

SUMMER VILLAGE OF NAKAMUN PARK

AGENDA

Thursday February 22nd, 2024 – at Wildwillow Enterprises Inc. Main Office (2317 Township Road 545, Lac Ste. Anne County, Alberta, T0E 1V0, East End Fire Hall of LSAC) - 2:00 P.M.

1. Call to order:
2. Agenda: a) Thursday February 22nd, 2024 Regular Council Meeting
3. Minutes: (1-4) a) Thursday January 18th, 2023 Regular Council Meeting
b)
4. Appointment: a) N/A
5. Bylaws/Policies: a) Revised Fire Services Bylaw, Bylaw 2024-2, see Business Item 6(a), below.
b) Revised Fees and Charges Bylaw, Bylaw 2024-3, see Business Item 6(b), below.
6. Business: (5-21) a) Bylaw 2024-2, being a Fire Services Bylaw – RFD-2024-5 is attached for background.
(22-29) b) Bylaw 2024-3, being a Fees and Charges Bylaw – RFD-2024-6 is attached for background.
(30-36) c) Byelection 2024 – RFD-2024-7 is attached for background and recommendations
(37-39) d) Assessment Review Board, Annual Member Appointments – RFD-2024-8 is attached for consideration.
e) Draft Operating and Capital 5-Year Plans – to be presented for review (February 11th, 2024 draft plan tables will be circulated during the meeting for discussion).
f) Other
g) Other
7. Financial a) N/A
8. Councillor Reports a) Mayor
b) Deputy Mayor
c) Councillor
9. Administration Reports

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- a) CAO
 - a. Harvester Purchase – Order Finalized, Working on Delivery Timeline, Working on Disposal of Asset Recommendation.
 - b. Mooring Plan – Met with AEP and Bolson to finalize appropriate process to follow.
 - c. Audit Work – Engaged Seniuk Work Has Begun
 - d. Budget and Taxes – Budget Continues to Be Refined, Working on Assessment Classification Bylaw Concepts
 - e. Planning for the May 18th, 2024 Ribbon Cutting Ceremony for Shop Renovations
 - f. Background Work for Byelection 2024 – Did you want Administration to prepare/host a Prospective Candidate Information Session Prior to Nomination Day?
 - g. Medical First Responders Financial Assistance Program
 - h. Summer Student Advertising and Interview Process Expectations
 - i. SVLSACE Agenda Matters for Discussion
 - j. Fire Services “Mock Response” Planning

10. Information and Correspondence

(40-41)

- a) Reynolds Mirth Richards Farmer LLP – January 30th, 2024 news article (Posted on ABmunis website) detailing an often overlooked aspect of municipal council eligibility – the requirement to be free and clear of debts (taxes in excess of \$50) owed to the local authority on nomination day. The case law referenced is from a local authority in our region and is an interesting and timely read with elections just around just around the corner.

(42-51)

- b) ABmunis – November 22, 2023 communication and memorandum responding to a series of consultation questions related to Local Authorities Election Act matters initiated by Municipal Affairs. This is again timely to review with elections imminent.

(52-59)

- c) ABmunis – November 24th, 2023 communication and memorandum responding to a series of consultation questions related to Municipal Government Act changes being considered by Municipal Affairs.

It should be noted that for (b) and (c), above, ABmunis surveyed members (including SVNP Council and Administration) for their comments on these questions – and the responses offered in these surveys are the opinion of ABmunis influenced by the prevailing sentiment of the member responses.

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11. Closed Meeting
 - a) FOIPP Act Section 21 – Matters Harmful to Inter-Governmental Relations – Fire Services Matters
12. Next Meeting Date
 - a) Schedule the next regular council meeting for March 20th, 2024, or alternate date.
13. Adjournment

Upcoming Meetings:

February 24th, 2024 – SVLSACE Meeting
March 20th, 2024 – Regular Meeting
April 17th, 2024 – Regular Meeting
May 18th, 2024 – Shop Ribbon Cutting (Tentative)

MINUTES OF THE REGULAR MEETING OF COUNCIL OF THE SUMMER VILLAGE OF NAKAMUN PARK, IN THE PROVINCE OF ALBERTA, HELD ON THURSDAY JANUARY 18th, 2024 AT 2:00 P.M. AT THE WILDWILLOW ENTERPRISES INC.MAIN OFFICE.

	PRESENT	<p>Mayor: Marge Hanssen Deputy Mayor: Keith Pederson Councillor: Vacant</p> <p>Administration: Dwight Moskalyk, CAO</p> <p>Appointments: Fire Chief David Ives, Fire Rescue Int. (Virtual) Absent: N/A</p> <p>Public Works: N/A Public at Large: N/A</p>
1.	CALL TO ORDER	Mayor Hanssen called the meeting to order at 2:01 p.m.
2.	AGENDA 1 -24	MOVED by Mayor Hanssen that the agenda for the Thursday January 18 th , 2024 regular meeting of council be approved as presented. CARRIED.
3.	MINUTES 2 -24	MOVED by Deputy Mayor Pederson that the minutes for the Monday December 18 th , 2023 regular meeting of council be approved as presented. CARRIED.
4.	APPOINTMENT Fire Chief Ives Joins Recess Fire Chief Ives Exits	<p>Fire Rescue International – 3:00pm</p> <p>Fire Chief Ives Joined the Meeting Virtually at 3:27pm</p> <p>Fire Chief Ives exited the meeting at 3:48pm.</p>
5.	BYLAW	N/A
6.	BUSINESS 3 - 25	MOVED by Mayor Hanssen that Council authorize administration to arrange a follow-up meeting with Fire Chief Ives once he has returned to office in order to follow-up on matters related to the meeting discussion, as requested by Fire Chief Ives.

MINUTES OF THE REGULAR MEETING OF COUNCIL OF THE SUMMER VILLAGE OF NAKAMUN PARK, IN THE PROVINCE OF ALBERTA, HELD ON THURSDAY JANUARY 18th, 2024 AT 2:00 P.M. AT THE WILDWILLOW ENTERPRISES INC.MAIN OFFICE.

4 - 24		<p>MOVED by Deputy Mayor Pederson that Council accept the discussion regarding the setting of the Byelection date and time as presented by Chief Administrative Officer Moskalyk, and defer a decision until a decision by Municipal Affairs on the requested timeline extension is received.</p> <p style="text-align: right;">CARRIED.</p>
5 - 24		<p>MOVED by Deputy Mayor Pederson that Council approves policy A-HUM-WVHP-10, the Workplace Violent and Harassment Prevention Policy, with text amendments and edits as discussed.</p> <p style="text-align: right;">CARRIED.</p>
6 - 24		<p>MOVED by Mayor Hanssen that Council approve the purchase of a new Aquamarine H5-200 weed harvesting machine, as outlined and quoted, inclusive of the noted options and shipping to the municipality, and authorizing CAO Moskalyk to finalize and execute the agreement for same.</p> <p style="text-align: right;">CARRIED.</p>
7 - 24		<p>MOVED by Deputy Mayor Pederson that Council endorse the plan to pay for the new weed harvester proposed by administration, specifically that \$125,000 be taken in short term borrowing, to be in turn recovered and paid for annually over the next five years from the forthcoming annual grant allocations, and the balance be paid for from municipal reserves.</p> <p style="text-align: right;">CARRIED.</p>
8 - 24		<p>MOVED by Mayor Hanssen that Council accept the discussion regarding the potential lease/rental of the new weed harvester to other summer villages as information, and advise Summer Village of Ross Haven that this option is not one council wishes to entertain at this time.</p> <p style="text-align: right;">CARRIED.</p>
9 - 24		<p>MOVED by Deputy Mayor Pederson that Council give first reading to Bylaw 2024-1, being a Short Term Borrowing Bylaw for Capital Equipment (Weed Harvester Purchase), as presented.</p> <p style="text-align: right;">CARRIED.</p>
10 - 24		<p>MOVED by Deputy Mayor Pederson that Council give second reading to Bylaw 2024-1, being a Short Term Borrowing Bylaw for Capital Equipment (Weed Harvester Purchase), as presented.</p> <p style="text-align: right;">CARRIED.</p>
11 - 24		<p>MOVED by Mayor Hanssen that Council give unanimous consent for Bylaw 2024-1, being a Short Term Borrowing Bylaw for Capital Equipment (Weed Harvester Purchase), to receive third and final reading, as presented.</p> <p style="text-align: right;">CARRIED UNANIMOUSLY.</p>
12 - 24		<p>MOVED by Mayor Hanssen that Council give third and final reading to Bylaw 2024-1, being a Short Term Borrowing Bylaw for Capital Equipment (Weed Harvester Purchase), as presented and authorize Mayor Hanssen and CAO Moskalyk to execute the bylaw and finalize terms for the loan through ATB Financial.</p> <p style="text-align: right;">CARRIED.</p>

MINUTES OF THE REGULAR MEETING OF COUNCIL OF THE SUMMER VILLAGE OF NAKAMUN PARK, IN THE PROVINCE OF ALBERTA, HELD ON THURSDAY JANUARY 18th, 2024 AT 2:00 P.M. AT THE WILDWILLOW ENTERPRISES INC.MAIN OFFICE.

	13 - 24	<p>MOVED by Mayor Hanssen that council accept the discussions on the draft Five Year Operating and Capital Plans, draft #1, as information, and direct administration to incorporate the revisions discussed into future iterations for council’s continued review.</p> <p style="text-align: right;">CARRIED.</p>
7.	FINANCIAL	N/A
8.	COUNCIL REPORTS 14 - 24	<p>MOVED by Mayor Hanssen that Council accept the Council Reports for information, as presented.</p> <p style="text-align: right;">CARRIED.</p>
9.	ADMINISTRATION /PUBLIC WORKS REPORTS 15 - 24	<p>MOVED by Deputy Mayor Pederson that Council accept the Administration and Public Works reports for information, as presented.</p> <p style="text-align: right;">CARRIED.</p>
1	INFORMATION / CORRESPONDENCE 16 - 24	<p>MOVED by Mayor Hanssen that the following information and correspondence items be accepted as information:</p> <ul style="list-style-type: none"> a) Lac Ste. Anne Foundation – Dec. 4th, 2023 letter regarding 2024 requisition amounts. Note, this is a big increase in this cost (~20%) but this is due to the requisition formula and the fact our equalized assessment increased dramatically last year. b) Onoway Regional Fire Services – Dec. 28th, 2023 Media Release regarding a fire response in member community Summer Village of Ross Haven. c) WILD Water Commission – January 5th, 2024 letter advising of the launch of a new stakeholder newsfeed and notice system for account holders. The municipality will register for this, and we will send out notice to residents of same.

MINUTES OF THE REGULAR MEETING OF COUNCIL OF THE SUMMER VILLAGE OF NAKAMUN PARK, IN THE PROVINCE OF ALBERTA, HELD ON THURSDAY JANUARY 18th, 2024 AT 2:00 P.M. AT THE WILDWILLOW ENTERPRISES INC.MAIN OFFICE.

		<p>d) Gov't of Alberta, Municipal Affairs – December 15th, 2023 letter from Minister McIver announcing the launch of the LGFF funding framework and allocations for the next few years. A supplementary letter went to administrators regarding the program eligibility criteria and process details (comparing LGFF to the MSI framework it replaces). I have attached both items here for reference.</p> <p>e) Association of Summer Villages of Alberta – January 15th, 2024 email from President Mike Pashak regarding the ground level impact of the new LFGG funding model on summer villages. SVLSACE is also working on a response to the announcement and new funding model for its members to discuss at their February 24th, 2024 meeting.</p> <p style="text-align: right;">CARRIED.</p>
11.	CLOSED MEETING	N/A
12.	NEXT MEETING 17 - 24	<p>MOVED by Mayor Hanssen that the next regularly scheduled meeting be held on Thursday February 22nd, 2024 at 2:00 p.m.</p> <p style="text-align: right;">CARRIED.</p>
13.	ADJOURNMENT	Mayor Hanssen declared the meeting adjourned at 5:08p.m.

Mayor Marge Hanssen

Chief Administrative Officer Dwight Moskalyk



Summer Village of Nakamun Park Request For Decision (RFD) 2024-5

Meeting:	Regular Council
Meeting Date:	February 22nd, 2024
Originated By:	Dwight Moskalyk, Chief Administrative Officer
Title:	Bylaw 2024-2, Fire Services Bylaw (Updated)
Agenda Item Number:	Business 6(a)

BACKGROUND/PROPOSAL:

Municipalities have the ability to establish and facilitate a fire protection service within their communities, as part of the general provision to address protection of people and property under the Municipal Government Act. Matters related to this undertaking are ultimately authorized through bylaw in the subject municipality, and these bylaws speak to the creation of the service, authorizations and obligations of officers, permitting process and permitted fire activities, cost recovery, etc.

At various times in the past, the Summer Village of Nakamun Park has looked to regional service providers (either Lac Ste. Anne County or, most recently, Onoway Regional Fire Services) for the provisions of Fire Protection – and more generally Fire Services – rather than facilitating their own local fire department.

In 2016, the municipality formally became part of the Onoway Regional Fire Services partnership. At this time a new fire protection bylaw was adopted. In addition to this bylaw, 2016-1, the municipality had (and still maintains) two other separate bylaws related to fire matters: 2002-4 (Fire Extinguishing Cost Recovery Bylaw) and 2015-2 (the Fire Works Bylaw).

Having the three bylaws related to fire is a byproduct of the historical development of the external fire service concept in the summer village, as well as some ad hoc addressing of certain situations, like the fire works matter. On review, administration (in conjunction with legal counsel and the fire service provider), feel that there would be benefits in combining, streamlining and simplifying the bylaws in to one master Fire Services Bylaw.

In consideration of this, we have prepared a new Fire Services Bylaw – Bylaw 2024-2 – for consideration of Council. A copy of the Bylaw is attached for review, and again should be compared to the existing Bylaws 2016-1, 2015-2 and 2002-4 (all on the website), for context.

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DISCUSSION/OPTIONS/BENEFITS/DISADVANTAGES:

Administration has three main objectives in revamping the fire services framework under this bylaw review:

- i) Simplification of the Bylaw and Ease of Reference (Reduce Red Tape, # of Bylaws)
- ii) Reframe Service Provision for Generality (Make the Framework "Timeless")
- iii) Restructuring of the "Fees and Charges" Component (Updated Enforcement Costs and Make Review of the Bylaw "Organic")

Expanding on these:

- 1) Managing 3 bylaws separately can lead to various gaps in application and enforcement, so there are naturally benefits to be had by taking a moment to streamline the framework. Condensing the bylaws into one reference document, as well as updating language and definitions, will make application of the provisions less cumbersome, and easier to understand for Council, administration, and the public. This is also a low hanging fruit on the "Red Tape Reduction" mandate municipalities are now required to prioritize and report on.
- 2) A byproduct of the way the fire service framework was developed in the municipality is that the Fire service Bylaw was a bit of a "plug the gap" instrument that was pressed into service during the tricky switch over to Onoway Regional Fire Services. It was drafted to be part bylaw (cover the basics of Establishing and Maintaining a Fire Service) and part agreement (speaking to duties of Onoway Regional Fire Services specifically in fulfilling that agreement).

In recent years we have been trying to ensure our bylaws speak very much to the basics and remove some of the commentary (which belongs in separate agreements or policy documents). The new Fire Service Bylaw aims to make reference to the Fire Service as something the municipality is facilitating, rather than something it is "subscribing to." For example, we want to remove reference to ORFS, not because we do not like them or want to change providers, but because that provider could be someone different in the future and we want the bylaw to be applicable with the passage of time.

- 3) The restructuring of fees and charges is another ongoing pet project of administration – but one with a real impact here. The next item scheduled on today's agenda is Bylaw 2024-3, a new Fees and Schedules Bylaw, which we will discuss more on in the next RFD document, but a quick discussion as it relates to fire services will be a good precursor to this larger conceptual discussion.

Essentially, we want to start moving the fees and charges (and penalties and fines) schedules of various enforcement related bylaws out of their respective bylaws and harbour them in the master Fees and Charges Bylaw. While this gives us an immediate opportunity to review and adjust these subsections of the municipal fee structure, it more importantly creates a single reference resource to assist with regular review and



application of these source bylaws. For example, by having the fire service bylaw schedules as part of the Fees and Charges Bylaw, administratively we can bring one bylaw each year for Council to review and update, and by undertaking this single review council can also be (re)introduced to the source bylaws which can then themselves be reviewed if needed/desired by Council. This is a better process than trying to remember to review, or indeed remembering and trying to facilitate the review of, each separate bylaw in the course of regular business (which tends to become very reactive exercise, rather than proactive one).

If the Bylaw is passed, there will likely be aspects of the bylaw that you will want to develop further. To facilitate this, we should look at policies for the clarification of these administrative or service deliver standard type matters. For example, we have the Fire Ban Declaration Policy to set out the "how it is done" aspect of the Fire Ban Process authorized in the bylaw.

COSTS/SOURCE OF FUNDING (if applicable)

The legal costs to draft this revision will form part of the 2024 operating budget, with planned funding through operating reserves for legal/admin. If additional work is required (mailers etc.) this would be at an additional cost to administration.

RECOMMENDED ACTION:

- 1) That Council gives all required readings to Bylaw 2024-2, being a Fire Servies Bylaw for the Summer Village of Nakamun, finally passes the Bylaw and authorizes execution of same by Mayor and Chief Administrative Officer.

Initials show support – Reviewed By: **CAO: D. Moskalyk**

BYLAW 2024-2

A BYLAW OF THE SUMMER VILLAGE OF NAKAMUN PARK, IN THE PROVINCE OF ALBERTA, TO ESTABLISH FIRE SERVICES, TO REGULATE THE PREVENTION AND CONTROL OF FIRES, TO REGULATE FIREWORKS, AND TO AUTHORIZE THE RECOVERY OF FIRE RELATED FEES, EXPENSES, AND CHARGES

WHEREAS the *Municipal Government Act*, RSA 2000, c M-26, as amended, authorizes a council to pass bylaws for municipal purposes respecting the following matters:

- A. The safety, health, and welfare of people and the protection of people and property;
- B. Services provided by or on behalf of the municipality;
- C. The enforcement of bylaws;

AND WHEREAS the *Municipal Government Act*, RSA 2000, c M-26, as amended, further provides that a municipality may provide for a system of licenses, permits, or approvals, and may collect, pursuant to a bylaw, costs and expenses incurred by the municipality in extinguishing fires;

AND WHEREAS the Council of the Summer Village of Nakamun Park wishes to establish fire services within the Summer Village of Nakamun Park and for the efficient operation of such services;

NOW THEREFORE the Municipal Council of the Summer Village of Nakamun Park, duly assembled, hereby **ENACTS AS FOLLOWS:**

PART 1 SHORT TITLE

- 1 This Bylaw may be cited as the "Fire Services Bylaw".

PART 2 DEFINITIONS

- 2 In this Bylaw, unless the context otherwise requires:
- (a) "Acceptable Fireplace" means an outdoor receptacle that meets the following guidelines:
 - (i) a minimum of one (1.00) meter (3.28 feet) clearance is maintained from any building, property line, or other combustible materials when measured from the nearest edge of the fireplace;
 - (ii) is constructed of materials such as bricks, rocks, or concrete, that are non-combustible;



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Part 2, Section 7(a)

- (iii) is equipped with a chimney that is not less than 2.50 meters (8.20 feet) in height when measured from the base of the fire burning area;
 - (iv) the chimney is equipped with a regulation screen designed to contain and reduce the hazards of airborne sparks;
 - (v) the base of the fire burning area is not less than 0.30 meters (11.81 inches) above the surrounding grade; and
 - (vi) the fire chamber does not exceed 1.25 meters (4.10 feet) in width and is at least 0.40 meters (1.31 feet), but not more than 0.60 meters (1.97 feet), in depth.
- (b) "Acceptable Recreational Fire Pit" means an outdoor receptacle that meets the following guidelines:
- (i) a minimum of three (3.00) meters' (9.84 feet) clearance is maintained from any building, property line, or other combustible material when measured from the nearest edge of the fire pit;
 - (ii) the fire pit height does not exceed 0.60 meters (1.97 feet) when measured from the surrounding grade to the top of the pit opening;
 - (iii) the pit opening does not exceed one (1.00) meter (3.28 feet) in width or in diameter when measured between the widest points or outer edges;
 - (iv) the fire pit has enclosed sides made from brick, concrete blocks, heavy gauge metal, or other non-combustible material that is acceptable to the Fire Chief;
 - (v) is not located over any underground utilities or under above-ground wires;
 - (vi) a spark arrestor mesh screen with openings no larger than 12.50 millimeters (0.04 inches) that is constructed of expanded metal (or equivalent material) is used to cover the fire pit opening in a manner sufficient to contain and reduce the hazard of airborne sparks; and
 - (vii) shall only burn sold fuel (clean dry wood) and may be portable or fixed in location.
- (c) "Act" means the *Municipal Government Act*, R.S.A. 2000, c M-26.
- (d) "Alberta Fire Code" means the most current version of the fire safety regulations adopted by the Province of Alberta under the *Safety Codes Act*, RSA 2000, c S-1.

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- (e) "Apparatus" means any vehicle provided with machinery or Equipment for firefighting operated by or for the Fire Department, whether that vehicle operates on land, in the air, or on water.
- (f) "Burn Barrel" means a metal drum or other similar receptacle transformed and modified to dispose of combustible trash, waste, and other materials by incineration.
- (g) "Burnable Debris" has the meaning defined in the Substance Release Regulation 114/2006 under the *Environmental Protection and Enhancement Act*, RSA 2000, c E-12.
- (h) "Burning Hazard" means an actual or potential occurrence of Fire or other combustion of organic or inorganic material that could endanger human life or damage property.
- (i) "CAO" means the Chief Administrative Officer of the Village, or their delegate.
- (j) "Council" means the duly elected municipal council for the Village of Nakamun Park.
- (k) "Dangerous Goods" has the meaning defined in the *Dangerous Goods Transportation and Handling Act*, RSA 2000, c D-4 except that it shall not include gasoline or diesel for residential use in quantities in accordance with the *Safety Codes Act*, RSA 2000, c S-1.
- (l) "Enforcement Officer" means a bylaw enforcement officer appointed or employed or otherwise contracted by the Village, or a Community Peace Officer appointed or employed or otherwise contracted by the Village, and includes members of the Royal Canadian Mounted Police.
- (m) "Equipment" means any tools, devices, materials, or supplies used by or for the Fire Department to respond to an Incident or other emergency.
- (n) "False Alarm" means any notification by whatever means received, to the Fire Department respecting the existence of a condition, circumstance, Fire, or other event containing an imminent, serious danger to Persons or property, where such condition, circumstance, fire, or other event does not, in fact, exist.
- (o) "Fire Ban" means any Fire ban, whether municipally or provincially declared, that prohibits fires in all, or part, of the Village.
- (p) "Fire Chief" means the Person designated by the Village as the Fire Chief, or their delegate.

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- (q) "Fire Department" means the entity established by section 3 of this bylaw, whether by contracting Fire Services from another municipality or other service provider, and includes any Member of such Fire Department.
- (r) "Fire Department Property" means all real and personal property owned or controlled by the Fire Department and designated for use by the Fire Department including, but not limited to, Apparatus and Equipment.
- (s) "Fire Hazard" means combustible material that, through its nature, location, or condition, or arrangement, or any combination of those factors, may be ignited and, if ignited, could create a Burning Hazard.
- (t) "Fire Permit" means a permit issued by the Fire Chief pursuant to this bylaw authorizing the setting of a specific type of Fire within the Village.
- (u) "Fire Restriction" means an order issued pursuant to this bylaw for the purposes of Fire prevention and where Fire Permits may be restricted, suspended, or cancelled for the duration, or other scope of, the Fire Restriction.
- (v) "Fire Services" means any and all of the services enumerated in section 3 of this bylaw and includes any other service delivered by or for the Fire Department that is authorized by Council.
- (w) "Fire Service Charges" means:
 - (i) all rates, fees, costs, and charges payable for, or in connection with, the provision of Fire Services which are incurred by the Village including, without limitation, responding to False Alarms;
 - (ii) the Village's actual costs for any extraordinary services required or incurred which are beyond normal Fire Services operations such as, without limitation, HAZMAT, additional Equipment, mutual aid from a reciprocating municipality, supplies, vac truck, and site or scene security; and
 - (iii) an administrative fee of five (5.00) percent calculated on the total of (i) and (ii) above.
- (x) "Fireworks" means the pyrotechnics classified as fireworks pursuant to the *Explosives Act*, RSC 1985, c E-17, and its regulations, including Consumer Fireworks, Display Fireworks, and Special Effect Pyrotechnics.
- (y) "Incident" means a Fire or medical situation where a Fire or explosion is imminent, or any other situation presenting danger or possible danger to life,



property, or the environment, and to which the Fire Department has responded.

- (z) "Member" means any Person who is duly appointed a member of the Fire Department and includes the Fire Chief, Deputy Fire Chief, and firefighters that are full-time, casual, or on-call, or paid or volunteer.
- (aa) "Municipal Tag" means a ticket alleging an offence issued pursuant to a bylaw of the Village and providing a Person with the opportunity to pay a fine amount to the Village in lieu of prosecution for the offence.
- (bb) "Owner" means the Person listed on title as the registered owner of Property at the Land Titles Office.
- (cc) "Obnoxious Odor" means an extremely unpleasant smell which may or may not expose a Person to the harmful chemicals in the products of incomplete combustion.
- (dd) "Person" means any individual, firm, partnership, association, corporation, or society.
- (ee) "Prohibited Debris" has the meaning defined in the Substance Release Regulation 114/2006 under the *Environmental Protection and Enhancement Act*, RSA 2000, c E-12.
- (ff) "Property" means any real or personal property.
- (gg) "Recreational Fire" means a Fire which is lit for the purposes of cooking, obtaining warmth, or viewing and pleasure and is fueled solely by dry wood, charcoal, natural gas, or propane.
- (hh) "Smoke" means the suspension of airborne particulates and gases emitted when a material undergoes combustion or pyrolysis together with the quantity of air that is entrained or otherwise mixed into the mass.
- (ii) "Village" means the Summer Village of Nakamun Park.
- (jj) "Violation Ticket" has the same meaning as defined in the *Provincial Offences Procedure Act*, RSA 2000, c P-34.

PART 3 ESTABLISHMENT AND PURPOSE OF THE FIRE DEPARTMENT

3 The Fire Department is established for the purposes of:

- (a) Preserving life, property, and the environment, and protection Persons and property from injury or destruction by Fire in structural, industrial, vehicle, and wildland Fire situations with Fire Services that include, but are not limited to, the following, all in accordance with the policies and procedures of the Village and all applicable legislation:
- (i) responding to Incidents;
 - (ii) preventing and extinguishing Fires;
 - (iii) providing motor vehicle extrication within the scope of the Equipment and Member training capability;
 - (iv) providing, or supporting, medical response;
 - (v) providing rescue services within the scope of the Equipment and Member training capability;
 - (vi) carrying out preventative patrols, conduction pre-fire planning, and assisting with fire inspections and investigations;
 - (vii) assisting with emergency management;
 - (viii) fulfilling the requirements of any mutual aid agreements with other municipalities; and
 - (ix) otherwise providing emergency services as required to promote community safety.

PART 4 AUTHORITY OF THE FIRE CHIEF AND FIRE DEPARTMENT

4 The Fire Chief and Fire Department authorities are hereby established.

5 The Fire Chief and the Fire Department are responsible for the development, rules, regulations, and policies for the ongoing organization and administration of Fire Services.

6 Regulations, rules, or policies of this bylaw shall not be inconsistent with provincial legislation or regulations.

7 The Fire Chief and the Fire Department are empowered to cause a building, structure, or thing to be pulled down, demolished, or otherwise removed if they deem it necessary to prevent the spread of Fire to other buildings, structures, or things.

8 The Fire Chief and Fire Department are empowered to cause the Fire Department to enter on any land or premises, including adjacent lands or premises, to combat, control or otherwise deal with a Fire or Incident in whatever manner the Fire Chief and Fire Department deem necessary.

13

9 The Fire Chief and Fire Department may obtain assistance from other Village officials for the purpose of assisting with fire investigations, to facilitate inspections, or as otherwise required to fulfill their duties and responsibilities under this bylaw.

PART 5 PERMITTED AND PROHIBITED FIRES

10 No Person shall light, cause, or permit to be lit, any Fire upon land which they are the Owner, occupier, or which is under their control, unless the Person holds a valid Fire Permit issued pursuant to this bylaw or the Fire is exempt from the requirement for a Fire Permit under this bylaw.

11 No Person shall burn or cause to be burned any Prohibited Debris.

12 No Person shall use coal, straw, or used oil as a heat source for a residence within the Village.

13 No Person shall use coal, straw, or other combustible material, for ground thawing or other temporary heating conditions without a valid Fire Permit.

14 No Person shall use a Burn Barrel, or any other form of incinerator, for incineration within the Village.

15 No Person shall allow a fire to create dense smoke or an Obnoxious Odor that creates a risk to public safety.

16 A Fire Permit is not required for:

- (a) a Recreational Fire within an Acceptable Recreational Fire Pit or Acceptable Fireplace that is used for cooking, warmth or personal enjoyment;
- (b) the use of a Canadian Standards Association (CSA) or UL certified barbeque;
- (c) any fire table, pit, or other heating device which uses propane or natural gas;
- (d) a Fire lit for a religious or ceremonial purpose,

provided that:

- (i) a means, acceptable to the Fire Chief, of controlling or extinguishing the Fire is available on the property and within a reasonable distance from where the Fire occurs;
- (ii) the Fire is kept under control and is always supervised by a responsible adult Person until such time as the Fire has been completely extinguished; and
- (iii) flame height does not exceed one (1) meter above the structure or container.



17 This bylaw does not apply to an outdoor Fire lit by the Fire Department for training or preventative control purposes.

PART 6 FALSE ALARMS

18 If in any 12-month period, the Fire Department is requested to respond to the same property more than one time for a False Alarm, the process will be as follows:

- (a) first response – education on False Alarms; and
- (b) second and subsequent responses – recovery of Fire Services Charges in accordance with this bylaw.

PART 7 FIRE PERMITS

19 Fire Permits are required throughout the entire year.

20 An application for a Fire Permit shall be submitted to the Fire Chief, in writing, in the form approved by the Village.

21 No Person shall provide false or misleading information on an application for a Fire Permit.

22 The fee for a Fire Permit application shall be as set out in the Village's Fees and Charges Bylaw.

23 On receipt of complete application for a Fire Permit and the required fee, the Fire Chief may, in their discretion either refuse to issue a Fire Permit or issue a Fire Permit with or without conditions.

24 A Fire Permit is valid only for the time expressly indicated on the Fire Permit.

25 The Fire Chief may extend the time period that a Fire Permit is valid provided that the extension is requested and approved prior to the expiration of the Fire Permit.

26 The Fire Chief may, in their sole discretion, terminate, cancel, or suspend a Fire Permit at any time.

27 Upon receipt of notice of termination, suspension, or cancellation, of a Fire Permit, the holder of the Fire Permit shall immediately extinguish any Fire set pursuant to the Fire Permit.

28 A Fire Permit is not transferable.

29 Any Person to whom a Fire Permit has been issued, and any Person involved in the lighting, supervision, or maintenance of a Fire set pursuant to a Fire Permit, shall comply with all the terms and conditions of the Fire Permit.

30 Every Person who sets a Fire pursuant to Fire Permit shall:

- (a) produce and show the Fire Permit to the Fire Chief, Member, or an Enforcement Officer upon request;
- (b) keep the Fire at the site of the Fire; and
- (c) be responsible for any costs incurred by the Fire Department when called upon to extinguish such Fire if, in the opinion of the Fire Chief, the Fire is a hazard to Persons or property, or if the Fire is in contravention of the Fire Permit conditions.

PART 8 FIRE BANS

31 When the CAO determines that the prevailing environmental conditions may give rise to an increased risk of Fire, or increased risk of a Fire running out of control, the CAO may, from time to time:

- (a) limit Fires within the Village through a Fire Restriction; or
- (b) prohibit all Fires within the Village under a complete Fire Ban.

32 A Fire Restriction or Fire Ban may be amended by the CAO or Council.

33 A Fire Ban imposed pursuant to this bylaw shall remain in force until either the date and time provided in the notice of Fire Ban, as amended if applicable, or until such time as the CAO or Council provides notice to the public that the Fire Ban is no longer in effect.

34 When a Fire Ban is in place, no Person shall light, cause to be lit, or permit to be lit, a Fire on Property that they are the Owner or occupier of, regardless of whether the Person is the holder of a Fire Permit, and any such Person shall immediately extinguish any Fire that has been lit once the Person knows, or ought reasonable to have known, of the Fire Ban.

35 When a Fire Ban is in place, a Person may, subject to the requirements of this bylaw and unless the Fire Ban provides otherwise, use a barbeque that burns propane, natural gas, briquettes, or charcoal, provided that the barbeque is used for the purpose of cooking and is used on private property.

PART 9 FIREWORKS

36 Except as authorized under section 37 of this bylaw, no Person shall distribute, offer for sale, store, sell, use, discharge, fire or set off Fireworks within the Village.

37 Council may approve the use, discharge, fire, or set off of Fireworks for a special event, and Council may attach such conditions as deemed appropriate, in Council's sole discretion, to any such approval.

38 For any special event authorized by Council pursuant to section 37 above, the possession, storage, and handling of Fireworks shall at all times be carried out in compliance with the *Explosives Act*, Natural Resources Canada Explosives Regulations, National Fire Code and National Building Codes, Alberta Editions, in compliance with all other applicable federal, provincial, and municipal legislation, regulations, and bylaws, and in compliance with all conditions attached by Council to the approval.

PART 10 DANGEROUS GOODS

39 The Owner of any property or conveyance containing Dangerous Goods which sustains an accidental or unplanned release of Dangerous Goods within the Village must immediately report the incident to the Fire Department.

40 Dangerous Goods shall not be transported through the Village without property identification and strict adherence to all Federal, Provincial, and municipal regulations and standards.

41 Dangerous Goods shall not be stored, transported, used, or released in residential areas of the Village.

42 Flammable liquids and combustible liquids for residential use which are stored in quantities in accordance with the Safety Codes Act, RSA c S-1, as amended, shall not be classified as Dangerous Goods for the purposes of this bylaw.

PART 11 FIRE SERVICES CHARGES

43 Upon the Fire Department, or a reciprocating municipality under a mutual aid agreement, providing a response to a parcel of land, building, or residence, the Village may, in its discretion, recover Fire Services Charges associated with the response to any or all of the following Persons:

- (a) the Person or Persons who requested the response;
- (b) the Person or Persons causing or contributing to a Fire or Incident;

- (c) the occupant of the parcel of land or residence on which the response was provided;
- (d) the Owner of the parcel of land or residence on which the response was provided;
- (e) the Person or Persons with control over the parcel of land or residence on which the response was provided, which may include, without limitation, a property manager.

44 All Persons charged for Fire Services Charges are jointly and severally liable to the Village for payment of such Fire Services Charges.

45 Fire Services Charges shall be paid within 30 days of receipt of an invoice.

46 Collection of unpaid Fire Services Charges may be undertaken by a civil action in a court of competent jurisdiction, and any civil action does not invalidate any lien which the Village is entitled to on the parcel of land in respect of which the indebtedness is incurred.

47 Without limiting the generality of section 43, the Owner of a parcel of land within the Village to which Fire Services are provided is liable for Fire Services Charges incurred and the Village may add to the tax roll of the parcel of land all unpaid Fire Services Charges, which shall form a special lien against the parcel of Land in favour of the Village from the date that the amount was added to the tax roll in accordance with the Act.

48 A Person who has damaged or destroyed any Apparatus, Equipment or Fire Department Property shall, in addition to any penalty imposed in this bylaw, be liable for and pay upon demand, all costs incurred by the Village or the Fire Department, as applicable to repair or replace the Apparatus, Equipment, or Fire Department Property in Question.

PART 12 INSPECTIONS AND ENFORCEMENT

49 Where a parcel of land, property, residence, business, commercial property, or any other property does not comply with this bylaw, or a Person contravenes this bylaw, the Village may pursue its enforcement alternatives in accordance with this bylaw, any enactment or common law right, including issuing an order to remedy contraventions or dangers, remedying contraventions or dangers by the Village, adding amounts to tax rolls, and pursuing injunctions under the Act.

50 No Person shall interfere with or obstruct an Enforcement Officer, the Fire Chief, or the Fire Department in the exercise of their powers and duties under this bylaw.

51 No Person shall provide false or misleading information to any Enforcement Officer, the Fire Chief, or the Fire Department.

PART 13 CORPORATIONS AND PARTNERSHIPS

52 Where a corporation commits an offence under this bylaw, every principal, director, manager, employee, or agent of the corporation who authorized the act or omission that constitutes the offence, or assented to or acquiesced or participated in the act of omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.

53 If a partner in a partnership is guilty of an offence under this bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence, or assented to or acquiesced or participated in the act or omission that constitutes the offence, is guilty of the offence.

PART 14 VICARIOUS LIABILITY

54 For the purposes of this bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the Person if the act or omission occurred in the course of the employee's employment with the Person, or in the course of the agent exercising the powers or performing the duties on behalf of the Person under their agency relationship.

PART 15 OFFENCES AND PENALTIES

55 A Person who contravenes this bylaw by:

- (a) doing any act or thing which the Person is prohibited from doing; or
- (b) failing to do any act or thing the Person is required to do,

is guilty of an offence.

56 Any Person who is convicted of an offence pursuant to this bylaw is liable on summary conviction, to a fine not exceeding ten thousand dollars (\$10,000.00) and in default of payment of any fine imposed to a period of imprisonment not exceeding six (6) months, or both.

57 Where there is a specified penalty listed for the offence in the Village's Fees and Charges Bylaw, that amount is the specified penalty for the offence.

58 Where there is a minimum penalty listed for an offence in the Village's Fees and Charges Bylaw, that amount is the minimum penalty for the offence.

59 Where an Enforcement Officer believes that a Person has contravened any provision of this bylaw, the Enforcement Officer may commence proceedings against the Person by issuing a Violation Ticket.

60 If a Municipal Tag is issued in respect of an offence, the Municipal Tag must specify the fine amount established by the Village's Fees and Charges Bylaw for the offence.

61 A Person who commits an offence may, if a Municipal Tag is issued in respect of the offence, pay the fine amount established by the Village's Fees and Charges Bylaw for the offence and, if the amount is paid on or before the required date, the Person will not be prosecuted for the offence.

62 If a Municipal Tag has been issued and if the specified penalty has not been paid within the prescribed time, then an Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket.

63 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:

- (a) specify the fine amount established by the Village's Fees and Charges Bylaw for the offence; or
- (b) require a Person to appear in court without the alternative of making a voluntary payment.

64 A Person who commits an offence may, if a Violation Ticket is issued in respect of the offence and the Violation Ticket specifies the fine amount established by the Village's Fees and Charges Bylaw, make a voluntary payment equal to the specified fine.

65 The levying and payment of any fine or the imprisonment of any period provided in this bylaw shall not relieve a Person from the necessity of paying any fees, charges, or costs for which that Person is liable under the provisions of this bylaw or any other bylaw.

66 The Village may exercise discretion in the application of this bylaw and its contents as defined in section 529 of the Act.

67 An Enforcement Officer may use discretion, mediation, or provide education and increased awareness as an alternative to issuing Municipal Tags or Violation Tickets.

PART 16 INTERPRETATION

68 In this bylaw, a citation or reference to any act or regulation of the Province of Alberta or of Canada, or of any other bylaw of the Village is a citation of or reference to that act, regulation, or bylaw, as amended, whether amended before or after the commencement of the act, regulation, or bylaw in which the citation or reference occurs.

BYLAW NO. 2024-2
SUMMER VILLAGE OF NAKAMUN PARK
Municipal Government Act RSA 2000 Chapter M-26
Part 2, Section 7(a)

69 Nothing in this bylaw relieves a Person from complying with any provision of any provincial or federal legislation or regulation, other Village bylaw, or any requirement of any lawful permit, order, or license.

70 In the event of any inconsistency between imperial and metric measurements in this bylaw, the metric measurements shall prevail.

PART 17 SEVERABILITY

71 Should any provision of this bylaw be invalid, then such provision shall be severed, and the remainder of the bylaw shall remain in force.

PART 18 TRANSITION AND COMING INTO FORCE

72 This Bylaw takes effect on the final passing thereof and, on such final passing, Bylaws 2002-04, 2016-1 and 2015-02 are hereby repealed.

READ A FIRST TIME THIS ____ DAY OF _____, 20__

READ A SECOND TIME THIS ____ DAY OF _____, 20__

UNANIMOUS CONSENT to proceeding to third reading this ____ DAY OF _____, 20__

READ A THIRD TIME THIS ____ DAY OF _____, 20__

SUMMER VILLAGE OF NAKAMUN PARK

MARGE HANSSEN
Mayor

DWIGHT MOSKALYK
Chief Administrative Officer

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Summer Village of Nakamun Park Request For Decision (RFD) 2024-6

Meeting:	Regular Council
Meeting Date:	February 22nd, 2024
Originated By:	Dwight Moskalyk, Chief Administrative Officer
Title:	Bylaw 2024-3, Fees and Charges Bylaw (Updated)
Agenda Item Number:	Business 6(b)

BACKGROUND/PROPOSAL:

The municipality maintains a bylaw outlining various Fees and Charges (and Penalties and Fines) related to both general administrative activities and specific bylaw related matters from other bylaws in the municipality (for example, LUB fees, SDAB fees, Assessment Fees, etc.).

As part of our most recent review of the Fees and Charges bylaw, we have initiated an update the fees schedule for Council's consideration. These changes will bring the fees and charges more in line with our municipal peer and update same for the 2024 operating year. In addition, we have included in our redraft the schedule of charges and fees relating to the new the Fire Services Bylaw (in anticipation of your approval of same, Business Item 6(a), above).

A copy of the redrafted Fees and Charges Bylaw, Bylaw 2024-3 is attached for consideration.

DISCUSSION/OPTIONS/BENEFITS/DISADVANTAGES:

There are two main reasons for this review: Update the Fees and Charges to reflect current conditions (standard annual review), and incorporate new Fees and Charges into a single-source document for ease of application and reference.

The updates include some increases in cost, some decreases (removal for fee/service) and some complete new costs. We will go over the changes (which are shown in red for reference) during the meeting and discussion the rational for same.

The consolidation of schedules component speaks to the inclusion of the updated fire services charges and fees which will be pared off of the originating bylaw and reported in this new bylaw going forward. This will be a common theme as we review other bylaws going forward. The benefit of this action is to create a single source reference document for enforcement services and administration to reference when engaging with stakeholders. This single document also becomes a starting point for engagement on the annual review of bylaws with Council.



COSTS/SOURCE OF FUNDING (if applicable)

N/A – this review was done in house and there are no external or legal costs associated with this revised bylaw.

RECOMMENDED ACTION:

- 1) That Council gives all required readings to Bylaw 2024-3, being a Fees and Charges Bylaw for the Summer Village of Nakamun Park, finally passes the Bylaw and authorizes execution of same by Mayor and Chief Administrative Officer.

Initials show support – Reviewed By:	CAO: <i>D. Moskalyk</i>
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THIS IS A BYLAW OF THE SUMMER VILLAGE OF NAKAMUN PARK, IN THE PROVINCE OF ALBERTA, TO BE KNOWN AS THE SUMMER VILLAGE OF NAKAMUN PARK FEES & CHARGES BYLAW.

WHEREAS, in accordance with the *Municipal Government Act*, a municipality has the authority to establish fees and charges for the provision of goods and services;

AND WHEREAS, the Summer Village of Nakamun Park wishes to establish, in a bylaw, certain fees and charges.

NOW THEREFORE, the Council of the Summer Village of Nakamun Park, in the Province of Alberta, duly assembled, enacts as follows:

1. That this Bylaw may be cited as the "FEES and CHARGES BYLAW".
2. That the Summer Village of Nakamun Park shall charge fees, charges, and penalties as established in:
 - a. Schedule A, 'General Administrative Fees and Charges,' attached;
 - b. Schedule B, 'Assessment Fees and Charges,' attached;
 - c. Schedule C, 'Development and Planning Fees and Charges,' attached;
 - d. Schedule D, 'Fire Services Bylaw Fees and Charges,' attached.
3. Should any provision of this bylaw be invalid, then such provision shall be severed, and the remainder of the bylaw shall remain in force.
4. Bylaw #2023-4 is hereby repealed.
5. THAT this BYLAW shall come into force and have effect on the date of the third and final reading.

Read a first time on this _____ day of _____, 2024.

Read a second time on this _____ day of _____, 2024.

Unanimous Consent to proceed to third reading on this _____ day of _____, 2024.

Read a third and final time on this _____ day of _____, 2024.

Signed this _____ day of _____, 2024.

Mayor, Marge Hansen

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Chief Administrative Officer, Dwight Moskalyk

SCHEDULE 'A' – BYLAW #2024-3 – FEES and CHARGES	SUMMER VILLAGE OF NAKAMUN PARK
GENERAL ADMINISTRATIVE FEES AND CHARGES	
<u>ADMINISTRATIVE FEES AND CHARGES</u>	
REQUEST FOR COPIES OF VILLAGE DOCUMENTS PER REQUEST	\$25
COST OF COPIES PER COPY	\$0.50
SPECIAL SERVICES RATE PER HOUR	\$75
TAX CERTIFICATE	\$50
WEBSITE ADVERTISING FEE (ANNUAL, BUSINESS CARD SIZE)	\$100
WASTE COLLECTION TOKENS (Per Token (2019), As Amended By Highway 43 East Waste Commission From Time To Time)	\$1.75 -----
<i>GST will be charged where applicable on all Fees and Charges listed</i>	

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SCHEDULE 'B' – BYLAW #2024-3 – FEES and CHARGES	SUMMER VILLAGE OF NAKAMUN PARK
ASSESSMENT FEES AND CHARGES	
ASSESSMENT FEES AND CHARGES	
ASSESSMENT APPEAL FEE (Refundable if applicant is successful) (Matters Relating To Assessment Complaints Regulation, 2018, Alberta Regulation 201/2017 & Section 481(1) of the MGA)	\$50
<i>GST will be charged where applicable on all Fees and Charges listed</i>	

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SCHEDULE 'C' – BYLAW #2024-3 – FEES and CHARGES	SUMMER VILLAGE OF NAKAMUN PARK
DEVELOPMENT AND PLANNING FEES AND CHARGES	
DEVELOPMENT AND PLANNING – ADMINISTRATIVE FEES AND CHARGES	
LETTER OF COMPLIANCE - STANDARD	\$95
LETTER OF COMPLIANCE – RUSH (Within 72 Hours)	\$190
PLAN CANCELLATION BYLAW (Lot Consolidation)	\$400
PLAN CANCELLATION BYLAW REGISTRATION	\$35
CURRENT LAND TITLE CERTIFICATE (Cost Per Title Requested)	\$15
AIR PHOTO (COST PER PHOTOGRAPH)	\$7
DEVELOPMENT AND PLANNING - RE-DISTRICTING/RE-ZONING FEES/AMENDMENT FEES	
RE-DISTRICTING APPLICATION	\$2,000
AMEND MUNICIPAL DEVELOPMENT PLAN	\$2,000
AMEND LAND USE BYLAW	\$2,000
AMEND PROVISION OF A STATUTORY PLAN	\$2,000
ADOPTION OF NEW STATUTORY PLAN	\$2,000
DEVELOPMENT AND PLANNING – APPEAL FEES AND CHARGES	
DEVELOPMENT APPEAL FEE (Refundable if applicant is successful)	\$1,000
SUBDIVISION APPEAL FEE	\$1,000
STOP ORDER APPEAL FEE (MGA Section 645 Matters)	\$1,000
ORDER TO REMEDY APEAL FEE (MGA Sections 545, 546 Matters)	\$1,000
DEVELOPMENT – PERMIT FEES AND CHARGES	
DEVELOPMENT PERMITS – DWELLINGS, PERMITTED	\$300
DEVELOPMENT PERMIT – DWELLING, DISCRETIONARY	\$500
DEVELOPMENT PERMITS – ADDITIONS, PERMITTED	\$150
DEVELOPMENT PERMITS – ADDITIONS, DISCRETIONARY	\$300
DEVELOPMENT PERMITS – ACCESSORY USE, GENERAL	\$150
DEVELOPMENT PERMIT - ACCESSORY USE: SECONDARY SUITE, GARDEN, OR GARAGE SUITE - PERMITTED	\$300
DEVELOPMENT PERMIT - ACCESSORY USE: SECONDARY SUITE, GARDEN, OR GARAGE SUITE - DISCRETIONARY	\$500
DEVELOPMENT PERMIT – ACCESSORY USE, RECREATIONAL VEHICLE SITE PERMIT (PER RV SITE)	\$150
DEVELOPMENT PERMITS – HOME OFFICE/HOME OCCUPATION	\$150
DEVELOPMENT PERMITS - SEPTIC, CISTERN, FENCE, DECK, SIGNS (PERMANENT OR TEMPORARY)	\$50
DEVELOPMENT PERMITS - DEMOLITION	\$50
DEVELOPMENT PERMITS - COMMERCIAL	\$200

SCHEDULE C (CONTINUED)...	
DEVELOPMENT AND PLANNING - SAFETY CODES FEES	
BUILDING PERMITS	AS PER SAFETY CODES SERVICE PROVIDER FEES AGREEMENT
ELECTRICAL PERMITS	
PLUMBING PERMITS	
GAS & HEATING PERMITS	
DEVELOPMENT AND PLANNING - SUB-DIVISION FEES (MUNICIPALITY)	
LOT SUBDIVISION FEE FOR LOTS THAT WERE PREVIOUSLY CONSOLIDATED:	
-FIRST LOT	\$5,000
-EACH SUBSEQUENT LOT	\$2,500
DEVELOPMENT AND PLANNING - SUB-DIVISION FEES (SUBDIVISION AUTHORITY)	
SUBDIVISION FEES AT APPLICATION FOR UP TO 3 LOTS, INCLUDING ANY REMAINDER	\$750 + \$250 per lot
SEPARATION OF TITLES (MGA-652 (4))	\$700
CONDOMINIUM PLAN CONSENT	\$50 per unit
EXTENSION - THE EXTENSION REQUEST AND FEE MUST BE RECEIVED BEFORE THE FILE EXPIRES. ONCE A FILE HAS EXPIRED, AN EXTENSION CANNOT BE PROCESSED, AND A NEW SUBDIVISION APPLICATION WILL BE REQUIRED.	\$350
RE-CIRCULATION	\$250
FEE AT ENDORSEMENT **Endorsement fees are charged at time of endorsement for all subdivisions except separation of titles**	\$200 per lot
<i>GST will be charged where applicable on all Fees and Charges listed</i>	

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SCHEDULE 'D' – BYLAW #2024-3 – FEES and CHARGES	SUMMER VILLAGE OF NAKAMUN PARK
FIRE SERVICES BYLAW FEES AND CHARGES	
FIRE SERVICES BYLAW – ADMINISTRATIVE FEES AND CHARGES	
FIRE PERMIT FEE (SECTION 22)	\$250
FIRE SERVICES BYLAW ADMINISTRATIVE SURCHARGE FEE (SECTION 2(w))	5%
FIRE SERVICES BYLAW – PENALTIES FOR OFFENCES	
A PERSON WHO IS FOUND GUILTY OF AN OFFENCE UNDER THE FIRE SERVICES BYLAW IS LIABLE TO A PENALTY NOT LESS THAN THAT ESTABLISHED IN THIS PART AND NOT EXCEEDING \$10,000.00.	
A PERSON WHO IS FOUND GUILTY OF AN OFFENCE UNDER THE FIRE SERVICES BYLAW WHERE NO PENALTY HAS BEEN SPECIFICALLY PROVIDED IS LIABLE TO A FINE OF NOT LESS THAN \$100.00 AND NOT EXCEEDING \$10,000.00.	
SECTION 10 OFFENCE - LIGHT, CAUSE, OR PERMIT TO BE LIT A FIRE WITHOUT A FIRE PERMIT	\$250
SECTION 11 OFFENCE - BURN OR CAUSE TO BE BURNED ANY PROHIBITED DEBRIS	\$250
SECTION 12 OFFENCE - USE COAL, STRAW, OR USED OIL AS A HEAT SOURCE IN A RESIDENCE	\$250
SECTION 13 OFFENCE - USE COAL, STRAW, OR OTHER MATERIALS FOR GROUND THAWING OR TEMPORARY HEATING	\$250
SECTION 14 OFFENCE - USE A BURN BARREL OR INCINERATOR	\$250
SECTION 15 OFFENCE - ALLOW A FIRE TO CREATE DENSE SMOKE OR OBNOXIOUS ODOR	\$250
SECTION 21 OFFENCE - PROVIDE FALSE OR MISLEADING INFORMATION ON AN APPLICATION FOR A FIRE PERMIT	\$500
SECTION 29 OFFENCE - FAIL TO COMPLY WITH THE TERMS OF A FIRE PERMIT	\$500
SECTION 30(A) OFFENCE - FAIL TO PRODUCE A FIRE PERMIT ON REQUEST	\$500
SECTION 30(B) OFFENCE - FAIL TO KEEP THE FIRE AT THE SITE OF THE FIRE	\$1,000
SECTION 34 OFFENCE - LIGHT, CAUSE, OR PERMIT TO BE LIT A FIRE WHEN A FIRE BAN IS IN PLACE	\$1,000
SECTION 36 OFFENCE - SELL, STORE, USE, DISCHARGE, FIRE, OR SET-OFF FIREWORKS	\$1,000
SECTION 39 OFFENCE - FAILURE TO REPORT RELEASE OF DANGEROUS GOODS	\$1,000
SECTION 40 OFFENCE - TRANSPORT DANGEROUS GOODS WITHOUT PROPER IDENTIFICATION AND ADHERENCE TO APPLICABLE REGULATIONS	\$500
SECTION 41 OFFENCE - STORE, TRANSPORT, USE, OR RELEASE DANGEROUS GOODS IN RESIDENTIAL AREAS	\$1000
SECTION 50 OFFENCE - INTERFERE OR OBSTRUCT AN ENFORCEMENT OFFICER, FIRE CHIEF, OR FIRE DEPARTMENT	\$2,500
SECTION 51 OFFENCE - PROVIDE FALSE OR MISLEADING INFORMATION TO AN ENFORCEMENT OFFICER, THE FIRE CHIEF, OR THE FIRE DEPARTMENT	\$2,500
<i>GST will be charged where applicable on all Fees and Charges listed</i>	

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Summer Village of Nakamun Park Request For Decision (RFD) 2024-7

Meeting:	Regular Council
Meeting Date:	February 22nd, 2024
Originated By:	Dwight Moskalyk, Chief Administrative Officer
Title:	Byelection 2024
Agenda Item Number:	Business 6(c)

BACKGROUND/PROPOSAL:

Further to ongoing discussion on this matter, administration has now received a copy of the ministerial order granting the municipality an extension to the prescribed timeline for holding a byelection. A copy of this MO is attached for reference.

The MO gives the municipality until May 31st, 2024 to hold the required byelection, which fits the timeline requested by Council. With this extension in hand, the municipality can now address the specific of the byelection process in terms of setting dates, times, authorities and notifications, etc.

DISCUSSION/OPTIONS/BENEFITS/DISADVANTAGES:

As a summary of the important milestone matters council must affect as part of this byelection process, please consider the following (in chronological order):

- 1) Establish a Byelection date and place (voting time is legislated at 10am to 7pm)
- 2) Determine if an Advance Vote will be authorized (set date, time and location of same)
- 3) Determine if special ballots will be authorized as a voting option for this byelection (see notes below for details)
- 4) Declare a Nomination Day which is at least four (4) weeks prior to the established Election Day (Date, time and location)
- 5) Confirm if a nomination deposit is required (not typical in summer villages)
- 6) Establish by resolution the Returning Officer and Substitute Returning Officer
- 7) Determine the authorized method of notification for Nomination Date and, if required, Election Day (mail at least one week prior, **or** two publications in local paper in each of the two preceding weeks, or both).



Item #1) – Section 12(a)(ii) confirms that Election Day for Summer Villages (for Byelections) shall be on a date established by Council by Bylaw or Resolution. With this in mind, Council needs to pick a day that works for their community and also meets the extension deadline granted by the Minister. Given that we must hold the byelection on or before May 31st, 2024, and that we will need at least four (4) weeks from nomination day and an additional one, or two (if sending newspaper notices), weeks (at least) to prepare and circulate advertising, **I am suggesting Saturday May 25th, 2024 as Election Day, with voting between 10am and 7pm at the Village Shop, 5563A Nakamun Drive.**

Item #3) – The regulations on Advance Polls are a bit more relaxed but still need to follow the overall rhythm of the election process (advertising in particular). I would recommend that you allow either advance polling OR special mail-in ballots, but not both. If you choose to use advance polling, **I would suggest that same is authorized for Saturday May 18th, 2024 from 10:00am until 2:00pm, with voting at the Village Shop.** You can alter the times and date, but need to be at least one week after notice is deemed to be received and cannot (should not) be 24 hours before Election Day itself. The real consideration is if an alternate weekend is preferred or if there is merit in switching it up to a weekday for one of the votes. The advantage of using May 18th, 2024 is that we could time it to align with the already planned Shop Ribbon Cutting Ceremony.

Item #4 Optional) – Special Ballots are handy; they allow greater flexibility and access to the entire electorate. However, they are also relatively time consuming and a bit of a hassle to organize/administer. We have used this process before, so we have a workable process ready to role in short order if needed, but I only recommend Special Ballots as an alternative to Advance Polling (again, choose one, not both) for budget and time considerations. We can do both if Council really wants, but if you hold an advance vote as well there will/may be considerable investment made preparing for special ballots only to receive marginal elector access. If you want to include special ballots, Council will need to resolve to do so, and that motion needs to also address:

- a) The method(s) that the special ballot application needs to be received (in writing, telephone, fax, in person, email, secure website request) – I recommend only in writing by mail or email or request in personal (for which I can have a stock request form prepared (so a record is easy to keep).
- b) Determine a time limit for when a request for a Special Ballot must be received in order to be processed – I would recommend that any time between Notice of Election Day and at least 10 business days before Election Day (so I would say Friday May 10th, 2024 12:00noon) would be bare minimum as we need time to both prepare and mail the ballot package for each request, but also allow mailing time to the recipient, then delivery back to our office, to allow for receipt on or before the close of election day (note item (c), below.

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- c) Set a practical time for when the "outer envelope" of the returned ballot package must be received. The standard allowance is the same as the close of voting on election day (7pm on May 25th, 2024). However, due to our rural nature and the availability to access mail on a Saturday – we want to make very sure that it is clear that whether a voter is dropping their completed ballot package of in person or having it delivered by mail or courier – IT MUST BE IN THE HANDS OF THE RETURNING OFFICER AT A PRACTICAL TIME OR IT WILL NOT BE COUNTED. This is a tricky expectation to communicate – but the first step is establishing a deadline for receipt that is practical given the overall situation. I would suggest that, as allowed in Section 77.2(3.1), if we allow special ballots that Council also establish a deadline for receiving special ballots as 12noon on Friday May 24th, 2023 by mail or in person at the Wildwillow Enterprises Administration Office (2317 TWP Rd 545 Lac Ste. Anne County). Under Section 77.3 of the Act a later special ballot is deemed to be rejected and cannot be counted, and unlike, for example, Tax Payments – the post mark of sent date is irrelevant in this consideration – it MUST BE IN THE RETURNING OFFICER'S HAND BY THE DEADLINE (sorry for the all capitals, but this is a critical point to note).

Item #5 – Assuming that Council accepts May 25th, 2024 as Election Day, we can then work back to establish a Nomination Day. Nomination Day is that closing bookend on the Nomination Period (a relatively new concept) and is regulated under Section 25 of the Act. Nomination Day is 4 weeks prior to the established Election Day and the Nomination Period is the time between the day after the resolution to establish the election day passes and 12noon on the established Nomination Day. As Nomination Day is not a "regular work day" (i.e. a Saturday) we also establish a time that the officer will be available on this day and we use 10am through 12noon as the benchmark (which was the rule in the old legislation when it was just a "nomination day" rather than a nomination period). Bearing this in mind, I am recommending that Nomination Day be set as Saturday April 27th, 2024 from 10am through 12noon at the Wildwillow Enterprises Administration Office, preceded by the legislated Nomination Period beginning on _____ (insert) date of the day of the meeting where the motion passed) where nominations may be accepted at the Wildwillow Office during regular office hours.

Item #6) – Most summer villages do not require a nomination deposit, but if you were to do so it would need to be via an approved bylaw. As we do not have such a bylaw in place no such fee can be charged. If this is something that Council wants to explore in the future we will need to bring it back for consideration ahead of the next election period.

Item #7) – We are recommending the appointment of Dwight Moskalyk as Returning Officer and Tori Message as Substitute Returning Officer for the 2024 Byelection for the Summer Village of Nakamun Park. Both individuals are Wildwillow staffers with past experience in municipal elections and byelections. The Act allows the appointed RO to also engage deputies as required to man the stations (we never hold an election with fewer than 3 total staff at any polling station to ensure the integrity of the process – at least two sets of eyes on the ballot box at all time, for example).



Item #8 – In the above overview we assumed that the preferred method of notification would be by direct mailing to property owners notice of the nomination day and election day proceedings. Under the act this requires a minimum of 1 week notice (so practically speaking 10 days lead time to prepare and allow for mailing, minimum), the alternative is to run consecutive ads in the paper, which rarely gets to all residents (folks from the city or outside our local paper jurisdiction) and also adds several days to the process which would restrict the other election timelines. If we go with mail out, we would ensure same was done and in the mail on Monday April 29th, 2024. We can also update and post on the website during the process.

So – to summarize the proposal:

Notice of Nomination Day (mailed) – Friday April 12th, 2024

Nomination Day – Saturday April 27th, 2024 – 10am to 12noon

Notice of Election (mailed) – Monday April 29th (or Tuesday April 30th, 2024)

Special Ballot Request Deadline – Friday May 10th, 2024

Advance Poll – Saturday May 18th, 2024 (10am to 2pm)

Deadline for RO to receive Special Ballots – Friday May 24th, 2024 12noon

Election Day – May 25th, 2024 10am to 7pm.

COSTS/SOURCE OF FUNDING (if applicable)

The cost of the 2024 byelection is being contemplated in the 2024 operating budget deliberations. It is anticipated that this cost will be covered from operating reserves as part of the approved budget.

Depending on if the election concluded after nomination day (i.e. election by acclamation) or if it runs the entire process (contested election) the cost, based on historical reference could run anywhere from \$2,000 to \$6,000, with additional costs for additional services (Special Ballots option could add \$1,500+ depending on number of requests received).

RECOMMENDED ACTION:

1. Council established Election Day for the Byelection as _____ at the Village Shop from 10am through 7pm.
2. Council Establish either Advance Polls on _____ (date), from _____ to _____ (time) location, or Special Ballots (set method, deadline for receipt of requests and deadline for receipt of completed ballots)
3. Council establish Nomination Day as _____ from 10am through 12noon at _____ location, to be preceded by the statutory Nomination Period beginning on _____ (day after meeting where motion passes for same)
4. Council appoint Dwight Moskalyk as Returning Officer and Tori Message as Substitute Returning Officer for the Byelection.



5. Council confirm that notice for Nomination Day and Election Day (if Required) shall be at minimum sent to each property owner by mail in a manner consistent with the prescribed timing of the Act.
6. Council authorize all election related expenses resulting from the 2024 Byelection to be covered by use of Operating Reserves.

Initials show support – Reviewed By: CAO: D. Moskalyk

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ALBERTA
MUNICIPAL AFFAIRS

*Office of the Minister
MLA, Calgary-Hays*

AR113226

January 17, 2024

Her Worship Marge Hanssen
Mayor
Summer Village of Nakamun Park
PO Box 1250
Oneway AB T0E 1V0

Dear Mayor Hanssen:

Thank you for your recent letter requesting additional time to hold a by-election for a council vacancy in the Summer Village of Nakamun Park.

I am saddened to learn of the passing of Councillor Harry Kassian. On behalf of Municipal Affairs, I offer my sincere condolences. My thoughts are with the Summer Village of Nakamun Park community during this difficult time. I extend my sympathies to the family and friends of Councillor Kassian, and to all those touched by his contributions to the summer village.

Attached is a copy of Ministerial Order No. MSD:003/24, which authorizes the summer village to extend the time to fill the council vacancy through by-election to May 31, 2024.

I understand the unique circumstances that make holding by-elections in a summer village a challenge, especially during the winter months. If additional support is required, please contact the Municipal Capacity and Sustainability Branch of Municipal Affairs, toll-free by dialing 310-0000, then 780-427-2225, to speak with a municipal advisor.

Thank you again for writing.

Sincerely,

Ric McIver
Minister

Attachment: Ministerial Order No. MSD:003/24

cc: Dwight Moskalyk, Chief Administrative Officer, Summer Village of Nakamun Park

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ALBERTA
MUNICIPAL AFFAIRS

*Office of the Minister
MLA, Calgary-Hays*

MINISTERIAL ORDER NO. MSD:003/24

I, Ric McIver, Minister of Municipal Affairs, pursuant to Section 605 of the *Municipal Government Act (MGA)*, make the following order:

That the number of days for the Summer Village of Nakamun Park to hold a by-election pursuant to Section 165 of the *MGA*, to fill the vacancy that occurred on October 23, 2023, be extended from 120 days to 221 days after the vacancy occurred.

Dated at Edmonton, Alberta, this 17 day of January, 2024.

Ric McIver
Minister of Municipal Affairs

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Summer Village of Nakamun Park Request For Decision (RFD) 2024-8

Meeting:	Regular Council
Meeting Date:	February 22nd, 2024
Originated By:	Dwight Moskalyk, Chief Administrative Officer
Title:	Assessment Review Board (ARB) – 2024 Clerk and Panelist Appointments
Agenda Item Number:	Business 6(d)

BACKGROUND/PROPOSAL:

The Summer Village has engaged, as previously discussed, the Capital Region Assessment Services Commission (CRASC) for several key functions related to assessment, assessment review and development and subdivision review. As such, and as required by the Act, must consider the appointment of several key positions within this review mechanism throughout the year – specifically panelist members and clerks for each review mechanism.

A February 6th, 2024 email from the Manager of the CRASC, Gerryl Amarin, is attached for more background.

DISCUSSION/OPTIONS/BENEFITS/DISADVANTAGES:

The February 6th, 2024 email includes the names and positions of key officials to the Assessment Review Board for 2024. These individuals are recruited by CRASC and put forward for member consideration.

Administration has reviewed the offerings and notes no conflict or concern with the individuals named therein. As is our normal practice, we appoint these individuals by motion of council, and then confirm this appointment again as part of the annual organizational meeting.

COSTS/SOURCE OF FUNDING (if applicable)

The cost of an appeal, including the reimbursement for panelists and officials, is covered under the service agreement with CRASC. The assessment appeal fee is set by the province (and confirmed in the municipal fees and charges bylaw).

It should be noted that the prescribed fee set for the province is \$50.00 (and has been for many years) – which is much less than the actual costs it would be to run an appeal hearing. Unlike SDAB hearings or other appeals where council has more flexibility in setting the appeal fee (ideally to recover the bulk of an appeal cost), appeal hearing costs are borne almost entirely by the municipality.

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RECOMMENDED ACTION:

The Council approve the appointment of Darlene Chartrand, Sheryl Exley, Tina Groszko, Stewart Hennig, Richard Knowles, Denis Meier, and Raymond Ralph as Assessment Review Board Panelists for 2024; approve the appointment of Raymond Ralph as Chair of the Assessment Review Board for 2024; and, Gerryl Amarin as Certified Assessment Review Board Clerk for the 2024.

Initials show support – Reviewed By: CAO: <i>D. Moskalyk</i>
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Date Tue, 06 Feb, 24 10:24:31AM
From Gerryl Amarin
gerryl@amorinaccounting.com
Subject Appointment of ARB Officials 2024

Hello All,

As a participant in CRASC's ARB program, please be advised that your council is required to appoint the ARB Officials for 2024.

(As per MGA section 454)

-
All municipalities are required to appoint by resolution the following as your ARB officials for 2024.

ARB Chairman - Raymond Ralph

Certified ARB Clerk - Gerryl Amarin

Certified Panelists - Darlene Chartrand

Sheryl Exley

Tina Groszko

Stewart Hennig

Richard Knowles

Denis Meier

Raymond Ralph

If you have any questions concerning this request, please do not hesitate to contact me.

780 297 8185

Gerryl Amarin, CPA | Manager, Finance Officer

Capital Region Assessment Services Commission (CRASC)

11810 Kingsway Avenue

Edm AB T5G 0X5

Direct: 780 297 8185

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CASUAL LEGAL: TAXES START AT HOME

[Home](#) / [News](#) / Casual Legal: Taxes start at home

[← News](#)

By Emma Banfield
Reynolds Mirth Richards Farmer LLP
Alberta Municipalities Casual Legal Service Provider

A recent decision of the Court of King's Bench confirmed a councillor who was in arrears on his property taxes was disqualified from his seat on council pursuant to s. 175 of the *Municipal Government Act* (MGA).

Prior to being elected, the councillor owned property with an extended history of problems related to development. One issue resulted in an Order to Remedy requiring the completion of the exterior of a building on the property. Before becoming a councillor, he sought a review of the Order and received an extension. However, the work was not completed as required and the CAO of the municipality instructed commencement of enforcement proceedings.

As a result, legal enforcement costs and other legal costs were added to the property tax roll. Before being elected, the future councillor attended a council meeting and asked for the legal costs to be removed, but the question was deferred to a future meeting.

The councillor then put his name forward for election and was elected. At the time, he was in arrears for the legal enforcement costs added to the tax roll. After he was elected, council considered and denied the councillor's request to have the legal costs removed from his property tax roll.

The municipality later notified the councillor that he had an outstanding property tax balance and the CAO notified the councillor his eligibility as a councillor would be discussed at a forthcoming council meeting. When the matter was raised at the meeting, the councillor asked for additional information and for consideration to be deferred to a later meeting. At the subsequent meeting, the councillor was declared disqualified. This would ordinarily require the

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councillor resigning immediately but, in this case, the councillor refused to resign. The councillor maintained he had paid his property taxes and disputed the legal costs being added to the tax roll.

The Court found the version of the MGA in force at the time specifically permitted a council to add the expenses and costs of enforcing orders to the property tax roll. These constituted an amount owing to the municipality under s. 549 of the MGA. The Court also found the municipality's bylaws specifically authorized the application of penalties to the tax roll. Therefore, the legal enforcement costs had been properly added to the tax roll according to the MGA and the applicable bylaws.

The Court then turned to the *Local Authorities Election Act* (LAEA) which provides a person is ineligible for nomination as a candidate in any election under the LAEA if, on the day of nomination, the person is in debt to the municipality for taxes in excess of \$50 (excluding current taxes and other inapplicable circumstances). As a result, the Court determined the councillor was disqualified and required to resign. Because he refused to do so, the Court issued a declaration he was disqualified from council, and further, he was ineligible to run in any by-election to fill the vacant seat created by the Court's declaration.

This case is a reminder to all elected officials to keep your own houses in order! It is important for councillors and all civic leaders to lead by example. There is no better place to start than by making sure your property taxes are paid.

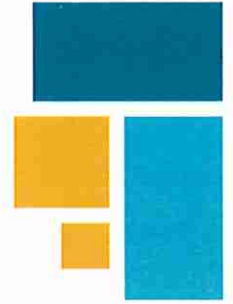
*To access the Alberta Municipalities Casual Legal Helpline, Alberta Municipalities members can call toll-free to 1-800-661-7673 or send an **email** to reach the municipal legal experts at Reynolds Mirth Richards and Farmer LLP. For more information on the Casual Legal Service, please call 310-MUNI (6864) or send an **email** to speak to Alberta Municipalities Risk Management staff. Any Regular or Associate member of Alberta Municipalities can access the Casual Legal Service.*

DISCLAIMER: This article is meant to provide information only and is not intended to provide legal advice. You should seek the advice of legal counsel to address your specific set of circumstances. Although every effort has been made to provide current and accurate information, changes to the law may cause the information in this article to be outdated.

Jan 30

2024

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November 22, 2023

Honourable Ric McIver
Minister of Municipal Affairs
320 Legislature Building
10800 97 Avenue
Edmonton, AB T5K 2B6

Dear Minister McIver:

Thank you for your ministry's engagement of Alberta Municipalities (ABmunis) for input on possible changes to the *Local Authorities Election Act* (LAEA).

Enclosed is ABmunis' response to Municipal Affairs' consultation questions. In addition to our enclosed responses, I will use this opportunity to reiterate our concern about the Government of Alberta's interest in encouraging the use of political parties at the municipal level. As you know, our members overwhelmingly passed a 2023 [resolution](#) that calls for the Government of Alberta to refrain from introducing partisan politics in local government elections.

Some have suggested that political parties could increase voter turnout in municipal elections. Voter turnout is an important issue but before any ideas are implemented, research should be conducted to fully understand the root issues associated with lower interest in municipal elections and then seek to explore possible solutions. ABmunis would be pleased to work with the Government of Alberta to explore options to increase resident engagement in municipal elections without the complexities of introducing political parties.

I also want to stress that the Government of Alberta has regularly updated the LAEA in small ways after each municipal election, but there would be value for the Government of Alberta and municipal stakeholders to undertake a holistic review of the LAEA through a working group where issues can be reviewed and researched over an extended time period to allow for comprehensive discussion and plans to better meet the future needs of local elections.

If you would like to discuss any aspect of our submission, I invite you to contact me by email at president@abmunis.ca or on my cell phone at (780) 312-0660. We look forward to your consideration of and response to this resolution.

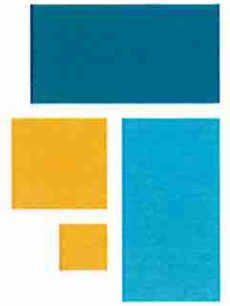
Sincerely,



Tyler Gandam
President, Alberta Municipalities

Enclosure

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Alberta Municipalities' Submission to Alberta Municipal Affairs' Consultation on the *Local Authorities Election Act*

On October 26, 2023, Alberta Municipal Affairs launched a consultation to review how the *Local Authorities Election Act* (LAEA) could be updated to strengthen integrity and public trust in local elections. This document represents ABmunis' responses to Alberta Municipal Affairs' discussion guide questions, which are focused on the themes of:

- A. Proof of Elector Eligibility
- B. Elector Lists
- C. Rules for Election Postponement in Case of Unforeseen Circumstances
- D. Political Parties
- E. Advance Voting
- F. Special Ballots
- G. Runoff Elections for Chief Elected Officials
- H. Elector Privacy (protecting voters)
- I. Third Party Advertisers
- J. Ballot Recounts for Elections Using Tabulators

ABmunis responses are presented in **blue font**.

A. Proof of Elector Eligibility

The LAEA outlines requirements for proof of eligibility for an elector. Electors must have proper identification. Voter identification requirements are one piece of identification issued by a federal, provincial, or local government that contains a photograph of the person, the person's name and the address of the person's residence; or one piece of identification authorized by the Chief Electoral Officer under the Election Act. Identification requirements may also be established by the municipality, by bylaw, to verify an elector's name and address. The LAEA also outlines stipulations regarding attesting and vouching for an elector without proper identification. Attesting is the act in which another elector can vouch on behalf of an elector who does not have proper identification.

1. **Should the LAEA be amended to remove the ability for another elector to vouch on an elector's behalf?**

No. ABmunis recommends that the ability to vouch for another elector be maintained in the legislation. The consequences of removing this ability would:

- Deprive some Albertans from the right to vote as this practice is generally used in scenarios where:
 - Seniors have moved into care homes and no longer drive a vehicle resulting in them no longer having a picture ID with their current address and no utility bill in their name.
 - Persons that are homeless and do not have adequate picture ID.
 - Persons who have forgotten their ID and have a significant distance to travel home or face physical challenges to leave and return to a voting station with the proper ID (e.g., seniors).
- Create confusion for voters since vouching is accepted for provincial and federal elections.

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It is our understanding that vouching is used infrequently and if the Government of Alberta is concerned about the potential for fraudulent voting through vouching, ABmunis recommends that further review be conducted with regards to the communication and reporting process and potential penalties for someone to fraudulently vouch for an ineligible elector.

2. Are there any challenges with the current LAEA voter identification requirements?

Yes. Many people living in smaller communities have their post office box number listed on their government-issued ID instead of their physical address. This can cause challenges to confirm if an individual lives within the municipality's electoral boundaries.

B. Elector List

Currently under section 50 of the LAEA, local authorities are granted the ability to prepare a list of electors via bylaw. The LAEA stipulates that the elected authority must conduct an enumeration of electors to create the list of electors. Elections Alberta maintains a list of electors for provincial elections and may provide this information to municipalities for local elections.

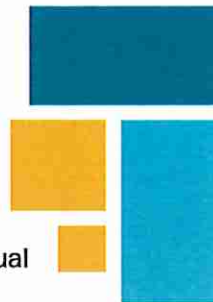
1. Should Elections Alberta be required to share a voter list for local elections?
2. Should municipalities be required to create a municipal list of electors for local elections based on the provincial voter registry?
3. What would be the implications if a list of electors were required for local elections? What are the pros and/or cons of requiring or using an elector list?

It is not clear what problem would be solved by requiring a municipal list of electors whether it be based on the provincial voter registry or a local enumeration. Any system has advantages and disadvantages. The moment an elector list is published, it is immediately inaccurate due to the thousands of people that are moving to different municipalities or different wards within a municipality. With an elector list, electors would still need to produce sufficient identification on election day in order to vote.

If implemented, this would add additional costs for municipal governments to create databases and systems to safeguard the personal information of electors. In addition, systems would need to be in place and ongoing administrative costs to allow electors to request that their personal information be removed from the elector list.

Overall, it is not clear what purpose municipal elector lists would serve for the municipal government unless the intention is to provide candidates or political parties with additional information to assist their campaign for election. ABmunis opposes any changes that encourage the introduction of political parties within municipal government. Therefore, ABmunis recommends that a broader review of the entire LAEA be conducted with stakeholders where there is an opportunity to review the issue of elector lists in alignment with overarching principles and other components of the LAEA.

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4. Should candidates have access to the municipal list of electors upon request with individual names and personal information? Why or why not?

No. Our goal should be to strengthen public trust in Alberta municipal elections. Any instance where electors perceive that their private information has been released to persons that are not in a position to need that information has the potential to create distrust with that system.

Candidates are not bound by rules of confidentiality that would normally apply to persons who are elected or employed with organizations that are entrusted with personal information. Elections Alberta's [Guideline on Access to and Disclosure of Alberta's List of Electors](#) speaks directly to the importance of personal privacy and the safeguarding of information. There are also significantly more candidates that run in municipal elections so there is a greater risk of personal information being misused. There are examples where personal information has been misused in the past and there is a risk of non-serious candidates running for office solely to access personal information of Albertans.

Even if limited personal information was shared with candidates, any perception that candidates have access to personal information opens the door for the public to question what information has been shared without their permission, which can lead to a public relations problem and overall distrust with the municipal government.

C. Rules for Election Postponement in Case of Unforeseen Circumstances

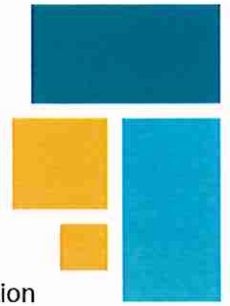
Natural disasters and other unforeseen circumstances can affect elections. The province of Alberta has been affected by wildfires, floods, snowstorms and tornadoes, all of which have at some point caused concern among authorities and candidates about access to voting stations.

1. Should elections be postponed in the case of unforeseen circumstances?
2. What considerations should be taken into account for the postponement of an election?

Yes, there is merit for the LAEA to clarify rules for the postponement of an election in the event of exceptional circumstances that will prevent electors from accessing voting stations. This would be beneficial for defining rules for elections and by-elections. ABmunis recommends that a thorough review be conducted with stakeholders to determine the appropriate criteria and process for when an election should be postponed. The review should consider:

- The advantages and disadvantages of aligning the rules for election postponement with the rules for declaring a state of local emergency.
- What position, organizational body, or government should have the authority to declare postponement of a local election. Assigning this authority to the council may create an unfair perception that councillors seeking re-election are delaying the election for political purposes. Alternatives such as assigning authority to an independent body or the provincial government should be explored.
- Situations in which returning officers should have the authority to extend voting hours at a voting station (e.g., power outage on voting day that delays voting).

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D. Political Parties

There are no LAEA provisions prohibiting a candidate or councillor from being part of an organization such as a political party. The LAEA provides strict parameters for the contents of ballots to elect candidates. The ballot must only contain the name of each candidate arranged alphabetically by surname, or if approved by bylaw, in a randomized order. Accordingly, the LAEA does not permit a political affiliation or endorsement to be included on a ballot. The Act also does not contain provisions addressing financial reporting and accountability measures for these organizations.

1. Should the LAEA be amended to allow political party affiliation to be listed on the electoral ballot?

No. At ABmunis' 2023 Convention, ABmunis members voted overwhelmingly in favour for the Government of Alberta to:

- Refrain from introducing partisan politics in local government elections, and
- That the LAEA should be amended to prohibit political party endorsements of local candidates, donations directly or indirectly to local candidates, or any other measure to prohibit political parties and partisanship in local elections.

We recognize that some people have expressed concerns about the level of voter turnout in municipal elections and the suggestion that political parties could make it easier for electors to understand the positions of municipal candidates. While increasing voter turnout in municipal elections is a worthwhile goal, our members and the public are not supportive of political parties at the local level and there are other steps that could be taken to help increase voter turnout.

In September 2023, Janet Brown Opinion Research conducted a [public poll](#) on behalf of ABmunis that found:

- 3 in 4 Albertans would prefer to see municipal candidates run as independents as opposed to part of a political party, and
- 81% of Albertans agree that municipal officials who are part of a political party would vote along party lines, and not necessarily in the best interest of the community.

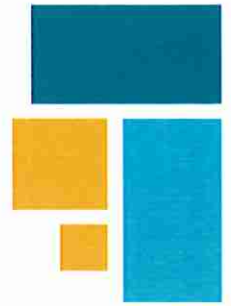
The Government of Alberta conducted its own public survey in 2020 that asked for input on issues that would increase fundraising and political parties within local elections. The results overwhelmingly demonstrated that Albertans do not want additional money or partisanship injected into local elections.

If increasing voter turnout is the primary goal, ABmunis would be interested in partnering with the Government of Alberta to consider alternative initiatives that could increase resident engagement in municipal elections without the introduction of political parties. There could be many reasons for why voter turnout is lower in municipal elections, but research should be undertaken to understand those reasons before assuming that political parties are the solution.

2. What are the pros/cons, opportunities and issues related to this?

ABmunis appreciates that political parties play important roles at the provincial and federal levels of government where the scale of the issues and geographies involved require party apparatuses to support representation and access. Municipal governments are the closest

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level of government to the people where councillors may be next-door neighbours or volunteer together on local groups.

The implementation of political parties at the municipal level would require a broader rewrite of Part 5 of the *Municipal Government Act* (MGA). In particular, political parties would contravene section 153(a) that stipulates that councillors have the duty to “consider the welfare and interests of the municipality as a whole and to bring to council’s attention anything that would promote the welfare or interests of the municipality”. Each member of council is a spokesperson for the entire community – not themselves or any individual group. In addition, there are strict rules around meetings and decision making that does not allow for whipped votes as is seen at the provincial and federal level.

The presence of political parties could also inadvertently complicate collaboration, not just among municipalities, but also in partnerships between municipalities, school boards, and the provincial government. Collaboration is a linchpin for the future of municipalities and anything that undermines collaboration would undermine the efficient and effective delivery of local service delivery.

Political parties do exist at the local level in other jurisdictions with mixed outcomes. In the United Kingdom, local elections are often seen as referendums on the party in charge at the national level. Given the timing of our local elections two years after provincial elections, there is a significant risk that instead of focusing on important local issues, they would end up being proxy mid-term elections for the provincial government.

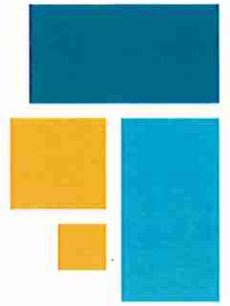
ABmunis is also concerned that the use of political parties and party fundraising could result in money being raised in other parts of Alberta being used to influence elections in a municipality in another part of the province. The addition of political parties would create several issues around fundraising such as the window for fundraising and tax receipts for parties versus individual candidates which could create an uneven playing field that disadvantages individual grass roots Albertans.

Overall, the incursion of political parties creates a number of complex election, and post-election governance challenges.

3. If political parties are permitted, should they follow the same financial disclosure rules as provincial political parties?

If the Government of Alberta opts to disregard input from municipal stakeholders and the views of the majority of Albertans and proceeds to permit political parties at the municipal level, then broader independent consultation should be undertaken to set prescriptive rules for how political parties may operate.

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E. Advance Voting

Any municipality with a population over 5,000 must allow for an advance vote period. That period cannot be held within 24 hours of the general election day, and the actual days and hours are set by the returning officer.

1. Are there any issues with the current rules for advance voting?

ABmunis is supportive of the existing rules for advance voting.

2. Should electors have the ability to cast a vote at a polling station outside of their ward or municipality?

ABmunis is supportive of electors being able to cast a vote at a polling station outside of their ward or municipality that is within a reasonable geographic area. For example, many municipal districts and counties will locate voting stations in an urban centre surrounded by the municipal district even though the voting station is technically not within the municipal district's legal land boundaries. This approach is most commonly used because the urban centre has facilities with sufficient capacity to accommodate a large number of people.

In larger cities, offering the ability to vote at a polling station outside their ward but still within the city is beneficial to support accessibility for voters during the advance voting period.

It is not reasonable to expect a municipality to offer voting opportunities in other regions of the province based on an elector's personal or work commitments. The offering of advance voting and special ballots is sufficient to meet the needs of people who know they will be outside of their municipality or ward on election day or when advance voting is open.

F. Special Ballots

Special ballots, commonly known as mail-in voting, allow an elector to vote who would otherwise not be able to attend a polling station on election day. To be eligible to vote by a special ballot, an elector must have a physical disability, be absent from the local jurisdiction, or be working at a polling station on election day other than that of their place of residence.

1. Should the criteria for special ballots be removed or expanded?

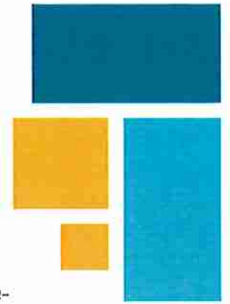
Yes, the requirements for who is eligible to vote by special ballot should be removed. The requirement to force people to disclose their disability to qualify for a special ballot is not inclusive and creates a public relations challenge for the municipality. This is especially relevant since the LAEA also allows people to receive a special ballot due to travel, yet municipalities do not require those persons to provide proof of their travel plans.

Each municipality should maintain the authority to determine whether special ballots will be used during the election.

2. If expanded, what other criteria could be used for special ballots?

ABmunis has no recommendations.

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G. Runoff Elections for Chief Elected Officials

A runoff election system is a voting system used to elect a single winner who has more than a pre-established percentage of the votes. For example, this can be facilitated by rounds of voting or ranked ballots. Under the two-round election system, the election process usually proceeds to a second round only if in the first round no candidate received a simple majority (more than 50%) of votes cast, or some other lower prescribed percentage. There are various methods to structure a runoff ballot. The following questions relate only to municipalities where the chief elected official is elected at large, rather than selected by council.

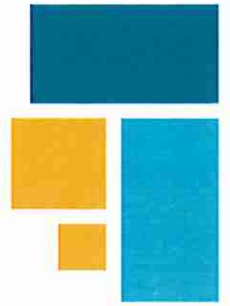
1. Would a runoff election lead to a stronger and more accountable local electoral system?
2. What are the pros and/or cons of a runoff election?
3. Are there any issues or opportunities that exist with adopting this system of election for chief elected officials?
4. If a runoff election system was adopted, should it apply to all municipalities that elect their chief elected official, or only a subset of those municipalities (e.g., population, municipal type, etc.)

ABmunis is not supportive of using runoff elections for the chief elected official for the following reasons:

- It creates confusion for voters because the voting process would be inconsistent with the voting processes used in federal and provincial elections. It is important to maintain consistency in voting processes to build trust in our overall electoral system.
- If the structure of a runoff election required a second vote to determine the chief elected official, it would:
 - create logistical challenges in the swearing in of new councillors while still waiting for the position of the chief electoral officer to be determined.
 - possibly lead to greater voter apathy due to the requirement to vote twice within a short period of time.
 - create inefficiency due to the delay of the election of the full council and delays in necessary governance decisions to support the operation of the municipality.
 - create a situation where next year's budget cannot be approved by the end of the year because the full council will not be in place for budget deliberations in November of the election year.
- It creates a perception that the chief elected official is more important or has special powers over other councillors. While the chief elected official often receives more information, per section 154 of the MGA, the chief elected official has no unique power compared to a councillor, other than the chief elected official chairs the meetings of council. One of the benefits of the existing municipal governance model is that the authority to enact decisions is shared equally by all elected officials. Therefore, if the electoral process were to be changed for the chief elected official, the same changes should apply for the election of all councillor positions to avoid creating a public perception that the chief elected official holds special powers.

Overall, the background information provided by Municipal Affairs does not offer any context on what problems would be solved by using a runoff election and ABmunis recommends that the existing first-past-the-post system be maintained until there can be a broader independent review to understand the current concerns and advantages and disadvantages of alternative election processes.

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Revisiting Prior Discussion Topics from 2022

H. Elector Privacy (protecting voters)

Through prior engagement, stakeholders were asked their opinions regarding “objecting to an individual who has shown up to vote”. Allowing candidates, their scrutineers, or their official agents the opportunity to object to electors had some support from respondents. The rationale provided was to ensure accountability and an opportunity to discourage fraudulent voters. The responses also indicated a need for further discussions on this topic.

1. Should candidates, their scrutineers, or their official agent continue to have the opportunity to object to an individual who has shown up to vote? Please explain your answer.

ABmunis recommends that this issue would be better addressed through a broader review of the LAEA through a technical working group, but we note that removal of this authority would still require a mechanism to prevent an ineligible person from voting.

I. Third Party Advertisers

Third party advertisement is an important aspect of the election process. The participants in the engagement sessions, and the written feedback, were in agreement that Third Party Advertisers (TPAs) involved in advertising for or against an issue on a ballot (e.g., plebiscite), should be required to register. Respondents to the survey also indicated a need for more clarity on definitions of some of the terms (such as “promoting”, “issues”, and “influence” etc.), the provision of guidelines, and addressing any impacts on transparency of legislative changes relating to TPAs. Stakeholders also supported that issues-based TPA campaigns should follow the same financial rules as candidate-based TPAs.

1. Should issues-based TPAs follow the same financial obligations and regulations as candidate-based TPAs?

Yes. We should strive to improve transparency and accountability in any form of advertising related to municipal elections. This includes preventing possible collusion between an issue based TPA and any candidate that would contravene section 166 of the LAEA.

ABmunis maintains our position that TPAs should be held to similar standards and limits as individual candidates to maintain a level playing field between independent candidates and third parties.

J. Ballot Recounts for Elections Using Tabulators

Section 84(1) of the LAEA enables an elected authority to, by bylaw, provide for the taking of the votes of electors by means of voting machines, vote recorders or automated voting systems (note: this does not include online computer voting). Section 84(3) states that a judicial recount is not available for votes collected by voting machines, vote recorders or automated voting systems including tabulators.

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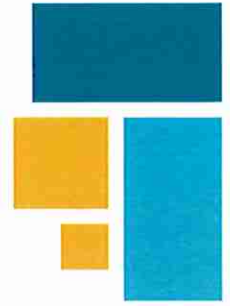


1. Should elections conducted with electronic voting equipment be eligible for judicial recount, whereby the judge can determine how to recount ballots?

Yes. ABmunis recommends that elections conducted with electronic voting equipment should be eligible for judicial recount.

If possible, ABmunis requests that Municipal Affairs explain the background and reasoning that section 84(3) was added to the LAEA.

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November 24, 2023

Honourable Ric McIver
Minister of Municipal Affairs
320 Legislature Building
10800 97 Avenue
Edmonton, AB T5K 2B6

Dear Minister McIver:

Thank you for your ministry's engagement of Alberta Municipalities (ABmunis) for input on possible changes to the *Municipal Government Act* to enhance accountability and public trust in local elected officials.

ABmunis has reviewed Municipal Affairs' discussion guide questions and enclosed is our response to the consultation questions.

If you would like to discuss any aspect of our submission, I invite you to contact me by email at president@abmunis.ca or on my cell phone at (780) 312-0660. We look forward to your consideration of and response to this resolution.

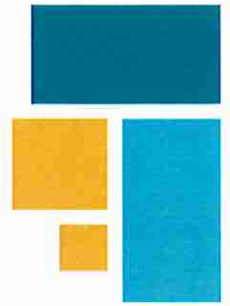
Sincerely,

A handwritten signature in black ink, appearing to read 'Tyler Gandam'.

Tyler Gandam
President, Alberta Municipalities

Enclosure

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Alberta Municipalities' Submission to Alberta Municipal Affairs' Consultation on MGA Provisions for Councillor Accountability

On October 24, 2023, the Government of Alberta began consulting on potential changes to the *Municipal Government Act* (MGA) to explore opportunities to enhance accountability and public trust in local elected officials. This document represents ABmunis' responses to Alberta Municipal Affairs' discussion guide questions focusing on the themes of:

- A. Disqualification Rules for Councillors
- B. Councillor Training
- C. Disclosure by Council Candidates
- D. Allowing Council to Caucus in Private
- E. Minister's Authority to Remove a Councillor
- F. Clarifying Conflicts of Interest for Councillors
- G. Changes to Recall Legislation
- H. Revisiting Code of Conduct Discussions from 2022

ABmunis responses are presented in **blue font**.

A. Disqualification Rules for Councillors

Section 174 of the MGA provides criteria for councillor disqualification, such as a councillor not being eligible for nomination as a candidate, failing to file the disclosure statement as required in the Local Authorities Election Act (LAEA), absence from all council meetings for eight consecutive weeks, or taking a position as judge of a court, a member of the Senate or House of Commons. The MGA currently requires a disqualified councillor to resign their seat voluntarily. If a disqualified councillor does not resign, the council or a member of the public must take them to court. The court process results in considerable delays as well as costs for taxpayers.

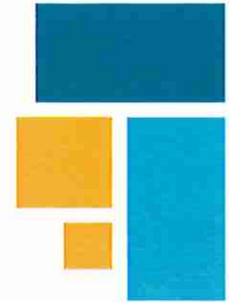
1. **Should the MGA be amended to make a councillor's seat vacant upon disqualification, thus putting the onus on the councillor to make an application to court to dispute the disqualification?**

Yes. The existing approach is inefficient and gives undue power to the disqualified councillor. This is particularly problematic for small municipalities that have limited fiscal resources to pursue court action due to the expected legal costs. In most cases, the rules for disqualification are generally clear such that the councillor's seat should automatically become vacant, except for issues of a pecuniary interest.

Disqualification for a Pecuniary Interest

Issues of a pecuniary interest are more subjective and therefore, there may be merit for the existing voluntary resignation rule to continue to be applied for MGA sections 174(1)(g) to 174(1)(i). This may help prevent unsubstantiated accusations of a pecuniary interest from being weaponized to automatically disqualify a councillor.

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Prevention of Ineligible Candidates on the Ballot

ABmunis members have expressed concern in cases where a candidate's nomination is signed by individuals who are not eligible electors in the municipality. While we are recommending that any councillor be automatically disqualified if it is found that they were not an eligible candidate, we question if there needs to be further review of the rules to prevent a candidate's name from even being listed on the ballot where circumstances apply. We recommend that this issue be reviewed with municipal associations.

B. Councillor Training

Section 201.1 of the MGA requires municipalities to offer orientation training to each councillor within 90 days of the councillor taking the oath of office. This is intended to ensure a councillor is informed of their responsibilities and mandate of their role. However, it is not mandatory for the councillor to attend the orientation training.

1. Do you think it should be mandatory for councillors to attend orientation training?

Yes. Making orientation training mandatory will help to equip all councillors with foundational knowledge of their role and responsibilities, best practices, and legal and legislative requirements. This may help alleviate miscommunication and misunderstandings which contribute to tension between councillors and between council and administration. Orientation training is a standard practice for any employee position and while councillors are elected and serve in a governance capacity, the same standard should be applied wherein orientation training is an essential component for councillors to effectively serve in their role.

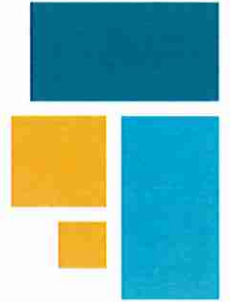
If orientation training were to be made mandatory, ABmunis recommends that enforcement of this requirement should be overseen by an independent provincial or regional body (e.g., Alberta Ombudsman) and that the MGA clarify the consequences of not participating in orientation training. This responsibility should not be placed on the municipality's CAO due to the potential conflict with council's oversight of the CAO's employment.

2. If yes, should the training be made mandatory before a Councillor takes the oath, within 90 days of taking the oath (as in the current legislation) or at some other time?

ABmunis acknowledges that making orientation training a mandatory requirement has the potential to bring forth various risks and complexities such as:

- Challenges for elected officials to access the training on a timely basis based on availability of trainers and the frequency that training is offered.
- Challenges for elected officials in rural and remote regions to access training based on travel challenges in winter months.
- Circumstances when elected officials are unable to attend a scheduled regional training due to sickness, work responsibilities, lack of childcare, medical needs, or other reasons.
- How to manage situations where an elected official attends only a portion of the training.
- Who is responsible to enforce the requirement.
- The risk of this requirement being weaponized to penalize or disqualify a councillor (e.g., organizing a training session when it is known a councillor cannot attend).

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Under the current environment and availability of training options, the 90-day time period would be insufficient to mandate orientation training. Due to the value that orientation training be completed as earlier as possible in the council term, ABmunis recommends that the Government of Alberta:

1. Work with ABmunis and other municipal stakeholders to create an on-demand online course that elected officials can complete at their own pace within the required 90-day time period.
2. Use a simple reporting process where the CAO submits a notice when all councillors have completed the training. Should a councillor refuse to take training ABmunis recommends that enforcement of this requirement should be supported by an independent provincial or regional body (e.g., Alberta Ombudsman), similar to our recommendation for a third party to help investigate code of conduct violations. This responsibility should not be placed on the municipality's CAO due to the potential conflict with council's oversight of the CAO's employment.
3. Following a review by an independent provincial or regional body, the legislation should clarify that non-compliance will result in disqualification and removal from council.

In addition to these supports, the Alberta Elected Officials Program could adjust the curriculum of its Munis 101 course so that it can be delivered in an online format, but this option still carries the risk of scheduling challenges for elected officials, which is why the development of an on-demand course would be particularly valuable. The intention of creating an on-demand course is not to replace in-person or other online training but to serve as an option for elected officials whose personal schedules do not align with scheduled training or for elected officials who are elected in a by-election when the availability of training options is limited.

C. Disclosure by Council Candidates

Section 171 of the MGA allows municipalities to pass a bylaw that would require councillors to disclose information about family members, employers, or corporations the councillor may own or be a partner in. Section 172 of the Act sets out requirements for council members to disclose any pecuniary interest in any matter before council and to abstain from voting on any question relating to the matter. Under section 174, failure to follow the pecuniary interest requirements can result in councillor disqualification. The MGA does not have any rules for what candidates for council must disclose. The LAEA provides financial disclosure rules for candidates of what financial information must be disclosed after the election.

1. Other than financial information, what should candidates for municipal office disclose?

Any consideration of expanding requirements for disclosure must consider the constraints of municipal administration to oversee and enforce the rules on candidates. In general, municipalities do not have the resources to verify any additional disclosure information (e.g., criminal record, removal from professional associations, etc.) and make the information public prior to election day. If disclosure requirements are expanded, ABmunis recommends that an independent provincial body be responsible for oversight and enforcement to:

- Ensure sufficient capacity is available, and





- To avoid placing the CAO and municipal staff in a position where enforcement of the disclosure requirements may create a perception that the CAO or municipal staff is unfairly targeting a candidate and the potential risk of repercussions to the CAO or staff's employment with the municipality should that candidate be elected.

2. Should financial disclosure be mandatory for council candidates prior to an election?

Yes. In the interests of transparency and public trust in municipal elected officials, council candidates should be required to disclose required financial information prior to the election. Recognizing that candidates may receive donations right up to the election, it will be impossible for candidates to disclose all financial information prior to the election. ABmunis recommends that the LAEA prescribe a time period (e.g., 14 days) prior to the election day when candidates must disclose available financial information. The municipality shall then be responsible to make each candidate's financial disclosure available to the public either by posting a copy at the municipal office or online.

3. Should council candidates be required to disclose other information that is not financial in nature?

ABmunis has discussed the advantages and disadvantages of requiring additional disclosures such as a criminal record check. We believe that this issue requires additional time and coordinated review with municipal stakeholders based on questions such as:

- Should all criminal acts, no matter their severity, be required for disclosure? (e.g., driving under the influence versus assault)
- Should the disclosure requirement apply to all criminal acts in the candidate's life or only those in recent history? This speaks to the question of creating a disadvantage for a candidate for a mistake that was made decades prior.
- Would a vulnerable sector check be more appropriate than a criminal record check as it relates to the position of public office and dealings with the public?
- Would a candidate be blocked from submitting their nomination if the RCMP were delayed in providing the criminal/vulnerable sector record check?

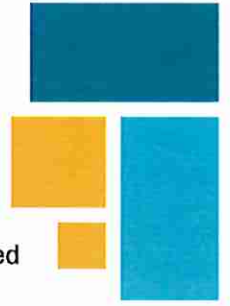
If new disclosure requirements are added, the intention should only be to better inform the public prior to the election and not serve to disqualify a candidate from running for office.

4. Should financial disclosure be mandatory for all councillors?

Yes, all councillors should be treated equally for any disclosure requirements.

D. Allowing Council to Caucus in Private

Section 193 of the MGA requires that when council meets, they do so at pre-scheduled meetings. Section 197 and 198 of the MGA establish that meetings must be open to the public and everyone has a right to attend. Any change to the schedule must include at least 24 hours notice to the public and any councillor who was not present at the meeting when the schedule was changed. Some commentators have suggested that councils should be able to caucus (meet) in private to discuss broad strategic issues in another forum, and this might also provide an avenue to address interpersonal dynamics with greater privacy. All decisions of council would still need to be made in an open public meeting.



1. **Should councils have the ability to meet in private, beyond the current provisions for closed sessions?**

Yes, there is merit for the MGA to be expanded to allow council to meet in private without the public, but only in prescribed situations such as:

- To address interpersonal dynamics that could reduce the need for formal code of conduct processes.
- To workshop ideas for the development or update of the municipality's strategic or statutory plans.

While any decisions should still be made in an open public meeting, the ability to caucus in private allows councillors to speak to issues more directly without concern for how their comments may be interpreted by the media or public. This is already a common practice by municipalities but would be helpful to clarify in the MGA.

2. **Should there be limitations on what could be discussed in such meetings?**

Yes. Careful consideration needs to be given to potential unintended consequences of enabling greater private discourse. For example, care needs to be given that this provision does not enable council to meet privately to discuss regularly day-to-day business items.

In addition, the role of the CAO in these meetings needs to be carefully considered as it is vitally important for the CAO to be kept abreast of council discussions to effectively administer council decisions with a clear understanding of the council dynamics behind them.

These questions warrant further discussion with municipal legal experts, elected officials, CAOs and municipal clerks to enable clear guidelines that enable good governance.

E. Minister's Authority to Remove a Councillor

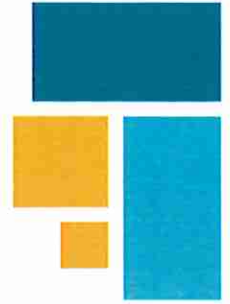
Section 602.39 of the MGA provides the Minister with the authority to dismiss a councillor. This can happen as the result of not following ministerial directives or orders following an inspection or a report of an official administrator. In practice, procedural fairness requirements create challenges for the Minister to provide timely decisions to remove a council or councillor.

1. **Do you think that the current process of dismissing a council or councillor needs to be changed?**
2. **What other options are there for a more streamlined process to address instances of severely inappropriate councillor behaviour?**

Recognizing that procedural fairness requirements limit the ability for the Minister to make timely decisions for removal of a council or councillor, there may be value for a broader review to be conducted with legal experts and stakeholders to identify alternative measures such as suspending a councillor from conducting municipal business for a defined period.

ABmunis recommends that the rules that enable the Minister to remove a council or councillor should continue to be highly prescriptive and should only be exercised in extreme circumstances. We acknowledge that the introduction of the *Recall Act* in 2022 provides electors with additional democratic power to remove a councillor where circumstances are deemed warranted.

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F. Clarifying Conflicts of Interest

The MGA requires councillors to disclose when they or their immediate family may have a financial interest in a decision before council. This could include votes on a subdivision or a development permit, or a zoning or other land use related bylaw that may benefit the councillor or their family.

1. Are there additional situations where a councillor may be considered being in a conflict of interest?

Any additions to conflict of interest rules must consider if the parameters under which a councillor needs to recuse themselves from votes could result in a loss of quorum. This is particularly relevant in small communities where some councils only have three or five councillors.

2. If yes, what additional provisions should be added to the MGA?

No recommendations.

G. Changes to Recall Legislation

As of April 2023, municipal recall is a new tool that allows the public to hold councillors accountable. A petitioner must collect signatures from eligible voters that represent 40 per cent or more of the population as a whole within 60 days. This threshold can be challenging to meet, especially in larger municipalities or in municipalities with a large number of residents who are not eligible to vote. In some cases, petitioners must solicit more signatures than the total voter turnout of the previous election. This makes the use of these provisions out of reach for some municipalities.

1. Should the threshold for a municipal recall petition be revisited, and if so, should it be:
 - a. based on percentage of total number of electors?
 - b. based on the percentage of electors who voted in the previous election?
 - c. tiered by population size?
 - d. Any other suggestions?

Due to the short period that the *Recall Act* has been in place, ABmunis is recommending that no changes be made to allow further time for review of the strengths and weaknesses of the existing legislation.

Councillors have a challenging job where they often need to make decisions that may be unpopular in the near term but are intended to benefit the community in the long term. Therefore, the threshold for recall should be sufficiently high such that members of the public are deterred from attempting to use it as a weapon to try to remove a councillor from office based on a personal dispute or based on a councillor not taking a certain policy position.

Our current democratic process and four-year election cycle already provide the public with the ability to retire a councillor from municipal office. Recall legislation should only serve a purpose in extreme circumstances where a councillor's actions are so egregious that a high proportion of residents deem it worthy to remove the councillor from office mid-term to avoid further disruption and harm to the municipality.





We acknowledge that basing recall thresholds on total population instead of the number of electors may create some inequities. For example, it may be more difficult to achieve the required number of signatures in municipalities with a higher proportion of youth due to the lower number of available electors as a percentage of the population. However, this would be a minor inequity and as of right now, there is no clear case for changing the recall legislation. Therefore, ABmunis recommends that recall legislation be brought back for review after a more suitable time period has passed.

If the Government of Alberta opts to change the threshold measure to a percentage of electors, ABmunis recommends that the percentage threshold be increased to at least 50 per cent of electors to avoid recall legislation being used to attempt to reverse a close election result.

H. Revisiting Prior Discussion Topics from 2022

During the 2022 engagement sessions, the following topics were discussed:

- Strengthening code of conduct legislation;
- Simplifying the code of conduct investigation process and responsibility to investigate;
- Role of third party in investigating code of conduct Issue;
- Enforcement of code of conduct; and
- Provincial role in code of conduct disputes.

ABmunis would like to take this opportunity to express appreciation for the Minister of Municipal Affairs in maintaining provisions for code of conduct provisions in the MGA despite the challenges that the Ministry has experienced in supporting municipalities to implement the codes. We also appreciate the financial support of the ministry that enabled us to partner with the Rural Municipalities of Alberta (RMA) to develop an updated “Code of Conduct: A Guide for Municipalities”.

We would also like to take this opportunity to reiterate a position we have long shared with RMA that a province-wide third-party investigation unit should be established to support more effective implementation of the codes by:

- supporting triaging of code complaints to dismiss spurious complaints and point municipalities to alternative options to resolve conflicts.
- provide investigation services that avoids councils investigating themselves, or administrators being asked to investigate their employers.
- helping to ensure procedural fairness is maintained throughout the process.

There may be an opportunity to expand the role of the Ombudsman or establish a similar body. While ABmunis appreciates that this would require provincial resources, the investment in a strong process of investigation and a body that can support municipalities in implementing good governance practices could save municipalities and the Ministry of Municipal Affairs being embroiled in conflict and reduce the need for taxpayers to fund legal costs.

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