



2025

Municipal Election
Candidate Information
Package

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GENERAL INFORMATION

**Nominations Open
January 1, 2025, until September 22, 2025 at 12:00 p.m.**

Municipal Elections are conducted every four years, under the provision of the Local Authorities Election Act. The Town of Athabasca's next general election is scheduled to take place **Monday, October 20, 2025**.

The Town of Athabasca residents will elect 1 Mayor and 6 Councillors to serve a four-year term.

Election Day

Voting will take place on October 20th, 2025 from 10:00 a.m. to 8:00 p.m.

Voting Station will be located at:

Town of Athabasca
4705 – 49 Avenue
Athabasca, AB T9S 1B7
Phone: 780-675-2063

Please note: As a candidate, it is your responsibility to ensure that you comply with the laws governing elections and to obtain any necessary legal advice. The [Local Authorities Election Act \(LAEA\)](#) and the [Municipal Government Act \(MGA\)](#) can be accessed through the Alberta King's Printer.

Additional information is available on-line by visiting the Alberta Municipal Affairs website at <https://www.alberta.ca/municipal-elections-overview> or by viewing the Local Authorities Election Act at <https://www.qp.alberta.ca/documents/Acts/L21.pdf>

For more information please contact:

Jeff Dalley, Returning Officer
Town of Athabasca
Telephone: 780-675-2063
Email: finance@athabasca.ca

ELIGIBILITY

Nominator Eligibility

For a candidate's nomination to be valid, the candidate must complete the prescribed Nomination Paper and have five eligible voters sign his or her Nomination Paper. The candidate is encouraged, however, to seek more than five in case a nominator becomes disqualified.

Nominators must be:

- (a) eligible to vote in this election, and
- (b) residents of the Town of Athabasca on the date they signed the form

Candidate Eligibility

Candidates must be:

- (a) eligible to vote in this election,
- (b) a resident of the Town of Athabasca for the 6 consecutive months immediately preceding nomination day, and
- (c) not otherwise ineligible or disqualified.

Ineligibility

A person is not eligible to be nominated as a candidate in any election under this Act if on nomination day if:

- (a) the person is the auditor of the Town of Athabasca;
- (b) the person is an employee of the Town of Athabasca unless the person takes a leave of absence;
- (c) the person is indebted to the Town of Athabasca for taxes in default exceeding \$50, excluding current taxes;
- (d) the person is indebted to the Town of Athabasca for any debt equalling or exceeding \$500 and in default for more than 90 days;
- (e) the person has, within the previous 10 years, been convicted of an offence under this Local Authorities Elections Act, the Election Act, the Election Finances and Contributions Disclosure Act or the Canada Elections Act (Canada).

A person is not eligible to be nominated for more than one office.

Please note: This section is a summary of sections 21, 22 and 23 in the [Local Authorities Election Act](#). Please refer to this section for more details on eligibility. It is the candidate's responsibility to ensure they are eligible to be nominated.

NOMINATION GUIDE

Nomination Checklist

1. Notice of Intent – to be filed and accepted before accepting campaign contributions
2. Nomination Deposit of \$100
3. Nomination Paper and Candidate Acceptance Form
4. Candidate Financial Information Form – to be filed with Nomination Paper and Candidate Acceptance Form
5. Campaign Disclosure Statement and Financial Statement Form – to be filed on or before March 1 of each year for the previous year

Notice of Intent

Individuals who plan to run in the 2025 Town of Athabasca Municipal Election must submit a Notice of Intent to Run, and that notice must be accepted by the Returning Officer and added to the Town's Register of Candidates **before accepting campaign contributions or incurring any campaign expenses.**

After January 1, 2025, candidates can submit their nomination forms and notice of intent at the same time.

Please note that submitting a Notice of Intent to Run does **not** replace the nomination process. Submitting a Notice of Intent **does not mean the person is nominated.**

Register of Candidates

The Candidate Registration list is made public and posted on the Town of Athabasca's website.

Filing of Nomination Papers

Nomination Papers **MUST** be filed on or before Nomination day – Monday, September 22, 2025. The Returning Officer will receive each candidate's originally signed Nomination Paper from January 1, 2025, until September 22, 2025 at noon at the Town of Athabasca Council Chambers, 4705 – 49 Avenue, Athabasca AB. Faxed or emailed nomination papers will **NOT** be accepted.

Nomination Deposit

Nomination Deposits of \$100 (paid by cash, certified cheque, money order, credit card, or debit card) must accompany a Candidates Nomination Paper. This deposit shall be held by the Town in keeping with the terms outlined in Bylaw 012-2024 and the appropriate sections of the Local Authorities Election Act.

Deposits shall be returned to the candidate if:

- a) The candidate is declared elected
- b) The candidate obtains at least one-half the number of votes of the person elected to office with the least number of votes, or
- c) The candidate withdraws within 24-hours of the close of nominations in accordance with Section 32 of the *Local Authorities Election Act*.

Please ensure that your Nomination Papers are appropriately completed with all information. If the candidate will not be personally present to file the Nomination, the Acceptance Section must be duly signed by the candidate and a Commissioner for Oaths. If the candidate will be personally present to file the Nomination, the acceptance portion may be completed at that time.

Withdrawal of Nomination Papers

If more than the required number of candidates for any particular office are nominated, you may, within 24 hours of the close of nominations (i.e. – before 12 noon on Monday, September 22, 2025) withdraw your name as a candidate by submitting a notice of withdrawal in writing to the Returning officer. A faxed or emailed notice of withdrawal will not be accepted.

Your nomination cannot be withdrawn after the 24-hour deadline has passed and your name will appear on the ballot if you withdraw after the 24-hour period.

Positions

Nominations are being sought for the following positions:

Mayor	01
Councillor	06

Notice of Intent

Local Authorities Election Act (Section 147.22)

LOCAL JURISDICTION: TOWN OF ATHABASCA _____, PROVINCE OF ALBERTA

Election Date: October 20, 2025
date

I, _____, of

_____ complete address and postal code

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

_____ name of local jurisdiction and ward, if applicable

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

Candidate Information

Title Candidate Last Name Candidate First Name

Gender Telephone Number Email Address

Address of place(s) where candidate records are maintained:

Name(s) and address(es) of financial institutions where campaign contributions will be deposited (if applicable):

Name(s) of signing authorities for each depository listed above (if applicable):

SWORN (AFFIRMED) before me at the _____

of _____, in the Province of Alberta, this _____

day of _____, 20 ____

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

Signature of Candidate

Commissioner for Oaths Stamp

RETURNING OFFICER'S ACCEPTANCE

Returning office signals acceptance by signing this form

Signature of Returning Officer

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

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

Nomination Paper and Candidate's Acceptance

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

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

Jeff Dalley, Returning Officer 780-675-2063
 Title of the Responsible Official Business Phone Number

LOCAL JURISDICTION: TOWN OF ATHABASCA , PROVINCE OF ALBERTA

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

_____ of
Candidate Surname Given Names

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

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

of Town of Athabasca .
Name of Local Jurisdiction

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

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

Candidate's Acceptance

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

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

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

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

Print name as it should appear on the ballot

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

SWORN (AFFIRMED) before me

at the _____ of _____,
 in the Province of Alberta,
 this _____ day of _____, 20_____.



 Candidate's Signature

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

Commissioner for Oaths Stamp

RETURNING OFFICER'S ACCEPTANCE

Returning Officer signals acceptance by signing this form:

 Signature of Returning Officer

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

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

_____ Title of the Responsible Official

_____ Business Phone Number

Candidate's Full Name _____

Candidate's Address and Postal Code _____

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

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

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

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

ELECTION FINANCES

Please note: Candidates are responsible for ensuring that their campaign complies with the Local Authorities Election Act (LAEA). This information is not a replacement for consulting the actual legislation or for obtaining legal advice.

Campaign Period

The campaign period for the 2025 Municipal Election is October 31, 2024, to December 31, 2025.

Candidate Requirements

On or before March 1 of each year, **all Candidates are required to complete Form 26** (Campaign Disclosure Statement and Financial Statement) for the previous calendar year if the candidate accepted contributions or incurred expenses in that year.

A candidate may borrow money only from a financial institution and shall record all loans and their terms and shall report accordingly to the relevant local jurisdiction.

The amendments to the LAEA now require candidate financial disclosures to be available on the Town of Athabasca's website in perpetuity.

Candidates shall ensure that:

- (a) a campaign account in the name of the candidate or the candidate's election campaign is opened at a financial institution for the purposes of the election campaign at the time the candidate gives a written notice under section 147.22 or as soon as possible after the total amount of contributions first exceeds \$1000 in the aggregate,
- (b) if a campaign account has been opened, all contributions of money are deposited into the campaign account,
- (c) money in the campaign account shall only be used for the payment of campaign expenses,
- (d) contributions of real property, personal property and services are valued,
- (e) receipts are issued for every contribution and obtained for every expense,
- (f) records are kept of contributions and campaign expenses and are retained by the candidate for a period of 3 years following the day of the election to which they relate, and
- (g) proper direction is given to the candidate's official agent and any other person who is authorized to incur campaign expenses and accept or solicit contributions on behalf of the candidate.

NOTE: The personal information on this form is being collected to support the administrative requirements of the local authorities election process and is authorized under section 147.4 of the *Local Authorities Election Act* and section 33(c) of the *Freedom of Information and Protection of Privacy Act*. The personal information will be managed in compliance with the privacy provisions of the *Freedom of Information and Protection of Privacy Act*. If you have any questions concerning the collection of this personal information, please contact

_____ Title of the Responsible Official _____ Business Phone Number _____

LOCAL JURISDICTION _____, PROVINCE OF ALBERTA

Full Name of Candidate _____

Candidate's Mailing Address _____
_____, Alberta

Postal Code _____

This form, including any contributor information from line 2, is a public document.

Pre-Campaign Period Report

- 1. Pre-Campaign Period Contributions (up to a limit of \$5,000 per year or \$10,000 from candidate's own funds per year) _____
- 2. Pre-Campaign Period Expenses _____

Campaign Period Revenue

CAMPAIGN CONTRIBUTIONS:

- 1. Total amount of contributions of \$50.00 or less _____
- 2. Total amount of all contributions of \$50.01 and greater, together with the contributor's name and address (attach listing and amount) _____

NOTE: For lines 1 and 2, include all money and valued personal property, real property or service contributions.

- 3. Deduct total amount of contributions returned _____
- 4. NET CONTRIBUTIONS (line 1 + 2 - 3) _____

OTHER SOURCES:

- 5. Total amount contributed out of candidate's own funds _____
- 6. Total net amount received from fund-raising functions _____
- 7. Transfer of any surplus or deficit from a candidate's previous election campaign _____
- 8. Total amount of other revenue _____
- 9. TOTAL OTHER SOURCES (add lines 5, 6, 7 and 8) _____
- 10. Total Campaign Period Revenue (add lines 4 and 9) _____

Campaign Period Expenditures

11. Total Campaign Period Expenses Paid _____ Unpaid _____ TOTAL _____

The Candidate must attach an itemized expense report to this form.

Campaign Period Surplus (Deficit) (deduct line 11 from line 10) _____

A candidate who has incurred campaign expenses or received contributions of \$50,000 or more must attach a review engagement statement to this form.

ATTESTATION OF CANDIDATE

This is to certify that to the best of my knowledge this document and all attachments accurately reflect the information required under section 147.4 of the *Local Authorities Election Act*.

Date yyyy-mm-dd

Signature

Forward the signed original of this document to the address of the local jurisdiction in which the candidate was nominated for election.

IT IS AN OFFENCE TO FILE A FALSE STATEMENT

ROLES AND RESPONSIBILITIES OF MUNICIPAL OFFICIALS

The council is the governing body of the municipal corporation and the custodian of its powers, both legislative and administrative. The *Municipal Government Act* provides that councils can only exercise the powers of the municipal corporation in the proper form, either by **bylaw** or **resolution**.

A councillor's job is to work with other council members to set the overall direction of the municipality through their role as a policy maker. The policies that council sets are the guidelines for administration to follow as it does the job of running a municipality. A councillor will spend a lot of time while on council creating new policies and programs or reviewing the current ones to make sure they are working as they should.

The Councillors

Under the *Municipal Government Act*, councillors have the following duties:

- To consider the welfare and interests of the municipality as a whole and, to bring to council's attention anything that would promote the welfare or interests of the municipality
- To participate generally in developing and evaluating the policies and programs of the municipality
- To participate in council meetings (the first and third Tuesday of each month at 6:00 p.m.) and council committee meetings and meetings of other bodies to which they are appointed by the council
- To obtain information about the operation or administration of the municipality from the chief administrative officer
- To keep in confidence matters discussed in private at a council meeting until discussed at a meeting held in public
- To perform any other duty or function imposed on councillors by this or any other enactment or by the council.

A councillor is elected to look after the interests of the entire municipality. A councillor who is in a municipality that has wards must be careful not to place the interest of the ward or electoral district above the interest of the whole municipality. As tough as it may be at times, the councillor must base any decision on what is best for the entire municipality. Council's effectiveness depends on

councillors providing input on their areas while thinking and voting for the whole municipality. Councillors also must make certain that they do not put themselves in a conflict-of-interest situation. They must ensure that decisions made do not benefit them, their immediate family, or their friends.

The Chief Elected Official (CEO): Mayor, Reeve or I.D. Chairperson

The CEO, in addition to performing a councillor's duties, must preside when attending a council meeting, unless a bylaw provides otherwise. The CEO must also perform any other duty imposed under the MGA or any other enactment. In practice, the CEO is also generally the main spokesperson for the municipality, unless that duty is delegated to another councillor. The title CEO may be changed to one that council feels is appropriate to the office, such as mayor, reeve, or I.D. chairperson.

The CEO of a city or town is elected by a vote of a municipality's electors, unless the council passes a bylaw requiring council to appoint the CEO from among the councillors. In a village, summer village, or municipal district, council appoints the CEO from among the councillors

unless it passes a bylaw providing that the official is to be elected by a vote of the municipality's electors. The CEO role, unless a bylaw prescribes otherwise, includes:

- Chairperson of council
- Consensus seeker amongst members of council
- Liaison with senior elected officials
- Ex officio member on various boards and committees
- Key representative with regard to ceremonial responsibilities
- Liaison with other levels of government
- Advice with regard to policy development

A deputy CEO will assume this role if the CEO is not available.

To learn more about elected officials please visit the websites for the:

Alberta Urban Municipalities Association (AUMA) - Deals with issues and services for urban municipalities

Alberta Association of Municipal Districts and Counties (AAMDC) - Deals with issues and services for rural municipalities

The Chief Administrative Officer (CAO)

Every council must establish, by bylaw, a position of CAO. The council may give the position an appropriate title, such as Town Manager or Administrator. The CAO is the administrative head of the municipality. The CAO's responsibilities include ensuring that the municipality's policies and programs are implemented, advising and informing the council on the operation of the municipality, performing other duties assigned by the council, and ensuring appropriate staffing is in place.

Staying out of the day-to-day operation of the municipality allows councillors to concentrate on policy making and program monitoring. Councillors should work with the CAO to keep informed on what the municipality is doing and will depend on the administration to provide information so that they can make sound decisions.

A performance appraisal system for the CAO is a key building block for a lasting and positive relationship between council and the CAO. Section 205.1 of the Municipal Government Act states that a council must provide the CAO with an annual written performance evaluation.

Designated Officers

A CAO may delegate any of his or her powers, duties, or functions to a designated officer or to another employee. Designated officer positions are established by bylaw and are subject to the CAO's supervision, unless otherwise provided by bylaw. A designated officer may also further delegate to an employee of the municipality any of those powers, duties, or functions.



Pecuniary and Conflict of Interest for Councillors

Pecuniary and Conflict of Interest for Councillors | Municipal Affairs

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The contents of this publication are intended to provide general information.
Readers should not rely on the contents herein to the exclusion of independent legal advice.

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This document is available online at
<https://open.alberta.ca/publications/pecuniary-conflict-of-interest-councillors>



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Disclaimer

The Government of Alberta and Municipal Affairs will not be liable for any damages that result from the use of this guide. While Municipal Affairs attempts to ensure the accuracy of the information contained within this guide, a municipality and/or councillor may wish to obtain advice from a lawyer in order to ensure the legislative requirements with regards to pecuniary interest and conflict of interest provisions are met. Municipal Affairs and the Government of Alberta do not warrant or make any other representations regarding the use, accuracy, applicability, or reliability of this guide.

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

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

Suite 700, 10611 – 98 Avenue
Edmonton AB T5K 2P7

Phone: 780-427-4952

Fax: 780-452-0668

Email: kings-printer@gov.ab.ca

Website: <https://www.alberta.ca/alberta-kings-printer>

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

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

1. Pecuniary Interest

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

The *Municipal Government Act (MGA)* describes pecuniary interest and sets out the procedures you must follow if a matter in which you have a pecuniary interest comes up at a council meeting or a committee of council meeting.

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

Definition

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

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

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

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

Exceptions

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

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

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

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

What to Do

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

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

If you have a pecuniary interest:

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

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

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

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

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

Temporary Absence

On occasion, you may be temporarily absent from a meeting when a matter in which you have a pecuniary interest comes up for discussion. If so, upon returning to the meeting, or as soon as you discover that the matter was discussed, you are to disclose the general nature of your interest in accordance with section 172(4). The *MGA* requires the secretary to note your disclosure in the minutes. The purpose of this provision is to ensure that a member of council does not avoid disclosing an interest by simply leaving the meeting before the matter is discussed and returning after the discussion is complete. If a matter is discussed by council while you are temporarily absent from a meeting, upon your return and as soon as you become aware of the matter, you should get the attention of the chair and say something like *“Mr. Mayor, during my absence a matter was discussed in which I have an interest. I am disclosing that my husband is an employee of the company and I ask that my disclosure be recorded in the minutes.”*

All Meetings

The disclosure and abstention rules apply to every meeting of council and any of its committees. They also apply to you at a meeting of any board, committee, or agency to which you are appointed as a representative of council (section 172(1) of the *MGA*). In other words, any time you are acting as a councillor, the disclosure and abstention rules apply to you.

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

Business with the Municipality

Although there is no prohibition on doing business with the municipality when you are a member of council, every contract or agreement with the municipality in which you have an interest must be approved by council (section 173 of the *MGA*). If your council has delegated purchasing authority to administration, it is important that those officials know of any business interests that you have and that you ensure council approves of any contract with your business. If, as an elected official, you submit a bid or offer for a contract or agreement, you should note in your submission that the matter must receive council approval under section 173 of the *MGA*. If council does not approve the contract or agreement, you will be disqualified from council under section 174 of the *MGA* and the contract or agreement will have no force or effect.

The following are the only exceptions:

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

Statement of Disclosure of Interests

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

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

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

Remember

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

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

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

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

2. Conflict of Interest

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

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

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

A private interest is not something that:

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

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

What to Do for a Conflict of Interest

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

If you believe you may have a conflict of interest:

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

No Review of Conflict of Interest

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

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

FREQUENTLY ASKED QUESTIONS

Can I look at nomination papers on Nomination Day?

At any time after the commencement of the nomination period until the term of office to which the filed nomination papers relate has expired, a person may request to examine the filed nomination papers during regular business hours and in the presence of the returning officer, deputy or secretary (s.28(6) Local Authorities Election Act).

What happens if the nominations received meet, but do not exceed, the number of positions available?

If the number of nominations does not exceed the number of positions available, after the close of nominations, the Returning Officer will declare the candidate(s) nominated for the position elected by acclamation (s. 34, Local Authorities Election Act).

Is a person who holds the position of Volunteer Fire Chief eligible to run for municipal office in that municipality?

Yes, a person who is a volunteer chief, officer or member of a fire, ambulance or emergency measures organization established by a local jurisdiction is not ineligible to be nominated (s. 22(4)(m) Local Authorities Election Act).

I'm not around on Nomination Day between 10:00 a.m. and 12noon. Can I file my nomination papers earlier?

Completed nomination forms can be filed with the returning officer at any time beginning on January 1 in the year of the general election and until 12:00 p.m. on Nomination Day. (s. 25 Local Authorities Election Act).

What if no nominations are received for a particular position?

If the required number of nominations are not received for the number of positions available on Nomination Day, the Returning Officer will continue to receive nominations the following day, at the local jurisdiction, between 10 a.m. and 12noon. Nominations will continue to be received at the same place between the same times until the required number of nominations has been received or a period of six working days, including Nomination Day (s. 31 Local Authorities Election Act).

Are there limits to how much someone can contribute during an election?

Yes, please refer to Section 147.2 of the Local Authorities Elections Act for a full list of limitations on contributions.