websites; and
- hosting a meet and greet event.

Is there anything I cannot do during a campaign?

There are a variety of offence provisions included in the *Local Authorities Election Act* that candidates should review and understand.

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

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

Classification: Public

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LAEA s.116

Bribery

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

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

LAEA s.117

Undue Influence

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

LAEA s.150, 152, 152.1

Canvassing on Election Day

Candidates, official agents, or campaign volunteers cannot canvass or solicit votes in a voting station or on the property used for a voting station on an advance vote or election day. In addition, campaign materials (posters, pins, signage, etc.) cannot be displayed or distributed inside or on the outside of a building used as a voting station.

LAEA s.50

Is there a voters' list?

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

Municipal Affairs

Pecuniary Interest for Municipal Councillors

January 2017

Alberta

Capacity Building, Municipal Services Branch
Pecuniary Interest for Municipal Councillors
Alberta Municipal Affairs
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Pecuniary Interest

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

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

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

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

Definition

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

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

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

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

Section 172 of the *MGA* sets out the procedure you must follow if a matter in which you have a pecuniary interest comes before any meeting in which you are taking part in your

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

Exceptions

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

A councillor does not have a pecuniary interest only because:

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

the councillor, an employer of the councillor or a member of the councillor's family has an interest in a business, unless the only business affected by the bylaw is the business of the councillor, employer of the councillor or the councillor's family."

What to Do

Section 172 of the *MGA* says that you may not take part in the discussion and decision-making on any matter in which you have a pecuniary interest. The legislation attempts to ensure that you are not discriminated either for or against by virtue of your membership on council.

If you have a pecuniary interest:

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

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

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

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

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

Temporary Absence

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

The *MGA* requires the secretary to note your disclosure in the minutes.

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

All Meetings

The disclosure and abstention rules apply to every meeting of council and any of its committees. They also apply to you at a meeting of any board, committee or agency to which you are appointed as a representative of council (section 172(6) of the *MGA*). In other words, any time that you are acting as a councillor, the disclosure and abstention rules apply to you.
It is important to remember to ask the secretary at any of these meetings to record your abstention and to check that it is actually included in the minutes.

Doing Business

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

The following are the only exceptions:

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

Statement of Disclosure of Interests

If you have extensive business interests, it may be difficult for you to know when these businesses are dealing with your municipality. It may be even more difficult for purchasing

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

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

Remember

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

Ask to have your abstention recorded in the minutes of the meeting.

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

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

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

This guide is an information summary only and has no legislative sanction. For certainty, refer to the *Municipal Government Act* and the *Local Authorities Election Act*. Copies can be purchased from Alberta Queen's Printer Bookstore:
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Email: qp@gov.ab.ca
Website: www.qp.alberta.ca/

BYLAW NO. 2018-01

OF THE VILLAGE OF ANDREW

(hereinafter referred to as "the Village of Andrew")

IN THE PROVINCE OF ALBERTA

A BYLAW OF THE VILLAGE OF ANDREW IN THE PROVINCE OF ALBERTA TO REGULATE THE CONDUCT OF COUNCIL

WHEREAS Section 146.1 of the *Municipal Government Act* provides that a council must, by bylaw, establish a code of conduct governing the conduct of councillors;

WHEREAS the *Code of Conduct for Officials Regulation, AR 200/2017* provides that a Code of Conduct must contain certain provisions;

WHEREAS the Village of Andrew Council recognizes that the constituents of the Village of Andrew elected Members of Council for the purpose of providing effective leadership for the Village of Andrew and its residents;

WHEREAS each individual Councillor of the Village of Andrew Council hereby commits to upholding this Code of Conduct for the purpose of ensuring that Councillors of the Village of Andrew maintain appropriate conduct when carrying out their roles as Councillors;

WHEREAS this Code of Conduct must be reviewed every four years from date of passing; and

WHEREAS the Chief Administrative Officer Bylaw is incorporated by reference into the Code of Conduct.

NOW, THEREFORE, THE COUNCIL OF THE MUNICIPALITY DULY ASSEMBLED, ENACTS AS FOLLOWS:

PART 1 – BYLAW TITLE

1. This Bylaw shall be called the "Council Code of Conduct".

PART 2 - GUIDING PRINCIPLES

2.1 Council should review this Code of Conduct annually at the Organizational Meeting, to ensure that the Bylaw is current and remains relevant to the day to day conduct of Council and individual Councillors.

2.2 Councillors are expected to formally and informally review this Code of Conduct, and their adherence thereto on a regular and ongoing basis.

PART 3 - MUNICIPAL PURPOSES

3.1 The purposes of the Municipality of the Village of Andrew are to:
a) to provide good government;
b) to foster the well-being of the environment;
c) 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,
d) to develop and maintain safe and viable communities; and
e) to work collaboratively with neighbouring municipalities to plan, deliver and fund intermunicipal services.

PART 4 – DEFINITIONS

4.1 **"Chief Administrative Officer"** has the meaning prescribed under the Municipal Government Act, and may be referred to as the CAO.

4.2 **"Conflict of Interest"** means an occurrence where a Councillor's personal or private interests are, or may be perceived as, influencing the Councillor on a matter of public interest before Village Council, including occurrences which may result in common law bias, including direct or indirect pecuniary interest, prejudgment, close mindedness or undue influence. A Conflict of Interest occurrence also includes using the Councillor's position, confidential information or Village of Andrew employees, materials, or facilities for personal or private gain or advancement or the expectation of personal or private gain or advancement. A Conflict of Interest may include advancing the interests of the Councillor's family, friends or business associates.

4.3 **"Complained of Councillor"** means the councillor against whom a complaint has been made under this code of conduct.

4.4 **"Councillor(s)"** has the meaning described under the *Municipal Government Act*, including an individual elected member of the Village of Andrew Council and the chief elected official (Mayor).

4.5 **"Council"** means the Village of Andrew Council.

4.6 **"In Camera"** means "in private" meeting. It involves a confidential meeting, or a portion of a meeting, taking place with only Council members, the CAO, or any other person invited by Council, present.

4.7 **"Committee of the Whole"** refers collectively to those Members of Council present when Council moves to sit as a Committee.

4.7 **"MGA"** means the *Municipal Government Act,* as amended from time to time.

4.8 **"Pecuniary Interest"** means those occurrences as prescribed in the ***Municipal Government Act***, R.S.A. 2000 Chapter M-26, as amended from time to time.

4.9 The "**Village"** means the municipality of the Village of Andrew.

PART 5 - CODE OF CONDUCT FOR COUNCILLORS

The Council has adopted the following principles to ensure that all Councillors act honestly, in good faith and in the best interests of the Village. The purpose of this Bylaw is to establish effective governance through proper conduct.

The Village of Andrew Councillors each agree and commit to the following rules of conduct:

5.1 To act honestly and in good faith at all times.

5.2 To engage in respectful, fulsome and healthy debate on matters in Council meetings, and subsequently, to support the decision of Council.

5.3 To respect all opinions of other Councillors.

5.4 To publicly express personal opinions in such a manner that maintains respect for Council, other Councillors and any decisions made by Council or a Council committee.

5.5 To ensure that any public statements are clearly stated to reflect the personal opinion of the Councillor, not the opinion or position of Council as a whole, unless given express authorization by Council to represent Council's position on an issue.

5.6 To strictly follow the Pecuniary Interest requirements provisions of the MGA.

5.7 To avoid occurrences which may result in a Conflict of Interest.

5.8 To avoid occurrences where it may be perceived that the Councillor is using their position on Council to gain a personal or pecuniary benefit.

5.9 To refrain from seeking the award of written service or supply contracts; to refrain applying for positions of employment with the Village, while holding the position of Councillor in order to avoid any public perception that the Councillor is using their position on Council to gain a personal or pecuniary benefit. It is acknowledged and agreed that the Village will not award any written service or supply contracts nor make offers of employment to any person who holds the position of Councillor.

5.10 To incur expenses in a responsible and reasonable manner.

5.11 To act with professionalism, and respect when interacting with other members of Council, administration, members of the public and other government officials.

5.12 To consider the welfare and interests of the Village as a whole, and to bring to Council's attention anything that would promote the welfare or interests of the Village.

5.13 To actively participate in all Council and Council committee meetings and meetings of other bodies to which they are appointed by the council in good faith.

5.14 To obtain information about the operation or administration of the Village from the CAO.

5.15 To participate generally in developing and evaluating the policies and programs of the Village.

5.16 To keep in confidence all matters discussed in private at a Council committee meeting until that matter is discussed at a public meeting.

5.17 To demonstrate fairness, accountability and open mindedness on all matters.

5.18 To refrain from improper use of their position as a Councillor to:

5.18.1 gain, or attempt to gain or advance, directly or indirectly, a personal or private interest for him/herself or another person,

5.18.2 cause, or attempt to cause, detriment to the Village, the Village Council or any individual Councillor, cause, or attempt to cause, detriment to any member of the Village administration or staff, or

5.18.3 seek personal benefit or gain from any information obtained through their position as a Councillor.

5.19 A council or a councillor must not exercise a power or function or perform a duty that is by this, or other enactment or bylaw, specifically assigned to the CAO or a designated officer. (*MGA Section 201 (2).*

5.20 To perform any other duty or function imposed on councillors by this or any other enactment or by the council.

5.21 To promote an integrated and strategic approach to intermunicipal land use planning and service delivery with neighboring municipalities.

5.22 To participate in orientation training and other training opportunities with regard to the roles and responsibilities of Council.

5.23 Councillors shall dress in a manner that upholds the dignity and decorum of the Municipal Office during all council meetings.

5.24 To adhere to all Village bylaws, policies, and procedures.

5.25 Adhere to the code of conduct.

PART 6 - CODE OF CONDUCT IN PRACTICE

6.1 Council Decisions

6.1.1 Council meetings are the appropriate forum for healthy and fulsome debate and discussion of matters before Council.

6.1.2 All Councillors must be given a full opportunity to address issues before Council in a full, open and professional manner, to encourage and promote healthy debate of issues.

6.1.3 Council decisions are made by majority vote by the Councillors. The decision of Council must be accepted and respected by all Councillors even if some individual Councillors do not agree with the majority decision.

6.1.4 While an individual Councillor may publicly state that they did not vote with the majority of Council on an issue, this must be made in a manner that respects Council, Council's decision and other members of Council.

6.2 Councillor Expenditures

6.2.1 When incurring expenditures, Councillors shall act responsibly and respect that public monies must be used for the public good.

6.2.2 Councillors shall avoid waste, abuse and inappropriate expenditure in the use of public monies and resources.

6.2.3 Councillors shall be open and accountable with respect to all expenditures.

6.2.4 Councillors shall strictly adhere to all Village guidelines addressing expenditures and reimbursement.

6.3 Dealings with Village administration, staff and members of the public

6.3.1 Councillors shall respect the professional opinion of Village administration and staff.

6.3.2 Councillors shall not abuse relationships or dealings with Village administration or staff by attempting to take advantage of their position as Councillors. Councillors must refrain from behaviour which may be perceived to be bullying of staff.

6.3.3 All requests for information shall be directed through the CAO.

6.3.4 Councillors may meet with the CAO at any time. However, Councillors must not meet with any staff member(s), and must not discuss municipal business at any time, without the CAO present, unless authorized by the CAO.

6.3.5 Councillors will treat all people with professionalism, courtesy and respect.

6.3.6 Councillors will treat all people in good faith and without bias and shall not discriminate against any person on the basis of:

6.3.6.1 differences in personal opinions, or

6.3.6.2 race, ancestry, place of origin, colour, ethnic origin, culture, citizenship, religion, creed, language, gender, sexual orientation, age, family status, disability or occupation.

6.3.7 It is the sole responsibility of the CAO to hire, discipline, and terminate staff, and that all information pertaining to staff employment matters is confidential. No member of Council, either as an individual or as a group, shall interfere with the CAO role in the hiring, disciplinary action, or termination of any staff member, by way of coercion, persuasion, threats, intimidation, bullying, or any other form of influence. The CAO shall immediately report any incident of this nature to Council as a whole.

6.4 Pecuniary Interest

6.4.1 It is the individual responsibility of each Councillor to be aware of the Pecuniary Interest provisions and the disclosure and procedure requirements as established in *MGA*,

6.4.2 It is the individual responsibility of each Councillor to seek independent legal advice with respect to any occurrence which may result in Pecuniary Interest, at their own expense,

6.4.3 If a Councillor believes that they may have or may reasonably be perceived to have a Pecuniary Interest in a matter before Council or a Council Committee, they shall follow the Pecuniary Interest disclosure and procedure requirements as established in the *MGA* including:

6.4.3.1 Stating the general nature of their Pecuniary Interest at the meeting prior to any discussion of the matter. This will be done on every occasion that the matter arises before Council or Council committee.

6.4.3.2 Refraining from discussing the matter with Council.

6.4.3.3 Subject to 5.4.3, leaving the room in which the meeting is held prior to the matter being discussed until discussion and voting on the matter has concluded, *MGA*, section 172(1)(d).

6.4.3.4 The decision with respect to whether or not the Councillor may have a Pecuniary Interest is the individual Councillor's decision to make, in accordance with the *MGA*.

6.4.4 Where a Councillor believes that they may have a Pecuniary Interest in a matter before Council or a Council committee, they should:

6.4.4.1 Notify the Mayor or Chair of the meeting before the matter is considered that the Councillor has a Pecuniary Interest in the matter, and

6.4.4.2 Complete the "Disclosure of Pecuniary Interest" form attached as Schedule "A" prior to the consideration of the matter at the meeting. The "Disclosure of Interest" form shall be received by the Mayor or Chair of the meeting, be read into the meeting minutes and delivered by the Mayor or the Chair to the CAO or his designate. The CAO shall file and maintain the "Disclosure of Interest" forms.

6.5 Conflict of Interest

6.5.1 Receipt and giving of gifts can result in a perceived Conflict of Interest. With the exception of token and minor gifts (having an estimated value under $50.00), Councillors shall provide a written declaration to the CAO detailing the acceptance of any gifts including estimated value and the donor of the gift, form attached as Schedule "B".

6.5.2 While token and minor gifts can be accepted by Councillors, substantial or material gifts, (over $50.00), should either be rejected by Councillors or accepted on the condition that the gift is accepted on behalf of Council and donated to a local charity.

6.5.3 This bylaw does not apply to gifts donated to the Village, nor to gifts or hospitality that are normally received as a matter of protocol or social obligations that normally accompany the position of Councillor and which are not related to any particular transaction or activity of the Village of Andrew or decision by Council.

6.5.4 Councillors shall not engage in any activity, which is incompatible or inconsistent with the discharge of a Councillor's duties and obligations as an elected official in the Village.

6.5.5 The decision with respect to whether or not the Councillor may have a Conflict of Interest is the individual Councillor's decision to make.

6.5.6 A councillor may seek the advice of the CAO respecting a potential conflict prior to the matter coming before council.

6.5.7 It is the individual responsibility of each Councillor to seek independent legal advice with respect to any situation that may result in a Conflict of Interest.

6.6 Use and Disclosure of Information

6.6.1 Councillors must not use information gained through their position on Council for any private or personal benefit or gain.

6.6.2 Councillors shall inform themselves of and strictly adhere to the provisions of the *Freedom of Information and Protection of Privacy Act, R.S.A. 2000, Chapter F-25* with respect to the access to, gathering, use and disclosure of information.

6.6.3 Councillors must not release, disclose, publish or comment on confidential information including any information received during an "in camera" meeting until such information is disclosed at a public meeting. This obligation continues in perpetuity.

6.6.4 Councillors must not release information that is subject to solicitor-client privilege unless expressly authorized by Council or required by law to do so.

6.6.5 Councillors must not misuse confidential information gained by virtue of their position as Councillor that is not in the public domain, including e-mails and correspondence from other Councillors or third parties, such that it may cause harm, detriment or embarrassment to the Village, Council, other Councillors, Village of Andrew administration or staff, members of the public or third parties, or such that it may create a benefit to themselves, the Village, Council, other Councillors, Village administration or staff, members of the public or third parties.

PART 7 - SANCTIONS FOR BREACHING THE CODE OF CONDUCT

7.1 If a Councillor fails to adhere to the Code of Conduct, any or all of the following sanctions may be imposed:

7.1.1 Letter of reprimand addressed to the councillor.

7.1.2 A request to the councillor to issue a letter of apology.

7.1.3 Publication of the letter of reprimand or request for apology and the councillor's response.

7.1.4 Require the councillor to attend training.

7.1.5 Suspension or removal of the appointment of a councillor as the chief elected official under section 150(2) of the *MGA*.

7.1.6 Suspension or removal of the appointment of a councillor as the deputy chief elected official or acting chief elected official under section 152 of the *MGA*.

7.1.7 Suspension or removal of the chief elected official's presiding duties under section 154 of the *MGA*.

7.1.8 Suspension or removal from some or all of council committees and bodies to which council has the right to appoint members.

7.1.9 Reduction or suspension of remuneration as defined in section 275.1 of the *MGA* corresponding to a reduction in duties, excluding allowances for attendance at council meetings.

This code of conduct, or sanctions imposed under this code of conduct shall not prevent any councillor from fulfilling the legislated duties of a councillor.

PART 8- COMPLAINT PROCESS FOR BREACHING CODE OF CONDUCT

8.1 Any elector of the Village of Andrew may make a complaint alleging a breach of the code of conduct. Complaints regarding a Councillor's conduct be submitted in writing to Council through the CAO, using the form attached as Schedule "C".

8.2 Where a contravention of any provision in this Code of Conduct is alleged, Council shall, upon request of any member of Council, hold a special meeting of Committee of the Whole within 30 days of the complaint, to determine if the Council member has breached this bylaw. All discussions surrounding both alleged and substantiated violations of this code shall be conducted during an In-Camera meeting of Council, with the intent that the discussion shall remain confidential under the appropriate sections of the *Freedom of Information and Protection of Privacy (FOIP) Act*.

8.3 The Complained of Councillor shall be given opportunity to address Council at the meeting referred to in section 8.2, and will be provided with sufficient time to address the alleged breach of confidentiality. The Complained of Councillor shall be permitted to introduce evidence, including witnesses to support their position, and may be represented by legal counsel. Should the Complained of Councillor have legal counsel, then the Village shall have the right to legal representation. Should Council determine that a member has potentially breached the Code of Conduct, Council shall rise and report that such a determination has been made, and shall, at a special open Council session called for that purpose, pass a Resolution that shall require the member to appear before an In-camera Committee of the Whole meeting to be sanctioned.

8.4 The Sanction shall be ratified by Resolution at a Regular Meeting of Council.

8.5 All Sanctions under this By-Law shall be fair and in keeping with the severity of the infraction, giving due regard to the Councillor's previous conduct.

8.6 Nothing in this Section restricts or attempts to countermand a Councillor's legal right to challenge a decision by Council through established legal channels.

PART 9 – SEVERABILITY

9.1 Should any section, subsection, clause or provision of this Bylaw be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this bylaw as a whole or any part thereof, other that the part so declared to be invalid.

READ a first time this day of , 2018.

READ a second time this day of , 2018.

READ a third and final reading this day of 2018.

VILLAGE OF ANDREW

_____

GARY LEPPEK, MAYOR

_____

PAT SKOREYKO, C.A.O.

SIGNATURE

The undersigned member of Council hereby acknowledges receipt of a copy of By-law 2018-01, being the Mayor and Councillor's "Code of Conduct By-law".

_____

PRINTED NAME

_____

Signature of Member of Council

_____

Date of Signature Acknowledgement of Receipt of Code of Conduct Bylaw

NOTE: The member of Council acknowledges that two copies of the By-law were provided to the member. One signed copy of the By-law was returned to the CAO and the duplicate copy was retained by the member of Council.

Schedule "A"
Disclosure of Pecuniary Interest Form

Name of Councillor: _____

Date of Council/Committee Meeting: _____

Agenda Item No.:_____

Agenda Item Description: _____

Describe general nature of Pecuniary Interest:

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

Dated this ____ day of _____, 20__.

Signature of Councillor: _____

Schedule "B"

GIFTS & GRATUITIES REGISTER

DATE: _____

GIFT GIVEN TO: _____

GIFT FROM: _____

GIFT: _____

VALUE: _____

DISPOSITION: _____

_____

COMMENTS: _____

_____

_____

_____

_____

_____ _____

Signature Mayor/Chief Administrative Officer

SCHEDULE "C"

VILLAGE OF ANDREW
Council and Committee Member Code of Conduct Complaint Protocol
Formal Complaint Form and Affidavit

I, _____ *(please print)* of the Village of Andrew, in the Province of Alberta, do solemnly swear/affirm, and declare that the following contents of this affidavit as subscribed are true and correct:

Civic Address: _____,
Mailing Address: _____, of the City/Town of _____, in the Province of _____, Postal Code _____

I have personal knowledge of the facts as set out in this Affidavit because _____ *(insert reason e.g. I work for...., I attended a meeting at which....., etc.)*

I have reasonable and probable grounds to believe that _____ *(name of member)* has contravened section(s) _____ of the Council Code of Conduct for the Village of Andrew. The particulars of which are as follows: _____
_____
_____
_____
_____

(Set out the statements of fact in consecutively numbered paragraphs in the space above, with each paragraph being confined as far as possible to a particular statement of fact. If you require more space please use the attached of Schedule "C" form and check the appropriate box below. If you wish to include exhibits to support this complaint, please refer to the exhibits as Exhibit "A", "B", etc., and attach them to this Affidavit.)

☐ Please see the attached page(s) of Schedule "C"

This Affidavit is made for the purpose of requesting that this matter be reviewed by the Council and/or the Chief Administrative Officer of the Village of Andrew and for no other purpose.

SWORN BEFORE ME at the
City/Town of _____,)
in the Province of Alberta,)
this _____ day of _____, 20___)

_____
NAME

_____)
A Commissioner for Oath in and)
for the Province of Alberta)

Note: *This is a sworn (affirmed) affidavit of the deponent only. No investigation has been conducted by this authority to confirm or verify the above sworn information. The Criminal Code of Canada provides that: everyone commits perjury who, with intent to mislead, makes before a person who is authorized by law to permit it to made before him a false statement under oath or solemn affirmation by affidavit, solemn declaration or deposition or orally, knowing that the statement is false, is guilty of an indictable offence and liable to a term of imprisonment not exceeding*