

The logo for Lamont County features the text "Lamont County" in a blue, serif font, enclosed within a stylized blue and yellow swoosh that resembles a crescent moon or a stylized 'C'.

Lamont County

2021 Election

The text "Nominations Package" is displayed in a large, bold, white sans-serif font. It is positioned on a dark blue background that features a subtle, repeating pattern of stylized grass blades. The background of the entire page is a photograph of a field at sunset, with a bright sun low on the horizon and rays of light cutting through a cloudy sky. A diagonal yellow and blue graphic element separates the top text from the bottom text.

**Nominations
Package**

Table of Contents

Nomination Information	—————→	Pg. 3
Nomination Checklist	—————→	Pg. 4
Forms	—————→	Pg. 6-10
Candidates Guide	—————→	Pg. 11-35
Pecuniary Interests	—————→	Pg. 36-40
Council Code of Conduct	—————→	Pg. 41-52

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:

Johnathan Strathdee
Returning Officer, Lamont County
Email: Johnathan.s@lamontcounty.ca
Phone: 780-895-2233 ext. 211

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
	Include the \$100 Cash deposit (Cash, Bank Draft, Money Order) or arrange for in-person credit card or debit card payment
	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](#)

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

[Redacted] [Redacted]
 Title of the Responsible Official Business Phone Number

LOCAL JURISDICTION: [Redacted], PROVINCE OF ALBERTA

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

[Redacted] of
 Candidate Surname Given Names

[Redacted] as a candidate at the election
 Complete Address and postal code

about to be held for the office of [Redacted]
 Office Nominated for

of [Redacted]
 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
[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]

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**

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

Lamont County 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 780-895-2233 or johnathan.s@lamontcounty.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 Lamont County 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 780-895-2233 or email johnathan.s@lamontcounty.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 Lamont County 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 Lamont County Returning Officer.

Official Agent Signature



A Candidate's Guide:

Running for Municipal Office in Alberta

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

Published by Alberta Municipal Affairs

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

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

December 2020

© 2020 Government of Alberta.

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

Table of Contents

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

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

Introduction

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

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

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

Local Authorities Election Act

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

All definitions, procedures and processes outlined in this guide are from the LAEA. Should you require further clarification on any definitions, procedures or processes you are encouraged to review and consult the legislation, ask the returning officer in your municipality, or seek an independent legal opinion.

All forms required by legislation can be found in the *Local Authorities Election Act Forms Regulation*, on the Government of Alberta website, or by contacting your municipality.

Municipal Government Act

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

Section references noted throughout the document refer to:

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

Before Filing Nomination Papers

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

Accepting Contributions or Incurring Expenses

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

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

LAEA
s.147.22

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

LAEA
s.25(2)

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

LAEA
s.21(1)

Are you qualified to become a candidate?

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

LAEA
s.21(1)

Qualification Requirements in a Ward System

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

LAEA
s.21(2)

Qualification Requirements in a City with a Ward System

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

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

Qualification Requirements in a Summer Village

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

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

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

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

When is Nomination Day?

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

LAEA
s.25(2)(b)

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

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

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

s.22(1)

Ineligibility for Nomination

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

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

MGA
s.174(1)(c)

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

LAEA
s.22(1.2)

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

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

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

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

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

Other Considerations

Time Commitment

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

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

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

Remuneration

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

Roles and Responsibilities of an Elected Official

As a member of council, you will have the opportunity to significantly influence the future of your community. Your effectiveness as a member of council depends on your ability to be an

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

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

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

MGA
s. 7

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

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

Administration of a Municipality

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

How else can I prepare?

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

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

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

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

Nomination Papers

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

Form of Nomination

**LAEA
s. 27**

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

**LAEA
s.27(1)**

What is included in the Form of Nomination?

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

**LAEA
s.27(2)**

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

**LAEA
s.27(3)**

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

**LAEA
s.12(b)**

In summer villages, the nominators must be:

- eligible to vote in the election;

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

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

**LAEA
s.28(4)**

The returning officer will not accept the following:

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

**LAEA
s.68.1**

Official Agent

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

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

Nomination Period

Filing the Nomination Form

**LAEA
s. 27**

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

**LAEA
s.25**

How do I file my Nomination Form?

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

**LAEA
s. 12(d)**

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

**LAEA
s.26**

Municipalities will advertise in one of three ways:

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

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

**LAEA
s.28(3)**

Do I have to file my Nomination Form in person?

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

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

**LAEA
s.29**

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

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

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

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

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

- cash,
- certified cheque or
- money order.

**LAEA
s.30**

Will I get my deposit back?

Your deposit will be returned to you if you:

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

**LAEA
s.32**

Withdrawing Nominations

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

provided the number of candidates nominated exceeds the number of positions for the office you are seeking.

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

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

**LAEA
s.31**

Insufficient Nominations

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

**LAEA
s.34**

Acclamations

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

**LAEA
s.35**

Requirement for Election

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

**LAEA
s.12(d)**

Summer Villages

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

Late Filing of Nominations

The returning officer **CANNOT** accept nominations after 12:00 p.m. on Nomination Day (four weeks prior to Election Day). Ensure you check with your municipality on the time and location for filing nomination forms and ensure you file your nomination paper well in

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

Candidate Contributions & Expenses

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

Contributions and Expenses

LAEA
s.147.1(1)(a)

What are allowable campaign expenses?

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

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

LAEA
s.147.2(4)

Can I self-fund my campaign?

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

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

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

**LAEA
s.147.2**

Contributions to Candidates

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

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

**LAEA
s.147.2(5)**

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

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

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

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

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

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

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

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

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

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

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

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

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

**LAEA
s.147.24**

Contributions Not Belonging to Contributor

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

**LAEA
s.147.23**

Anonymous and Ineligible Contributions

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

**LAEA
s.147.31**

Fund-raising Functions

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

**LAEA
s.147.31(2)**

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

**LAEA
s.147.31(3)**

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

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

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

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

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

LAEA
s.147.33

Loans

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

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

LAEA
s.147.34

Campaign Expense Limits

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

LAEA
Part 8
s.190-205

Elections Alberta/Election Commissioner

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

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

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

Campaigning

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

How do I campaign?

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

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

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

Is there anything I cannot do during a campaign?

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

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

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

**LAEA
s.116**

Bribery

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

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

**LAEA
s.117**

Undue Influence

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

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

Canvassing on Election Day

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

**LAEA
s.50**

Is there a voters' list?

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

Municipal Affairs

**Pecuniary Interest
for
Municipal Councillors**

January 2017

Alberta 

Capacity Building, Municipal Services Branch

Pecuniary Interest for Municipal Councillors

Alberta Municipal Affairs

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

www.municipalaffairs.alberta.ca

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

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

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

Printed in Canada

Pecuniary Interest for Municipal Councillors

Pecuniary Interest

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

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

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

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

Definition

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

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

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

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

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

Pecuniary Interest for Municipal Councillors

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

Exceptions

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

A councillor does not have a pecuniary interest only because:

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

Pecuniary Interest for Municipal Councillors

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

What to Do

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

If you have a pecuniary interest:

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

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

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

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

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

Temporary Absence

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

Pecuniary Interest for Municipal Councillors

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

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

All Meetings

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

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

Doing Business

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

The following are the only exceptions:

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

Statement of Disclosure of Interests

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

Pecuniary Interest for Municipal Councillors

agents to identify a contract which requires the approval of council because a member of council has an interest.

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

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

Remember

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

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

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

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

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

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

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

Phone: 780-427-4952

Fax: 780-452-0668

Email: qp@gov.ab.ca

Website: www.qp.alberta.ca/

**LAMONT COUNTY
IN THE PROVINCE OF ALBERTA
BYLAW 814.20—COUNCIL CODE OF CONDUCT**

A BYLAW OF LAMONT COUNTY TO ESTABLISH A CODE OF CONDUCT FOR MEMBERS OF COUNCIL OF LAMONT COUNTY

WHEREAS, pursuant to Section 146.1(1) of the *Municipal Government Act*, a council must, by bylaw, establish a code of conduct governing the conduct of councillors;

AND WHEREAS, pursuant to section 146.1(3) of the *Municipal Government Act*, a council must, by bylaw, establish a code of conduct governing the conduct of members of council committees and other bodies established by the council who are not councillors;

AND WHEREAS, pursuant to Section 153 of the *Municipal Government Act*, councillors have a duty to adhere to the code of conduct established by the council;

AND WHEREAS, the public is entitled to expect the highest standard of conduct from the members that it elects to council for Lamont County;

AND WHEREAS, the establishment of a code of conduct for members of council is consistent with the principles of transparent and accountable government;

AND WHEREAS, a code of conduct ensures that members of council share a common understanding of acceptable conduct extending beyond the legislative provisions governing the conduct of councillors;

NOW THEREFORE the Council of Lamont County, in the Province of Alberta, duly assembled, enact as follows:

1. Title

1.1. This Bylaw may be referred to as the “Council Code of Conduct Bylaw.”

2. Purpose

2.1. The Purpose of this Bylaw is to establish standards for the ethical conduct of Members relating to their roles and obligations as representatives of the Municipality and a procedure for the investigation and enforcement of those standards.

3. Definitions

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

- (a) “Act” means the *Municipal Government Act*, RSA 2000, c. M-26, any associated regulations, and any amendments or successor legislation;
- (b) “Administration” means the administrative and operational arm of the Municipality, comprised of the various departments and business units and including all employees who operate under the leadership and supervision of the CAO;
- (c) “CAO” means the chief administrative officer of the Municipality, or their delegate;
- (d) “FOIP” means the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c. F-25, any associated regulations, and any amendments or successor legislation;

- (e) "Member" means a member of Council and includes a Councillor or the Reeve and includes members of council committees or other bodies established by Council who are not Councillors or the Reeve;
- (f) "Municipality" means the municipal corporation of Lamont County;
- (g) "Solicitor" means a solicitor retained to investigate and report on complaints who is not on general retainer for legal services.

4. Statement of Code of Conduct

- 4.1. Members agree to sign the Statement of Commitment to the Council Code of Conduct as provided in Schedule A at the start of their term.
- 4.2. Councillors agree to abide by this Bylaw, including those provision related to confidentiality which shall apply to each Councillor in perpetuity.

5. Representing the Municipality

5.1. Members shall:

- (a) Act honestly and, in good faith, serve the welfare and interests of the Municipality as a whole;
- (b) Perform their functions and duties in a conscientious and diligent manner with integrity, accountability and transparency;
- (c) Conduct themselves in a professional manner with dignity and make every effort to participate diligently in the meetings of Council, committees of Council and other bodies to which they are appointed by Council; and
- (d) Arrange their private affairs and conduct themselves in a manner that promotes public confidence and will bear close public scrutiny.

6. Communicating on Behalf of the Municipality

- 6.1. A Member must not claim to speak on behalf of Council unless authorized to do so.
- 6.2. Unless Council directs otherwise, the Reeve is Council's official spokesperson and in the absence of the Reeve, it is the Deputy Reeve. All inquiries from the media regarding the official Council position on an issue shall be referred to Council's official spokesperson.
- 6.3. A Member who is authorized to act as Council's official spokesperson must ensure that their comments accurately reflect the official position and will of Council as a whole, even if the Member personally disagrees with Council's position.
- 6.4. No Member shall make a statement when they know that statement is false.
- 6.5. No Member shall make a statement with the intent to mislead Council or members of the public.

7. Use of Social Media

- 7.1. Material or comment, once posted on social media, is available to anyone with an internet connection. Furthermore, the content can never be effectively removed. As public figures and representatives of the County, Members should exercise sound judgment and be prudent in what material they post on social media. Members should exercise caution when engaging in

debate or making comments on contentious matters, as feelings and emotions can become enflamed very quickly.

7.2. Members shall not attempt to disguise or mislead their identity or status as an elected representative of the County when using social media.

7.3. Members shall not use social media to publish anything that is dishonest, untrue, unsubstantiated, offensive, disrespectful, constitutes harassment or is defamatory or misleading in any way.

8. Respecting the Decision-Making Process

8.1. All official matters of business shall be discussed and debated in a Council meeting.

8.2. Decision-making authority lies with Council, and not with any individual Member. Council may only act by bylaw or resolution passed at a Council meeting held in public at which there is quorum present. No Member shall, unless authorized by Council, attempt to bind the Municipality or give direction to employees in Administration, agents, contractors, consultants or other service providers or prospective vendors to the Municipality.

8.3. Members shall conduct and convey Council business and all their duties in an open and transparent manner other than for those matters which by law are authorized to be dealt with in a confidential manner in an in-camera (closed) session, and in so doing, allow the public to view the process and rationale which was used to reach decisions and the reasons for taking certain actions.

8.4. Members shall accurately communicate the decisions of Council, even if they disagree with Council's decision, such that respect for the decision-making processes of Council is fostered.

9. Adherence to Policies, Procedures and Bylaws

9.1. Members shall uphold the law established by the Parliament of Canada and the Legislature of Alberta and the bylaws, policies and procedures adopted by Council.

9.2. Members shall respect the Municipality as an institution, its bylaws, policies and procedures and shall encourage public respect for the Municipality, its bylaws, policies and procedures.

9.3. A Member must not encourage disobedience of any kind of bylaw, policy or procedure of the Municipality in responding to a member of the public, as this undermines public confidence in the Municipality and in the rule of law.

10. Respectful Interactions with Council Members, Staff, the Public and Others

10.1. Members shall act in a manner that demonstrates fairness, respect for individual differences and opinions and an intention to work together for the common good and in furtherance of the public interest.

10.2. Members shall treat one another, employees of the Municipality and members of the public with courtesy, dignity and respect and without abuse, bullying or intimidation. Members of Council have a duty to ensure that their work environment is free from discrimination and harassment. Members are governed by the *Alberta Human Rights Act* and the *Occupational Health and Safety Act*.

10.3. No Member shall use indecent, abusive or insulting words or expressions toward another Member, any employee of the Municipality or any member of the public.

- 10.4. No Member shall speak in a manner that is discriminatory to any individual based on the person's race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation.
- 10.5. Members shall respect the fact that employees in Administration work for the Municipality as a corporate body and are charged with making recommendations that reflect their professional expertise and a corporate perspective and that employees are required to do so without undue influence from any Member or group of Members.
- 10.6. Members must not:
 - (a) Involve themselves in matters of Administration, which fall within the jurisdiction of the CAO as defined above;
 - (b) Use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any employee of the Municipality with the intent of interfering in the employee's duties;
 - (c) Maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of employees of the Municipality.

11. Confidential Information

- 11.1. Pursuant to Section 153(e) of the Act, Members have a statutory duty to keep in confidence matters discussed in private at a Council or Council committee meeting until the matter is discussed at a meeting held in public.
- 11.2. In the course of their duties, Members may also become privy to confidential information received outside of an "in-camera" meeting (closed session). Members must not:
 - (a) Disclose or release by any means to any member of the public, including the media, any confidential information acquired by virtue of their office, unless the disclosure is required by law or authorized by Council to do so;
 - (b) Access or attempt to gain access to confidential information in the custody or control of the Municipality unless it is necessary for the performance of the Member's duties and is not otherwise prohibited by Council, and only then if the information is acquired through appropriate channels in accordance with applicable Council bylaws and policies;
 - (c) Use confidential information for personal benefit or for the benefit of any other individual or organization.
- 11.3. Confidential information includes information in the possession of, or received in confidence by, the Municipality that the Municipality is prohibited from disclosing pursuant to legislation, court order or by contract, or is required to refuse to disclose under FOIP or any other legislation, or any other information that pertains to the business of the Municipality, and is generally considered to be of a confidential nature, including but not limited to information concerning:
 - (a) The security of the property of the Municipality;
 - (b) A proposed or pending acquisition or disposition of land or other property;
 - (c) A tender that has or will be issued but has not been awarded;
 - (d) Contract negotiations;
 - (e) Employment and labour relations;

- (f) Draft documents and legal instruments, including reports, policies, bylaws and resolutions, that have not been the subject matter of deliberation in a meeting open to the public;
- (g) Law enforcement matters;
- (h) Litigation or potential litigation, including matters before administrative tribunals; and
- (i) Advice that is subject to solicitor-client privilege.

12. Conflicts of Interest

- 12.1. Members have a statutory duty to comply with the pecuniary interest provisions set out in Part 5, Division 6 of the Act and a corresponding duty to vote unless required or permitted to abstain under the Act or another enactment.
- 12.2. Members are to be free from undue influence and not act or appear to act in order to gain financial or other benefits for themselves, family, friends or associates, business or otherwise.
- 12.3. Members shall approach decision making with an open mind that is capable of persuasion. It is the individual responsibility of each Member to seek independent legal advice, at the Member's sole expense, with respect to any situation that may result in a pecuniary or other conflict of interest. Section 170 of the Act sets out when a Councillor has a pecuniary interest in a matter, how a person is monetarily affected by a matter, and lists examples of specific interests where a Councillor would not have a pecuniary interest.

13. Improper Use of Influence

- 13.1. No Member shall use the influence of the Member's office for any purpose other than for the exercise of the Member's official duties.
- 13.2. No Member shall act as a paid agent to advocate on behalf of any individual, organization or corporate entity before Council or a committee of Council or any other body established by Council.
- 13.3. Members shall not contact or otherwise attempt to influence members of any adjudicative body regarding any matter before it relating to the Municipality.
- 13.4. Members shall refrain from using their positions to obtain employment with the Municipality for themselves, family members or close associates. Members are ineligible to apply or be considered for any position with the Municipality while they hold their elected position and for one year after leaving office.

14. Use of Municipal Assets and Services

- 14.1. Members shall use municipal property, equipment, services, supplies and staff resources only for the performance of their duties as a Member, subject to the following limited exceptions:
 - (a) Municipal property, equipment, service, supplies and staff resources that are available to the general public may be used by a Member for personal use upon the same terms and conditions as members of the general public, including booking payment of any applicable fees or charges;
 - (b) Electronic communication devices, including but not limited to desktop computers, laptops, tablets and smartphones, which are supplied by the Municipality to a Member, may be used by the Member for personal use, provided that the use is not for personal gain, offensive, or inappropriate.

14.2. Electronic Communication devices provided by the County are property of the County. In order to comply with FOIP, other applicable legislation, court proceedings and orders as well as contracts, the following applies:

- (a) All emails or messages sent or received on County and personal devices are subject to the FOIP Act;
- (b) Any electronic communication devices provided by the County or the Councillor's personal device may be inspected as part of an investigation pursuant to this Bylaw.

15. Orientation and Other Training Attendance

15.1. Every Member must attend the orientation training offered by the Municipality within 90 days after the Member takes the oath of office. Attendance at additional training sessions throughout the Council term is discretionary, unless otherwise directed by Council.

16. Remuneration and Expenses

- 16.1. Members are stewards of public resources and shall avoid waste, abuse and extravagance in the use of public resources.
- 16.2. Members shall be transparent and accountable with respect to all expenditures and strictly comply with all municipal bylaws, policies and procedures regarding claims for remuneration and expenses.

17. Gifts and Hospitality

- 17.1. Members shall not accept gifts, hospitality or other benefits that would, to a reasonable member of the public, appear to be in gratitude for influence, to induce influence, or otherwise to go beyond the necessary and appropriate public functions involved.
- 17.2. Members may accept hospitality, gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation, provided that the value of the hospitality, gift or benefit does not exceed \$300, unless otherwise authorized by Council.
- 17.3. Gifts received by a Member on behalf of the Municipality as a matter of official protocol which have significance or historical value for the Municipality shall be left with the Municipality when the Member ceases to hold office.

18. Complaints Procedure

18.1. A complaint alleging a breach of the Code of Conduct may be made by a Councillor, member of Administration or a member of the public

18.2. Inter-Council Relations

- (a) Councillors may report a breach of the Code of Conduct to Council as a whole in a Closed meeting of Council. If Council deems the complaint to be warranted, it may refer the complaint to the Legislative Services Officer for further handling in accordance with this Bylaw.
- (b) Councillors will, at all times, attempt to resolve their issues without the need for external assistance as a demonstration of Council's unity and teamwork.
- (c) Councillors shall not use public forums to discuss issues they may have or are having with other Councillors or with Council as a Whole.

18.3. Informal Complaint Procedure

- (a) Individuals are encouraged to pursue this informal complaint procedure as the first means of remedying behavior or activity that they believe violates this Code of Conduct. However, an individual is not required to complete this informal complaint procedure prior to pursuing the formal complaint procedure outlined in Section 18.4.
- (b) Any individual who identifies or witnesses behavior or activity by a Councillor that they reasonably believe, in good faith, is in contravention of this Code of Conduct may address the prohibited behavior or activity themselves in the following informal and private manner:
 - i. document the incident(s) including the dates, times, locations, other persons present and any other relevant information;
 - ii. advise the Councillor that the behavior or activity appears to contravene this Bylaw;
 - iii. encourage the Councillor to acknowledge and agree to stop and avoid future occurrences of the prohibited behavior or activity;
 - iv. if required, request the Reeve to assist with an informal discussion of the alleged complaint with the Councillor in an attempt to resolve the issue(s). In the event that the Reeve is the subject of, or is implicated in a complaint, request the assistance of the Deputy Reeve;
 - v. if applicable, confirm satisfaction with the response of the Councillor regarding the informal complaint or, if applicable, advise the Councillor of dissatisfaction with the response to the informal complaint; and
 - vi. consider the need to pursue the matter in accordance with the formal complaint procedure.

18.4. Formal Complaint Procedure

- (a) Any individual who identifies or witnesses behavior or activity by a Councillor that they reasonable believe, in good faith, is in contravention of this Code of Conduct may file a formal complaint in accordance with the following conditions:
 - i. all complaints shall be addressed to the department of Legislative Services;
 - ii. all complaints shall be made in writing and shall be dated and signed by the complainant;
 - iii. nothing in this Bylaw shall prevent the Legislative Services Officer from using contracted investigation services or obtaining professional opinions relating to the formal complaint;
 - iv. the complaint must set out reasonable and probable grounds for the allegation(s) that the Councillor has contravened the Code of Conduct, including a detailed description of the facts, as they are known, giving rise to the allegation;
 - v. the Legislative Services Officer shall conduct a preliminary review to determine whether an investigation is warranted. If an investigation is warranted, it will follow Section 20 of this Bylaw. In the event that such an investigation is not warranted, the Legislative Services Officer shall report in accordance with Section 21 of this Bylaw;

- vi. the Legislative Services Officer may request further information from the complainant as part of the preliminary review before determining whether to proceed with an investigation or disposing of the complaint in summary manner;
- vii. if the complaint is not with respect to a contravention of this Code of Conduct or is covered by other legislation or Council Policy, the legislative services officer shall advise the complainant, in writing, that the matter is not within his or her jurisdiction or process, with any additional reasons and referrals to the appropriate authority as the Legislative Services Officer considers appropriate.

19. Dispute Resolution Process for Formal Complaints

- 19.1. Where there are issue(s) that may be resolved between the parties, the Legislative Services Officer may proceed with dispute resolution to attempt to settle the complaint.
- 19.2. The Legislative Services Officer shall discuss the issue(s) with the relevant Councillor(s) and complainant and attempt to mediate an outcome acceptable to both parties;
- 19.3. Should a matter not be resolved after internal mediation has taken place, the Legislative Services Officer may appoint an external professional mediator to mediate discussion between the relevant Councillor(s) and complainant in an attempt to work through the issue(s);
- 19.4. Should, after the use of an external professional mediator, the matter still remains unresolved, an independent arbitrator shall be appointed by the Legislative Services Officer to work with the parties and develop recommendations on how the dispute can be resolved;
- 19.5. Council shall consider the recommendations from an independent arbitrator in a Closed Meeting in accordance with the Act and, may on return to the open meeting, adopt a resolution based on the arbitrator's recommendations. The Councillor(s) who are subjects of the complaint shall not be part of this discussion or resolutions.
- 19.6. Councillors shall be required to abide by these resolutions.

20. Investigations

- 20.1. An investigation will not be started without first having reasonable grounds to believe that the suspected breach is likely to occur or has already occurred. This will be determined by the Legislative Services Officer through the weighing of the seriousness of the alleged action and the determination of whether this Bylaw has jurisdiction over the alleged incident.
- 20.2. If the Legislative Services Officer is of the opinion that a complaint is frivolous, vexatious, has not been made in good faith, or there are insufficient grounds for conducting an investigation, he or she shall not conduct an investigation. During an investigation, if it becomes apparent that the complaint is frivolous, vexatious, or has not been made in good faith, the investigation may be terminated. In either circumstance the complainant shall be notified of the decision in writing.
- 20.3. Councillors, citizens and Employees are responsible for cooperating with investigations and respecting the confidentiality related to the investigation process.
- 20.4. No Councillor shall take retaliatory action against a complainant with the intention of dissuading or punishing an individual for participating in the complaint process.
- 20.5. Investigations will be carried out in accordance with the following:
 - (a) the investigation will be reasonable with regards to the totality of circumstances;

- (b) in all cases, both the complainant and the Councillor(s) will be interviewed and the Councillor(s) will be advised of the allegations they face and provided with an opportunity to answer the same;
- (c) the Councillor(s) will be notified of the complaint within five (5) days of receipt of the complaint and will be given five (5) business days to respond to the complaint in writing and deliver the same in person, via mail or via e-mail to the Legislative Services Officer;
- (d) both parties to the investigation will be advised of the decision to pursue an investigation within fifteen (15) business days after the receipt of the complaint;
- (e) only those individuals necessary to verify the complaint will be interviewed in order to maintain the confidentiality of both parties to the greatest extent possible;
- (f) individuals with knowledge of the incident will be required not to discuss the details with others. The only exception to this is the Councillor(s) and complainant, both of which may seek professional support services regarding this matter if required; and
- (g) the safety of the complainant will be of paramount consideration throughout the investigation process.

21. Formal Complaint Reporting

- 21.1. The Legislative Services Officer shall report the findings to the complainant, the Councillor(s) and Council within ninety (90) days after having received the complaint.
- 21.2. Investigation reports from the Legislative Services Officer, where the complaint is substantiated in whole or in part, shall include the basis for the proposed finding(s) and any recommended sanction(s).
- 21.3. All reports relating to this Bylaw are strictly confidential and shall only be considered by Council in a Closed Meeting. The complainant and Councillor(s) for whom the complaint is about shall not be in attendance for this discussion.
- 21.4. The Legislative Services Officer shall only disclose such information that is, in his or her opinion, necessary for the purposes of reporting to Council on whether a Councillor has violated this Bylaw.
- 21.5. Any reports that are made publicly available shall not disclose confidential information that could identify the complainant(s).
- 21.6. If the Legislative Services Officer determines that a contravention occurred but the Councillor took all reasonable measures to prevent it, or that a contravention occurred by an error of judgment made in good faith, the Legislative Services Officer shall state the same in the report and shall recommend to Council that no sanction be imposed.
- 21.7. Where the complaint is dismissed because it was frivolous, vexatious, has not been made in good faith, there are insufficient grounds for conducting an investigation or complaint is not within the scope of authority of this Bylaw, the Legislative Services Officer shall not report the same to Council except as part of an annual or other periodic report.
- 21.8. Upon completion of the investigation report, Council shall consider and respond to the report at the next Regular Council Meeting following receipt of the report unless circumstances warrant calling a Special Meeting or deferring to a subsequent Regular Council Meeting to consider the report.

21.9. While Council may receive recommendations regarding the imposition of a sanction, Council shall have the sole decision making authority in terms of accepting, altering or defeating the recommendation.

22. Compliance and Enforcement

22.1. Members shall uphold the letter and spirit of this Bylaw.

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

22.3. Each Member, newly elected or appointed, will be provided with a copy of the Council Code of Conduct and will be requested to sign the Statement of Commitment, attached as Schedule "A", acknowledging that he or she has read the Council Code of Conduct and supports it.

22.4. No Member shall:

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

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

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

23. Review

23.1. This Bylaw shall be brought forward for review within 180 days from the beginning of each term of Council when relevant legislation is amended, and at any other time that Council considers appropriate to ensure that it remains current and continues to accurately reflect the standards of ethical conduct expected of Members.

24. Severability and Effective Date

- 24.1. Should any provision of this Bylaw be invalid, then the invalid provision shall be severed, and the remainder of the Bylaw shall remain in effect.
- 24.2. This Bylaw shall come into force and take effect upon the date of the third reading.
- 24.3. This Bylaw repeals Lamont County Corporate Policy Number: 3104 Code of Conduct.

READ A FIRST TIME THIS 10TH DAY OF MARCH, 2020.



REEVE



CHIEF ADMINISTRATIVE OFFICER

READ A SECOND TIME THIS 19TH DAY OF MAY, 2020.



REEVE



CHIEF ADMINISTRATIVE OFFICER

READ A THIRD TIME THIS 9TH DAY OF JUNE, 2020.



REEVE



CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "A"

STATEMENT OF COMMITMENT TO THE COUNCIL CODE OF CONDUCT

I, -----

(Member's Full Name)

Being an elected Member of Lamont County Council or a Member of a Council Committee of Lamont County, have read, and will follow, the Council Code of Conduct Bylaw.

Signature of the Member _____

Signed and witnessed this ____ day of _____ 20____.

Signature of the Witness _____

Printed Name of the
Witness: _____ Position: _____