



BILL 20 AMENDMENTS PRESENTATION

BACKGROUND

Bill 20: Municipal Affairs Statutes Amendment Act, 2024

- Municipal Government Act (MGA) and Local Authorities Election Act (LAEA) amendments
- Introduced in Legislation in the Spring 2024 Session and received Royal Assent on May 30, 2024
- Most provisions will take effect on October 31, 2024, as proclaimed on this date.
- Provisions pertaining to assessment & property will come into force Jan 1, 2025

Councillor Accountability

- Strengthening the accountability of local councils under the MGA



• Kneehill County Council 1963

M.D. OF KNEEHILL N°48

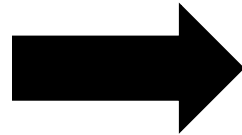
December 1963

Cl. Desk. B.C. Keeler. York. West. 117. 11. 1963. 7. 11. 11.

Councillor Disqualification

Before Bill 20


A disqualified councillor must resign for their seat to be considered vacant




Changes

Council can declare a seat vacant in certain disqualifying circumstances


Councillor Disqualification



• The councillor is disqualified under s.174(1) and refuses to resign.



• The council declares the person to be disqualified and the seat to be vacant.



• Disqualified councillor has **30 days** from council declaration to apply to the Court of King's Bench to appeal the declaration.

Expedited Disqualification

- Failure to file campaign finance disclosure
- Becomes judge/senator/MP/MLA
- Absent from 8-week period of regular council meetings
- Convicted on a criminal offence
- Becomes a municipal employee

*All other criteria uses original process

Mandatory Councillor Training

Before Bill 20

Municipalities must offer training. Councillor not required to attend.



Changes

Training must be offered and councillors must attend.



Mandatory Councillor Training

General Election	By-election	Topics
<p>On or before organizational meeting</p>	<p>On or before day councillor takes oath of office</p>	<ul style="list-style-type: none"> - Role of Alberta municipalities - Municipal organization & function - Roles & responsibilities of council & councillors - Code of conduct - CAO & staff roles & responsibilities
<p>Prior to or on the same day as the first regularly scheduled council meeting</p> <p><i>(Can be extended by up to 90 days)</i></p>	<p>Within 90 days of taking oath of office</p> <p><i>(Can be extended by up to 90 days)</i></p>	<ul style="list-style-type: none"> - Key municipal plans - Budgeting & financial administration - Public participation - Any other topic prescribed by regulations

Removing a Councillor

Before Bill 20

Councillor could only be removed following an inspection and failure to comply with ministerial directives.



Changes

Cabinet may order a vote to remove if a councillor is unwilling, unable, or refusing to do the job or if it is within the public interest.

Conflicts of Interest

Before Bill 20

Only financial
(pecuniary) conflicts of
interest recognized in
legislation



Changes

There are rules governing
both financial and non-
financial conflicts of
interest



Conflicts of Interest

Pecuniary Interest (unchanged)

- Councillor must recuse themselves from discussions or votes that could monetarily affect them, their family or business

Conflict of Interest

- Councillor may recuse themselves from discussion or votes that could benefit them, their family, or business
- Councillor must disclose private interest to abstain

Recall Petitions

Before Bill 20

CAO responsible for
validating recall petitions



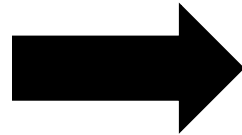
Changes

Minister validates recall
petitions

Cabinet interventions in bylaws

Before Bill 20

Cabinet can intervene in
land use bylaws or
statutory plans



Changes

Cabinet may repeal/amend
bylaws that:

- Exceed municipal authority,
- Are contrary to provincial policy, or
- Contravene the Constitution

Housing

- Accelerating housing development under the MGA



Planning and Development Hearings

Before Bill 20

- No requirement for electronic options for P&D public hearings
- Extra hearings allowed



Changes

- P&D public hearings must include electronic participation options
- No extra hearings allowed

Non-Profit Affordable Housing Taxes

Before Bill 20

- Non-profit affordable housing not exempt from property taxes



Changes

- Non-profit affordable housing is automatically exempt from paying property taxes
- Municipalities may remove exemption through bylaw.

Residential Property Tax Incentives

Before Bill 20

- Able to offer multi-year property tax exemptions for non-residential properties



Changes

- May grant multi-year property exemptions on non-residential and residential properties
- Municipalities must set parameters by bylaw

Regulation-making Authority

Before Bill 20

- No provisions were in place.



Changes

- **Joint Use Planning Agreements**
 - Minister may make regulations regarding criteria and exemptions
- **Non-statutory Studies**
 - Minister may make regulations limiting non-statutory studies for building and development permits

Election

- Update the rules for local elections





Candidate Eligibility

Ineligibility, Section 22

- **Candidate eligibility rules have been updated:**
 - They now include employees the office of the Ombudsman are ineligible unless they take a leave of absence without pay.
- Ineligibility, Section 22 (1.4)
- **A person is not eligible to be nominated if:**
 - On or after the time the person gives written notice or was required to give written notice under section 147.22, the person uses or expends anonymous or unauthorized contributions in contravention of section 147.



Disqualification of a Candidate (Section 23.1)

A candidate is disqualified and ineligible to continue as a candidate if:

- On or after a candidate's nomination has been accepted, a candidate is convicted of an offence punishable by imprisonment for 5 or more years, or under Section 123, 124 or 125 of the CCC.

Definition of Candidate (Part 5.1)

- An individual who intends to be nominated to run for election in a local jurisdiction as a councillor or as a school board trustee that has given written notice in accordance with section 147.22



Criminal Records Check

Criminal Records Check, Section 21.1

- Municipalities may require criminal records checks for candidates



Campaign Finance and Third-Party Advertising

- Allow union and corporate donations to local candidates, with the same donation limits as individual donors (\$5,000 per municipality per year) (LAEA, Section 147.2)
- Allow donations outside the local election year and require annual reporting of donations (LAEA, Section 147.1, 147.22)
- Require third-party advertisers interested in votes on a bylaw or question to register and report finances.
- Limit donations to third-party advertisers to \$5,000 per election advertising period, which begins May 1 of the election year and ends at the end of the election day (LAEA Section 162, 167.2)



Election Finances and Contribution Disclosure

- **Notice Required re Contributions and Expenses (LAEA, S. 147.22)**
 - No individual and no person acting for the individual shall accept contributions or incur a campaign expense unless the individual has given written notice.
 - An individual who intends to be nominated or has been nominated to run for election in a local jurisdiction as a candidate must give written notice to the local jurisdiction in which the individual intends to be or has been nominated.
- **Register of Candidates (LAEA, S 147.221)**
 - A local jurisdiction must maintain a register of candidates that have given notice to the local jurisdiction under section 147.22.



Election Finances and Contribution Disclosure Cont'd

- **The definition for "Campaign Period"**
 - In the case of a general election, the period beginning on January 1 of the year immediately following a general election and ending on December 31 immediately following the next general election.
- **Contribution Disclosure Statements (LAEA, S. 147.4)**
 - New! Yearly disclosure rules.... In the case of a general election, on or before March 1 of each year, a candidate who received contributions in the previous year shall file with the secretary of the candidate's local jurisdiction a disclosure statement in the prescribed form.
- **Late Filing (LAEA, S. 147.7)**
 - Candidates who file late are obligated to pay a \$500 late-filing fee.
 - A failure to file a disclosure statement will result in the CAO filing a report with council, which will also be made public.... But not if the disclosure is made no later than 10 days after the deadline.



Local Political Parties and Slates Regulation

- Regulations for this will be in effect prior to the October 2025 election.
- This regulation will allow registered local political parties and slates to be listed on the ballot.
- These regulations will only apply to Edmonton and Calgary



Permanent Electors Register (LAEA, S.49)

- Repeal the municipal authority to develop a voters list based on enumeration.
- Require municipalities to use the most current provincial register of electors from Elections Alberta.
 - All municipalities in Alberta are now required to enter into an agreement with Elections Alberta to:
 - Receive information from Elections Alberta that will assist the municipality in the creation and revision of the permanent electors register.
 - Provide information to Elections Alberta that will assist Elections Alberta in revising the provincial register of electors.



Special Ballots (LAEA S. 77.1)

- All electors whose name is on the permanent electors register, and who are unable to vote at an advance vote or on election day, may apply to vote by special ballot.



Proof of Elector Eligibility, Section 53

Voter Identification Rules have been Amended

- Every person who attends a voting station for the purpose of voting must be allowed to vote if:
 - The person is named on the permanent electors register, and
 - Produces one piece of identification issued by a Canadian government, whether federal, provincial or local, or an agency of that government, that contains a photograph of the person.

Vouching

- A person may validate the address of their residence if they are accompanied by an elector who knows the person lives in the jurisdiction.



Scrutineers, Section 69

- Scrutineers may perform their duties at more than one voting station.
- But the ability for scrutineers, candidates or their agents to object to an elector has been repealed. They can only observe.

Ministerial Emergency Powers, Section 6.1

- The Minister may “extend or adjourn voting” in cases of emergency, disaster, or unforeseen circumstances.

Alternative Voting Equipment, Section 84

- This section has been repealed.
- Automated voting equipment (e.g. electronic tabulators) is now prohibited.



Election Results

Returning Officer's Recount (LAEA, S. 98)

- If a candidate/scrutineer shows reasonable grounds for alleging the result is inaccurate.
- If the number of objected /rejected ballots are sufficient to affect the result.
- If the returning officer believes there's been an error in the count.
- New! Require recounts if requested by a candidate when the margin is within 0.5 percent of the total votes (S.98 (1.1))



Returning Officer Appointments, Section 13 (3)

Candidates , and their spouses, adult interdependent partners, children, parents, siblings, cannot be appointed as returning officer or substitute.

Questions?

