



Town of Blackfalds
Annual Organizational Meeting
Council Chambers, 5018 Waghorn Street
October 26, 2021 at 7:00 p.m.

AGENDA

1. Call to Order

2. Land Acknowledgement

2.1 Treaty Six Land Acknowledgement - Blackfalds Town Council acknowledges that we are on Treaty 6 territory, a traditional meeting ground, gathering place, and travelling route to the Cree, Saulteaux (So-toe), Blackfoot, Métis, Dene (De-nay) and Nakota Sioux (Sue). We acknowledge all the many First Nations, Métis, and Inuit whose footsteps have marked these lands for centuries.

3. Adoption of Agenda

3.1 Agenda for October 26, 2021

4. Official Oath of Office

4.1 Swearing in Ceremony

4.2 Commissioner of Oaths – Act and Regulations

5. General Duties and Guidelines of Conduct

5.1 Council Procedural Bylaw 1237.19 – General Duties of Councillors and Chief Elected Official Guidelines of Conduct

5.2 Code of Conduct and Ethics for Elected Officials Bylaw 1226.18

5.3 Municipal Affairs – Municipal Councillors Guidelines for Conflict of Interest

5.4 Municipal Affairs - Pecuniary Interest

5.5 Municipal Affairs - “What Every Councillor Needs to Know”

5.6 Municipal Government Act

5.7 Robert’s Rules of Order

5.8 Parliamentary Procedure Motions Guide

6. Setting of Regular Meeting and Standing Committee Dates and Times

6.1 2021 – 2022 Proposed Meeting Schedule

7. Appointment of Deputy Mayor

7.1 Appointment of Deputy Mayor

8. Council Remuneration and Compensation Policy

8.1 Council Remuneration and Compensation Policy 156.21

9. Conference Attendance

9.1 FCM Attendance

9.2 AUMA Attendance

10. Town Board Appointments – Member at Large and Council Appointments

11.1 Board and Committee Policy 140.20

11.2 Town Boards

- Economic Development & Tourism Advisory Committee (EDTAC)
 - Family and Community Support Services (FCSS)
 - Municipal Library Board (MLB)
 - Blackfalds & District Recreation, Culture & Parks Board (RCP)
 - Policing Committee (PC)
 - Municipal Planning Commission (MPC)
 - Subdivision & Development Appeal Board (SDAB)
 - Council Grievance Committee
 - Municipal Emergency Management Committee
 - 55+ Housing Building Committee
-

11. Outside Boards

11.1 Outside Boards

- Lacombe Foundation
- Inter-Municipal Development Plan Board (IDP)



Town of Blackfalds
Annual Organizational Meeting
Council Chambers, 5018 Waghorn Street
October 26, 2021 at 7:00 p.m.

AGENDA

- Inter-Municipal Collaboration Framework (ICF) Committee
- Blackfalds Chamber of Commerce
- Central Alberta Economic Partnership (CAEP)
- Parkland Regional Library System (PRLS) Board
- Blackfalds Schools Parent Council (IREC, IRIC, IRJC, St. Gregory the Great Catholic School)
- Central Alberta Regional Trails Society (CARTS)
- Lacombe Regional Emergency Partnership Plan Advisory Committee (LREMP)
- North Red Deer River Water Commission (NRDRWC)
- Red Deer River Municipal Users Group (RDRMUG)
- Red Deer River Watershed Alliance
- Lacombe County Fire Services Partnership Advisory Committee

12. Council Orientation

12.1 Council Orientation and Training

13. Adjournment



**TOWN OF BLACKFALDS
ORGANIZATIONAL MEETING
COUNCIL REPORT**

MEETING DATE: **October 26, 2021**

PREPARED BY: **CAO MYRON THOMPSON**

SUBJECT: **Oath of Office**

BACKGROUND:

An Oath of Office is a public official's promise, before assuming office, to meet the position's obligations and duties. A Councillor, Chief Elected Official, Deputy and Acting CEO may not carry out any power, duty or function until that person has taken the official oath prescribed by the Oaths of Office Act.

DISCUSSION:

Before taking part in your first council meeting, elected officials are required to make and subscribe to the official oath. By oath, you swear or declare that you will diligently, faithfully, and to the best of your ability, fulfill the duties of the office to which you have been elected.

MGA – Division 3 – Duties, Titles and Oaths of Councillors 153

MGA – Division 3 – Taking of Oath 156

FINANCIAL IMPLICATIONS:

n/a

ADMINISTRATIVE RECOMMENDATION:

n/a

ALTERNATIVES:

n/a

Attachments:

- *Oaths of Office Act*
- *Oath of Office – Elected Officials*

Approvals:



CAO Myron Thompson



Province of Alberta

OATHS OF OFFICE ACT

Revised Statutes of Alberta 2000 Chapter O-1

Current as of December 17, 2014

Office Consolidation

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Note

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OATHS OF OFFICE ACT

Chapter O-1

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Oath of allegiance

1(1) When by a statute of Alberta a person is required to take an
oath of allegiance it shall be taken in the following form:

I, _____, swear that I will be faithful and bear true
allegiance to Her Majesty Queen Elizabeth the Second, her
heirs and successors, according to law.

So help me God.

(2) Where the name of Her Majesty Queen Elizabeth the Second is
expressed in the form, the name of the Sovereign at the time that
the oath is taken shall be substituted therefor if different.

RSA 1980 cO-1 s1

Official oath

2 When by a statute of Alberta a person is required to take an
official oath on

- (a) being appointed to an office other than that of judge or
justice of the peace, or
- (b) being admitted to a profession or calling,

the oath shall be taken in the following form:

I, _____, swear that I will diligently, faithfully
and to the best of my ability execute according to law the
office of _____.

So help me God.

RSA 1980 cO-1 s2

Judicial oath

3 When by a statute of Alberta a person is required to take a judicial oath on being appointed as a judge or as a justice of the peace, the oath shall be taken in the following form:

I, _____, swear that I will honestly and faithfully
and to the best of my ability exercise the powers and duties
of a _____
_____.

So help me God.

RSA 1980 cO-1 s3

Solemn affirmation

4(1) A person who is required by a statute of Alberta to take an oath prescribed by this Act may make a solemn affirmation instead of taking the oath.

(2) When on the administering of an oath prescribed by this Act the person about to take the oath is permitted by law to make a solemn affirmation instead of taking an oath, the person may make a solemn affirmation in the prescribed form of the oath, substituting the words “solemnly affirm” for the word “swear”, and omitting the words “So help me God”.

RSA 2000 cO-1 s4;2014 c13 s8



OATH OF OFFICE

OATH OF OFFICE ACT Chapter O-1

A Councillor, a Chief Elected Official and a Deputy and Acting Chief Elected Official may not carry out any power, duty or function until that person has taken the official oath prescribed by the *Oaths of Office Act*.

(Repeat after Officer giving the oath)

I, _____ **DO SOLEMNLY SWEAR**

THAT I WILL DILIGENTLY, FAITHFULLY AND TO THE BEST OF MY ABILITY

EXECUTE ACCORDING TO LAW

THE OFFICE OF _____

FOR THE TOWN OF BLACKFALDS.

SO HELP ME GOD.

RSA 1980 cO-1 s2

Administered by: _____ *(S/Sgt. Dan Martin– Blackfalds RCMP)*

Sworn before a Commissioner for Oaths at the Town of Blackfalds in the Province of Alberta this

_____ day of _____, _____ A.D.

Day

Month

Year

Commissioner for Oaths in and for the Province of Alberta

Date



TOWN OF BLACKFALDS ORGANIZATIONAL MEETING COUNCIL REPORT

MEETING DATE: October 26th, 2021

PREPARED BY: Myron Thompson, Chief Administrative Officer

SUBJECT: Commissioner of Oaths

BACKGROUND:

By virtue of office, under the Alberta Notaries and Commissioners Act, Part 2, Section 16(1), municipal councillors are Commissioners for Oaths, empowered to administer oaths and take and receive affidavits, affirmations and declarations in Alberta for use in Alberta.

DISCUSSION:

At the annual Organizational Meeting, this information is presented to Council for discussion and review, and to note any changes made in legislation. Administration will make available current copies of the Act and Regulations and stamps for Council members reference.


FINANCIAL IMPLICATIONS:

None

Attachments:

- *Province of Alberta Notaries and Commissioners Act*
- *Province of Alberta Notaries and Commissioners Act – Commissioners for Oaths Regulation*

Approvals:



Myron Thompson, CAO



Province of Alberta

NOTARIES AND COMMISSIONERS ACT

Statutes of Alberta, 2013
Chapter N-5.5

Current as of September 1, 2019

Office Consolidation

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Regulations

The following is a list of the regulations made under the *Notaries and Commissioners Act* that are filed as Alberta Regulations under the Regulations Act.

Alta. Reg.	Amendments
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Notaries and Commissioners Act

Commissioners for Oaths	219/2014
Notaries Public	220/2014

NOTARIES AND COMMISSIONERS ACT

Chapter N-5.5

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HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Definitions

1 In this Act,

- (a) “judge” means a judge of the Provincial Court, the Court of Queen’s Bench or the Court of Appeal and includes a master in chambers appointed under the *Court of Queen’s Bench Act*;
- (b) “lawyer” means a member of the Law Society of Alberta, other than an honorary member, who has not been suspended or disbarred;
- (c) “Metis settlement councillor” means a councillor as defined in the *Metis Settlements Act*;
- (d) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (e) “municipal councillor” means a councillor within the meaning of the *Municipal Government Act*;
- (f) “political representative” means
 - (i) a member of the Legislative Assembly of Alberta,
 - (ii) a member from Alberta of the House of Commons of Canada, or

- (iii) a member of the Senate of Canada who at the time of appointment as a senator is a resident of Alberta;
- (g) “student-at-law” means a person who is registered as a student-at-law under the *Legal Profession Act* whose registration has not been suspended or terminated.

Part 1

Notaries Public

Appointment of notaries public

2(1) Persons may be appointed as notaries public in accordance with this Part.

(2) An appointment under subsection (1) is an appointment at pleasure for a term provided for in the regulations.

Notaries public by virtue of office or status

3(1) The following persons are notaries public by virtue of their office or status:

- (a) a judge;
- (b) a lawyer and a student-at-law;
- (c) a political representative.

(2) A person who is a notary public pursuant to subsection (1) ceases to be a notary public when the person ceases to hold the office or to have the status referred to in subsection (1).

Powers of a notary public

4(1) Every notary public may, subject to the Regulations,

- (a) administer oaths or take affidavits, affirmations or declarations and attest the oaths, affidavits, affirmations or declarations in accordance with section 5,
- (b) certify and attest in accordance with section 5 a true copy of a document, and
- (c) witness or certify and attest in accordance with section 5 the execution of a document.

(2) In addition to the powers set out in subsection (1), a notary public who is a judge or a lawyer may witness or certify and attest in accordance with section 5 deeds, contracts and commercial instruments, including, subject to any other applicable law, a deed,

contract or commercial instrument issued or prepared by the judge or lawyer or in respect of which the judge or lawyer has otherwise provided legal advice.

(3) A document in respect of which a notary public has exercised a power referred to in subsection (1) or (2) and that is attested in accordance with section 5 may be used and recognized in Alberta, elsewhere in Canada and internationally.

Seal, name and expiry date

5(1) Before exercising the powers of a notary public, the notary public must obtain a seal on which appear the notary public's name and the words "Notary Public" and "Province of Alberta".

(2) A notary public shall place his or her seal to each document that the notary public attests in that capacity.

(3) A notary public shall, on each document attested by the notary public's seal and signature, legibly print, or stamp in legible printing, next to the notary public's signature,

- (a) the notary public's name,
- (b) if the notary public was appointed under section 2, the date on which the notary public's appointment expires, and
- (c) if the notary public is acting by virtue of his or her office or status, the office or status referred to in section 3 that applies to the notary public.

(4) A notary public who contravenes subsection (2) or (3) is guilty of an offence and liable to a fine of not more than \$1000.

Duties and conduct of a notary public

6(1) The Minister may, by regulation, establish a code of conduct for notaries public.

(2) The Minister may issue directives governing the duties and conduct of notaries public.

(3) The code of conduct and directives referred to in this section must be made available to every notary public in a manner determined by the Minister.

Prohibitions

7(1) No person shall, unless authorized to do so under this Act or by another law in force in Alberta,

- (a) administer an oath or take an affidavit, affirmation or declaration and attest the oath, affidavit, affirmation or declaration as a notary public,
- (b) certify and attest as a notary public a true copy of a document,
- (c) witness or certify and attest as a notary public the execution of a document,
- (d) issue or prepare a deed, contract or commercial instrument, or otherwise provide legal advice, or
- (e) hold himself or herself out as or represent himself or herself as a notary public, or exercise any powers or rights customarily associated with the office of a notary public.

(2) A person who contravenes this section is guilty of an offence and liable to a fine of not more than \$5000.

Applications

8 A person may, in accordance with the regulations, apply for an appointment as a notary public if the person

- (a) is 18 years of age or older,
- (b) is a Canadian citizen or has the status of a permanent resident of Canada, and
- (c) resides in Alberta or in the part of the City of Lloydminster that is located in Saskatchewan.

Proof of appointment

9(1) The Minister may issue a document that the Minister considers appropriate to indicate

- (a) that a person is a notary public, and
- (b) the date when the appointment as a notary public expires.

(2) A document issued pursuant to subsection (1) is admissible in any court as evidence of the appointment without further proof of the appointment or proof of the signature of any person who signed or issued the document.

Minister may issue written directions

10(1) If it appears that a notary public is not complying with this Act, the regulations, or the code of conduct or a directive referred to in section 6, the Minister may issue written directions to the notary public concerning the notary public's failure to comply.

(2) The Minister may provide the written directions and communicate information regarding the written directions that the Minister considers to be appropriate

- (a) if the notary public is a judge, to the Judicial Council established under the *Judicature Act*,
- (b) if the notary public is a lawyer or student-at-law, to The Law Society of Alberta,
- (c) if the notary public exercises his or her powers as a notary public within the scope of his or her employment or in an official capacity, to an employer, supervisor or other person as the Minister considers to be appropriate, and
- (d) to any other person as the Minister considers to be necessary for the administration of this Act.

Minister may refuse, suspend or revoke

11(1) The Minister may refuse an application for appointment as a notary public or suspend or revoke the appointment of a notary public if

- (a) the applicant or notary public fails to comply with this Act, the regulations, the code of conduct or a directive referred to in section 6 or a written direction referred to in section 10,
- (b) the applicant or notary public is convicted of an offence under this Act,
- (c) the applicant or notary public is charged with misrepresentation, fraud, breach of trust or an offence under the *Criminal Code* (Canada),
- (d) the applicant or notary public made an untrue statement in his or her application for appointment, or
- (e) the Minister considers it appropriate to do so.

(2) If the Minister suspends or revokes an appointment under this section, the Minister may

- (a) provide, publish or issue a notice of the suspension or revocation in the manner provided for by regulation or that the Minister considers to be appropriate, and
 - (b) communicate, in the manner that the Minister considers to be appropriate, the information regarding the suspension or revocation that the Minister considers to be necessary for the administration of this Act.
- (3) A decision by the Minister under this section is final.

Advisory Committee

12 The Minister may establish a Notaries Public Advisory Committee under section 7 of the *Government Organization Act* for the purposes of

- (a) providing advice to the Minister respecting the appointment of notaries public and the suspension and revocation of appointments of notaries public or the issuance of a written direction to a notary public,
- (b) monitoring, and advising the Minister concerning, the contents or application of this Part, the regulations, the code of conduct and directives referred to in section 6 or a written direction referred to in section 10, and
- (c) exercising the additional powers and performing the additional duties and functions conferred by the Minister in accordance with the *Government Organization Act* or by regulation.

Regulations

13 The Minister may make regulations

- (a) respecting the term of appointments for the purposes of section 2(2);
- (b) limiting or clarifying the powers of a notary public referred to in section 4(1) and their exercise by a notary public who is not a lawyer or a judge;
- (c) establishing the code of conduct referred to in section 6;
- (d) respecting the directives referred to in section 6;
- (e) respecting the form and manner in which an application under section 8 must be made, including, without limitation, regulations

- (i) requiring the payment of fees in respect of an application and the manner in which the fees must be paid,
- (ii) respecting the requirements that must be satisfied or the information or evidence that must be provided by a person who applies for appointment as a notary public, including but not limited to the requirement
 - (A) to provide references or other evidence that the applicant is a person of good character, and
 - (B) to submit the results of a criminal record check in a form satisfactory to the Minister;
- (f) respecting the collection, use and disclosure of information, including personal information, for the purposes of
 - (i) confirming that a notary public has an office or status referred to in section 3(1),
 - (ii) authenticating a notary public's signature,
 - (iii) considering and approving or refusing applications, issuing written directions or suspending or revoking appointments under this Part and providing, publishing or issuing notices of suspensions or revocations, and
 - (iv) any other purpose necessary for the administration of this Act;
- (g) respecting written directions referred to in section 10 or decisions under section 11 to refuse, suspend or revoke appointments, including regulations respecting any notices and documents that may or must be provided, published or issued;
- (h) respecting the exercise of additional powers or the performance of additional duties and functions by the Notaries Public Advisory Committee under section 12;
- (i) respecting any other matter or thing that the Minister considers advisable for the administration of this Part.

Transitional

14 Every notary public appointed pursuant to section 2 of the *Notaries Public Act*, RSA 2000 cN-6, or under any predecessor of that Act, continues as a notary public for Alberta until the expiry of his or her appointment pursuant to that Act, and may be dealt with

pursuant to this Part as if he or she had been appointed pursuant to this Part.

Part 2

Commissioners for Oaths

Appointment of commissioners for oaths

15(1) Persons may be appointed as commissioners for oaths in accordance with this Part to administer oaths and take and receive affidavits, affirmations and declarations in and for Alberta.

(2) An appointment under subsection (1) is an appointment at pleasure for a term provided for in the regulations.

Commissioners for oaths by virtue of office or status

16(1) The following persons are commissioners for oaths, empowered by virtue of their office or status to administer oaths and take and receive affidavits, affirmations and declarations in Alberta for use in Alberta:

- (a) a judge;
- (b) a lawyer and a student-at-law;
- (c) a political representative;
- (d) a Metis settlement councillor and a municipal councillor;
- (e) a trustee of a board of a school division within the meaning of section 125(4)(b) of the *Education Act*;
- (f) a person who holds a commission as an officer in the Canadian Forces and who is on full-time service, whether in Canada or outside Canada;
- (g) a police officer.

(2) Every notary public is, by virtue of the notary public's office, a commissioner for oaths.

(3) Despite subsection (1), an oath, affidavit, declaration or affirmation may be administered, taken, sworn, affirmed or made outside Alberta for use in Alberta by

- (a) a political representative,
- (b) an officer in the Canadian Forces referred to in subsection (1)(f), or

- (c) a commissioner for oaths by virtue of an office or status referred to in subsection (1) who actually resides in, or who provides his or her services as a commissioner for oaths in, the part of the City of Lloydminster that is located in Saskatchewan.
- (4) A person who is a commissioner for oaths pursuant to subsection (1) ceases to be a commissioner for oaths when the person ceases to hold the office or to have the status referred to in subsection (1).
- (5) The Minister may request all or any of the following information that is shown on a record in the custody or control of a public body as defined in the *Freedom of Information and Protection of Privacy Act* as the Minister considers to be necessary for the purpose of locating a person who is, or has represented himself or herself as, a commissioner for oaths pursuant to subsection (1) and authenticating a signature of or otherwise administering this Act in respect of that person:
 - (a) the name, residential address, residential telephone number, cellular telephone number and e-mail address of the person;
 - (b) the name, address, telephone number and e-mail address of the person's current or past employer;
 - (c) whether the person has an office or status referred to in subsection (1).
- (6) On receipt of a request under subsection (5) the public body shall provide the requested information.

2012 cE-0.3 s280.1; 2013 cN-5.5 s16

Name and expiry date

17(1) A commissioner for oaths shall, on each document that the commissioner for oaths signs in that capacity, legibly print, or stamp in legible printing, next to the commissioner for oaths' signature,

- (a) the commissioner for oaths' name,
- (b) the words "A Commissioner for Oaths in and for Alberta",
- (c) if appointed under section 15, the date on which the commissioner for oaths' appointment expires, and
- (d) if the commissioner for oaths is acting by virtue of an office or status referred to in section 16(1) or (2), the office or status that applies to the commissioner for oaths.

(2) A commissioner for oaths who fails to comply with this section is guilty of an offence and liable to a fine of not more than \$1000.

Duties and conduct of a commissioner

18(1) The Minister may, by regulation, establish a code of conduct for commissioners for oaths.

(2) The Minister may issue directives governing the duties and conduct of commissioners for oaths.

(3) The code of conduct and directives referred to in this section must be made available to every commissioner for oaths in a manner determined by the Minister.

Prohibitions

19(1) No person shall, unless authorized to do so under this Part or by another law in force in Alberta,

- (a) administer an oath,
- (b) take or receive an affidavit, affirmation or declaration, or
- (c) hold himself or herself out as or represent himself or herself as a commissioner for oaths.

(2) Subsection (1) does not apply to the administering of an oath or the taking or receiving of an affidavit, declaration or affirmation in Alberta for use only in another jurisdiction by a person who is authorized to do so by the laws of that other jurisdiction.

(3) A person who contravenes this section is guilty of an offence and liable to a fine of not more than \$5000.

Applications

20 A person may, in accordance with the regulations, apply for an appointment as a commissioner for oaths if the person

- (a) is 18 years of age or older, and
- (b) repealed 2016 c23 s4,
- (c) resides in Alberta or in the part of the City of Lloydminster that is located in Saskatchewan.

2013 cN-5.5 s20;2016 c23 s4

Proof of appointment

21(1) The Minister may issue a document that the Minister considers appropriate to indicate

- (a) that a person is a commissioner for oaths, and
- (b) the date when the appointment as a commissioner for oaths expires.

(2) A document issued pursuant to subsection (1) is admissible in any court as evidence of the appointment without further proof of the appointment or proof of the signature of any person who signed or issued the document.

Minister may issue written directions

22(1) If it appears that a commissioner for oaths is not complying with this Act, the regulations, or the code of conduct or a directive referred to in section 18, the Minister may issue written directions to the commissioner for oaths concerning the commissioner for oaths' failure to comply.

(2) The Minister may provide the written directions and communicate information regarding the written directions that the Minister considers to be appropriate

- (a) if the commissioner for oaths is a judge, to the Judicial Council established under the *Judicature Act*,
- (b) if the commissioner for oaths is a lawyer or student-at-law, to The Law Society of Alberta,
- (c) if the commissioner for oaths administers oaths or takes or receives affidavits, affirmations and declarations within the scope of his or her employment or in an official capacity, to an employer, supervisor or other person as the Minister considers to be appropriate, and
- (d) to any other person as the Minister considers to be necessary for the administration of this Act.

Minister may refuse, suspend or revoke

23(1) The Minister may refuse an application for appointment or suspend or revoke the appointment of a commissioner for oaths if

- (a) the applicant or commissioner for oaths fails to comply with this Act, the regulations, the code of conduct or a directive referred to in section 18 or a written direction referred to in section 22,

- (b) the applicant or commissioner for oaths is convicted of an offence under this Act,
 - (c) the applicant or commissioner for oaths is charged with misrepresentation, fraud, breach of trust or an offence under the *Criminal Code* (Canada),
 - (d) the applicant or commissioner for oaths made an untrue statement in his or her application for appointment, or
 - (e) the Minister considers it appropriate to do so.
- (2) If the Minister suspends or revokes an appointment under this section, the Minister may
- (a) provide, publish or issue a notice of the suspension or revocation in the manner provided for by regulation or that the Minister considers to be appropriate, and
 - (b) communicate, in the manner that the Minister considers to be appropriate, the information regarding the suspension or revocation that the Minister considers to be necessary for the administration of this Act.
- (3) A decision made by the Minister under this section is final.

Regulations

24 The Minister may make regulations

- (a) respecting the term of appointments for the purposes of section 15(2);
- (b) establishing the code of conduct referred to in section 18;
- (c) respecting the directives referred to in section 18;
- (d) respecting the form and manner in which an application under section 20 must be made, including, without limitation, regulations
 - (i) requiring the payment of fees in respect of an application and the manner in which the fees must be paid, and
 - (ii) respecting the requirements that must be satisfied or the information that must be provided by a person who applies for appointment as a commissioner for oaths;
- (e) respecting the collection, use and disclosure of information, including personal information, for the purposes of

- (i) confirming that a commissioner for oaths has an office or status referred to in section 16(1) or (2),
 - (ii) authenticating a commissioner for oaths' signature,
 - (iii) considering and approving applications, issuing written directions or suspending or revoking appointments under this Part and providing, publishing or issuing notices of suspensions or revocations, and
 - (iv) any other purpose necessary for the administration of this Act;
- (f) respecting written directions referred to in section 22 or a decision under section 23 to refuse, suspend or revoke an appointment, including regulations respecting any notices and documents that may or must be provided, published or issued;
- (g) respecting any other matter or thing that the Minister considers advisable for the administration of this Part.

Transitional

25 Every commissioner for oaths appointed pursuant to section 6 of the *Commissioners for Oaths Act*, RSA 2000 cC-20, or under any predecessor of that Act, continues as a commissioner for oaths until the expiry of his or her appointment pursuant to that Act and may be dealt with pursuant to this Part as if he or she had been appointed pursuant to this Part.

Part 3 General Matters

Investigation if required

26(1) The Minister may, on the Minister's own initiative, appoint a qualified person to conduct any investigation that the Minister considers to be necessary for the protection of the public interest, regarding any matter that may be in contravention of this Act, the regulations, an applicable code of conduct, a directive issued under section 6 or 18, or a written direction issued under section 10 or 22.

(2) A person appointed to conduct an investigation under subsection (1), in the course of an investigation, may exercise the powers and shall perform the duties provided for by regulation.

Protection from liability

27(1) No action lies against the Minister, a designate of the Minister or a person appointed to conduct an investigation under

section 26 for anything done or omitted to be done in good faith and in purporting to act under this Act or the regulations.

(2) No action for defamation may be founded on a communication if the communication is requested, made, issued or published in good faith and in purporting to act under this Act or the regulations by the Minister, a designate of the Minister or a person appointed to conduct an investigation under section 26.

Regulations

28 The Minister may make regulations

- (a) respecting appointments under section 26;
- (b) respecting the powers and duties of a person appointed to conduct an investigation.

Part 4 Consequential Amendments, Repeals and Coming into Force

29 to 32 *(These sections make consequential amendments to other Acts. The amendments have been incorporated into those Acts.)*

Repeals

33(1) The *Commissioners for Oaths Act*, RSA 2000 cC-20, is repealed.


(2) The *Notaries Public Act*, RSA 2000 cN-6, is repealed.

Coming into force

34 This Act comes into force on Proclamation.

(NOTE: Proclaimed in force April 30, 2015.)



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Province of Alberta

NOTARIES AND COMMISSIONERS ACT

COMMISSIONERS FOR OATHS REGULATION

Alberta Regulation 219/2014

Extract

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(no amdt)

ALBERTA REGULATION 219/2014
Notaries and Commissioners Act
COMMISSIONERS FOR OATHS REGULATION

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Schedule

Expiry of appointment

- 1 Unless revoked, an appointment under Part 2 of the Act expires on the 3rd anniversary of the commissioner for oaths' birthday after the date of his or her appointment.

Code of conduct

- 2 The code of conduct referred to in section 18(1) of the Act is set out in the Schedule.

Directives governing the duties and conduct of commissioners

- 3 A directive referred to in section 18(2) of the Act must be published in the form and manner determined by the Minister.

Applications

- 4(1) The application referred to in section 20 of the Act shall be submitted in a form and manner satisfactory to the Minister.
- 4(2) The application shall be supported by an affidavit satisfactory to the Minister, if the Minister so requires.

Fees

5(1) Subject to subsection (2), the fee payable for an appointment under Part 2 of the Act is \$50.

(2) No fee is payable under subsection (1) for an appointment as commissioner for oaths for the purposes of employment with

- (a) the Government of Alberta or Canada or an agency of either,
- (b) the Metis Settlements General Council or a Metis settlement, or
- (c) a municipality.

Written directions and notices

6(1) A written direction issued to a commissioner for oaths under section 22 of the Act must be sent to the last known address or e-mail address of that individual.

(2) The refusal of an application or a notice of the suspension or revocation of an appointment referred to in section 23 of the Act must be

- (a) provided in writing, and
- (b) sent to the applicant or commissioner for oaths at that individual's last known address or e-mail address.

Records and information

7(1) For the purposes of section 24(e) of the Act, the Minister may collect, use and disclose information, including personal information, for the purposes of

- (a) confirming that a commissioner for oaths has an office or status referred to in section 16(1) or (2) of the Act,
- (b) authenticating a commissioner for oaths' signature,
- (c) considering and approving applications, issuing written directions or suspending or revoking appointments under Part 2 of the Act and providing, publishing or issuing notices of suspensions or revocations, and
- (d) any other purpose required for the administration of the Act.

(2) The Minister may collect, use or disclose information referred to in this section indirectly, without the consent of the commissioner for oaths to which the information relates.

Repeal

8 The *Commissioners for Oaths Fee Regulation* (AR 65/2003) is repealed.

Expiry

9 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on April 30, 2024.

Coming into force

10 This Regulation comes into force on the coming into force of the *Notaries and Commissioners Act*.

Schedule**Code of Conduct for
Commissioners for Oaths**

- 1** A commissioner for oaths must
- (a) discharge all of the commissioner for oaths' responsibilities with honesty, dignity and integrity;
 - (b) treat all persons fairly, courteously and with respect;
 - (c) provide services in a professional, ethical and responsible manner;
 - (d) comply with the terms and conditions of the commissioner for oaths' appointment;
 - (e) comply with
 - (i) the *Notaries and Commissioners Act*,
 - (ii) the applicable regulations under the *Notaries and Commissioners Act*,
 - (iii) any other law or directives that govern the conduct of commissioners for oaths in the discharge of their responsibilities, and

- (iv) any direction issued to the commissioner for oaths under section 22 of the Act;
- (f) act in a manner that maintains and upholds the honour and reputation of the office of commissioner for oaths;
- (g) maintain up-to-date knowledge on the law and directives governing the duties and conduct of commissioners for oaths;
- (h) hold in strict confidence all information of a confidential nature that comes to the commissioner for oaths' knowledge, except as is required to perform the services of the commissioner for oaths or as otherwise required by law.

2 A commissioner for oaths must not

- (a) mislead or attempt to mislead anyone in the discharge of the commissioner for oaths' responsibilities;
- (b) commission or participate in the preparation or delivery of any document that is false, incomplete, misleading, deceptive or fraudulent;
- (c) commission or participate in the preparation or delivery of any document that
 - (i) has the appearance of being validly issued by a court or other legitimate authority but is not,
 - (ii) is intended to or has the effect of deceiving any person, or
 - (iii) otherwise is lacking valid legal effect.



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TOWN OF BLACKFALDS ORGANIZATIONAL MEETING COUNCIL REPORT

MEETING DATE: October 26th, 2021

PREPARED BY: Myron Thompson, CAO

SUBJECT: Council Procedural Bylaw 1237.19

BACKGROUND:

In September 2019, Council approved Bylaw 1237.19, which was a consolidated Procedural Bylaw. Part 5 of this Bylaw sets out the requirements for the Organizational Meeting as well rules of procedure for governing processes as relates to Council and Committee Meetings. Bylaw 1237.19 also serves to regulate the conduct of Councillors and members of committees established by Council.

Town Council utilizes the annual Organizational Meeting to review requirements and expectations of their appointment, as required through the *MGA*, as well as supplementary references. Bylaw 1237.19, being the Procedural Bylaw provides very important information to assist Council members in attendance of their duties.

DISCUSSION:

Procedural Bylaw 1237.19 is attached as reference. The Bylaw serves as a reminder and guide to assist Council in their service to the community and it is expected that the Bylaw will be brought before Council for updates prior to year end.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENT:

- *Council Procedural Bylaw 1237.19*

Approvals:



CAO Myron Thompson

BEING A BYLAW OF THE TOWN OF BLACKFALDS, IN THE PROVINCE OF ALBERTA TO REGULATE THE PROCEEDINGS AND CONDUCT OF COUNCIL AND COUNCIL COMMITTEE MEETINGS.

WHEREAS the Municipal Government Act, S.A. 2000, Chapter M-26, as amended, provides that a Council may pass Bylaws in relation to the procedure and conduct of Council, and committees established by Council, and may regulate the conduct of Councillors and members of committees established by Council;

AND WHEREAS Council has deemed it necessary to regulate the procedure and conduct at meetings of council and committees established by Council;

AND WHEREAS Council has deemed it necessary to regulate procedures for receiving and responding to communications and submissions to Council:

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE TOWN OF BLACKFALDS, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

PART 1 - TITLE

1. That this Bylaw may be cited as the " Council Procedural Bylaw" of the Town of Blackfalds.

PART 2 - DEFINITIONS

2. In this Bylaw:
 - a) "Act" means the Municipal Government Act (MGA or the Act), as amended.
 - b) "Administrative Inquiry" is a request from a Member of Council to the Administration, made at a meeting, for the future provision of information and report.
 - c) "Administrative Representative" refers to the senior Administration resource person appointed to a Committee by the CAO.
 - d) "Agenda" means the list and order of business items for any meeting of Council, or Committees.
 - e) "New Business" shall mean any matter appearing before Council for the first time on an Agenda that requires a decision of Council.
 - f) "Bylaw" means a Municipal Bylaw of the Town.
 - g) "CAO" means the Chief Administrative Officer.
 - h) "Chairperson" means the Member elected from among the Members of a Committee to preside at all meetings of the Committee.
 - i) "Committee" means a committee, board, commission, authority, task force, ad-hoc working group or any other public body established by Council pursuant to this Bylaw.
 - j) "Council" means the elected officials, being the Mayor and Councillors of the Town of Blackfalds.
 - k) "Council Committee Meeting" means a meeting of Council of the Whole and referred specifically as the Standing Committee of Council.
 - l) "Council Meetings" are regularly scheduled or Special Meetings that require the attendance of Council.
 - m) "Delegation" shall mean one or more persons who have formally requested or have been requested to appear before Council at a Council or Standing Committee Meeting, in accordance with this Bylaw.
 - n) "Deputy Mayor" means the Member of Council appointed pursuant to this Bylaw to act as Mayor in the absence or incapacity of the Mayor.
 - o) "Ex-officio" means membership by virtue of one's office and/or where appointed

by Council.

- p) "FOIP" means the Freedom of Information and Protection of Privacy Act of Alberta.
- q) "In-Camera" means a part of the meeting closed to the public at which no resolution or bylaw may be passed, except a resolution to recommend to Council or revert to a meeting held in public.
- r) "Live Streaming" means to transmit or receive live video and audio coverage of (an event) over the Internet.
- s) "Majority of Council" means fifty (50%) plus 1 of those present, unless Council provides otherwise in this Bylaw;
- t) "Mayor" means the Chief Elected Official of the Town of Blackfalds duly elected.
- u) "Media Representatives" shall mean an employee or agent of a Licensed Broadcaster, a member of the Alberta Weekly Newspaper Association or a member of the Alberta Press Council.
- v) "Member" means a member of Council duly elected and continuing to hold office, or a member of a Committee duly appointed by Council.
- w) "Motion" means a question that has been placed before Council, but which has not yet been subject to a vote by Council.
- x) "Municipal Government Act" means the law under which all Alberta municipalities are empowered to shape their communities.
- y) "Notice of Motion" is the means by which a member of Council brings business before Council.
- z) "Organizational Meeting" shall mean the meeting held for the purpose of scheduling Council Meetings and to make Council appointments to Committees of Council, to be held annually no later than the 2nd Regular Council meeting in October.
- aa) "Officer" means the Chief Administrative Officer, Director of Community Services, Director of Corporate Services, Director of Infrastructure and Property Services, or their delegates, all of whom shall be recorded in official minutes if their attendance is required.
- bb) "Point of Information" means a request or statement directed to the Presiding Officer, or through the Presiding Officer to another Member or to the administration, for or about information relevant to the business at hand, but not related to a Point of Procedure;
- cc) "Point of Order" means the raising of a question by a Member with the view of calling attention to any departure from this Bylaw or the customary proceedings in debate or in the conduct of Council's business.
- dd) "Point of Privilege" means all matters affecting the rights and exemptions of Council collectively or the propriety of the conduct of individual Members and includes but is not limited to, the following.
 - i. the organization or existence of Council
 - ii. the comfort of Members
 - iii. the conduct of Administration or members of the public in attendance at the meeting, and the reputation of Members or Council as a whole
- ee) "Point of Procedure" means a question directed to the Presiding Officer to obtain information on a matter of parliamentary law or the rules of Council to assist a Member to:
 - i. make an appropriate motion
 - ii. raise a Point of Order
 - iii. understand the procedure, or
 - iv. understand the effect of a motion

- ff) "Presiding Officer" shall mean the Mayor; or in the absence of the Mayor, the Deputy Mayor; or in the absence of the two, any other Member of Council appointed by Council to preside at the Meeting from those Members of Council present.
- gg) "Public Hearing" means a meeting of the Council, or that portion of a meeting of Council during which members of the public make representations to Council in accordance with Section 230 of the Municipal Government Act.
- hh) "Question of Privilege" means raising of a question which concerns a Member, or Council collectively, when a Member believes that another Member has spoken disrespectfully towards them or Council, or when they believe their comments have been misunderstood or misinterpreted by another Member;
- ii) "Quorum" means the majority of Members, fifty (50%) plus 1 of those present, unless Council provides otherwise in this Bylaw;
- jj) "Resolution" means a Motion passed by a majority of Council.
- kk) "Special Meeting" means a meeting called by the Mayor pursuant to the Act;
- ll) "Standing Committee of Council" is a procedural device that permits Council greater freedom of debate.
- mm) "Terms of Reference" means those terms pertinent to the establishment and mandate of a Committee and which are:
 - i. in addition to or beyond the parameters of this Bylaw; and
 - ii. set out in Schedule 'C' attached to and forming part of this Bylaw.
- nn) "Town" means the Corporation or the Town of Blackfalds.
- oo) "Video" means the recording, reproducing or broadcasting of moving visual images and audio made either digitally or on videotape.

PART 3 – APPLICATION

- 3. This Bylaw applies to:
 - (a) all Regular Council meetings, and
 - (b) all Standing Committee meetings, and
 - (c) all Special Council meetings, and
 - (d) all Council Committee meetings, except for:
 - i. when Council has granted permission to a Committee to establish its own procedures, and
- 4. The precedence of the rules governing the procedure of Council is:
 - (a) the MGA – the Act;
 - (b) other Provincial legislation;
 - (c) this Bylaw, and;
 - (d) a Council Code of Conduct Bylaw, and;
 - (e) the current edition of Robert's Rules of Order and Parliamentary Procedure.
- 5. To the extent that a matter is not dealt within the Act or this Bylaw, Council shall have regard to Robert's Rules of Order and Parliamentary Procedure.
- 6. Subject to the appeal process described in this Bylaw, the Presiding Officer or Chairperson shall interpret procedure.
- 7. In the absence of a statutory obligation, any provision of this Bylaw may be temporarily altered or suspended by an affirmative vote of two-thirds of all Members present. A motion to temporarily alter or suspend this Bylaw is not debatable or amendable.

PART 4 - GENERAL

8. Precedence of the rules governing procedure of Council will be determined as follows:
 - a) Municipal Government Act (and any amendments hereto);
 - b) This Bylaw (and any amendments hereto);
 - c) Robert's Rule of Order (current edition)
9. No Member of Council shall direct or interfere with the performance of any work for the Municipality and shall seek all information through the office of the Chief Administrative Officer or their designate.
10. Members of Council shall subscribe to the Alberta Urban Municipalities Association Ethical Guidelines of Conduct for Members of Council (*APPENDIX A*) and adhere to the Town of Blackfalds Council Code of Conduct Bylaw (and any amendments hereto).
11. A breach of the Section of the Bylaw by any Member of Council may place the Member of Council in the position of censure by Council.
12. Public Hearings, when required or requested by Council, will be held prior to second reading.
13. Motions of Council and any questions of parliamentary procedures shall be dealt with in the manner set out in this Bylaw and the current edition of Robert's Rules of Order and Parliamentary Procedures.

PART 5 - ORGANIZATIONAL MEETING

14. Council shall hold an annual Organizational Meeting each year not later the 2nd regular Council meeting in October.
15. The CAO shall set the time and place for the Organizational Meeting, with the business of the meeting being limited to:
 - (a) the appointments of Members to Committees which Council is entitled to make; and
 - (b) the roster of Deputy Mayors for the Council term; and
 - (c) any other business required by the Act, or which Council or the CAO may direct.
16. Appointments of Council Members to Committees shall be for a term of one year, unless otherwise specified.

PART 6 - INAUGURAL MEETING

17. The Organizational Meeting immediately following a general municipal election shall be called the 'Inaugural Meeting'.
18. The Mayor and each Councillor shall take the prescribed Oath of Office as the first order of business at the Inaugural Meeting.
19. Until the Mayor has taken the Oath of Office, the CAO shall chair the Inaugural Meeting.

PART 7 - MEETINGS OF COUNCIL

20. Regular Meetings of Council shall be held in the Council Chambers unless notice is given in accordance with the Act and this Bylaw that the Regular Meeting will be held elsewhere in the Community.
21. Regular Meetings of Council shall be held on the second and fourth Tuesday of every month.
22. If a Regular Meeting of Council falls on a Statutory Holiday, the meeting will take place on the day chosen by Council at the Organizational Meeting.
23. Regular Meetings of Council shall commence at 7:00 pm.
24. Standing Committee of Council is considered to be a Committee of the Whole meeting and typically takes place the third Monday of every month.
25. Standing Committee of Council meetings that fall on a statutory holiday may be

cancelled for that respective month as chosen by Council at the Organizational Meeting.

26. Standing Committee of Council shall commence at 7:00 pm.
27. Special Meetings may be called and notice of such Special Meetings shall be given in accordance with the provisions of the Act and this Bylaw.
28. Councillors shall each serve an eight-month rotation as Deputy Mayor, rotating in the manner as agreed upon by Council.
29. A Member who has a pecuniary interest in a matter before Council shall disclose the general nature of the pecuniary interest, and abstain from discussing the matter or voting on the matter, and leave the room until discussion and voting on the matter are concluded, as prescribed in the Act.
30. Council meetings will be recorded and broadcasted through live streaming over the internet and through Town of Blackfalds media channels, as prescribed through applicable Town Policies, Bylaws and in accordance with legislation.

PART 8 - NOTICE OF MEETINGS

31. For all meetings requiring notice, the notice must be:
 - a) issued a minimum of 24-hours prior to the meeting date;
 - b) in writing and specify the time, date, location and purpose the meeting;
 - c) electronically distributed via email to each Council or Committee Member;
 - d) posted at the Town Office – at the Civic Cultural Centre; and
 - e) given any other notification as requested by Council or the Committee.
32. Despite Section 27, the Mayor may call a Special Meeting of Council, on shorter notice without giving notice to the public, provided two-thirds (2/3) of the whole Council give written consent to holding the Meeting before the Meeting begins.

PART 9 - CANCELLATION OF MEETINGS

33. A Regular Meeting may be cancelled:
 - a) by a majority of Members at a previously held meeting; or
 - b) with the written consent of a majority, providing twenty-four (24) hours' notice is provided to Members and the public; or
 - c) with the written consent of two-thirds (2/3) of the whole Council if twenty-four (24) hours' notice is not provided to the public.
34. A Special Meeting, called under the initiative of the Mayor, may be cancelled:
 - a) by the Mayor if twenty-four (24) hours written notice is provided to all Members and the public; or
 - b) if less than twenty-four (24) hours' notice is provided, the Mayor may cancel with the written consent of two-thirds (2/3) of the whole Council.
35. A Special Meeting, requested in writing by a majority of the Members, may be cancelled:
 - a) with the written consent of the requesting Members, if twenty-four (24) hours' notice is provided to the Members and the public; or
 - b) if less than twenty-four (24) hours' notice is provided, with the written consent of two-thirds (2/3) of the whole Council.

PART 10 - AGENDA

36. The Agenda shall list the items and order of business for the meeting.
37. The CAO shall ensure copies of the Agenda are:
 - a) available online to the public no later than 4:00pm on the Friday prior to the day on which the Regular Council meeting is held and by 4:00pm on the Thursday prior to a Standing Committee meeting or any Council meeting held on a Monday.
 - b) Electronically distributed and available to all members of Council and Officers who

are entitled to receive copies.

38. The CAO shall make the Agenda and all reports and supplementary materials (unless they must or may be withheld under the Act or any other statute dealing with access to information) available on the municipal website to the media and public.
39. All agenda submissions shall be received by the CAO no later than 4:30pm on the Wednesday prior to agenda posting.
40. Only material which has been received in accordance with Section 38 of this Bylaw shall be considered at the meeting for which the Agenda is prepared.
 - a) If an emergent or time sensitive matter needs to be brought before Council at any meeting the item shall:
 - i. be accompanied by a brief explanation from an Officer indicating the reasons for, and the degree of urgency of the item; and
 - ii. be permitted to be added by the Presiding Officer considered as an addendum to the Agenda upon a majority vote of Council.
41. The standard order of business on the Agenda shall be as follows unless Council otherwise determines by a majority of vote a change in order:
 - a) Call to Order
 - b) Adoption of Agenda
 - c) Delegation
 - d) Public Hearing
 - e) Business Arising from Minutes
 - f) Business
 - g) Action Correspondence
 - h) Information
 - i) Round Table
 - j) Approval of Minutes
 - k) Notices of Motion
 - l) Business for the Good of Council
 - m) Confidential
 - n) Adjournment
42. The Presiding Officer shall call the meeting to order at the time appointed at the prescribed meeting time in accordance of Section 23.
43. Council must vote to adopt or amend the agenda prior to carrying out any business.
44. If a delegation wishes to make a presentation to Council the Delegation must submit a written request to do so to the CAO, no later than noon on the Wednesday prior to a Regular Council meeting. The written request must contain the following:
 - a) Name of spokesperson and representative group presenting to Council;
 - b) Contact information for the spokesperson and group;
 - c) Detailed description on presentation information including a copy of presentation documents.
45. Public Hearings shall be conducted in accordance with the procedures set out in *APPENDIX B*.
46. Business Arising from Minutes will include business which was on the agenda of a previous meeting and was not completed and will include all information relative to the issue including the expected motion.
47. Business items include templated reports from Administration for items requesting direction from Standing Committee or a decision from Council, or information items on a Committee or Council report.
 - a) Items included as information require no motion of acceptance or approval.
 - b) Request for Decision items include a recommendation by Administration and a request for a decision by Council, at which time Council may:
 - i. Vote on the recommended motion; or
 - ii. Refer back to Administration for further consideration; or
 - iii. Vote on an amended motion as determined through debate and presented

by a member of Council.

48. Action Correspondence includes items that require follow up action which in turn requires a motion of Council.
49. Information includes items of correspondence addressed to Mayor and/or Council and all content shall be subject to the Freedom of Information and Privacy Act.
50. Round Table will take place only on the second regular Council meeting each month and Council will provide Administration, by the 16th of each month, a summary report of meetings, events and activities using the template provided.
51. The CAO Report will include monthly administrative activities and will be provided as a verbal report at the second monthly Regular Council Meeting.
52. Approval of Minutes will include the minutes from a prior Council meeting and will be circulated within the agenda package.
 - a) Upon determination that minutes are accurate and contain no major errors or omissions Council shall adopt the minutes as circulated.
 - b) Minutes that require major amendments must be amended and brought forward to the next meeting for adoption.
 - c) Minor amendments may include spelling, grammar and any changes that do not affect the context of an item or a motion of Council.
53. Where a Confidential matter is included on the agenda, the section of FOIP that allows information to be protected from disclosure will be cited on the agenda and reflected in the minutes, as set out in *APPENDIX C – Guideline to Matters Which can be Discussed In Camera Meetings*. Confidential items are those items that are discussed as per Section 197(2) of the Municipal Government Act “In Camera” and are confidential items of discussion between Council, Administration and invited persons. No minutes, notes, or recordings of the discussions will take place and any reports provided to Council will be returned to the CAO.
54. A Notice of Motion is made to serve notice of intent and must give sufficient detail so that the subject of the Motion and any proposed action can be determined, must state the date of the meeting at which the Motion will be made, and must meet the following requirements:
 - a) Any member of Council may make a Motion introducing any new matter of municipal business provided that the Notice of Motion has been brought forward at a meeting of Council held at least seven days before the meeting at which time the motion will be debated or Council passes a Motion by majority vote dispensing of the period of notice.
 - b) A Council member who submits a written Notice of Motion to the CAO, to be read at a meeting, need not be present during the reading of the notice.
 - c) When notice has been given, the CAO will include the proposed Motion in the Agenda of the meeting for the date indicated in the Notice of Motion.
 - d) If the Council Member is not present for the indicated date, the Motion will be deferred to the next regular Council meeting. If the Council Member is not present at the next regular Council meeting the Motion will be removed from the Agenda and may only be made by a new Notice of Motion.

PART 11 - COMMUNICATIONS

55. When a letter or correspondence is addressed to Council, it shall be directed through the CAO and shall:
 - a) be on paper or in a printable form;
 - b) be dated and signed by the Presiding Officer and CAO;
 - c) be placed on an agenda as either an Information item or Action Correspondence;
 - d) and properly placed within the Town’s filing system.
56. Follow up on the correspondence may include:
 - a) Discussion on the item under information during the Regular Council meeting;
 - b) Directive to Administration to provide response to the item of correspondence.
57. In situations where the CAO considers correspondence to be libelous, impertinent or

improper, the CAO will summarize the content of the communication verbally and inform Council that it is being withheld.

PART 12 - QUORUM

58. When a quorum is present at the time set for commencement of a Council meeting, the Presiding Officer shall call the meeting to order.
59. If there is a quorum present at the time set for commencement of a meeting, but the Mayor and Deputy Mayor are absent, the CAO shall call the meeting to order and shall call for a Presiding Officer to be chosen by resolution.
60. If a quorum is not constituted within fifteen minutes from the time set for commencement of a Council meeting, the CAO shall record the names of all the Members present and adjourn the meeting.
61. If a Council meeting is adjourned for:
 - a) failure to constitute a quorum; or
 - b) due to loss of quorum as a result of a Member leaving the meeting;

the Agenda delivered for that Council meeting shall be considered at the next Regular Meeting of Council unless a Special Meeting is conducted to complete such business.

PART 13 - ADJOURNMENT

62. Regular Council Meetings shall adjourn no later than 10:00 pm unless: if in session at that time, except to conclude the matter under discussion, and Council shall recess and reconvene at 6:00 pm on the next business day unless:
 - a) A matter under discussion has not concluded;
 - b) otherwise directed by Council; or
 - c) Council, by resolution of a majority vote, taken as soon before 10:00 pm as the business permits, agree to an extension of the meeting beyond 10:00 pm.
63. If adjournment takes place and unfinished business remains, these items will be carried over to the next regular meeting of Council.
64. A Member may move a motion to adjourn a Meeting at any time, except when:
 - a) another Member has the floor;
 - b) a call for a vote has been made;
 - c) the Members are voting Council is In-Camera; or
 - d) a previous motion to adjourn has been defeated and no other intervening proceedings have taken place.
65. A motion to adjourn shall be put without comment or debate.
66. When all items of an approved agenda have been dealt with, the Presiding Officer may adjourn the meeting without requiring a motion or vote by Council.

PART 14 – RECESS

67. Any Member may move that Council recess or break for a specific period. After the recess, business will be resumed at the point when it was interrupted. This motion may not be used to interrupt a speaker.
68. A motion to recess may be amended only as to length of time, but neither the motion nor the amendment is debatable.
69. If no speaker is addressing Council, the Presiding Officer may call a recess for a specific period.

PART 15 – MINUTES OF COUNCIL MEETINGS

70. The CAO shall ensure minutes of a Council meeting are prepared and included in the agenda package distributed to each Member of Council for the next meeting.
71. The Presiding Officer shall present the minutes to Council with a request for a motion to formally accept the Minutes.
72. Any Member of Council may make a motion requesting that the Minutes be amended to correct any inaccuracy or omission.
73. Minor changes may be made to the minutes to correct errors in grammar, spelling and punctuation or to correct the omission of a word necessary to the meaning or continuity of a sentence. No change shall be allowed which would alter the actual decision made by Council.
74. If a Member wishes to challenge the accuracy of the minutes of a previous meeting, the Member must make the challenge known to the CAO before Council has officially confirmed the minutes.

PART 16 – CONDUCT OF BUSINESS

75. Council meetings will be held in public and no person may be excluded except for:
 - a) improper conduct; or
 - b) Council may, by resolution, meet In-Camera to discuss any matter if a statute authorizes the holding of that meeting in the absence of the public.
76. The Presiding Officer shall preserve order, decorum, and decide questions of procedure subject to an appeal of Council; and the decision of the Presiding Officer shall be final unless reversed by a majority vote of the members present, without debate.
77. No Member of Council shall:
 - a) speak without first being recognized by the Presiding Officer; and being granted the floor.
 - b) speak twice to the same item after a motion on any agenda item is tabled, without the leave of Council, until every member of Council has an opportunity to speak, except to make an inquiry or an explanation that may have been misconstrued; and no Member of Council having first received their opportunity to speak.
78. The Presiding Officer shall give each Member of Council, who wishes to speak on a matter on the Council Agenda, an opportunity to do so before calling the question.
79. When a Member or Officer wishes to speak at a Council meeting, they shall obtain the approval of the Presiding Officer before doing so.
80. Every Member of Council, and every member of Administration present at the meeting, in speaking to any question or Motion, shall address themselves only to the Presiding Officer.
81. When any Point of Order, Point of Procedure, or Question of Privilege arises, it shall be immediately taken into consideration.
82. When the Presiding Officer is called upon to decide a Point of Order, Point of Procedure, or Question of Privilege the point shall be stated, succinctly and the Presiding Officer shall when giving his/her decision on the point cite the rule or authority applicable to the same.
83. When a Point of Information is raised, the Presiding Officer shall answer the question or direct the question to the appropriate Member of Council, or Administration.
84. When a Point of Privilege arises, the Presiding Officer shall rule upon the admissibility of the question and, if the Presiding Officer rules favorably, the Member of Council who raised the Point of Privilege shall be permitted to pursue the point.
85. When the Presiding Officer wishes to debate or make a motion, he / she shall vacate the Chair and request another Member to take the Chair, in the following order:

- a) Deputy Mayor
 - b) Any other Member of Council.
86. If no other Member of Council is willing to accept the Chair, the Presiding Officer will continue as Chair, however, will be allowed to make a motion and/or debate under the same rights and restrictions as other Members.
87. A person who is not a Member or Officer shall not address Council unless they first obtain permission from the Presiding Officer.
88. Members of the public gallery during a Council meeting:
- a) shall not address Council without permission;
 - b) shall maintain order and quiet; and
 - c) shall not applaud or otherwise interrupt any speech or action of the Members, or any other person addressing Council.
89. The Presiding Officer may, in accordance with the Act, expel and exclude any person who creates a disturbance or acts improperly.
90. When a Member or Officer is addressing the Presiding Officer every other Member or Officer shall:
- a) Remain quiet and seated;
 - b) Not interrupt the speaker except on a Point of Order, Point of Procedure or Question of Privilege; and
 - c) Not carry on a private conversation.
91. When a Member is addressing Council, the Member shall:
- a) Not speak disrespectfully of others;
 - b) Not shout, raise his / her voice or use offensive language;
 - c) Not reflect on any vote of Council except when moving to rescind it and shall not reflect on the motives of the Members who voted on the motion, or the mover of the motion;
 - d) Assume personal responsibility for any statement quoted to Council or upon request of Council shall give the source of the information.
92. When a Member wishes to leave the Council Chambers while a Meeting of Council is in progress, he/she must indicate his /her intention and await the Presiding Officer's permission prior to leaving.

PART 17 – MOTIONS

93. A member who wishes to submit a motion in excess of 25 words shall do so in writing.
94. After a motion has been moved, and prior to any vote, it is the property of Council and may not be withdrawn without the consent of a majority of Council.
95. Every motion or resolution shall be stated or read by the mover.
96. Any motion made in the negative shall be ruled out of order.
97. A request may be made to have the Recording Secretary read back the motion, as made, for clarity prior to being put to vote.
98. Council or committees may act on a motion pertaining to a subject which is not on the agenda with unanimous consent only.
99. When duly moved, a motion will be open for discussion and debate. The Presiding Officer will determine if a Member can speak twice to the same issue prior to other Members and officers have the opportunity.
100. The mover of a motion may speak and vote for or against the motion.
101. No motion other than an amending motion or motion to table or refer shall be considered until the motion already before Council has been disposed of.
102. Notices of Motion shall be in accordance to Section 54 of this Bylaw.

103. When a motion is tabled without being settled, no similar or conflicting motion which would restrict action on the first motion may be introduced or adopted.
104. Where the Town has a contractual liability or obligation, Council shall not reconsider, vary, revoke, or replace any motion except to the extent that it does not avoid or interfere with such liability or obligation.
105. The following motions are not debatable by Members:
 - a) Adjournment
 - b) To take a recess
 - c) Question of Privilege
 - d) Point of Order
 - e) To limit debate on a matter before Members
 - f) To table the matter
106. Amending Motions are those motions where word(s) or paragraphs are inserted or struck out of the original motion and can be made by any Member and must be in agreement to the Member originating the motion.
107. Amendments shall be voted on in a reverse order to that in which they have been moved, and all amendments shall be decided on or withdrawn before the original motion is put to a vote.
108. To refer a Motion is to state which Committee or Administrative department is to receive the motion for research/further information, and shall include terms, timelines and other relevant information.
109. A motion to postpone any matter shall include in the motion:
 - a) a specific time to which the matter is postponed; or
 - b) provision that the matter is to be postponed indefinitely.
110. A motion to postpone a matter is amendable and debatable.
111. Any matter that has been postponed to a particular date, or indefinitely, shall not be considered by Council before the date set, except on a majority vote of the Members present.
112. A tabling motion allows a matter without debate to be set aside and brought back at a later date.
113. A Motion to adjourn is not subject to debate and is voted on immediately.

PART 18 - VOTING ON MOTIONS

114. When debate on a motion is closed, the Presiding Officer shall put the motion to a vote, and this decision shall be final unless overruled by a majority vote of the Members present at the meeting.
115. No member shall leave the Council Chamber after a question is put to a vote and before the vote is taken.
116. If any Member of Council wishes to have a Recorded vote, the request for a recorded vote must be made prior to the vote being taken and recorded in the meeting minutes. (Section 185 MGA).
117. Votes on all motions must be taken as follows:
 - a) the Presiding Officer must declare the motion and call for the vote;
 - b) Members must vote by a show of hands
 - c) the Presiding Officer must declare the result of the vote.
118. After the Presiding Officer declares the result of the vote, Members may not change their vote for any reason.
119. A question or motion shall be declared lost when it:
 - a) does not receive the required majority of votes; or
 - b) receives an equal division of votes.

120. Each Member present shall vote on every motion as prescribed by the Act, unless the Act or other provincial or federal enactment requires or permits the Member to abstain, in which case the Member shall cite the legislative authority for abstaining, and the CAO shall record the abstention and reasons in the minutes.
121. A Member shall not vote on a matter if they are absent from the Council Chambers when the matter has been heard, the vote is called.
122. The outcome of every vote shall be incorporated into the official minutes.
123. Where a motion is not carried unanimously by those members present, then the names of those who voted for and against a motion shall be entered upon the minutes for motions that are carried or defeated.

PART 19 – BYLAWS & POLICIES

124. Draft bylaws and policies shall be prepared by the appropriate Administration member and shall be reviewed at a meeting of the Standing Committee of Council before being presented at a Regular Council Meeting.
125. When a Bylaw is presented to Council for enactment, the CAO shall publish the number and title of the Bylaw in the Agenda.
126. The CAO shall provide a copy of the Bylaw in full and include it in the agenda package.
127. Every Bylaw shall have three readings. Only the title or identifying number must be read at each reading.
128. A Bylaw shall be introduced for first reading by a motion that the Bylaw be read a first time.
129. Prior to first reading, a Member may ask questions of clarification concerning the Bylaw.
130. Council shall vote on the motion for first reading of a Bylaw without amendment or debate.
131. A Bylaw shall be introduced for second reading by a motion that it be read a second time.
132. After a Member has made a motion for second reading of a Bylaw, Council may:
 - a) debate the substance of the Bylaw; and
 - b) propose and consider amendments to the Bylaw.
133. A Bylaw shall not be given more than two readings at one meeting unless the Members present unanimously consent that the Bylaw may be presented to Council for third reading.
134. When Council unanimously consents that a Bylaw may be presented for third reading:
 - a) motion for third reading of the Bylaw shall be made;
 - b) Council shall vote on the motion without amendment or debate;
135. A Bylaw shall be passed when a majority of the Members voting on third reading vote in favor, provided some other applicable Provincial Statute or Bylaw does not require a greater majority.
136. In conformance with the Act:
 - a) if a Bylaw does not receive third reading within two years from the date of first reading, the previous readings are deemed to have been rescinded; and
 - b) if a Bylaw is defeated on second or third reading the previous readings are deemed to have been rescinded.
137. Upon being passed, a Bylaw shall be signed by the Presiding Officer of the meeting at which it was passed as well as the CAO, and then shall have the Town's corporate seal applied.
138. Hard copies of all Bylaws and Policies will be maintained and will be provided as public information on the Town's official website.

139. Bylaws which require approval from the Province of Alberta shall receive two readings prior to submission of a certified copy to the Provincial authorities. The third reading will take place only after the signed approval of the Provincial Authority is received.
140. Bylaws and policies will come into effect as soon as they are passed unless they contain a deferred date for implementation.
141. Policies shall be presented for discussion and passed by a simple majority at one sitting and shall come into effect as soon as they are passed unless they contain a deferred date for implementation.
142. Upon being passed, a Policy shall be signed by the Presiding Officer of the meeting at which it was passed as well as the CAO.

PART 20 – STANDING COMMITTEE OF COUNCIL

143. Committee of the Whole is considered to be Standing Committee of Council.
144. The Deputy Mayor will chair or be the Presiding Officer for the Standing Committee of Council.
145. Quorum of the Standing Committee of Council is a majority of Council Members.
146. Procedures in Standing Committee of Council only differ from Council's in that:
 - a) A member of Council may speak more than once, provided that all Council members who wish to speak to the matter have been permitted to speak;
 - b) a member of Council may speak even though there is no motion on the floor, but if there is a motion on the floor, a Council member shall only address that motion;
 - c) the only motions permitted are:
 - i. to make recommendations to Council to adopt reports and/or to recommend amendments;
 - ii. to amend its own recommendations;
 - iii. to move to meet In-Camera and subsequently to revert to a meeting held in public;
 - iv. to recess

PART 21 - COMMITTEES

147. Council may establish Committees as are necessary or advisable for the orderly and efficient handling of the affairs of the Town through the Board/Committee Policy and established Terms of Reference for said Boards & Committees.

PART 22 - REPEAL

148. That Bylaw 1183.14 and 1233.19 are hereby repealed upon this Bylaw coming into effect.

PART 23 - DATE OF FORCE

149. That this Bylaw shall come into effect, upon the date on which it is finally read and passed.

READ for the first time this 23rd day of SEPTEMBER, A.D. 2019

(RES 299/19)



MAYOR RICHARD POOLE



CAO MYRON THOMPSON

READ for the second time this 23rd day of SEPTEMBER, A.D. 2019

(RES 300/19)



MAYOR RICHARD POOLE



CAO MYRON THOMPSON

READ for the third and final time this 23rd day of SEPTEMBER, A.D. 2019.

(RES 302/19)



MAYOR RICHARD POOLE



CAO MYRON THOMPSON

List of Appendices:

Appendix A - AUMA Ethical Guidelines
Appendix B - Public Hearing Process and Template
Appendix C - Guideline to Matters which can be Discussed In Camera Meetings

Legislative References:

Municipal Government Act of Alberta – and any amendments
Town of Blackfalds Bylaw – Council Code of Conduct



Alberta Urban Municipalities Association

POLICY NO. AP004

ETHICAL GUIDELINES

The Board encourages member municipalities of the Association to adopt the following "Ethical Guidelines of Conduct for Elected Local Government Officials."

(Municipality)
Ethical Guidelines of Conduct for Members of Council

The proper operation of democratic local government requires that elected officials be independent, impartial and duly responsible to the people.

To this end it is imperative that:

- Local government decisions and policy be made through the proper channels of government structure.
- Public office not be used for personal gain.
- The public have confidence in the integrity of its government.

Accordingly it is the purpose of these guidelines of conduct to outline certain basic rules for elected municipal government officials in Alberta so that they may carry out their powers, duties and functions with impartiality and dignity, recognizing that the function of council members is, at all times, service to their community and the public.

To further these objectives, certain ethical principles should govern the conduct of members of council in Alberta in order that they shall maintain the highest standards in public office and faithfully discharge the duties, powers and functions of office.

Members of Council shall:

1. Govern their conduct in accordance with the requirements and obligations set out in the municipal legislation of the Province of Alberta.
2. Not use confidential information for the personal profit of themselves or any other person.
3. Not communicate confidential information to anyone not entitled to receive same.
4. Not use their position to secure special privileges, favors, or advantages for themselves or any other person.
5. Preserve the integrity and impartiality of Council.



Alberta Urban Municipalities Association

6. After leaving office, Members of Council shall continue to keep confidential, confidential information acquired as a member of Council.

Members of Council generally shall at all times ensure that their course of conduct in carrying out their duties and responsibility as elected officials at all times conform to the highest ethical standards.

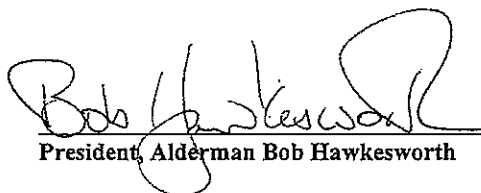
Members of this Council agree to uphold these guidelines and to govern actions accordingly.

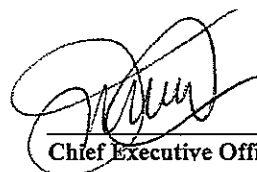
Adopted by resolution this _____ day of _____, AD _____

Mayor

Municipal Secretary or City Clerk

	Date	Minute Page Number
Approved	24/02/05	3
Amended		
Amended		


President, Alderman Bob Hawkesworth


Chief Executive Officer, John McGowan



TOWN OF BLACKFALDS
Bylaw 1237.19 - Procedural Bylaw

Appendix B
Public Hearings

1. Town of Blackfalds Public Hearing Process

1.1 Definitions

- 1.1.1 "Chairman" refers to the Presiding Officer officiating the Public Meeting.
- 1.1.2 "Secretary" refers to the CAO or his/her designate.

1.2 Advertising

- 1.2.1 Advertising for all public hearings must meet the requirements of Section 606 of the MGA and will include:
 - a. Inclusion in a local newspaper once a week for two consecutive weeks ahead of the Public Hearing date.
 - b. Posted on the public notice board located in the lobby of the Civic Cultural Centre (Town Office).
 - c. Posted on the Town's website for the time period provided for print media notice.
 - d. Forwarded to parties determined to have a direct or significant impact by the matter.

1.3 Public Comments

- 1.3.1 Public comments as outlined in the Public Hearing notice are to be forwarded electronically to info@blackfalds.com.
- 1.3.2 Public comments in hard copy can be mailed to: The Office of the CAO, c/o Executive Assistant, Town of Blackfalds, Box 220, 5018 Waghorn Street, Blackfalds AB, T0M 0J0.
- 1.3.3 All written comments must be received by 12:00noon on the Wednesday prior to the following scheduled Regular Council Meeting where the Public Hearing has been scheduled.

1.4 Public Hearing Procedure Template *(attached)*



TOWN OF BLACKFALDS
PUBLIC HEARING
Date
Time
Bylaw

INTRODUCTION & PROCEDURES

- 1 (Chairman) "The following Public Hearing is held pursuant to the Municipal Government Act"
- 2 (Chairman) "The following rules of conduct will be followed during the Public Hearing:
- Presentation should be brief and to the point
 - The order of presentation shall be:
 - Entry of written submission
 - Comments from the ***** Dept
 - Those supporting the Bylaw
 - Those opposing the Bylaw
 - Any other person deemed to be affected by the Bylaw
 - The Public Hearing purpose is " (———)
- I hereby declare the Public Hearing relating to Bylaw # (———) open".
- 3 (Secretary) "The purpose of Bylaw (———) is (———)- as shown on the attached Schedule A
- First Reading was given to Bylaw (———) on (———)
- Notice of this Public Hearing was advertised (———)
- The following written comments have been received to date (———)
- 4(Chairman) "Are there any late written submissions relating to the Bylaw?" (———)
- (Note: If there are any, the secretary to read letter into record)
- "Comments from the ***** Department".
- "Is there anyone who supports the Bylaw and wishes to speak?"
- "Is there anyone who opposes the Bylaw and wishes to speak?"
- "Is there anyone deemed to be affected by the Bylaw and wishes to speak?"
- 5 (Chairman) "Are there any further comments from the ***** Department?"
- 6 (Chairman) "Do the Councillors have any further questions?"
- 7 (Chairman) "If nothing further then, I hereby declare this Public Hearing relating to Bylaw (———) be closed and will accept a motion to adjourn this Public Hearing.

Motion to adjourn: _____
CARRIED UNANIMOUSLY

GUIDELINE TO MATTERS WHICH CAN BE DISCUSSED IN CAMERA MEETINGS

Section 197 of the *Municipal Government Act* provides that Councils and council committees must conduct their meetings in public, however, they may close all or part of their meetings to the public if a matter to be discussed is within one of the exceptions to disclosure in Division 2 of Part 1 of the *Freedom of Information and Protection of Privacy Act*. These exceptions are:

1. Information such as trade secrets or commercial, financial, labour relations, scientific or technical information of a third party, supplied in confidence, the disclosure of which would be harmful to the business interests of a third party must be discussed *in camera* (unless there is an overriding public interest). (Section 16)

Examples:

Information regarding the monetary resources of a third party, such as the third party's financial capabilities and assets and liabilities, including financial forecasts, investment strategies, budgets, profit and loss statements.

Third party insurance policies, pricing structures, market research, business plans and customer records.

Operating manuals containing scientific and technical information.

2. Information the disclosure of which would be an unreasonable invasion of personal privacy must be discussed *in camera* except in those circumstances where disclosure is considered not to be an unreasonable invasion of privacy. (Section 17)

"Personal information" means recorded information about an identifiable individual, including the individual's name, home or business address or home or business telephone number, the individual's race, national or ethnic origin, colour or religious or political beliefs or associations, the individual's age, sex, marital status or family status, an identifying number, symbol or other particular assigned to the individual, the individual's fingerprints, other biometric information, blood type, genetic information or inheritable characteristics, information about the individual's health and health care history, including information about a physical or mental disability, information about the individual's educational, financial, employment or criminal history, including criminal records where a pardon has been given, anyone else's opinions about the individual, and the individual's personal views or opinions, except if they are about someone else.

A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy if any of the conditions listed under section 17(2) of the FOIP Act are met; items of this nature can be discussed in open session.

Examples:

The person has consented to it being discussed in open session;

The information relates to financial and other details of a contract to supply goods and services to the municipality;

The information is about a permit relating to real property, ie. a development permit, which was granted to an individual by the municipality and the disclosure is limited to the name of the party and the nature of the permit.

3. Information the disclosure of which would be harmful to individual or public safety may be discussed *in camera* if the disclosure of that information could reasonably be expected to threaten anyone else's safety or physical or mental health or interfere with public safety. (Section 18)

Examples:

Information relating to individuals fleeing from a violent spouse, a victim of sexual harassment or an employee who has been threatened in the course of a work dispute.

Information which could reasonably be expected to hamper or block the functioning of an organization or structure that ensures the safety and well-being of the public.

If the information cannot be reasonably expected to threaten anyone's safety, physical or mental health or interfere with public safety, it should be discussed in open session.

4. Information relating to confidential evaluations or opinions, such as employments references, may be discussed *in camera*. (Section 19)

The personal information must be contained in a confidential evaluation or opinion provided to the municipality, and compiled about an individual in order to assess his or her suitability for employment, the awarding of contracts or other benefits. This may involve information on his or her personal strengths or weaknesses, eligibility or qualifications.

Examples:

A verbatim transcript of a reference check of an employment candidate, supplied in confidence

A summary of a mix of telephone and written reference checks compiled by an official

5. Information, the disclosure of which may be harmful to law enforcement, may be discussed *in camera*. In order for the exception to apply, it is necessary to ensure that specific authority to investigate exists and that the investigation can lead to a penalty or sanction being imposed. Three types of investigations are included: police, security and administrative investigations. (Section 20)

Examples:

Information about a police investigation, including a special constable, or by a person responsible for investigating offences under the Criminal Code or Traffic Safety Act.

Information about a security investigation relating to the security of the organization and its clients, staff, resources or the public.

Information about an administrative investigation to enforce compliance or remedy non-compliance with standards, duties and responsibilities defined under an Act, regulation or bylaw.

6. Information, the disclosure of which may be harmful to intergovernmental relations, may be discussed *in camera*. This exception has two parts; one deals with harm to relations and the other deals with information given in confidence. (Section 21)

(a) In order to apply the harm to intergovernmental relations exception, the municipality must demonstrate that the conduct of intergovernmental relations of the Government of Alberta, or other municipality, or Federal Gov't, and not just those of the municipality, would be harmed by disclosure.

Example:

Notes of a private discussion between municipal officials, officials of a 'twinning' municipality in a developing country, the province and the country concerned, where no agreement has been reached between the parties to make their discussions public.

(b) In order to apply the information exception, the information must have been supplied in circumstances that clearly place an obligation on the municipality to maintain confidentiality.

Example:

Negotiating strategies relating to a federal, provincial and municipal infrastructure program.

7. Local public body confidences may be discussed *in camera*. This includes information the disclosure of which could reasonably be expected to reveal a draft of a resolution, bylaw or other legal instrument by which the municipality acts. (Section 23)

Drafts of resolutions, bylaws or other legal or formal written documents which relate to the internal governance of the municipality or the regulation of the activities over which it has jurisdiction are covered by this exception, however, final versions of a bylaw, resolution or other legal instrument are not. Similarly, if a draft of a resolution, bylaw or other legal instrument has already been considered in a meeting open to the public, this exception cannot be applied.

8. Advice from officials may be discussed *in camera*. This exception is intended to protect the deliberative process involving senior officials and heads of public bodies, and their staff, as well as among officials themselves. This exception also protects the deliberative process involving senior officials, heads of public bodies and the governing authorities of local public bodies. (Section 24)

A rule permitting public access to all records relating to policy formulation and decision-making processes in public bodies would impair the ability of those bodies to discharge their responsibilities in a manner consistent with the public interest. This exception is intended to provide a 'deliberative space' for those involved in providing advice, carrying on consultations and making recommendations, so that records may be written with candour and cover all options. This 'deliberative space' is especially important for those involved in the policy-making process. Senior officials and heads of local public bodies may accept or reject the advice and recommendations of those advising them.

Examples:

Information, including proposed plans, policies or projects, the disclosure of which could reasonably be expected to result in disclosure of a pending policy or budgetary decision

The contents of a formal research or audit report

Plans relating to the management of personnel

9. Information, the disclosure of which could reasonably be expected to be harmful to the economic and other interests of a public body, may be discussed *in camera*. (Section 25)

This exception applies to information the disclosure of which could reasonably be expected to harm the economic interest of a public body or the Government of Alberta, or the ability of the government to manage the economy. It recognizes that a public body may hold significant amounts of financial and economic information that is critical to the financial management of the public sector and the provincial economy.

Examples:

Trade secrets, such as software developed by a public body or special testing equipment which has been kept secret or confidential.

A proprietary interest in geographical information systems mapping data or statistical data.

Financial forecasts, investment strategies, budgets and profit and loss statements.

The exception does **not** cover the results of product or environmental testing carried out by or for a public body.

10. Information relating to testing procedures, tests and audits may be discussed *in camera*. This exception provides protection for the procedures and techniques involved in testing and auditing as well as details relating to specific tests to be given or audits to be conducted where disclosure would invalidate the results. (Section 26)

Examples:

Environmental testing, staffing examinations, personnel audits, financial audits and program audits.

11. Information that is subject to a legal privilege, or relates to the provision of legal services or the provision of advice or other services by a lawyer may be discussed *in camera*. (Section 27)

Examples:

A letter, fax, e-mail or other correspondence from the municipality's lawyers, including any record attached to correspondence from a lawyer.

A note documenting legal advice given by a lawyer or a statement of account from a lawyer detailing the services provided.

Information relating to an existing or contemplated lawsuit.

12. Information, the disclosure of which may be expected to result in damage to or interfere with the conservation of any historic resource or any rare, endangered, threatened or vulnerable form of life, may be discussed *in camera*. (Section 28)

Examples:

Information regarding designated municipal historic resources.

Information regarding any species of flora or fauna that is of concern because it is naturally scarce or likely to become threatened as a result of disclosure of specific information about it.

13. Information that is or will be available to the public may be discussed *in camera*. This exception covers information that is available for purchase by the public or that is to be published or released to the public within 60 days, but does not cover information that is already available to the public. (Section 29)

**GUIDELINE TO MATTERS WHICH CAN BE
DISCUSSED IN CAMERA MEETINGS UNDER FOIP ACT**

SEC. #	DESCRIPTION OF INFORMATION:	EXAMPLES:
16	Trade secrets of a third party	Monetary resources, investment strategies, market research, manuals containing scientific, technical information.
17	Harmful to personal privacy	Recorded information about an identifiable individual – name, address, phone number, race, health, education. See s. 17(2) for exceptions.
18	Harmful to individual or public safety	Information relating to individuals threatened with violence, abuse or harassment, interfere with public safety.
19	Confidential evaluations	Reference checks.
20	Harmful to law enforcement	Police, security and administrative investigations.
21	Harmful to intergovernmental relations	Private discussions between municipal officials and officials of another municipal, provincial or federal government.
23	Local public body confidences	Drafts of resolutions or bylaws, legal or formal written documents.
24	Advice from officials	Proposed plans, policies, projects, budgetary decisions, research or audit reports, personnel management plans.
25	Economic interests of the municipality	Trade secrets, in-house developed software, proprietary interest in GIS mapping or statistical data, financial forecasts, investment strategies.
26	Testing procedures, tests and audits	Environmental testing, staffing exams, personnel, financial or program audits.
27	Legal privilege	Correspondence from municipality's lawyers, legal opinions
28	Historic sites or vulnerable life forms	Municipal historic resources, rare flora or fauna likely to be threatened by disclosure of information about it.
29	Information available or to be available to the public	Information that is available for purchase or that will be published within 60 days.



**TOWN OF BLACKFALDS
ORGANIZATIONAL MEETING
COUNCIL REPORT**

MEETING DATE: October 26th, 2021

PREPARED BY: Myron Thompson, CAO

SUBJECT: Code of Conduct for Elected Officials Bylaw 1226.18

BACKGROUND:

In 2017 the Province of Alberta updated and modernized the *Municipal Government Act* (MGA). These changes were made in three key areas, including: Governance, Planning and Development, as well as Taxation and Assessment.

The Town of Blackfalds passed Bylaw 1226.18 in August of 2018 to ensure the Municipality met all the minimum standards established by the Code of Conduct for Elected Officials Regulation. It is a requirement that this Bylaw be reviewed and updated every four years; therefore, a review and updating of this Bylaw will occur before year end. Administration will be undertaking the review of this Bylaw in 2021. In addition, during the previous Council term it was recognized that some changes were required to the Bylaw.

DISCUSSION:

Code of Conduct for Elected Officials Bylaw 1226.18 is attached as a reference.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENT:

- *Code of Conduct for Elected Officials Bylaw 1226.18*

Approvals:



CAO Myron Thompson



TOWN OF BLACKFALDS BYLAW 1226.18

BEING A BYLAW OF THE TOWN OF BLACKFALDS IN THE PROVINCE OF ALBERTA TO TO ESTABLISH A CODE OF CONDUCT FOR MEMBERS OF COUNCIL

A Bylaw of the Town of Blackfalds, in the Province of Alberta, pursuant to the provisions of the *Municipal Government Act*, being Chapter M 26.1 of the Revised Statutes of Alberta, 2000 and amendments thereto, for the purpose of compliance under the modernized MGA.

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

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

AND WHEREAS, the public is entitled to expect the highest standards of conduct from the members that it elects to council for the Town of Blackfalds;

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

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

NOW THEREFORE, the Council of the Town of Blackfalds, in the Province of Alberta, duly assembled, enacts as follows:

PART 1 - TITLE

- 1 This Bylaw may be referred to as the **“Council Code of Conduct Bylaw”**.

PART 2 - DEFINITIONS

- 2 In this Bylaw, words have the meanings set out in the Act, except that:
 - (a) **“Act”** means the Municipal Government Act, R.S.A. 2000, c. M-26, and associated regulations, as amended;
 - (b) **“Administration”** means the administrative and operational arm of the Municipality, comprised of the various departments and business units and including all employees who operate under the leadership and supervision of the Chief Administrative Officer;
 - (c) **“CAO”** means the chief administrative officer of the Municipality, or their delegate;
 - (d) **“FOIP”** means Alberta’s Freedom of Information and Protection of Privacy Act, RSA 2000, c. F-25, any associated regulations, and any amendments or successor legislation;
 - (e) **“Investigator”** means Council or the individual or body established by Council to investigate and report on complaints;
 - (f) **“Member”** means a member of Council and includes a Councillor or the Mayor;
 - (g) **“Municipality”** means the municipal corporation of the Town of Blackfalds.

PART 3 - PURPOSE AND APPLICATION

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

PART 4 - REPRESENTING THE MUNICIPALITY

- 4 Members shall:
 - a) act honestly and, in good faith, serve the welfare and interests of the Municipality as a whole;

- b) perform their functions and duties in a conscientious and diligent manner with integrity, accountability and transparency;
- c) conduct themselves in a professional manner with dignity and make every effort to participate diligently in the meetings of Council, committees of Council and other bodies to which they are appointed by Council; and
- d) arrange their private affairs and conduct themselves in a manner that promotes public confidence and will bear close public scrutiny.

PART 5 - COMMUNICATING ON BEHALF OF THE MUNICIPALITY

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

PART 6 - RESPECTING THE DECISION-MAKING PROCESS

- 10 Decision making authority lies with Council, and not with any individual Member. Council may only act by bylaw or resolution passed at a Council meeting held in public at which there is a quorum present. No Member shall, unless authorized by Council, attempt to bind the Municipality or give direction to employees in Administration, agents, contractors, consultants or other service providers or prospective vendors to the Municipality.
- 11 Members shall conduct and convey Council business and all their duties in an open and transparent manner other than for those matters which by law are authorized to be dealt with in a confidential manner in an in-camera session, and in so doing, allow the public to view the process and rationale which was used to reach decisions and the reasons for taking certain actions.
- 12 Members shall accurately communicate the decisions of Council, even if they disagree with Council's decision, such that respect for the decision-making processes of Council is fostered.

PART 7 - ADHERENCE TO POLICIES, PROCEDURES AND BYLAWS

- 13 Members shall uphold the law established by the Parliament of Canada and the Legislature of Alberta and the bylaws, policies and procedures adopted by Council.
- 14 Members shall respect the Municipality as an institution, its bylaws, policies and procedures and shall encourage public respect for the Municipality, its bylaws, policies and procedures.
- 15 Member must not encourage disobedience of any bylaw, policy or procedure of the Municipality in responding to a member of the public, as this undermines public confidence in the Municipality and in the rule of law.

PART 8 - RESPECTFUL INTERACTIONS WITH COUNCIL MEMBERS, STAFF, THE PUBLIC AND OTHERS

- 16 Members shall act in a manner that demonstrates fairness, respect for individual differences and opinions, and an intention to work together for the common good and in furtherance of the public interest.
- 17 Members shall treat one another, employees of the Municipality and members of the public with courtesy, dignity and respect and without abuse, bullying or intimidation.

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

PART 9 - CONFIDENTIAL INFORMATION

- 22 Members must keep in confidence matters discussed in private at a Council or Council committee meeting until the matter is discussed at a meeting held in public.
- 23 In the course of their duties, Members may also become privy to confidential information received outside of an "in-camera" meeting. Members must not:
 - (a) disclose or release by any means to any member of the public, including the media, any confidential information acquired by virtue of their office, unless the disclosure is required by law or authorized by Council to do so;
 - (b) access or attempt to gain access to confidential information in the custody or control of the Municipality unless it is necessary for the performance of the Member's duties and is not otherwise prohibited by Council, and only then if the information is acquired through appropriate channels in accordance with applicable Council bylaws and policies;
- 24 No Member shall use confidential information for personal benefit or for the benefit of any other individual organization.

PART 10 - CONFLICTS OF INTEREST

- 25 Members have a statutory duty to comply with the pecuniary interest provisions set out in Part 5, Division 6 of the Act and a corresponding duty to vote unless required or permitted to abstain under the Act or another enactment.
- 26 Members are to be free from undue influence and not act or appear to act in order to gain financial or other benefits for themselves, family, friends or associates, business or otherwise.
- 27 Members shall approach decision-making with an open mind that is capable of persuasion.
- 28 It is the individual responsibility of each Member to seek independent legal advice, at the Member's sole expense, with respect to any situation that may result in a pecuniary or other conflict of interest.

PART 11 - IMPROPER USE OF INFLUENCE

- 29 No Member shall use the influence of the Member's office for any purpose other than for

the exercise of the Member's official duties.

- 30 No Member shall act as a paid agent to advocate on behalf of any individual, organization or corporate entity before Council or a committee of Council or any other body established by Council.
- 31 Members shall refrain from using their positions to obtain employment with the Municipality for themselves, family members or close associates. Members are ineligible to apply or be considered for any position with the Municipality while they hold their elected position and for six (6) months after leaving office.

PART 12 - USE OF MUNICIPAL ASSETS AND SERVICES

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

PART 13 - ORIENTATION AND OTHER TRAINING ATTENDANCE

- 34 Every Member must attend the orientation training offered by the Municipality within 90 days after the Member takes the oath of office.
- 35 Unless excused by Council, every Member must attend any other training organized at the direction of Council for the benefit of Members throughout the Council term.
- 36 Members shall be transparent and accountable with respect to all expenditures and strictly comply with all municipal bylaws, policies and procedures regarding claims for remuneration and expenses.
- 37 Members shall not accept gifts, hospitality or other benefits that would, to a reasonable member of the public, appear to be in gratitude for influence, to induce influence, or otherwise to go beyond the necessary and appropriate public functions involved.
- 38 Gifts received by a Member on behalf of the Municipality as a matter of official protocol which have significance or historical value for the Municipality shall be left with the Municipality when the Member ceases to hold office.
- 39 No Member shall use any facilities, equipment, supplies, services, municipal logo or other resources of the Municipality for any election campaign or campaign-related activity.
- 40 Individuals are encouraged to pursue this informal complaint procedure as the first means of remedying conduct that they believe violates this Bylaw. However, an individual is not required to complete this informal complaint procedure prior to pursuing the formal complaint procedure outlined below.

PART 14 - FORMAL COMPLAINT PROCESS

- 41 Any person who has identified or witnessed conduct by a Member that the person reasonably believes, in good faith, is in contravention of this Bylaw may file a formal complaint in accordance with the following procedure:
 - (a) All complaints shall be made in writing and shall be dated and signed by an identifiable individual;

- (b) All complaints shall be addressed to the Investigator;
- (c) The complaint must set out reasonable and probable grounds for the allegation that the Member has contravened this Bylaw, including a detailed description of the facts, as they are known, giving rise to the allegation;
- (d) If the facts, as reported, include the name of one or more Members who are alleged to be responsible for the breach of this Bylaw, the Member or Members concerned shall receive a copy of the complaint submitted to the Investigator;
- (e) Upon receipt of a complaint under this Bylaw, the Investigator shall review the complaint and decide whether to proceed to investigate the complaint or not. If the Investigator is of the opinion that a complaint is frivolous or vexatious or is not made in good faith, or that there are no grounds or insufficient grounds for conducting an investigation, the Investigator may choose not to investigate or, if already commenced, may terminate any investigation, or may dispose of the complaint in a summary manner. In that event, the complainant and Council, if Council is not the Investigator, shall be notified of the Investigator's decision;
- (f) If the Investigator decides to investigate the complaint, the Investigator shall take such steps as it may consider appropriate, which may include seeking legal advice. All proceedings of the Investigator regarding the investigation shall be confidential;
- (g) If the Investigator is not Council, the Investigator shall, upon conclusion of the investigation, provide the Council and the Member who is the subject of the complaint, the results of the Investigator's investigation;
- (h) A Member who is the subject of an investigation shall be afforded procedural fairness, including an opportunity to respond to the allegations before Council deliberates and makes any decision or any sanction is imposed;
- (i) A Member who is the subject of an investigation is entitled to be represented by legal counsel, at the Member's sole expense.

PART 15 - COMPLIANCE AND ENFORCEMENT

- 42 Members shall uphold the letter and the spirit and intent of this Bylaw.
- 43 Members are expected to cooperate in every way possible in securing compliance with the application and enforcement of this Bylaw.
- 44 No Member shall:
 - (a) undertake any act of reprisal or threaten reprisal against a complainant or any other person for providing relevant information to Council or to any other person;
 - (b) obstruct Council, or any other person, in carrying out the objectives or requirements of this Bylaw.
- 45 Sanctions that may be imposed on a Member, by Council, upon a finding that the Member has breached this Bylaw may include:
 - (a) a letter of reprimand addressed to the Member;
 - (b) requesting the Member to issue a letter of apology;
 - (c) publication of a letter of reprimand or request for apology and the Member's response;
 - (d) suspension or removal of the appointment of a Member as the deputy chief elected official or acting chief elected official under section 152 of the Act;
 - (e) suspension or removal of the chief elected official's presiding duties under section 154 of the Act;
 - (f) suspension or removal from some or all Council committees and bodies to which council has the right to appoint members;



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- (g) reduction or suspension of remuneration as defined in section 275.1 of the Act corresponding to a reduction in duties, excluding allowances for attendance at council meetings;
- (h) any other sanction Council deems reasonable and appropriate in the circumstances provided that the sanction does not prevent a Member from fulfilling the legislated duties of a Councillor and the sanction is not contrary to the Act.

PART 16 - REVIEW

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

PART 17 - DATE OF FORCE

- 47 That this Bylaw shall come into effect, upon the date on which it is finally read and passed.

READ for the first time this 10th day of July, A.D. 2018.

(RES. 193.18)

MAYOR RICHARD POOLE

CAO MYRON THOMPSON

READ for the second time this 14th day of AUGUST, A.D. 2018.

(RES. 228.18)

MAYOR RICHARD POOLE

CAO MYRON THOMPSON

READ for the third and final time this 14th day of AUGUST, A.D. 2018.

(RES. 229.18)

MAYOR RICHARD POOLE

CAO MYRON THOMPSON

Municipal Affairs

Municipal Councillors’ Guidelines for Conflict of Interest

Alberta Municipal Affairs (2010) *Municipal Councillors' Guidelines for Conflict of Interest*
Edmonton: Alberta Municipal Affairs

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Municipal Councillors' Guidelines for Conflict of Interest

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

Read part 5 of the *Municipal Government Act (MGA)* to learn what is expected of you.

This document is only a guide to the legislation. Consult your solicitor for advice on specific situations.

Disqualification

Section 174 of the *MGA* describes the reasons for disqualification from council.

Nomination

First of all, if you never were, or cease to be qualified to be nominated as a candidate for council, then you are not qualified to remain a member of the council (see sections 21 to 23 and 47 of the *Local Authorities Election Act*).

To remain qualified you must:

- retain Canadian citizenship
- continue to reside in the municipality (and in a rural municipality, reside in electoral division)
- not be appointed as the auditor, an officer or employee of the municipality
- keep your tax and other accounts with the municipality paid up.

Attendance

Section 174 of the *MGA* says that if you are absent from all the regular meetings of the council for an eight-week period, you are not qualified to remain a member of council.

The council may approve your absence for a longer period of time. To do so, they must pass a resolution before the close of the last meeting in the eight-week period.

Suppose the first regular meeting which you missed was on the Tuesday of week one. Not later than the Tuesday of week eight, you would either have to attend a regular council meeting or arrange to have the council pass a resolution authorizing your absence. If, for any reason, the last regular meeting at which the resolution could be passed is not held, then the resolution may be passed at the next regular meeting of the council.

Participating in the decision-making process at council meetings is a very important part of your commitment. Your electors have a right to expect that you will attend council meetings, present your views, and vote.

Conviction for an Offence

Section 174 of the *MGA* states that if you are convicted of an offence punishable by imprisonment for five years or more, or an offence under section 123, 124 or 125 of the *Criminal Code* (Canada), you are not qualified to remain a member of the council.

Your electors have a right to expect that you will be a responsible member of society. If you are convicted of a serious offence, it may well raise questions about whether you can provide suitable representation for the municipality.

Municipal Councillors' Guidelines for Conflict of Interest

Pecuniary Interest

Definition

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

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

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

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

Section 172 of the *MGA* sets out the procedure you must follow if a matter in which you have

a pecuniary interest comes before any meeting in which you are taking part in your capacity as a member of council. Failure to follow these procedures could lead to your disqualification.

Exceptions

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

What to Do

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

If you have a pecuniary interest:

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

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

If the matter is one in which you, as an elector or property owner, have a right to be heard by

Municipal Councillors' Guidelines for Conflict of Interest

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 the 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 the 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 posed to you and then be seated for the remainder of the public hearing.

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

Temporary Absence

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

The purpose of this provision is to ensure that a member of council does not avoid disclosing an interest by simply leaving the meeting

before the matter is discussed and returning after the discussion is complete. If some matter is discussed by council while you are temporarily absent from a meeting, upon your return and as soon as you become aware of the matter, you should get the attention of the chair and say something like "Mr. Mayor, during my absence a matter was discussed in which I have an interest. I am disclosing that my husband is an employee of the company and I ask that my disclosure be recorded in the minutes."

All Meetings

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

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

Doing Business

Although there is no prohibition on doing business with the municipality when you are a member of council, every contract or agreement with the municipality in which you have an interest must be approved by council (section 173 of the *MGA*). So, if your council has delegated purchasing authority to the administration, it is important that those officials know of any business interests that

Municipal Councillors' Guidelines for Conflict of Interest

you have and that you make sure the council approves of any contract with your business. You cannot raise the matter in council, but, if you submit a bid or offer, you can note the matter must receive council approval. If it doesn't, you may be disqualified and the contract has no force or effect.

The following are the only exceptions:

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

Disqualification

Section 174 of the *MGA* states in part you shall resign your seat if:

- you never were or cease to be qualified for nomination
- you violate the attendance requirements
- you are convicted of a relevant offence
- you do not abstain from voting if required to
- you become an employee of the municipality.

If you do not resign, then an elector of the municipality or the council may apply to a judge for an order determining whether or not you have disqualified yourself (section 175 of the *MGA*).

The judge may declare you to be disqualified and your seat to be vacated or that you are qualified to remain a member of the council. In certain instances, the judge may also dismiss the application if the judge is of the opinion that the disqualification arose inadvertently or as a result of a genuine error in judgment. If the disqualification is for using information that was used to gain a pecuniary benefit, the judge may order you to pay to the municipality, a sum of damages determined by the court.

If you are found to be disqualified for pecuniary interest disqualification, you may only be a candidate at the next general election if you are then qualified for nomination under the *Local Authorities Election Act* (see section 174(4) of the *MGA*).

List of Interests

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

In such cases, it may help everyone involved – yourself included - if a listing of interests is available in the office. Therefore, provision is made for council, by bylaw, to require its members to file a statement with a designated officer showing the names of their immediate families and any business in which they have an interest (section 171 of the *MGA*).

Municipal Councillors' Guidelines for Conflict of Interest

The designated officer is to compile a list of all the names on the statements and provide it to the officials and employees of the municipality indicated in the bylaw.

This provision is permissive. This means the council has the power to pass such a bylaw if it thinks it is necessary. However, council is not required to do so.

These rules are designed to protect the public interest while ensuring that your ability to work is not adversely affected by your election to council.

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

Be fair to yourself, your electors, and your municipality by keeping your private interests in harmony with the public interest.

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 and check the minutes to see that it actually has been recorded.
- 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 listing of interests, keep your list 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, get a letter from your own solicitor giving advice to you.

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

Main Floor, Park Plaza Building
10611 – 98 Avenue
Edmonton, Alberta T5K 2P7
Ph: (780) 427-4952

Appendix

Municipal Government Act Section 170(3)

“A councillor does not have a pecuniary interest by reason only of any interest

- (a) that 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,
- (b) that 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,
- (c) that 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 in clause (b),
- (d) that the councillor may have with respect to any allowance, honorarium, remuneration or benefit to which the councillor may be entitled by being a councillor,
- (e) that 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,
- (f) that 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,
- (g) that 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,
- (h) that the councillor or member of the councillor's family may have
 - (i) 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
 - (ii) by reason of remuneration received as a volunteer member of any of those voluntary organizations or services,
- (i) of 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,
- (j) that is so remote or insignificant that it cannot reasonably be regarded as likely to influence the councillor, or
- (k) that a councillor may have by discussing or voting 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.”

Municipal Affairs

Pecuniary Interest for Municipal Councillors

January 2017

Alberta 

Capacity Building, Municipal Services Branch

Pecuniary Interest for Municipal Councillors

Alberta Municipal Affairs

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Pecuniary Interest

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

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

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

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

Definition

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

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

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

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

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

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

Exceptions

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

A councillor does not have a pecuniary interest only because:

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

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

What to Do

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

If you have a pecuniary interest:

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

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

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

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

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

Temporary Absence

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

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

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

All Meetings

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

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

Doing Business

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

The following are the only exceptions:

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

Statement of Disclosure of Interests

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

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

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

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

Remember

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

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

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

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

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

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

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What Every Councillor Needs To Know!

A Council Member Handbook



Alberta Municipal Affairs

Municipal Capacity Building, Municipal Capacity and Sustainability Branch

What Every Councillor Needs To Know!

A Council Member Handbook

Alberta 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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Introduction

Congratulations! The electors of your municipality have put their trust in you to make decisions that are in their best interest. Elected office is one of the highest orders of public service. It offers the opportunity to significantly influence the quality of life in your community.

This booklet presents an overview of your responsibilities as a municipal councillor and is intended to help you to understand the powers and duties of a municipal council as a whole and you as an individual councillor. It also provides the context of the Chief Administrative Officer's (CAO) role in the municipality and helps you to understand how vital this relationship is.

The *Municipal Government Act (MGA)* provides the basic legislative framework for Alberta's municipalities. Council members must also grasp and comply with federal and provincial legislation and regulations affecting municipalities. In Alberta, cities, towns, villages, summer villages, municipal districts, specialized municipalities and improvement districts constitute municipalities. Councils have numerous powers, duties and responsibilities. You will benefit from your time on council as you meet new people and develop a greater understanding of the local government process and its role in your community. Your community will benefit from your leadership, vision, and service. Best wishes for your success, and for the success of your community.

This guide is an information summary only and has no legislative sanction. For certainty, refer to the *Municipal Government Act*, copies of which are available for purchase from Alberta Queen's Printer Bookstore. It is recommended that municipalities obtain legal advice for interpretation.

Note: Proposed amendments to the MGA that have not been proclaimed as of (publication date) are not reflected in this document. Additionally, as part of the *Municipal Government Act (MGA)* Review process, all MGA regulations related to property assessment and planning and development were reviewed to support the proposed amendments. The review has resulted in updates to a number of existing regulations and creation of new ones. To view and provide comments on these regulations, visit <http://mgareview.alberta.ca/get-involved/regulations-review/>.

Things to know!

Oath of Office [s. 156]

Before taking part in your first council meeting or performing any councillor duty, you will be required to make and subscribe to the official oath of office. By taking the oath, you swear or promise that you will diligently, faithfully, and to the best of your ability, fulfill the duties of the office to which you have been elected.

Your role

Council is the governing body of the municipal corporation. As a councillor, you will exercise the powers of the municipality through decisions passed by bylaw or resolution at a public meeting and define the policies and direction that your municipal administration will put into action.

Every councillor must understand the municipal purposes in section 3.

The purposes of a municipality are

- a) to provide good government,
 - a.1) to foster the well-being of the environment,
- b) to provide services, facilities or other things that, in the opinion of council, are necessary or desirable for all or a part of the municipality,
- c) to develop and maintain safe and viable communities.
- d) to work collaboratively with neighbouring municipalities to plan, deliver and fund intermunicipal services.

The MGA also provides municipal government with natural person powers for the purpose of exercising their authority. Natural person powers give municipality's similar flexibility to that of individuals and corporations in managing their organizational and administrative affairs. These powers may help a municipality – without the need for more specific legislative authority – enter into agreements or acquire land and equipment. For example, if a municipality has authority to establish a public transit system, it may use natural person powers to contract services and purchase buses. It is important to be aware that natural person powers are limited by legislation.

Council's principal role in the municipal organization:

A council is responsible for [s. 201(1)]

- a) Developing and evaluating the policies and programs of the municipality;
Council's primary role is to ensure that services are provided to citizens and property owners. This involves establishing policies about what programs and services are to be delivered, the level at which they are delivered, and the budgetary requirements. Council evaluates the policies and programs through information obtained from the CAO and feedback from the citizens.
- b) Carrying out the powers, duties and functions expressly given to council under the Act or any other legislation.
Council is responsible for ensuring that the municipality acts within its enabling legislation. A municipality can be taken to court by any person if it is perceived to be acting outside its legal

authority. As well, council is responsible for ensuring that the municipality meets all requirements established in legislation, such as the requirement to hold public hearings on certain matters, develop a budget and levy taxes, appoint an auditor, etc. The legislation establishes minimum requirements; however, council can go beyond these minimums, provided that they act within their legislative authority.

Section 201(2) states clearly that a council must not exercise a power or function or perform a duty that is by this or another enactment or bylaw specifically assigned to the chief administrative officer or a designated officer.

As indicated above, council develops and evaluates its policies and programs; it is the CAO that implements them.

To carry out these roles, the MGA provides the following:

General duties of councillors [s. 153]

Councillors have the following duties:

- a) 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;
 - a.1) to promote an integrated and strategic approach to intermunicipal land use planning and service delivery with neighbouring municipalities;
- b) to participate generally in developing and evaluating the policies and programs of the municipality;
- c) to participate in council meetings and council committee meetings and meetings of other bodies to which they are appointed by the council;
- d) to obtain information about the operation or administration of the municipality from the chief administrative officer or a person designated by the chief administrative officer;
- e) to keep in confidence matters discussed in private at a council or council committee meeting until discussed at a meeting held in public;
 - e.1) to adhere to the code of conduct established by the council under section 146.1(1);
- f) to perform any other duty or function imposed on councillors by the MGA or any other enactment or by the council.

Your job as a councillor is to work with other council members to set the overall direction of the municipality in your role as a policy-maker. The policies that council sets are the guidelines for administration to follow as it handles the operations of the municipality. Much of your time on council will be spent considering new policies and programs and reviewing the current ones to make sure they are working as they should. In the spirit of collaboration, a municipality may enter into an agreement respecting services with Indigenous peoples or a Métis settlement and is required to consult with Indigenous peoples or Métis settlement when developing certain land use plans.

General duties of chief elected official (CEO) [s. 154]

- a) 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;
 - a.1) to promote an integrated and strategic approach to intermunicipal land use planning and service delivery with neighbouring municipalities;

- b) to participate generally in developing and evaluating the policies and programs of the municipality;
- c) to participate in council meetings and council committee meetings and meetings of other bodies to which they are appointed by the council;
- d) to obtain information about the operation or administration of the municipality from the chief administrative officer or a person designated by the chief administrative officer;
- e) to keep in confidence matters discussed in private at a council or council committee meeting until discussed at a meeting held in public;
 - e.1) to adhere to the code of conduct established by the council under section 146.1(1);
- g) to perform any other duty or function imposed on councillors by the MGA or any other enactment or by the council.

In practice, the CEO is also generally the main spokesperson for the municipality, unless that duty is delegated to a councillor.

These legislated duties supersede any duty to any individual or group of residents.

Be familiar with your legislation

Municipalities are often described as “creatures of province”; the only powers that they have are those set out in provincial legislation and those implied or necessarily incidental to them. If you do not have a grasp of the basics, you will not understand what the municipality can, cannot, must and must not do. Although you can rely on the CAO to inform you of the legislated requirements of the MGA, it is recommended that you have a brief read through the legislation to understand why you are doing what you are doing.

The *Municipal Government Act (MGA)* is the most important Act a councillor should be familiar with. It lays the foundation for how municipalities operate, how municipal councils function, and how citizens can work with their municipalities. The MGA is the legislative framework in which all municipalities and municipal entities across the Province of Alberta operate.

The *Freedom of Information and Protection of Privacy (FOIP) Act* provides the Government of Alberta’s general policy on access to information and the protection of personal information in the public sector. It provides for public accountability through a right of access to records under the control of public bodies and mandates how a public body is to collect, use and disclose an individual’s personal information.

These are the two most important pieces of legislation that apply to municipalities. Some of the more common pieces of legislation that affects municipalities are listed at the end of this document.

How you can help

Orientation and Training Opportunities [s. 201.1]

Understanding the relationships, roles and the responsibilities of an elected official and the associated limitations, will be critical to your success in the position. Whether you are newly elected or a returning official, you should take every opportunity to learn about your municipality; key issues affecting the community; and governing processes and procedures. It is mandatory for each municipality to offer orientation training to each councillor, to be held within 90 days after the councillor takes the oath of office.

The orientation training must include:

- the role of municipalities in Alberta;
- municipal organization and functions;
- key municipal plans, policies and projects;
- roles and responsibilities of council and councillors;
 - the municipality's code of conduct;
- roles and responsibilities of the chief administrative officer and staff;
- budgeting and financial administration;
- public participation policy; and
- any other topic prescribed by the regulations.

Your associations, Alberta Urban Municipalities Association (AUMA) and the Alberta Association of Municipal Districts and Counties (AAMDC), jointly offer orientation sessions that cover some of these requirements. They also offer conferences throughout the year that will provide invaluable information and networking opportunities.

In addition, Alberta Municipal Affairs provides workshops on the roles and responsibilities of council, councillors and administration. These workshops are offered on a regional basis in the months following a municipal general election and on an 'as requested' basis through-out your term.

If you are newly elected, attending training, conferences and workshops is an excellent way to obtain the information you need to serve effectively. If you are a returning councillor, your knowledge and experience holds significant value for the new councillor.

Understand the financial implications of your decisions

Almost everything the municipality is engaged in will have a cost associated with it. You will spend a lot of time assessing the financial implications of council policy decisions. You will need to balance the desire for municipal services with the amount of property taxes and user fees that the local residents are willing to pay for those services.

Let employees do their jobs

The CAO is your only employee in most instances. You may have a bylaw which states that designated officers report directly to council. All other municipal employees report to the CAO. 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 administrator to provide information so that they can make sound decisions. Effective councils set policy; they do not micro-manage or perform any administrative duties. Refer to section 201(2).

Understand and avoid pecuniary interest and conflict of interest

As a public servant, you are responsible for upholding the public interest ahead of any private interests you may have. These rules are designed to protect the public interest while ensuring that your ability to work is not adversely affected by your election to council. In order that the public interest is served and seen to be served, it is important that you be open and honest about dealing

with the municipality. Be fair to yourself, your electors, and your municipality by keeping your private interests in harmony with the public interest.

Pecuniary interest is a matter which could monetarily affect the councillor or an employer of the councillor, or the councillor's family. Conflict of interest is a situation in which the concerns or aims of two different parties are incompatible or a situation in which a person is in a position to derive personal benefit from actions or decisions made in their official capacity.

The MGA provides the definition and application of pecuniary interest and the municipality's Code of Conduct for Elected Officials bylaw should define what constitutes a conflict of interest. Know how and when to report either, what to do in each case, and the consequences of not following the provincial legislation or local bylaw. Attempting to influence in any way, any decision in which you have a pecuniary interest is reason for disqualification from council. The municipal code of conduct will also have repercussions for conflict of interest that is not declared. If either is ignored, council decisions may be challenged.

For further information on pecuniary interest, please visit www.municipalaffairs.alberta.ca/documents/Pecuniary_interest_%202017.pdf.

Information is public

All information received, sent, stored or collected by a municipality is public information unless it falls within the limited exceptions under the FOIP Act. Yes, this applies to email and electronic records too. Ask your duly appointed FOIP officer (often the CAO), what the rules are.

The municipality's lawyer is not your lawyer

The municipality's lawyer takes instructions from council as a whole through the CAO. Also, any legal advice received is privileged and is not to be shared outside of council. In a question of pecuniary interest, or if you are facing charges, you will be directed to seek your own counsel.

Municipalities and council members are subject to the laws in force in Alberta. For example, municipalities are subject to workplace safety laws, emergency management laws, environmental law, and employment laws, among many others. Council management decisions have legal consequences, and councils should be aware of legal risks in decision making. Councillors should be open to advice from the CAO and open to obtaining expert legal advice. You are responsible for your own words. Councillors should not make defamatory statements, whether inside or outside of council meetings. You need to be diligent to avoid putting the municipality or yourself at risk of committing an offence or being found liable for civil damages.

Team Approach

Working as a team with the rest of council and administration will contribute to making your time on council a success. It isn't always going to be easy. Your influence as a council member rests on your ability to persuade other members of council to consider your point of view. When an issue is being studied, be sure to express your views as part of the debate.

Disagreements among council members on specific issues are common. The respectful exchange of ideas and opinions leads to good decisions. While working through these debates, keep in mind that

you all share the same desire for your municipality to be strong, safe, and viable. You may have different views about how to get there, but you do share broader common goals.

Most votes on a council resolution do not require a consensus of all councillors. As a result, there will be many occasions where a decision is made that you did not support with your vote. However, once the resolution has been passed, it becomes the official direction of the municipality. The health and ongoing success of a municipality is largely dependent upon the ability of councillors to respect and support the decisions of council in principle, despite your personal views during the debate.

Some municipalities have a communications policy in place that directs media through prescribed channels. Becoming familiar with communications procedures will allow you, council, and administration to work as a team and deliver a cohesive message.

These are things that a councillor must know to do their job with integrity. The remainder of this booklet provides information on other aspects of the legislation that a councillor should be aware of to ensure your municipality is accountable to the taxpayer. As a councillor, you are elected to look after the interests of the entire municipality. Council's effectiveness depends on you providing input as a representative of the people who elected you.

Governance

Chief Elected Official (CEO) [s. 150, 154 and 155]

The title CEO may be changed to one that council believes is appropriate to the office, such as mayor or reeve.

The CEO of a city or town is elected by a vote of a municipality's electors, unless 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.

Code of Conduct for Elected Officials [s. 146.1 and 153, Alberta Regulation]

A council must have a code of conduct bylaw which applies to each councillor equally. The bylaw must establish how council members will behave with each other, employees, and the public. It must also provide for a complaint and resolution process, and for sanctions as outlined in the regulation. This bylaw will help to ensure that all Albertans have effective and accountable representation, and set province-wide expectations for all elected officials. This bylaw must be reviewed every 4 years as councils are elected.

Councillor Liability [s. 249, 275 and 535]

The question of liability may arise as a result of councillors' actions. However, section 535 of the MGA was written to protect councillors from personal liability while acting in good faith for the municipality. This section does not apply in circumstances of defamation and does not protect the municipal corporation from any such liability.

There are several provisions in the MGA that could potentially create a liability on individual councillors. Section 249 deals with unauthorized expenditures and section 275 which deals with borrowings, loans, or guarantees that cause the municipality to exceed its debt limit.

While it is important to be aware of the potential for personal liabilities there is little precedent for the use of these provisions.

Council Meetings [Alberta Regulation]

A regulation defines a council meeting as, when used in reference to a council, a meeting under section 192, 193 or 194 of the Act, or a meeting under section 195 of the Act if a council committee meeting. These are an organizational meeting, a regular meeting, a special meeting or a committee of council meeting.

Organizational Meeting [s. 159 and 192]

The first meeting of council you attend will be the organizational meeting, held within two weeks of the election, or sooner if an election was not required. This marks the official commencement of the term of office and the completion of the previous council's term. This meeting allows council to address preliminary matters such as appointing a CEO if necessary, appointing a deputy CEO, and appointing people to the various committees and other bodies associated with council. If other regular business is to be conducted, the organizational meeting must be adjourned and the regular meeting convened and recorded as a separate meeting.

Regular and Special Meetings [s. 153, 181, 193, 194, 196, 197, 198, and 199]

It is up to council to decide how many meetings are needed to govern the affairs of the municipality. The decision to hold regular meetings must be made at a meeting with all councillors present, normally the organizational meeting. The time and place of a regular meeting can be changed. All councillors do not have to be at the meeting to change the time or place; but all councillors and public must be given 24 hours-notice of the change.

The timing of regular council meetings does not always align with urgent business that requires council attention. There will be times when a special meeting is required. Section 194 of the *MGA* states that a special meeting may be called if the CEO believes one is needed and must be called if a majority of councillors request one in writing.

Council and council committees can hold meetings by means of electronic or other communication facilities, (Section 199) rather than in person. Notice must be given to the public of such a meeting, including the way it will be conducted. The facilities must enable all the meeting's participants to watch or hear each other, and the public to watch or listen.

Meetings Closed To The Public (In-Camera Meetings)[s. 1(3), 197, Alberta Regulation]

There are times when council or a council committee must discuss something in private. A meeting or part of a meeting is considered to be closed to the public if:

- a) any members of the public are not permitted to attend the entire meeting or part of the meeting,
- b) the council, committee or other body holding the meeting instructs any member of the public to leave the meeting or part of the meeting, other than for improper conduct, or
- c) the council, committee or other body holding the meeting holds any discussions separate from the public during the meeting or part of the meeting.

The *MGA* and the *FOIP Act* set out some very limited exceptions in which meetings may be closed to the public. Personnel matters, where it would be unfair to the people involved to have the issue discussed in public, are a common example. In order to recognize specific circumstances that necessitate confidentiality of council discussions, section 197(2) of the *MGA* allows meetings that are closed to the public where the subject matter falls within one of the exceptions to disclosure in Division 2 Part 1 of the *FOIP Act*. The exceptions include matters where disclosures could be harmful to personal privacy, individual or public safety, law enforcement, intergovernmental relations, or economic or other interests; reveal confidential evaluations, local public confidences, or advice from officials; or disclose information that is subject to legal privilege.

Even then, before closing all or any part of a meeting to the public, a council or council committee must pass a resolution approving the part of the meeting that is to be closed, and indicate the exception to disclosure in Division 2 of Part 1 of the *FOIP Act*. All resolutions have to be made in a public session.

All public have the right to attend a council meeting except for someone who has been expelled due to improper conduct in that meeting. The provisions of the *MGA* regarding public presence at meetings are intended to promote public involvement and the accountability of the local government process.

Council Committees [s. 145 and 203]

If council creates council committees, it must be done by bylaw. The bylaw would establish the reason for the committee, the meeting procedures, and appoint committee members among other things. Council may decide to create a temporary committee to look at a specific issue. There may also be standing committees which run from year to year to deal with ongoing issues.

Council may delegate some of its power making to its committees. Any powers delegated would be outlined in the bylaw that created the committee. Some council decisions, such as passing bylaws or adopting the budget, cannot be delegated.

When council is part of an emergency services committee, it may have specific responsibilities in the case of a local emergency. Council should be aware of what those responsibilities are and how they are to be carried out. The emergency response framework is described in the *Emergency Management Act* and its regulations.

Procedural Bylaw [s. 145(b)]

A municipality may have a procedural bylaw to provide a standard format for council meetings and make it easier for members of council, staff, media, and public to understand the decision-making process. A procedural bylaw should set the date and time of regular council meetings, provide for the order of business, set rules regarding the proceedings at regular meetings of council, and describe how items may be put on the council agenda and method of distributing the agenda for council meetings, among other things. This bylaw should be reviewed every four years as councils are elected.

Policy-Making and Program Monitoring

Council is responsible for considering the types and levels of services that are necessary or desirable for the municipality. This responsibility involves providing input into the municipality's programs and services (policy-making) and making sure that administration provides the programs and services in the best possible way (program monitoring).

Council policy provides the basis for consistent decisions. Administration is responsible for providing the programs and services to the residents according to council policy.

Program monitoring is staying up to date through information obtained from the CAO and assessing the results against what council planned to achieve.

Public Participation Policy [s. 216, Alberta Regulation]

It is always important for a council to work with citizens to request input and address concerns. Each council is required to establish a public participation policy that will tell the electors how they can take part in important decisions of council that are not otherwise regulated. The policy should identify the types or categories of approaches the municipality will use to engage their stakeholders as well as the circumstances in which the opportunity will be exercised. Examples to be considered in the policy could include holding a 'town hall' to discuss the budget process or to explain the auditor's report. This policy is intended to promote consistent expectations and increases public confidence in the local government decision making process.

Voting [s. 183, 184, 185, and 172]

Council makes decisions. Under the MGA, a councillor is required to vote on all resolutions and bylaws unless required or permitted to abstain from voting under other legislated provisions or the Code of Conduct Bylaw. Council must ensure that each abstention and the reason for it are recorded in the minutes of the meeting.

If there is a public hearing on a proposed bylaw or resolution, a councillor must abstain from voting on the bylaw or resolution if they were absent from all of a public hearing, and may abstain if absent for a part of a public hearing. Section 172 of the MGA states that councillors must also abstain from voting on matters in which they have a pecuniary interest.

At any time before a vote is taken, a councillor may request that the vote be recorded. The minutes must show the names of the councillors present and how they voted.

Each councillor has one vote. A resolution is passed by receiving the majority of votes from the councillors in attendance at the meeting. When there is a tie vote on a resolution, it is defeated.

A quorum must be present at a council meeting for any resolution or bylaw to be valid. A quorum is a majority of councillors making up the municipal council. For example, if council consists of seven councillors (including the CEO); four councillors would constitute a quorum.

Administration

Chief Administrative Officer (CAO) [s. 153.1, 205, 205.1, 207, 208, and 209]

Every council must establish, by bylaw, a position of CAO. The CAO is an integral advisor to council in supporting the development and implementation of strategic objectives and policies. The CAO builds strong working relationships with stakeholders and provides mentorship and strategic guidance to their staff by fostering a culture of municipal excellence throughout the organization.

A primary duty of the CAO is to provide the same information to all councillors. When a councillor asks the CAO a question, it is their duty to provide that same information to all other councillors.

The CAO works collaboratively with council in building the community and effectively representing the interest of the municipality. As the administrative leader, the CAO will mentor, coach, and guide the performance of municipal staff to meet the needs of the community through public service excellence and a high degree of personal initiative.

A performance appraisal system for the CAO is a key building block for a lasting and positive relationship between council and the CAO. Even though the current relationship may be good, a formal appraisal process provides the opportunity to discuss opportunities for improvement. The MGA therefore requires that council provide the CAO with an annual written performance evaluation.

Designated Officers (s. 209 and 210)

A CAO may delegate any of his or her powers, duties, or functions to a designated officer or an employee. Designated officer positions are established by bylaw and are under the CAO's supervision, unless otherwise provided by bylaw. A designated officer may also delegate any of those powers, duties, or functions to an employee of the municipality. When a designated officer position has not been assigned, that duty falls back on the CAO.

Policies

The importance of policies is paramount in providing consistency and transparency to the CAO and the tax payer. Most successful municipalities maintain a policy manual with an index to enable easy reference. Policies should be approved by council, and should be periodically reviewed and updated to ensure they are still relevant.

Staff Development

Human resources are as important as financial resources. A variety of educational opportunities are available for both new and experienced municipal administrators. The most successful municipalities encourage staff development and training to ensure that their employees are able to effectively carry out their duties and stay familiar with new developments in the field of municipal administration.

Finance

The majority of activities that take place in any municipality have a cost associated with them. As a member of council, you will spend a substantial amount of time assessing the financial implications of council decisions on the local taxpayers.

Operating and Capital Budgets [s. 242, 243, 244, 245, 246, 247, 283.1]

The budget is the center of the municipal finance system. The priorities of council will necessarily be reflected in the funding priorities established in the budget. Through the budget, council sets the municipality's priorities for the next year (or number of years) by allocating funding for each program, service, or project. Careful and realistic budget planning and control can translate into better and more cost-effective services for the community.

Best practices indicate that sustainable municipalities have a strategic plan that maps out longer term goals and identifies the municipality's priorities over a number of years. A strategic plan can provide year to year guidance and direction to the annual budget process, and provides the longer-term context for annual goals.

The MGA requires that every municipality adopt an annual operating and a capital budget or a single annual budget that incorporates both operating and capital items. Property and business tax bylaws cannot be passed until a budget has been adopted. Municipal budgets must include sufficient revenues to cover planned expenditures. Reserve funds may be used to balance the budget. Municipalities are not permitted to allow the accumulated surplus, net of equity in tangible capital assets, to be less than zero.

The operating budget is a detailed estimate of how much your municipality needs to spend to meet its ongoing financial obligations and provide programs and services to the residents. The capital budget identifies the sources and uses of funding for fixed assets such as buildings, roads, vehicles, water and sewer facilities, and land.

Beginning in 2020, municipalities are required to have written three-year financial and five year capital plans in addition to the annual budget. Financial plans must identify expected revenues and expenditures as well as project the annual and accumulated surplus or deficit. The capital plan must meet the minimum of five years but a longer term plan is encouraged. The plan must identify planned capital property additions as well as allocated or anticipated sources of funding. Both the capital plan and operational plan must be reviewed and updated annually.

The budget is one of, if not the most, important council policy decision Council should receive regular reports from administration that compare actual financial results to the budget.

Procedure for Expenditure Authorization [s. 248 and 249]

Each council must establish procedures to authorize and verify expenditures that are not included in a budget. Such policies typically set thresholds for at what level the CAO or his/her designate can make an expenditure not included in the budget and when those expenditures must be brought to council for approval.

It is also important to note that if you, as a councillor, make an unauthorized expenditure, or vote to spend granted or borrowed funds for a purpose other than that for which they were granted or

borrowed, you could be held personally liable under section 249 of the MGA for the amount of the expenditure, grant, or borrowing.

Borrowing [s. 249, 252, and 275]

The Minister of Municipal Affairs has, by regulation, established municipal debt and debt service limits. As long as a municipality is within the limits, no provincial approvals are required for borrowing, but the Minister's approval is required for any borrowing beyond the debt limits. If you vote for a borrowing that puts the municipality above the regulated debt or debt service limit, you could be held personally liable for the amount of the borrowing, unless the borrowing is approved by the Minister.

Auditor [s. 276, 277, 278, and 280; Alberta Regulation 313/2000]

Each council must appoint an auditor for the municipality and must submit audited financial statements and an audited financial information return to the Minister of Municipal Affairs by May 1 of each year. In addition, the financial statements or a summary of them must be made available to the public by May 1 of each year. The financial statements must disclose the municipality's debt limits, as well as the salaries of the CEO, individual councillors, the CAO, and the designated officers of the municipality.

Property Assessment, Taxation, and Other Revenues

Assessment [s. 285, 298, 454, 454.1, 454.2, 454.3, 460, 460.1, 468, and 470]

Property assessment is the process of assigning a dollar value to a property for taxation purposes. In Alberta property is taxed based on the *ad valorem* principle. *Ad valorem* means “according to value.” This means that the amount of tax paid is based on the value of the property.

Assessments for all types of property are prepared by professional, certified assessors. Provincial assessors designated by the Minister of Municipal Affairs assess designated industrial property, while municipal assessors employed or contracted by municipalities assess all other types of property. Under provincial legislation, a council must appoint, by bylaw, a designated municipal assessor. A designated assessor is responsible for the completion of a number of tasks laid out by provincial legislation and regulations.

After the assessed value of a property has been determined, the property is assigned an assessment class. The assessment class determines the tax rate that will be applied to each property, as assessment classes may have different tax rates.

The municipal assessor is responsible for assigning assessment classes to property. Property is classified according to its actual use. The classes set out in the MGA are Class 1 – residential; Class 2 – non-residential; Class 3 – farmland; and Class 4 – machinery and equipment.

To ensure that property owners have a voice in the property assessment system, the MGA has set out a complaints and appeals system for property owners who have concerns about their assessment.

Property Taxation [s. 242, 297, 318, 354, 355, 356, and 359.1]

Each year, municipal councils determine the amount of money they need to operate their municipality through the budget process. From this amount, the council then subtracts known revenues (for example, licences, grants, and permits). The remainder is the amount of money the municipality needs to raise through property taxes in order to provide services for the year.

Very simply, the revenue requirement divided by the total assessment equals the tax rate.

The tax rate is applied to each individual property assessment using the following formula:

Property assessment x Tax rate = Taxes payable.

Council is required to pass a property tax bylaw annually (Section 353). Council may set different municipal tax rates for each of the four assessment classes each year; however the difference between non-residential and residential tax rates can be no more than 5:1. Council may also set different tax rates for vacant and improved non-residential property and for different sub-classes of residential property. Council can only affect the tax rate by changing the revenue requirement (budget).

In addition to municipal tax rates, municipalities must set tax rates to raise funds that are requisitioned for cost sharing programs such as the Alberta School Foundation Fund and seniors lodges, etc.

Once the tax notices are mailed, the property tax rate bylaw cannot be amended unless approved by Ministerial Order.

For more information on Property Assessment and Taxation please visit:

www.municipalaffairs.gov.ab.ca/mc_property_assessment_and_taxation.

Education Tax and Equalized Assessment

Property assessment is used as the basis on which to requisition property taxes from all or a number of municipalities for the financial support of several regional and provincial programs. Equalized assessment is a process that levels the playing field for municipalities so that property tax requisitions and grants can be fairly allocated.

Just as property owners pay taxes in proportion to the value of the property they own, municipalities are required to contribute to the provincial education and other requisitions based on the proportion of assessment within their jurisdictions. Equalized assessments are used to determine the specific contributions to be made by each municipality, and they are also used in formulas for provincial grants to municipalities.

Inter-municipal fairness and equity is important when requisitioning property taxes from municipalities or calculating grants. In this regard, it is usually necessary to make some adjustments in the assessment base figures that each municipality reports to the province before those assessments are used to determine each municipality's contribution to a regional or provincial program, or its equitable share of grant dollars. These adjustments are made through the equalized assessment process.

The MGA requires that most properties be assessed at market value. Ideally, all properties would be assessed at 100 per cent of market value. In practice, however, assessments may vary from market value to a limited degree. Because this variance may occur, equalization is used to adjust each municipality's assessments to 100 per cent of market value. The equalization process removes the variations in assessment levels to make the assessment bases more comparable among municipalities. The process produces a set of adjusted, or "equalized," assessments that can then be used to distribute **requisitions*, or allocate grants, among municipalities in a fair and equitable manner."

Legislative Provisions

Process	Legislation
Equalized Assessment	<i>Municipal Government Act</i> , s. 317-s. 322, s.325 Alberta Regulation 220/2004, s. 10, s.13-s.19 <i>School Act</i> , s. 161(1)-(4)
*Requisitions	<i>Municipal Government Act</i> , s. 326(a)
Education Property Tax Requisitions <ul style="list-style-type: none"> • Alberta School Foundation • School Board Requisitions 	<i>School Act</i> , s. 164(1)-(8), s. 174(1)-(13) <i>Municipal Government Act</i> , s. 359.1(1)-(8) <i>Municipal Government Act</i> , s. 359.2(1)-(8)
Seniors Lodge Requisition (Management Body)	<i>Alberta Housing Act</i> , s. 7

Planning and Development

Council shapes the physical future of the community through its authority over land-use planning and development control. It is the responsibility of council to focus on the future of the community as a whole while balancing the current rights, needs and concerns of property owners and residents. The purpose of planning is to achieve the orderly, economical and beneficial development, use of land and settlement without infringing on the rights of individuals, except as necessary for the community. A number of tools are available to council for this purpose.

The *MGA* identifies the hierarchy and relationship of statutory plans. The order is:

Intermunicipal Development Plans (IDPs) – all other plans must be consistent with the IDP.

Municipal Development Plans (MDPs) must be consistent with the IDP.

Area Structure Plans (ASPs) and Area Redevelopment Plans (ARDs) must be consistent with any MDP and IDPs. The IDP prevails to the extent of the conflict or inconsistency between the plans.

ALSA Regional Plan (ALSA s. 20, 21, and 22; MGA s. 630.2 and 638.1)

Alberta Land Stewardship Act (ALSA) regional plans inform land-use decisions. They build on existing policies and initiatives by establishing a set of strategic directions to achieve the regional vision and outcomes, include regional objectives, strategies and actions undertaken to support achievement of the regional vision and outcomes and indicators to measure and evaluate progress and enable achieving the strategic direction and strategies and actions. Under ALSA, land-use decision-makers and the provincial government will coordinate their planning and decision-making.

The current MGA land-use policies will be phased out as new regional plans under the ALSA come into force. The MGA will provide authority, through regulation, to create land-use policies for municipal planning matters that are not included in a regional plan.

Where there is an approved ALSA regional plan, the subdivision authority, development authority, municipal planning commission, and subdivision and development appeal board of the municipalities within that region must act in accordance with the applicable ALSA regional plan's policies and outcomes.

Intermunicipal Development Plan [s. 631]

Two or more municipalities must adopt an inter-municipal plan (IDP) (within two years of MGA amendments being proclaimed) to address issues of mutual concern with respect to designated lands. The plan must provide for the future use of land, the manner of and proposals for future development, the provision of transportation systems and environmental matters, the co-ordination of intermunicipal programs, or other matters relating to the area. The plan must include a procedure to resolve, or attempt to resolve, conflicts; a procedure to amend or repeal the plan; and provisions relating to plan administration. The Minister may require two (2) or more municipalities to enter into an inter-municipal development plan. A Growth Management Board (GMB) is required to create a framework only for those matters that are not addressed in the growth plan. GMB members must create a framework with non-GMB municipalities where there is a common boundary.

Municipal Development Plan [s. 632 and 636]

Every council with a population greater than 3500 must adopt a municipal development plan (MDP). The MDP provides a general framework for development within the municipality and is the official statement of your municipality's policies concerning the desired future pattern of development. The municipality must afford opportunity to affected persons as well as neighbouring municipalities to review and make comment on the plan. Inter-municipal issues such as coordination of land use and infrastructure must be addressed in the municipality's own municipal development plan when there is not an IDP respecting these matters.

Area Structure and Redevelopment Plans [s. 633, 634, 635, and 636]

Council may, by bylaw, adopt an area structure plan (ASP) to provide a framework for subdivision and development for a particular area. The area structure plan will generally describe the sequences of development, proposed land use, population density, and the location of major transportation routes and public utilities.

When an area is undergoing redevelopment, council may adopt an area redevelopment plan, (ARP) which, in addition to providing guidelines, may result in a redevelopment levy being used to acquire land for park, school, or recreation purposes in the redevelopment area.

Listing and Publishing of Policies [s.638.2]

Every municipality must be more transparent with their planning documentation. They must list, publish and keep updated the list of all planning policy documents, and describe how they relate to each other and to the municipality's statutory plans. The information must be published on their municipal website. A development authority, subdivision authority, subdivision and development appeal board, the Municipal Government Board (MGB) or a court shall not have regard to any policy unless it is listed and published. All documents must be listed and published effective January 1, 2019.

Land Use Bylaws and Development Decisions [s. 639, 640, 640.1, 641, 642, 683.1, 685, and 686]

All municipalities must have a land use bylaw (LUB). This bylaw provides a specific means of implementing the policies that are expressed in a general way in the municipal development plan. The bylaw provides for a system of development permits and divides the municipality into land use districts or 'zones', including direct control, prescribing permitted and discretionary uses for land, and development standards for each land use district. Council must establish a development authority to administer the development approval process. Development decisions may be appealed to the Subdivision and Development Appeal Board (SDAB).

Subdivision [s. 623, 652, 653.1, 654, 655, and 678]

Dividing a piece of land into two or more parcels generally requires approval from a subdivision authority. The authority ensures that the land to be subdivided is appropriate for its proposed use. Council must establish the subdivision authority by bylaw and delegate powers in accordance with the MGA. Subdivision decisions can be appealed to the SDAB, or in certain situations to the Municipal Government Board. While a subdivision is approved by the subdivision authority, any changes to zoning that accompany the subdivision must be brought to council for approval by bylaw.

Subdivision or Development Agreements [s. 650 and 655]

Prior to a subdivision or development having full approval, your municipality may require a developer to enter into a subdivision or development agreement as a condition of approval. These agreements may address construction or payment of a road, walkway, public utility, parking/loading and unloading facilities, off-site levies and security to ensure that the terms of the agreement are carried out. In addition, requirements of inclusionary housing may be addressed in the agreement. After legal consultation, administration will bring the agreement forward to council for acceptance, after which the application can be given final approval.

Subdivision and Development Appeal Board [s. 627, 678, and 686]

A municipal council is required to establish a subdivision and development appeal board (SDAB) to act as a quasi-judicial body to deal with subdivision, development and stop order appeals. Members of council cannot form the majority on the SDAB or intermunicipal board.

A council that establishes a SDAB must appoint a clerk as a designated officer. Members and clerks must have completed the mandatory training. Appeal matters are addressed by the MGB. This sets out the jurisdictional matters that the board must act within. The SDAB must hold a public hearing to deal with an appeal.

For more information on the services of the Planning and Development, please refer to www.municipalaffairs.alberta.ca/am_planning_and_development.

Intermunicipal Collaboration Framework (Part 17.2)

The purpose of this part is to require municipalities to develop an intermunicipal collaboration framework among two or more municipalities to provide for the integrated and strategic planning, delivery and funding of intermunicipal services, to steward scarce resources efficiently in providing local services, and to ensure municipalities contribute funding to services that benefit their residents.

This framework is mandatory and must be in place within three years of proclamation and reviewed every five years to ensure continued application of the documents.

Municipal Collaboration and Mediation (s. 690)

Alberta Municipal Affairs Intermunicipal Relations team provides assistance in building collaboration and relationships between and within municipalities across Alberta. The team helps municipalities assess what resources and support you may need to collaborate on, or resolve, any internal or intermunicipal issue. In the next three years, this team will have a specific focus to help municipalities create their Intermunicipal Collaboration Frameworks (ICFs) by assisting with access to resources and supports such as facilitation, mediation, and tools.

The Intermunicipal Relations team:

- works with municipalities to assess the most appropriate tools, services and supports they need to proactively collaborate on, or resolve, any internal or intermunicipal issue;
- works with municipalities to ensure that all the necessary preparations are in place to convene a collaborative or dispute resolution process;
- provides a roster of qualified private sector mediators available to work with municipalities;
- works with municipalities to design collaboration, relationship building and dispute resolution training programs, including preparation for collaboration, mediation, internal communication and public participation;
- facilitates applications for grant funding towards the cost of retaining private sector facilitators, mediators or consultants.

It is important to note that the *MGA* requires municipalities to attempt negotiations and mediation before bringing an inter-municipal land use dispute or a contested annexation to the Municipal Government Board. The Intermunicipal Relations team provides support for municipalities wanting or needing to go to mediation for an annexation of intermunicipal land use dispute.

Municipalities can use facilitated negotiations for any inter-municipal service, issue or dispute at any stage in their negotiations.

For more information on these services of the Intermunicipal Relations team, please refer to www.municipalaffairs.alberta.ca/MDRS.cfm.

Economic Development

The Economic Developers Association of Alberta (EDA Alberta) is an incorporated, non-profit organization formed to enhance the economic development profession in the province, providing an active network of communication, information and education. EDA coordinates programs and workshops for municipal councils and economic development committee members to help communities with their economic plans by creating an awareness of what they can do on the local front to enhance their economic development activities. The website is www.edaalberta.ca.

Provincial Legislation

This list is not all-inclusive; however, these additional Acts may impact a municipality.

Alberta Land Stewardship Act (ALSA) sets out the legal basis for regional land use planning in Alberta. It requires decision-making and local government bodies to review their regulatory instruments then make any necessary changes to ensure these instruments comply with the regional plan.

Cemeteries Act controls the disposition of human remains, ensures cemeteries meet requirements of local authorities, and protects consumers who invest in pre-need cemetery supplies and services. Awareness may be necessary as some municipalities own and operate cemeteries.

Emergency Management Act (EMA) governs measures taken during an emergency and requires municipalities to establish an emergency plan. It outlines the roles and responsibilities of the Minister of Municipal Affairs, the provincial government, and local authorities. The *EMA* provides the authority for the granting of additional powers during a state of emergency or a state of local emergency and governs the coming into force, expiration, and termination of these states of emergency.

Employment Standards Code establishes Alberta's minimum standards of employment in many areas including payment of wages, hours of work, overtime, vacation and holidays, leaves and termination of employment. It establishes the processes by which an employee can seek recourse if the standards have not been met.

Forest and Prairie Protection Act enables the protection of the forests and prairies of Alberta from wildfire. This legislation makes the chief elected official, each councillor and the chief administrative officer, by virtue of their offices, fire guardians in and for the municipal district except that part of the municipal district that is within a forest protection area.

Highways Development and Protection Act delineates the responsibilities and powers of the authorities that oversee the various categories of highways and roads in Alberta. It also prohibits and limits certain developments near highways and roads.

Interpretation Act sets out rules for interpreting legislation (various presumptions, definitions, rules of statutory interpretation and construction) that apply to all Alberta Acts and regulations, and who can act under legislation.

Land Titles Act details the legal mechanism for registration of land related documents and establishes priority between them. The government guarantees the title and a fund is established to compensate people who have been deprived of an interest in land, for situations such as an error made by the Registrar, fraud or forgery.

Local Authorities Elections Act (LAEA) governs municipal elections by establishing procedures around campaigning, voting and counting of votes.

Oaths of Office Act applies to oaths of allegiance, official oaths and judicial oaths. All elected officials must take an oath of office before they can fulfill their duties. It provides that any

person required by statute to make an oath is permitted to make a solemn affirmation instead of taking an oath.

Occupational Health and Safety Act (OHS) sets out the framework for health and safety in Alberta's workplaces, including municipalities.

Peace Officers Act establishes the roles of peace officers (non-police) in Alberta and allows different levels of government the opportunity to obtain peace officer status for community safety enhancement and specialized law enforcement needs. This act establishes the requirement for authorization of employers and appointment of peace officers including the application process, suspension/cancellations, employer liability and responsibility, the role of the Director of Law Enforcement, oversight process and the mechanism for public complaints. It also provides the offences and penalties.

Safety Codes Act establishes a unifying framework for the administration of ten safety disciplines which each have their own safety codes and standards. The Public Safety Division of Alberta Municipal Affairs administers the framework, including development of codes and standards adopted in Alberta, providing advice and technical support to the public, industry, all municipalities and the Safety Codes Council, monitoring the work of municipalities, corporations and agencies that administer the Act or provide services under the Act, and managing agencies under contract to provide services such as permits and inspections for municipalities that do not administer the Act in their jurisdiction.

Traffic Safety Act promotes safety on the province's highways, the definition of which includes any street, road, sidewalk or bridge that the public is ordinarily entitled or permitted to use.

Weed Control Act defines the actions municipalities in Alberta must take with respect to weed control, issuances of notices and the conditions necessary for appeal.

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Domestic Trade Agreements

Alberta municipalities are party to two trade agreements: the New West Partnership Trade Agreement (NWPTA) and the Agreement on Internal Trade (AIT). Through these agreements, the province has sought to reduce trade barriers, enhance labour mobility and open investment opportunities for Albertans and Alberta businesses. The Canadian Free Trade Agreement (CFTA) came into effect on July 1, 2017 replacing the Agreement on Internal Trade (AIT) that had been in force since 1995.

More information on how the procurement practices of Alberta municipalities are impacted by these trade agreements is available at economic.alberta.ca/trade-agreements.asp.



Province of Alberta

MUNICIPAL GOVERNMENT ACT

Revised Statutes of Alberta 2000
Chapter M-26

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

Amendments Not in Force

This consolidation incorporates only those amendments in force on the consolidation date shown on the cover. It does not include the following amendments:

2016 c24 s91(d) amends s616; s106 amends s650(1); s110 amends s655(1)(b); s123(a) amends s680; s129 (2020 c39 s9 - effective December 9, 2020) amends s687(3); s131(a)(iii) amends s694.

2017 c13 s1(4) repeals Division 5 of Part 3; s1(39) repeals and substitutes Division 4 of Part 10 ss380.1 to 380.5; s1(40) amends ss410(e); s1(41) amends s437(c); s1(61) amends s666; s1(62) amends s667; s1(63) amends s670(1); s1(64) adds s670.2.

2020 c35 s24 amends s596(1)(b).

2021 c6 s2 adds s74.1.

2021 cR-5.7 s7 amends s168, repeals and substitutes s219, adds Part 7.1 ss240.1 to 240.96, amends s540.

Regulations

The following is a list of the regulations made under the *Municipal Government Act* that are filed as Alberta Regulations under the Regulations Act.

	Alta. Reg.	Amendments
Municipal Government Act		
Aeronautics Act Agreements	33/2014	10/2016, 157/2020
Airport Vicinity Protection Area Repeal.....	99/97	
Airport Vicinity Protection Area Repeal.....	92/98	
Airport Vicinity Protection Areas		
Calgary International.....	177/2009	192/2010, 71/2014, 186/2017, 177/2018, 124/2019, 158/2020, 34/2021, 163/2021
Edmonton International.....	55/2006	86/2016, 185/2017
Alberta Social Housing Corporation		
Exemption	258/2017	
Business Improvement Area	93/2016	123/2021
Calgary Metropolitan Region Board	190/2017	102/2021
Canmore Undermining Exemption		
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Preamble

WHEREAS Alberta's municipalities, governed by democratically elected officials, are established by the Province, and are empowered to provide responsible and accountable local governance in order to create and sustain safe and viable communities;

WHEREAS Alberta's municipalities play an important role in Alberta's economic, environmental and social prosperity today and in the future;

WHEREAS the Government of Alberta recognizes the importance of working together with Alberta's municipalities in a spirit of partnership to co-operatively and collaboratively advance the interests of Albertans generally; and

WHEREAS the Government of Alberta recognizes that Alberta's municipalities have varying interests and capacity levels that require flexible approaches to support local, intermunicipal and regional needs;

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Interpretation

1(1) In this Act,

(a) "ALSA regional plan" means a regional plan as defined in the *Alberta Land Stewardship Act*;

(a.1) "business" means

(i) a commercial, merchandising or industrial activity or undertaking,

(ii) a profession, trade, occupation, calling or employment, or

(iii) an activity providing goods or services,

whether or not for profit and however organized or formed, including a co-operative or association of persons;

(b) "by-election" means an election to fill a vacancy on a council other than at a general election;

(c) "chief administrative officer" means a person appointed to a position under section 205;

- (d) “chief elected official” means the person elected or appointed as chief elected official under section 150;
- (e) “council” means
 - (i) the council of a city, town, village, summer village, municipal district or specialized municipality,
 - (ii) repealed 1995 c24 s2,
 - (iii) the council of a town under the *Parks Towns Act*, or
 - (iv) the council of a municipality incorporated by a special Act;
- (f) “council committee” means a committee, board or other body established by a council under this Act but does not include an assessment review board established under section 454 or a subdivision and development appeal board established under section 627;
- (g) “councillor” includes the chief elected official;
- (h) “designated officer” means a person appointed to a position established under section 210(1);
- (i) “elector” means a person who is eligible to vote in the election for a councillor under the *Local Authorities Election Act*;
- (j) “enactment” means
 - (i) an Act of the Legislature of Alberta and a regulation made under an Act of the Legislature of Alberta, and
 - (ii) an Act of the Parliament of Canada and a statutory instrument made under an Act of the Parliament of Canada,but does not include a bylaw made by a council;
- (k) “general election” means an election held to fill vacancies on council caused by the passage of time, and includes a first election;
- (k.1) “growth management board” means a growth management board established under Part 17.1;
- (k.2) “Indian band” means a band within the meaning of the *Indian Act* (Canada);

- (k.3) “Indian reserve” means a reserve within the meaning of the *Indian Act* (Canada);
- (l) “Land and Property Rights Tribunal” means the Land and Property Rights Tribunal established under the *Land and Property Rights Tribunal Act*;
- (m) “local authority” means
 - (i) a municipal authority,
 - (ii) a regional health authority under the *Regional Health Authorities Act*,
 - (iii) a regional services commission, and
 - (iv) the board of trustees of a school division under the *Education Act*;
- (n) “market value” means the amount that a property, as defined in section 284(1)(r), might be expected to realize if it is sold on the open market by a willing seller to a willing buyer;
- (o) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (p) “municipal authority” means a municipality, improvement district and special area and, if the context requires, in the case of an improvement district and special area,
 - (i) the geographical area of the improvement district or special area, or
 - (ii) the Minister, where the improvement district or special area is authorized or required to act;
- (q) repealed 2020 cL-2.3 s24(2);
- (r) “municipal purposes” means the purposes set out in section 3;
- (s) “municipality” means
 - (i) a city, town, village, summer village, municipal district or specialized municipality,
 - (ii) repealed 1995 c24 s2,
 - (iii) a town under the *Parks Towns Act*, or

- (iv) a municipality formed by special Act,
 - or, if the context requires, the geographical area within the boundaries of a municipality described in subclauses (i) to (iv);
- (t) “natural person powers” means the capacity, rights, powers and privileges of a natural person;
- (u) “owner” means
 - (i) in respect of unpatented land, the Crown,
 - (ii) in respect of other land, the person who is registered under the *Land Titles Act* as the owner of the fee simple estate in the land, and
 - (iii) in respect of any property other than land, the person in lawful possession of it;
- (v) “parcel of land” means
 - (i) where there has been a subdivision, any lot or block shown on a plan of subdivision that has been registered in a land titles office;
 - (ii) where a building affixed to the land that would without special mention be transferred by a transfer of land has been erected on 2 or more lots or blocks shown on a plan of subdivision that has been registered in a land titles office, all those lots or blocks;
 - (iii) a quarter section of land according to the system of surveys under the *Surveys Act* or any other area of land described on a certificate of title;
- (w) “pecuniary interest” means pecuniary interest within the meaning of Part 5, Division 6;
- (x) “population” means population as defined and determined in accordance with the regulations;
- (y) “public utility” means a system or works used to provide one or more of the following for public consumption, benefit, convenience or use:
 - (i) water or steam;
 - (ii) sewage disposal;

- (iii) public transportation operated by or on behalf of the municipality;
- (iv) irrigation;
- (v) drainage;
- (vi) fuel;
- (vii) electric power;
- (viii) heat;
- (ix) waste management;
- (x) residential and commercial street lighting,
and includes the thing that is provided for public consumption, benefit, convenience or use;
- (y.1) “regional services commission” means a regional services commission under Part 15.1;
- (z) “road” means land
 - (i) shown as a road on a plan of survey that has been filed or registered in a land titles office, or
 - (ii) used as a public road,
and includes a bridge forming part of a public road and any structure incidental to a public road;
- (z.1) “summer village residence” means a parcel of land having at least one building the whole or any part of which was designed or intended for, or is used as, a residence by one person or as a shared residence by 2 or more persons, whether on a permanent, seasonal or occasional basis;
- (aa) “tax” means
 - (i) a property tax,
 - (ii) a business tax,
 - (iii) a business improvement area tax,
 - (iii.1) a community revitalization levy,
 - (iv) a special tax,

- (v) a well drilling equipment tax,
- (v.1) a clean energy improvement tax,
- (vi) a local improvement tax, and
- (vii) a community aggregate payment levy;
- (bb) “taxpayer” means a person liable to pay a tax;
- (cc) “whole council” means
 - (i) all of the councillors that comprise the council under section 143,
 - (ii) if there is a vacancy on council and the council is not required to hold a by-election under section 162 or 163, the remaining councillors, or
 - (iii) if there is a vacancy on council and the Minister orders that the remaining councillors constitute a quorum under section 160 or 168, the remaining councillors.

(1.1) Repealed 2019 c22 s10(2).

(1.2) In this Act, a reference to a body of water is to be interpreted as a reference to

- (a) a permanent and naturally occurring water body, or
- (b) a naturally occurring river, stream, watercourse or lake.

(2) For the purposes of this Act, a municipality or group of municipalities controls a corporation if

- (a) the municipality or group of municipalities hold, other than by way of security only, securities of the corporation to which are attached more than 50% of the votes that may be cast to elect directors of the corporation and, if exercised, are sufficient to elect a majority of the directors of the corporation, or
- (b) all or a majority of its members or directors are appointed by the municipality or group of municipalities.

(2.1) For the purposes of the definition of “summer village residence” in subsection (1)(z.1), “building” includes a manufactured home, mobile home, modular home or travel trailer but does not include a tent.

(3) For the purposes of this Act, a meeting or part of a meeting is considered to be closed to the public if

- (a) any members of the public are not permitted to attend the entire meeting or part of the meeting,
- (b) the council, committee or other body holding the meeting instructs any member of the public to leave the meeting or part of the meeting, other than for improper conduct, or
- (c) the council, committee or other body holding the meeting holds any discussions separate from the public during the meeting or part of the meeting.

RSA 2000 cM-26 s1;2005 c14 s2;2012 cE-0.3 s279;2013 c17 s2;
2015 c8 s2;2016 c24 s4;2017 c13 s1(2);2017 c22 s38;2018 c6 s2;
2019 c22 s10(2);2020 cL-2.3 s24(2)

Application of Act

2(1) This Act applies to all municipalities and improvement districts.

(2) If there is an inconsistency between this Act and

- (a) repealed 1995 c24 s3,
- (b) the *Parks Towns Act*, or
- (c) a special Act forming a municipality,

the other Act prevails.

1994 cM-26.1 s2;1995 c24 s3

Indian reserves

2.1 No municipality, improvement district or special area constituted under the *Special Areas Act* includes land set apart as an Indian reserve.

2016 c24 s5;2017 c13 s2(2)

Part 1 Purposes, Powers and Capacity of Municipalities

Municipal purposes

3 The purposes of a municipality are

- (a) to provide good government,
- (a.1) to foster the well-being of the environment,

- (b) to provide services, facilities or other things that, in the opinion of council, are necessary or desirable for all or a part of the municipality,
- (c) to develop and maintain safe and viable communities, and
- (d) to work collaboratively with neighbouring municipalities to plan, deliver and fund intermunicipal services.

RSA 2000 cM-26 s3;2016 c24 s6;2017 c13 s1(3)

Corporation

- 4** A municipality is a corporation.

1994 cM-26.1 s4

Powers, duties and functions

- 5** A municipality

- (a) has the powers given to it by this and other enactments,
- (b) has the duties that are imposed on it by this and other enactments and those that the municipality imposes on itself as a matter of policy, and
- (c) has the functions that are described in this and other enactments.

1994 cM-26.1 s5

Natural person powers

- 6** A municipality has natural person powers, except to the extent that they are limited by this or any other enactment.

1994 cM-26.1 s6

Part 2 Bylaws

Division 1 General Jurisdiction

General jurisdiction to pass bylaws

- 7** A council may 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) people, activities and things in, on or near a public place or place that is open to the public;
- (c) nuisances, including unsightly property;

- (d) transport and transportation systems;
- (e) businesses, business activities and persons engaged in business;
- (f) services provided by or on behalf of the municipality;
- (g) public utilities;
- (h) wild and domestic animals and activities in relation to them;
- (i) the enforcement of bylaws made under this or any other enactment, including any or all of the following:
 - (i) the creation of offences;
 - (ii) for each offence, imposing a fine not exceeding \$10 000 or imprisonment for not more than one year, or both;
 - (iii) providing for the imposition of a penalty for an offence that is in addition to a fine or imprisonment so long as the penalty relates to a fee, cost, rate, toll or charge that is associated with the conduct that gives rise to the offence;
 - (iv) providing that a specified penalty prescribed under section 44 of the *Provincial Offences Procedure Act* is reduced by a specified amount if the penalty is paid within a specified time;
 - (v) providing for imprisonment for not more than one year for non-payment of a fine or penalty;
 - (vi) providing that a person who contravenes a bylaw may pay an amount established by bylaw and if the amount is paid, the person will not be prosecuted for the contravention;
 - (vii) providing for inspections to determine if bylaws are being complied with;
 - (viii) remedying contraventions of bylaws.

1994 cM-26.1 s7

Powers under bylaws

8 Without restricting section 7, a council may in a bylaw passed under this Division

- (a) regulate or prohibit;

- (b) deal with any development, activity, industry, business or thing in different ways, divide each of them into classes and deal with each class in different ways;
- (c) provide for a system of licences, permits or approvals, including any or all of the following:
 - (i) establishing fees for licences, permits and approvals, including fees for licences, permits and approvals that may be in the nature of a reasonable tax for the activity authorized or for the purpose of raising revenue;
 - (ii) establishing fees for licences, permits and approvals that are higher for persons or businesses who do not reside or maintain a place of business in the municipality;
 - (iii) prohibiting any development, activity, industry, business or thing until a licence, permit or approval has been granted;
 - (iv) providing that terms and conditions may be imposed on any licence, permit or approval, the nature of the terms and conditions and who may impose them;
 - (v) setting out the conditions that must be met before a licence, permit or approval is granted or renewed, the nature of the conditions and who may impose them;
 - (vi) providing for the duration of licences, permits and approvals and their suspension or cancellation for failure to comply with a term or condition or the bylaw or for any other reason specified in the bylaw;
- (c.1) establish and specify the fees, rates, fares, tariffs or charges that may be charged for the hire of taxis or limousines;
- (d) provide for an appeal, the body that is to decide the appeal and related matters.

1994 cM-26.1 s8;1998 c24 s2

Guides to interpreting power to pass bylaws

9 The power to pass bylaws under this Division is stated in general terms to

- (a) give broad authority to councils and to respect their right to govern municipalities in whatever way the councils consider appropriate, within the jurisdiction given to them under this or any other enactment, and

- (b) enhance the ability of councils to respond to present and future issues in their municipalities.

1994 cM-26.1 s9

Bylaw passing powers in other enactments

10(1) In this section, “specific bylaw passing power” means a municipality’s power or duty to pass a bylaw that is set out in an enactment other than this Division, but does not include a municipality’s natural person powers.

(2) If a bylaw could be passed under this Division and under a specific bylaw passing power, the bylaw passed under this Division is subject to any conditions contained in the specific bylaw passing power.

(3) If there is an inconsistency between a bylaw passed under this Division and one passed under a specific bylaw passing power, the bylaw passed under this Division is of no effect to the extent that it is inconsistent with the specific bylaw passing power.

1994 cM-26.1 s10

Relationship to natural person powers

11(1) Despite section 180(2), a municipality may do something under its natural person powers even if the thing could be done under a bylaw passed under this Division.

(2) Section 7(i) does not apply to a bylaw passed under a municipality’s natural person powers.

1994 cM-26.1 s11

Division 2 Scope of Bylaws

Geographic area of bylaws

12 A bylaw of a municipality applies only inside its boundaries unless

- (a) one municipality agrees with another municipality that a bylaw passed by one municipality has effect inside the boundaries of the other municipality and the council of each municipality passes a bylaw approving the agreement, or
- (b) this or any other enactment says that the bylaw applies outside the boundaries of the municipality.

1994 cM-26.1 s12

Relationship to Provincial law

13 If there is a conflict or inconsistency between a bylaw and this or another enactment, the bylaw is of no effect to the extent of the conflict or inconsistency.

RSA 2000 cM-26 s13;2015 c8 s3

Part 3

Special Municipal Powers and Limits on Municipal Powers

Division 1

Expropriation

Expropriation powers

14(1) In this section, “organization” means any of the following organizations in which the municipality is a member or has acquired shares:

- (a) a society under the *Societies Act*;
- (b) an association registered under Part 9 of the *Companies Act*;
- (c) a corporation under the *Business Corporations Act* that is a charity or operates for non-profit purposes;
- (d) a controlled corporation as defined in section 75.1.

(2) If a council wants to acquire an estate or interest in land, inside or outside the municipality

- (a) for a purpose authorized by an enactment,
- (b) to carry out an area redevelopment plan under Part 17, whether undertaken by the municipality alone or in conjunction with another person,
- (c) to improve land owned by the municipality,
- (d) for the purpose of selling the land as building sites,
- (e) to enable an organization to carry out a development as defined in Part 17 or a redevelopment, or
- (f) for any other municipal purpose,

it may acquire the estate or interest in the land by expropriation under the *Expropriation Act*.

(3) No council may expropriate an estate or interest in mines or minerals.

(4) The expropriation of an estate or interest in land that is outside the municipality is subject to section 72.

(5) When the council is of the opinion that the municipality can obtain a more reasonable price or other advantage by acquiring the whole or a larger portion of any parcel of land of which a part may be expropriated by the municipality, the municipality may expropriate the whole or the larger portion of the parcel.

RSA 2000 cM-26 s14;2016 c24 s7

Expropriating part of a parcel

15(1) If a municipality's notice of intention to expropriate proposes to expropriate a portion of a parcel of land, the owner of the parcel may apply to the Land and Property Rights Tribunal to direct the municipality to expropriate the whole of the parcel.

(2) The Tribunal may direct the municipality to expropriate the whole of the parcel of land if, in the opinion of the Tribunal, the expropriation of a part of the parcel is unfair to the owner of the parcel.

RSA 2000 cM-26 s15;2020 cL-2.3 s24(3)

Division 2 Roads

Title to roads

16(1) The title to all roads in a municipality, other than a city, is vested in the Crown in right of Alberta.

(2) The title to all roads in a city is vested in the city unless another Act or agreement provides otherwise.

(3) Nothing in this section gives a city title to mines and minerals.

1994 cM-26.1 s16

Disposal of estate or interest in roads

17(1) Subject to any other Act or agreement, the council of a city has the power and is deemed always to have had the power to dispose of an interest in a road in the city so long as the disposition does not amount to a sale or lease or require a road closure under section 22.

(2) No interest disposed of under subsection (1) may be registered in a land titles office.

1994 cM-26.1 s17

Control of roads

18(1) Subject to this or any other Act, a municipality has the direction, control and management of all roads within the municipality.

(2) Subject to this or any other Act, a municipal district also has the direction, control and management of roads and road diversions surveyed for the purpose of opening a road allowance as a diversion from the road allowance on the south or west boundary of the district although the roads or road diversions are outside the boundaries of the municipal district.

(3) Nothing in this section gives a municipality the direction, control and management of mines and minerals.

1994 cM-26.1 s18

Rocky Mountains Forest Reserve

19 In The Municipal District of Bighorn No. 8 and Clearwater County, the Minister of Transportation has the direction, control and management of roads within the Rocky Mountains Forest Reserve constituted under the *Forest Reserves Act*.

RSA 2000 cM-26 s19;2007 c16 s5;2013 c10 s21

Specialized municipalities

20(1) The Minister of Transportation has the direction, control and management of roads within a specialized municipality that has been formed in whole or in part from an improvement district.

(2) Despite subsection (1), the Minister of Transportation and the council of the specialized municipality may enter into an agreement providing that all or part of the direction, control and management of roads within the specialized municipality may be exercised by the specialized municipality.

(3) If there is an agreement under subsection (2), the Minister of Transportation may require that a specialized municipality pay for the cost of fulfilling the Minister's responsibilities with respect to roads within the specialized municipality, and the specialized municipality must pay the amount of the requisition as soon as practicable after the requisition is made.

RSA 2000 cM-26 s20;2007 c16 s5;2013 c10 s21

Land abutting roads

21 If a municipality acquires land abutting a road intending that the land will become part of the road and, before the land is incorporated into the road, the municipality grants to an adjoining land owner a licence or permit to occupy the land, the land subject to the licence or permit is deemed to be part of the road.

1994 cM-26.1 s21;1996 c30 s2

Road closure

22(1) No road in a municipality that is subject to the direction, control and management of the municipality may be closed except by bylaw.

- (2) A bylaw closing a road must be advertised.
- (3) A bylaw closing a road made by the council of a municipality that is not a city has no effect unless it is approved by the Minister of Transportation before the bylaw receives second reading.
- (4) Before passing a bylaw closing a road, a person who claims to be affected prejudicially by the bylaw or that person's agent must be given an opportunity to be heard by the council.

RSA 2000 cM-26 s22;2007 c16 s5;2013 c10 s21

Compensation

23(1) Any person who occupies, owns or has an interest in land that sustains damages through the closing of a road by bylaw must be compensated for the damages.

(2) If the municipality is not able to agree with the claimant on the amount of compensation, the compensation must be determined by the Land and Property Rights Tribunal.

(3) This section does not apply in respect of the removal of

- (a) a roadway of a street or part of a street that provides a physical means of access to or from a controlled street, or
- (b) a direct physical means of access between a controlled street and land adjacent to the controlled street

under section 28 of the *Highways Development and Protection Act*.

RSA 2000 cM-26 s23;2004 cH-8.5 s69;2020 cL-2.3 s24(40)

Closure of unnecessary road

24 Despite section 22, the council of a municipal district may by resolution, with the approval of the Minister of Transportation, close the whole or any part of a road described in a surveyed road plan that the council determines is no longer required for use by the travelling public owing to the existence of an alternate route.

RSA 2000 cM-26 s24;2007 c16 s5;2013 c10 s21

Temporary road closure

25 Despite section 22, a council by resolution or a designated officer if authorized by resolution of the council may temporarily close the whole or a part of a road at any time that a construction or maintenance project on or adjacent to the road may create a hazard.

1994 cM-26.1 s25

Temporary roads and rights of way

26(1) In this section, "private land" means land that is not owned by the Crown in right of Alberta or of Canada or their agents.

- (2) A council may by bylaw open a temporary road or a temporary right of way on private land.
- (3) A temporary road or right of way established under this section may be kept open for not more than 2 years.
- (4) The owner and occupant of land over which the temporary road or right of way passes are entitled to compensation from the municipality for the use of the temporary road or right of way and for loss or damage caused by the temporary road or right of way.
- (5) If there is no agreement on compensation, the compensation must be decided by the Land and Property Rights Tribunal.
- (6) Section 22 does not apply to a temporary road or right of way established under this section.

RSA 2000 cM-26 s23;2020 cL-2.3 s24(40)

Leases

- 27(1)** This section applies to a portion of a road that is within a municipality and that is deemed to be closed because a Crown lease has been granted for the portion of the road.
- (2) Subject to the rights of any lessee of any Crown lease referred to in subsection (1), the council of the municipality may by bylaw, reopen the whole or part of the portion of the road that was closed.
- (3) If the whole or a part of a road is reopened, the council must send a copy of the bylaw to the Minister of Transportation.

RSA 2000 cM-26 s27;2007 c16 s5;2013 c10 s21

Forestry roads

- 27.1(1)** In this section and sections 27.2 to 27.5,
- (a) “agreement holder” means the person who has entered into an agreement with a municipality under section 27.2;
- (b) “former forestry road” means a road within a municipality that was designated as a forestry road under section 6 of the *Highways Development and Protection Act* or under section 14 of the *Public Highways Development Act*, but does not include a forestry road that has subsequently been designated as a provincial highway under the *Highways Development and Protection Act* or designated as a primary highway under the *Public Highways Development Act*.
- (2) No person may use a former forestry road for commercial or industrial purposes unless the person is authorized to use the road for a commercial or industrial purpose under an agreement referred to in section 27.2.

(3) Nothing in this section prevents a person from using a former forestry road for a purpose other than a commercial or industrial purpose.

RSA 2000 cM-26 s27.1;2004 cH-8.5 s69

Forestry road agreement

27.2 A municipality may enter into an agreement with a person with respect to a former forestry road that

- (a) authorizes the person to use the road for commercial and industrial purposes,
- (b) authorizes the person
 - (i) to allow others to use the road for commercial or industrial purposes, and
 - (ii) to charge those others a fee for that use,
- (c) requires the person to maintain the road according to specifications or standards referred to in the agreement and to be responsible for capital improvements to the road, and
- (d) deals with any other matter concerning the road that the parties consider appropriate.

1998 c24 s3

Fees charged to other users

27.3(1) An agreement holder may not charge a person who uses a former forestry road for a commercial or industrial purpose an amount that exceeds a reasonable fee based on the increased maintenance and administrative costs of the agreement holder as a result of the person's use of the road.

(2) If there is a dispute concerning the amount of the reasonable fee, the matter must be referred to the Minister, and the Minister or a person selected by the Minister must determine the amount of the fee.

(3) The decision of the Minister or the person selected by the Minister is final and binding.

1998 c24 s3

Failure to maintain road

27.4(1) If the agreement holder does not maintain the former forestry road in accordance with the agreement and the municipality incurs costs in maintaining the road, the costs incurred by the municipality are an amount owing by the agreement holder to the municipality.

(2) Repealed 1999 c11 s3.

1998 c24 s3;1999 c11 s3

Unauthorized commercial or industrial use

27.5(1) A person who contravenes section 27.1(2) is liable to pay to the agreement holder, for each day that the contravention occurs, 5% of the agreement holder's cost of maintaining and adding capital improvements to the former forestry road in the calendar year preceding the contravention.

(2) The agreement holder may collect the amount the agreement holder is owed under subsection (1) by civil action for debt.

1998 c24 s3

Existing agreements

27.6 Where an order designating a road as a forestry road under section 6 of the *Highways Development and Protection Act* or section 14 of the *Public Highways Development Act* is repealed, any existing agreements made by the Minister of Transportation in respect of the road are deemed to be agreements made by the municipality in which the road exists.

RSA 2000 cM-26 s27.6;2004 cH-8.5 s69

Division 3 Public Utilities General

Definitions

28 In this Division,

- (a) "customer" has the meaning given to it in the *Electric Utilities Act*;
- (a.1) "easement" means an easement, interest or right held by a municipality for the purpose of locating the system or works of a municipal public utility;
- (b) "municipal public utility" means the system or works of a public utility operated by or on behalf of a municipality or a subsidiary of a municipality within the meaning of section 1(3) of the *Electric Utilities Act* other than under an agreement referred to in section 45;
- (c) "municipal utility service" means a utility service provided by a municipal public utility;
- (d) "non-municipal public utility" means the system or works of a public utility operated by or on behalf of a person under an agreement referred to in section 45;

- (d.1) “retailer” has the meaning given to it in the *Electric Utilities Act*;
- (e) “service connection” means the part of the system or works of a public utility that runs from the main lines of the public utility to a building or other place on a parcel of land for the purpose of providing the utility service to the parcel and includes those parts of the system or works described in section 29;
- (f) “utility service” means the thing that is provided by the system or works of a public utility.

RSA 2000 cM-26 s28;2003 cE-5.1 s165

Interpretation

28.1(1) In this section,

- (a) “municipal tariff matter” means any matter relating to a transmission tariff, a distribution tariff or a regulated rate tariff of a municipality or of a subsidiary of a municipality that is subject to the jurisdiction of the Alberta Utilities Commission under the *Electric Utilities Act*;
- (b) “transmission tariff”, “distribution tariff”, “regulated rate tariff” and “subsidiary” have the same meaning as they have in the *Electric Utilities Act*.

(2) In the event of an inconsistency between the *Electric Utilities Act* and this Act in respect of a municipal tariff matter, the *Electric Utilities Act* prevails.

2003 cE-5.1 s165; 2007 cA-37.2 s82(17)

Composition of system or works

29 When the system or works of a public utility involve pipes, wires or other things that connect to a building, the system or works include

- (a) the pipes, wires or things
 - (i) running up to the building,
 - (ii) located on or within the exterior walls of the building, and
 - (iii) running from the exterior walls to couplings, stop-cocks, meters and other apparatus placed inside the building by the municipality or person providing the public utility,

and

- (b) those couplings, stop-cocks, meters and other apparatus.

1994 cM-26.1 s29

Long-term supply agreements to public utilities

30(1) If a council proposes to make an agreement to supply water, steam or fuel to a public utility for a period that, with rights of renewal, could exceed 5 years, the agreement must be approved by the Alberta Utilities Commission before it is made.

(2) If a council or a municipal public utility proposes to make an agreement regarding the supply of electric power for a period that, with rights of renewal, could exceed 5 years, the agreement must be approved by the Alberta Utilities Commission before it is made.

(3) The approval of the Alberta Utilities Commission is not required under subsection (2) if the proposed agreement relates to or arises from the supply of electric power under

- (a) a power purchase arrangement,
- (b) a generation asset held or sold by the Balancing Pool, or
- (c) a direct sales agreement.

(4) In subsection (3), “power purchase arrangement”, “generation asset”, “direct sales agreement” and “Balancing Pool” have the same meaning as they have in the *Electric Utilities Act*.

RSA 2000 cM-26 s30; 2003 cE-5.1 s165; 2007 cA-37.2 s82(17)

Regulation of gas supply obtained from direct sellers

31(1) In this section,

- (a) “consumer” means a consumer of gas who takes delivery of the gas at its place of consumption by means of an urban gas system operated by a distributor;
- (b) “direct seller” means a person, other than a distributor, who sells gas to a consumer or to another person who purchases the gas as an agent of the consumer for the purposes of this section;
- (c) “distributor” means
 - (i) an urban municipality that operates an urban gas system, or
 - (ii) a rural gas co-operative association as defined in the *Gas Distribution Act*, that operates an urban gas system under an agreement referred to in section 45;

- (d) “urban gas system” means the system or works of a public utility for the distribution of gas to consumers within an urban municipality;
- (e) “urban municipality” means a city, town, village or summer village.

(2) The Lieutenant Governor in Council may make regulations

- (a) establishing classes of consumers for the purposes of this section;
- (b) respecting the conditions to which the rights of consumers under subsection (3) are subject;
- (c) governing, with respect to any matters provided for in the regulations, the rights and obligations of
 - (i) distributors,
 - (ii) direct sellers,
 - (iii) consumers, and
 - (iv) agents of consumers for purposes related to this section.

(3) Subject to the regulations, a consumer has the right to obtain a supply of gas from a direct seller for delivery to the consumer by means of an urban gas system operated by a distributor, subject to the rates, charges or tolls and on the terms and conditions established by the distributor with respect to the transportation of the gas.

(4) The Alberta Utilities Commission, on the application of a consumer or direct seller aggrieved by an unreasonable refusal of the distributor to provide service for the transportation of gas to the consumer by means of the distributor’s urban gas system or by any unreasonable term or condition under which the transportation service is or is sought to be provided by the distributor, may make an order

- (a) directing the distributor to provide the transportation service in accordance with the provisions of the order,
- (b) amending, replacing or voiding the term or condition, or
- (c) settling the term or condition.

(5) Section 45 does not apply to the sale of gas by a direct seller to a consumer or to another person who purchases the gas as an agent of the consumer for the purposes of this section.

RSA 2000 cM-26 s31; 2007 cA-37.2 s82(17)

Other authorizations and approvals

32 Nothing in this Division exempts a municipality or other person operating a public utility from obtaining necessary approvals or other authorizations under an enactment or bylaw.

1994 cM-26.1 s32

Municipal Public Utilities

Prohibiting other public utilities

33 When a municipality provides a municipal utility service, the council may by bylaw prohibit any person other than the municipality from providing the same or a similar type of utility service in all or part of the municipality.

1994 cM-26.1 s33

Exception

33.1 A bylaw under section 33 shall not prohibit a retailer from providing to customers in all or any part of the municipality the functions or services that retailers are permitted to provide under the *Electric Utilities Act* or the regulations under that Act.

2003 cE-5.1 s165

Duty to supply utility service

34(1) If the system or works of a municipal public utility that provide a municipal utility service are adjacent to a parcel of land, the municipality must, when it is able to do so and subject to any terms, costs or charges established by council, provide the municipal utility service to the parcel on the request of the owner of the parcel.

(2) If the system or works of a municipal public utility that provide a municipal utility service are adjacent to a parcel of land, the municipality may, when it is able to do so and subject to any terms, costs or charges established by council, provide the municipal utility service to the parcel on the request of the occupant of the parcel who is not the owner.

1994 cM-26.1 s34

Parcels adjacent to roads and easements

35(1) This section applies when the main lines of the system or works of a municipal public utility are located above, on or underneath a road or easement and the municipality provides the municipal utility service to a parcel of land adjacent to the road or easement.

(2) The municipality is responsible for the construction, maintenance and repair of the portion of the service connection from the main lines of the system or works to the boundary of the road or easement.

(3) Despite subsection (2), the council may as a term of supplying the municipal utility service to the parcel of land make the owner responsible for the costs of the construction, maintenance and repair of the portion of the service connection from the main lines of the system or works to the boundary of the road or easement.

(4) If the owner is responsible for the costs of the construction, maintenance or repair referred to in subsection (3), those costs are an amount owing to the municipality by the owner.

1994 cM-26.1 s35

Right of entry - main lines

36(1) This section applies to

- (a) the main lines of the system or works of a municipal public utility located above, on or underneath a road or easement, and
- (b) the portion of a service connection referred to in section 35(2).

(2) A municipality may enter on any land for the purpose of constructing, repairing or maintaining the system or works described in subsection (1).

(3) After the municipality has constructed, repaired or maintained the system or works, the municipality must, at its expense, restore any land that has been entered on under subsection (2) as soon as practicable.

(4) If the municipality does not restore the land as soon as practicable and the owner of the land restores it, the municipality is liable to the owner for the restoration costs.

1994 cM-26.1 s36

Service connections - owner

37(1) The owner of a parcel of land is responsible for the construction, maintenance and repair of a service connection of a municipal public utility located above, on or underneath the parcel.

(2) If the municipality is not satisfied with the construction, maintenance or repair of the service connection, the municipality may require the owner of the parcel of land to do something in accordance with its instructions with respect to the construction, maintenance or repair of the system or works by a specified time.

(3) If the thing has not been done to the satisfaction of the municipality within the specified time or in an emergency, the municipality may enter on any land or building to construct, maintain or repair the service connection.

1994 cM-26.1 s37

Service connections - municipality

38(1) Despite section 37, the council may as a term of providing a municipal utility service to a parcel of land give the municipality the authority to construct, maintain and repair a service connection located above, on or underneath the parcel.

(2) A municipality that has the authority to construct, maintain or repair a service connection under subsection (1) may enter on any land or building for that purpose.

1994 cM-26.1 s38

Restoration and costs

39(1) After the municipality has constructed, maintained or repaired the service connection located above, on or underneath a parcel of land under section 37 or 38, the municipality must restore any land entered on as soon as practicable.

(2) The municipality's costs relating to the construction, maintenance or repair under section 37 or 38 and restoration costs under this section are an amount owing to the municipality by the owner of the parcel.

1994 cM-26.1 s39

Buildings

40(1) When a municipal utility service is provided to a building that has more than one apartment, office or other unit, the system or works of the municipal public utility may be installed over the different apartments, offices or other units.

(2) The system or works must be attached to the outside of the building unless consent is given to install them inside.

1994 cM-26.1 s40

Discontinue providing public utility

41 In accordance with its bylaws, a municipality may, for any lawful reason,

- (a) discontinue providing a municipal utility service after giving reasonable notice of its intention to do so, and
- (b) remove the system or works of the municipal public utility used to provide the utility service.

1994 cM-26.1 s41

Liability for public utilities charges

42(1) The charges for a municipal utility service provided to a parcel of land are an amount owing to the municipality by the owner of the parcel.

(2) If the municipality agrees to provide a municipal utility service to a parcel of land on the request of an occupant of the parcel who is not the owner, the charges for the municipal utility service provided to the parcel are an amount owing to the municipality by the occupant and not the owner.

1994 cM-26.1 s42

Appeal

43(1) A person who uses, receives or pays for a municipal utility service may appeal a service charge, rate or toll made in respect of it to the Alberta Utilities Commission, but may not challenge the public utility rate structure itself.

(2) If the Alberta Utilities Commission is satisfied that the person's service charge, rate or toll

- (a) does not conform to the public utility rate structure established by the municipality,
- (b) has been improperly imposed, or
- (c) is discriminatory,

the Commission may order the charge, rate or toll to be wholly or partly varied, adjusted or disallowed.

RSA 2000 cM-26 s43; 2007 cA-37.2 s82(17)

Dispute with other municipalities

44(1) If

- (a) a municipality is supplying a utility service to a person outside the municipality, and
- (b) there is a dispute between the municipality supplying the utility service and any other municipality in connection with the rates, tolls or charges,

the dispute may be submitted to the Alberta Utilities Commission.

(2) The Commission may make an order on any terms and conditions that it considers proper.

(3) This section applies whether or not a public utility is subject to the control and orders of the Alberta Utilities Commission pursuant

to section 111 of the *Public Utilities Act* or section 4 of the *Gas Utilities Act*.

RSA 2000 cM-26 s44; 2007 cA-37.2 s82(17)

Non-municipal Public Utilities

Granting rights to provide utility service

45(1) A council may, by agreement, grant a right, exclusive or otherwise, to a person to provide a utility service in all or part of the municipality, for not more than 20 years.

(2) The agreement may grant a right, exclusive or otherwise, to use the municipality's property, including property under the direction, control and management of the municipality, for the construction, operation and extension of a public utility in the municipality for not more than 20 years.

(3) Before the agreement is made, amended or renewed, the agreement, amendment or renewal must

- (a) be advertised, and
- (b) be approved by the Alberta Utilities Commission.

(4) Subsection (3)(b) does not apply to an agreement to provide a utility service between a council and a regional services commission.

(5) Subsection (3) does not apply to an agreement to provide a utility service between a council and a subsidiary of the municipality within the meaning of section 1(3) of the *Electric Utilities Act*.

RSA 2000 cM-26 s45; 2003 cE-5.1 s165; 2007 cA-37.2 s82(17)

Exception

45.1 An agreement made under section 45 shall not grant an exclusive right to provide to customers in all or any part of the municipality the functions or services that retailers are permitted to provide under the *Electric Utilities Act* or the regulations under that Act.

2003 cE-5.1 s165

Prohibiting other non-municipal public utilities

46 When a person provides a utility service in a municipality under an agreement referred to in section 45, the council may by bylaw prohibit any other person from providing the same or a similar utility service in all or part of the municipality.

1994 cM-26.1 s46

Exception

46.1 A bylaw under section 46 shall not prohibit a retailer from providing to customers in all or any part of the municipality the functions or services that retailers are permitted to provide under the *Electric Utilities Act* or the regulations under that Act.

2003 cE-5.1 s165

Renewals

47(1) An agreement referred to in section 45 that is not renewed continues in effect until either party, with the approval of the Alberta Utilities Commission, terminates it on 6 months' notice.

(2) If notice to terminate has been given under subsection (1), the municipality has the right to purchase the rights, systems and works of the public utility.

(3) If the municipality wishes to purchase the rights, systems and works and no agreement on the purchase can be reached, either party may refer the matter to the Alberta Utilities Commission.

(4) After the matter is referred to the Alberta Utilities Commission, the Commission must by order fix the terms and price of the purchase and the order is binding on the parties.

RSA 2000 cM-26 s47; 2007 cA-37.2 s82(17)

47.1 Repealed 2016 c24 s8.

Division 4 Repealed 2008 cE-6.6 s55.

Division 5 Business Improvement Areas

Purpose

50 A council may by bylaw establish a business improvement area for one or more of the following purposes:

- (a) improving, beautifying and maintaining property in the business improvement area;
- (b) developing, improving and maintaining public parking;
- (c) promoting the business improvement area as a business or shopping area.

RSA 2000 cM-26 s50; 2015 c8 s5

Board

51(1) A business improvement area is governed by a board consisting of members appointed by council under the business improvement area bylaw.

(2) The board is a corporation.

RSA 2000 cM-26 s51;2015 c8 s6

Civil liability of board members

52(1) In this section, “approved budget” means a budget of the board of a business improvement area that has been approved by council.

(2) A member of a board of a business improvement area that makes an expenditure that is not included in an approved budget is liable to the municipality for the expenditure.

(3) If more than one member is liable to the municipality under this section in respect of a particular expenditure, the members are jointly and severally liable to the municipality for the expenditure.

(4) The liability may be enforced by action by

- (a) the municipality, or
- (b) a person who is liable to pay the business improvement area tax imposed in the business improvement area.

RSA 2000 cM-26 s52;2015 c8 s6

Regulations

53 The Minister may make regulations

- (a) respecting the establishment of a business improvement area;
- (b) setting out what must be included in a business improvement area bylaw;
- (c) respecting the appointment, term and renewal of members of the board of a business improvement area;
- (d) respecting the powers and duties of the board and the board’s annual budget;
- (e) respecting the disestablishment of a business improvement area and the dissolution of a board;
- (f) that operate despite Part 8, authorizing a municipality to lend money to a board and to borrow money on behalf of a board;

- (g) establishing restrictions on the municipality providing money to the board.

RSA 2000 cM-26 s53;2015 c8 s7

Division 6 Miscellaneous Powers

Providing services in other areas

54(1) A municipality may provide outside its municipal boundaries any service or thing that it provides within its municipal boundaries

- (a) in another municipality, but only with the agreement of the other municipality, and
- (b) in any other location within or adjoining Alberta, but only with the agreement of the authority whose jurisdiction includes the provision of the service or thing at that location.

(2) Without limiting the generality of subsection (1)(b), a municipality may enter into an agreement respecting services with an Indian band or a Metis settlement.

RSA 2000 cM-26 s54;2016 c24 s9;2017 c13 s2(3)

Sharing taxes and grants

55(1) A municipality may enter into an agreement with

- (a) another municipality, or
- (b) a collecting board as defined in section 176 of the *Education Act*,

to share grants paid under section 366 or taxes.

(2) The agreement must include a means to settle disputes arising from the agreement.

RSA 2000 cM-26 s55;2012 cE-0.3 s279;2016 c24 s10

Civic holidays

56(1) A council may declare up to 2 days in a year as civic holidays.

(2) The minimum length of a civic holiday is a half day.

1994 cM-26.1 s56

Census

57 A council may conduct a census.

1994 cM-26.1 s57

Road names

58(1) A municipality may name roads or areas within its boundaries and may assign a number or other means of identification to buildings or parcels of land.

(2) A municipality may require an owner or occupant of a building or a parcel of land to display the identification in a certain manner.

1994 cM-26.1 s58

Hamlets

59(1) The council of a municipal district or specialized municipality may designate an unincorporated community described in subsection (2) that is within its boundaries to be a hamlet.

(2) An unincorporated community may be designated a hamlet if the community

- (a) consists of 5 or more buildings used as dwellings, a majority of which are on parcels of land smaller than 1850 square metres,
- (b) has a generally accepted boundary and name, and
- (c) contains parcels of land that are used for non-residential purposes.

(3) The designation of a hamlet must specify the hamlet's name and boundaries.

1994 cM-26.1 s59;1995 c24 s8

Bodies of water

60(1) Subject to any other enactment, a municipality has the direction, control and management of the bodies of water within the municipality, including the air space above and the ground below.

(2) Nothing in this section gives a municipality the direction, control and management of mines and minerals.

RSA 2000 cM-26 s60;2016 c24 s11

Granting rights over property

61(1) A municipality may grant rights, exclusive or otherwise, with respect to its property, including property under the direction, control and management of the municipality.

(2) A municipality may charge fees, tolls and charges for the use of its property, including property under the direction, control and management of the municipality.

1994 cM-26.1 s61

Acquiring land for roads

62(1) In this section, “owner” includes

- (a) in the case of land that is being acquired under an agreement for sale, the owner of the fee simple estate in the land and the purchaser under the agreement for sale who has registered the interest against the certificate of title for the land;
- (b) in the case of land that is subject to a lease for which a certificate of title has been issued, the owner of the fee simple estate in the land and the lessee under that lease.

(2) When a municipality makes an agreement with the owner of land to acquire the land for the purpose of a road, culvert, ditch or drain, title to the land is vested in the city, or in the case of any other municipality, the Crown in right of Alberta, by filing with the Registrar of Land Titles

- (a) plans of survey showing the land to be acquired, and
- (b) a certificate of a designated officer stating that
 - (i) an agreement has been reached with the owner of the land to be acquired and the price to be paid,
 - (ii) all persons registered on certificates of title that have an interest in land that is within 40 metres of the boundary of the land to be acquired as shown on the plans of survey have been notified by registered mail, and
 - (iii) the person signing the certificate is a designated officer.

(3) When the title to land vests under subsection (2), it is not necessary to register a transfer for that land.

(4) A municipality is not entitled to mines and minerals in any land vested in it pursuant to this section and the title to any mines or minerals is not affected by the filing of any plan of survey pursuant to this section.

1994 cM-26.1 s62

Division 7

Revision and Consolidation of Bylaws

Definitions

62.1 In this Division, “revised bylaw” means a bylaw that has been revised under section 63.

2017 c13 s1(5)

Revising bylaws

63(1) A council of a municipality may, by bylaw, revise any of its bylaws or any one or more provisions of them in accordance with this section.

(2) A bylaw under this section may

- (a) omit and provide for the repeal of a bylaw or a provision of a bylaw that is inoperative, obsolete, expired, spent or otherwise ineffective;
- (b) omit, without providing for its repeal, a bylaw or a provision of a bylaw that is of a transitional nature or that refers only to a particular place, person or thing or that has no general application throughout the municipality;
- (c) combine 2 or more bylaws into one bylaw, divide a bylaw into 2 or more bylaws, move provisions from one bylaw to another and create a bylaw from provisions of one or more other bylaws;
- (d) alter the citation and title of a bylaw and the numbering and arrangement of its provisions, and add, change or omit a note, heading, title, marginal note, diagram or example to a bylaw;
- (e) omit the preamble and long title of a bylaw;
- (f) omit forms or other material contained in a bylaw that can more conveniently be contained in a resolution, and add authority for the forms or other material to be prescribed by resolution;
- (g) make changes, without materially affecting the bylaw in principle or substance,
 - (i) to correct clerical, technical, grammatical or typographical errors in a bylaw,
 - (ii) to bring out more clearly what is considered to be the meaning of a bylaw, or
 - (iii) to improve the expression of the law.

(3) The title of a revised bylaw must include the words “revised bylaw”.

(4) A bylaw under this section must not be given first reading until after the chief administrative officer has certified in writing that the proposed revisions were prepared in accordance with this section.

RSA 2000 cM-26 s63;2017 c13 s1(5)

64 Repealed 2017 c13 s1(6).

Requirements relating to revised bylaws

65 A bylaw made in accordance with section 63 and the resulting revised bylaw are deemed to have been made in accordance with all the other requirements of this Act respecting the passing and approval of those bylaws, including any requirements for advertising and public hearings.

RSA 2000 cM-26 s65;2017 c13 s1(7)

Effects of revised bylaws

66(1) The provisions of a revised bylaw that replace provisions of a previous bylaw, when they have the same effect, operate retrospectively as well as prospectively and are deemed to come into force on the days on which the corresponding previous bylaws came into force.

(2) If the provisions of the revised bylaws do not have the same effect,

- (a) the provisions of the revised bylaws prevail with respect to all transactions, matters and things occurring on or after the day the revised bylaws come into force, and
- (b) the provisions of the previous bylaws prevail with respect to all earlier transactions, matters and things.

RSA 2000 cM-26 s66;2017 c13 s1(8)

References to repealed bylaws

67 A reference in a bylaw, enactment or document to a bylaw that has been revised under section 63 or to a provision of a bylaw that has been revised under section 63 is, in respect of any transaction, matter or thing occurring after the revised bylaw or provision, as the case may be, comes into force, to be considered as a reference to the revised bylaw or provision.

RSA 2000 cM-26 s67;2017 c13 s1(9)

68 Repealed 2017 c13 s1(10).

Consolidation of bylaws

69(1) A council may by bylaw authorize a designated officer to consolidate one or more of the bylaws of the municipality.

- (2) In consolidating a bylaw, the designated officer must
- (a) incorporate all amendments to it into one bylaw, and
 - (b) omit any provision that has been repealed or that has expired.
- (3) A printed document purporting
- (a) to be a copy of a bylaw consolidated under this section, and
 - (b) to be printed under the authority of a designated officer,
- is proof, in the absence of evidence to the contrary, of the original bylaw, of all bylaws amending it, and of the fact of the passage of the original and all amending bylaws.

1994 cM-26.1 s69

Division 8

Limits on Municipal Powers

Disposal of land

- 70(1)** If a municipality proposes to transfer or grant an estate or interest in
- (a) land for less than its market value, or
 - (b) a public park or recreation or exhibition grounds,
- the proposal must be advertised.
- (2) The proposal does not have to be advertised if the estate or interest is
- (a) to be used for the purposes of supplying a public utility,
 - (b) transferred or granted under Division 8 of Part 10 before the period of redemption under that Division, or
 - (c) to be used by a non-profit organization as defined in section 241(f).

1994 cM-26.1 s70;1995 c24 s9

Mines and minerals

- 71** No municipality may acquire an estate or interest in mines or minerals without the approval of the Lieutenant Governor in Council.

1994 cM-26.1 s71;1996 c30 s3

Acquisition of land outside municipal boundaries

72(1) A municipality may acquire an estate or interest in land outside its boundaries only if

- (a) the council of the municipal authority in whose boundaries the land is located consents in writing to the acquisition or, in the case of a municipal authority that is an improvement district or special area, the Minister consents in writing to the acquisition,
- (a.1) in the case of land located in a province or territory adjoining Alberta, the local government within whose boundaries the land is located consents in writing to the acquisition, and
- (b) after the written consent is given, the council that wishes to acquire the estate or interest in the land authorizes the acquisition.

(2) This section does not apply when a municipality acquires

- (a) an option on land outside its boundaries, but it does apply when the municipality exercises the option, or
- (b) an estate or interest in mines and minerals.

1994 cM-26.1 s72;1996 c30 s4;1999 c11 s5

73 Repealed 2016 c24 s12.

Firearms

74 A bylaw of a municipal district prohibiting in all or a part of the municipal district the shooting or use of a firearm or other device that propels a projectile does not come into force until the bylaw has been approved by the Minister responsible for the *Wildlife Act*.

1994 cM-26.1 s74;1995 c24 s10

Forest and Prairie Protection Act

75(1) In this section, “forest protection area” means a forest protection area designated under the *Forest and Prairie Protection Act*.

(2) The council of a municipal district may not pass a bylaw respecting fires that applies to the part of the municipal district in a forest protection area.

(3) Despite subsection (2), the council may pass a bylaw respecting fires, other than forest or running fires, that applies to the part of a hamlet that is within a forest protection area.

(4) Repealed 2016 c22 s26.

RSA 2000 cM-26 s75;2016 c22 s26

Division 9 Controlled Corporations

Control of corporations

75.1(1) In this Division,

- (a) “controlled corporation” means a corporation controlled by a municipality or a group of municipalities and includes a subsidiary, within the meaning of section 2(4) of the *Business Corporations Act*, of such a corporation;
- (b) “corporation” means a corporation that operates for the purpose of making a profit.

(2) A municipality, by itself or with other municipalities, may establish and control, or obtain control of, a corporation only if the council of the municipality

- (a) passes a resolution authorizing the municipality to control the corporation by itself or with other municipalities, as the case may be, and
- (b) is satisfied that
 - (i) the controlled corporation will carry on business solely for one or more of the purposes described in section 3,
 - (ii) the controlled corporation will provide a service or benefit to residents of the municipality or group of municipalities that controls it, and
 - (iii) the profits and dividends of the controlled corporation will provide a direct benefit to the residents of the municipality or group of municipalities that controls it.

(3) Before a council passes a resolution under subsection (2)(a), the council must

- (a) consider a business plan that addresses the matters referred to in subsection (4), and
- (b) hold a public hearing in accordance with the regulations.

(4) The matters to be addressed in a business plan referred to in subsection (3)(a) include

- (a) the costs related to establishing and controlling or obtaining control of the corporation, as the case may be,

- (b) the value of any assets of the municipality or group of municipalities that are to be transferred to the corporation,
- (c) a cash flow projection for the next 3 years of the corporation's operation,
- (d) the corporation's financial statements and operating and capital budgets for the most recent 5 years, or if the corporation has existed for less than 5 years, the financial statements and operating and capital budgets for each year it has existed, and
- (e) any other information prescribed by the regulations.

2016 c24 s13

Financial statements and other reports

75.2(1) The council of each municipality that controls a corporation must ensure that the controlled corporation submits to the council the annual financial statements referred to in section 279 and any other reports prescribed by the regulations.

(2) A council must make available for public inspection the annual financial statements and any other reports that it receives from a controlled corporation under subsection (1).

2016 c24 s13

Material change

75.3 If there is a proposed material change to the business operations of a controlled corporation, the council of each municipality that controls the corporation must, in accordance with the regulations,

- (a) notify the residents of the municipality of the proposed material change, and
- (b) provide an opportunity to residents of the municipality to make representations.

2016 c24 s13

Utility services provided by controlled corporation

75.4(1) Part 2 of the *Public Utilities Act* does not apply in respect of a public utility that

- (a) is owned or operated by a controlled corporation, and
- (b) provides a utility service within the boundaries of a municipality or a group of municipalities that controls the corporation.

(2) If there is a dispute between a regional services commission and a controlled corporation that owns or operates a utility service with respect to

- (a) rates, tolls or charges for a service that is a public utility,
- (b) compensation for the acquisition by the commission of facilities used to provide a service that is a public utility, or
- (c) the commission's use of any road, square, bridge, subway or watercourse to provide a service that is a public utility,

any party involved in the dispute may submit it to the Alberta Utilities Commission, and the Alberta Utilities Commission may issue an order on any terms and conditions that the Alberta Utilities Commission considers appropriate.

(3) Sections 43 to 47, except section 45(3)(b), apply to a utility service provided by a controlled corporation.

2016 c24 s13

Regulations

75.5(1) The Minister may make regulations

- (a) providing that certain types of corporations may not be controlled by a municipality or a group of municipalities without the Minister's approval;
- (b) respecting terms and conditions that apply when a municipality or a group of municipalities controls a corporation;
- (c) prescribing information to be included in a business plan for the purposes of section 75.1(4)(e);
- (d) respecting public hearings to be held under section 75.1(3)(b), including, without limitation, the form and nature of information that must be made available to the public before a public hearing is held;
- (e) prescribing reports for the purposes of section 75.2(1);
- (f) respecting the manner in which a council must notify residents of the municipality of a material change to a controlled corporation;
- (g) respecting the timing, scope and methods of obtaining public input from residents of a municipality regarding a material change to a controlled corporation;

- (h) defining any term or expression that is used but not defined in this Division;
- (i) specifying or describing by reference the provisions of this or any other enactment that do not apply, or that apply with modifications, to a controlled corporation;
- (j) specifying or describing by reference any provisions that are to be added to or that are to replace the provisions of this Act or any other enactment in respect of a controlled corporation.

(2) Regulations made under subsection (1) may apply in respect of one or more controlled corporations or may apply generally.

2016 c24 s13

Part 4

Formation, Fundamental Changes and Dissolution

Division 1

General Criteria

Principles, standards and criteria

76(1) The Minister may establish and publish principles, standards and criteria that are to be taken into account in considering the formation, change of status or dissolution of municipalities and the amalgamation of or annexation of land from municipal authorities.

(2) The *Regulations Act* does not apply to the principles, standards and criteria.

1994 cM-26.1 s76

Division 2

Formation

Types of municipality that may be formed

77 The following types of municipality may be formed under this Part:

- (a) municipal district;
- (b) repealed 1995 c24 s11;
- (c) village;
- (d) town;
- (e) city;

- (f) specialized municipality.

1994 cM-26.1 s77;1995 c24 s11

Municipal district

78 A municipal district may be formed for an area in which

- (a) a majority of the buildings used as dwellings are on parcels of land with an area of at least 1850 square metres, and
- (b) there is a population of 1000 or more.

1994 cM-26.1 s78

79 Repealed 1995 c24 s12.

Village

80 A village may be formed for an area in which

- (a) a majority of the buildings are on parcels of land smaller than 1850 square metres, and
- (b) there is a population of 300 or more.

1994 cM-26.1 s80

Town

81 A town may be formed for an area in which

- (a) a majority of the buildings are on parcels of land smaller than 1850 square metres, and
- (b) there is a population of 1000 or more.

1994 cM-26.1 s81

City

82 A city may be formed for an area in which

- (a) a majority of the buildings are on parcels of land smaller than 1850 square metres, and
- (b) there is a population of 10 000 or more.

1994 cM-26.1 s82

Specialized municipality

83 A specialized municipality may be formed for an area

- (a) in which the Minister is satisfied that a type of municipality referred to in section 77(a), (b), (c), (d) or (e) does not meet the needs of the residents of the proposed municipality,
- (b) to provide for a form of local government that, in the opinion of the Minister, will provide for the orderly

development of the municipality to a type of municipality referred to in section 77(a), (b), (c), (d) or (e), or to another form of specialized municipality, or

- (c) in which the Minister is satisfied for any other reason that it is appropriate in the circumstances to form a specialized municipality.

1994 cM-26.1 s83

Modification of requirements

84 The Minister may by order, in a particular case, make minor modifications to the requirements in sections 78 to 83 if the Minister considers there is justifiable reason for doing so.

1994 cM-26.1 s84

Initiating formation

85(1) A municipality may be formed on the Minister's initiative or if

- (a) the Minister receives a request to form the municipality from a council of a municipality or an improvement district, or
- (b) the Minister receives a sufficient petition requesting the formation of the municipality from electors within the boundaries of the proposed municipality numbering at least 30% of the population within the boundaries of the proposed municipality.

(2) A request or petition referred to in subsection (1) must specify the boundaries of the proposed municipality.

1994 cM-26.1 s85;1995 c24 s13

Factors to be considered

86 Before a municipality is formed, the Minister must consider

- (a) the principles, standards and criteria on formation established under section 76,
- (b) the viability, including the financial viability, of
 - (i) the proposed municipality operating as a separate entity, and
 - (ii) any remaining municipality continuing to operate as a separate entity,

and

- (c) any agreements on common boundaries.

1994 cM-26.1 s86

Public input**87(1)** Before a municipality is formed, the Minister

- (a) must invite comments on the proposed municipality from all local authorities that the Minister considers would be affected by the formation of the proposed municipality and from any other person the Minister considers necessary,
- (b) must invite comments on the proposed municipality from the public,
- (c) may conduct one or more meetings of the public to discuss the probable effects of the formation, and
- (d) may hold a vote of those people who would be electors of the proposed municipality.

(2) If the Minister holds a vote, the vote must be conducted in accordance with the *Local Authorities Election Act* as modified by directions given by the Minister.

1994 cM-26.1 s87

Formation order

88 The Lieutenant Governor in Council, on the recommendation of the Minister, may by order form a municipality.

1994 cM-26.1 s88

Contents of order**89(1)** A formation order must

- (a) describe the boundaries of the municipality formed by the order,
- (b) give the municipality the status of municipal district, village, town, city or specialized municipality, and
- (c) give the municipality an official name.

(2) If a municipal district is formed, the order

- (a) must state the number of councillors that is to comprise its council,
- (b) must establish wards for it and describe their boundaries,

- (c) may specify or describe by reference, the provisions of this or other enactments that do not apply to the municipal district, or that apply with or without modification, and
- (d) may specify or describe by reference, any provisions that are to be added to or replace the provisions of this or other enactments.

(3) If a specialized municipality is formed, the order must state the number of councillors that is to comprise its council and apply either section 150(1) or (2) to the municipality and may

- (a) establish wards for it and describe their boundaries;
- (b) specify or describe by reference, the provisions of this or other enactments that do not apply to the specialized municipality, or that apply with or without modification;
- (c) specify or describe by reference, any provisions that are to be added to or replace the provisions of this or other enactments;
- (d) prescribe matters or conditions that govern the functions, powers and duties of the specialized municipality;
- (e) if a specialized municipality is formed all or partly from an improvement district, provide that Part 15 continues to apply to the specialized municipality as if it were an improvement district.

(4) If the order provides that Part 15 continues to apply to a specialized municipality under subsection (3)(e), the Minister may at any time in respect of the specialized municipality

- (a) exercise any of the powers that the Minister has in respect of an improvement district under Part 15 or any other enactment, including the power to delegate;
- (b) limit the power, authority or jurisdiction of the specialized municipality;
- (c) prescribe how or the conditions under which the specialized municipality may exercise any power or authority;
- (d) require the specialized municipality to exercise or perform a power, right or duty of a municipality;
- (e) authorize the council to pass some or all of the bylaws that the council of a municipal district may pass, subject to any conditions the Minister imposes.

(5) If a municipality is formed from an improvement district, the order may dissolve the improvement district.

1994 cM-26.1 s89;1995 c24 s14

Summer village

89.1 The fact that a summer village may not be formed under this Act does not affect any existing summer village, and this Act continues to apply to summer villages.

1995 c24 s15

Official administrator

90 When a municipality is formed and there is no council, the Minister may appoint an official administrator who has all the powers and duties of a council of the municipality until the first council of the municipality is sworn into office.

1994 cM-26.1 s90

Division 3 Change of Status

Meaning of change of status

91 A reference to changing the status of a municipality in this Part means changing a municipal district, summer village, village, town, city or specialized municipality to another type of municipality within that group.

1994 cM-26.1 s91

Summer village

91.1 The status of a municipality may not be changed to the status of a summer village.

1995 c24 s16

Application of formation rules

92 The requirements in sections 78 to 83 respecting the formation of municipalities apply to changing the status of municipalities.

1994 cM-26.1 s92

Initiation of change of status

93 The status of a municipality may be changed if

- (a) the Minister receives a request from the municipality's council,
- (b) the Minister receives a sufficient petition from the majority of the electors in the municipality requesting the change in status, or
- (c) the Minister is satisfied that the municipality no longer meets the requirements in sections 78 to 82 or, in the case of

a specialized municipality, that the reasons for its original formation as a specialized municipality no longer exist.

1994 cM-26.1 s93

Public input

94 Before the status of a municipality is changed, the Minister

- (a) must notify the council of the municipality of the proposed change,
- (b) may invite comments on the proposed change of status from all local authorities that the Minister considers would be affected by the change and from any other person the Minister considers necessary,
- (c) may invite comments on the proposed change of status from the public, and
- (d) may conduct one or more meetings of the public to discuss the probable effects of the change of status.

1994 cM-26.1 s94

Consideration of principles

95 Before the status of a municipality is changed, the Minister must consider the principles, standards and criteria on change of status established under section 76.

1994 cM-26.1 s95

Change of status order

96 The Lieutenant Governor in Council, on the recommendation of the Minister, may by order change the status of a municipality.

1994 cM-26.1 s96

Contents of order

97(1) An order changing the status of a municipality to a municipal district must include the provisions referred to in section 89(2).

(2) An order changing the status of a municipality to a specialized municipality must state the number of councillors that is to comprise its council and apply either section 150(1) or (2) to the municipality and may deal with any of the other matters referred to in section 89(3) and (4).

1994 cM-26.1 s97

97.1 Repealed 1999 c26 s14.

Effect of change of status

97.2(1) When the status of a municipality is changed,

- (a) each councillor of the old municipality continues as a councillor of the new municipality until a successor is sworn into office;
 - (b) each officer and employee of the old municipality continues as an officer or employee of the new municipality with the same rights and duties until the council of the new municipality otherwise directs;
 - (c) all bylaws and resolutions of the old municipality that the new municipality has the authority to pass are continued as the bylaws and resolutions of the new municipality;
 - (d) all taxes due to the old municipality are deemed to be arrears of taxes due to the new municipality and may be collected and dealt with by the new municipality as if it had imposed the taxes;
 - (e) all rights of action and actions by or against the old municipality may be continued or maintained by or against the new municipality;
 - (f) all property vested in the old municipality becomes vested in the new municipality and may be dealt with by the new municipality in its own name subject to any trusts or other conditions applicable to the property;
 - (g) all other assets, liabilities, rights, duties, functions and obligations of the old municipality become vested in the new municipality, and the new municipality may deal with them in its own name.
- (2) Subsection (1) is subject to the order changing the status of the municipality.

1995 c24 s17

Division 4

Change of Name

Change of name order

98 The Lieutenant Governor in Council, on the request of a municipality's council and on the recommendation of the Minister, may change the name of the municipality.

1994 cM-26.1 s98

Effect of change of name

99(1) The change of a municipality's name does not affect any obligation, right, action or property of the municipality.

(2) The use of the old name of the municipality in any proceedings, agreements, notices or documents after the name has been changed does not affect the validity of those proceedings, agreements, notices or documents.

1994 cM-26.1 s99

Division 5 Amalgamation

Application

100 This Division does not apply to the amalgamation of

- (a) an improvement district with another improvement district, or
- (b) a special area with another special area.

1994 cM-26.1 s100

Restriction on amalgamation

101(1) Subject to subsection (2), no order amalgamating municipal authorities may be made that would result in an area of land that is

- (a) not included in any municipal authority, or
- (b) part of the amalgamated municipal authority, but is not contiguous with other land in the amalgamated municipal authority.

(2) An order may amalgamate 2 or more summer villages whose boundaries are not contiguous but border on or include all or part of the same body of water.

(3) Despite section 77, an order may amalgamate 2 or more summer villages if it gives the amalgamated municipal authority the status of a summer village.

(4) Where an order gives an amalgamated municipal authority the status of a summer village as required by subsection (3), the status of the summer village may be changed in accordance with Division 3.

RSA 2000 cM-26 s101;2015 c8 s9

Initiation of amalgamation proceedings

102 The procedure for the amalgamation of 2 or more municipal authorities may be initiated

- (a) by a municipal authority,
- (b) by 2 or more municipal authorities in accordance with the regulations made under section 106.1, or

- (c) by the Minister under section 107.

RSA 2000 cM-26 s102;2015 c8 s10

Initiation by municipal authority

103(1) A municipal authority initiates an amalgamation by giving written notice of the proposed amalgamation to

- (a) the one or more municipal authorities with which it proposes to amalgamate,
- (b) the Minister, and
- (c) all local authorities having jurisdiction to operate or provide services in the initiating municipal authority or in any of the municipal authorities with which it proposes to amalgamate.

(2) If an amalgamation proposed by an initiating municipal authority would result in an area of land that is within the perimeter of the boundary of the amalgamated municipal authority, but is not part of the amalgamated municipal authority, the initiating municipal authority must give notice of its intention to annex that land when it gives notice of the proposed amalgamation.

(3) Subsection (2) does not apply if the area of land within the perimeter of the boundary of the proposed amalgamated municipal authority is the area of an existing municipal authority.

(4) The notice for an amalgamation must

- (a) include the names of all the municipal authorities that are to be amalgamated and the reasons for the proposed amalgamation, and
- (b) include proposals for consulting with all local authorities referred to in subsection (1)(c) and the public about the proposed amalgamation.

RSA 2000 cM-26 s103;2017 c13 s1(11)

Direct negotiations

104(1) The municipal authorities with which the initiating municipal authority proposes to amalgamate must, on receipt of the notice under section 103, meet with the initiating municipal authority to discuss the proposals included in the notice and negotiate the proposals in good faith.

(2) The initiating municipal authority must keep the Minister informed of the progress of the negotiations.

1994 cM-26.1 s104

Report on negotiations

105(1) On conclusion of the negotiations, the initiating municipal authority must prepare a report that describes the results of the negotiations and that includes

- (a) a list of the relevant matters, including those referred to in sections 89(1), (2), (3) and (4) and 111, that are agreed on and a list of any of those matters on which there is no agreement between the municipal authorities,
- (b) a description of the public consultation processes involved in the negotiations, and
- (c) a summary of the views expressed during the public consultation processes.

(2) The report must

- (a) include a certificate by the initiating municipal authority stating that the report accurately reflects the results of the negotiations, and
- (b) be approved by resolution of the council of the initiating municipal authority and by resolution of the councils of the other municipal authorities that agree to the amalgamation.

(3) A municipal authority whose council does not pass a resolution approving the report may include in the report its reasons for not approving.

RSA 2000 cM-26 s105;2015 c8 s11

Disposition of report

106(1) On completion of the report on the direct negotiations, the initiating municipal authority must submit the report to the Minister and send a copy of it to the municipal authorities with which it proposes to amalgamate and any other local authority the initiating municipal authority considers would be affected.

(2) If the initiating municipal authority indicates in the report that it wishes to proceed with the amalgamation, the report becomes the initiating municipal authority's application for the amalgamation.

1994 cM-26.1 s106

Regulations

106.1(1) The Minister may make regulations for the purpose of enabling municipalities to jointly initiate an amalgamation, including, without limitation, regulations

- (a) specifying or describing by reference one or more provisions of this Division that do not apply, or that apply with modifications, to the joint initiation of amalgamations;
- (b) specifying or setting out provisions that apply in addition to, or instead of, the provisions of this Division in respect of the joint initiation of amalgamations;
- (c) respecting procedures for the joint initiation of amalgamations.

(2) Regulations under this section may be made to apply generally or specifically.

2015 c8 s12

Initiation by Minister

107 The Minister may initiate an amalgamation of 2 or more municipal authorities if the Minister believes that the operation of the municipal authority to be formed by the amalgamation will be more effective or efficient than the municipal authorities to be amalgamated.

1994 cM-26.1 s107

Notice by Minister

108 When the Minister initiates an amalgamation, the Minister

- (a) must give written notice of it to the municipal authorities proposed to be amalgamated and any local authority that the Minister considers would be affected by the proposed amalgamation,
- (b) may invite comments on the proposed amalgamation from all local authorities that the Minister considers would be affected by the amalgamation and from any other person the Minister considers necessary,
- (c) may invite comments on the proposed amalgamation from the public, and
- (d) may conduct one or more meetings of the public to discuss the probable effects of the proposed amalgamation.

1994 cM-26.1 s108

Consideration of principles

109 Before municipal authorities are amalgamated, the Minister must consider the principles, standards and criteria on amalgamation established under section 76.

1994 cM-26.1 s109

Amalgamation order

110 The Lieutenant Governor in Council, on the recommendation of the Minister, may by order amalgamate municipal authorities to form a new municipality.

1994 cM-26.1 s110

Contents of order

111 An order to amalgamate municipal authorities may

- (a) dissolve one or more of the councils of the municipal authorities that are amalgamated,
- (b) provide for an interim council,
- (c) require a municipal authority to pay compensation to another municipal authority set out in the order or by means determined in the order, including arbitration under the *Arbitration Act*, and
- (d) deal with any of the matters referred to in section 89.

1994 cM-26.1 s111

Official administrator

112 When a municipality is formed by amalgamation and there is no council, the Minister may appoint an official administrator who has all the powers and duties of a council of the municipality until the first council of the municipality is sworn into office.

1994 cM-26.1 s112

Division 6 Annexation

Mediation

112.1 In this Division, “mediation” in respect of an annexation means a process involving a neutral person as mediator who assists the initiating municipal authority and the one or more municipal authorities from which the land is to be annexed, and any other person brought in with the agreement of those municipal authorities, to reach their own mutually acceptable settlement of the matter by structuring negotiations, facilitating communication and identifying the issues and interests of the participants.

1999 c11 s6

Application

113 This Division does not apply to the annexation of land

- (a) from an improvement district to another improvement district, or

- (b) from a special area to another special area.

1994 cM-26.1 s113

Restriction on annexation

114 No order that annexes land to a municipal authority may be made if the land to be annexed is not contiguous with the boundaries of the municipal authority.

1994 cM-26.1 s114

Annexations of same land

115(1) A municipal authority may not initiate or proceed with more than one proposed annexation at any one time concerning the same land.

(2) A municipal authority may not initiate or proceed with a proposed annexation when the municipal authority is proceeding with an amalgamation, unless the annexation is of the type referred to in section 103(2).

1994 cM-26.1 s115

Initiation of annexation

116(1) A municipal authority initiates the annexation of land by giving written notice of the proposed annexation to

- (a) the one or more municipal authorities from which the land is to be annexed,
- (a.1) the Minister,
- (b) the Land and Property Rights Tribunal, and
- (c) all local authorities having jurisdiction to operate or provide services in the initiating municipal authority or in any of the municipal authorities from which the land is to be annexed.

(2) The notice for an annexation must

- (a) describe the land proposed to be annexed,
- (b) set out the reasons for the proposed annexation, and
- (c) include proposals for
 - (i) consulting with the public about the proposed annexation, and
 - (ii) meeting with the owners of the land to be annexed, and keeping them informed about the progress of the negotiations.

RSA 2000 cM-26 s116;2017 c13 s1(12);2020 cL-2.3 s24(41)

Direct negotiations

117(1) The municipal authorities from which the land is to be annexed must, on receipt of the notice under section 116, meet with the initiating municipal authority to discuss the proposals included in the notice and negotiate the proposals in good faith.

(2) If there are matters on which there is no agreement, the initiating municipal authority and the one or more municipal authorities from which the land is to be annexed must, during the negotiations, attempt to use mediation to resolve those matters.

1994 cM-26.1 s117;1999 c11 s7

Report on negotiations

118(1) On conclusion of the negotiations, the initiating municipal authority must prepare a report that describes the results of the negotiations and that includes

- (a) a list of the matters agreed on and those on which there is no agreement between the municipal authorities,
- (a.1) if there were matters on which there was no agreement, a description of the attempts to use mediation and, if mediation did not occur, the reasons for this,
- (b) a description of the public consultation processes involved in the negotiations, and
- (c) a summary of the views expressed during the public consultation processes.

(2) The report must be signed by the initiating municipal authority and by the municipal authorities from which the land is to be annexed that are prepared to sign and must include a certificate by the initiating municipal authority stating that the report accurately reflects the results of the negotiations.

(3) A municipal authority that does not sign the report may include in the report its reasons for not signing.

1994 cM-26.1 s118;1999 c11 s8

Disposition of report

119(1) The initiating municipal authority must submit the completed report to the Land and Property Rights Tribunal and send a copy of it to the municipal authorities from which the land is to be annexed and any other local authority the initiating municipal authority considers would be affected.

(2) If the initiating municipal authority indicates in the report that it wishes to proceed with the annexation, the report becomes the initiating municipal authority's application for the annexation.

RSA 2000 cM-26 s119;2020 cL-2.3 s24(41)

General agreement on proposed annexation

120(1) If the initiating municipal authority wishes the annexation to proceed and the Land and Property Rights Tribunal is satisfied that the affected municipal authorities and the public are generally in agreement with the annexation, the Tribunal must notify the Minister and all the local authorities that it considers would be affected by the annexation, and anyone else the Tribunal considers should be notified, that

- (a) there appears to be general agreement with the proposed annexation, and
- (b) unless objections to the annexation are filed with the Tribunal by a specified date, the Tribunal will make its recommendation to the Minister without holding a public hearing.

(2) If no objections are filed with the Tribunal by the specified date, the Tribunal must

- (a) consider the principles, standards and criteria on annexation established under section 76, and
- (b) prepare a written report with its recommendations and send it to the Minister.

(3) If objections are filed with the Tribunal by the specified date, the Tribunal

- (a) may investigate, analyze and make findings of fact about the annexation, including the probable effect on local authorities and on the residents of an area, and
- (b) must conduct one or more hearings in respect of the annexation and allow any affected person to appear before the Tribunal at a hearing.

RSA 2000 cM-26 s120;2020 cL-2.3 s24(4)

No general agreement on proposed annexation

121 If the initiating municipal authority wishes the annexation to proceed and the Land and Property Rights Tribunal is not satisfied that the affected municipal authorities or the public are in general agreement with the annexation, the Tribunal

- (a) must notify the Minister and all the local authorities that it considers would be affected by the annexation, and anyone else the Tribunal considers should be notified, that there is not general agreement with the proposed annexation,
- (b) may investigate, analyze and make findings of fact about the annexation, including the probable effect on local authorities and on the residents of an area, and
- (c) must conduct one or more hearings in respect of the annexation and allow any affected person to appear before the Tribunal at a hearing.

RSA 2000 cM-26 s121;2020 cL-2.3 s24(5)

Notice of hearing and costs

122(1) The Land and Property Rights Tribunal must publish a notice of a hearing under section 120(3) or 121 at least once a week for 2 consecutive weeks in a newspaper or other publication circulating in the affected area, the 2nd notice being not less than 6 days before the hearing.

(2) The Land and Property Rights Tribunal may determine the costs of and incidental to a hearing and decide by whom and to whom the costs are to be paid.

(3) Section 502 applies to a decision of the Tribunal relating to costs under this section.

RSA 2000 cM-26 s122;2020 cL-2.3 s24(6)

Tribunal's report

123 After one or more hearings under section 120(3) or 121 have been held and after considering the reports and representations made to it and the principles, standards and criteria on annexation established under section 76, the Tribunal must prepare a written report of its findings and recommendations and send it to the Minister.

RSA 2000 cM-26 s123;2020 cL-2.3 s24(39)

Contents of report

124(1) A report by the Land and Property Rights Tribunal to the Minister under this Division must set out

- (a) a recommendation on whether land should be annexed to the initiating municipal authority or other municipal authority;
- (b) if it is recommending annexation, a description of the land, whether there should be revenue sharing and any terms, conditions and other things the Tribunal considers necessary or desirable to implement the annexation.

(2) If the Tribunal does not recommend that land be annexed in its report, the Tribunal must provide the report to all local authorities that it considers would be affected by the annexation.

RSA 2000 cM-26 s124;2020 cL-2.3 s24(7)

Annexation order

125 The Lieutenant Governor in Council, after considering the report of the Tribunal, may by order annex land from a municipal authority to another municipal authority.

RSA 2000 cM-26 s125;2020 cL-2.3 s24(39)

Annexation order without report

126 Despite sections 116 to 125, the Lieutenant Governor in Council, on the recommendation of the Minister, may by order annex land to a municipal authority.

1994 cM-26.1 s126;1996 c30 s6

Contents of order

127(1) An order to annex land to a municipal authority may

- (a) require a municipal authority to pay compensation to another municipal authority in an amount set out in the order or to be determined by means specified in the order, including arbitration under the *Arbitration Act*,
- (b) dissolve a municipal authority as a result of the annexation, and
- (c) deal with any of the matters referred to in section 89.

(1.1) Where an area of land is the subject of an exemption or deferral granted under section 364.2 by one municipal authority and an order referred to in subsection (1) annexes all or part of that land to another municipal authority, the order must require the receiving municipal authority to continue the exemption or deferral in respect of the annexed land, subject to any terms the Lieutenant Governor in Council considers appropriate.

(2) Where under section 664.2 a municipality has paid compensation to a landowner for conservation reserve that is subsequently annexed by order to another municipality, the order must require the municipality to which the land is annexed to pay compensation to the other municipality in the same amount that was paid to the landowner.

RSA 2000 cM-26 s127;2016 c24 s13.1;2017 c13 s2(4);2019 c6 s2

Public utilities

127.1(1) In this section, “utility agreement” means an agreement approved by the Alberta Utilities Commission in which a

municipality grants a right to a person to provide a public utility in all or part of the municipality.

(2) An annexation of land does not affect any right under a utility agreement to provide a public utility on the annexed land unless the annexation order provides otherwise.

(3) This section does not apply to a right to provide a natural gas service if the right is subject to section 23 of the *Gas Distribution Act*.

RSA 2000 cM-26 s127.1;2007 cA-37.2 s82(17)

Annexation refused

128 If an application for an annexation of land is refused, the Minister must notify the initiating municipal authority of the refusal and the initiating municipal authority may not make another annexation application concerning the same land for a period of one year after it receives notice of the refusal.

1994 cM-26.1 s128

Regulations

128.1 The Minister may make regulations

- (a) respecting procedures to be followed under this Division;
- (b) defining terms used in this Division but not defined in this Act.

2015 c8 s13

Division 7 Dissolution

Application

129 This Division does not apply to the dissolution of a municipality as a result of an annexation.

1994 cM-26.1 s129

Viability review

130(1) The Minister must, before a municipality is dissolved,

- (a) undertake a viability review, and
- (b) after completing the viability review, hold a vote of the electors of the municipality on the proposed dissolution.

(2) The Minister may undertake a viability review in respect of a municipality if

- (a) the Minister receives a request for a viability review from the council of the municipality,

- (b) the Minister receives a sufficient petition requesting a viability review from electors of the municipality numbering at least 30% of the municipality's population or, in the case of a summer village, a sufficient petition requesting the review from a number of the electors of the summer village equal to at least 50% of the number of summer village residences in the summer village, or
 - (c) the Minister believes a viability review is warranted.
- (3) A viability review must be conducted in a manner determined by the Minister.
- (4) If the Minister receives a request in accordance with subsection (2)(a) or a sufficient petition in accordance with subsection (2)(b) and in the Minister's opinion a process other than a viability review is more appropriate, the Minister may require that that process be undertaken instead of undertaking a viability review.

RSA 2000 cM-26 s130;2013 c9 s2;2016 c24 s14

Completion of viability review

130.1 After completing a viability review, the Minister may

- (a) by order direct the council or the chief administrative officer to take any actions, based on the results of the viability review, that the Minister considers appropriate to ensure the viability of the municipality, or
- (b) hold a vote of the electors of the municipality on whether the municipality should
 - (i) be dissolved, or
 - (ii) not be dissolved, but be required to take any actions, based on the results of the viability review, that the Minister considers appropriate to ensure the viability of the municipality.

2013 c9 s2

Vote

130.2(1) A vote held under section 130.1(b) must be conducted in accordance with the *Local Authorities Election Act* as modified by directions given by the Minister.

(2) If the electors vote that the municipality should be dissolved, the Minister must recommend to the Lieutenant Governor in Council that the municipality be dissolved in accordance with section 133.

(3) If the electors vote that the municipality should not be dissolved, the Minister must by order direct the council or the chief administrative officer to take the actions referred to in section 130.1(b)(ii).

2013 c9 s2

Dismissal

130.3 If an order of the Minister under section 130.1(a) or 130.2(3) is not carried out to the satisfaction of the Minister, the Minister may dismiss the council or any member of it or the chief administrative officer of the municipality, and section 574(3) to (6) apply in respect of the dismissal.

2013 c9 s2

131 and **132** Repealed 2013 c9 s3.

Dissolution order

133(1) The Lieutenant Governor in Council, on the recommendation of the Minister, may by order dissolve a municipality.

(2) A dissolution order

- (a) must direct that all or part of the land in the dissolved municipality becomes part of another municipal authority,
- (b) may deal with any of the matters referred to in section 89, and
- (c) may appoint a liquidator and specify the liquidator's powers, duties and functions.

1994 cM-26.1 s133;1995 c24 s19

Tax

134 If the liabilities of the dissolved municipality exceed its assets, the Lieutenant Governor in Council may authorize the successor of the dissolved municipality to impose an additional tax under Part 10 on property located in the area of the dissolved municipality to pay for those excess liabilities.

1994 cM-26.1 s134;1998 c24 s5

Transitional

134.1(1) In this section, "amending Act" means the *Municipal Government Amendment Act, 2013*.

(2) A dissolution study that was commenced, but not completed, before the coming into force of the amending Act may, as determined by the Minister, be continued

- (a) as a dissolution study under and in conformity with this Act as it read before the coming into force of the amending Act, or
- (b) as a viability review under and in conformity with this Act as it reads after the coming into force of the amending Act.

2013 c9 s4

Division 8 General Provisions

Effect of certain orders

135(1) When an order under this Part has the effect of including or placing an area of land that was in one municipal authority, called in this section the “old municipal authority”, in another municipal authority, called in this section the “new municipal authority”, as a result of an annexation or the formation, amalgamation or dissolution of a municipal authority, then, unless the order provides otherwise,

- (a) the new municipal authority becomes the successor of the old municipal authority with respect to that area of land and the old municipal authority ceases to have any jurisdiction with respect to that area of land,
- (a.1) all taxes due to the old municipal authority are deemed to be arrears of taxes due to the new municipal authority and may be collected and dealt with by the new municipal authority as if it had imposed the taxes,
- (a.2) all rights of action and actions by or against the old municipal authority that relate to that area of land become rights of action and actions by or against the new municipal authority and cease to be rights of action and actions by or against the old municipal authority,
- (b) all the assets, liabilities, rights, duties, functions and obligations of the old municipal authority that relate to that area of land automatically pass to the new municipal authority and cease to be those of the old municipal authority,
- (c) in the case of an amalgamation or an annexation, if at the time of the notice under section 103 or 116 any land or any portion of it is designated or required to be provided as a public utility lot, environmental reserve, conservation reserve, municipal reserve or municipal and school reserve under Part 17 or a former Act as defined in Part 17, on the amalgamation or annexation taking effect the ownership of

the land becomes vested in the new municipal authority in place of the old municipal authority, and

- (d) bylaws and resolutions of the old municipal authority that apply specifically to the area of land continue to apply to it until repealed or others are made in their place by the new municipal authority.

(2) If the land referred to in subsection (1)(c) is sold or money instead of land is received by the old municipal authority after a notice of amalgamation under section 103 or a notice of annexation under section 116 is received, the proceeds of the sale or the money received must be paid to the new municipal authority.

(3) The new municipal authority may only use the proceeds of the sale or the money received for purposes for which the old municipal authority could have used it.

(4) The Lieutenant Governor in Council may

- (a) authorize the council of the new municipal authority to impose an additional tax under Part 10 on the area of land to meet obligations under a borrowing made by the old municipal authority in respect of that area of land, or
- (b) make any provision necessary to protect any rights that any person has in relation to the area of land.

(4.1) The Minister may direct the transfer of assets and liabilities from one municipal authority to another.

(5) This section does not abrogate or affect agreements described in section 30 or 45.

RSA 2000 cM-26 s135;2017 c13 s1(13)

Power to effectuate transfer of land and other property

136 Where an order under this Division requires the ownership of land or other property to be transferred to a municipal authority, the Minister may do whatever is necessary to give effect to section 135(1) or a direction under section 135(4.1).

1994 cM-26.1 s136

Transitional and other matters

137(1) An order of formation, change of status, amalgamation, annexation or dissolution may, in respect of any municipal authority affected by the order, contain provisions dealing with the following:

- (a) assessment and taxation;

- (b) property;
- (c) employees;
- (d) any matter required to properly effect or deal with the formation, change of status, amalgamation, annexation or dissolution, whether transitional or otherwise;
- (e) the application, addition, change or substitution of one or more provisions of this or another enactment for the purposes of the order.

(2) The provisions referred to in subsection (1) may deal with rights, obligations, liabilities, assets and any other thing that the Lieutenant Governor in Council considers is appropriate to be dealt with in the order and may operate despite a collective agreement.

(3) The Lieutenant Governor in Council may amend or repeal a provision referred to in subsection (1) that is contained in an order of formation, change of status, amalgamation, annexation or dissolution without having to comply with the requirements for passing the original order.

RSA 2000 cM-26 s137;2021 c13 s8

Retroactivity of orders

138(1) An order of the Lieutenant Governor in Council under this Part may provide

- (a) for the retroactive application of the order or any of its provisions, and
- (b) that the order or any of its provisions come into force on different dates.

(2) An order or any of its provisions may only be made retroactive to a date in the year immediately before the calendar year in which the order is made.

(3) Any error in any order made under this Part may be corrected by subsequent order, and the correcting order may be made effective as of the date of the original order or on some other later date that is specified in the order.

1994 cM-26.1 s138

Orders published

139(1) An order of the Lieutenant Governor in Council or the Minister made under this Part must be published in The Alberta Gazette.

(2) Publication of an order of the Lieutenant Governor in Council or the Minister made under this Part is conclusive proof of the fulfilment of any conditions precedent to the order.

1994 cM-26.1 s139

Regulations Act

140 The *Regulations Act* does not apply to an order of the Lieutenant Governor in Council or the Minister made under this Part.

1994 cM-26.1 s140

Location of boundaries

141(1) In this section,

- (a) “survey” means a survey made under the *Surveys Act* or the *Canada Lands Surveys Act* (Canada);
- (b) “surveyed land” means land that has been surveyed under the *Surveys Act* or the *Canada Lands Surveys Act* (Canada).

(2) Where the boundary of a municipality is described by reference to the boundary of a township or section of surveyed land along which a road allowance runs, the boundary is the side of the road allowance on which monuments or posts are placed under a survey, except in the case of correction lines or where the description otherwise specifies.

(3) In the case of correction lines, the boundary is the south side of the road allowance.

(4) Where a road is the boundary of a municipality and land is acquired to widen the road, the land acquired automatically falls within that boundary.

(5) A road allowance between an Indian reserve and a municipality is in the municipality despite anything to the contrary in this section.

(6) Where a boundary of a municipality is described by reference to a river, the boundary is the right bank of the river facing downstream unless the description otherwise specifies.

1994 cM-26.1 s141

Part 4.1 City Charters

Interpretation

141.1(1) In this Part,

- (a) “charter”, except in sections 141.3 and 141.4, includes an amendment to a charter;
- (b) “charter city” means a city for which a charter is established under section 141.3.

(2) In this Part, a reference to “this Act” includes a regulation made under this Act.

2015 c8 s14

Purpose of Part

141.2 The purpose of this Part is to authorize the establishment of charters to address the evolving needs, responsibilities and capabilities of cities in a manner that best meets the needs of their communities.

2015 c8 s14

Establishment of charter

141.3 On request by a city, the Lieutenant Governor in Council may, by regulation, establish a charter for that city.

2015 c8 s14

Proposed charter must be published on website

141.4(1) Before a charter is established or amended, the Minister must ensure the proposed charter or amendment is published on the Minister’s department’s website for at least 60 days.

(2) Subsection (1) does not apply to

- (a) a charter or an amendment made after considering any responses to a proposed charter or amendment that was published in accordance with subsection (1),
- (b) the repeal of a provision that, pursuant to section 141.5(3), makes inapplicable, modifies or replaces a provision of this Act or another enactment or adds a provision to this Act or another enactment, if
 - (i) this Act or the other enactment is amended to have substantively the same effect as the charter provision being repealed, and
 - (ii) the repeal of the charter provision and the amendment to this Act or the other enactment take effect at the same time,
- (c) the repeal of a provision that applied only during a limited time that has expired, or
- (d) an amendment made solely to

- (i) update terminology or references to other legislation, or
- (ii) correct one or more clerical, technical, grammatical or typographical errors, if the amendment does not materially affect the charter in principle or substance.

2015 c8 s14;2019 c22 s10(3)

Elements of charter

141.5(1) Subject to this Part, a charter governs all matters related to the administration and governance of the charter city, including, without limitation, the powers, duties and functions of the charter city and any other matter that the Lieutenant Governor in Council considers desirable.

(2) In subsection (3), a reference to “this Act” does not include this Part or Part 15.1 or 17.1.

(3) A charter may do one or more of the following:

- (a) provide that a provision of this Act or any other enactment does not apply to the charter city or applies to the charter city with the modifications set out in the charter;
- (b) specify or set out provisions that apply in respect of the charter city in addition to, or instead of, a provision of this Act or any other enactment;
- (c) authorize the charter city to modify or replace, by bylaw, a provision of this Act or any other enactment, with respect to the charter city, to the extent set out in the charter.

(4) Before giving second reading to a proposed bylaw referred to in subsection (3)(c), the council of the charter city must hold a public hearing with respect to the proposed bylaw in accordance with section 230 after giving notice of it in accordance with section 606.

(5) A charter may include provisions respecting its interpretation.

(6) A charter may generally provide for any other matter necessary for the purposes of giving effect to this Part.

(7) Except to the extent that a charter or a bylaw made pursuant to subsection (3)(c) provides otherwise, this Act and any other enactment apply to the charter city.

2015 c8 s14

Charter prevails

141.6 Except to the extent that this Part provides otherwise, if there is a conflict or inconsistency between a charter or a bylaw

made pursuant to section 141.5(3)(c) and a provision of this Act or any other enactment, the charter or bylaw prevails to the extent of the conflict or inconsistency.

2015 c8 s14

Retroactive operation of charter**141.7(1)** A charter may provide

- (a) for the retroactive application of the charter or any of its provisions, and
- (b) that the charter or any of its provisions come into force on different dates.

(2) A charter or any of its provisions may be made retroactive to a date no earlier than the beginning of the year immediately preceding the calendar year in which it is made.

2015 c8 s14

No effect on status of charter city

141.8 Except to the extent that a charter provides otherwise, a charter has no effect on the status of the charter city as a city under this Act or any other enactment.

2015 c8 s14

Existing rights and obligations not affected

141.9(1) Except to the extent that a charter provides otherwise, the rights and obligations of a city are not affected by the establishment of a charter for that city.

(2) Except to the extent that a charter provides otherwise, the rights of the Crown in right of Alberta are not affected by the establishment of a charter.

2015 c8 s14

Part 5

Councils, Councillors and Council Committees

Division 1

Councils and Council Committees

Councils as governing bodies

142(1) Each municipality is governed by a council.

(2) A council is a continuing body.

1994 cM-26.1 s142

Number of councillors for municipalities

143(1) A council consists of the number of councillors provided for under this section, one of whom is the chief elected official, but in no case may a council consist of fewer than 3 councillors.

(2) The council of a city or town consists of 7 councillors unless the council passes a bylaw specifying a higher or lower odd number.

(3) The council of a village or summer village consists of 3 councillors unless the council passes a bylaw specifying a higher odd number.

(4) The council of a municipal district or specialized municipality consists of the number of councillors specified in the order forming it unless the council passes a bylaw specifying a higher or lower odd number.

(5) The council of any other type of municipality consists of the number of councillors provided for it by or under the enactment establishing it.

1994 cM-26.1 s143

Bylaw changing number of councillors

144(1) A bylaw passed under section 143 must be passed by December 31 of the year before the general election at which it is to take effect.

(2) If a bylaw is passed in the same year a general election is held, it takes effect at the 2nd general election after the date on which it is passed.

(3) A bylaw passed under section 143 must be advertised.

RSA 2000 cM-26 s144;2018 c23 s58

Bylaws respecting maternity and parental leave for councillors

144.1(1) A council of a municipality may, by bylaw, having regard to the need to balance councillors' roles as parents with their responsibilities as representatives of residents, establish whether councillors are entitled to take leave prior to or after the birth or adoption of their child.

(2) If a bylaw under subsection (1) entitles councillors to take leave, the bylaw must contain provisions

- (a) respecting the length of the leave and other terms and conditions of the leave entitlement, and

- (b) addressing how the municipality will continue to be represented during periods of leave.

2017 c13 s1(14)

Bylaws — council and council committees**145** A council may pass bylaws in relation to the following:

- (a) the establishment and functions of council committees and other bodies;
- (b) procedures to be followed by council, council committees and other bodies established by the council.

RSA 2000 cM-26 s145;2015 c8 s15

Composition of council committees**146** A council committee may consist

- (a) entirely of councillors,
- (b) of a combination of councillors and other persons, or
- (c) subject to section 154(2), entirely of persons who are not councillors.

1994 cM-26.1 s146

**Division 1.1
Codes of Conduct****Bylaws — codes of conduct****146.1(1)** A council must, by bylaw, establish a code of conduct governing the conduct of councillors.**(2)** A code of conduct under subsection (1) must apply to all councillors equally.**(3)** A council may, by bylaw, establish a code of conduct governing the conduct of members of council committees and other bodies established by the council who are not councillors.**(4)** A councillor must not be disqualified or removed from office for a breach of the code.**(5)** The Minister may make regulations

- (a) respecting matters that a code of conduct established under subsection (1) must address;
- (b) respecting the date by which councils must establish a code of conduct under subsection (1);

- (c) respecting sanctions to be imposed for a breach of a code of conduct established under subsection (1);
- (d) respecting matters that a council must take into consideration in establishing a code of conduct under subsection (1) or (3), or both;
- (e) respecting implementation of a code of conduct established under subsection (1) or (3), or both;
- (f) respecting any other matter the Minister considers necessary or advisable to carry out the intent and purpose of this Division.

2015 c8 s16

Division 2 Elections, Appointments and Ward System

Election of councillors

147(1) Subject to Division 5, councillors other than a chief elected official are to be elected in accordance with the *Local Authorities Election Act*.

(2) The election is to be by a vote of the electors of the whole municipality unless the municipality is divided into wards, in which case section 148 applies.

1994 cM-26.1 s147

Division of municipality into wards

148(1) Unless otherwise provided for in a bylaw under this section, when a municipality is divided into wards,

- (a) only an elector who is resident in the ward may vote for a councillor in that ward, and
- (b) councillors are elected for each ward.

(2) A council may by bylaw

- (a) divide the municipality into wards and establish their boundaries,
- (b) in the case of wards established for a municipal district or a specialized municipality, change the number of wards and their boundaries,
- (c) give each ward established or changed a name or number, or both,

- (d) state the number of councillors to be elected for each ward established or changed, and
 - (e) in the case of any municipality, including a municipal district or specialized municipality, eliminate the wards.
- (3)** A council may by bylaw provide for councillors that
- (a) are in addition to the councillors elected for each ward,
 - (b) are elected by a vote of the electors of the whole municipality, and
 - (c) are councillors for the whole municipality, not a ward.
- (4)** A council may by bylaw provide that all councillors
- (a) are nominated by ward,
 - (b) are elected by a vote of the electors of the whole municipality, and
 - (c) are councillors for the whole municipality, not a ward.
- (5)** A council may by bylaw provide that all councillors
- (a) are nominated by ward,
 - (b) are elected by a vote of the electors of the whole municipality, and
 - (c) are councillors for the ward in which they were nominated.

1994 cM-26.1 s148

Passing bylaw

149(1) A bylaw passed under section 148 must be passed by December 31 of the year before the general election at which it is to take effect.

(2) If a bylaw is passed in the same year a general election is held, it takes effect at the 2nd general election after the date on which it is passed.

(3) A bylaw passed under section 148 must be advertised.

RSA 2000 cM-26 s149;2018 c23 s58

Election or appointment of chief elected official

150(1) The chief elected official of a city or town is to be elected by a vote of the electors of the municipality unless the council passes a bylaw

- (a) requiring council to appoint the chief elected official from among the councillors,
- (b) specifying when the appointment is to start, and
- (c) specifying the term of the appointment.

(2) The chief elected official of a village, summer village or municipal district is to be appointed by council from among the councillors unless the council passes a bylaw providing that the official is to be elected by a vote of the electors of the municipality.

(3) The chief elected official of a specialized municipality is to be elected under subsection (1) or appointed under subsection (2) as specified in the order that forms the specialized municipality.

(4) If a chief elected official is to be elected by a vote of the electors of the municipality, the *Local Authorities Election Act* applies to the election.

1994 cM-26.1 s150

Passing bylaw

151(1) A bylaw under section 150 must be passed by December 31 of the year before the general election at which it is to take effect.

(2) If a bylaw is passed in the same year a general election is held, it takes effect at the 2nd general election after the date on which it is passed.

(3) A bylaw passed under section 150 must be advertised.

RSA 2000 cM-26 s151;2018 c23 s58

Deputy and acting chief elected officials

152(1) A council must appoint one or more councillors as deputy chief elected official so that

- (a) only one councillor will hold that office at any one time, and
- (b) the office will be filled at all times.

(2) A deputy chief elected official must act as the chief elected official

- (a) when the chief elected official is unable to perform the duties of the chief elected official, or
- (b) if the office of chief elected official is vacant.

- (3)** A council may appoint a councillor as an acting chief elected official to act as the chief elected official
- (a) if both the chief elected official and the deputy chief elected official are unable to perform the duties of the chief elected official, or
 - (b) if both the office of chief elected official and the office of deputy chief elected official are vacant.

1994 cM-26.1 s152

Division 3

Duties, Titles and Oaths of Councillors

General duties of councillors

153 Councillors have the following duties:

- (a) 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;
- (a.1) to promote an integrated and strategic approach to intermunicipal land use planning and service delivery with neighbouring municipalities;
- (b) to participate generally in developing and evaluating the policies and programs of the municipality;
- (c) to participate in council meetings and council committee meetings and meetings of other bodies to which they are appointed by the council;
- (d) to obtain information about the operation or administration of the municipality from the chief administrative officer or a person designated by the chief administrative officer;
- (e) to keep in confidence matters discussed in private at a council or council committee meeting until discussed at a meeting held in public;
- (e.1) to adhere to the code of conduct established by the council under section 146.1(1);
- (f) to perform any other duty or function imposed on councillors by this or any other enactment or by the council.

RSA 2000 cM-26 s153;2015 c8 s17;2016 c24 s15

Duty of chief administrative officer

153.1 Where the chief administrative officer or a person designated by the chief administrative officer provides information

referred to in section 153(d) to a councillor, the information must be provided to all other councillors as soon as is practicable.

2015 c8 s18

General duties of chief elected official

154(1) A chief elected official, in addition to performing the duties of a councillor, must

- (a) preside when in attendance at a council meeting unless a bylaw provides that another councillor or other person is to preside, and
- (b) perform any other duty imposed on a chief elected official by this or any other enactment or bylaw.

(2) The chief elected official is a member of all council committees and all bodies to which council has the right to appoint members under this Act, unless the council provides otherwise.

(3) Despite subsection (2), the chief elected official may be a member of a board, commission, subdivision authority or development authority established under Part 17 only if the chief elected official is appointed in the chief elected official's personal name.

1994 cM-26.1 s154;1995 c24 s21

Titles of chief elected official and other councillors

155 A councillor is to have the title "councillor" and a chief elected official that of "chief elected official" unless the council directs that another title appropriate to the office be used.

1994 cM-26.1 s155

Taking of oath

156 A councillor, a chief elected official and a deputy and acting chief elected official may not carry out any power, duty or function until that person has taken the official oath prescribed by the *Oaths of Office Act*.

1994 cM-26.1 s156

Division 4 Term of Office

Local Authorities Election Act

157 The term of office of councillors is governed by the *Local Authorities Election Act*.

1994 cM-26.1 s157

Extension of term

158(1) If the first election of a newly formed municipality, whether formed under this or another enactment, is less than 18

months before the date set by the *Local Authorities Election Act* for the next general election, the Minister may order that the next general election not take place.

(2) If the Minister makes an order under subsection (1), the terms of the offices are to continue until immediately before the beginning of the organizational meeting following the next general election.

1994 cM-26.1 s158

Appointed chief elected officials

159(1) A chief elected official who is to be appointed under section 150 must be appointed at each organizational meeting of the council, unless otherwise provided by bylaw.

(2) The term of office of an appointed chief elected official starts immediately on appointment and ends on the appointment of the next chief elected official.

(3) The term of office of an appointed chief elected official may not extend beyond the term of office of that person as councillor.

1994 cM-26.1 s159

Division 5 Vacancies and Quorum

Positions unfilled at general election

160(1) If at a general election persons are not elected to fill all the offices on council, the Minister may

- (a) fill the vacancies by appointing persons as councillors,
- (b) if there is no quorum, order that the councillors who have been elected constitute a quorum,
- (c) if there is no quorum, order that the remaining councillors constitute a quorum and appoint an official administrator for the purposes of supervision under section 575, or
- (d) appoint an official administrator who has all the powers and duties of the council.

(2) Persons appointed under subsection (1)(a) hold office until the vacancies are filled by a by-election.

(3) If council is unable to or does not within a reasonable time hold a by-election to fill a vacancy referred to in subsection (1), the Minister may by order direct that the chief administrative officer conduct a by-election to fill the vacancy.

1994 cM-26.1 s160

Resignation

161(1) The resignation of a councillor must be in writing and given to the chief administrative officer.

(2) A chief elected official appointed by council who resigns the office of chief elected official remains on the council as a councillor.

(3) The resignation is effective on the date it is received by the chief administrative officer even if a later date is set out in the resignation.

(4) The chief administrative officer must report the resignation at the first council meeting after receiving the resignation.

1994 cM-26.1 s161

Vacancy in position of councillor

162 A council must hold a by-election to fill a vacancy on council unless

- (a) the vacancy occurs in the 6 months before a general election, or
- (b) the council consists of 6 or more councillors and the vacancy occurs
 - (i) in the 18 months before a general election and there is only one vacancy, or
 - (ii) in the 12 months before a general election and the number of councillors remaining is at least one more than the majority of the number of councillors comprising the council under section 143.

1994 cM-26.1 s162

Chief elected official (elected) vacancy

163 If the chief elected official is elected by a vote of the electors of the whole municipality and the office becomes vacant, the vacancy must be filled

- (a) if on the date the vacancy occurs there are 12 months or more before a general election, by a by-election, or
- (b) if on the date the vacancy occurs there are less than 12 months before a general election, either by a by-election or by council appointing at the next council meeting one or more councillors as chief elected official so that
 - (i) only one councillor holds that office at any one time, and

- (ii) the office is filled all the time.

1994 cM-26.1 s163

Chief elected official (appointed) vacancy

164 If, under section 150, the chief elected official is appointed by council from among the councillors and the office becomes vacant, council must at the next council meeting appoint one or more councillors as chief elected official so that

- (a) only one councillor holds that office at any one time, and
- (b) the office is filled all the time.

1994 cM-26.1 s164

Election day

165 Unless a council sets an earlier date, election day for a by-election under section 162 or 163 is 120 days after the vacancy occurs.

RSA 2000 cM-26 s165;2019 c22 s10(4)

Minister orders by-election

166 If a vacancy must be filled by by-election under section 162 or 163 and a by-election is not held within 120 days after the vacancy occurs, the Minister may by order

- (a) set another date for the by-election;
- (b) extend the time for filling that vacancy to the next general election;
- (c) reduce the quorum for council;
- (d) direct the chief administrative officer to conduct the by-election;
- (e) take any other action the Minister considers necessary.

RSA 2000 cM-26 s166;2019 c22 s10(4)

Quorum

167(1) Except as provided in this or another enactment, the quorum of a council is

- (a) the majority of all the councillors that comprise the council under section 143, or
- (b) if there is a vacancy on the council and the council is not required to hold a by-election under section 162 or 163, the majority of the remaining councillors that comprise the council under section 143.

(2) For the purposes of quorum, a councillor is deemed to be absent for a vote if, under this or any other enactment,

- (a) the councillor is required to abstain from the vote, or
- (b) the councillor is permitted to abstain from the vote and does abstain.

1994 cM-26.1 s167

No quorum

168(1) The Minister may make an order described in subsection (2) in the following situations:

- (a) vacancies on council through resignations or disqualifications have reduced the number of councillors to less than a quorum;
- (b) the number of councillors able to attend a council meeting is less than a quorum;
- (c) councillors are required to abstain from voting on a matter or are permitted to abstain from voting on a matter and have decided to abstain and the number of remaining councillors able to vote is less than a quorum.

(2) If subsection (1) applies, the Minister may

- (a) order that the remaining councillors constitute a quorum,
- (b) order that the remaining councillors constitute a quorum and appoint an official administrator for the purposes of supervision under section 575, or
- (c) appoint an official administrator who has all the powers and duties of the council.

(3) In a situation described in subsection (1)(c), the Minister may, as an alternative to the options in subsection (2),

- (a) order that all councillors may vote on the matter if otherwise eligible, or
- (b) direct the chief administrative officer to conduct a vote of the electors on the matter with directions respecting the date of the vote of the electors, the question to be voted on by the electors and procedural matters.

(4) The council must comply with the result of the vote of the electors held under subsection (3)(b).

- (5) A councillor is not disqualified for having voted on a matter
- (a) in accordance with the Minister's order under subsection (3)(a), or
 - (b) for the purpose of complying with the results of a vote conducted under subsection (3)(b).

1994 cM-26.1 s168

Division 6

Pecuniary Interest of Councillors

Definitions

169 In this Division,

- (a) "corporation", "director", "distributing corporation", "officer", "shareholder", "voting rights" and "voting shares" have the meanings given to them in the *Business Corporations Act*;
- (b) "councillor's family" means the councillor's spouse or adult interdependent partner, the councillor's children, the parents of the councillor and the parents of the councillor's spouse or adult interdependent partner;
- (c) "spouse" means the spouse of a married person but does not include a spouse who is living separate and apart from the person if the person and spouse have separated pursuant to a written separation agreement or if their support obligations and family property have been dealt with by a court order.

RSA 2000 cM-26 s169;2002 cA-4.5 s60;2014 c8 s17

Pecuniary interest

170(1) Subject to subsection (3), 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.

(2) For the purposes of subsection (1), a person is monetarily affected by a matter if the matter monetarily affects

- (a) the person directly,
- (b) a corporation, other than a distributing corporation, in which the person is a shareholder, director or officer,

- (c) a distributing corporation in which the person beneficially owns voting shares carrying at least 10% of the voting rights attached to the voting shares of the corporation or of which the person is a director or officer, or
 - (d) a partnership or firm of which the person is a member.
- (3)** A councillor does not have a pecuniary interest by reason only of any interest
- (a) that 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,
 - (b) that 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,
 - (c) that 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 in clause (b),
 - (d) that the councillor may have with respect to any allowance, honorarium, remuneration or benefit to which the councillor may be entitled by being a councillor,
 - (e) that 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,
 - (f) that 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,
 - (g) that 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,

- (h) that the councillor or member of the councillor's family may have
 - (i) 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
 - (ii) by reason of remuneration received as a volunteer member of any of those voluntary organizations or services,
 - (i) of 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,
 - (j) that is so remote or insignificant that it cannot reasonably be regarded as likely to influence the councillor, or
 - (k) that a councillor may have by discussing or voting 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.
- (4) Subsection (3)(g) and (h) do not apply to a councillor who is an employee of an organization, club or service referred to in those clauses.

1994 cM-26.1 s170;1995 c24 s22;1996 c30 s9

Bylaw requiring statement of disclosure

171 A council may by bylaw

- (a) require that each councillor file with a designated officer a statement of the name or names of
 - (i) the councillor's family,
 - (ii) the employers of the councillor,
 - (iii) each corporation, other than a distributing corporation, in which the councillor is a shareholder, director or officer,
 - (iv) each distributing corporation in which the councillor beneficially owns voting shares carrying at least 10% of

the voting rights attached to the voting shares of the corporation or of which the councillor is a director or officer, and

- (v) each partnership or firm of which the councillor is a member,

and

- (b) require the designated officer to compile a list of all the names reported on the statements filed with the officer and give a copy of the list to the employees of the municipality indicated in the bylaw.

1994 cM-26.1 s171;1996 c30 s10

Disclosure of pecuniary interest

172(1) When a councillor has a pecuniary interest in a matter before the council, a council committee or any other body to which the councillor is appointed as a representative of the council, the councillor must, if present,

- (a) disclose the general nature of the pecuniary interest prior to any discussion of the matter,
- (b) abstain from voting on any question relating to the matter,
- (c) subject to subsection (3), abstain from any discussion of the matter, and
- (d) subject to subsections (2) and (3), leave the room in which the meeting is being held until discussion and voting on the matter are concluded.

(2) If the matter with respect to which the councillor has a pecuniary interest is the payment of an account for which funds have previously been committed, it is not necessary for the councillor to leave the room.

(3) If the matter with respect to which the councillor has a pecuniary interest is a question on which, under this Act or another enactment, the councillor as a taxpayer, an elector or an owner has a right to be heard by the council,

- (a) it is not necessary for the councillor to leave the room, and
- (b) the councillor may exercise a right to be heard in the same manner as a person who is not a councillor.

(4) If a councillor is temporarily absent from a meeting when a matter in which the councillor has a pecuniary interest arises, the

councillor must immediately on returning to the meeting, or as soon as the councillor becomes aware that the matter has been considered, disclose the general nature of the councillor's interest in the matter.

(5) The abstention of a councillor under subsection (1) and the disclosure of a councillor's interest under subsection (1) or (4) must be recorded in the minutes of the meeting.

(6) If a councillor has disclosed a pecuniary interest at a council committee meeting and council considers a report of the committee in respect of which the councillor disclosed a pecuniary interest, the councillor must disclose the pecuniary interest at the council meeting and subsection (1) applies to the councillor.

1994 cM-26.1 s172

Effect of pecuniary interest on agreements

173 No agreement with a municipality under which a councillor of the municipality has a pecuniary interest is binding on the municipality unless

- (a) the agreement is for work in an emergency,
- (b) the agreement is
 - (i) for the sale of goods, or
 - (ii) for the provision of services to the municipality or to persons contracting with the municipalityat competitive prices by a dealer in those goods or services that is incidental to or in the ordinary course of the business,
- (c) the proposed agreement is approved by council before the agreement is signed by the municipality, or
- (d) the agreement was entered into before the term of the councillor started.

1994 cM-26.1 s173;1996 c30 s11

Division 7 Disqualification of Councillors

Reasons for disqualification

174(1) A councillor is disqualified from council if

- (a) when the councillor was nominated, the councillor was not eligible for nomination as a candidate under the *Local Authorities Election Act*;

- (b) the councillor ceases to be eligible for nomination as a candidate under the *Local Authorities Election Act*;
- (b.1) the councillor
 - (i) fails to file a disclosure statement as required under section 147.4 of the *Local Authorities Election Act* before the end of the time period referred to in section 147.7 of the *Local Authorities Election Act*, and
 - (ii) has not been relieved from the obligation to file a disclosure statement by a court order under section 147.8 of the *Local Authorities Election Act*;
- (c) the councillor becomes a judge of a court or a member of the Senate or House of Commons of Canada or of the Legislative Assembly of Alberta;
- (d) the councillor is absent from all regular council meetings held during any period of 8 consecutive weeks, starting with the date that the first meeting is missed, unless subsection (2) applies;
- (e) the councillor is convicted
 - (i) of an offence punishable by imprisonment for 5 or more years, or
 - (ii) of an offence under section 123, 124 or 125 of the *Criminal Code* (Canada);
- (f) the councillor does not vote on a matter at a council meeting at which the councillor is present, unless the councillor is required or is permitted to abstain from voting under this or any other enactment;
- (g) the councillor contravenes section 172;
- (h) the councillor has a pecuniary interest in an agreement that is not binding on the municipality under section 173;
- (i) the councillor uses information obtained through being on council to gain a pecuniary benefit in respect of any matter;
- (j) the councillor becomes an employee of the municipality;
- (k) the councillor is liable to the municipality under section 249.

(2) A councillor is not disqualified by being absent from regular council meetings under subsection (1)(d) if

- (a) the absence is authorized by a resolution of council passed at any time
 - (i) before the end of the last regular meeting of the council in the 8-week period, or
 - (ii) if there is no other regular meeting of the council during the 8-week period, before the end of the next regular meeting of the council,

or

- (b) the absence is in accordance with a bylaw under section 144.1.

(3) For the purposes of this section, a councillor is not considered to be absent from a council meeting if the councillor is absent on council business at the direction of council.

(4) A councillor who is disqualified under this section is eligible to be elected at the next general election in the municipality if the person is eligible for nomination under the *Local Authorities Election Act*.

RSA 2000 cM-26 s174;2009 c10 s3.1;2010 c9 s2;
2017 c13 s1(15);2018 c23 s58

Division 8

Enforcement of Disqualification

Resignation on disqualification

175(1) A councillor that is disqualified must resign immediately.

(2) If a councillor does not resign immediately,

- (a) the council may apply to a judge of the Court of Queen's Bench for
 - (i) an order determining whether the person was never qualified to be or has ceased to be qualified to remain a councillor, or
 - (ii) an order declaring the person to be disqualified from council,

or

- (b) an elector who

- (i) files an affidavit showing reasonable grounds for believing that a person never was or has ceased to be qualified as a councillor, and

- (ii) pays into court the sum of \$500 as security for costs,

may apply to a judge of the Court of Queen's Bench for an order declaring the person to be disqualified from council.

(3) An application under this section may only be made within 3 years from the date the disqualification is alleged to have occurred.

(4) An application under this section may be started or continued whether or not an election has been held between the time the disqualification is alleged to have occurred and the time the application is or was commenced and whether or not the person in respect of whom the application is being brought

- (a) resigns before or after the election,
- (b) was re-elected in the election,
- (c) was not re-elected or did not run in the election, or
- (d) has completed a term of office.

RSA 2000 cM-26 s175;2009 c53 s119

Decision on disqualification application

176(1) After hearing an application under this Division and any evidence, either oral or by affidavit, that is required, the judge may

- (a) declare the person to be disqualified and a position on council to be vacant,
- (b) declare the person able to remain a councillor, or
- (c) dismiss the application.

(2) If a judge declares a person disqualified because information obtained through being on council was used to gain a pecuniary benefit, the judge may order the person to pay to the municipality a sum of damages determined by the Court.

1994 cM-26.1 s176

Inadvertence or genuine error

177 A judge who hears an application under this Division and finds that the person is disqualified under section 174(1)(f), (h) or (i) may still dismiss the application if the judge is of the opinion that the disqualification arose inadvertently or by reason of a genuine error in judgment.

1994 cM-26.1 s177

Appeal

178(1) The decision of a judge under this Division may be appealed to the Court of Appeal.

(2) A person who is declared disqualified under this Division and appeals that declaration remains disqualified until the appeal is finally determined.

(3) If, on the final determination of the appeal, the disqualification is set aside,

- (a) the Court must reinstate the person as a councillor for any unexpired portion of the term of office for which the person was elected and require any person who has been elected to fill the balance of that term to vacate the office, and
- (b) the Court may order that any money paid to the municipality under section 176(2) be repaid.

(4) If, on the final disposition of the appeal, the disqualification is set aside but the term of office for which the person was elected has expired, the person must not be reinstated but is eligible to be elected at the next election in the municipality if otherwise qualified.

1994 cM-26.1 s178

Reimbursement of costs and expenses

179 The council may reimburse the person in respect of whom an application under this Division was made for any costs and expenses that the council considers reasonable, other than costs that have already been awarded to the person by the judge, if

- (a) the application is dismissed, or
- (b) an order is issued declaring the person able to remain a councillor.

1994 cM-26.1 s179

Division 9 Council Proceedings Requirements for Valid Action

Methods in which council may act

180(1) A council may act only by resolution or bylaw.

(2) Where a council or municipality is required or authorized under this or any other enactment or bylaw to do something by bylaw, it may only be done by bylaw.

(3) Where a council is required or authorized under this or any other enactment or bylaw to do something by resolution or to do something without specifying that it be done by bylaw or resolution, it may be done by bylaw or resolution.

1994 cM-26.1 s180

Requirements for valid bylaw or resolution

181(1) A bylaw or resolution of council is not valid unless passed at a council meeting held in public at which there is a quorum present.

(2) A resolution of a council committee is not valid unless passed at a meeting of that committee held in public at which there is a quorum present.

1994 cM-26.1 s181

Voting

Restriction to one vote per person

182 A councillor has one vote each time a vote is held at a council meeting at which the councillor is present.

1994 cM-26.1 s182

Requirement to vote and abstentions

183(1) A councillor attending a council meeting must vote on a matter put to a vote at the meeting unless the councillor is required or permitted to abstain from voting under this or any other enactment.

(2) The council must ensure that each abstention and the reasons for the abstention are recorded in the minutes of the meeting.

1994 cM-26.1 s183

Abstention from voting on matter discussed at public hearing

184 When a public hearing on a proposed bylaw or resolution is held, a councillor

- (a) must abstain from voting on the bylaw or resolution if the councillor was absent from all of the public hearing, and
 - (b) may abstain from voting on the bylaw or resolution if the councillor was only absent from a part of the public hearing.
- 1994 cM-26.1 s184

Recording of votes

185(1) Before a vote is taken by council, a councillor may request that the vote be recorded.

(2) When a vote is recorded, the minutes must show the names of the councillors present and whether each councillor voted for or against the proposal or abstained.

1994 cM-26.1 s185

Secret ballot

185.1(1) Despite sections 185 and 197, at a meeting at which a council

- (a) establishes a council committee or other body under section 145, or
- (b) appoints a chief elected official under section 150,

a secret ballot must be held if requested by any councillor present at the meeting.

(2) A vote by secret ballot under subsection (1) must be confirmed by a resolution of council.

1998 c24 s8

Tied vote

186 If there is an equal number of votes for and against a resolution or bylaw, the resolution or bylaw is defeated.

1994 cM-26.1 s186

Passing a Bylaw**Bylaw readings**

187(1) Every proposed bylaw must have 3 distinct and separate readings.

(2) Each councillor present at the meeting at which first reading is to take place must be given or have had the opportunity to review the full text of the proposed bylaw before the bylaw receives first reading.

(3) Each councillor present at the meeting at which third reading is to take place must, before the proposed bylaw receives third

reading, be given or have had the opportunity to review the full text of the proposed bylaw and of any amendments that were passed after first reading.

(4) A proposed bylaw must not have more than 2 readings at a council meeting unless the councillors present unanimously agree to consider third reading.

(5) Only the title or identifying number has to be read at each reading of the bylaw.

1994 cM-26.1 s187

Rescission of previous bylaw readings

188 The previous readings of a proposed bylaw are rescinded if the proposed bylaw

- (a) does not receive third reading within 2 years after first reading, or
- (b) is defeated on second or third reading.

1994 cM-26.1 s188

Passing of bylaw

189 A bylaw is passed when it receives third reading and it is signed in accordance with section 213.

1994 cM-26.1 s189

Coming into force

190(1) A bylaw comes into force at the beginning of the day that it is passed unless otherwise provided in this or any other enactment or in the bylaw.

(2) If this or any other enactment requires a bylaw to be approved, the bylaw does not come into force until the approval is given.

(3) No bylaw may come into force on a day before it is passed unless the enactment authorizing the passing of the bylaw specifically allows for the bylaw to come into force on a day before it is passed.

1994 cM-26.1 s190

Amendment and repeal

191(1) The power to pass a bylaw under this or any other enactment includes a power to amend or repeal the bylaw.

(2) The amendment or repeal must be made in the same way as the original bylaw and is subject to the same consents or conditions or advertising requirements that apply to the passing of the original bylaw, unless this or any other enactment provides otherwise.

(3) Subsection (2) does not apply to a revision or repeal under section 63.

RSA 2000 cM-26 s191;2017 c13 s1(16)

Meetings

Organizational meetings

192(1) Except in a summer village, a council must hold an organizational meeting annually not later than 2 weeks after the 3rd Monday in October.

(2) The council of a summer village must hold an organizational meeting annually not later than August 31.

1994 cM-26.1 s192

Regular council meetings

193(1) A council may decide at a council meeting at which all the councillors are present to hold regularly scheduled council meetings on specified dates, times and places.

(2) Notice of regularly scheduled meetings need not be given.

(3) If council changes the date, time or place of a regularly scheduled meeting, the municipality must give at least 24 hours' notice of the change

(a) to any councillors not present at the meeting at which the change was made, and

(b) to the public.

1994 cM-26.1 s193

Special council meetings

194(1) The chief elected official

(a) may call a special council meeting whenever the official considers it appropriate to do so, and

(b) must call a special council meeting if the official receives a written request for the meeting, stating its purpose, from a majority of the councillors.

(2) A special council meeting called under subsection (1)(b) must be held within 14 days after the date that the chief elected official receives the request or any shorter period provided for by bylaw.

(3) The chief elected official calls a special council meeting by giving at least 24 hours' notice in writing to each councillor and the public stating the purpose of the meeting and the date, time and place at which it is to be held.

(4) A special council meeting may be held with less than 24 hours' notice to all councillors and without notice to the public if at least 2/3 of the whole council agrees to this in writing before the beginning of the meeting.

(5) No matter other than that stated in the notice calling the special council meeting may be transacted at the meeting unless the whole council is present at the meeting and the council agrees to deal with the matter in question.

1994 cM-26.1 s194

Council committee meetings

195 The municipality must give at least 24 hours' notice of a council committee meeting

- (a) to the members of the council committee, and
- (b) to the public.

1994 cM-26.1 s195

Method of giving notice

196(1) Notice of a council or council committee meeting is deemed to have been given to a councillor or member of a council committee if the notice is delivered to an adult person at the councillor's or member's home or place of business.

(2) Notice of a council or council committee meeting to the public is sufficient if the notice is given in a manner specified by council.

1994 cM-26.1 s196

Public presence at meetings

197(1) Councils and council committees must conduct their meetings in public unless subsection (2) or (2.1) applies.

(2) Councils and council committees may close all or part of their meetings to the public if a matter to be discussed is within one of the exceptions to disclosure in Division 2 of Part 1 of the *Freedom of Information and Protection of Privacy Act*.

(2.01) Repealed 2019 c22 s10(5).

(2.1) A municipal planning commission, subdivision authority, development authority or subdivision and development appeal board established under Part 17 may deliberate and make its decisions in meetings closed to the public.

(3) When a meeting is closed to the public, no resolution or bylaw may be passed at the meeting, except a resolution to revert to a meeting of a council or council committee held in public.

(4) Before closing all or any part of a meeting to the public, a council or council committee must by resolution approve

- (a) the part of the meeting that is to be closed, and
- (b) the basis on which, under an exception to disclosure in Division 2 of Part 1 of the *Freedom of Information and Protection of Privacy Act*, the part of the meeting is to be closed.

(5) After the closed meeting discussions are completed, any members of the public who are present outside the meeting room must be notified that the rest of the meeting is now open to the public, and a reasonable amount of time must be given for those members of the public to return to the meeting before it continues.

(6) Where a council or council committee closes all or part of a meeting to the public, the council or council committee may allow one or more other persons to attend, as it considers appropriate.

(7) Repealed 2019 c22 s10(5).

RSA 2000 cM-26 s197;2015 c8 s19;2019 c22 s10(5)

Right of public to be present

198 Everyone has a right to be present at council meetings and council committee meetings conducted in public unless the person chairing the meeting expels a person for improper conduct.

1994 cM-26.1 s198

Meeting through electronic communications

199(1) A council meeting or council committee meeting may be conducted by means of electronic or other communication facilities if

- (a) notice is given to the public of the meeting, including the way in which it is to be conducted,
- (b) the facilities enable the public to watch or listen to the meeting at a place specified in that notice and a designated officer is in attendance at that place, and
- (c) the facilities enable all the meeting's participants to watch or hear each other.

(2) Councillors participating in a meeting held by means of a communication facility are deemed to be present at the meeting.

1994 cM-26.1 s199

Power to require taking of oath

200 A council or council committee may require a person appearing before it or making any claim or submission to it to do so under oath.

1994 cM-26.1 s200

Part 6 Municipal Organization and Administration

Council's principal role in municipal organization

201(1) A council is responsible for

- (a) developing and evaluating the policies and programs of the municipality;
- (b) repealed 2015 c8 s20;
- (c) carrying out the powers, duties and functions expressly given to it under this or any other enactment.

(2) A council must not exercise a power or function or perform a duty that is by this or another enactment or bylaw specifically assigned to the chief administrative officer or a designated officer.

RSA 2000 cM-26 s201;2015 c8 s20

Orientation training

201.1(1) A municipality must, in accordance with the regulations, offer orientation training to each councillor, to be held within 90 days after the councillor takes the oath of office.

(2) The following topics must be addressed in orientation training required under subsection (1):

- (a) role of municipalities in Alberta;
- (b) municipal organization and functions;
- (c) key municipal plans, policies and projects;
- (d) roles and responsibilities of council and councillors;
- (e) the municipality's code of conduct;
- (f) roles and responsibilities of the chief administrative officer and staff;
- (g) budgeting and financial administration;
- (h) public participation;

- (i) any other topic prescribed by the regulations.

(3) The Minister may make regulations respecting orientation training, including, without limitation, regulations

- (a) respecting the delivery of orientation training;
- (b) prescribing topics to be addressed in orientation training.

2016 c24 s16

Exercise of certain powers and duties

202(1) Where

- (a) this or any other enactment or bylaw requires or authorizes a municipality to do something, but does not specify who in the municipality may do it, or
- (b) the municipality wishes to exercise its natural person powers,

the thing may be done or the natural person powers may be exercised by council or by the chief administrative officer, unless council specifies otherwise.

- (2)** Only a council may pass bylaws.

1994 cM-26.1 s202

Delegation by council

203(1) A council may by bylaw delegate any of its powers, duties or functions under this or any other enactment or a bylaw to a council committee or any person unless an enactment or bylaw provides otherwise.

- (2)** A council may not delegate

- (a) its power or duty to pass bylaws,
- (b) its power to make, suspend or revoke the appointment of a person to the position of chief administrative officer,
- (c) its power to adopt budgets under Part 8,
- (d) its power with respect to taxes under section 347, and
- (e) a duty to decide appeals imposed on it by this or another enactment or bylaw, whether generally or on a case by case basis, unless the delegation is to a council committee and authorized by bylaw.

- (3) The council when delegating a matter to a council committee, the chief administrative officer or a designated officer may authorize the committee or officer to further delegate the matter.

RSA 2000 cM-26 s203;2019 c22 s10(6)

Municipal office

- 204** A council must name a place as its municipal office.

1994 cM-26.1 s204

Establishment of chief administrative officer

- 205(1)** Every council must establish by bylaw a position of chief administrative officer.

- (2) Every council must appoint one or more persons to carry out the powers, duties and functions of the position of chief administrative officer.

- (3) If more than one person is appointed, the council must by bylaw determine how the powers, duties and functions of the position of chief administrative officer are to be carried out.

- (4) Council may give the position of chief administrative officer any title the council considers appropriate.

- (5) Council must ensure that the chief administrative officer appropriately performs the duties and functions and exercises the powers assigned to the chief administrative officer by this or any other enactment or by council.

RSA 2000 cM-26 s205;2015 c8 s21

Performance evaluation

- 205.1** A council must provide the chief administrative officer with an annual written performance evaluation of the results the chief administrative officer has achieved with respect to fulfilling the chief administrative officer's responsibilities under section 207.

1998 c24 s9

Appointment, suspension and revocation

- 206(1)** The appointment of a person to the position of chief administrative officer may be made, suspended or revoked only if the majority of the whole council vote to do so.

- (2) The appointment of a person to the position of chief administrative officer may not be revoked or suspended unless the council notifies the officer, in accordance with subsection (3), that it is proposing to revoke or suspend the appointment and provides the officer with its reasons.

- (3) The notification and reasons must be in writing and be served personally on the officer or sent by regular mail to the last known address of the officer.
- (4) If requested by the officer, council must give the officer or the officer's representative a reasonable opportunity to be heard before council.
- (5) A chief administrative officer whose appointment is revoked without cause is, subject to any written agreement between council and the officer, entitled to reasonable notice or to compensation instead of reasonable notice.
- (6) A chief administrative officer whose appointment is revoked with cause is, subject to any written agreement between council and the officer, not entitled to reasonable notice or to compensation instead of reasonable notice.

1994 cM-26.1 s206;1995 c24 s24

Chief administrative officer's responsibilities**207** The chief administrative officer

- (a) is the administrative head of the municipality;
- (b) ensures that the policies and programs of the municipality are implemented;
- (c) advises and informs the council on the operation and affairs of the municipality;
- (d) performs the duties and functions and exercises the powers assigned to a chief administrative officer by this and other enactments or assigned by council.

1994 cM-26.1 s207

Performance of major administrative duties**208(1)** The chief administrative officer must ensure that

- (a) minutes of each council meeting
 - (i) are recorded in the English language,
 - (ii) include the names of the councillors present at the council meeting,
 - (iii) are given to council for adoption at a subsequent council meeting, and
 - (iv) are recorded in the manner and to the extent required under section 230(6) when a public hearing is held;

- (b) all bylaws, minutes of council meetings and other records and documents of the municipality are kept safe;
- (c) the Minister is sent a list of all the councillors and any other information the Minister requires within 5 days after the term of the councillors begins;
- (d) the council is advised in writing of its legislative responsibilities under this Act.

(2) Subsection (1) applies to the chief administrative officer in respect of council committees that are carrying out the powers, duties and functions delegated to them by the council.

RSA 2000 cM-26 s208;2015 c8 s22;2019 c22 s10(7)

Delegation by chief administrative officer

209 A chief administrative officer may delegate any of the chief administrative officer's powers, duties or functions under this Act, including the chief administrative officer's duties referred to in section 208(1), or under any other enactment or bylaw to a designated officer or an employee of the municipality.

RSA 2000 cM-26 s209;2015 c8 s23

Designated officers

210(1) A council may by bylaw establish one or more positions to carry out the powers, duties and functions of a designated officer under this or any other enactment or bylaw.

(2) Council may give a position established under subsection (1) any title the council considers appropriate.

(3) The bylaw must include which of the powers, duties and functions referred to in subsection (1) are to be exercised by each position.

(4) Unless otherwise provided by bylaw, all designated officers are subject to the supervision of and accountable to the chief administrative officer.

(5) A chief administrative officer may exercise all of the powers, duties and functions of a designated officer under this or any other enactment or bylaw if

- (a) no position of designated officer has been established by council,
- (b) the position of designated officer is vacant, or
- (c) this or any other enactment or bylaw refers to a designated officer and the power, duty, function or other thing relating

to the designated officer has not been assigned to any designated officer by council.

1994 cM-26.1 s210

Revocation

211(1) A municipality may revoke with or without cause the appointment of a person to the position of a designated officer.

(2) A designated officer whose appointment is revoked without cause is, subject to any written agreement between the municipality and the officer, entitled to reasonable notice or to compensation instead of reasonable notice.

(3) A designated officer whose appointment is revoked with cause is, subject to any written agreement between the municipality and the officer, not entitled to reasonable notice or to compensation instead of reasonable notice.

1994 cM-26.1 s211; 1995 c24 s25

Delegation by designated officer

212 A designated officer may delegate any of the officer's powers, duties or functions under this or any other enactment or bylaw to an employee of the municipality.

1994 cM-26.1 s212

Fidelity bond

212.1(1) Starting with the 1998 financial year, the council of each municipality must annually obtain a fidelity bond, or equivalent insurance, in an amount the council considers appropriate.

(2) The fidelity bond or equivalent insurance must cover

- (a) the chief administrative officer of the municipality,
- (b) the designated officers of the municipality, and
- (c) other employees of the municipality

while carrying out duties relating to any money or security belonging to or held by the municipality.

1997 c19 s3

Signing or authorization of municipal documents

213(1) Minutes of council meetings must be signed by

- (a) the person presiding at the meeting, and
- (b) a designated officer.

(2) When council has delegated a power, duty or function to a council committee, the minutes of a council committee meeting that deal with the power, duty or function must be signed by

- (a) the person presiding at the meeting, and
- (b) a designated officer.

(3) Bylaws must be signed by

- (a) the chief elected official, and
- (b) a designated officer.

(4) Agreements and cheques and other negotiable instruments must be signed or authorized

- (a) by the chief elected official or by another person authorized by council to sign them, and
- (b) by a designated officer,

or by a designated officer acting alone if so authorized by council.

(5) A signature may be printed, lithographed or otherwise reproduced if so authorized by council.

1994 cM-26.1 s213

Destruction of records

214(1) A council may authorize the destruction of the original bylaws and minutes of council meetings if the originals have been recorded on microfiche or on another system that will enable copies of the originals to be made.

(2) A council may pass a bylaw respecting the destruction of other records and documents of the municipality.

(3) A bylaw under subsection (2) must provide that if an individual's personal information will be used by the municipality to make a decision that directly affects the individual, the municipality must retain the personal information for at least one year after using it so that the individual has a reasonable opportunity to obtain access to it.

1994 cM-26.1 s214

Prohibition of certain agreements with employees

215(1) An agreement made on or after January 1, 1995 between a municipality and an employee of a municipality in which the municipality is to provide a service or commodity to the employee is void.

- (2) This section does not apply to an agreement
- (a) in which the municipality provides a service or commodity that the municipality supplies to the public generally, or
 - (b) respecting the employee's employment.

1994 cM-26.1 s215

Part 7

Public Participation

216 Repealed 1994 cM-26.1 s738.

Public participation policy

216.1(1) Every council of a municipality must establish a public participation policy for the municipality.

(2) A council may amend its public participation policy from time to time.

(3) The Minister may make regulations

- (a) respecting the contents of public participation policies;
- (b) respecting the considerations to be taken into account by a council in establishing its public participation policy;
- (c) setting a date by which every municipality must have its first public participation policy in place;
- (d) respecting requirements for a council to review its public participation policy periodically and consider whether any amendments should be made;
- (e) respecting requirements to make publicly available a public participation policy and any amendments made to it.

(4) Nothing in a public participation policy established under this section affects any right or obligation that a municipal authority or any person has under any other provision of this Act.

(5) No resolution or bylaw of a council may be challenged on the ground that it was made without complying with a public participation policy established by a resolution of the council.

2015 c8 s24

What information must a municipality provide

217(1), (2) Repealed 1994 cM-26.1 s738.

(3) Despite Division 2 of Part 1 of the *Freedom of Information and Protection of Privacy Act*, the chief administrative officer must provide information on the salaries of councillors, the chief administrative officer and designated officers of the municipality.

(4), (5) Repealed 1994 cM-26.1 s738.

1994 cM-26.1 ss217,738

218 Repealed 1994 cM-26.1 s738.

Petitions

Rules for petitions

219 Sections 220 to 226 apply to all petitions to a council and the Minister under this Act, any other enactment or bylaw except to the extent that they are modified by this Act or any other enactment or, in respect of petitions to a council, by a bylaw under section 226.1.

RSA 2000 cM-26 s219;2015 c8 s25

CAO duties

220 When the Minister receives a petition, the Minister must designate a person to carry out the duties of a chief administrative officer with respect to the petition.

1994 cM-26.1 s220

Petition sufficiency requirements

221 A petition is sufficient if it meets the requirements of sections 222 to 226 or, where those requirements are modified by bylaw under section 226.1, if it meets the requirements as modified.

RSA 2000 cM-26 s221;2015 c8 s26

Who can petition

222 Unless otherwise provided in this or any other enactment, only electors of a municipality are eligible to be petitioners.

1994 cM-26.1 s222

Number of petitioners

223(1) A petition must be signed by the required number of petitioners.

(2) If requirements for the minimum number of petitioners are not set out under other provisions of this or any other enactment then, to be sufficient, the petition must be signed,

- (a) in the case of a municipality other than a summer village, by electors of the municipality equal in number to at least 10% of the population, and

- (b) in the case of a summer village, by a number of the electors of the summer village equal to at least 20% of the number of summer village residences in the summer village.

RSA 2000 cM-26 s223;2016 c24 s17

Other requirements for a petition

224(1) A petition must consist of one or more pages, each of which must contain an identical statement of the purpose of the petition.

(2) The petition must include, for each petitioner,

- (a) the printed surname and printed given names or initials of the petitioner,
- (b) the petitioner's signature,
- (c) the street address of the petitioner or the legal description of the land on which the petitioner lives,
- (c.1) the petitioner's telephone number or e-mail address, if any, and
- (d) the date on which the petitioner signs the petition.

(3) Each signature must be witnessed by an adult person who must

- (a) sign opposite the signature of the petitioner, and
- (b) take an affidavit that to the best of the person's knowledge the signatures witnessed are those of persons entitled to sign the petition.

(3.1) The petition must have attached to it the affidavits referred to in subsection (3).

(4) The petition must have attached to it a signed statement of a person stating that

- (a) the person is the representative of the petitioners, and
- (b) the municipality may direct any inquiries about the petition to the representative.

RSA 2000 cM-26 s224;2015 c8 s27;2017 c13 s1(17)

Counting petitioners

225(1) A petition must be filed with the chief administrative officer and the chief administrative officer is responsible for determining if the petition is sufficient.

(2) No name may be added to or removed from a petition after it has been filed with the chief administrative officer.

(3) In counting the number of petitioners on a petition there must be excluded the name of a person

- (a) whose signature is not witnessed,
- (a.1) whose signature is witnessed but for which no affidavit is attached to the petition,
- (b) whose signature appears on a page of the petition that does not have the same purpose statement that is contained on all the other pages of the petition,
- (c) whose printed name is not included or is incorrect,
- (d) whose street address or legal description of land is not included or is incorrect,
- (e) if the date when the person signed the petition is not stated,
- (f) when a petition is restricted to certain persons,
 - (i) who is not one of those persons, or
 - (ii) whose qualification as one of those persons is not, or is incorrectly, described or set out,

or

- (g) who signed the petition more than 60 days before the date on which the petition was filed with the chief administrative officer, unless a bylaw under section 226.1(1)(e) provides otherwise.

(4) If 5000 or more petitioners are necessary to make a petition sufficient, a chief administrative officer may use a random statistical sampling method with a 95% confidence level to determine the sufficiency of the petition, instead of counting and checking each petitioner.

RSA 2000 cM-26 s225;2015 c8 s28;2017 c13 s1(18)

Report on sufficiency of petition

226(1) Within 45 days after the date on which a petition is filed, the chief administrative officer must make a declaration to the council or the Minister on whether the petition is sufficient or insufficient.

(2) Repealed 1995 c24 s26.

(3) If a petition is not sufficient, the council or the Minister is not required to take any notice of it.

RSA 2000 cM-26 s226;2015 c8 s29

Bylaws modifying petition requirements

226.1(1) Despite sections 219 to 226 and 233(2), a council of a municipality may by bylaw do any or all of the following:

- (a) reduce the percentage required under section 223(2)(a) or (b), whichever is applicable, for petitions to the council;
- (b) allow petitioners to remove their names from petitions to the council by filing a statutory declaration with the chief administrative officer no later than 14 days after the petition is filed with the chief administrative officer;
- (c) provide for petitions to the council to be signed electronically and modify the requirements in sections 224(2) and (3) and 225(3) to the extent the council considers necessary or appropriate for that purpose;
- (d) provide for petitions to the council to be filed with the chief administrative officer electronically;
- (e) extend the time provided in section 233(2) for filing petitions to the council with the chief administrative officer.

(2) A bylaw made or proposed to be made under subsection (1)(a) cannot be the subject of a petition.

(3) A bylaw made under this section must not take effect earlier than 90 days after it is passed.

2015 c8 s30

Protection of personal information in petitions

226.2(1) Despite any provision of this Act, the *Freedom of Information and Protection of Privacy Act* or any other enactment, personal information contained in a petition

- (a) must not be disclosed to anyone except the chief administrative officer and the chief administrative officer's delegates, if any, and
- (b) must not be used for any purpose other than validating the petition.

(2) Minimal disclosure that occurs inadvertently in the course of collecting signatures to the petition is not a breach of subsection (1).

(3) Every page of a petition must contain a statement that the personal information contained in the petition

- (a) will not be disclosed to anyone except the chief administrative officer and the chief administrative officer's delegates, if any, and
- (b) will not be used for any purpose other than validating the petition.

2015 c8 s30

Meetings with the Public

Advertising

227 If council calls a meeting with the public, notice of it must be advertised and everyone is entitled to attend it.

1994 cM-26.1 s227

Improper conduct

228 The person chairing a meeting with the public may expel a person from the meeting for improper conduct.

1994 cM-26.1 s228

Petition for meeting

229 If a council receives a sufficient petition requesting that council call a meeting with the public, the council must call a meeting with the public to discuss the matters stated in the petition and the meeting must be held no later than 30 days after the chief administrative officer declares the petition to be sufficient.

1994 cM-26.1 s229;1995 c24 s27

Public Hearings

When to hold public hearing

230(1) When this or another enactment requires council to hold a public hearing on a proposed bylaw or resolution, the public hearing must be held, unless another enactment specifies otherwise,

- (a) before second reading of the bylaw, or
- (b) before council votes on the resolution.

(2) When this or another enactment requires a public hearing to be held on a proposed bylaw or resolution, council must

- (a) give notice of the public hearing in accordance with section 606, and
- (b) conduct the public hearing during a regular or special council meeting.

- (3) A council may by bylaw establish procedures for public hearings.
- (4) In the public hearing, council
- (a) must hear any person, group of persons, or person representing them, who claims to be affected by the proposed bylaw or resolution and who has complied with the procedures outlined by the council, and
 - (b) may hear any other person who wishes to make representations and whom the council agrees to hear.
- (5) After considering the representations made to it about a proposed bylaw or resolution at the public hearing and after considering any other matter it considers appropriate, the council may
- (a) pass the bylaw or resolution,
 - (b) make any amendment to the bylaw or resolution it considers necessary and proceed to pass it without further advertisement or hearing, or
 - (c) defeat the bylaw or resolution.
- (6) The minutes of the council meeting during which the public hearing is held must record the public hearing to the extent directed by the council.

RSA 2000 cM-26 s230;2015 c8 s31

Petitions for Vote of the Electors — Advertised Bylaws and Resolutions

Petition for vote on advertised bylaws and resolutions

231(1) Except for a bylaw under section 22, a resolution under Part 15.1 or a bylaw or resolution under Part 17, after a proposed bylaw or resolution that is required to be advertised under this or another enactment has been advertised, the electors may submit a petition for a vote of the electors to determine whether the proposed bylaw or resolution should be passed.

- (2) A separate petition must be filed with respect to each advertised bylaw or resolution even if a council advertises 2 or more bylaws or resolutions in a single advertisement.
- (3) A petition under this section for a vote of the electors on a proposed bylaw required to be advertised by Part 8 is not sufficient unless it is filed with the chief administrative officer within 15 days

after the last date on which the proposed bylaw or resolution is advertised.

(4) A petition under this section for a vote of the electors on a proposed bylaw or resolution required to be advertised by another Part of this Act or another enactment is not sufficient unless it is filed with the chief administrative officer within 60 days after the last date on which the proposed bylaw is advertised.

(5) If a sufficient petition is received under this section, the council must either

- (a) decide not to proceed with the proposed bylaw or resolution, or
- (b) decide to proceed with the proposed bylaw or resolution and submit the bylaw or resolution to a vote of the electors within 90 days after the chief administrative officer declares the petition to be sufficient.

(6) If a vote of the electors approves the proposed bylaw or resolution, the council must proceed to pass it.

(7) If a vote of the electors does not approve the proposed bylaw, the council must not give the bylaw any further readings and any previous readings are rescinded.

(8) If a vote of the electors does not approve the proposed resolution, the motion for the resolution is rescinded.

(9) If a sufficient petition is not received, the council may pass the proposed bylaw or resolution.

RSA 2000 cM-26 s231;2020 c25 s11

Petitions for Vote of the Electors - New Bylaws

Petition for bylaw

232(1) Electors may petition for

- (a) a new bylaw, or
- (b) a bylaw to amend or repeal a bylaw or resolution

on any matter within the jurisdiction of the council under this or another enactment.

(2) A petition requesting a new bylaw under Part 8, 9, 10, 17 or 17.2 or an amendment or repeal of a bylaw or resolution made under Part 8, 9, 10, 17 or 17.2 has no effect.

RSA 2000 cM-26 s232;2016 c24 s18

Council's duty on receiving certain petition

233(1) Except to the extent provided for in section 234, this section does not apply to a petition under section 232 requesting an amendment or repeal of a bylaw that council was required to pass as a result of a vote of the electors.

(2) A petition under section 232 requesting an amendment or repeal of a bylaw or resolution is not sufficient unless it is filed with the chief administrative officer within 60 days after the day on which that bylaw or resolution was passed or, where a bylaw under section 226.1(1)(e) extends that period, within the extended period.

(3) Within 30 days after the day on which the chief administrative officer declares a petition submitted under section 232 to be sufficient, the council must give first reading to a bylaw dealing with the subject-matter of the petition and any other related matters the council considers necessary.

(4) If the bylaw is not required to be advertised under this or another enactment, the council must

- (a) within 30 days after the bylaw receiving first reading pass the bylaw, or
- (b) fix a date that is within 90 days after the bylaw receives first reading for a vote of the electors on the bylaw.

(5) If the bylaw is required to be advertised under this or another enactment, the council must

- (a) ensure that the bylaw is advertised, or
- (b) fix a date that is within 90 days after the bylaw receives first reading for a vote of the electors on the bylaw.

(6) If the bylaw is advertised and a sufficient petition is not received under section 231, the council must

- (a) pass the bylaw within 30 days after the relevant time period set out in section 231(3) or (4), or
- (b) fix a date that is within 90 days after the relevant time period set out in section 231(3) or (4) for a vote of the electors on the bylaw.

- (7) If the bylaw is advertised and a sufficient petition is received under section 231, the council must either
- (a) decide not to proceed with the proposed bylaw, or
 - (b) decide to proceed with the proposed bylaw and submit the bylaw to a vote of the electors within 90 days after the chief administrative officer declares the petition to be sufficient.

RSA 2000 cM-26 s233;2015 c8 s32

Petitions respecting public vote bylaws

234(1) In this section, “public vote bylaw” means a bylaw that council was required to pass as a result of a vote of the electors.

(2) A petition under section 232 requesting an amendment or repeal of a public vote bylaw has no effect unless one year has passed from the date that the public vote bylaw was passed.

(3) If a council receives a sufficient petition under section 232 requesting an amendment or repeal of a public vote bylaw and only one to 3 years have passed from the date that the public vote bylaw was passed, the council must, within 30 days after the day on which the chief administrative officer declares the petition to be sufficient,

- (a) give first reading to a bylaw dealing with the subject-matter of the petition and any other related matters the council considers necessary, and
- (b) fix a date that is within 90 days after the bylaw receives first reading for a vote of the electors on the bylaw.

(4) If council receives a sufficient petition under section 232 requesting an amendment or repeal of a public vote bylaw and more than 3 years but less than 10 years have passed from the date that the public vote bylaw was passed,

- (a) the amendment or repeal must be treated as a bylaw that is required to be advertised, and
- (b) section 233(3), (5), (6) and (7) apply.

(5) If council receives a sufficient petition under section 232 requesting an amendment or repeal of a public vote bylaw and 10 or more years have passed from the date that the public vote bylaw was passed, section 233(3) to (7) apply.

1994 cM-26.1 s234;1995 c24 s31

Result of a vote on a question

235(1) If a majority of electors voting on a bylaw under section 233 or 234 vote in favour of a proposed bylaw, the bylaw as submitted to the vote must be passed by council within 30 days after the date of the vote, without any alteration affecting its substance.

(2) If a majority of electors voting oppose the proposed bylaw, council must not give the bylaw any further readings and all previous readings are rescinded.

1994 cM-26.1 s235

Vote of the Electors - General Provisions**Electors to vote on a question**

236(1) A council may provide for the submission of a question to be voted on by the electors on any matter over which the municipality has jurisdiction.

(2) A vote of the electors under subsection (1) does not bind council.

1994 cM-26.1 s236

Local Authorities Election Act

237 A vote of the electors under this Part must be conducted in accordance with the *Local Authorities Election Act*.

1994 cM-26.1 s237

Delaying votes

238(1) If a petition for a vote of the electors is filed with the chief administrative officer within 12 months before a general election and a vote of electors is to be conducted because of the petition, the council may direct that the vote be conducted at the general election.

(2) A vote under subsection (1) must be conducted on the date of the general election whether or not a general election is conducted.

1994 cM-26.1 s238;1995 c24 s32

One year moratorium on similar subject-matter

239 If a vote of the electors is conducted on a bylaw or resolution, the council may refuse to receive any further petition on the same or a similar subject filed within one year after the date of the vote.

1994 cM-26.1 s239

**Amendments or repeal of bylaws or resolutions
voted on by electors**

240(1) A bylaw or resolution that council was required to pass as a result of a vote of the electors may be amended or repealed only if

- (a) a vote of the electors is held on the proposed amendment or repeal and the majority of the electors voting vote in favour of the proposed amendment or repeal,
- (b) three years have passed from the date that the bylaw or resolution was passed and the proposed amendment or repeal is advertised, or
- (c) ten years have passed from the date that the bylaw or resolution was passed.

(2) A bylaw or resolution that council was required to pass as a result of a vote of the electors may be amended if the amendment does not affect the substance of the bylaw or resolution.

1994 cM-26.1 s240

Part 8 Financial Administration

Definitions

241 In this Part,

- (a) “accounting standards” means the Canadian generally accepted accounting principles for municipal governments, which are the standards approved by the Public Sector Accounting Board included in the CPA Canada Public Sector Accounting Handbook published by the Chartered Professional Accountants of Canada, as amended from time to time;
- (a.01) “amortization” and “tangible capital assets” have the same meaning as in the CPA Canada Public Sector Accounting Handbook published by the Chartered Professional Accountants of Canada, as amended from time to time;
- (a.02) “annual budget” means a combined operating budget and capital budget for the calendar year determined on a basis consistent with accounting standards and the requirements of this Part;
- (a.1) “borrowing” means the borrowing of money and includes

- (i) borrowing to refinance, redeem or restructure existing debt,
 - (ii) a lease of capital property with a fixed term beyond 5 years or a fixed term of 5 years or less but with a right of renewal that would, if exercised, extend the original term beyond 5 years, and
 - (iii) an agreement to purchase capital property that creates an interest in the capital property to secure payment of the capital property's purchase price if payment of the purchase price under the agreement exceeds 5 years;
- (b) "borrowing bylaw" means a bylaw referred to in section 251;
- (c) "capital property" means property that
- (i) is used in the production or supply of goods and services or is used for a municipal purpose,
 - (ii) has a useful life extending beyond 12 months and is intended to be used on a continuing basis, and
 - (iii) is not intended for sale in the ordinary course of operations;
- (d) "controlled corporation" means a controlled corporation as defined in section 75.1;
- (e) "debt limit" means the debt limit for a municipality determined in accordance with the regulations under section 271;
- (f) "non-profit organization" means
- (i) a society, credit union or co-operative established under a law of Canada or Alberta,
 - (ii) a corporation that is prohibited from paying dividends to its members and distributing the assets to its members on a winding-up, or
 - (iii) any other entity established under a law of Canada or Alberta for a purpose other than to make a profit.

RSA 2000 cM-26 s241;2015 c8 s33;2016 c24 s19

Budgets

Adoption of operating budget

242(1) Each council must adopt an operating budget for each calendar year.

(2) A council may adopt an interim operating budget for part of a calendar year.

(3) An interim operating budget for a part of a calendar year ceases to have any effect when the operating budget for that calendar year is adopted.

1994 cM-26.1 s242

Contents of operating budget

243(1) An operating budget must include the estimated amount of each of the following expenditures and transfers:

- (a) the amount needed to provide for the council's policies and programs;
- (b) the amount needed to pay the debt obligations in respect of borrowings made to acquire, construct, remove or improve capital property;
- (b.1) the amount of expenditures and transfers needed to meet the municipality's obligations as a member of a growth management board;
- (c) the amount needed to meet the requisitions or other amounts that the municipality is required to pay under an enactment;
- (c.1) the amount of expenditures and transfers needed to meet the municipality's obligations for services funded under an intermunicipal collaboration framework;
- (d) if necessary, the amount needed to provide for a depreciation or depletion allowance, or both, for its municipal public utilities as defined in section 28;
- (e) the amount to be transferred to reserves;
- (f) the amount to be transferred to the capital budget;
- (g) the amount needed to recover any shortfall as required under section 244.

(2) An operating budget must include the estimated amount of each of the following sources of revenue and transfers:

- (a) property tax;
- (b) business tax;
- (c) business improvement area tax;
- (c.1) community revitalization levy;
- (d) special tax;
- (e) well drilling equipment tax;
- (e.1) clean energy improvement tax;
- (f) local improvement tax;
- (f.1) community aggregate payment levy;
- (g) grants;
- (h) transfers from the municipality's accumulated surplus funds or reserves;
- (i) any other source.

(3) The estimated revenue and transfers under subsection (2) must be at least sufficient to pay the estimated expenditures and transfers under subsection (1).

(3.1) For the purposes of subsection (3), the estimated expenditures referred to in that subsection do not include any amortization of tangible capital assets unless the amortization is an amount required to provide for amortization of the tangible capital assets of a municipality's municipal public utilities as defined in section 28.

(4) The Minister may make regulations respecting budgets and that define terms used in this section that are not defined in section 241.

RSA 2000 cM-26 s243;2005 c14 s3;2015 c8 s34;
2016 c24 s19.1;2017 c13 ss1(19),2(5);2018 c6 s3

Financial shortfall

244(1) If the accumulated surplus, net of equity in tangible capital assets, is less than zero, the municipality must include a budgeted expenditure in the next calendar year that is sufficient to recover the shortfall.

(2) If a municipality has a shortfall referred to in subsection (1), the municipality may, with the Minister's approval, allocate the

expenditures to cover the shortfall over more than one calendar year.

(3) If for any given year a municipality has a shortfall referred to in subsection (1), the Minister may, if the Minister considers it necessary to do so, establish that municipality's annual budget for the next calendar year, and that annual budget

- (a) is for all purposes the municipality's annual budget for that calendar year, and
- (b) may not be amended or replaced by council.

RSA 2000 cM-26 s244;2015 c8 s35

Adoption of capital budget

245 Each council must adopt a capital budget for each calendar year.

1994 cM-26.1 s245

Contents of capital budget

246 A capital budget must include the estimated amount for the following:

- (a) the amount needed to acquire, construct, remove or improve capital property;
- (b) the anticipated sources and amounts of money to pay the costs referred to in clause (a);
- (c) the amount to be transferred from the operating budget.

1994 cM-26.1 s246

Tax bylaws

247 No municipality may pass a property tax bylaw or business tax rate bylaw in respect of a year unless the operating and capital budget for that year have been adopted by council or established by the Minister under section 244.

1994 cM-26.1 s247

Expenditure of money

248(1) A municipality may only make an expenditure that is

- (a) included in an operating budget, interim operating budget or capital budget or otherwise authorized by the council,
- (b) for an emergency, or
- (c) legally required to be paid.

(2) Each council must establish procedures to authorize and verify expenditures that are not included in a budget.

(3) If the Minister establishes a budget for a municipality under section 244, the municipality may not make an expenditure that is not included in the budget unless the expenditure is

- (a) authorized by the Minister,
- (b) for an emergency, or
- (c) legally required to be paid.

1994 cM-26.1 s248

Annual budget

248.1(1) A council may adopt an annual budget in a format that is consistent with its financial statements.

(2) For the purposes of sections 247 and 248, the adoption of an annual budget is equivalent to the adoption of an operating budget under section 242 or the adoption of a capital budget under section 245.

2015 c8 s36

Civil liability of councillors

249(1) A councillor who

- (a) makes an expenditure that is not authorized under section 248,
- (b) votes to spend money that has been obtained under a borrowing on something that is not within the purpose for which the money was borrowed, or
- (c) votes to spend money that has been obtained under a grant on something that is not within the purpose for which the grant was given

is liable to the municipality for the expenditure or amount spent.

(2) A councillor is not liable under subsection (1)(b) if spending the money is allowed under section 253(2).

(3) If more than one councillor is liable to the municipality under this section in respect of a particular expenditure or vote, the councillors are jointly and severally liable to the municipality for the expenditure or amount spent.

(4) The liability may be enforced by action by

- (a) the municipality,
- (b) an elector or taxpayer of the municipality, or
- (c) a person who holds a security under a borrowing made by the municipality.

1994 cM-26.1 s249

Investments

Authorized investments

250(1) In this section, “securities” includes bonds, debentures, trust certificates, guaranteed investment certificates or receipts, certificates of deposit, deposit receipts, bills, notes and mortgages of real estate or leaseholds and rights or interests in respect of a security.

(2) A municipality may only invest its money in the following:

- (a) securities issued or guaranteed by
 - (i) the Crown in right of Canada or an agent of the Crown, or
 - (ii) the Crown in right of a province or territory or an agent of a province or territory;
- (b) securities of a municipality, school division, hospital district, health region under the *Regional Health Authorities Act* or regional services commission in Alberta;
- (c) securities that are issued or guaranteed by a bank, treasury branch, credit union or trust corporation;
- (d) units in pooled funds of all or any of the investments described in clauses (a) to (c);
- (e) shares of a corporation incorporated or continued under the *Canada Business Corporations Act* (Canada) or incorporated, continued or registered under the *Business Corporations Act* if the investment is approved by the Minister.

(2.1) Subsection (2) does not apply to a municipality’s investment in a controlled corporation.

(3) The approval of the Minister under subsection (2)(e) may contain conditions.

(4) In addition to the investments referred to in subsection (2), the Minister may by regulation allow one or more municipalities to invest their money in other investments described in the regulation.

(5) Nothing in this section prevents a municipality from acquiring a share or membership in a non-profit organization.

RSA 2000 cM-26 s250;2012 cE-0.3 s279;2016 c24 s20

Borrowing

Borrowing bylaw

251(1) A municipality may only make a borrowing if the borrowing is authorized by a borrowing bylaw.

(2) A borrowing bylaw must set out

- (a) the amount of money to be borrowed and, in general terms, the purpose for which the money is borrowed;
- (b) the maximum rate of interest, the term and the terms of repayment of the borrowing;
- (c) the source or sources of money to be used to pay the principal and interest owing under the borrowing.

(3) A borrowing bylaw must be advertised.

1994 cM-26.1 s251

Debt limit

252(1) No municipality may make a borrowing if the borrowing will cause the municipality to exceed its debt limit, unless the borrowing is approved by the Minister.

(2) For the purposes of subsection (1), a borrowing made by a municipality to pay for costs associated with clean energy improvements as defined in Part 10, Division 6.1 does not count against the debt limit or debt service limit of the municipality.

RSA 2000 cM-26 s252;2018 c6 s4

Use of borrowed money

253(1) Money obtained by a municipality under a borrowing must be used for the purpose for which it is borrowed.

(2) Money obtained by a municipality under a borrowing for the purpose of financing a capital property may be used for an operating purpose if the amount spent is available when it is needed for the capital property.

1994 cM-26.1 s253

Capital property

254 No municipality may acquire, remove or start the construction or improvement of a capital property that is to be financed in whole or in part through a borrowing unless the borrowing bylaw that authorizes the borrowing is passed.

1994 cM-26.1 s254

Exemption from borrowing conditions

255(1) The Minister may, in respect of a particular borrowing, exempt a municipality from any requirement in sections 256 to 263.

(2) The *Regulations Act* does not apply to an exemption made under this section.

1994 cM-26.1 s255

Operating expenditures

256(1) This section applies to a borrowing made for the purpose of financing operating expenditures.

(2) The amount to be borrowed, together with the unpaid principal of other borrowings made for the purpose of financing operating expenditures, must not exceed the amount the municipality estimates will be raised in taxes in the year the borrowing is made.

(3) A borrowing bylaw that authorizes the borrowing does not have to be advertised if the term of the borrowing does not exceed 3 years.

1994 cM-26.1 s256

Capital property - short-term borrowing

257(1) This section applies to a borrowing made for the purpose of financing a capital property when the term of the borrowing is 5 years or less.

(2) The expenditure for the capital property must be included in a budget.

(3) Repealed 1998 c24 s13.

(4) A borrowing bylaw that authorizes the borrowing does not have to be advertised.

1994 cM-26.1 s257;1996 c30 s14;1998 c24 s13

Capital property - long-term borrowing

258(1) This section applies to a borrowing made for the purpose of financing a capital property when the term of the borrowing exceeds 5 years.

(2) This section does not apply to a borrowing referred to in section 263.

(3) The expenditure for the capital property must be included in a budget.

(4) The term of the borrowing must not exceed the probable lifetime of the capital property.

(5) If

- (a) a borrowing bylaw that authorizes the borrowing has been passed,
- (b) the money to be borrowed is insufficient because the cost of the capital property has increased, and
- (c) the increased cost does not exceed 15% of the original cost of the capital property,

the borrowing bylaw that authorizes the borrowing of the increased cost does not have to be advertised.

1994 cM-26.1 s258;1996 c30 s15

Capital property - interim financing

259(1) This section applies to a borrowing made for the purpose of temporarily financing a capital property for which a borrowing bylaw has been passed under section 258.

(2) The term of the borrowing must not exceed 5 years.

(3) The amount borrowed must not exceed the

- (a) amount of the expenditures in the budget for that and previous calendar years to acquire, construct or improve the capital property,

minus

- (b) any money received for the capital property from any other source, including previous borrowings under this Part.

(4) A borrowing bylaw that authorizes the borrowing referred to in subsection (1) does not have to be advertised.

(5) Section 257 does not apply to a borrowing referred to in subsection (1).

1994 cM-26.1 s259;1996 c30 s16

Special works

260 If the purpose of a borrowing is to finance the acquisition, construction, removal or improvement of capital property ordered under an enactment, the borrowing bylaw for that borrowing does not have to be advertised.

1994 cM-26.1 s260

Refinancing

261 If the purpose of a proposed borrowing is to refinance, redeem or restructure the unpaid principal of one or more existing borrowings and the amount and term of the proposed borrowing do not exceed the unpaid principal of the existing borrowings and the longest remaining term of the existing borrowings, the borrowing bylaw for the proposed borrowing does not have to be advertised.

1994 cM-26.1 s261

Services or activities that are funded by agreement

262(1) This section applies to a borrowing made for the purpose of financing a service or activity that the municipality will provide under an agreement

- (a) between the municipality and another local authority or the Crown in right of Alberta or Canada or an agent of either Crown, and
- (b) that provides that the municipality is to receive payments for providing the service or activity.

(2) The amount borrowed must not exceed the amount that will be paid to the municipality under the agreement.

(3) The term of the borrowing must not continue beyond the date on which the final payment under the agreement is received by the municipality.

(4) A borrowing bylaw that authorizes the borrowing does not have to be advertised.

(5) Payments received by the municipality under the agreement must be applied first to reducing the amount borrowed.

(6) Sections 256 to 259 do not apply to a borrowing referred to in subsection (1).

1994 cM-26.1 s262

Local improvements

263(1) This section applies to a borrowing made for the purpose of financing the cost of a local improvement to be funded in whole or in part by a local improvement tax.

(2) The borrowing bylaw that authorizes the borrowing does not have to be advertised if the amount to be financed by the local improvement tax to pay for the local improvement is equal to or greater than the amount that the municipality will contribute to pay for the local improvement other than through the local improvement tax.

(3) For the purpose of calculating the amount that the municipality will contribute referred to in subsection (2), the amount does not include any financial assistance the municipality receives for the local improvement from a government, government agency, corporation or individual.

1994 cM-26.1 s263

Loans and Guarantees

Purpose of loans and guarantees

264(1) A municipality may only lend money or guarantee the repayment of a loan if

- (a) the loan or guarantee is made under subsection (2) or (3),
- (b) the loan is made to one of its controlled corporations, or
- (c) the guarantee is made in respect of a loan between a lender and one of its controlled corporations.

(2) A municipality may

- (a) lend money to a non-profit organization, or
- (b) guarantee the repayment of a loan between a lender and a non-profit organization

if the council considers that the money loaned or money obtained under the loan that is guaranteed will be used for a purpose that will benefit the municipality.

(3) A municipality that intends to purchase gas from and become a shareholder of the designated seller within the meaning of section 30(1) of the *Gas Distribution Act*, SA 1994 cG-1.5 as it read on June 30, 1998, may make a loan to the designated seller as part of the capitalization of the designated seller by its shareholders.

1994 cM-26.1 s264;1998 c26 s13

Loan bylaws

265(1) A municipality may only lend money to a non-profit organization, one of its controlled corporations or the designated seller within the meaning of section 30(1) of the *Gas Distribution*

Act, SA 1994 cG-1.5 as it read on June 30, 1998, if the loan is authorized by bylaw.

(2) The bylaw authorizing the loan must set out

- (a) the amount of money to be loaned and, in general terms, the purpose for which the money that is loaned is to be used;
- (b) the minimum rate of interest, the term and the terms of repayment of the loan;
- (c) the source or sources of the money to be loaned.

(3) The bylaw that authorizes the loan must be advertised.

1994 cM-26.1 s265;1998 c26 s13

Guarantee bylaw

266(1) A municipality may only guarantee the repayment of a loan between a lender and a non-profit organization or one of its controlled corporations if the guarantee is authorized by bylaw.

(2) The bylaw authorizing the guarantee must set out

- (a) the amount of money to be borrowed under the loan to be guaranteed and, in general terms, the purpose for which the money is borrowed;
- (b) the rate of interest under the loan or how the rate of interest is calculated, the term and the terms of repayment of the loan;
- (c) the source or sources of the money to be used to pay the principal and interest owing under the loan if the municipality is required to do so under the guarantee.

(3) The bylaw that authorizes the guarantee must be advertised.

1994 cM-26.1 s266

267 Repealed 1998 c24 s14.

Debt limit

268 No municipality may lend money or guarantee the repayment of a loan referred to in section 264 if making the loan or guarantee will cause the municipality to exceed its debt limit, unless the loan or guarantee is approved by the Minister.

1994 cM-26.1 s268

Financial records and receipts

268.1 A municipality must ensure that

- (a) accurate records and accounts are kept of the municipality's financial affairs, including the things on which a municipality's debt limit is based and the things included in the definition of debt for that municipality;
- (b) the actual revenues and expenditures of the municipality compared with the estimates in the operating or capital budget approved by council are reported to council as often as council directs;
- (c) the revenues of the municipality are collected and controlled and receipts issued in the manner directed by council.

2015 c8 s37

General Matters**Financial year**

269 The financial year of a municipality is the calendar year.

1994 cM-26.1 s269

Municipal accounts

270(1) Only a designated officer or a person authorized by bylaw may open or close the accounts that hold the money of a municipality.

(2) A municipality must ensure that all money belonging to or held by the municipality is deposited in a bank, credit union, loan corporation, treasury branch or trust corporation designated by council.

RSA 2000 cM-26 s270;2015 c8 s38

Regulations

271(1) The Minister may make regulations

- (a) respecting the financial administration of specialized municipalities;
- (b) establishing limits and restrictions on a municipality's power to make grants;
- (c) respecting how a debt limit for a municipality is determined;
- (d) defining debt for the purposes of determining if a municipality has exceeded its debt limit and the definition may include anything related to a municipality's finances, including things relating to the finances of a controlled corporation;

- (e) exempting a municipality from the requirement of this Part respecting debt limits.

(2) The regulations may establish different methods of determining debt limits and different definitions of debt for different municipalities.

1994 cM-26.1 s271

Seal and signatures

272(1) After a legal instrument issued under a borrowing has been signed and sealed by the municipality, the signatures and seal may be reproduced and the reproduction has the same effect as if the signatures or seal had been personally signed or affixed.

(2) A municipality must ensure that its corporate seal, if any, is kept safe.

RSA 2000 cM-26 s272;2015 c8 s39

Validity of borrowings, loans and guarantees

273(1) A borrowing made by a municipality and a loan or guarantee of a loan made by a municipality under section 264 and any legal instrument issued under the borrowing, loan or guarantee is valid and binding on the municipality and is not open to question in any court if the borrowing is authorized by a borrowing bylaw or the loan or guarantee is authorized by bylaw.

(2) A borrowing bylaw or a bylaw authorizing a loan or guarantee is, for the purposes of this section, a valid bylaw if

- (a) no application has been made to the Court of Queen's Bench to have the bylaw declared invalid within 30 days after the bylaw has been passed, or
- (b) an application has been made to the Court of Queen's Bench to have the bylaw declared invalid within 30 days after the bylaw has been passed and, on the final disposition of the application and any appeal, the application is dismissed.

1994 cM-26.1 s273

Application of money borrowed

274 A person lending money to a municipality under a borrowing does not have to verify that the money is applied to the purpose for which it is borrowed.

1994 cM-26.1 s274

Civil liability of councillors

275(1) When a municipality makes a borrowing, loan or guarantees the repayment of a loan that causes the municipality to exceed its debt limit, a councillor who voted for the bylaw

authorizing the borrowing, loan or guarantee is liable to the municipality for the amount borrowed, loaned or guaranteed, unless the borrowing, loan or guarantee has been approved by the Minister.

(2) If subsection (1) applies to more than one councillor in respect of a bylaw, the councillors are jointly and severally liable to the municipality for the amount borrowed, loaned or guaranteed under the bylaw.

(3) The liability may be enforced by action by

- (a) the municipality,
- (b) an elector or taxpayer of the municipality, or
- (c) a person who holds a security under a borrowing made by the municipality.

1994 cM-26.1 s275

275.1 Repealed 2020 c25 s11.

Annual Financial Statements and Auditor's Report

Annual financial statements

276(1) Each municipality must prepare annual financial statements of the municipality for the immediately preceding year in accordance with

- (a) Canadian generally accepted accounting principles for municipal governments, which are the standards approved by the Public Sector Accounting Board included in the CPA Canada Public Sector Accounting Handbook published by the Chartered Professional Accountants of Canada, as amended from time to time, and
- (b) any modification of the principles or any supplementary accounting standards or principles established by the Minister by regulation.

(2) The municipality's financial statements must include

- (a) the municipality's debt limit, and
- (b) the amount of the municipality's debt as defined in the regulations under section 271.

(3) Each municipality must make its financial statements, or a summary of them, and the auditor's report of the financial

statements available to the public in the manner the council considers appropriate by May 1 of the year following the year for which the financial statements have been prepared.

RSA 2000 cM-26 s276;2014 cC-10.2 s181

Financial information return

277(1) Each municipality must prepare a financial information return respecting the financial affairs of the municipality for the immediately preceding calendar year.

(2) The Minister may establish requirements respecting the financial information return, including requirements respecting the accounting principles and standards to be used in preparing the return.

1994 cM-26.1 s277;1995 c24 s34

Returns and reports to Minister

278 Each municipality must submit

- (a) its financial information return and the auditor's report on the financial information return, and
- (b) its financial statements and the auditor's report on the financial statements

to the Minister by May 1 of the year following the year for which the financial information return and statements have been prepared.

1994 cM-26.1 s278

Financial statements for controlled corporations

279 Each controlled corporation must prepare annual financial statements in accordance with

- (a) the requirements of the legislation under which the corporation was formed, and
- (b) if there are no requirements, Canadian generally accepted accounting principles, which are the accounting standards set out in the CPA Canada Handbook, as published by the Chartered Professional Accountants of Canada from time to time.

RSA 2000 cM-26 s279;2014 cC-10.2 s181

Auditors

280(1) Each council must appoint one or more auditors for the municipality.

(2) Each council must appoint one or more auditors for each of its controlled corporations if there is no statutory requirement for an audit of the accounts of the controlled corporation.

(3) A council may not appoint a councillor, an employee of the municipality or an employee of one of its controlled corporations to be an auditor.

(4) The council of the City of Edmonton or of the City of Calgary may, on the approval of the Minister, appoint by bylaw an employee of the municipality to be the auditor for the municipality if the person is a chartered professional accountant and reports directly to the council.

RSA 2000 cM-26 s280;2014 cC-10.2 s181

Auditor's reports

281(1) The auditor for the municipality must report to the council on the annual financial statements and financial information return of the municipality.

(2) The reports on the annual financial statements and financial information return must be in accordance with

- (a) Canadian generally accepted accounting principles for municipal governments, which are the standards approved by the Public Sector Accounting Board included in the CPA Canada Public Sector Accounting Handbook published by the Chartered Professional Accountants of Canada, as amended from time to time, and
- (b) any modifications of the principles referred to in clause (a) or any supplementary principles established by the Minister by regulation.

(3) The auditor must separately report to the council any improper or unauthorized transaction or non-compliance with this or another enactment or a bylaw that is noted during the course of an audit.

(4) The council or the Minister may require any further examination and report from the auditor.

RSA 2000 cM-26 s281;2014 cC-10.2 s181

Auditor appointed by Minister

282(1) The Minister may appoint one or more auditors to audit the books and accounts of a municipality if the Minister considers the audit to be needed or

- (a) on the request of the council,
- (b) on the request of not fewer than 1/3 of the councillors on the council, or
- (c) on receiving a sufficient petition from the electors of the municipality requesting the appointment of an auditor.

(2) The municipality is liable to the Minister for the costs of the audit as determined by the Minister.

(3) The auditor must submit the auditor's report to the Minister and to council.

1994 cM-26.1 s282

Access to information by auditors

283(1) An auditor appointed by the council or the Minister is at all reasonable times and for any purpose related to an audit entitled to access to

- (a) the records of the municipality, and
- (b) data processing equipment owned or leased by the municipality.

(2) A councillor, chief administrative officer, designated officer, employee or agent of, or a consultant to, a municipality must give the auditor any information, reports or explanations the auditor considers necessary.

(3) An auditor who receives information from a person whose right to disclose that information is restricted by law holds that information under the same restrictions respecting disclosure that govern the person from whom the information was obtained.

1994 cM-26.1 s283

Financial Plans and Capital Plans

Required plans

283.1(1) In this section,

- (a) "capital plan" means a plan referred to in subsection (3);
- (b) "financial plan" means a plan referred to in subsection (2).

(2) Each municipality must prepare a written plan respecting its anticipated financial operations over a period of at least the next 3 financial years.

(3) Each municipality must prepare a written plan respecting its anticipated capital property additions over a period of at least the next 5 financial years.

(4) The 3 financial years referred to in subsection (2) and the 5 financial years referred to in subsection (3) do not include the financial year in which the financial plan or capital plan is prepared.

- (5) Council may elect to include more than 3 financial years in a financial plan or more than 5 financial years in a capital plan.
- (6) Council must annually review and update its financial plan and capital plan.
- (7) The Minister may make regulations respecting financial plans and capital plans, including, without limitation, regulations
- (a) respecting the form and contents of financial plans and capital plans;
 - (b) specifying the first financial year required to be reflected in a financial plan;
 - (c) specifying the first financial year required to be reflected in a capital plan.

2015 c8 s40

Part 9

Assessment of Property

Interpretation provisions for Parts 9 to 12

284(1) In this Part and Parts 10, 11 and 12,

- (a) “assessed person” means a person who is named on an assessment roll in accordance with section 304;
- (b) “assessed property” means property in respect of which an assessment has been prepared;
- (c) “assessment” means a value of property determined in accordance with this Part and the regulations;
- (d) “assessor” means
 - (i) the provincial assessor, or
 - (ii) a municipal assessor,and includes any person to whom those duties and responsibilities are delegated by the person referred to in subclause (i) or (ii);
- (e) “council” includes
 - (i) a collecting board that is authorized under section 177 of the *Education Act* to impose and collect taxes in a school division as defined in that Act, and

- (ii) the Minister, in respect of an improvement district or special area;
- (f) “Crown” means the Crown in right of Alberta, and includes a Provincial agency as defined in the *Financial Administration Act* and an agent of the Crown in right of Alberta;
- (f.01) “designated industrial property” means
 - (i) facilities regulated by the Alberta Energy Regulator, the Alberta Utilities Commission or the National Energy Board,
 - (ii) linear property,
 - (iii) property designated as a major plant by the regulations,
 - (iv) land and improvements in respect of a parcel of land where that parcel of land contains property described in subclause (i) or (iii), and
 - (v) land and improvements in respect of land in which a leasehold interest is held where the land is not registered in a land titles office and contains property described in subclause (i) or (iii);
- (f.1) “designated manufactured home” means a manufactured home, mobile home, modular home or travel trailer;
- (g) repealed 2016 c24 s21;
- (g.1) “extended area network” has the meaning given to it in the regulations;
- (h) “farm building” has the meaning given to it in the regulations;
- (i) “farming operations” has the meaning given to it in the regulations;
- (j) “improvement” means
 - (i) a structure,
 - (ii) any thing attached or secured to a structure, that would be transferred without special mention by a transfer or sale of the structure,
 - (iii) a designated manufactured home, and

- (iv) machinery and equipment;
- (k) “linear property” means
 - (i) electric power systems, which has the meaning given to that term in the regulations,
 - (ii) street lighting systems, which has the meaning given to that term in the regulations,
 - (iii) telecommunication systems, which has the meaning given to that term in the regulations,
 - (iv) pipelines, which has the meaning given to that term in the regulations,
 - (v) railway property, which has the meaning given to that term in the regulations, and
 - (vi) wells, which has the meaning given to that term in the regulations;
- (l) “machinery and equipment” has the meaning given to it in the regulations;
- (m) “manufactured home” means any structure, whether ordinarily equipped with wheels or not, that is manufactured to meet or exceed the Canadian Standards Association standard CSA Z240 and that is used as a residence or for any other purpose;
- (n) “manufactured home community” means a parcel of land that
 - (i) is designated in the land use bylaw of a municipality as a manufactured home community, and
 - (ii) includes at least 3 designated manufactured home sites that are rented or available for rent;
- (n.1) “mobile home” means a structure that is designed to be towed or carried from place to place and that is used as a residence or for any other purpose, but that does not meet Canadian Standards Association standard CSA Z240;
- (n.2) “modular home” means a home that is constructed from a number of pre-assembled units that are intended for delivery to and assembly at a residential site;

- (n.3) “municipal assessment roll” means the assessment roll prepared by a municipality under section 302(1);
- (n.4) “municipal assessor” means a designated officer appointed under section 284.2 to carry out the functions, duties and powers of a municipal assessor under this Act;
- (o) “municipality” includes
 - (i) a school division, as defined in the *Education Act*, in which a collecting board is authorized under section 177 of that Act to impose and collect taxes or, where the school division is authorized or required to act, the collecting board, and
 - (ii) an improvement district and a special area or, where the improvement district or special area is authorized or required to act, the Minister;
- (o.1) “operational” has the meaning given to it in the regulations;
- (p) “operator” has the meaning given to it in the regulations;
- (q) “owner”, in respect of a designated manufactured home, means the owner of the designated manufactured home and not the person in lawful possession of it;
- (r) “property” means
 - (i) a parcel of land,
 - (ii) an improvement, or
 - (iii) a parcel of land and the improvements to it;
- (r.1) “provincial assessment roll” means the assessment roll prepared by the provincial assessor under section 302(2);
- (r.2) “provincial assessor” means the provincial assessor designated under section 284.1;
- (s), (t) repealed 2016 c24 s21;
- (u) “structure” means a building or other thing erected or placed in, on, over or under land, whether or not it is so affixed to the land as to become transferred without special mention by a transfer or sale of the land;
- (u.1) “SuperNet” has the meaning given to it in the regulations;

(v), (w) repealed 2016 c24 s21;

(w.1) “travel trailer” means a trailer intended to provide accommodation for vacation use and licensed and equipped to travel on a road;

(x) “year” means a 12-month period beginning on January 1 and ending on the next December 31.

(2) In this Part and Parts 10, 11 and 12, a reference to a parcel of land that is held under a lease, licence or permit from the Crown in right of Alberta or Canada includes a part of the parcel.

(2.1) For the purposes of subsection (1)(f.01)(i), a facility regulated by the Alberta Energy Regulator, the Alberta Utilities Commission or the National Energy Board includes all components of the facility, including any machinery and equipment, buildings and structures servicing or related to the facility and land on which the facility is located.

(3) For the purposes of this Part and Parts 10, 11 and 12, any document, including an assessment notice and a tax notice, that is required to be sent to a person is deemed to be sent on the day the document is mailed or otherwise delivered to that person.

(4) In this Part and Parts 11 and 12, “complaint deadline” means 60 days after the notice of assessment date set under section 308.1 or 324(2)(a.1).

RSA 2000 cM-26 s284; 2007 cA-37.2 s82(17); 2007 c42 s3;
2009 c29 s2; 2012 cE-0.3 s279; 2015 c8 s41; 2016 c24 ss21,140;
2017 c13 s1(20)

Provincial assessor

284.1(1) The Minister must designate a person having the qualifications set out in the regulations as the provincial assessor to carry out the functions, duties and powers of the provincial assessor under this Act.

(2) Subject to the regulations, the provincial assessor may delegate to any person any power or duty conferred or imposed on the provincial assessor by this Act.

(3) The provincial assessor is not liable for loss or damage caused by anything said or done or omitted to be done in good faith in the performance or intended performance of the provincial assessor’s functions, duties or powers under this Act or any other enactment.

2016 c24 s22

Municipal assessor

284.2(1) A municipality must appoint a person having the qualifications set out in the regulations to the position of designated officer to carry out the functions, duties and powers of a municipal assessor under this Act.

(2) Subject to the regulations, a municipal assessor may delegate to any person any power or duty conferred or imposed on the municipal assessor by this Act.

(3) A municipal assessor is not liable for loss or damage caused by anything said or done or omitted to be done in good faith in the performance or intended performance of the municipal assessor's functions, duties or powers under this Act or any other enactment.

2016 c24 s22

Division 1 Preparation of Assessments

Preparing annual assessments

285 Each municipality must prepare annually an assessment for each property in the municipality, except designated industrial property and the property listed in section 298.

RSA 2000 cM-26 s285;2002 c19 s2;2016 c24 s135

286 Repealed 1994 cM-26.1 s286.

287 Repealed 1994 cM-26.1 s287.

288 Repealed 1994 cM-26.1 s288.

**Assessments for property other than
designated industrial property**

289(1) Assessments for all property in a municipality, other than designated industrial property, must be prepared by the municipal assessor.

(2) Each assessment must reflect

- (a) the characteristics and physical condition of the property on December 31 of the year prior to the year in which a tax is imposed under Part 10 in respect of the property, and
- (b) the valuation and other standards set out in the regulations for that property.

(2.1) If the provincial assessor and a municipal assessor assess the same property, the municipality in which the property is situated

must rescind the municipal assessment and notify the assessed person.

(3), (4) Repealed 2016 c24 s23.

RSA 2000 cM-26 s289;2009 c29 s3;2016 c24 s23

Land to be assessed as a parcel

290(1) If a parcel of land is located in more than one municipality, the assessor must prepare an assessment for the part of the parcel that is located in the municipality in which the assessor has the authority to act, as if that part of the parcel is a separate parcel of land.

(2) Any area of land forming part of a right of way for a railway, irrigation works as defined in the *Irrigation Districts Act* or drainage works as defined in the *Drainage Districts Act* but used for purposes other than the operation of the railway, irrigation works or drainage works must be assessed as if it is a parcel of land.

(3) Any area of land that is owned by the Crown in right of Alberta or Canada and is the subject of a grazing lease or grazing permit granted by either Crown must be assessed as if it is a parcel of land.

(4) Repealed 1995 c24 s37.

1994 cM-26.1 s290;1995 c24 s37;1999 cI-11.7 s214

Assessment of condominium unit

290.1(1) Each unit and the share in the common property that is assigned to the unit must be assessed

- (a) in the case of a bare land condominium, as if it is a parcel of land, or
- (b) in any other case, as if it is a parcel of land and the improvements to it.

(2) In this section, “unit” and “share in the common property” have the meanings given to them in the *Condominium Property Act*.

1995 c24 s38

Assessment of strata space

290.2 Each strata space as defined in section 86 of the *Land Titles Act* must be assessed as if it is a parcel of land and the improvements to it.

1995 c24 s38

Rules for assessing improvements

291(1) Unless subsection (2) applies, an assessment must be prepared for an improvement whether or not it is complete or capable of being used for its intended purpose.

(2) No assessment is to be prepared

- (a) for new linear property that is not operational on or before October 31,
- (b) for new improvements, other than designated industrial property improvements, that are intended to be used for or in connection with a manufacturing or processing operation and that are not operational on or before December 31,
- (c) for new designated industrial property improvements, other than linear property, that are intended to be used for or in connection with a manufacturing or processing operation and that are not operational on or before October 31,
- (d) for new improvements, other than designated industrial property improvements, that are intended to be used for the storage of materials manufactured or processed by the improvements referred to in clause (b), if the improvements referred to in clause (b) are not operational on or before December 31, or
- (e) for new designated industrial property improvements, other than linear property, that are intended to be used for the storage of materials manufactured or processed by the improvements referred to in clause (c), if the improvements referred to in clause (c) are not operational on or before October 31.

(2.1) Notwithstanding subsection (2), an assessment must be prepared for new improvements, whether complete or not, on a property or a portion of a property where the improvements do not contain machinery and equipment intended to be used in connection with the manufacturing and processing operation even if another portion of the property contains a manufacturing or processing operation.

(3) to (5) Repealed 2016 c24 s24.

RSA 2000 cM-26 s291;2008 c24 s2;2016 c24 s24;
2019 c22 s10(8)

Assessments for designated industrial property

292(1) Assessments for designated industrial property must be prepared by the provincial assessor.

(2) Each assessment must reflect

- (a) the valuation standard set out in the regulations for designated industrial property, and
- (b) the specifications and characteristics of the designated industrial property as specified in the regulations.

(2.1) The specifications and characteristics of the designated industrial property referred to in subsection (2)(b) must reflect

- (a) the records of the Alberta Energy Regulator, the Alberta Utilities Commission or the National Energy Board, as the case may be, on October 31 of the year prior to the year in which the tax is imposed under Part 10 in respect of the designated industrial property, and
- (b) any other source of information that the provincial assessor considers relevant, as at October 31 of the year prior to the year in which the tax is imposed under Part 10 in respect of the designated industrial property.

(2.2) Information received by the provincial assessor from the Alberta Energy Regulator, the Alberta Utilities Commission or the National Energy Board is deemed to be correct for the purposes of preparing assessments.**(3) to (5)** Repealed 2016 c24 s25.

RSA 2000 cM-26 s292;2007 cA-37.2 s82(17);
2008 c37 s2;2012 cR-17.3 s95;2016 c24 s25

Duties of assessors**293(1)** In preparing an assessment, an assessor must, in a fair and equitable manner,

- (a) apply the valuation and other standards set out in the regulations, and
- (b) follow the procedures set out in the regulations.

(2) If there are no procedures set out in the regulations for preparing assessments, the assessor must take into consideration assessments of similar property in the same municipality in which the property that is being assessed is located.

(3) The municipal assessor must, in accordance with the regulations, provide the Minister or the provincial assessor with information that the Minister or the provincial assessor requires about property in the municipality.

RSA 2000 cM-26 s293;2002 c19 s3;2009 c29 s4;
2016 c24 s26

Right to enter on and inspect property

294(1) After giving reasonable notice to the owner or occupier of any property, an assessor may at any reasonable time, for the purpose of carrying out the duties and responsibilities of the assessor under Parts 9 to 12 and the regulations,

- (a) enter on and inspect the property,
- (b) request anything to be produced, and
- (c) make copies of anything necessary to the inspection.

(2) When carrying out duties under subsection (1), an assessor must produce identification on request.

(3) An assessor must, in accordance with the regulations, inform the owner or occupier of any property of the purpose for which information is being collected under this section and section 295.

RSA 2000 cM-26 s294;2002 c19 s4;2017 c13 s1(21)

Duty to provide information

295(1) A person must provide, on request by an assessor, any information necessary for the assessor to carry out the duties and responsibilities of an assessor under Parts 9 to 12 and the regulations.

(2) The Alberta Safety Codes Authority or an agency accredited under the *Safety Codes Act* must release, on request by an assessor, information or documents respecting a permit issued under the *Safety Codes Act*.

(3) An assessor may request information or documents under subsection (2) only in respect of a property within the municipality for which the assessor is preparing an assessment.

(4) No person may make a complaint in the year following the assessment year under section 460 or, in the case of designated industrial property, under section 492(1) about an assessment if the

person has failed to provide any information requested under subsection (1) within 60 days from the date of the request.

(5) Information collected under this section must be reported to the Minister on the Minister's request.

(6) Despite section 294(1) and subsection (1) of this section, where an assessment of property is the subject of a complaint under Part 11 or 12 by the person assessed in respect of that property,

- (a) the assessed person is not obligated to provide information or produce anything to an assessor in respect of that assessment, and
- (b) the assessor has no authority under section 294(1)(c) to make copies of anything the assessed person refuses to provide or produce relating to that assessment

until after the complaint has been heard and decided by the assessment review board or the Land and Property Rights Tribunal, as the case may be.

RSA 2000 cM-26 s295;2002 c19 s5;2016 c24 s27;
2017 c13 s2(6);2020 cL-2.3 24(41)

Assessor not bound by information received

295.1 An assessor is not bound by the information received under section 294 or 295 if the assessor has reasonable grounds to believe that the information is inaccurate.

2019 c22 s10(9)

Court authorized inspection and enforcement

296(1) The provincial assessor or a municipality may apply to the Court of Queen's Bench for an order under subsection (2) if any person

- (a) refuses to allow or interferes with an entry or inspection by an assessor, or
- (b) refuses to produce anything requested by an assessor to assist the assessor in preparing an assessment or determining if property is to be assessed.

(2) The Court may make an order

- (a) restraining a person from preventing or interfering with an assessor's entry or inspection, or
- (b) requiring a person to produce anything requested by an assessor under section 294 or 295.

(3) A copy of the application and each affidavit in support must be served at least 3 days before the day named in the application for the hearing.

RSA 2000 cM-26 s296;2009 c53 s119;2016 c24 s28

Assigning assessment classes to property

297(1) When preparing an assessment of property, the assessor must assign one or more of the following assessment classes to the property:

- (a) class 1 - residential;
- (b) class 2 - non-residential;
- (c) class 3 - farm land;
- (d) class 4 - machinery and equipment.

(2) A council may by bylaw divide class 1 into sub-classes on any basis it considers appropriate, and if the council does so, the assessor may assign one or more sub-classes to property in class 1.

(2.1) A council may by bylaw divide class 2 into the sub-classes prescribed by the regulations, and if the council does so, the assessor must assign one or more of the prescribed sub-classes to a property in class 2.

(3) If more than one assessment class or sub-class is assigned to a property, the assessor must provide a breakdown of the assessment, showing each assessment class or sub-class assigned and the portion of the assessment attributable to each assessment class or sub-class.

(4) In this section,

- (a) “farm land” means land used for farming operations as defined in the regulations;
- (a.1) “machinery and equipment” does not include
 - (i) any thing that falls within the definition of linear property as set out in section 284(1)(k), or
 - (ii) any component of a manufacturing or processing facility that is used for the cogeneration of power;
- (b) “non-residential”, in respect of property, means linear property, components of manufacturing or processing facilities that are used for the cogeneration of power or other property on which industry, commerce or another use takes

place or is permitted to take place under a land use bylaw passed by a council, but does not include farm land or land that is used or intended to be used for permanent living accommodation;

- (c) “residential”, in respect of property, means property that is not classed by the assessor as farm land, machinery and equipment or non-residential.

RSA 2000 cM-26 s297;2002 c19 s6;
2016 c24 s29;2017 c13 s2(7)

Non-assessable property

298(1) No assessment is to be prepared for the following property:

- (a) a facility, works or system for

(i) the collection, treatment, conveyance or disposal of sanitary sewage, or

- (ii) storm sewer drainage,

that is owned by the Crown in right of Alberta or Canada, a municipality or a regional services commission;

- (b) a facility, works or system for the storage, conveyance, treatment, distribution or supply of water that is owned by the Crown in right of Alberta or Canada, a municipality or a regional services commission;

- (b.1) a water supply and distribution system, including metering facilities, that is owned or operated by an individual or a corporation and used primarily to provide a domestic water supply service;

- (c) irrigation works as defined in the *Irrigation Districts Act* and the land on which they are located when they are held by an irrigation district, but not including any residence or the land attributable to the residence;

- (d) canals, dams, dikes, weirs, breakwaters, ditches, basins, reservoirs, cribs and embankments;

- (e) flood-gates, drains, tunnels, bridges, culverts, headworks, flumes, penstocks and aqueducts

- (i) located at a dam,

- (ii) used in the operation of a dam, and

- (iii) used for water conservation or flood control, but not for the generation of electric power;
- (f) land on which any property listed in clause (d) or (e) is located
 - (i) if the land is a dam site, and
 - (ii) whether or not the property located on the land is used for water conservation, flood control or the generation of electric power;
- (g) a water conveyance system operated in connection with a manufacturing or processing plant, including any facilities designed and used to treat water to meet municipal standards, but not including any improvement designed and used for
 - (i) the further treatment of the water supply to meet specific water standards for a manufacturing or processing operation,
 - (ii) water reuse,
 - (iii) fire protection, or
 - (iv) the production or transmission of a natural resource;
- (h) a sewage conveyance system operated in connection with a manufacturing or processing plant, including any facilities designed and used to treat and dispose of domestic sewage, but not including any improvement designed and used for the treatment of other effluent from the manufacturing or processing plant;
- (i) roads, but not including a road right of way that is held under a lease, licence or permit from the Crown in right of Alberta or Canada or from a municipality and that is used for a purpose other than as a road;
- (i.1) weigh scales, inspection stations and other improvements necessary to maintain the roads referred to in clause (i) and to keep those roads and users safe, but not including a street lighting system owned by a corporation, a municipality or a corporation controlled by a municipality;
- (j) property held by the Crown in right of Alberta or Canada in a municipal district, improvement district, special area or specialized municipality that

- (i) is not used or actively occupied by the Crown, or
- (ii) is not occupied under an interest or right granted by the Crown,

unless the property is located in a hamlet or in an urban service area as defined in an order creating a specialized municipality;

- (k) any provincial park or recreation area, including any campground, day use area or administration and maintenance facility held by the Crown in right of Alberta or operated under a facility operation contract or service contract with the Crown in right of Alberta, but not including the following:
 - (i) a residence and the land attributable to it;
 - (ii) property that is the subject of a disposition under the *Provincial Parks Act* or the *Public Lands Act*;
 - (iii) a downhill ski hill, golf course, food concession, store or restaurant, and the land attributable to it, operated under a facility operation contract or a service contract with the Crown in right of Alberta;
- (k.1) any national park held by the Crown in right of Canada, but not including a parcel of land, an improvement, or a parcel of land and the improvements to it held under a lease, licence or permit from the Crown in right of Canada;
- (l) property held by the Crown in right of Alberta or Canada and forming part of an undertaking in respect of the conservation, reclamation, rehabilitation or reforestation of land, but not including any residence or the land attributable to the residence;
- (m) property used for or in connection with a forestry tower that is not accessible by road;
- (n) any interest under a timber disposition under the *Forests Act* and the timber harvest or cut authorized by the disposition;
- (o) any interest under a permit or authorization for the grazing of stock under the *Forests Act* or the *Forest Reserves Act*;
- (p) wheel loaders, wheel trucks and haulers, crawler type shovels, hoes and dozers;
- (q) linear property used exclusively for farming operations;

- (r) linear property forming part of a rural gas distribution system and gas conveyance pipelines situated in a rural municipality where that linear property is owned by a municipality or a rural gas co-operative association organized under the *Rural Utilities Act*, but not including gas conveyance pipelines owned by rural gas co-operative associations,
 - (i) from the regulating and metering station to an industrial customer consuming more than 10 000 gigajoules of gas during any period that starts on November 1 in one year and ends on October 31 in the next year and that precedes the year in which the assessment for those pipelines is to be used for the purpose of imposing a tax under Part 10, or
 - (ii) that serve or deliver gas to
 - (A) a city, town, village, summer village or hamlet, or
 - (B) an urban service area as defined in an order creating a specialized municipality
- that has a population of more than 500 people;
- (r.1) linear property forming part of a rural gas distribution system where that gas distribution system is subject to a franchise area approval under the *Gas Distribution Act*;
- (s) cairns and monuments;
- (t) property in Indian reserves;
- (u) property in Metis settlements;
- (v) minerals;
- (w) growing crops;
- (x) the following improvements owned or leased by a regional airports authority created under section 5(2) of the *Regional Airports Authorities Act*:
 - (i) runways;
 - (ii) paving;
 - (iii) roads and sidewalks;
 - (iv) reservoirs;

- (v) water and sewer lines;
 - (vi) fencing;
 - (vii) conveyor belts, cranes, weigh scales, loading bridges and machinery and equipment;
 - (viii) pole lines, transmission lines, light standards and unenclosed communications towers;
 - (y) farm buildings, except to the extent prescribed in the regulations;
 - (z) machinery and equipment, except to the extent prescribed in the regulations;
 - (aa) designated manufactured homes held in storage and forming part of the inventory of a manufacturer of or dealer in designated manufactured homes;
 - (bb) travel trailers that are
 - (i) not connected to any utility services provided by a public utility, and
 - (ii) not attached or connected to any structure;
 - (cc) linear property in the extended area network that is used for SuperNet purposes.
- (2)** In subsection (1)(r)(i), “industrial customer” means a customer that operates a factory, plant, works or industrial process related to manufacturing and processing.
- (3)** Despite subsection (1)(cc), where linear property referred to in that provision is used for business, the linear property is, subject to the regulations, assessable to the extent the linear property is used for business.

RSA 2000 cM-26 s298;2005 c14 s4;2015 c8 s42

Access to municipal assessment record

299(1) An assessed person may ask the municipality, in the manner required by the municipality, to let the assessed person see or receive information prescribed by the regulations that is in the municipal assessor’s possession at the time of the request, showing how the municipal assessor prepared the assessment of that person’s property.

(2) Subject to subsection (3) and the regulations, the municipality must comply with a request under subsection (1).

(3) Where a complaint is filed under section 461 by the person assessed in respect of property, a municipality is not obligated to respond to a request by that person for information under this section in respect of an assessment of that property until the complaint has been heard and decided by an assessment review board.

(4) Subsection (3) does not apply if the request for information is in respect of an amended assessment and the amended assessment notice was issued during the complaint period.

RSA 2000 cM-26 s299;2009 c29 s5;2016 c24 s30;2017 c13 s2(8)

Access to provincial assessment record

299.1(1) An assessed person may ask the provincial assessor, in the manner required by the provincial assessor, to let the assessed person see or receive information prescribed by the regulations in the provincial assessor's possession at the time of the request, showing how the provincial assessor prepared the assessment of that person's designated industrial property.

(2) Subject to subsection (3) and the regulations, the provincial assessor must comply with a request under subsection (1).

(3) Where a complaint described in section 492(1) is filed under section 491(1) by the person assessed in respect of designated industrial property, the provincial assessor is not obligated to respond to a request by that person for information under this section in respect of an assessment of that designated industrial property until the complaint has been heard and decided by the Land and Property Rights Tribunal.

(4) Subsection (3) does not apply if the request for information is in respect of an amended assessment and the amended assessment notice was issued during the complaint period.

2016 c24 s30;2017 c13 s2(8);2020 cL-2.3 s24(41)

Municipal access to provincial assessment record

299.2(1) A municipality may ask the provincial assessor, in the manner required by the provincial assessor, to let the municipality see or receive information in the provincial assessor's possession at the time of the request, showing how the provincial assessor prepared the assessment of designated industrial property in the municipality.

(2) Subject to subsection (3) and the regulations, the provincial assessor must comply with a request under subsection (1).

(3) Where a complaint described in section 492(1) is filed under section 491(1) by a municipality in respect of designated industrial

property, the provincial assessor is not obligated to respond to a request by that municipality for information under this section in respect of an assessment of that designated industrial property until the complaint has been heard and decided by the Land and Property Rights Tribunal.

(4) Subsection (3) does not apply if the request for information is in respect of an amended assessment and the amended assessment notice was issued during the complaint period.

(5) Information obtained by a municipality under this section must be used only for assessment purposes and must not be disclosed except at the hearing of a complaint before the Land and Property Rights Tribunal.

2016 c24 s30;2017 c13 s2(8);2020 cL-2.3 s24(41)

Access to summary of municipal assessment

300(1) An assessed person may ask the municipality, in the manner required by the municipality, to let the assessed person see or receive a summary of the most recent assessment of any assessed property in the municipality of which the assessed person is not the owner.

(2) For the purposes of subsection (1), a summary of the most recent assessment must include the following information that is in the municipal assessor's possession or under the municipal assessor's control at the time of the request:

- (a) a description of the parcel of land and any improvements, to identify the type and use of the property;
- (b) the size and measurements of the parcel of land;
- (c) the age and size or measurement of any improvements;
- (d) the key attributes of any improvements to the parcel of land;
- (e) the assessed value and any adjustments to the assessed value of the parcel of land;
- (f) any other information prescribed or otherwise described in the regulations.

(3) The municipality must, in accordance with the regulations, comply with a request under subsection (1) if it is satisfied that necessary confidentiality will not be breached.

RSA 2000 cM-26 s300;2009 c29 s6;2016 c24 s31

Access to summary of provincial assessment

300.1(1) An assessed person may ask the provincial assessor, in the manner required by the provincial assessor, to let the assessed person see or receive a summary of the most recent assessment of any assessed designated industrial property of which the assessed person is not the owner or operator.

(2) For the purposes of subsection (1), a summary of the most recent assessment must include the following information that is in the provincial assessor's possession or under the provincial assessor's control at the time of the request:

- (a) a description of the designated industrial property;
- (b) the assessed value associated with the designated industrial property;
- (c) any other information prescribed or otherwise described in the regulations.

(3) The provincial assessor must, in accordance with the regulations, comply with a request under subsection (1) if the provincial assessor is satisfied that necessary confidentiality will not be breached.

2016 c24 s31

Right to release assessment information

301(1) A municipality may provide information in its possession about assessments if it is satisfied that necessary confidentiality will not be breached.

(2) The provincial assessor may provide information that is in the provincial assessor's possession about assessments if the provincial assessor is satisfied that necessary confidentiality will not be breached.

RSA 2000 cM-26 s301;2016 c24 s32

**Relationship to Freedom of Information and
Protection of Privacy Act**

301.1 Sections 299 to 301 prevail despite the *Freedom of Information and Protection of Privacy Act*.

1994 cM-26.1 s738

**Division 2
Assessment Roll****Preparation of roll**

302(1) Each municipality must prepare annually, not later than February 28, an assessment roll for assessed property in the municipality other than designated industrial property.

(2) The provincial assessor must prepare annually, not later than February 28, an assessment roll for assessed designated industrial property.

(3) The provincial assessor must provide to each municipality a copy of that portion of the provincial assessment roll that relates to the designated industrial property situated in the municipality.

RSA 2000 cM-26 s302;2005 c14 s5;2016 c24 s33

Contents of roll

303 The assessment roll prepared by a municipality must show, for each assessed property, the following:

- (a) a description sufficient to identify the location of the property;
- (b) the name and mailing address of the assessed person;
- (c) whether the property is a parcel of land, an improvement or a parcel of land and the improvements to it;
- (d) if the property is an improvement, a description showing the type of improvement;
- (e) the assessment;
- (f) the assessment class or classes;
- (f.1) repealed 2017 c13 s1(22);
- (g) whether the property is assessable for public school purposes or separate school purposes, if notice has been given to the municipality under section 147 or 148 of the *Education Act*;
- (g.1) repealed 2016 c24 s34;
- (h) if the property is fully or partially exempt from taxation under Part 10, a notation of that fact;
- (h.1) if a deferral of the collection of tax under section 364.1 or 364.2 is in effect for the property, a notation of that fact;
- (i) any other information considered appropriate by the municipality or required by the Minister, as the case may be.

RSA 2000 cM-26 s303;2002 c19 s7;2005 c14 s6;
2012 cE-0.3 s279;2016 c24 s34;2017 c13 s1(22);
2019 c6 s3

Contents of provincial assessment roll

303.1 The provincial assessment roll must show, for each assessed designated industrial property, the following:

- (a) a description of the type of designated industrial property;
- (b) a description sufficient to identify the location of the designated industrial property;
- (c) the name and mailing address of the assessed person;
- (d) the assessment;
- (e) the assessment class or classes;
- (f) repealed 2017 c13 s2(9);
- (g) whether the designated industrial property is assessable for public school purposes or separate school purposes, if notice has been given to the municipality under section 147 or 148 of the *Education Act*;
- (h) if the designated industrial property is exempt from taxation under Part 10, a notation of that fact;
- (h.1) if a deferral of the collection of tax under section 364.2 is in effect for the property, a notation of that fact;
- (i) any other information considered appropriate by the provincial assessor.

2012 cE-0.3 s279;2016 c24 s35;2017 c13 s2(9);2019 c6 s4

Recording assessed persons

304(1) The name of the person described in column 2 must be recorded on the assessment roll as the assessed person in respect of the assessed property described in column 1.

Column 1 Assessed property	Column 2 Assessed person
(a) a parcel of land, unless otherwise dealt with in this subsection;	(a) the owner of the parcel of land;
(b) a parcel of land and the improvements to it, unless otherwise dealt with in this subsection;	(b) the owner of the parcel of land;

Column 1 Assessed property	Column 2 Assessed person
(c) a parcel of land, an improvement or a parcel of land and the improvements to it held under a lease, licence or permit from the Crown in right of Alberta or Canada or a municipality;	(c) the holder of the lease, licence or permit or, in the case of a parcel of land or a parcel of land and the improvements to it, the person who occupies the land with the consent of that holder or, if the land that was the subject of a lease, licence or permit has been sold under an agreement for sale, the purchaser under that agreement;
(d) a parcel of land forming part of the station grounds of, or of a right of way for, a railway other than railway property, or a right of way for, irrigation works as defined in the <i>Irrigation Districts Act</i> or drainage works as defined in the <i>Drainage Districts Act</i> , that is held under a lease, licence or permit from the person who operates the railway, or from the irrigation district or the board of trustees of the drainage district;	(d) the holder of the lease, licence or permit or the person who occupies the land with the consent of that holder;
(d.1) railway property;	(d.1) the owner of the railway property;
(e) a parcel of land and the improvements to it held under a lease, licence or permit from a regional airports authority, where the land and improvements are used in connection with the operation of an airport;	(e) the holder of the lease, licence or permit or the person who occupies the land with the consent of that holder;

Column 1 Assessed property	Column 2 Assessed person
(f) a parcel of land, or a part of a parcel of land, and the improvements to it held under a lease, licence or permit from the owner of the land where the land and the improvements are used for	(f) the holder of the lease, licence or permit;
(i) drilling, treating, separating, refining or processing of natural gas, oil, coal, salt, brine or any combination, product or by-product of any of them,	
(ii) pipeline pumping or compressing, or	
(iii) working, excavating, transporting or storing any minerals in or under the land referred to in the lease, licence or permit or under land in the vicinity of that land.	
(g) machinery and equipment used in the excavation or transportation of coal or oil sands as defined in the <i>Oil Sands Conservation Act</i> ;	(g) the owner of the machinery and equipment;
(h) improvements to a parcel of land listed in section 298 for which no assessment is to be prepared;	(h) the person who owns or has exclusive use of the improvements;
(i) linear property;	(i) the operator of the linear property;

Column 1 Assessed property	Column 2 Assessed person
(j) a designated manufactured home on a site in a manufactured home community and any other improvements located on the site and owned or occupied by the person occupying the designated manufactured home;	(j) the owner of <ul style="list-style-type: none"> (i) the designated manufactured home, or (ii) the manufactured home community if the municipality passes a bylaw to that effect;
(k) a designated manufactured home located on a parcel of land that is not owned by the owner of the designated manufactured home together with any other improvements located on the site that are owned or occupied by the person occupying the designated manufactured home.	(k) the owner of the designated manufactured home if the municipality passes a bylaw to that effect.

(2) When land is occupied under the authority of a right of entry order as defined in the *Surface Rights Act* or an order made under any other Act, it is, for the purposes of subsection (1), considered to be occupied under a lease or licence from the owner of the land.

(3) A person who purchases property or in any other manner becomes liable to be shown on the assessment roll as an assessed person

- (a) must provide to the provincial assessor, in the case of designated industrial property, or
- (b) must provide to the municipality, in the case of property other than designated industrial property,

written notice of a mailing address to which notices under this Part and Part 10 may be sent.

(4) Despite subsection (1)(c), no individual who occupies housing accommodation under a lease, licence or permit from a management body under the *Alberta Housing Act* is to be recorded

as an assessed person if the sole purpose of the lease, licence or permit is to provide housing accommodation for that individual.

(5) Repealed 2016 c24 s36.

(6) A bylaw passed under subsection (1)(j)(ii)

- (a) must be advertised,
- (b) has no effect until the beginning of the year commencing at least 12 months after the bylaw is passed,
- (c) must indicate the criteria used to designate the assessed person, and
- (d) may apply to one or more manufactured home communities.

(7) When a bylaw is passed under subsection (1)(j)(ii), the owner of the designated manufactured home is the assessed person for the purpose of making a complaint under section 460(1) relating to the designated manufactured home.

RSA 2000 cM-26 s304;2005 c14 s7;2008 c37 s3;
2016 c24 s36;2017 c13 s1(23)

Correction of roll

305(1) If it is discovered that there is an error, omission or misdescription in any of the information shown on the assessment roll,

- (a) the assessor may correct the assessment roll for the current year only, and
- (b) on correcting the roll, an amended assessment notice must be prepared and sent to the assessed person.

(1.1) Where an assessor corrects the assessment roll in respect of an assessment about which a complaint has been made, the assessor must send to the assessment review board or the Land and Property Rights Tribunal, as the case may be, no later than the time required by the regulations,

- (a) a copy of the amended assessment notice, and
- (b) a statement containing the following information:
 - (i) the reason for which the assessment roll was corrected;
 - (ii) what correction was made;

- (iii) how the correction affected the amount of the assessment.

(1.2) Where the assessor sends a copy of an amended assessment notice under subsection (1.1) before the date of the hearing in respect of the complaint,

- (a) the complaint is cancelled,
- (b) the complainant's complaint fees must be returned, and
- (c) the complainant has a new right of complaint in respect of the amended assessment notice.

(2) If it is discovered that no assessment has been prepared for a property and the property is not listed in section 298, an assessment for the current year only must be prepared and an assessment notice must be prepared and sent to the assessed person.

(3) If exempt property becomes taxable or taxable property becomes exempt under section 364.1, 364.2 or 368, the assessment roll must be corrected for the current year only and an amended assessment notice must be prepared and sent to the assessed person.

(3.1) If the collection of tax on property is deferred under section 364.1 or 364.2 or a deferral under one of those sections is cancelled, the assessment roll must be corrected and an amended assessment notice must be prepared and sent to the assessed person.

(4) The date of every entry made on the assessment roll under this section or section 477 or 517 must be shown on the roll.

(5), (6) Repealed 2016 c24 s37.

RSA 2000 cM-26 s305;2002 c19 s8;2009 c29 s7;2015 c8 s43;
2016 c24 s37;2017 c13 s1(24);2019 c6 s5;2020 cL-2.3 s24(41)

Report to Minister

305.1 If an assessment roll is corrected under section 305 or changed under section 477 or 517, the municipality must, in the form and within the time prescribed by the regulations, report the correction or change, as the case may be, to the Minister.

2002 c19 s9

Severability of roll

306 The fact that any information shown on the assessment roll contains an error, omission or misdescription does not invalidate any other information on the roll or the roll itself.

1994 cM-26.1 s306

Inspection of roll

307 Any person may inspect the municipal assessment roll during regular business hours on payment of the fee set by the council.

RSA 2000 cM-26 s307;2016 c24 s38

**Division 3
Assessment Notices****Assessment notices**

308(1) Each municipality must annually

- (a) prepare assessment notices for all assessed property, other than designated industrial property, shown on the assessment roll referred to in section 302(1), and
- (b) send the assessment notices to the assessed persons in accordance with the regulations.

(2) The provincial assessor must annually

- (a) prepare assessment notices for all assessed designated industrial property shown on the provincial assessment roll,
- (b) send the assessment notices to the assessed persons in accordance with the regulations, and
- (c) send the municipality copies of the assessment notices.

(3) Repealed 2016 c24 s39.

(4) The assessment notice and the tax notice relating to the same property may be sent together or may be combined on one notice.

(5) Repealed 2016 c24 s39.

RSA 2000 cM-26 s308;2005 c14 s8;2016 c24 s39

Notice of assessment date

308.1(1) An assessor must annually set a notice of assessment date, which must be no earlier than January 1 and no later than July 1.

(2) An assessor must set additional notice of assessment dates for amended and supplementary assessment notices, but none of those notice of assessment dates may be later than the date that tax notices are required to be sent under Part 10.

2017 c13 s1(25)

Contents of assessment notice

309(1) An assessment notice or an amended assessment notice must show the following:

- (a) the same information that is required to be shown on the assessment roll;
- (b) the notice of assessment date;
- (c) a statement that the assessed person may file a complaint not later than the complaint deadline;
- (d) information respecting filing a complaint in accordance with the regulations.

(2) An assessment notice may be in respect of a number of assessed properties if the same person is the assessed person for all of them.

RSA 2000 cM-26 s309;2009 c29 s8; 2016 c24 s40;2017 c13 s2(10)

Sending assessment notices

310(1) Subject to subsections (1.1) and (3), assessment notices must be sent no later than July 1 of each year.

(1.1) An amended assessment notice must be sent no later than the date the tax notices are required to be sent under Part 10.

(2) If the mailing address of an assessed person is unknown,

- (a) a copy of the assessment notice must be sent to the mailing address of the assessed property, and
- (b) if the mailing address of the property is also unknown, the assessment notice must be retained by the municipality or the provincial assessor, as the case may be, and is deemed to have been sent to the assessed person.

(3) An assessment notice must be sent at least 7 days prior to the notice of assessment date.

(4) A designated officer must certify the date on which the assessment notice is sent.

(5) The certification of the date referred to in subsection (4) is evidence that the assessment notice has been sent.

RSA 2000 cM-26 s310;2009 c29 s9;
2016 c24 s41;2017 c13 s1(26)

Publication of notice

311(1) Each municipality must publish in one issue of a newspaper having general circulation in the municipality, or in any other manner considered appropriate by the municipality, a notice that the assessment notices have been sent.

(2) All assessed persons are deemed as a result of the publication referred to in subsection (1) to have received their assessment notices.

(3) The provincial assessor must publish in The Alberta Gazette a notice that the assessment notices in respect of designated industrial property have been sent.

(4) All assessed persons are deemed as a result of the publication referred to in subsection (3) to have received their assessment notices in respect of designated industrial property.

RSA 2000 cM-26 s311;2005 c14 s9;2016 c24 s42

Correction of notice

312 If it is discovered that there is an error, omission or misdescription in any of the information shown on an assessment notice, an amended assessment notice may be prepared and sent to the assessed person.

1994 cM-26.1 s312

Division 4 Preparation of Supplementary Assessments

Bylaw

313(1) If a municipality wishes to require the preparation of supplementary assessments for improvements, the council must pass a supplementary assessment bylaw authorizing the assessments to be prepared for the purpose of imposing a tax under Part 10 in the same year.

(2) A bylaw under subsection (1) must refer

- (a) to all improvements, or
- (b) to all designated manufactured homes in the municipality.

(3) A supplementary assessment bylaw or any amendment to it applies to the year in which it is passed, only if it is passed before May 1 of that year.

(4) A supplementary assessment bylaw must not authorize assessments to be prepared by the municipal assessor for designated industrial property.

RSA 2000 cM-26 s313;2016 c24 s135;2018 c11 s13

Supplementary assessment

314(1) The municipal assessor must prepare supplementary assessments for machinery and equipment used in manufacturing

and processing if those improvements are operational in the year in which they are to be taxed under Part 10.

(2) The municipal assessor must prepare supplementary assessments for other improvements if

- (a) they are completed in the year in which they are to be taxed under Part 10,
- (b) they are occupied during all or any part of the year in which they are to be taxed under Part 10, or
- (c) they are moved into the municipality during the year in which they are to be taxed under Part 10 and they will not be taxed in that year by another municipality.

(2.1) The municipal assessor may prepare a supplementary assessment for a designated manufactured home that is moved into the municipality during the year in which it is to be taxed under Part 10 despite that the designated manufactured home will be taxed in that year by another municipality.

(3) A supplementary assessment must reflect

- (a) the value of an improvement that has not been previously assessed, or
- (b) the increase in the value of an improvement since it was last assessed.

(4) Supplementary assessments must be prepared in the same manner as assessments are prepared under Division 1, but must be prorated to reflect only the number of months during which the improvement is complete, occupied, located in the municipality or in operation, including the whole of the first month in which the improvement was completed, was occupied, was moved into the municipality or began to operate.

RSA 2000 cM-26 s314;2016 c24 s43

Supplementary assessment re designated industrial property

314.1(1) Subject to the regulations, the provincial assessor must prepare supplementary assessments for new designated industrial property that becomes operational after October 31 of the year prior to the year in which the designated industrial property is to be taxed under Part 10.

(2) Supplementary assessments must reflect the valuation standard set out in the regulations for designated industrial property.

(3) Subject to the regulations, supplementary assessments for designated industrial property must be prorated to reflect only the number of months, including the whole of the first month, during which the property is operational.

(4) Despite subsections (1) to (3),

- (a) a supplementary assessment must be prepared only for designated industrial property that has not been previously assessed, and only when it becomes operational;
- (b) a supplementary assessment must not be prepared in respect of designated industrial property that ceases to operate during the tax year.

2016 c24 s44

Supplementary assessment roll

315(1) Before the end of the year in which supplementary assessments are prepared, the municipality must prepare a supplementary assessment roll.

(2) Before the end of the year in which supplementary assessments are prepared, the provincial assessor must prepare a supplementary assessment roll for designated industrial property.

(3) A supplementary assessment roll must show, for each assessed improvement or designated industrial property, the following:

- (a) the same information that is required to be shown on the assessment roll;
- (b) in the case of an improvement, the date that the improvement
 - (i) was completed, occupied or moved into the municipality, or
 - (ii) became operational.

(4) Sections 304, 305, 306 and 307 apply in respect of a supplementary assessment roll.

(5) The provincial assessor must provide a copy of the supplementary assessment roll for designated industrial property to the municipality.

RSA 2000 cM-26 s315;2016 c24 s45

Supplementary assessment notices

316(1) Before the end of the year in which supplementary assessments are prepared other than for designated industrial property, the municipality must

- (a) prepare a supplementary assessment notice for every assessed improvement shown on the supplementary assessment roll referred to in section 315(1), and
- (b) send the supplementary assessment notices to the assessed persons.

(2) Before the end of the year in which supplementary assessments for designated industrial property are prepared, the provincial assessor must

- (a) prepare supplementary assessment notices for all assessed designated industrial property shown on the supplementary assessment roll referred to in section 315(2),
- (b) send the supplementary assessment notices to the assessed persons in accordance with the regulations, and
- (c) send the municipality copies of the supplementary assessment notices.

RSA 2000 cM-26 s316;2009 c29 s10;2016 c24 s45

Contents of supplementary assessment notice

316.1(1) A supplementary assessment notice must show, for each assessed improvement, the following:

- (a) the same information that is required to be shown on the supplementary assessment roll;
- (b) the notice of assessment date;
- (c) a statement that the assessed person may file a complaint not later than the complaint deadline;
- (d) information respecting filing a complaint in accordance with the regulations.

(2) Sections 308(2), 309(2), 310(1.1) and (3) and 312 apply in respect of supplementary assessment notices.

2016 c24 s45;2017 c13 s2(11)

Division 5 Equalized Assessments

Definition

317 In this Division, “equalized assessment” means an assessment that is prepared by the Minister in accordance with this Division for an entire municipality and reflects

- (a) assessments of property in the municipality that is taxable under Part 10,
- (b) repealed 2016 c24 s46,
- (c) assessments of property in the municipality in respect of which a grant may be paid by the Crown in right of Canada under the *Payments in Lieu of Taxes Act* (Canada),
- (d) assessments of property in the municipality made taxable or exempt as a result of a council passing a bylaw under Part 10, except any property made taxable under section 363(1)(d), and
- (e) assessments of property in the municipality that is the subject of a tax agreement under section 333.1, 360 or 364.1,

from the year preceding the year in which the equalized assessment is effective.

RSA 2000 cM-26 s317;2015 c8 s44;2016 c24 s46

Supplementary assessments

317.1 Despite section 317, supplementary assessments prepared under a supplementary assessment bylaw under section 313 must not be included in the equalized assessment for a municipality.

1995 c24 s44

Preparation of equalized assessments

318 The Minister must prepare annually, in accordance with the regulations, an equalized assessment for each municipality.

1994 cM-26.1 s318

Duty to provide information

319(1) Each municipality must provide to the Minister annually, not later than the date required by regulations made under section 322(1) or guidelines made under section 322(2), a return containing the information requested by the Minister in the form required by the Minister.

(2) If a municipality does not provide the information requested by the Minister, the Minister must prepare the equalized assessment using whatever information is available about the municipality.

RSA 2000 cM-26 s319;2015 c8 s45

Sending equalized assessments to municipalities

320 The Minister must send to each municipality annually, not later than November 1, a report of all the equalized assessments prepared.

1994 cM-26.1 s320

Appeal of equalized assessment

321 A municipality may make a complaint regarding the amount of an equalized assessment to the Land and Property Rights Tribunal not later than 30 days from the date the Minister sends the municipality the report described in section 320.

RSA 2000 cM-26 s321;2002 c19 s12;2009 c29 s11;2015 c8 s46;
2020 cL-2.3 s24(41)

Division 6 General Powers of the Minister Relating to Assessments and Equalized Assessments

Regulations

322(1) The Minister may make regulations

- (a) respecting qualifications to be met by persons authorized to carry out the duties and responsibilities of an assessor under this Act;
- (b) defining “electric power systems”, “facilities”, “farming operations”, “farm building”, “machinery and equipment”, “operator”, “pipelines”, “railway property”, “street lighting systems”, “telecommunication systems” and “wells”;
- (b.01) respecting when property is to be considered operational for the purposes of one or more provisions of this Part;
- (b.1) defining “extended area network” and “SuperNet”;
- (c) respecting the extent to which farm buildings and machinery and equipment may be assessed under section 298;
- (c.1) respecting the assessment of linear property referred to in section 298(3), including, without limitation, respecting information to be provided, and by whom it is to be provided, for preparing the assessment;
- (d) establishing valuation standards for property;

- (d.1) respecting the delegation of the powers, duties and functions of the provincial assessor under section 284.1 or of a municipal assessor under section 284.2;
- (d.2) designating major plants and other property as designated industrial property;
- (d.3) respecting designated industrial property, including, without limitation, regulations respecting the specifications and characteristics of designated industrial property;
- (e) respecting processes and procedures for preparing assessments;
- (e.1) respecting the manner in which an assessor must inform an owner or occupier of any property of the purpose for which information is being collected under sections 294 and 295;
- (e.11) respecting the providing of information by the provincial assessor to a municipality under section 299.2, including, without limitation, regulations
 - (i) requiring the provincial assessor and the municipality to enter into a confidentiality agreement with respect to that information, and
 - (ii) respecting the terms and conditions of a confidentiality agreement;
- (e.2) respecting assessment rolls and assessment notices including, without limitation, regulations
 - (i) respecting the information to be shown on an assessment roll and on an assessment notice;
 - (ii) providing for the method of determining the assessed person for the purposes of section 304(1);
 - (iii) respecting the sending of assessment notices;
- (f) respecting the allowance of depreciation on machinery and equipment;
- (g) prescribing standards to be met by assessors in the preparation of assessments;
- (g.01) prescribing sub-classes for the purposes of section 297(2.1);

- (g.1) prescribing or otherwise describing information for the purposes of sections 299(1), 299.1(1), 300(2)(f) and 300.1(2)(c);
 - (g.2) respecting procedures and time-lines to be followed by a municipality in dealing with a request for information under section 299 or a request for a summary of an assessment under section 300;
 - (g.3) respecting the imposition of penalties or other sanctions against a municipality for failing to comply with a request for information under section 299 or a request for a summary of an assessment under section 300;
 - (g.4) respecting the dates by which returns referred to in section 319(1) must be provided to the Minister;
 - (h) respecting equalized assessments;
 - (h.1) respecting the audit of any matters relating to assessments;
 - (h.2) respecting the providing of information to an assessor under section 295(1);
 - (h.3) respecting procedures and time-lines to be followed by a provincial assessor in dealing with a request for information under section 299.1 or 299.2 or a request for a summary of an assessment under section 300.1;
 - (h.4) respecting supplementary assessments;
 - (h.5) defining any term or expression that is used but not defined in this Part;
 - (i) respecting any other matter considered necessary to carry out the intent of this Act.
- (2) Where the Minister considers it advisable to do so, the Minister may by order establish guidelines respecting any matter for which the Minister may make a regulation under subsection (1).
- (3) A guideline established under subsection (2) is a regulation for the purposes of this Act, but is exempted from the application of the *Regulations Act*.
- (4) The Minister must
- (a) publish in The Alberta Gazette a notice of any guideline established under subsection (2) and information about

where copies of the guideline may be obtained or are available to the public;

- (b) ensure that any guideline established under subsection (2) is published in a form and manner that the Minister considers appropriate.

(5) Subsection (4) applies only to guidelines established under subsection (2) on or after July 1, 2007.

(6) In designating by regulation a major plant as designated industrial property, the Minister may include as a major plant any parcel of land, improvements or other property.

(7) The inclusion of property pursuant to subsection (6) is not invalid even if the property is used for residential or agricultural purposes, or is vacant.

(8) If an application is made to a court in respect of the validity of a regulation designating a major plant as designated industrial property,

- (a) the application shall be limited to whether a specific parcel of land, improvement or other property for which the applicant is the assessed person is or is not all or a part of a major plant;
- (b) evidence of the inclusion of property pursuant to subsection (6) or of property not designated as a major plant pursuant to subsection (6) is not admissible to demonstrate the invalidity of the regulation or any part of it.

RSA 2000 cM-26 s322;2002 c19 s14;2005 c14 s10;
2007 c16 s2;2009 c29 s12;2015 c8 s47;
2016 c24 s47;2017 c13 ss1(27), 2(12)

Validation of Minister's Guidelines

322.1(1) In this section,

- (a) "Minister's Guidelines" means
 - (i) the following guidelines referred to in the *Matters Relating to Assessment and Taxation Regulation* (AR 220/2004):
 - (A) Alberta Assessment Quality Minister's Guidelines;
 - (B) Alberta Farm Land Assessment Minister's Guidelines;

- (C) Alberta Linear Property Assessment Minister's Guidelines;
- (D) Alberta Machinery and Equipment Assessment Minister's Guidelines;
- (E) Alberta Railway Assessment Minister's Guidelines,
- (ii) any previous versions of the guidelines named in subclause (i) that are referred to in the previous regulations, and
- (iii) the 2005 Construction Cost Reporting Guide established by the Minister and any previous versions of the Construction Cost Reporting Guide established by the Minister,

and includes any manuals, guides and handbooks referred to or incorporated into any of the guidelines or guides referred to in subclauses (i) to (iii);

(b) "previous regulations" means

- (i) the *Matters Relating to Assessment and Taxation Regulation* (AR 289/99), and
- (ii) the *Standards of Assessment Regulation* (AR 365/94).

(2) The Minister's Guidelines are declared valid as of the dates on which they were established, and no assessment prepared pursuant to the Minister's Guidelines shall be challenged on the basis of the validity of the Minister's Guidelines

- (a) in any existing or future proceeding under this or any other Act, or
- (b) in any existing or future action, matter or proceeding before a court.

(3) The Minister's Guidelines are deemed to be guidelines established under section 322(2).

2007 c16 s3

Minister's power to prepare assessments

323 If it appears to the Minister that in any year a council will be unable to carry out its obligation under section 285, the Minister may cause any or all of the assessments in the municipality to be prepared and the council is responsible for the costs.

1994 cM-26.1 s323

Minister's power to quash assessments

324(1) If, after an inspection under section 571 or an audit under the regulations is completed, the Minister is of the opinion that an assessment

- (a) has not been prepared in accordance with the rules and procedures set out in this Part and the regulations,
- (b) is not fair and equitable, taking into consideration assessments of similar property, or
- (c) does not meet the standards required by the regulations,

the Minister may quash the assessment and direct that a new assessment be prepared.

(2) On quashing an assessment, the Minister must provide directions as to the manner and times in which

- (a) the new assessment is to be prepared,
 - (a.1) a new notice of assessment date is to be established,
- (b) the new assessment is to be placed on the assessment roll, and
- (c) amended assessment notices are to be sent to the assessed persons.

(3) The Minister must specify the effective date of a new assessment prepared under this section.

RSA 2000 cM-26 s324;2002 c19 s15;2017 c13 s1(28)

Minister's power to alter an equalized assessment

325 Despite anything in this Act, the Minister may adjust an equalized assessment at any time.

Continuous bylaws — assessment

325.1 Bylaws enacted under section 297 or 313 remain in force after the year in which they are enacted and apply in respect of subsequent years until they are repealed.

2019 c22 s10(10)

Part 10 Taxation

Division 1 General Provisions

Definitions

326(1) In this Part,

- (a) “requisition” means
 - (i) repealed 1995 c24 s45,
 - (ii) any part of the amount required to be paid into the Alberta School Foundation Fund under section 167 of the *Education Act* that is raised by imposing a rate referred to in section 167 of the *Education Act*,
 - (iii) any part of the requisition of school boards under Part 6, Division 3 of the *Education Act*,
 - (iv) repealed 2008 cE-6.6 s55,
 - (v) the amount required to be paid to a management body under section 7 of the *Alberta Housing Act*, or
 - (vi) the amount required to recover the costs incurred for matters related to
 - (A) the assessment of designated industrial property, and
 - (B) any other matters related to the provincial assessor’s operations;
- (b) “student dormitory” means a housing unit
 - (i) that is used in connection with a purpose referred to in section 362(1)(c), (d) or (e) or with a college incorporated under a private Act of the Legislature, and
 - (ii) the residents of which are students of a facility used in connection with a purpose referred to in section 362(1)(c), (d) or (e) or with a college incorporated under a private Act of the Legislature,

but does not include a single family residence and the land attributable to that residence;
- (c) “tax arrears” means taxes that remain unpaid after December 31 of the year in which they are imposed.

(2) For purposes of Divisions 3 and 4, “business” does not include a constituency office of a Member of the Legislative Assembly or any other office used by one or more Members of the Legislative Assembly to carry out their duties and functions as Members.

RSA 2000 cM-26 s326;2008 cE-6.6 s55;2012 cE-0.3 s279;
2015 c8 s48;2016 c24 s48

Tax roll

327(1) Each municipality must prepare a tax roll annually.

(2) The tax roll may consist of one roll for all taxes imposed under this Part or a separate roll for each tax imposed under this Part.

(3) The tax roll for property tax may be a continuation of the assessment roll prepared under Part 9 or may be separate from the assessment roll.

(4) The fact that any information shown on the tax roll contains an error, omission or misdescription does not invalidate any other information on the roll or the roll itself.

1994 cM-26.1 s327

Duty to provide information

328 Taxpayers must provide, on request by the municipality, any information necessary for the municipality to prepare its tax roll.

1994 cM-26.1 s328

Contents of tax roll

329 The tax roll must show, for each taxable property or business, the following:

- (a) a description sufficient to identify the location of the property or business;
- (b) the name and mailing address of the taxpayer;
- (c) the assessment;
- (d) the name, tax rate and amount of each tax imposed in respect of the property or business;
- (e) the total amount of all taxes imposed in respect of the property or business;
- (f) the amount of tax arrears, if any;
- (g) if any property in the municipality is the subject of an agreement between the taxpayer and the municipality under section 347(1) relating to tax arrears, a notation of that fact;

- (g.1) if any property in the municipality is the subject of a bylaw or agreement under section 364.1 to defer the collection of tax, a notation of the amount deferred and the taxation year or years to which the amount relates;
- (g.2) if any property in the municipality is the subject of a deferral granted under section 364.2, a notation of the amount deferred and the taxation year or years to which the amount relates;
- (h) any other information considered appropriate by the municipality.

RSA 2000 cM-26 s329;2016 c24 s49;2019 c6 s6

Correction of roll

330(1) If it is discovered that there is an error, omission or misdescription in any of the information shown on the tax roll, the municipality may correct the tax roll for the current year only and on correcting the roll, it must prepare and send an amended tax notice to the taxpayer.

(2) If it is discovered that no tax has been imposed on a taxable property or business, the municipality may impose the tax for the current year only and prepare and send a tax notice to the taxpayer.

(3) If exempt property becomes taxable or taxable property becomes exempt under section 368, the municipality must correct the tax roll and on correcting the roll, it must send an amended tax notice to the taxpayer.

(4) The date of every entry made on the tax roll under this section must be shown on the roll.

1994 cM-26.1 s330

Person liable to pay taxes

331(1) Subject to the regulations, the person liable to pay a property tax imposed under this Part is the person who

- (a) at the time the assessment is prepared under Part 9, is the assessed person, or
- (b) subsequently becomes the assessed person.

(2) The person liable to pay any other tax imposed under this Part is the person who

- (a) at the time the tax is imposed, is liable in accordance with this Part or a regulation made under this Part to pay the tax, or

- (b) subsequently becomes liable in accordance with this Part or a regulation made under this Part to pay it.

RSA 2000 cM-26 s331;2005 c14 s11

Taxes imposed on January 1

332 Taxes imposed under this Part, other than a supplementary property tax and a supplementary business tax, are deemed to have been imposed on January 1.

1994 cM-26.1 s332

Tax notices

333(1) Each municipality must annually

- (a) prepare tax notices for all taxable property and businesses shown on the tax roll of the municipality, and
- (b) send the tax notices to the taxpayers.

(2) A tax notice may include a number of taxable properties and taxable businesses if the same person is the taxpayer for all of them.

(3) A tax notice may consist of one notice for all taxes imposed under this Part, a separate notice for each tax or several notices showing one or more taxes.

(4) The assessment notice and the tax notice relating to the same property may be sent together or may be combined on one notice.

1994 cM-26.1 s333

Tax agreements

333.1(1) The council of a municipality may make a tax agreement with an assessed person who occupies or manages

- (a) the municipality's property, including property under the direction, control and management of
 - (i) the municipality, or
 - (ii) a non-profit organization that holds the property on behalf of the municipality,

or

- (b) property for the purpose of operating a professional sports franchise.

(2) A tax agreement may provide that, instead of paying the taxes imposed under this Part and any other fees or charges payable to

the municipality, the assessed person may make an annual payment to the municipality calculated under the agreement.

(3) A tax agreement under this section must provide that the municipality accepts payment of the amount calculated under the agreement in place of the taxes and other fees or charges specified in the agreement.

1998 c24 s24

Contents of tax notice

334(1) A tax notice must show the following:

- (a) the same information that is required to be shown on the tax roll;
- (b) the date the tax notice is sent to the taxpayer;
- (c) the amount of the requisitions, any one or more of which may be shown separately or as part of a combined total;
- (d) except when the tax is a property tax, the date by which a complaint must be made, which date must not be less than 30 days after the tax notice is sent to the taxpayer;
- (e) the name and address of the designated officer with whom a complaint must be filed;
- (f) the dates on which penalties may be imposed if the taxes are not paid;
- (f.1) information on how to request a receipt for taxes paid;
- (g) any other information considered appropriate by the municipality.

(2) A tax notice may show

- (a) one tax rate that combines all of the tax rates set by the property tax bylaw, or
- (b) each of the tax rates set by the property tax bylaw.

(3) Despite subsection (2), a tax notice must show, separately from all other tax rates shown on the notice, the tax rates set by the property tax bylaw to raise the revenue to pay the requisitions referred to in section 326(1)(a)(ii) or (vi).

RSA 2000 cM-26 s334;2016 c24 s50;2017 c13 s1(29)

Sending tax notices

335(1) The tax notices must be sent before the end of the year in which the taxes are imposed.

(2) If the mailing address of a taxpayer is unknown

- (a) a copy of the tax notice must be sent to the mailing address of the taxable property or business, and
- (b) if the mailing address of the taxable property or business is also unknown, the tax notice must be retained by the municipality and is deemed to have been sent to the taxpayer.

1994 cM-26.1 s335

Certification of date of sending tax notice

336(1) A designated officer must certify the date the tax notices are sent under section 335.

(2) The certification of the date referred to in subsection (1) is evidence that the tax notices have been sent and that the taxes have been imposed.

1994 cM-26.1 s336

Deemed receipt of tax notice

337 A tax notice is deemed to have been received 7 days after it is sent.

1994 cM-26.1 s337

Correction of tax notice

338 If it is discovered that there is an error, omission or misdescription in any of the information shown on a tax notice, the municipality may prepare and send an amended tax notice to the taxpayer.

1994 cM-26.1 s338

Incentives

339 A council may by bylaw provide incentives for payment of taxes by the dates set out in the bylaw.

1994 cM-26.1 s339

Instalments

340(1) A council may by bylaw permit taxes to be paid by instalments, at the option of the taxpayer.

(2) A person who wishes to pay taxes by instalments must make an agreement with the council authorizing that method of payment.

(3) When an agreement under subsection (2) is made, the tax notice, or a separate notice enclosed with the tax notice, must state

- (a) the amount and due dates of the instalments to be paid in the remainder of the year, and
- (b) what happens if an instalment is not paid.

1994 cM-26.1 s340

Deemed receipt of tax payment

341 A tax payment that is sent by mail to a municipality is deemed to have been received by the municipality on the date of the postmark stamped on the envelope.

1994 cM-26.1 s341

Receipt for payment of taxes

342 When taxes are paid to a municipality and the assessed person requests a receipt, the municipality must provide a receipt.
RSA 2000 cM-26 s342;2017 c13 s1(30)

Application of tax payment

343(1) A tax payment must be applied first to tax arrears.

(2) If a person does not indicate to which taxable property or business a tax payment is to be applied, a designated officer must decide to which taxable property or business owned by the taxpayer the payment is to be applied.

1994 cM-26.1 s343

Penalty for non-payment in current year

344(1) A council may by bylaw impose penalties in the year in which a tax is imposed if the tax remains unpaid after the date shown on the tax notice.

(2) A penalty under this section is imposed at the rate set out in the bylaw.

(3) The penalty must not be imposed sooner than 30 days after the tax notice is sent out.

1994 cM-26.1 s344

Penalty for non-payment in other years

345(1) A council may by bylaw impose penalties in any year following the year in which a tax is imposed if the tax remains unpaid after December 31 of the year in which it is imposed.

(2) A penalty under this section is imposed at the rate set out in the bylaw.

(3) The penalty must not be imposed sooner than January 1 of the year following the year in which the tax was imposed or any later date specified in the bylaw.

1994 cM-26.1 s345

Penalties

346 A penalty imposed under section 344 or 345 is part of the tax in respect of which it is imposed.

1994 cM-26.1 s346

Cancellation, reduction, refund or deferral of taxes

347(1) If a council considers it equitable to do so, it may, generally or with respect to a particular taxable property or business or a class of taxable property or business, do one or more of the following, with or without conditions:

- (a) cancel or reduce tax arrears;
- (b) cancel or refund all or part of a tax;
- (c) defer the collection of a tax.

(2) A council may phase in a tax increase or decrease resulting from the preparation of any new assessment.

1994 cM-26.1 s347

Tax becomes debt to municipality

348 Taxes due to a municipality

- (a) are an amount owing to the municipality,
- (b) are recoverable as a debt due to the municipality,
- (c) take priority over the claims of every person except the Crown, and
- (d) are a special lien
 - (i) on land and any improvements to the land, if the tax is a property tax, a community revitalization levy, a special tax, a clean energy improvement tax, a local improvement tax or a community aggregate payment levy, or
 - (ii) on goods, if the tax is a business tax, a community revitalization levy, a well drilling equipment tax, a community aggregate payment levy or a property tax imposed in respect of a designated manufactured home in a manufactured home community.

RSA 2000 cM-26 s348;2005 c14 s12;2018 c6 s5

Fire insurance proceeds

349(1) Taxes that have been imposed in respect of improvements are a first charge on any money payable under a fire insurance policy for loss or damage to those improvements.

(2) Taxes that have been imposed in respect of a business are a first charge on any money payable under a fire insurance policy for loss or damage to any personal property

- (a) that is located on the premises occupied for the purposes of the business, and
- (b) that is used in connection with the business and belongs to the taxpayer.

1994 cM-26.1 s349

Tax certificates

350 On request, a designated officer must issue a tax certificate showing

- (a) the amount of taxes imposed in the year in respect of the property or business specified on the certificate and the amount of taxes owing,
- (b) the total amount of tax arrears, if any, and
- (c) the total amount of tax, if any, in respect of which collection is deferred under this Part.

RSA 2000 cM-26 s350;2016 c24 s51

Non-taxable property

351(1) The following are exempt from taxation under this Part:

- (a) property listed in section 298;
- (b) any property or business in respect of which an exemption from assessment or taxation, or both, was granted before January 1, 1995
 - (i) by a private Act, or
 - (ii) by an order of the Lieutenant Governor in Council based on an order of the Local Authorities Board.

(2) A council may by bylaw cancel an exemption referred to in subsection (1)(b), with respect to any property or business.

(3) A council proposing to pass a bylaw under subsection (2) must notify the person or group that will be affected of the proposed bylaw.

(4) A bylaw under subsection (2) has no effect until the expiration of one year after it is passed.

(5) A copy of a bylaw under subsection (2) must be sent to the Minister and if the bylaw amends a private Act the Minister must send a copy to the clerk of the Legislative Assembly.

1994 cM-26.1 s351

Limitation on time for starting proceedings

352(1) An action, suit or other proceedings for the return by a municipality of any money paid to the municipality, whether under protest or otherwise, as a result of a claim by the municipality, whether valid or invalid, for payment of taxes or tax arrears must be started within 6 months after the payment of the money to the municipality.

(2) If no action, suit or other proceeding is started within the period referred to in subsection (1), the payment made to the municipality is deemed to have been a voluntary payment.

1994 cM-26.1 s352

Division 2 Property Tax

Property tax bylaw

353(1) Each council must pass a property tax bylaw annually.

(2) The property tax bylaw authorizes the council to impose a tax in respect of property in the municipality to raise revenue to be used toward the payment of

- (a) the expenditures and transfers set out in the budget of the municipality, and
- (b) the requisitions.

(3) The tax must not be imposed in respect of property

- (a) that is exempt under section 351, 361 or 362, or
- (b) that is exempt under section 363 or 364, unless the bylaw passed under that section makes the property taxable.

1994 cM-26.1 s353

Tax rates

354(1) The property tax bylaw must set and show separately all of the tax rates that must be imposed under this Division to raise the revenue required under section 353(2).

(2) A tax rate must be set for each assessment class or sub-class referred to in section 297.

(3) The tax rate may be different for each assessment class or sub-class referred to in section 297.

(3.1) Despite subsection (3), the tax rate for the class referred to in section 297(1)(d) and the tax rate for the sub-classes referred to in section 297(2.1) must be set in accordance with the regulations.

(4) The tax rates set by the property tax bylaw must not be amended after the municipality sends the tax notices to the taxpayers unless subsection (5) applies.

(5) If after sending out the tax notices the municipality discovers an error or omission that relates to the tax rates set by the property tax bylaw, the municipality may

- (a) amend the property tax bylaw to the extent necessary to correct the error or omission, and
- (b) send out amended tax notices, if required as a result of the corrections to the property tax bylaw.

(6) A municipality must, within 30 days after passing a property tax bylaw amendment under subsection (5), provide the Minister with a copy of the amended bylaw.

RSA 2000 cM-26 s354;2016 c24 s52;2019 c22 s10(11)

Calculating tax rates

355 A tax rate is calculated by dividing the amount of revenue required by the total assessment of all property on which that tax rate is to be imposed.

1994 cM-26.1 s355;1995 c24 s47

Calculating amount of tax

356 The amount of tax to be imposed under this Division in respect of a property is calculated by multiplying the assessment for the property by the tax rate to be imposed on that property.

1994 cM-26.1 s356

Special provision of property tax bylaw

357(1) Despite anything in this Division, the property tax bylaw may specify a minimum amount payable as property tax.

(1.1) Despite section 353, a council may pass a bylaw separate from the property tax bylaw that provides for compulsory tax instalment payments for designated manufactured homes.

(2) If the property tax bylaw specifies a minimum amount payable as property tax, the tax notice must indicate the tax rates set by the property tax bylaw that raise the revenue required to pay the requisition referred to in section 326(1)(a)(ii).

RSA 2000 cM-26 s357;2016 c24 s53

Tax rate for residential property

357.1 The tax rate to be imposed by a municipality on residential property or on any sub-class of residential property must be greater than zero.

2016 c24 s54

358 Repealed 2016 c24 s55.

Maximum tax ratio

358.1(1) In this section,

- (a) “non-conforming municipality” means a municipality that has a tax ratio greater than 5:1 as calculated using the property tax rates set out in its most recently enacted property tax bylaw as at May 31, 2016;
- (b) “non-residential” means non-residential as defined in section 297(4);
- (c) “tax ratio”, in respect of a municipality, means the ratio of the highest non-residential tax rate set out in the municipality’s property tax bylaw for a year to the lowest residential tax rate set out in the municipality’s property tax bylaw for the same year.

(2) No municipality other than a non-conforming municipality shall in any year have a tax ratio greater than 5:1.

(3) A non-conforming municipality shall not in any year have a tax ratio that is greater than the tax ratio as calculated using the property tax rates set out in its most recently enacted property tax bylaw as at May 31, 2016.

(3.1) If in any year after 2016 a non-conforming municipality has a tax ratio that is greater than 5:1, the non-conforming municipality shall reduce its tax ratio for subsequent years in accordance with the regulations.

(4) If in any year after 2016 a non-conforming municipality has a tax ratio that is less than the tax ratio it had in the previous year but greater than 5:1, the non-conforming municipality shall not in any

subsequent year have a tax ratio that is greater than that new tax ratio.

(5) If in any year after 2016 a non-conforming municipality has a tax ratio that is equal to or less than 5:1, the non-conforming municipality shall not in any subsequent year have a tax ratio greater than 5:1.

(6) Where an order to annex land to a municipality contains provisions respecting the tax rate or rates that apply to the annexed land, the tax rate or rates shall not be considered for the purposes of determining the municipality's tax ratio.

(7) For the purposes of this section,

(a) the tax set out in a municipality's property tax bylaw to raise revenue to be used toward the payment of

(i) the expenditures and transfers set out in the budget of the municipality, and

(ii) the requisitions,

shall be considered to be separate tax rates, and

(b) the tax rate for the requisitions shall not be considered for the purposes of determining the municipality's tax ratio.

(8) The Lieutenant Governor in Council may, for the purposes of subsection (3.1), make regulations establishing one or more ranges of tax ratios that must be reduced to 5:1 within a specified period.

2016 c24 s56;2017 c13 s1(31)

Requisitions

359(1) When a requisition applies to only part of a municipality, the revenue needed to pay it must be raised by imposing a tax under this Division in respect of property in that part of the municipality.

(2) In calculating the tax rate required to raise sufficient revenue to pay the requisitions, a municipality may include an allowance for non-collection of taxes at a rate not exceeding the actual rate of taxes uncollected from the previous year's tax levy as determined at the end of that year.

(3) If in any year the property tax imposed to pay the requisitions results in too much or too little revenue being raised for that purpose, the council must accordingly reduce or increase the amount of revenue to be raised for that purpose in the next year.

1994 cM-26.1 s359;1995 c24 s49

Alberta School Foundation Fund requisitions

359.1(1) In this section, “Alberta School Foundation Fund requisition” means a requisition referred to in section 326(1)(a)(ii).

(2) In 1995 and subsequent years, when an Alberta School Foundation Fund requisition applies only to

- (a) one of the assessment classes referred to in section 297,
- (b) a combination of the assessment classes referred to in section 297, or
- (c) designated industrial property,

the revenue needed to pay it must be raised by imposing a tax under this Division only in respect of property to which that one assessment class has been assigned, property to which any assessment class in that combination has been assigned or designated industrial property, as the case may be.

(3) Despite subsection (2), if a council has passed bylaws under sections 364(1.1) and 371, the council may apply an appropriate amount received under the business tax to the payment of the Alberta School Foundation Fund requisition on the non-residential assessment class referred to in section 297 to offset the increase in the tax rate applicable to that class that would otherwise result.

(4) The tax rate required to raise the revenue needed to pay the Alberta School Foundation Fund requisition

- (a) must be the same within the assessment class to which the requisition applies if it applies to only one class,
- (b) must be the same for all assessment classes that are to be combined if the requisition applies to a combination of assessment classes, and
- (c) must be the same for all designated industrial property.

(5), (6) Repealed by Revision.

(7) In calculating the tax rate required to raise sufficient revenue to pay an Alberta School Foundation Fund requisition, a municipality

- (a) must not include the allowances referred to in section 359(2),
- (b) may impose a separate tax to raise the revenue to pay for the allowances referred to in section 359(2), and

(c) may include the amounts referred to in section 359(3).

(8) Section 354 does not apply to tax rates required to raise revenue needed to pay an Alberta School Foundation Fund requisition.

RSA 2000 cM-26 s359.1;2016 c24 s135;2017 c13 s1(32)

School board requisitions

359.2(1) In this section, “school board requisition” means a requisition referred to in section 326(1)(a)(iii).

(2) In 1995 and subsequent years, when a school board requisition applies only to

- (a) one of the assessment classes referred to in section 297,
- (b) a combination of the assessment classes referred to in section 297, or
- (c) designated industrial property,

the revenue needed to pay it must be raised by imposing a tax under this Division only in respect of property to which that one assessment class has been assigned, property to which any assessment class in that combination has been assigned or designated industrial property, as the case may be.

(3) Despite subsection (2), if a council has passed bylaws under sections 364(1.1) and 371, the council may apply an appropriate amount received under the business tax to the payment of the school board requisition on the non-residential assessment class referred to in section 297 to offset the increase in the tax rate applicable to that class that would otherwise result.

(4) The tax rate required to raise the revenue needed to pay the school board requisitions

- (a) must be the same within the assessment class to which the requisition applies if it applies to only one class,
- (b) must be the same for all assessment classes that are to be combined if the requisition applies to a combination of assessment classes, and
- (c) must be the same for all designated industrial property.

(5), (6) Repealed by Revision.

(7) In calculating the tax rate required to raise sufficient revenue to pay a school board requisition, a municipality

(a) may include the allowances referred to in section 359(2),
and

(b) may include the amounts referred to in section 359(3).

(8) Section 354 does not apply to tax rates required to raise revenue needed to pay school board requisitions.

RSA 2000 cM-26 s359.2;2016 c24 s135;2017 c13 s1(33)

Designated industrial property assessment requisitions

359.3(1) In this section, “designated industrial property requisition” means a requisition referred to in section 326(1)(a)(vi).

(2) The Minister must set the property tax rate for the designated industrial property requisition.

(3) The property tax rate for the designated industrial property requisition must be the same for all designated industrial property.
2016 c24 s57

Cancellation, reduction, refund or deferral of taxes

359.4 If the Minister considers it equitable to do so, the Minister may, generally or with respect to a particular municipality, cancel or reduce the amount of a requisition payable under section 326(1)(a)(vi).

2016 c24 s57

Tax agreement

360(1) A council may make a tax agreement with an operator of a public utility or of linear property who occupies the municipality’s property, including property under the direction, control and management of the municipality.

(2) Instead of paying the tax imposed under this Division and any other fees or charges payable to the municipality, the tax agreement may provide for an annual payment to the municipality by the operator calculated as provided in the agreement.

(3) A tax agreement must provide that the municipality accepts payment of the amount calculated under the agreement in place of the tax and other fees or charges specified in the agreement.

(4) If a tax agreement with the operator of a public utility that supplies fuel provides for the calculation of the payment as a percentage of the gross revenue of the public utility, that gross revenue is the aggregate of

$$gr + (qu.ns \times vpu)$$

where:

- “gr” is the gross revenue of the public utility for the year;
- “qu.ns” is the quantity of fuel in respect of which transportation service was provided during the year by means of the fuel distribution system of the provider of the public utility;
- “vpu” is the deemed value per unit quantity of fuel determined by the Alberta Utilities Commission for that year for the fuel in respect of which transportation service was so provided.

(4.1) If a tax agreement with the operator of a public utility that transports electricity by way of a transmission system, an electric distribution system, or both, provides for the calculation of the payment as a percentage of the gross revenue of the public utility, that gross revenue is

- (a) gr, or
- (b) $gr + (qu.ns \times vpu)$,

where:

- “gr” is the gross revenue received by the public utility under its distribution tariff for the year;
- “qu.ns” is the quantity of electricity in respect of which system access service, electric distribution service, or both, were provided during the year by means of the transmission system, the electric distribution system, or both, of the provider of the public utility;
- “vpu” is the deemed value per unit quantity of electricity determined by the Alberta Utilities Commission for that year for the electricity in respect of which system access service, electric distribution service, or both, were so provided.

(4.2) In subsection (4.1), “electric distribution service”, “electric distribution system”, “electricity”, “system access service” and “transmission system” have the meanings given to them in the *Electric Utilities Act*.

(5) An agreement under this section with an operator who is subject to regulation by the Alberta Utilities Commission is of no effect unless it is approved by the Alberta Utilities Commission.

RSA 2000 cM-26 s360; 2007 cA-37.2 s82(17)

Exemptions based on use of property

361 The following are exempt from taxation under this Division:

- (a) repealed 1996 c30 s27;
- (b) residences and farm buildings to the extent prescribed in the regulations;
- (c) environmental reserves, conservation reserves, municipal reserves, school reserves, municipal and school reserves and other undeveloped property reserved for public utilities.

RSA 2000 cM-26 s361; 2017 c13 s1(34)

Exemptions for Government, churches and other bodies

362(1) The following are exempt from taxation under this Division:

- (a) any interest held by the Crown in right of Alberta or Canada in property other than property that is held by a Provincial corporation as defined in the *Financial Administration Act*;
- (b) property held by a municipality, except the following:
 - (i) property from which the municipality earns revenue and which is not operated as a public benefit;
 - (ii) property that is operated as a public benefit but that has annual revenue that exceeds the annual operating costs;
 - (iii) an electric power system;
 - (iv) a telecommunications system;
 - (v) a natural gas or propane system located in a hamlet, village, summer village, town or city or in a school division that is authorized under the *Education Act* to impose taxes and has a population in excess of 500 people;
- (c) property, other than a student dormitory, used in connection with school purposes and held by
 - (i) the board of trustees of a school division,

- (i.1) the Francophone regional authority of a Francophone education region established under the *Education Act*,
- (i.2) the operator of a charter school established under the *Education Act*, or
- (ii) the person responsible for the operation of a private school registered under the *Education Act*;
- (d) property, other than a student dormitory, used in connection with educational purposes and held by any of the following:
 - (i) the board of governors of a university, polytechnic institution or comprehensive community college under the *Post-secondary Learning Act*;
 - (ii) the governing body of an educational institution affiliated with a university under the *Post-secondary Learning Act*;
 - (iii) a students association or graduate students association of a university under the *Post-secondary Learning Act*;
 - (iv) a students association of a polytechnic institution or comprehensive community college under the *Post-secondary Learning Act*;
 - (v) the board of governors of the Banff Centre under the *Post-secondary Learning Act*;
- (e) property, other than a student dormitory, used in connection with hospital purposes and held by a hospital board that receives financial assistance from the Crown;
- (f) property held by a regional services commission;
- (g) repealed by RSA 2000;
- (g.1) property used in connection with health region purposes and held by a health region under the *Regional Health Authorities Act* that receives financial assistance from the Crown under any Act;
- (h) property used in connection with nursing home purposes and held by a nursing home administered under the *Nursing Homes Act*;
- (i) repealed 1998 c24 s29;

- (j) property used in connection with library purposes and held by a library board established under the *Libraries Act*;
- (k) property held by a religious body and used chiefly for divine service, public worship or religious education and any parcel of land that is held by the religious body and used only as a parking area in connection with those purposes;
- (l) property consisting of any of the following:
 - (i) a parcel of land, to a maximum of 10 hectares, that is used as a cemetery as defined in the *Cemeteries Act*;
 - (ii) any additional land that has been conveyed by the owner of the cemetery to individuals to be used as burial sites;
 - (iii) any improvement on land described in subclause (i) or (ii) that is used for burial purposes;
- (m) property held by
 - (i) a foundation constituted under the *Senior Citizens Housing Act*, RSA 1980 cS-13, before July 1, 1994, or
 - (ii) a management body established under the *Alberta Housing Act*,

and used to provide senior citizens with lodge accommodation as defined in the *Alberta Housing Act*;
- (n) property that is
 - (i) owned by a municipality and held by a non-profit organization in an official capacity on behalf of the municipality,
 - (ii) held by a non-profit organization and used solely for community games, sports, athletics or recreation for the benefit of the general public,
 - (iii) used for a charitable or benevolent purpose that is for the benefit of the general public, and owned by
 - (A) the Crown in right of Alberta or Canada, a municipality or any other body that is exempt from taxation under this Division and held by a non-profit organization, or
 - (B) by a non-profit organization,

- (iv) held by a non-profit organization and used to provide senior citizens with lodge accommodation as defined in the *Alberta Housing Act*, or
- (v) held by and used in connection with a society as defined in the *Agricultural Societies Act* or with a community association as defined in the regulations,

and that meets the qualifications and conditions in the regulations and any other property that is described and that meets the qualifications and conditions in the regulations;

- (o) property
 - (i) owned by a municipality and used solely for the operation of an airport by the municipality, or
 - (ii) held under a lease, licence or permit from a municipality and used solely for the operation of an airport by the lessee, licensee or permittee;
- (p) a municipal seed cleaning plant constructed under an agreement authorized by section 7 of the *Agricultural Service Board Act*, to the extent of 2/3 of the assessment prepared under Part 9 for the plant, but not including the land attributable to the plant.

(2) Except for properties described in subsection (1)(n)(i), (ii) or (iv), a council may by bylaw make any property that is exempt from taxation under subsection (1)(n) subject to taxation under this Division to any extent the council considers appropriate.

(3) A council proposing to pass a bylaw under subsection (2) must notify, in writing, any person or group that will be affected of the proposed bylaw.

(4) A bylaw under subsection (2) has no effect until one year after it is passed.

RSA 2000 cM-26 s362;2003 cP-19.5 s142;2012 cE-0.3 s279;
2017 c13 s1(35);2018 c19 s71

Electric energy generation systems exemptions

362.1 Despite sections 359.1(4) and 359.2(4), the Minister may by order exempt, in respect of a taxation year, to any extent the Minister considers appropriate, one or more electric power systems used or intended for use in the generation or gathering of electricity from taxation for the purpose of raising the revenue needed to pay the requisitions referred to in section 326(1)(a)(ii) and (iii).

2017 c13 s1(36)

Exempt property that can be made taxable

363(1) The following are exempt from taxation under this Division:

- (a) property held by and used in connection with Ducks Unlimited (Canada) under a lease, licence or permit from the Crown in right of Alberta or Canada;
- (b) property held by and used in connection with
 - (i) the Canadian Hostelling Association -- Northern Alberta District,
 - (ii) the Southern Alberta Hostelling Association,
 - (iii) Hostelling International -- Canada -- Northern Alberta, or
 - (iv) Hostelling International -- Canada -- Southern Alberta,unless the property is operated for profit or gain;
- (c) property held by and used in connection with a branch or local unit of the Royal Canadian Legion, the Army, Navy and Air Force Veterans in Canada or other organization of former members of any allied forces;
- (d) student dormitories.

(2) A council may by bylaw make any property listed in subsection (1)(a), (b) or (c) subject to taxation under this Division to any extent the council considers appropriate.

(3) A council may by bylaw make any property referred to in subsection (1)(d) subject to taxation to any extent the council considers appropriate other than for the purpose of raising revenue needed to pay the requisitions referred to in section 326(1)(a).

(4) A council proposing to pass a bylaw under subsection (2) must notify, in writing, the person or group that will be affected of the proposed bylaw.

(5) A bylaw under subsection (2) has no effect until the expiration of one year after it is passed.

RSA 2000 cM-26 s363;2017 c13 s1(37)

Exemptions granted by bylaw

364(1) A council may by bylaw exempt from taxation under this Division property held by a non-profit organization.

(1.1) A council may by bylaw exempt from taxation under this Division machinery and equipment used for manufacturing or processing.

(2) Property is exempt under this section to any extent the council considers appropriate.

1994 cM-26.1 s364;1995 c24 s53

Brownfield tax incentives

364.1(1) In this section, “brownfield property” means property, other than designated industrial property, that

- (a) is a commercial or industrial property when a bylaw under subsection (2) is made or an agreement under subsection (11) is entered into in respect of the property, or was a commercial or industrial property at any earlier time, and
- (b) in the opinion of the council making the bylaw,
 - (i) is, or possibly is, contaminated,
 - (ii) is vacant, derelict or under-utilized, and
 - (iii) is suitable for development or redevelopment for the general benefit of the municipality when a bylaw under subsection (2) is made or an agreement under subsection (11) is entered into in respect of the property.

(2) A council may by bylaw, for the purpose of encouraging development or redevelopment for the general benefit of the municipality, provide for

- (a) full or partial exemptions from taxation under this Division for brownfield properties, or
- (b) deferrals of the collection of tax under this Division on brownfield properties.

(3) A bylaw under subsection (2)

- (a) must identify the brownfield properties in respect of which an application may be made for a full or partial exemption or for a deferral,
- (b) may set criteria to be met for a brownfield property to qualify for an exemption or deferral,
- (c) must specify the taxation year or years for which the identified brownfield properties may qualify for an exemption or deferral, and

- (d) must specify any conditions the breach of which cancels an exemption or deferral and the taxation year or years to which the condition applies.

(4) Before giving second reading to a bylaw proposed to be made under subsection (2), a council must hold a public hearing with respect to the proposed bylaw in accordance with section 230 after giving notice of it in accordance with section 606.

(5) An owner of brownfield property identified in a bylaw under subsection (2) may apply in the form and manner required by the municipality for an exemption or deferral in respect of the property.

(6) If after reviewing the application a designated officer of the municipality determines that the brownfield property meets the requirements of the bylaw for a full or partial exemption or for a deferral of the collection of tax under this Division, the designated officer may issue a certificate granting the exemption or deferral.

(7) The certificate must set out

- (a) the taxation years to which the exemption or deferral applies, which must not include any tax year earlier than the tax year in which the certificate is issued,
- (b) in the case of a partial exemption, the extent of the exemption, and
- (c) all criteria, conditions and taxation years specified in the bylaw in accordance with subsection (3).

(8) If at any time after an exemption or deferral is granted under a bylaw under this section a designated officer of the municipality determines that the property did not meet or has ceased to meet a criterion referred to in subsection (3)(b) or that a condition referred to in subsection (3)(d) has been breached, the designated officer must cancel the exemption or deferral for the taxation year or years in which the criterion was not met or to which the condition applies.

(9) Where a designated officer refuses to grant an exemption or deferral, a written notice of the refusal must be sent to the applicant stating the reasons for the refusal and the date by which any complaint must be made, which date must be 60 days after the written notice of refusal is sent.

(10) An exemption or deferral granted under a bylaw under this section remains valid, subject to subsection (8) and the criteria and conditions on which it was granted, regardless of whether the

bylaw is subsequently amended or repealed or otherwise ceases to have effect.

(11) Despite subsections (2) to (10), a council may enter into an agreement with the owner of a brownfield property

- (a) exempting, either fully or partially, the brownfield property from taxation under this Division, or
- (b) deferring the collection of tax under this Division on the brownfield property.

(12) The agreement must specify

- (a) the taxation years to which the exemption or deferral applies, which must not include any tax year earlier than the one in which the agreement is entered into,
- (b) the conditions on which the exemption or deferral is granted, and
- (c) the consequences, rights and remedies arising in the event of any breach.

(13) Before voting on a resolution to enter into an agreement referred to in subsection (11), a council must hold a public hearing with respect to the proposed agreement in accordance with section 230 after giving notice of it in accordance with section 606.

2016 c24 s58

Tax incentives for non-residential property

364.2(1) In this section,

- (a) “deferral” means a deferral under this section;
- (b) “exemption” means an exemption under this section.
- (c) repealed 2019 c21 s2.

(2) A council may, by bylaw, for the purpose of encouraging the development or revitalization of properties in an assessment class specified in section 297(1)(b) or (d) for the general benefit of the municipality, provide for

- (a) full or partial exemptions from taxation under this Division for property in one or both of those assessment classes, or
- (b) deferrals of the collection of tax under this Division on property referred to in clause (a).

- (3) A bylaw under subsection (2)
- (a) must set criteria to be met for property to qualify for an exemption or deferral,
 - (b) must establish a process for the submission and consideration of applications for an exemption or deferral,
 - (c) must not provide for an exemption or deferral to have effect in respect of a property for more than 15 consecutive taxation years, but may, if the council considers it appropriate, provide for subsequent exemptions or deferrals of 15 consecutive taxation years or less to be applied for and granted in respect of the property, and
 - (d) if the bylaw provides for any person other than the council, including a designated officer, to refuse to grant an exemption or deferral or to cancel an exemption or deferral, must establish a process for applications to the council for the review of those decisions and must specify the period of time within which the application must be made.
- (4) If after reviewing an application the municipality determines that the property meets the requirements for a full or partial exemption or for a deferral, the municipality may grant the exemption or deferral.
- (5) An exemption or deferral must be granted in a written form that specifies
- (a) the taxation years to which the exemption or deferral applies, which must not include any taxation year earlier than the taxation year in which the exemption or deferral is granted,
 - (b) in the case of a partial exemption, the extent of the exemption, and
 - (c) any condition the breach of which will result in cancellation under subsection (6) and the taxation year or years to which the condition applies.
- (6) If at any time after an exemption or deferral is granted under a bylaw under this section the municipality determines that the property did not meet or has ceased to meet a criterion referred to in subsection (3)(a) or that a condition referred to in subsection (5)(c) has been breached, the municipality may cancel the exemption or deferral for the taxation year or years in which the criterion was not met or to which the condition applies.

(7) Where a municipality refuses to grant or cancels an exemption or deferral, the municipality must send a written notice to the applicant stating the reasons for the refusal or cancellation and, if a review of the decision is available under subsection (3)(d), the date by which any application for that review must be made.

(8) Where a municipality grants or cancels an exemption or deferral in respect of designated industrial property, the municipality must notify the provincial assessor and provide any other information requested by the provincial assessor respecting the exemption, deferral or cancellation.

(9) Subject to subsection (6), any order referred to in section 127(1.1) and the criteria and conditions on which an exemption or deferral was granted, the exemption or deferral remains valid regardless of whether the bylaw under which it was granted is subsequently amended or repealed or otherwise ceases to have effect.

2019 c6 s7;2019 c21 s2

Judicial review of decision under section 364.2

364.3(1) Where a decision made under a bylaw under section 364.2 in respect of an exemption or deferral is the subject of an application for judicial review, the application must be filed with the Court of Queen's Bench and served not more than 60 days after the date of the decision.

(2) No councillor, designated officer or other person who makes a decision under a bylaw under section 364.2 is liable for costs by reason of or in respect of a judicial review of the decision.

2019 c6 s7

Licensed premises

365(1) Property that is licensed under the *Gaming, Liquor and Cannabis Act* is not exempt from taxation under this Division, despite sections 351(1)(b) and 361 to 364.1 and any other Act.

(2) Despite subsection (1), property listed in section 362(1)(n) in respect of which a licence that is specified in the regulations has been issued is exempt from taxation under this Division.

RSA 2000 cM-26 s365;2016 c24 s59;2017 c21 s28

Grants in place of taxes

366(1) Each year a municipality may apply to the Crown for a grant if there is property in the municipality that the Crown has an interest in.

(2) The Crown may pay to the municipality a grant not exceeding the amount that would be recoverable by the municipality if the

property that the Crown has an interest in were not exempt from taxation under this Division.

(3) When calculating a grant under this section, the following must not be considered as Crown property unless subsection (4) applies:

- (a) property listed in section 298;
- (b) museums and historical sites;
- (c) public works reserves;
- (d) property used in connection with academic, trade, forestry or agricultural schools, colleges or universities, including student dormitories;
- (e) property used in connection with hospitals and institutions for mentally disabled persons;
- (f) property owned by an agent of the Crown in respect of which another enactment provides for payment of a grant in place of a property tax;
- (g) property in respect of which the Crown is not the assessed person.

(4) If any of the property listed in subsection (3) is a single family residence, the property must be considered as Crown property when calculating a grant under this section.

(5) The Crown may pay a grant under this section in respect of property referred to in subsection (3)(g) if in the Crown's opinion it is appropriate to do so.

1994 cM-26.1 s366;1996 c30 s31

Property that is partly exempt and partly taxable

367 A property may contain one or more parts that are exempt from taxation under this Division, but the taxes that are imposed against the taxable part of the property under this Division are recoverable against the entire property.

1994 cM-26.1 s367

Changes in taxable status of property

368(1) An exempt property or part of an exempt property becomes taxable if

- (a) the use of the property changes to one that does not qualify for the exemption, or

- (b) the occupant of the property changes to one who does not qualify for the exemption.

(2) A taxable property or part of a taxable property becomes exempt if

- (a) the use of the property changes to one that qualifies for the exemption, or
- (b) the occupant of the property changes to one who qualifies for the exemption.

(3) If the taxable status of property changes, a tax imposed in respect of it must be prorated so that the tax is payable only for the part of the year in which the property, or part of it, is not exempt.

(4) When a designated manufactured home is moved out of a municipality,

- (a) it becomes exempt from taxation by that municipality when it is moved, and
- (b) it becomes taxable by another municipality when it is located in that other municipality.

1994 cM-26.1 s368;1996 c30 s32;1998 c24 s31

Supplementary property tax bylaw

369(1) If in any year a council passes a bylaw authorizing supplementary assessments to be prepared in respect of property, the council must, in the same year, pass a bylaw authorizing it to impose a supplementary tax in respect of that property.

(2) A council that passes a bylaw referred to in subsection (1) must use the tax rates set by its property tax bylaw as the supplementary tax rates to be imposed.

(2.01) A council may pass a bylaw authorizing it to impose a supplementary tax for designated industrial property only if it passes a bylaw authorizing it to impose a supplementary tax in respect of all other property in the municipality.

(2.1) Despite subsection (2), the tax rates required to raise the revenue to pay requisitions referred to in section 175 of the *Education Act* must not be applied as supplementary tax rates.

(3) The municipality must prepare a supplementary property tax roll, which may be a continuation of the supplementary property assessment roll prepared under Part 9 or may be separate from that roll.

- (4) A supplementary property tax roll must show
- (a) the same information that is required to be shown on the property tax roll, and
 - (b) the date for determining the tax that may be imposed under the supplementary property tax bylaw.
- (5) Sections 327(4), 328, 330 and 331 apply in respect of a supplementary property tax roll.
- (6) The municipality must
- (a) prepare supplementary property tax notices for all taxable property shown on the supplementary property tax roll of the municipality, and
 - (b) send the supplementary property tax notices to the persons liable to pay the taxes.
- (7) Sections 333(4), 334, 335, 336, 337 and 338 apply in respect of supplementary property tax notices.

RSA 2000 cM-26 s369;2012 cE-0.3 s279;2016 c24 s60

Continuous tax bylaws — tax

369.1 Bylaws enacted under section 369(1), 371 or 379 remain in force after the year in which they are enacted and apply in respect of subsequent years until they are repealed.

2019 c22 s10(12)

Regulations

370 The Minister may make regulations

- (a) prescribing the extent to which residences and farm buildings are exempt from taxation under this Division;
- (b) respecting the calculation of a tax rate to be imposed on linear property;
- (b.1) respecting the setting of tax rates referred to in section 354(3.1);
- (c) describing other property that is exempt from taxation pursuant to section 362(1)(n), and respecting the qualifications and conditions required for the purposes of section 362(1)(n);
- (c.1) respecting tax rolls and tax notices including, without limitation, regulations

- (i) respecting the information to be shown on a tax roll and a tax notice;
- (ii) providing for the method of determining the person liable to pay a property or other tax imposed under this Part;
- (iii) respecting the sending of tax notices;
- (c.2) respecting designated industrial property assessment requisitions and designated industrial property requisition tax bylaws, including, without limitation, regulations respecting the application of any provision of this Act, with or without modification, to a designated industrial property assessment requisition or a designated industrial property requisition tax bylaw, or both;
- (c.3) respecting tax exemptions and deferrals under section 364.1;
- (d) specifying licences for the purposes of section 365(2);
- (e) defining a community association for the purposes of this Act;
- (f) respecting the circumstances in which property is to be considered to be used in connection with a purpose, activity or other thing for the purposes of one or more provisions of this Part;
- (g) respecting the circumstances in which property is to be considered to be held by a person or entity for the purposes of one or more provisions of this Part.

RSA 2000 cM-26 s370;2005 c14 s13;
2016 c24 s61;2017 c13 s1(38)

Division 3

Business Tax

Business tax bylaw

371(1) Each council may pass a business tax bylaw.

(2) A business tax bylaw or any amendment to it applies to the year in which it is passed, only if it is passed before May 1 of that year.

1994 cM-26.1 s371

Taxable business

372(1) The business tax bylaw authorizes the council to impose a tax in respect of all businesses operating in the municipality except businesses that are exempt in accordance with that bylaw.

(2) The tax must not be imposed in respect of a business that is exempt under section 351, 375 or 376.

1994 cM-26.1 s372

Person liable to pay business tax

373(1) A tax imposed under this Division must be paid by the person who operates the business.

(2) A person who purchases a business or in any other manner becomes liable to be shown on the tax roll as a taxpayer must give the municipality written notice of a mailing address to which notices under this Division may be sent.

1994 cM-26.1 s373

Contents of business tax bylaw

374(1) The business tax bylaw must

- (a) require assessments of businesses operating in the municipality to be prepared and recorded on a business assessment roll;
- (b) specify one or more of the following methods of assessment as the method or methods to be used to prepare the assessments:
 - (i) assessment based on a percentage of the gross annual rental value of the premises;
 - (i.1) assessment based on a percentage of the net annual rental value of the premises;
 - (ii) assessment based on storage capacity of the premises occupied for the purposes of the business;
 - (iii) assessment based on floor space, being the area of all of the floors in a building and the area outside the building that are occupied for the purposes of that business;
 - (iv) assessment based on a percentage of the assessment prepared under Part 9 for the premises occupied for the purposes of the business;
- (c) specify the basis on which a business tax may be imposed by prescribing the following:
 - (i) for the assessment method referred to in clause (b)(i), the percentage of the gross annual rental value;
 - (i.1) for the assessment method referred to in clause (b)(i.1), the percentage of the net annual rental value;

- (ii) for the assessment method referred to in clause (b)(ii), the dollar rate per unit of storage capacity;
 - (iii) for the assessment method referred to in clause (b)(iii), the dollar rate per unit of floor space;
 - (iv) for the assessment method referred to in clause (b)(iv), the percentage of the assessment;
- (d) establish a procedure for prorating and rebating business taxes.
- (2)** A business tax bylaw may
- (a) establish classes of business for the purpose of grouping businesses,
 - (b) specify classes of business that are exempt from taxation under this Division,
 - (c) require that taxes imposed under this Division be paid by instalments, or
 - (d) include any other information considered appropriate by the municipality.
- (3)** A business tax bylaw may provide that when a lessee who is liable to pay the tax imposed under this Division in respect of any leased premises sublets the whole or part of the premises, the municipality may require the lessee or the sub-lessee to pay the tax in respect of the whole or part of the premises.

1994 cM-26.1 s374;1999 c11 s19

Assessment not required

374.1 Despite section 374(1)(a), a municipality is not required to prepare an assessment for any business in a class of business that is exempt from taxation under the business tax bylaw.

1998 c24 s33

Exempt businesses

375 The following are exempt from taxation under this Division:

- (a) a business operated by the Crown;
- (b) an airport operated by a regional airports authority created under section 5(2) of the *Regional Airports Authorities Act*;
- (c) property

- (i) owned by a municipality and used solely for the operation of an airport by the municipality, or
- (ii) held under a lease, licence or permit from a municipality and used solely for the operation of an airport by the lessee, licensee or permittee;
- (d) a business operated by a non-profit organization on property that is exempt from taxation under section 362(1)(n).

1994 cM-26.1 s375;1995 c24 s57;1998 c24 s34

Exemption when tax is payable under Division 2

376(1) When machinery and equipment or linear property is located on premises occupied for the purposes of a business and a property tax has been imposed in respect of the machinery and equipment or linear property under Division 2 of this Part in any year, the premises on which that property is located are exempt from taxation under this Division in that year.

(2) If in any year the activities that result from the operation of the machinery and equipment or linear property are not the chief business carried on at the premises, the premises on which that property is located are not exempt from taxation under this Division in that year.

1994 cM-26.1 s376

Business tax rate bylaw

377(1) Each council that has passed a business tax bylaw must pass a business tax rate bylaw annually.

(2) The business tax rate bylaw must set a business tax rate.

(3) If the business tax bylaw establishes classes of business, the business tax rate bylaw must set a business tax rate for each class.

(4) The business tax rate may be different for each class of business established by the business tax bylaw.

(5) The tax rates set by the business tax rate bylaw must not be amended after the municipality sends the tax notices to the taxpayers.

1994 cM-26.1 s377

Calculating amount of tax

378 The amount of tax to be imposed under this Division in respect of a business is calculated by multiplying the assessment for the business by the tax rate to be imposed on that business.

1994 cM-26.1 s378

Supplementary business tax bylaw

379(1) If in any year a council passes a bylaw authorizing supplementary assessments to be prepared in respect of businesses, the council must, in the same year, pass a bylaw authorizing it to impose a supplementary tax in respect of those businesses.

(2) A council that passes a bylaw referred to in subsection (1) must use the tax rates set by its business tax rate bylaw as the supplementary tax rates to be imposed.

(3) The supplementary business tax must be imposed

- (a) on each person who operates a business for a temporary period and whose name is not entered on the business tax roll,
- (b) on each person who moves into new premises or opens new premises or branches of an existing business, although the person's name is entered on the business tax roll,
- (c) on each person who begins operating a business and whose name is not entered on the business tax roll, and
- (d) on each person who increases the storage capacity or floor space of the premises occupied for the purposes of a business after the business tax roll has been prepared.

(4) The municipality must prepare a supplementary business tax roll, which may be a continuation of the supplementary business assessment roll or may be separate from that roll.

(5) A supplementary business tax roll must show

- (a) the same information that is required to be shown on the business tax roll, and
- (b) the date for determining the tax that may be imposed under the supplementary business tax bylaw.

(6) Sections 327(4), 328, 330 and 331 apply in respect of a supplementary business tax roll.

(7) The municipality must

- (a) prepare supplementary business tax notices for all taxable businesses shown on the supplementary business tax roll of the municipality, and
- (b) send the supplementary business tax notices to the persons liable to pay the taxes.

(8) Sections 333(4), 334, 335, 336, 337 and 338 apply in respect of supplementary business tax notices.

1994 cM-26.1 s379

Grants in place of taxes

380(1) Each year a municipality may apply to the Crown for a grant if there is a business in the municipality operated by the Crown.

(2) The Crown may pay to the municipality a grant not exceeding the amount that would be recoverable by the municipality if the business operated by the Crown were not exempt from taxation under this Division.

1994 cM-26.1 s380

Division 4 Business Improvement Area Tax

Regulations

381 The Minister may make regulations respecting a business improvement area tax.

RSA 2000 cM-26 s381;2015 c8 s50

Division 4.1 Community Revitalization Levy

Definitions

381.1 In this Division,

- (a) “incremental assessed value” means the increase in the assessed value of property located in a community revitalization levy area after the date the community revitalization levy bylaw is approved by the Lieutenant Governor in Council under section 381.2(3);
- (b) “levy” means a community revitalization levy imposed under section 381.2(2).

2005 c14 s14

Community revitalization levy bylaw

381.2(1) Each council may pass a community revitalization levy bylaw.

(2) A community revitalization levy bylaw authorizes the council to impose a levy in respect of the incremental assessed value of property in a community revitalization levy area to raise revenue to be used toward the payment of infrastructure and other costs associated with the redevelopment of property in the community revitalization levy area.

(3) A community revitalization levy bylaw has no effect unless it is approved by the Lieutenant Governor in Council.

(4) The Lieutenant Governor in Council may approve a community revitalization levy bylaw in whole or in part or with variations and subject to conditions.

2005 c14 s14

Person liable to pay levy

381.3 A levy imposed under this Division must be paid by the assessed persons of the property in the community revitalization levy area.

2005 c14 s14

Incremental assessed value not subject to equalized assessment or requisition

381.4(1) Subject to subsection (2), the incremental assessed value of property in a community revitalization levy area shall not be included for the purpose of calculating

- (a) an equalized assessment under Part 9, or
- (b) the amount of a requisition under Part 10.

(2) Subsection (1) applies in respect of property in a community revitalization levy area

- (a) for a period of 20 years, or
- (b) for such other period as determined by the Lieutenant Governor in Council under section 381.5(1)(e.1), which period may not exceed 40 years,

from the year in which the community revitalization levy bylaw is made.

2005 c14 s14;2018 c20 s12

Regulations

381.5(1) The Lieutenant Governor in Council may make regulations

- (a) establishing any area in Alberta as a community revitalization levy area;
- (b) respecting a levy including, without limitation, regulations respecting the minimum and maximum levy that may be imposed and the application of the levy;

- (c) respecting the assessment of property, including identifying or otherwise describing the assessed person in respect of the property, in a community revitalization levy area;
 - (d) respecting assessment rolls, assessment notices, tax rolls and tax notices in respect of property in a community revitalization levy area;
 - (e) respecting the application of any provision of this Act, with or without modification, to a community revitalization levy bylaw or a community revitalization levy, or both;
 - (e.1) determining the period for which section 381.4(1) applies to a community revitalization levy area;
 - (f) respecting any other matter necessary or advisable to carry out the intent and purpose of this Division.
- (2) A regulation under subsection (1) may be specific to a municipality or general in its application.

2005 c14 s14;2018 c20 s12

Division 5

Special Tax

Special tax bylaw

382(1) Each council may pass a special tax bylaw to raise revenue to pay for a specific service or purpose by imposing one or more of the following special taxes:

- (a) a waterworks tax;
- (b) a sewer tax;
- (c) a boulevard tax;
- (d) a dust treatment tax;
- (e) a paving tax;
- (f) a tax to cover the cost of repair and maintenance of roads, boulevards, sewer facilities and water facilities;
- (g) repealed 2008 cE-6.6 s55;
- (h) a tax to enable the municipality to provide incentives to health professionals to reside and practice their professions in the municipality;
- (i) a fire protection area tax;

- (j) a drainage ditch tax;
 - (k) a tax to provide a supply of water for the residents of a hamlet;
 - (l) a recreational services tax.
- (2) A special tax bylaw must be passed annually.
- RSA 2000 cM-26 s382;2008 cE-6.6 s55

Taxable property

383(1) The special tax bylaw authorizes the council to impose the tax in respect of property in any area of the municipality that will benefit from the specific service or purpose stated in the bylaw.

(2) The tax must not be imposed in respect of property that is exempt under section 351.

1994 cM-26.1 s383

Contents of special tax bylaw

384 The special tax bylaw must

- (a) state the specific service or purpose for which the bylaw is passed,
- (b) describe the area of the municipality that will benefit from the service or purpose and in which the special tax is to be imposed,
- (c) state the estimated cost of the service or purpose, and
- (d) state whether the tax rate is to be based on
 - (i) the assessment prepared in accordance with Part 9,
 - (ii) each parcel of land,
 - (iii) each unit of frontage, or
 - (iv) each unit of area,

and set the tax rate to be imposed in each case.

1994 cM-26.1 s384

Condition

385 A special tax bylaw must not be passed unless the estimated cost of the specific service or purpose for which the tax is imposed is included in the budget of the municipality as an estimated expenditure.

1994 cM-26.1 s385

Use of revenue

386(1) The revenue raised by a special tax bylaw must be applied to the specific service or purpose stated in the bylaw.

(2) If there is any excess revenue, the municipality must advertise the use to which it proposes to put the excess revenue.

1994 cM-26.1 s386

Person liable to pay special tax

387 The person liable to pay the tax imposed in accordance with a special tax bylaw is the owner of the property in respect of which the tax is imposed.

1994 cM-26.1 s387;1999 c11 s20

Division 6

Well Drilling Equipment Tax

Well drilling equipment tax bylaw

388(1) Each council may pass a well drilling equipment tax bylaw.

(2) The well drilling equipment tax bylaw authorizes the council to impose a tax in respect of equipment used to drill a well for which a licence is required under the *Oil and Gas Conservation Act*.

1994 cM-26.1 s388

Person liable to pay the tax

389 A tax imposed under this Division must be paid by the person who holds the licence required under the *Oil and Gas Conservation Act* in respect of the well being drilled.

1994 cM-26.1 s389

Calculation of the tax

390(1) The Minister may make regulations prescribing the well drilling equipment tax rate.

(2) A tax imposed under this Division must be calculated in accordance with the tax rate prescribed under subsection (1).

1994 cM-26.1 s390

Division 6.1

Clean Energy Improvement Tax

Interpretation

390.1(1) In this Division, “clean energy improvement” means, subject to the regulations, a renovation, adaptation or installation on eligible private property that

- (a) will increase energy efficiency or the use of renewable energy on that property, and

- (b) will be paid for in whole or in part by a tax imposed under this Division,

but does not include improvements referred to in section 284(1)(j)(iii) and (iv).

(2) For the purposes of this Division, the amount required to recover the costs of a clean energy improvement may include

- (a) the capital cost of undertaking the clean energy improvement,
- (b) the cost of professional services needed for the clean energy improvement,
- (c) a proportionate share of the costs associated with the administration of a clean energy improvement program,
- (d) the cost of financing the clean energy improvement, and
- (e) other expenses incidental to the undertaking of the clean energy improvement and to the raising of revenue to pay for it.

2018 c6 s6

Eligibility of properties for clean energy improvements

390.2 Subject to section 390.3(4)(a), property is eligible for a clean energy improvement if the property is

- (a) located in a municipality that has passed a clean energy improvement tax bylaw,
- (b) one of the following types of private property:
 - (i) residential;
 - (ii) non-residential;
 - (iii) farm land,and
- (c) not designated industrial property.

2018 c6 s6

Clean energy improvement tax bylaw

390.3(1) Each council may pass a clean energy improvement tax bylaw

- (a) to establish a clean energy improvement program,

- (b) notwithstanding section 251, to authorize the municipality to make a borrowing for the purpose of financing clean energy improvements, and
- (c) to enable clean energy improvements to be made to eligible properties.

(2) Before a clean energy improvement is made to any property, a council must pass a clean energy improvement tax bylaw.

(3) A clean energy improvement tax bylaw authorizes the council to impose a clean energy improvement tax in respect of each clean energy improvement made to a property to raise revenue to pay the amount required to recover the costs of those clean energy improvements.

(4) A clean energy improvement tax bylaw must, subject to the regulations,

- (a) set out
 - (i) the types of private property that are eligible for a clean energy improvement, and
 - (ii) eligible clean energy improvements,
- (b) set out
 - (i) the amount of money to be borrowed for the purpose of financing clean energy improvements,
 - (ii) the maximum rate of interest, the term and the terms of repayment of the borrowing, and
 - (iii) the source or sources of money to be used to pay the principal and interest owing under the borrowing,
- (c) indicate that, where a municipality has entered into a clean energy improvement agreement with the owner of a property, a clean energy improvement tax will be charged based on the clean energy improvement agreement,
- (d) identify the period over which the cost of each eligible clean energy improvement will be spread, which period may vary from improvement to improvement, but the period shall not exceed the probable lifetime of the improvement,
- (e) indicate the process by which the owner of a property can apply to the municipality for a clean energy improvement,

- (f) include any other information the council considers necessary or advisable, and
- (g) include any requirements imposed by the regulations.

(5) Before giving second reading to a proposed clean energy improvement tax bylaw, the council must hold a public hearing with respect to the proposed bylaw in accordance with section 230 after giving notice of it in accordance with section 606.

2018 c6 s6

Clean energy improvement agreement

390.4(1) A municipality and the owner of a property shall enter into a clean energy improvement agreement before a clean energy improvement is made to that property.

(2) A clean energy improvement agreement must, subject to the regulations,

- (a) describe the proposed clean energy improvement,
- (b) identify the property in respect of which the clean energy improvement tax will be imposed,
- (c) indicate that the owner of the property will be liable to pay the clean energy improvement tax,
- (d) include the amount required to recover the costs of the clean energy improvement and the method of calculation used to determine that amount,
- (e) state the period over which the amount required to recover the costs of the clean energy improvement will be paid,
- (f) state the portion of the amount required to recover the costs of the clean energy improvement to be paid
 - (i) by the municipality,
 - (ii) from revenue raised by the clean energy improvement tax, and
 - (iii) from other sources of revenue,
- (g) describe how the clean energy improvement tax will be revised in the event of a subdivision of the property or a consolidation of the property with any other property, and

- (h) include any other information the municipality considers necessary or advisable.

2018 c6 s6

Person liable to pay clean energy improvement tax

390.5(1) The person liable to pay a tax imposed in accordance with a clean energy improvement tax bylaw is the owner of the property in respect of which the tax is imposed.

- (2) A complaint about a tax imposed in accordance with a clean energy improvement tax bylaw must be made within one year after the tax is first imposed.

2018 c6 s6

Paying off a clean energy improvement tax

390.6 The owner of a property in respect of which a clean energy improvement tax is imposed may pay the tax at any time.

2018 c6 s6

Refinancing of debt by council

390.7 If, after a clean energy improvement agreement has been made, the council refinances the debt created to pay for the clean energy improvement that is the subject of that agreement at an interest rate other than the rate estimated when the clean energy improvement agreement was made, the council, with respect to future years, may revise the amount required to recover the costs of the clean energy improvement included in that agreement to reflect the change in the interest rate.

2018 c6 s6

Petitions

390.8(1) Notwithstanding section 232(2), electors of a municipality may petition the municipality to

- (a) pass a clean energy improvement tax bylaw, or
- (b) amend or repeal a clean energy improvement tax bylaw.

(2) For greater certainty, the amendment or repeal of a clean energy improvement tax bylaw does not affect clean energy improvement agreements entered into prior to the passage of that bylaw or the imposition of a clean energy improvement tax in relation to a property where a clean energy improvement has been made.

2018 c6 s6

Regulations

390.9 The Minister may make regulations respecting clean energy improvements, including, without limitation, regulations

- (a) respecting eligibility requirements for clean energy improvements;
- (b) respecting clean energy improvement agreements;
- (c) respecting clean energy improvement tax bylaws;
- (d) respecting types of renovations, adaptations or installations for which clean energy improvement agreements may be made and types of renovations, adaptations or installations for which clean energy improvement agreements may not be made;
- (e) respecting the disclosure of clean energy improvement agreements to prospective purchasers of property;
- (f) respecting limits on the number of improvements to a single property or a type of eligible property for which a tax may be imposed under this Division;
- (g) respecting limits on the capital costs of undertaking clean energy improvements on a single property or a type of eligible property under this Division;
- (h) respecting clean energy improvement programs, including the administration of clean energy improvement programs.

2018 c6 s6

Division 7

Local Improvement Tax

Definition

391 In this Division, “local improvement” means a project

- (a) that the council considers to be of greater benefit to an area of the municipality than to the whole municipality, and
- (b) that is to be paid for in whole or in part by a tax imposed under this Division.

1994 cM-26.1 s391

Petitioning rules

392(1) Sections 222 to 226 apply to petitions under this Division, except as they are modified by this section.

(2) A petition is not a sufficient petition unless

- (a) it is signed by 2/3 of the owners who would be liable to pay the local improvement tax, and

- (b) the owners who sign the petition represent at least 1/2 of the value of the assessments prepared under Part 9 for the parcels of land in respect of which the tax will be imposed.
- (3) If a parcel of land is owned by more than one owner, the owners are considered as one owner for the purpose of subsection (2).
- (4) If a municipality, school division or health region under the *Regional Health Authorities Act* is entitled to sign a petition under this Division, it may give notice to the council prior to or at the time the petition is presented to the council that its name and the assessment prepared for its land under Part 9 are not to be counted in determining the sufficiency of a petition under subsection (2), and the council must comply with the notice.
- (5) If a corporation, church, organization, estate or other entity is entitled to sign a petition under this Division, the petition may be signed on its behalf by a person who
 - (a) is at least 18 years old, and
 - (b) produces on request a certificate authorizing the person to sign the petition.

RSA 2000 cM-26 s392;2012 cE-0.3 s279

Proposal of local improvement

393(1) A council may on its own initiative propose a local improvement.

(2) A group of owners in a municipality may petition the council for a local improvement.

1994 cM-26.1 s393

Local improvement plan

394 If a local improvement is proposed, the municipality must prepare a local improvement plan.

1994 cM-26.1 s394

Contents of plan

395(1) A local improvement plan must

- (a) describe the proposed local improvement and its location,
- (b) identify
 - (i) the parcels of land in respect of which the local improvement tax will be imposed, and

- (ii) the person who will be liable to pay the local improvement tax,
 - (c) state whether the tax rate is to be based on
 - (i) the assessment prepared in accordance with Part 9,
 - (ii) each parcel of land,
 - (iii) each unit of frontage, or
 - (iv) each unit of area,
 - (d) include the estimated cost of the local improvement,
 - (e) state the period over which the cost of the local improvement will be spread,
 - (f) state the portion of the estimated cost of the local improvement proposed to be paid
 - (i) by the municipality,
 - (ii) from revenue raised by the local improvement tax, and
 - (iii) from other sources of revenue,
 - and
 - (g) include any other information the proponents of the local improvement consider necessary.
- (2)** The estimated cost of a local improvement may include
- (a) the actual cost of buying land necessary for the local improvement,
 - (b) the capital cost of undertaking the local improvement,
 - (c) the cost of professional services needed for the local improvement,
 - (d) the cost of repaying any existing debt on a facility that is to be replaced or rehabilitated, and
 - (e) other expenses incidental to the undertaking of the local improvement and to the raising of revenue to pay for it.

1994 cM-26.1 s395

Procedure after plan is prepared

396(1) When a local improvement plan has been prepared, the municipality must send a notice to the persons who will be liable to pay the local improvement tax.

(2) A notice under subsection (1) must include a summary of the information included in the local improvement plan.

(3) Subject to subsection (3.1), if a petition objecting to the local improvement is filed with the chief administrative officer within 30 days from the notices' being sent under subsection (1) and the chief administrative officer declares the petition to be sufficient, the council must not proceed with the local improvement.

(3.1) The council may, after the expiry of one year after the petition is declared to be sufficient, re-notify in accordance with subsections (1) and (2) the persons who would be liable to pay the local improvement tax.

(4) If a sufficient petition objecting to the local improvement is not filed with the chief administrative officer within 30 days from sending the notices under subsection (1), the council may undertake the local improvement and impose the local improvement tax at any time in the 3 years following the sending of the notices.

(5) When a council is authorized under subsection (4) to undertake a local improvement and

- (a) the project has not been started, or
- (b) the project has been started but is not complete,

the council may impose the local improvement tax for one year, after which the tax must not be imposed until the local improvement has been completed or is operational.

1994 cM-26.1 s396;1995 c24 s58

Local improvement tax bylaw

397(1) A council must pass a local improvement tax bylaw in respect of each local improvement.

(2) A local improvement tax bylaw authorizes the council to impose a local improvement tax in respect of all land in a particular area of the municipality to raise revenue to pay for the local improvement that benefits that area of the municipality.

(2.1) Despite subsection (2), where the local improvement that is the subject of a local improvement tax bylaw of a council of a

municipality is a road to benefit Crown land within an area of the municipality, the local improvement tax bylaw does not authorize the council to impose a local improvement tax to raise revenue to pay for the local improvement unless, before it receives second reading, the bylaw is approved by the Minister responsible for the administration of the Crown land.

(3) Despite section 351(1), no land is exempt from taxation under this section.

RSA 2000 cM-26 s397;2015 c8 s51

Contents of bylaw

398(1) A local improvement tax bylaw must

- (a) include all of the information required to be included in the local improvement plan,
- (b) provide for equal payments during each year in the period over which the cost of the local improvement will be spread,
- (c) set a uniform tax rate to be imposed on
 - (i) the assessment prepared in accordance with Part 9,
 - (ii) each parcel of land,
 - (iii) each unit of frontage, or
 - (iv) each unit of area,based on the cost of the local improvement less any financial assistance provided to the municipality by the Crown in right of Canada or Alberta, and
- (d) include any other information the council considers necessary.

(2) The local improvement tax bylaw may set the uniform tax rate based on estimated average costs throughout the municipality for a similar type of local improvement and that rate applies whether the actual cost of the local improvement is greater or less than the uniform tax rate.

1994 cM-26.1 s398

Start-up of a local improvement

399 The undertaking of a local improvement may be started, the local improvement tax bylaw may be passed and debentures may be issued before or after the actual cost of the local improvement has been determined.

1994 cM-26.1 s399

Person liable to pay local improvement tax

400 The person liable to pay the tax imposed in accordance with a local improvement tax bylaw is the owner of the parcel of land in respect of which the tax is imposed.

1994 cM-26.1 s400

Paying off a local improvement tax

401(1) The owner of a parcel of land in respect of which a local improvement tax is imposed may pay the tax at any time.

(2) If the local improvement tax rate is subsequently reduced under section 402 or 403, the council must refund to the owner the appropriate portion of the tax paid.

1994 cM-26.1 s401

Variation of local improvement tax bylaw

402(1) If, after a local improvement tax has been imposed, there is

- (a) a subdivision affecting a parcel of land, or
- (b) a consolidation of 2 or more parcels of land,

in respect of which a local improvement tax is payable, the council, with respect to future years, must revise the local improvement tax bylaw so that each of the new parcels of land bears an appropriate share of the local improvement tax.

(2) If, after a local improvement tax has been imposed,

- (a) there is a change in a plan of subdivision affecting an area that had not previously been subject to a local improvement tax, and
- (b) the council is of the opinion that as a result of the change the new parcels of land receive a benefit from the local improvement,

the council, with respect to future years, must revise the local improvement tax bylaw so that each benefitting parcel of land bears an appropriate share of the local improvement tax.

1994 cM-26.1 s402

Variation of local improvement tax rate

403(1) If, after a local improvement tax rate has been set, the council

- (a) receives financial assistance from the Crown in right of Canada or Alberta or from other sources that is greater than the amount estimated when the local improvement tax rate was set, or

- (b) refinances the debt created to pay for the local improvement at an interest rate lower than the rate estimated when the local improvement tax rate was set,

the council, with respect to future years, may revise the rate so that each benefitting parcel of land bears an appropriate share of the actual cost of the local improvement.

(2) If, after a local improvement tax rate has been set, an alteration is necessary following a complaint under Part 11 or an appeal under Part 12 that is sufficient to reduce or increase the revenue raised by the local improvement tax bylaw in any year by more than 5%, the council, with respect to future years, may revise the rate so that the local improvement tax bylaw will raise the revenue originally anticipated for those years.

(3) If, after a local improvement tax rate has been set, it is discovered that the actual cost of the local improvement is higher than the estimated cost on which the local improvement tax rate is based, the council may revise, once only over the life of the local improvement, the rate with respect to future years so that the local improvement tax bylaw will raise sufficient revenue to pay the actual cost of the local improvement.

1994 cM-26.1 s403;1999 c11 s21

Unusual parcels

404 If some parcels of land in respect of which a local improvement tax is to be imposed appear to call for a smaller or larger proportionate share of the tax because they are corner lots or are differently sized or shaped from other parcels, those parcels may be assigned the number of units of measurement the council considers appropriate to ensure that they will bear a fair portion of the local improvement tax.

1994 cM-26.1 s404

Municipality's share of the cost

405(1) A council may by bylaw require the municipality to pay the cost of any part of a local improvement that the council considers to be of benefit to the whole municipality.

(2) A bylaw under subsection (1) must be advertised if the cost to be paid by the municipality exceeds 50% of the cost of the local improvement less any financial assistance provided to the municipality by the Crown in right of Canada or Alberta.

(3) If financial assistance is provided to the municipality by the Crown in right of Canada or Alberta for a local improvement, the council must apply the assistance to the cost of the local improvement.

1994 cM-26.1 s405

Land required for local improvement

406(1) If a parcel of land is required before a local improvement can be proceeded with, the council may agree with the owner of the parcel that in consideration of

- (a) the dedication or gift to the municipality of the parcel of land required, or
- (b) a release of or reduction in the owner's claim for compensation for the parcel of land,

the remainder of the owner's land is exempt from all or part of the local improvement tax that would otherwise be imposed.

(2) The tax roll referred to in section 327 must be prepared in accordance with an agreement under this section, despite anything to the contrary in this Act.

1994 cM-26.1 s406

Exemption from local improvement tax

407(1) If a sanitary or storm sewer or a water main is constructed along a road or constructed in addition to or as a replacement of an existing facility

- (a) along which it would not have been constructed except to reach some other area of the municipality, or
- (b) in order to provide capacity for future development and the existing sanitary and storm sewers and water mains are sufficient for the existing development in the area,

the council may exempt from taxation under the local improvement tax bylaw, to the extent the council considers fair, the parcels of land abutting the road or place.

(2) If a local improvement tax is imposed for a local improvement that replaces a similar type of local improvement,

- (a) the balance owing on the existing local improvement tax must be added to the cost of the new local improvement, or
- (b) the council must exempt the parcels of land in respect of which the existing local improvement tax is imposed from

the tax that would be imposed for the new local improvement.

1994 cM-26.1 s407

Sewers

408(1) A municipality may construct a local improvement for sewer if

- (a) the council approves the construction,
- (b) the construction is recommended by the Minister of Health or the medical health officer, and
- (c) the council considers it to be in the public interest to do so.

(2) The owners of the parcels of land that benefit from a local improvement for sewer have no right to petition against its construction.

RSA 2000 cM-26 s408;2013 c10 s37

Private connection to a local improvement

409(1) If a local improvement for sewer or water has been constructed, the municipality may construct private connections from the local improvement to the street line if the council approves the construction.

(2) The cost of constructing a private connection must be imposed against the parcel of land that benefits from it and the owner of the parcel has no right to petition against its construction.

1994 cM-26.1 s409

Division 7.1 Community Aggregate Payment Levy

Community aggregate payment levy bylaw

409.1(1) Each council may pass a community aggregate payment levy bylaw.

(2) A community aggregate payment levy bylaw authorizes the council to impose a levy in respect of all sand and gravel businesses operating in the municipality to raise revenue to be used toward the payment of infrastructure and other costs in the municipality.

2005 c14 s15

Person liable to pay levy

409.2 A levy imposed under this Division must be paid by the persons who operate sand and gravel operations in the municipality.

2005 c14 s15

Regulations

409.3(1) The Minister may make regulations

- (a) respecting a levy referred to in section 409.1(2), including, without limitation, regulations respecting the maximum levy that may be imposed and the application of the levy;
- (b) respecting the application of any provision of this Act, with or without modification, to a community aggregate payment levy bylaw or a community aggregate payment levy, or both;
- (c) respecting any other matter necessary or advisable to carry out the intent and purpose of this Division.

(2) A regulation under subsection (1) may be specific to a municipality or general in its application.

2005 c14 s15

Division 8

Recovery of Taxes Related to Land

Definitions

410 In this Division,

- (a) “encumbrance” means an encumbrance as defined in the *Land Titles Act*;
- (b) “encumbrancee” means the owner of an encumbrance;
- (b.1) “parcel of land” means a parcel of land and the improvements on it;
- (c) “Registrar” means the Registrar, as defined in the *Land Titles Act*, of the appropriate Land Titles Office;
- (c.1) “remedial costs” means all expenses incurred by the Government of Alberta to perform work under an environmental protection order or an enforcement order issued under the *Environmental Protection and Enhancement Act*;
- (d) “reserve bid” means the minimum price at which a municipality is willing to sell a parcel of land at a public auction;
- (e) “tax” means a property tax, a community revitalization levy, a special tax, a clean energy improvement tax, a local improvement tax or a community aggregate payment levy;

- (f) “tax recovery notification” means a notice, in writing, that part or all of the taxes imposed in respect of a parcel of land by a municipality are in arrears.

RSA 2000 cM-26 s410;2005 c14 s16;2018 c6 s7

Methods of recovering taxes in arrears

411(1) A municipality may attempt to recover tax arrears in respect of a parcel of land

- (a) in accordance with this Division, and
- (b) subject to subsection (2), in accordance with any other Act or common law right.

(2) A municipality may start an action under subsection (1)(b) at any time before

- (a) the parcel is sold at a public auction under section 418, or
- (b) the parcel is disposed of in accordance with section 425,

whichever occurs first.

1994 cM-26.1 s411

Tax arrears list

412(1) A municipality must annually, not later than March 31,

- (a) prepare a tax arrears list showing the parcels of land in the municipality in respect of which there are tax arrears for more than one year,
- (b) send 2 copies of the tax arrears list to the Registrar,
- (b.1) send a copy of the tax arrears list to the Minister responsible for the *Unclaimed Personal Property and Vested Property Act*, and
- (c) post a copy of the tax arrears list in a place that is accessible to the public during regular business hours.

(2) A tax arrears list must not include a parcel of land in respect of which there is in existence a tax recovery notification from previous years, unless that notification has been removed from the certificate of title for that parcel.

(3) The municipality must notify the persons who are liable to pay the tax arrears that a tax arrears list has been prepared and sent to the Registrar.

RSA 2000 cM-26 s412;2007 cU-1.5 s73

Tax recovery notification

413(1) The Registrar must endorse on the certificate of title for each parcel of land shown on the tax arrears list a tax recovery notification.

(2) The Registrar must certify, on a copy of the tax arrears list, that tax recovery notifications have been endorsed in accordance with subsection (1) and return the certified copy of the tax arrears list to the municipality with a statement of the costs payable to the Land Titles Office by the municipality.

(3) The municipality is responsible for the payment of the costs referred to in subsection (2) but may add the costs to the taxes owing in respect of the parcels of land shown on the tax arrears list.

(4) The Registrar must not remove a tax recovery notification from a certificate of title until the municipality at whose request it was endorsed on the certificate of title requests its removal.

1994 cM-26.1 s413

Removal of improvements

414 When a tax recovery notification has been endorsed on a certificate of title for a parcel of land, the person who is liable to pay the taxes must not remove from the parcel, unless the municipality at whose request the notification was endorsed on the certificate of title consents, any improvements for which that person is also liable to pay the taxes.

1994 cM-26.1 s414

Right to pay tax arrears

415(1) After a tax recovery notification has been endorsed on the certificate of title for a parcel of land, any person may pay the tax arrears in respect of the parcel.

(2) On payment of the tax arrears under subsection (1), the municipality must ask the Registrar to remove the tax recovery notification.

(3) Subject to section 423(3), a person may exercise the right under subsection (1) at any time before the municipality disposes of the parcel in accordance with section 425.

1994 cM-26.1 s415

Right to collect rent to pay tax arrears

416(1) After a tax recovery notification has been endorsed on the certificate of title for a parcel of land, the municipality may send a notice to any person who holds the parcel under a lease from the owner, requiring that person to pay the rent as it becomes due to the municipality until the tax arrears have been paid.

(2) Not less than 14 days before a municipality sends a notice under subsection (1), it must send a notice to the owner of the parcel of land advising the owner of the municipality's intention to proceed under subsection (1).

(2.1) When a parcel of land shown on a tax arrears list is land described in section 304(1)(c) in respect of another municipality, or in section 304(1)(d) or (e), the municipality may send a notice to any person who holds the parcel or a portion of it under a lease, licence or permit from the assessed person to pay the rent, licence fees or permit fees, as the case may be, to the municipality as they become due until the tax arrears have been paid.

(2.2) Not less than 14 days before a municipality sends a notice under subsection (2.1), it must send a notice to the assessed person advising the person of the municipality's intention to proceed under subsection (2.1).

(2.3) Where a parcel of land described in section 304(1)(c) is held under a lease, licence or permit from the Crown in right of Alberta,

- (a) the Crown must, on a quarterly basis, notify the municipality in which the parcel is located of any changes in the status of the lease, licence or permit, as the case may be, and
- (b) the municipality must send to the Crown that portion of the tax arrears list showing the parcels of land described in section 304(1)(c) that are held by the Crown.

(3) This section does not prevent the municipality from exercising any other right it has to collect the tax arrears.

RSA 2000 cM-26 s416;2015 c8 s52

Warning of sale

417(1) Not later than the August 1 following receipt of a copy of the tax arrears list, the Registrar must, in respect of each parcel of land shown on the tax arrears list, send a notice to

- (a) the owner of the parcel of land,
- (b) any person who has an interest in the parcel that is evidenced by a caveat registered by the Registrar, and
- (c) each encumbrancee shown on the certificate of title for the parcel.

(2) The notice must state

- (a) that if the tax arrears in respect of the parcel of land are not paid before March 31 in the next year, the municipality will offer the parcel for sale at a public auction, and
- (b) that the municipality may become the owner of the parcel after the public auction if the parcel is not sold at the public auction.

(3) The notice must be sent to the address shown on the records of the Land Titles Office for each person referred to in subsection (1).
1994 cM-26.1 s417;1995 c24 s61

Offer of parcel for sale

418(1) Each municipality must offer for sale at a public auction any parcel of land shown on its tax arrears list if the tax arrears are not paid.

(2) Unless subsection (4) applies, the public auction must be held in the period beginning on the date referred to in section 417(2)(a) and ending on March 31 of the year immediately following that date.

(3) Subsection (1) does not apply to a parcel in respect of which the municipality has started an action under section 411(2) to recover the tax arrears before the date of the public auction.

(4) The municipality may enter into an agreement with the owner of a parcel of land shown on its tax arrears list providing for the payment of the tax arrears over a period not exceeding 3 years, and in that event the parcel need not be offered for sale under subsection (1) until

- (a) the agreement has expired, or
- (b) the owner of the parcel breaches the agreement,

whichever occurs first.

1994 cM-26.1 s418;1995 c24 s62;1996 c30 s35

Reserve bid and conditions of sale

419 The council must set

- (a) for each parcel of land to be offered for sale at a public auction, a reserve bid that is as close as reasonably possible to the market value of the parcel, and
- (b) any conditions that apply to the sale.

1994 cM-26.1 s419

Right to possession

420(1) From the date on which a parcel of land is offered for sale at a public auction, the municipality is entitled to possession of the parcel.

(2) For the purposes of obtaining possession of a parcel of land, a designated officer may enter the parcel and take possession of it for and in the name of the municipality and, if in so doing resistance is encountered, the municipality may apply to the Court of Queen's Bench for an order for the possession of the parcel.

RSA 2000 cM-26 s420;2009 c53 s119

Advertisement of public auction

421(1) The municipality must advertise the public auction

- (a) in one issue of The Alberta Gazette, not less than 40 days and not more than 90 days before the date on which the public auction is to be held, and
- (b) in one issue of a newspaper having general circulation in the municipality, not less than 10 days and not more than 20 days before the date on which the public auction is to be held.

(2) The advertisement must specify the date, time and location of the public auction, the conditions of sale and a description of each parcel of land to be offered for sale.

(3) The advertisement must state that the municipality may, after the public auction, become the owner of any parcel of land not sold at the public auction.

(4) Not less than 4 weeks before the date of the public auction, the municipality must send a copy of the advertisement referred to in subsection (1)(a) to

- (a) the owner of each parcel of land to be offered for sale,
- (b) each person who has an interest in any parcel to be offered for sale that is evidenced by a caveat registered by the Registrar, and
- (c) each encumbrancee shown on the certificate of title for each parcel to be offered for sale.

1994 cM-26.1 s421;1995 c24 s63

Adjournment of auction

422(1) The municipality may adjourn the holding of a public auction to any date within 2 months after the advertised date.

(2) If a public auction is adjourned, the municipality must post a notice in a place that is accessible to the public during regular business hours, showing the new date on which the public auction is to be held.

(3) If a public auction is cancelled as a result of the tax arrears being paid, the municipality must post a notice in a place that is accessible to the public during regular business hours stating that the auction is cancelled.

1994 cM-26.1 s422

Right to a clear title

423(1) A person who purchases a parcel of land at a public auction acquires the land free of all encumbrances, except

- (a) encumbrances arising from claims of the Crown in right of Canada,
- (b) irrigation or drainage debentures,
- (c) caveats referred to in section 39.2(11) of the *Condominium Property Act*,
- (d) registered easements and instruments registered pursuant to section 69 of the *Land Titles Act*,
- (e) right of entry orders as defined in the *Surface Rights Act* registered under the *Land Titles Act*,
- (e.1) a caveat that, pursuant to section 3.1(6)(f)(iv) of the *New Home Buyer Protection Act*, remains registered against the certificate of title to the land,
- (f) a notice of lien filed pursuant to section 38 of the *Rural Utilities Act*,
- (g) a notice of lien filed pursuant to section 20 of the *Rural Electrification Loan Act*, and
- (h) liens registered pursuant to section 21 of the *Rural Electrification Long-term Financing Act*.

(2) A parcel of land is sold at a public auction when the person who is acting as the auctioneer declares the parcel sold.

(3) There is no right under section 415 to pay the tax arrears in respect of a parcel after it is declared sold.

RSA 2000 cM-26 s423;2014 c10 s59;2015 c8 s53

Transfer of parcel to municipality

424(1) The municipality at whose request a tax recovery notification was endorsed on the certificate of title for a parcel of land may become the owner of the parcel after the public auction, if the parcel is not sold at the public auction.

(2) If the municipality wishes to become the owner of the parcel of land, it must request the Registrar to cancel the existing certificate of title for the parcel of land and issue a certificate of title in the name of the municipality.

(3) A municipality that becomes the owner of a parcel of land pursuant to subsection (1) acquires the land free of all encumbrances, except

- (a) encumbrances arising from claims of the Crown in right of Canada,
- (b) irrigation or drainage debentures,
- (c) registered easements and instruments registered pursuant to section 69 of the *Land Titles Act*,
- (d) right of entry orders as defined in the *Surface Rights Act* registered under the *Land Titles Act*,
- (e) a notice of lien filed pursuant to section 38 of the *Rural Utilities Act*,
- (f) a notice of lien filed pursuant to section 20 of the *Rural Electrification Loan Act*, and
- (g) liens registered pursuant to section 21 of the *Rural Electrification Long-term Financing Act*.

(4) A certificate of title issued to the municipality under this section must be marked “Tax Forfeiture” by the Registrar.

1994 cM-26.1 s424; 1995 c24 s64; 1996 c30 s36; 1998 c24 s38;
1999 c11 s23

Right to dispose of parcel

425(1) A municipality that becomes the owner of a parcel of land pursuant to section 424 may dispose of the parcel

- (a) by selling it at a price that is as close as reasonably possible to the market value of the parcel, or
- (b) by depositing in the account referred to in section 427(1)(a) an amount of money equal to the price at which the

municipality would be willing to sell the parcel under clause (a).

(2) The municipality may grant a lease, licence or permit in respect of the parcel.

(3) Repealed 1995 c24 s65.

(4) If a parcel of land is disposed of under subsection (1), the municipality must request the Registrar to delete the words “Tax Forfeiture” from the certificate of title issued in the name of the municipality for the parcel.

1994 cM-26.1 s425;1995 c24 s65

Minister’s authority to transfer parcel

425.1(1) The Minister may administer, transfer to another Minister, transfer to the municipality in which the land is situated or, subject to section 425, dispose of any parcel of land acquired by the Minister under this Part or a predecessor of this Part.

(2) The Minister may cancel the tax arrears on any land referred to in subsection (1) and require the Registrar to remove the tax recovery notification caveat respecting those tax arrears.

1995 c24 s66

Revival of title on payment of arrears

426(1) If the tax arrears in respect of a parcel of land are paid after the municipality becomes the owner of the parcel under section 424 but before the municipality disposes of the parcel under section 425(1), the municipality must notify the Registrar.

(2) The Registrar must cancel the certificate of title issued under section 424(2) and revive the certificate of title that was cancelled under section 424(2).

(3) A certificate of title revived by the Registrar is subject

- (a) to the same notifications, charges and encumbrances to which it would have been subject if it had not been cancelled under section 424(2), and
- (b) to any estate, interest or encumbrance created while the parcel was registered in the name of the municipality.

1994 cM-26.1 s426;1996 c30 s37

Separate account for sale proceeds

427(1) The money paid for a parcel of land at a public auction or pursuant to section 425

- (a) must be deposited by the municipality in an account that is established solely for the purpose of depositing money from the sale or disposition of land under this Division, and
- (b) must be paid out in accordance with this section and section 428.

(2) The following must be paid first and in the following order:

- (a) any remedial costs relating to the parcel;
- (a.1) the tax arrears in respect of the parcel;
- (b) any lawful expenses of the municipality in respect of the parcel;
- (c) any expenses owing to the Crown that have been charged against the parcel of land under section 553;
- (d) an administration fee of 5% of the amount paid for the parcel, payable to the municipality.

(3) If there is any money remaining after payment of the tax arrears and costs listed in subsection (2), the municipality must notify the previous owner that there is money remaining.

(3.1) Subject to subsection (3.3), if the municipality is satisfied that there are no debts that are secured by an encumbrance on the certificate of title for the parcel of land, the municipality may pay the money remaining to the previous owner.

(3.2) If the municipality is not satisfied that there are no debts that are secured by an encumbrance on the certificate of title for the parcel of land, the municipality must notify the previous owner that an application may be made under section 428(1) to recover all or part of the money.

(3.3) For the purposes of this Division, “previous owner” includes the Crown in right of Alberta if the municipality has been notified by the Minister responsible for the *Unclaimed Personal Property and Vested Property Act* that the land has vested in the Crown, and any money remaining after payment of the tax arrears and costs set out in subsection (2) must be paid to the Minister responsible for the *Unclaimed Personal Property and Vested Property Act*.

(4) Money paid to a municipality under a lease, licence or permit granted under section 425(2) must be placed in the account referred to in subsection (1) and distributed in accordance with this section and section 428.

RSA 2000 cM-26 s427;2007 cU-1.5 s73

Distribution of surplus sale proceeds

428(1) A person may apply to the Court of Queen's Bench for an order declaring that the person is entitled to a part of the money in the account referred to in section 427(1).

(2) An application under this section must be made within 10 years after

- (a) the date of the public auction, if the parcel was sold at a public auction, or
- (b) the date of a sale under section 425, if the parcel was sold at a sale under that section.

(3) The Court must decide if notice must be given to any person other than the applicant and in that event the hearing must be adjourned to allow notice to be given.

(4) In making an order, the Court must have regard to the priorities in which sale proceeds are distributed in a foreclosure action.

RSA 2000 cM-26 s428;2009 c53 s119

Payment of undistributed money to municipality

428.1 If no application is made under section 428 within the 10-year period referred to in section 428(2), the municipality may, for any purpose, use the money deposited in accordance with section 427 that remains undistributed.

1995 c24 s68

Transfer to municipality after 15 years

428.2(1) Despite anything in this Division, where a parcel of land has been offered for sale but not sold at a public auction and the certificate of title for the parcel has been marked "Tax Forfeiture" by the Registrar, the municipality may request the Registrar to cancel the existing certificate of title for the parcel of land and issue a certificate of title in the name of the municipality on the expiry of 15 years following the date of the public auction.

(1.1) This section does not apply to land respecting which the Minister responsible for the *Unclaimed Personal Property and Vested Property Act* has notified the municipality that the land has vested in the Crown.

(2) On the issuance of a certificate of title in the name of the municipality, all responsibilities of the municipality under this Division to the previous owner of the parcel of land cease.

(3) Where a certificate of title is issued to a municipality under subsection (1) and there are remedial costs owing in respect of the

parcel of land, the municipality must reimburse the Crown in right of Alberta the lesser of

- (a) the fair market value of the parcel of land, and
- (b) the amount of the remedial costs.

(4) A municipality that becomes the owner of a parcel of land pursuant to subsection (1) acquires the land free of all encumbrances, except

- (a) encumbrances arising from claims of the Crown in right of Canada,
- (b) irrigation or drainage debentures,
- (c) registered easements and instruments registered pursuant to section 69 of the *Land Titles Act*,
- (d) right of entry orders as defined in the *Surface Rights Act* registered under the *Land Titles Act*,
- (e) a notice of lien filed pursuant to section 38 of the *Rural Utilities Act*,
- (f) a notice of lien filed pursuant to section 20 of the *Rural Electrification Loan Act*, and
- (g) liens registered pursuant to section 21 of the *Rural Electrification Long-term Financing Act*.

RSA 2000 cM-26 s428.2;2007 cU-1.5 s73;2019 c20 s23

Prohibited bidding and buying

429(1) When a municipality holds a public auction or another sale under section 425, the auctioneer, the councillors, the chief administrative officer and the designated officers and employees of the municipality must not bid for or buy, or act as an agent in buying, any parcel of land offered for sale, unless subsection (2) applies.

(2) A municipality may direct a designated officer or employee of the municipality to bid for or buy a parcel of land that the municipality wishes to become the owner of.

1994 cM-26.1 s429

Right to place tax arrears on new parcels of land

429.1 When there are tax arrears in respect of a parcel of land that is to be subdivided, the municipality may distribute the tax arrears and any taxes that may be imposed in respect of the parcel

among the parcels of land that are created by the subdivision in a manner the municipality considers appropriate.

1995 c24 s69

Minerals

430 If, as a result of proceedings under this Act or any other Act providing for the forfeiture of land or minerals, or both, for arrears of taxes, minerals are vested in the Minister or in a municipality that later passed or passes to the control of the Minister, the minerals are the property of the Crown and no person has any claim to or interest in them, despite anything in this Act or the Act under which the minerals were forfeited.

1994 cM-26.1 s430

Acquisition of minerals

431(1) In respect of any parcel of land or minerals

- (a) acquired by a municipality before or after March 5, 1948, pursuant to a tax recovery notification or caveat endorsed on the certificate of title by the Registrar, and
- (b) subsequently registered in the name of the municipality,

the municipality is deemed to have taken or to take title only to those minerals that the municipality was authorized and empowered to assess at the time of the issuance of the certificate of title in the name of the municipality, and any corrections to the records of any Land Titles Office made before March 5, 1948 to effect this purpose are hereby confirmed and validated.

(2) A municipality must not transfer, lease, mortgage or otherwise dispose of or deal in any minerals or any interest in minerals without first obtaining the written consent of the Minister, and any disposition or dealing made without the consent of the Minister has no effect.

(3) Any certificate of title issued in the name of a municipality before or after March 5, 1948 to or including any minerals, other than minerals that the municipality was authorized and empowered to assess at the time of the acquisition, may be corrected under the *Land Titles Act* to limit the certificate of title to the minerals the municipality was authorized and empowered to acquire, and all other necessary corrections may be made under the *Land Titles Act* on other certificates of title.

(4) This section does not affect an interest in minerals acquired by any person from a municipality before March 5, 1948.

1994 cM-26.1 s431

Right of way

432 After the date on which a municipality becomes the owner of a parcel of land under section 424, if an application is made to a municipality

- (a) for a right of entry by an operator entitled to apply for a right of entry order under the *Surface Rights Act*, or
- (b) for a right of way for a railway, pipeline, transmission line, pole line, conduit, irrigation or drainage ditch or other similar purpose, by an applicant entitled to expropriate for that purpose under any Act,

the municipality may grant the right of entry or right of way.

1994 cM-26.1 s432

When parcel becomes part of another municipality

433(1) If proceedings affecting a parcel of land have been started under this Division and the parcel of land later becomes part of another municipality, the proceedings must be continued by that municipality as if the parcel had always been included in it, and that municipality must pay to the municipality that started the proceedings, to the extent that municipality receives sufficient money to do so, the costs incurred by the original municipality in connection with the parcel.

(2) When a parcel of land becomes part of another municipality, the Registrar must, on receipt of an order of the Minister, issue a new certificate of title showing the parcel to be registered in the name of that municipality.

1994 cM-26.1 s433

Non-liability for condition of land

434 If the Minister becomes the owner of a parcel of land pursuant to this Division, the Minister is not liable in respect of the state and condition of the parcel or any improvements to it.

1994 cM-26.1 s434

Action for condition of land prohibited

434.1(1) No action for damages may be commenced against a municipality with respect to the state and condition of a parcel of land, or any improvements to it, shown on the tax arrears list of the municipality unless

- (a) after the date on which the municipality is entitled to possession of the parcel under section 420, or
- (b) after the date on which the municipality becomes the owner of the parcel under section 424,

the municipality releases on that parcel a new or additional substance into the environment that may cause, is causing or has caused an adverse effect or the municipality aggravates the adverse effect of the release of a substance into the environment on that parcel.

(2) Subsection (1) does not relieve a municipality of liability respecting a parcel of land, or any improvement to it, that was owned by the municipality before the parcel was placed on the municipality's tax arrears list.

1996 c30 s40

Continuation of proceedings

435(1) With respect to Edmonton, Calgary and Medicine Hat, all proceedings taken or that were required to be taken under any predecessor of this Act, as modified or varied by any special provisions of the charters of the respective cities, must be continued or taken, as the case may be, under this Division wherever possible.

(2) The Minister may make regulations or orders for the purpose of overcoming any procedural or other difficulty occasioned by the differences between this Division and the charters of Edmonton, Calgary and Medicine Hat.

1994 cM-26.1 s435

Deemed compliance with Act

436 Any municipality that acquired land under a predecessor of this Act is deemed to have complied with the requirements of that Act.

1994 cM-26.1 s436

Division 8.1 Recovery of Taxes Related to Designated Manufactured Homes

Definitions

436.01 In this Division,

- (a) "financing change statement" means a financing change statement as defined in the *Personal Property Security Act*;
- (b) "financing statement" means a financing statement as defined in the *Personal Property Security Act*;
- (c) "register", except where the context otherwise requires, means to register by means of a financing statement in the Registry in accordance with the *Personal Property Security Act* and the regulations made under that Act;

- (d) “Registry” means the Personal Property Registry;
- (e) “reserve bid” means the minimum price at which a municipality is willing to sell a designated manufactured home at a public auction;
- (f) “security interest” means a security interest as defined in the *Personal Property Security Act*;
- (g) “tax” means a property tax or a community revitalization levy imposed in respect of property referred to in section 304(1)(j)(i) or (k);
- (h) “tax arrears list” means a tax arrears list prepared by a municipality under section 436.03(1)(a);
- (i) “tax recovery lien” means a charge to secure the amount of taxes owing to a municipality in respect of a designated manufactured home.

RSA 2000 cM-26 s436.01;2005 c14 s17

Methods of recovering taxes in arrears

436.02(1) A municipality may attempt to recover tax arrears in respect of a designated manufactured home

- (a) in accordance with this Division, or
- (b) subject to subsection (2), in accordance with Division 9 or with any other Act or common law right.

(2) A municipality may start an action under subsection (1)(b) at any time before

- (a) the designated manufactured home is sold at a public auction under section 436.09, or
- (b) the designated manufactured home is disposed of in accordance with section 436.15(a),

whichever occurs first.

1998 c24 s40

Tax arrears list

436.03(1) A municipality must annually, not later than March 31,

- (a) prepare a tax arrears list that shows the designated manufactured homes in the municipality in respect of which there are tax arrears for more than one year, and that may also show the designated manufactured homes in the

municipality in respect of which there are tax arrears for less than one year,

- (b) register a tax recovery lien against each designated manufactured home shown on the tax arrears list, and
- (c) post a copy of the tax arrears list in a place that is accessible to the public during regular business hours.

(2) A municipality must not register a tax recovery lien against a designated manufactured home in respect of which there exists a tax recovery lien registered from previous years unless that lien has first been discharged.

(3) If a subsequent tax recovery lien is registered in error, it is deemed to be of no effect.

(4) The municipality must give written notice to the owner of each designated manufactured home shown on the tax arrears list that a tax recovery lien has been registered against the designated manufactured home.

(5) The municipality must give written notice to the owner of each manufactured home community containing one or more designated manufactured homes shown on the tax arrears list that a tax recovery lien has been registered against the designated manufactured home or homes.

1998 c24 s40

Costs of recovery

436.04(1) A municipality is responsible for the payment of the costs it incurs in carrying out the measures referred to in section 436.03, but it may add the costs to the tax roll in respect of the designated manufactured home shown on the tax arrears list.

(2) No person shall register a financing change statement to discharge the registration of a tax recovery lien against a designated manufactured home without the authorization of the municipality in whose favour the lien is registered.

(3) If a tax recovery lien is discharged in error, the municipality may, within 30 days after the discharge and without any administration fee charged by the Government of Alberta, re-register the tax recovery lien, which has the same effect as if the original tax recovery lien had not been discharged.

1998 c24 s40

Removal of designated manufactured home or improvements

436.05 When a tax recovery lien has been registered against a designated manufactured home, no person shall remove from the

site the designated manufactured home or any other improvements located on the site for which the owner of the designated manufactured home is also liable to pay the taxes, unless the municipality that registered the lien consents.

1998 c24 s40

Right to pay tax arrears

436.06(1) When a tax recovery lien has been registered against a designated manufactured home, any person may pay the tax arrears in respect of that designated manufactured home.

(2) On payment of the tax arrears under subsection (1), the municipality must register a financing change statement to discharge the registration of the tax recovery lien.

(3) A person may exercise the right under subsection (1) at any time before

- (a) the designated manufactured home is sold at a public auction under section 436.09, or
- (b) the designated manufactured home is disposed of in accordance with section 436.15(a).

1998 c24 s40

Right to collect rent to pay tax arrears

436.07(1) When a tax recovery lien has been registered against a designated manufactured home, the municipality may send a written notice to any person who rents or leases the designated manufactured home from the owner of the designated manufactured home, requiring that person to pay the rent or lease payments, as the case may be, to the municipality until the tax arrears have been paid.

(2) Not less than 14 days before a municipality sends a notice under subsection (1), it must send a notice to the owner of the designated manufactured home advising the owner of the municipality's intention to proceed under subsection (1).

(3) The municipality must send a copy of the notice under subsection (2) to the owner of the manufactured home community where the designated manufactured home is located.

(4) This section does not prevent the municipality from exercising any other right it has to collect the tax arrears.

1998 c24 s40

Warning of sale

436.08(1) Not later than August 1 following preparation of the tax arrears list, the municipality must, in respect of each designated

manufactured home shown on the tax arrears list, send a written notice to

- (a) the owner of the designated manufactured home,
- (b) the owner of the manufactured home community where the designated manufactured home is located, and
- (c) each person who has a security interest in or a lien, writ, charge or other encumbrance against the designated manufactured home as disclosed by a search of the Registry using the serial number of the designated manufactured home.

(2) The notice must state that if the tax arrears in respect of the designated manufactured home are not paid before March 31 in the next year, the municipality will offer the designated manufactured home for sale at a public auction.

(3) The notice under subsection (1) must be sent to the address shown on the records of the Registry for each person referred to in subsection (1)(c).

1998 c24 s40;1999 c11 s25

Offer of designated manufactured home for sale

436.09(1) Each municipality must offer for sale at a public auction any designated manufactured home shown on its tax arrears list if the tax arrears are not paid.

(2) Unless subsection (4) applies, the public auction must be held in the period beginning on the date referred to in section 436.08(2) and ending on March 31 of the year immediately following that date.

(3) Subsection (1) does not apply to a designated manufactured home in respect of which the municipality has started an action under section 436.02(2) to recover the tax arrears before the date of the public auction.

(4) The municipality may enter into an agreement with the owner of a designated manufactured home shown on its tax arrears list providing for the payment of the tax arrears over a period not exceeding 3 years, and in that event the designated manufactured home need not be offered for sale under subsection (1) until

- (a) the agreement has expired, or
- (b) the owner of the designated manufactured home breaches the agreement,

whichever occurs first.

1998 c24 s40

Reserve bid and conditions for sale

436.1 The council must set for each designated manufactured home to be offered for sale at a public auction,

- (a) a reserve bid that is as close as reasonably possible to the market value of the designated manufactured home, and
- (b) any conditions that apply to the sale.

1998 c24 s40

Right to possession

436.11(1) From the date on which a designated manufactured home is offered for sale at a public auction, the municipality is entitled to possession of the designated manufactured home.

(2) For the purpose of obtaining possession of a designated manufactured home, a designated officer may enter the designated manufactured home and take possession of it for and in the name of the municipality, and if in so doing the designated officer encounters resistance, the municipality may apply to the Court of Queen's Bench for an order for possession of the designated manufactured home.

RSA 2000 cM-26 s436.11;2009 c53 s119

Advertisement of public auction

436.12(1) The municipality must advertise the public auction in at least one issue of a newspaper having general circulation in the municipality, not less than 10 days and not more than 30 days before the date on which the public auction is to be held.

(2) The advertisement must specify the date, time and location of the public auction, the conditions of sale and a description of each designated manufactured home to be offered for sale.

(3) Not less than 4 weeks before the date of the public auction, the municipality must send a copy of the advertisement referred to in subsection (1) to each person referred to in section 436.08(1).

1998 c24 s40

Adjournment of auction

436.13(1) The municipality may adjourn the holding of a public auction to any date within 2 months after the advertised date.

(2) If a public auction is adjourned, the municipality must

- (a) post a notice in a place that is accessible to the public during regular business hours, showing the new date on which the public auction is to be held, and
 - (b) send a copy of the notice to each person referred to in section 436.08(1).
- (3) If a public auction is cancelled as a result of the payment of the tax arrears, the municipality must
- (a) post a notice in a place that is accessible to the public during regular business hours stating that the auction is cancelled, and
 - (b) send a copy of the notice to each person referred to in section 436.08(1).

1998 c24 s40

Unencumbered ownership

436.14(1) A person who purchases a designated manufactured home at a public auction or pursuant to section 436.15(a) acquires the designated manufactured home free of all security interests, liens, writs, charges and other encumbrances, except encumbrances arising from claims of the Crown in right of Canada, and all obligations secured by the security interests, liens, writs, charges and other encumbrances are, as regards the purchaser, deemed performed.

(2) When a person purchases a designated manufactured home at a public auction or pursuant to section 436.15(a), the municipality must, in respect of any security interest in or lien, writ, charge or other encumbrance against the designated manufactured home that exists on the date of sale as disclosed by a search of the Registry using the serial number of the designated manufactured home, register a financing change statement

- (a) to amend the collateral description in the registration to exclude the designated manufactured home, or
 - (b) if the designated manufactured home is the only collateral described in the registration, to discharge the registration.
- (3) Subsection (2) does not apply to a registration for which the purchaser is named as a debtor in a registered financing statement.
- (4) Subsection (2) operates despite section 68 of the *Personal Property Security Act*.

(5) A designated manufactured home is sold at a public auction when the person who is acting as the auctioneer declares the designated manufactured home sold.

1998 c24 s40

Right to sell or dispose of designated manufactured home

436.15 If a designated manufactured home is not sold at a public auction under section 436.09, the municipality may

- (a) dispose of it
 - (i) by selling it at a price that is as close as reasonably possible to the market value of the designated manufactured home, or
 - (ii) by depositing in the account referred to in section 436.17(1)(a) an amount of money equal to the price at which the municipality would be willing to sell the designated manufactured home under subclause (i),

or

- (b) grant a lease in respect of it.

1998 c24 s40

Payment of tax arrears

436.16(1) If the tax arrears in respect of a designated manufactured home are paid before the municipality disposes of it under section 436.15(a) or while the designated manufactured home is being leased under section 436.15(b), the municipality must return the designated manufactured home to its owner.

(2) Before returning the designated manufactured home to its owner under subsection (1), the municipality must send a written notice

- (a) to each person referred to in section 436.08(1), and
- (b) if the municipality has leased the designated manufactured home under section 436.15(b), to the person leasing it.

(3) The notice must state that

- (a) the designated manufactured home will be returned to the owner after 30 days from the date of the notice, and
- (b) despite any provision to the contrary in a lease agreement in respect of the designated manufactured home, the lease expires 30 days after the date of the notice.

(4) Subsection (3) applies despite anything contained in the *Residential Tenancies Act*.

1998 c24 s40

Separate account for sale proceeds

436.17(1) The money paid for a designated manufactured home at a public auction or pursuant to section 436.15(a)

- (a) must be deposited by the municipality in an account that is established solely for the purpose of depositing money from the sale or disposition of designated manufactured homes under this Division, and
- (b) must be paid out in accordance with this section and section 436.18.

(2) Money paid to a municipality as rent under a lease granted under section 436.15(b) must be placed in the account referred to in subsection (1) and distributed in accordance with this section and section 436.18.

(3) The following must be paid first and in the following order:

- (a) the tax arrears in respect of the designated manufactured home;
- (b) any lawful expenses of the municipality in respect of the designated manufactured home;
- (c) an administration fee of 5% of the amount deposited in respect of the designated manufactured home pursuant to subsection (1), payable to the municipality.

(4) If there is any money remaining after payment of the tax arrears and costs listed in subsection (3), the municipality must notify the previous owner of the designated manufactured home that there is money remaining.

(5) If the municipality is satisfied after a search of the Registry using the serial number of the designated manufactured home that there are no security interests in or liens, writs, charges or other encumbrances against the designated manufactured home, the municipality may pay the money remaining after the payments under subsection (3) to the previous owner of the designated manufactured home.

(6) If the municipality is not satisfied after a search of the Registry using the serial number of the designated manufactured home that there are no security interests in or liens, writs, charges or other encumbrances against the designated manufactured home, the

municipality must notify the previous owner that an application may be made under section 436.18 to recover all or part of the money.

1998 c24 s40

Distribution of surplus sale proceeds

436.18(1) A person may apply to the Court of Queen's Bench for an order declaring that the person is entitled to a part of the money in the account referred to in section 436.17(1).

(2) An application under this section must be made within 5 years after

- (a) the date of the public auction, if the designated manufactured home was sold at a public auction, or
- (b) the date of a sale under section 436.15(a), if the designated manufactured home was sold under that section.

(3) The Court must decide if notice must be given to any person other than the applicant and in that event the hearing must be adjourned to allow notice to be given.

RSA 2000 cM-26 s436.18;2009 c53 s119

Payment of undistributed money to municipality

436.19 If no application is made under section 436.18 within the 5-year period referred to in section 436.18, the municipality may, for any purpose, use the money deposited in accordance with section 436.17 that remains undistributed.

1998 c24 s40

Transfer to municipality after 10 years

436.2(1) Despite anything in this Division, where a designated manufactured home has been offered for sale but not sold at a public auction and the municipality has not disposed of it under section 436.15(a) within 10 years following the date of the public auction,

- (a) sections 436.16, 436.17 and 436.18 cease to apply with respect to that designated manufactured home, and
- (b) the municipality becomes the owner of the designated manufactured home free of all security interests, liens, writs, charges and other encumbrances, except encumbrances arising from claims of the Crown in right of Canada, and all obligations secured by the security interests, liens, writs, charges or encumbrances are, as regards the municipality, deemed performed.

(2) When the municipality becomes the owner of a designated manufactured home under subsection (1), the municipality may, in respect of any security interest in or lien, writ, charge or other encumbrance against the designated manufactured home as disclosed by a search of the Registry using the serial number of the designated manufactured home, register a financing change statement

- (a) to amend the collateral description in the registration to exclude the designated manufactured home, or
- (b) if the designated manufactured home is the only collateral described in the registration, to discharge the registration.

(3) Subsection (2) operates despite section 68 of the *Personal Property Security Act*.

1998 c24 s40

Prohibited bidding and buying

436.21(1) When a municipality holds a public auction under section 436.09 or a sale under section 436.15(a), the auctioneer, the councillors, the chief administrative officer and the designated officers and employees of the municipality must not bid for or buy, or act as an agent in buying, any designated manufactured home offered for sale, unless subsection (2) applies.

(2) A municipality may direct a designated officer or employee of the municipality to bid for or buy a designated manufactured home of which the municipality wishes to become the owner.

1998 c24 s40

Manufactured home moved to another municipality

436.22 If, after tax recovery proceedings affecting a designated manufactured home are started under this Division, the designated manufactured home is moved to another municipality or its site becomes part of another municipality,

- (a) the proceedings must be continued by that other municipality as if the designated manufactured home had always been included in it, and
- (b) the other municipality must pay to the municipality that commenced the proceedings, to the extent that the other municipality receives sufficient money to do so, the costs incurred by the original municipality in connection with the tax recovery proceedings.

1998 c24 s40

Regulations

436.23 The Minister may make regulations

- (a) respecting the rights and obligations of a municipality in relation to its possession of a designated manufactured home under this Division;
- (b) respecting any other matter related to the recovery of taxes under this Division that the Minister considers necessary to carry out the intent of this Division.

1998 c24 s40

Reporting requirements

436.24(1) Unless a municipality passes a bylaw to the contrary, the owner of a manufactured home community must provide monthly reports to the chief administrative officer or a designated officer of the municipality regarding

- (a) the ownership of all designated manufactured homes in the manufactured home community, including the serial numbers of the designated manufactured homes, and
- (b) the movement of all designated manufactured homes in and out of the manufactured home community.

(2) Despite subsection (1), a municipality may pass a bylaw requiring the owner of the manufactured home community to provide the reports required under subsection (1) to the municipality on the dates specified by the municipality, but not more than once a month.

1998 c24 s40

Division 9

Recovery of Taxes Not Related to Land

Definitions

437 In this Division,

- (a) “distress warrant” means a written instruction to seize goods of the person named in the warrant;
- (b) “period for payment” means
 - (i) if the person liable to pay the tax is a resident of the municipality, the 14 days following the sending of the tax notice by the municipality, or
 - (ii) if the person liable to pay the tax is not a resident of the municipality, the 30 days following the sending of the tax notice by the municipality;

- (c) “tax” means
 - (i) a business tax,
 - (ii) a well drilling equipment tax,
 - (ii.1) a community aggregate payment levy, or
 - (iii) a property tax or community revitalization levy imposed in respect of property referred to in section 304(1)(c), (f), (g), (h), (i), (j)(i) or (k);
- (d) “tax arrears” means taxes that remain unpaid after the expiry of the period for payment.

RSA 2000 cM-26 s437;2005 c14 s18

Methods of recovering taxes in arrears**438(1)** A municipality may attempt to recover tax arrears

- (a) in accordance with this Division, and
- (b) subject to subsection (2), in accordance with any other Act or common law right.

(2) A municipality may start an action under subsection (1)(b) at any time before the goods are sold at a public auction or the municipality becomes the owner of the goods under section 448, whichever occurs first.

1994 cM-26.1 s438

Right to issue distress warrant

439(1) A municipality wishing to recover tax arrears pursuant to this Division may issue a distress warrant.

(2) Each municipality may, in writing, authorize a designated officer or appoint a person to the position of designated officer to prepare and issue distress warrants and seize goods pursuant to distress warrants on behalf of the municipality.

1994 cM-26.1 s439

Seizure of goods

440(1) When a distress warrant has been issued, a civil enforcement agency or a person referred to in section 439(2) must place sufficient goods under seizure to satisfy the amount of the claim shown in the warrant.

(2) The person placing goods under seizure may ask the person who owns or has possession of the seized goods to sign a bailee’s undertaking agreeing to hold the seized goods for the municipality.

- (3) If a person refuses to sign a bailee's undertaking, the person placing goods under seizure may remove the goods from the premises.
- (4) When a bailee's undertaking has been signed under subsection (2), the goods specified in it are deemed to have been seized.
- (5) A seizure under this section continues until the municipality
- (a) abandons the seizure by written notice, or
 - (b) sells the goods.
- (6) The municipality is not liable for wrongful or illegal seizure or for loss of or damage to goods held under a seizure under this section if a bailee's undertaking relating to the seized goods has been signed pursuant to subsection (2).

1994 cM-26.1 s440;1994 cC-10.5 s146;1997 c19 s3

Goods affected by distress warrant

441(1) A person may seize the following goods pursuant to a distress warrant:

- (a) goods belonging to the person who is liable to pay the tax arrears or in which that person has an interest;
- (b) goods of a business that is liable to pay business tax arrears, even if the goods have been sold to a purchaser of the business;
- (c) goods of a corporation that are in the hands of
 - (i) a receiver appointed for the benefit of creditors,
 - (ii) an authorized trustee in bankruptcy, or
 - (iii) a liquidator appointed under a winding-up order.

(2) If a person who is liable to pay tax arrears is in possession of goods belonging to others for the purpose of storing the goods, those goods must not be seized pursuant to the distress warrant.

1994 cM-26.1 s441

Date for issuing distress warrant

442(1) A distress warrant must not be issued until the period for payment expires, unless subsection (2) applies.

(2) If, before the period for payment expires, a municipality has reason to believe that a person is about to move out of the municipality goods that are to be seized under a distress warrant,

the municipality may apply to a justice of the peace for an order authorizing the municipality to issue the distress warrant before the period for payment expires.

1994 cM-26.1 s442

Right to pay tax arrears

443(1) After goods have been seized under a distress warrant, any person may pay the tax arrears.

(2) On payment of the tax arrears under subsection (1), the municipality must release the goods from seizure.

(3) A person may exercise the right under subsection (1) at any time before the municipality sells the goods at a public auction or becomes the owner of the goods under section 448.

1994 cM-26.1 s443

Right to collect rent to pay tax arrears

444(1) If a distress warrant has been issued to recover tax arrears in respect of a business and the person who is liable to pay the business tax arrears owns property that is leased to one or more tenants, the municipality may send a notice to each tenant requiring the tenant to pay the rent as it becomes due to the municipality until the business tax arrears have been paid.

(2) Not less than 14 days before a municipality sends a notice under subsection (1), it must send a notice to the owner of the property advising the owner of the municipality's intention to proceed under subsection (1).

(3) This section does not prevent the municipality from exercising any other right it has to collect the tax arrears.

1994 cM-26.1 s444

Sale of property

445(1) The municipality must offer for sale at a public auction goods that have been seized under a distress warrant if the tax arrears are not paid, unless the municipality starts an action under section 438(2) to recover the tax arrears before the date of the public auction.

(2) The municipality must advertise a public auction by posting a notice in at least 3 public places in the municipality near the goods to be sold not less than 10 days before the date of the auction.

(3) The advertisement must specify the date, time and location of the public auction, the conditions of sale, a description of the goods to be sold and the name of the person whose goods are to be sold.

(4) The advertisement must state that the municipality will become the owner of any goods not sold at the public auction, immediately after the public auction.

1994 cM-26.1 s445

Date of public auction

446(1) The public auction must be held not more than 60 days after the goods are seized under the distress warrant.

(2) The municipality may adjourn the holding of a public auction but must post a notice in accordance with section 445(2) showing the new date on which the public auction is to be held.

1994 cM-26.1 s446

Exception to sale at auction

447 Despite section 445(1), a municipality may have grain seized under a distress warrant hauled to the nearest elevator or other convenient place of storage and may dispose of the grain at the current market price.

1994 cM-26.1 s447

Transfer to municipality

448 The municipality becomes the owner of any goods offered for sale but not sold at a public auction, immediately after the public auction and may dispose of the goods by selling them.

1994 cM-26.1 s448

Separate account for sale proceeds

449(1) The money paid for goods at a public auction or pursuant to section 448

- (a) must be deposited by the municipality in an account that is established solely for the purpose of depositing money from the sale of goods under this Division, and
- (b) must be paid out in accordance with this section and section 450.

(2) The following must be paid first and in the following order:

- (a) the tax arrears;
- (b) any lawful expenses of the municipality in respect of the goods.

(3) If there is any money remaining after payment of the tax arrears and expenses listed in subsection (2), the municipality must notify the previous owner that there is money remaining and that an application may be made under section 450 to recover all or part of the money.

1994 cM-26.1 s449

Distribution of surplus sale proceeds

450(1) A person may apply to the Court of Queen's Bench for an order declaring that the person is entitled to a part of the money in the account referred to in section 449(1).

(2) An application under this section may be made within 5 years after the date of the public auction.

(3) The Court must decide if notice must be given to any person other than the applicant and in that event the hearing must be adjourned to allow notice to be given.

RSA 2000 cM-26 s450;2009 c53 s119

Seizure of designated manufactured home

451 Part 10 of the *Civil Enforcement Act* does not apply to a designated manufactured home in a manufactured home community that has been seized under a distress warrant.

1994 cM-26.1 s451;1994 cC-10.5 s146;1998 c24 s41

Regulations

452 The Minister may make regulations respecting any other matter related to the recovery of taxes under this Division that is considered necessary to carry out the intent of this Division.

1994 cM-26.1 s452

Part 11 Assessment Review Boards

Division 1 Establishment and Function of Assessment Review Boards

Interpretation

453(1) In this Part,

- (a) "assessment notice" includes an amended assessment notice and a supplementary assessment notice;
- (b) "assessment roll" includes a supplementary assessment roll;
- (c) "chair" means the member of an assessment review board designated as chair under section 454.1(2), 454.2(2) or 455(2);

- (d) “clerk”, in respect of a local assessment review board or composite assessment review board having jurisdiction in one or more municipalities, means the clerk appointed under section 456;
 - (e) “composite assessment review board” means a composite assessment review board established by a council under section 454(b) or jointly established by 2 or more councils under section 455;
 - (f) “local assessment review board” means a local assessment review board established by a council under section 454(a) or jointly established by 2 or more councils under section 455;
 - (g) “provincial member” means a person appointed by the Minister under section 454.21(2);
 - (h) “tax notice” includes a supplementary tax notice;
 - (i) “tax roll” includes a supplementary tax roll.
- (2) In this Part, a reference to an assessment review board
- (a) means a local assessment review board or a composite assessment review board, as the case requires, and
 - (b) includes a panel of the board convened under section 454.11 or 454.21.

2016 c24 s62;2019 c22 s10(13)

Assessment review boards to be established**454** A council must by bylaw establish

- (a) a local assessment review board to hear complaints referred to in section 460.1(1), and
- (b) a composite assessment review board to hear complaints referred to in section 460.1(2).

2016 c24 s62

**Appointment of members to local
assessment review board****454.1(1)** A council must

- (a) appoint at least 3 persons as members of the local assessment review board,
- (b) prescribe the term of office of each member appointed under clause (a), and

- (c) prescribe the remuneration and expenses, if any, payable to each member appointed under clause (a).

(2) The council must designate one of the members appointed under subsection (1) as the chair of the local assessment review board and must prescribe the chair's term of office and the remuneration and expenses, if any, payable to the chair.

(3) The chair may delegate to any other member appointed under subsection (1) any of the powers, duties or functions of the chair.

2016 c24 s62

Panels of local assessment review board

454.11(1) Where a hearing is to be held in respect of a complaint referred to in section 460.1(1), the chair of the local assessment review board must convene a panel of 3 of its members to hear the complaint.

(2) Despite subsection (1) but subject to subsection (3)(b) and any conditions prescribed by the regulations under section 484.1(c), a panel of a local assessment review board may consist of only one member appointed by the chair.

(3) Unless an order of the Minister authorizes otherwise, the chair must not appoint

- (a) more than one councillor to a 3-member panel, or
- (b) a councillor as the only member of a one-member panel.

(4) Where a panel consists of 3 members, the panel members must choose a presiding officer from among themselves.

(5) Where a panel has only one member, that member is the presiding officer.

2016 c24 s62;2018 c11 s13

Appointment of members to composite assessment review board

454.2(1) A council must

- (a) appoint at least 2 persons as members of the composite assessment review board,
- (b) prescribe the term of office of each member appointed under clause (a), and
- (c) prescribe the remuneration and expenses, if any, payable to each member appointed under clause (a).

(2) The council must designate one of the members appointed under subsection (1) as the chair of the composite assessment review board and must prescribe the chair's term of office and the remuneration and expenses, if any, payable to the chair.

(3) The chair may delegate to another member appointed under subsection (1) any of the powers, duties or functions of the chair.

2016 c24 s62

Panels of composite assessment review board

454.21(1) Where a hearing is to be held in respect of a complaint referred to in section 460.1(2), the chair of the composite assessment review board must convene a panel to hear the complaint.

(2) The panel must consist of 2 members of the composite assessment review board appointed by the chair and one provincial member appointed by the Minister in accordance with the regulations.

(3) Unless an order of the Minister authorizes otherwise, the chair must not appoint more than one councillor to a panel.

(4) Despite subsection (2) but subject to any conditions prescribed by the regulations under section 484.1(d), a panel of a composite assessment review board may consist of only the provincial member.

(5) The provincial member is the presiding officer of every panel of a composite assessment review board.

2016 c24 s62

Qualifications of members

454.3 A member of an assessment review board may not participate in a hearing of the board unless the member is qualified as provided for in the regulations.

2016 c24 s62

Joint establishment of assessment review boards

455(1) Two or more councils may agree to jointly establish the local assessment review board or the composite assessment review board, or both, to have jurisdiction in their municipalities.

(2) Where an assessment review board is jointly established,

- (a) the councils must jointly designate one of the board members as chair and must jointly prescribe the chair's term of office and the remuneration and expenses, if any, payable to the chair, and

- (b) the chair may delegate any of the powers, duties or functions of the chair to another board member but not to the provincial member of a panel of the board.

2016 c24 s62

Clerk

456(1) The council of a municipality must appoint a person as the clerk of the assessment review boards having jurisdiction in the municipality.

(2) Where an assessment review board is jointly established, the councils must jointly appoint the clerk.

(3) The clerk must not be an assessor or a designated officer having authority to grant or cancel tax exemptions or deferrals under section 364.1.

(4) The council or councils appointing the clerk must prescribe the clerk's remuneration and duties.

2016 c24 s62;2019 c22 s10(14)

Replacement of panel members

457 In circumstances provided for by the regulations, the chair of an assessment review board may replace a member of a panel.

2016 c24 s62

Quorum

458(1) Where a panel of a local assessment review board consists of 3 members, a quorum is 2 members.

(2) Where a panel of a composite assessment review board consists of 3 members, a quorum is 2 members, one of whom must be the provincial member.

2016 c24 s62

Decision

459 A decision of a panel of an assessment review board is the decision of the assessment review board.

2016 c24 s62

Complaints

460(1) A person wishing to make a complaint about any assessment or tax must do so in accordance with this section.

(2) A complaint must be in the form prescribed in the regulations and must be accompanied with the fee set by the council under section 481(1), if any.

(3) A complaint may be made only by an assessed person or a taxpayer.

- (4) A complaint may relate to any assessed property or business.
- (5) A complaint may be about any of the following matters, as shown on an assessment or tax notice:
 - (a) the description of a property or business;
 - (b) the name and mailing address of an assessed person or taxpayer;
 - (c) an assessment;
 - (d) an assessment class;
 - (e) an assessment sub-class;
 - (f) the type of property;
 - (g) the type of improvement;
 - (h) school support;
 - (i) whether the property is assessable;
 - (j) whether the property or business is exempt from taxation under Part 10;
 - (k) any extent to which the property is exempt from taxation under a bylaw under section 364.1;
 - (l) whether the collection of tax on the property is deferred under a bylaw under section 364.1.
- (6) A complaint may be made about a designated officer's refusal to grant an exemption or deferral under a bylaw under section 364.1.
- (7) Despite subsection (5)(j),
 - (a) there is no right to make a complaint about an exemption or deferral given by agreement under section 364.1(11) unless the agreement expressly provides for that right, and
 - (b) there is no right to make a complaint about a decision made under a bylaw under section 364.2 in respect of an exemption or deferral.
- (8) There is no right to make a complaint about any tax rate.
- (9) A complaint under subsection (5) must

- (a) indicate what information shown on an assessment notice or tax notice is incorrect,
- (b) explain in what respect that information is incorrect,
- (c) indicate what the correct information is, and
- (d) identify the requested assessed value, if the complaint relates to an assessment.

(10) A complaint about a local improvement tax must be made within one year after it is first imposed.

(11) Despite subsection (10), where a local improvement tax rate has been revised under section 403(3), a complaint may be made about the revised local improvement tax whether or not a complaint was made about the tax within the year after it was first imposed.

(12) A complaint under subsection (11) must be made within one year after the local improvement tax rate is revised.

(13) A complaint must include the mailing address of the complainant except where, in the case of a complaint under subsection (5), the correct mailing address of the complainant is shown on the assessment notice or tax notice.

(14) An assessment review board has no jurisdiction to deal with a complaint about designated industrial property or an amount prepared by the Minister under Part 9 as the equalized assessment for a municipality.

(15) An assessment review board has no jurisdiction to deal with a complaint about any matter relating to an exemption or deferral under section 364.2, including a refusal to grant an exemption or deferral or a cancellation of an exemption or deferral under that section.

2016 c24 s62;2019 c6 s8

Jurisdiction of assessment review boards

460.1(1) A local assessment review board has jurisdiction to hear complaints about any matter referred to in section 460(5) that is shown on

- (a) an assessment notice for
 - (i) residential property with 3 or fewer dwelling units, or
 - (ii) farm land,
- or

- (b) a tax notice other than a property tax notice, business tax notice or improvement tax notice.

(2) Subject to section 460(14) and (15), a composite assessment review board has jurisdiction to hear complaints about

- (a) any matter referred to in section 460(5) that is shown on
 - (i) an assessment notice for property other than property described in subsection (1)(a), or
 - (ii) a business tax notice or an improvement tax notice,

or

- (b) a designated officer's decision to refuse to grant an exemption or deferral under section 364.1.

(3) In this section, a reference to "improvement tax" includes a business improvement area tax in Part 10, Division 4 and a local improvement tax in Part 10, Division 7.

2016 c24 s62;2017 c22 s37;2019 c6 s9

Address to which a complaint is sent

461(1) A complaint must be filed with the assessment review board at the address shown on the assessment or tax notice for the property

- (a) in the case of a complaint about a designated officer's decision to refuse to grant an exemption or deferral under section 364.1, not later than the date stated on the written notice of refusal under section 364.1(9), or
- (b) in any other case, not later than the complaint deadline.

(1.1) A complaint filed after the complaint deadline is invalid.

(2) The applicable filing fee must be paid when a complaint is filed.

(3) On receiving a complaint, the clerk must set a date, time and location for a hearing before an assessment review board in accordance with the regulations.

2016 c24 s62;2017 c13 s2(13)

Notice of assessment review board hearing

462(1) If a complaint is to be heard by a local assessment review board, the clerk must

- (a) within 30 days after receiving the complaint, provide the municipality with a copy of the complaint, and
 - (b) within the time prescribed by the regulations, notify the municipality, the complainant and any assessed person other than the complainant who is directly affected by the complaint of the date, time and location of the hearing.
- (2) If a complaint is to be heard by a composite assessment review board, the clerk must
- (a) within 30 days after receiving the complaint, provide the municipality with a copy of the complaint, and
 - (b) within the time prescribed by the regulations, notify the Minister, the municipality, the complainant and any assessed person other than the complainant who is directly affected by the complaint of the date, time and location of the hearing.

2016 c24 s62

Absence from hearing

463 If any person who is given notice of the hearing does not attend, the assessment review board must proceed to deal with the complaint if

- (a) all persons required to be notified were given notice of the hearing, and
- (b) no request for a postponement or an adjournment was received by the board or, if a request was received, no postponement or adjournment was granted by the board.

2016 c24 s62

Proceedings before assessment review board

464(1) Assessment review boards are not bound by the rules of evidence or any other law applicable to court proceedings and have power to determine the admissibility, relevance and weight of any evidence.

(2) Assessment review boards may require any person giving evidence before them to do so under oath.

(3) Members of assessment review boards, including provincial members of panels of composite assessment review boards, are commissioners for oaths while acting in their official capacities.

2016 c24 s62

Hearings open to public

464.1(1) Subject to subsections (2) and (3), all hearings by an assessment review board are open to the public.

(2) If an assessment review board considers it necessary to prevent the disclosure of intimate personal, financial or commercial matters or other matters because, in the circumstances, the need to protect the confidentiality of those matters outweighs the desirability of an open hearing, the assessment review board may conduct all or part of the hearing in private.

(3) If all or any part of a hearing is to be held in private, no party may attend the hearing unless the party files an undertaking stating that the party will hold in confidence any evidence heard in private.

(4) Subject to subsection (5), all documents filed in respect of a matter before an assessment review board must be placed on the public record.

(5) An assessment review board may exclude a document from the public record

- (a) if the assessment review board is of the opinion that disclosure of the document could reasonably be expected to disclose intimate personal, financial or commercial matters or other matters, and
- (b) the assessment review board considers that a person's interest in confidentiality outweighs the public interest in the disclosure of the document.

(6) Nothing in this section limits the operation of any statutory provision that protects the confidentiality of information or documents.

2016 c24 s62

Notice to attend or produce

465(1) If, in the opinion of an assessment review board hearing a complaint,

- (a) the attendance of a person, or
- (b) the production of a document or thing,

is required for the purpose of the hearing, the board may, on application, cause a notice to be served on a person requiring a person to attend or to attend and produce the document or thing.

(2) An application under subsection (1) must be made in accordance with the regulations made under section 484.1(n.1).

(3) If a person fails or refuses to comply with a notice served under subsection (1), the assessment review board may apply to the Court of Queen's Bench and the Court may issue a warrant requiring the attendance of the person or the attendance of the person to produce a document or thing.

2016 c24 s62

Protection of witnesses

466 A witness may be examined under oath on anything relevant to a matter that is before an assessment review board and is not excused from answering any question on the ground that the answer might tend to

- (a) incriminate the witness,
- (b) subject the witness to punishment under this or any other Act, or
- (c) establish liability of the witness
 - (i) to a civil proceeding at the instance of the Crown or of any other person, or
 - (ii) to prosecution under any Act,

but if the answer so given tends to incriminate the witness, subject the witness to punishment or establish liability of the witness, it must not be used or received against the witness in any civil proceedings or in any other proceedings under this or any other Act, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence.

2016 c24 s62

Division 2 Decisions of Assessment Review Boards

Decisions of assessment review board

467(1) An assessment review board may, with respect to any matter referred to in section 460(5), make a change to an assessment roll or tax roll or decide that no change is required.

(1.1) For greater certainty, the power to make a change under subsection (1) includes the power to increase or decrease an assessed value shown on an assessment roll or tax roll.

(2) An assessment review board must dismiss a complaint that was not made within the proper time or that does not comply with section 460(9).

(3) An assessment review board must not alter any assessment that is fair and equitable, taking into consideration

- (a) the valuation and other standards set out in the regulations,
- (b) the procedures set out in the regulations, and
- (c) the assessments of similar property or businesses in the same municipality.

(4) An assessment review board must not alter any assessment of farm land, machinery and equipment or railway property that has been prepared correctly in accordance with the regulations.

RSA 2000 cM-26 s467;2009 c29 s24;2018 c11 s13;
2019 c22 s10(15)

Appeal to composite assessment review board

467.1 A complaint about a designated officer's decision to refuse to grant an exemption or deferral under section 364.1 is an appeal of the decision and a composite assessment review board may, after hearing the complaint, confirm the designated officer's decision or replace it with the board's decision.

2016 c24 s63

Assessment review board decisions

468(1) Subject to the regulations, an assessment review board must, in writing, render a decision and provide reasons, including any dissenting reasons,

- (a) within 30 days from the last day of the hearing, or
- (b) before the end of the taxation year to which the complaint that is the subject of the hearing applies,

whichever is earlier.

(2) Despite subsection (1), in the case of a complaint about a supplementary assessment notice, an amended assessment notice or any tax notice other than a property tax notice, an assessment review board must render its decision in writing in accordance with the regulations.

RSA 2000 cM-26 s468;2009 c29 s25

Costs of proceedings

468.1 A composite assessment review board may, or in the circumstances set out in the regulations must, order that costs of and incidental to any hearing before it be paid by one or more of the parties in the amount specified in the regulations.

2009 c29 s26

Effect of order relating to costs

468.2 An order of the composite assessment review board under section 468.1 may be registered in the Personal Property Registry and at any land titles office and, on registration, has the same effect as if it were a registered writ of enforcement issued after judgment has been entered in an action by the Court of Queen's Bench.

2009 c29 s26

Notice of decision

469 The clerk must, within 7 days after an assessment review board renders a decision, send the board's written decision and reasons, including any dissenting reasons, to the persons notified of the hearing under section 462(1)(b) or (2)(b), as the case may be.

RSA 2000 cM-26 s469;2009 c29 s27;2016 c24 s64

Judicial review

470(1) Where a decision of an assessment review board is the subject of an application for judicial review, the application must be filed with the Court of Queen's Bench and served not more than 60 days after the date of the decision.

(2) Notice of an application for judicial review must be given to

- (a) the assessment review board that made the decision,
- (b) the complainant, other than an applicant for the judicial review,
- (c) an assessed person who is directly affected by the decision, other than the complainant,
- (d) a municipality, if the decision that is the subject of the judicial review relates to property that is within the boundaries of that municipality, and
- (e) the Minister.

(3) If an applicant for judicial review of an assessment review board decision makes a written request for materials to the assessment review board for the purposes of the application, the assessment review board must provide the materials requested within 14 days from the date on which the written request is served.

(4) An assessment review board whose decision is the subject of an application for judicial review must, within 30 days from the date on which the board is served with the application, forward to the clerk of the Court of Queen's Bench the certified record of proceedings prepared under Part 3 of the Alberta Rules of Court.

(5) Documents excluded from the public record of a hearing by an assessment review board remain excluded from the public record on judicial review unless otherwise ordered by the Court of Queen's Bench.

(6) No member of an assessment review board, including a provincial member appointed to a panel of a composite assessment review board, is liable for costs by reason of or in respect of a judicial review under this Act.

RSA 2000 cM-26 s470;2009 c29 s28;
2014 c13 s35;2016 c24 s65

470.1 Repealed 2016 c24 s65.

Technical irregularities

471(1) If there has been substantial compliance with this Part, the decision of an assessment review board is not invalid because of a defect in form, a technical irregularity or informality.

(2) An assessment review board may correct any error or omission in its decision.

1994 cM-26.1 s471;1996 c30 s44

472 to 476 Repealed 1995 c24 s73.

Division 4 General Matters

Referral of unfair assessment to Minister

476.1 An assessment review board may refer any assessment that it considers unfair and inequitable to the Minister and the Minister may deal with it under sections 324 and 571.

2009 c29 s29

Required changes to rolls

477 The municipality must make any changes to its assessment roll or tax roll, or both, that are necessary to reflect the decision of an assessment review board.

1994 cM-26.1 s477;1995 c24 s74

Right to continue proceedings

478 A person who becomes an assessed person or taxpayer in respect of a property or business when a complaint about the property or business is being dealt with under this Part may become a party to any proceedings started by the previous assessed person or taxpayer.

1994 cM-26.1 s478

Obligation to pay taxes

479 Making a complaint under this Part does not relieve any person from the obligation to pay any taxes owing on any property or business or any penalties imposed for late payment of taxes.

1994 cM-26.1 s479

Prohibition

480(1) A member of an assessment review board must not hear or vote on any decision that relates to a matter in respect of which the member has a pecuniary interest.

(2) For the purposes of subsection (1), a member of an assessment review board has a pecuniary interest in a matter to the same extent that a councillor would have a pecuniary interest in the matter as determined in accordance with section 170.

RSA 2000 cM-26 s480;2009 c29 s30

Fees

481(1) Subject to the regulations made pursuant to section 484.1(q), the council may set fees payable by persons wishing to make complaints or to be involved as a party or intervenor in a hearing before an assessment review board and for obtaining copies of an assessment review board's decisions and other documents.

(2) If the assessment review board makes a decision in favour of the complainant, the fees paid by the complainant under subsection (1) must be refunded.

(3) If

- (a) the assessment review board makes a decision that is not in favour of the complainant, and
- (b) on judicial review, the Court of Queen's Bench makes a decision in favour of the complainant,

the fees paid by the complainant under subsection (1) must be refunded.

RSA 2000 cM-26 s481;2009 c29 s31;2016 c24 s66

Admissible evidence at hearing

482(1) A copy of

- (a) an assessment roll or tax roll or part of it, or
- (b) an assessment notice or tax notice,

that is certified by a designated officer as being a true copy of the original roll, part of the roll or notice is proof, in the absence of evidence to the contrary, of the existence and validity of the roll,

part of the roll or notice and is admissible in evidence without proof of the appointment or signature of the designated officer.

(2) A statutory declaration signed by a designated officer is admissible in evidence as proof, in the absence of evidence to the contrary, that

(a) an assessment notice was sent at least 7 days prior to the notice of assessment date, or

(b) a tax notice was sent on the date shown on the tax notice.

RSA 2000 cM-26 s482;2017 c13 s1(42)

Decision admissible on judicial review

483 A copy of a decision of an assessment review board that is certified by the clerk as being a true copy of the original decision is proof, in the absence of evidence to the contrary, of the decision and is admissible in evidence without proof of the appointment or signature of the clerk.

RSA 2000 cM-26 s483;2016 c24 s67

Immunity

484 The members of an assessment review board, including a provincial member appointed to a panel of a composite assessment review board, are not personally liable for anything done or omitted to be done in good faith in the exercise or purported exercise of a power, duty or function under this Part.

RSA 2000 cM-26 s484; 2016 c24 s68

Regulations

484.1 The Minister may make regulations

- (a) respecting the eligibility of persons to be provincial members;
- (b) respecting the appointment of provincial members to panels of composite assessment review boards;
- (c) prescribing the conditions under which a chair may convene a panel of a local assessment review board consisting of only one member;
- (d) prescribing the conditions under which a chair may convene a panel of a composite assessment review board consisting of only a provincial member;
- (e) respecting the training and qualifications of members of assessment review boards and clerks;

- (f) respecting the setting by the clerk of the date, time and location of a hearing before an assessment review board;
- (g) prescribing the period of time for purposes of section 462(1)(b) and (2)(b);
- (h) respecting the procedures and functions of assessment review boards;
- (h.1) respecting the replacement of members of a panel of an assessment review board;
- (i) governing the disclosure of evidence in a hearing before an assessment review board;
- (i.1) governing hearings held in private before an assessment review board;
- (i.2) governing the excluding of documents from the public record by an assessment review board;
- (j) respecting the jurisdiction of assessment review boards;
- (k) respecting the authority of assessment review boards to hear complaints and the manner in which the boards are to hear complaints;
- (l) respecting costs that may or must be imposed by a composite assessment review board in respect of a hearing, including, without limitation, regulations respecting
 - (i) the circumstances in which costs must be imposed, and
 - (ii) the amount of costs;
- (m) respecting the rendering of decisions by assessment review boards;
- (n) respecting the circumstances under which a person may act as an agent for an assessed person or taxpayer at a hearing before an assessment review board;
- (n.1) respecting applications referred to in section 465(1);
- (o) respecting any other matter relating to assessment review boards;
- (p) respecting applications for judicial review referred to in section 470;

- (q) setting amounts for any fees that a council may set pursuant to section 481(1).

RSA 2000 cM-26 s484.1;2009 c29 s32;2016 c24 s69

Part 12

Land and Property Rights Tribunal

Definitions

485 In this Part,

- (a) “chair” means the chair of the Tribunal;
- (b) “Tribunal” means the Land and Property Rights Tribunal.

RSA 2000 cM-26 s485;2016 c24 s70;2020 cL-2.3 s24(9)

Division 1

Jurisdiction of the Land and Property Rights Tribunal

486 and 487 Repealed 2020 cL-2.3 s24(11).

Hearing related to assessment

487.1 A member or a panel of the Tribunal may not participate in a hearing related to assessment matters unless the member is or the members of the panel are qualified to do so in accordance with the regulations.

2009 c29 s33;2020 cL-2.3 s24(12)

487.2 Repealed 2020 cL-2.3 s24(13).

Jurisdiction of the Tribunal

488(1) The Tribunal has jurisdiction

- (a) to hear complaints about assessments for designated industrial property,
- (b) to hear any complaint relating to the amount set by the Minister under Part 9 as the equalized assessment for a municipality,
- (c) repealed 2009 c29 s34,
- (d) to decide disputes between a management body and a municipality or between 2 or more management bodies, referred to it by the Minister under the *Alberta Housing Act*,
- (e) to inquire into and make recommendations about any matter referred to it by the Lieutenant Governor in Council or the Minister,

- (e.1) to perform any duties assigned to it by the Minister or the Lieutenant Governor in Council,
- (f) to deal with annexations in accordance with Part 4,
- (g) to decide disputes involving regional services commissions under section 602.2,
- (h) to hear appeals pursuant to section 619,
- (i) to hear appeals from subdivision decisions pursuant to section 678(2)(a),
- (i.1) to hear appeals from development permit decisions pursuant to section 685(2.1)(a),
- (j) to decide intermunicipal disputes pursuant to section 690, and
- (k) to hear appeals pursuant to section 648.1.

(2) The Tribunal must hold a hearing under Division 2 of this Part in respect of the matters set out in subsection (1)(a) and (b).

(3) Sections 495 to 498, 501 to 504 and 507 apply when the Tribunal holds a hearing to decide a dispute, or to hear an appeal, referred to in subsection (1).

RSA 2000 cM-26 s488;2009 c29 s34;2015 c8 s54;
2016 c24 s74;2020 c25 s11;2020 cL-2.3 s24(14);
2020 c39 s10(2)

ALSA regional plans

488.01 In carrying out its functions and in exercising its jurisdiction under this Act and other enactments, the Tribunal must act in accordance with any applicable ALSA regional plan.

2009 cA-26.8 s83;2020 cL-2.3 s24(39)

Limit on Tribunal's jurisdiction

488.1(1) The Tribunal has no jurisdiction under section 488(1) to hear a complaint relating to an equalized assessment set by the Minister under Part 9 if the reason for the complaint is

- (a) that the equalized assessment fails to reflect a loss in value where the loss in value has not been reflected in the assessments referred to in section 317,
- (b) that information provided to the Minister by a municipality in accordance with section 319(1) does not properly reflect the relationship between assessments and the value of

property in the municipality for the year preceding the year in which the assessments were used for the purpose of imposing a tax under Part 10, or

- (c) that information relied on by the Minister pursuant to section 319(2) is incorrect.

(2) The Tribunal must not hear a complaint about any issue regarding the validity of a regulation or guideline under this Act as it relates to property.

RSA 2000 cM-26 s488.1;2009 c29 s35;2016 c24 s75;
2020 cL-2.3 s24(39)

489 and 490 Repealed 2020 cL-2.3 s24(15).

Division 2

Hearings Before the Tribunal

Form of complaint

491(1) A complaint about an assessment for designated industrial property or relating to the amount of an equalized assessment that is to be dealt with by a hearing before the Tribunal must be in the form prescribed by the regulations and must be filed with the chair within the following periods:

- (a) for a complaint about an assessment for designated industrial property, not later than the complaint deadline;
- (b) for a complaint relating to the amount of an equalized assessment, not later than 30 days from the date the Minister sends the municipality the report described in section 320.

(1.1) The form referred to in subsection (1) must be accompanied with the fee, if any, set by regulation under section 527.1.

(2) The form referred to in subsection (1) must include

- (a) the reason the matter is being referred to the Tribunal,
- (b) a brief explanation of the issues to be decided by the Tribunal, and
- (c) an address to which any notice or decision of the Tribunal is to be sent.

(3) In addition to the information described in subsection (2), in respect of a complaint about an assessment for designated industrial property, the form referred to in subsection (1) must

- (a) indicate what information on an assessment notice is incorrect,
- (b) explain in what respect that information is incorrect,
- (c) indicate what the correct information is, and
- (d) identify the requested assessed value, if the complaint relates to an assessment.

(4) In addition to the information described in subsection (2), in respect of a complaint about an amount of an equalized assessment, the form referred to in subsection (1) must

- (a) explain in what respect the amount is incorrect, and
- (b) indicate what the correct amount should be.

RSA 2000 cM-26 s491;2009 c29 s36;2016 c24 s76;
2017 c13 s1(43);2020 cL-2.3 s24(17)

Complaints about designated industrial property

492(1) A complaint about an assessment for designated industrial property may be about any of the following matters, as shown on the assessment notice:

- (a) the description of any designated industrial property;
- (b) the name and mailing address of an assessed person;
- (c) an assessment;
- (c.1) an assessment class;
- (d) the type of improvement;
- (e) school support;
- (f) whether the designated industrial property is assessable;
- (g) whether the designated industrial property is exempt from taxation under Part 10.

(1.1) Any of the following may make a complaint about an assessment for designated industrial property:

- (a) an assessed person;
- (b) a municipality, if the complaint relates to property that is within the boundaries of that municipality.

(2) Repealed 1995 c24 s76.

RSA 2000 cM-26 s492;2016 c24 s77

Duty of chair on receiving a form

493(1) On receiving a form referred to in section 491(1), the chair must set a date, time and location for a hearing before the Tribunal in accordance with the regulations.

(2) If the form relates to a complaint about an assessment for designated industrial property, the chair must advise the provincial assessor that the form has been received.

RSA 2000 cM-26 s493;2009 c29 s37;2016 c24 s78;
2017 c13 ss1(44),2(14);2020 cL-2.3 s24(39)

Notice of hearing before the Tribunal

494(1) If a matter is to be heard by the Tribunal, the chair must

- (a) within 30 days after receiving a form under section 491(1), provide the municipality with a copy of the form, and
- (b) within the time prescribed by the regulations, notify
 - (i) the municipality,
 - (ii) the person who sent the form to the chair,
 - (iii) the provincial assessor, and
 - (iv) any assessed person who is directly affected by the matter

of the date, time and location of the hearing.

(2) Repealed 2009 c29 s38.

RSA 2000 cM-26 s494;2009 c29 s38;2016 c24 s79;
2017 c13 ss1(45),2(15);2020 cL-2.3 s24(39)

Absence from hearing

495(1) If any person who is given notice of the hearing does not attend, the Tribunal must proceed to deal with the matter if

- (a) all persons required to be notified were given notice of the hearing, and
- (b) no request for a postponement or an adjournment was received by the Tribunal or, if a request was received, no postponement or adjournment was granted by the Tribunal.

RSA 2000 cM-26 s495;2009 c29 s39;2020 cL-2.3 s24(18)

496 to 498 Repealed 2020 cL-2.3 s24(19).

Decisions of the Tribunal

499(1) On concluding a hearing, the Tribunal may make any of the following decisions:

- (a) make a change with respect to any matter referred to in section 492(1), if the hearing relates to a complaint about an assessment for designated industrial property;
- (b) make a change to any equalized assessment, if the hearing relates to an equalized assessment;
- (c) decide that no change to an equalized assessment or an assessment roll is required;
- (d) decide that a property is not designated industrial property and direct the municipality to appoint an assessor to assess the property.

(2) The Tribunal must dismiss a complaint that was not made within the proper time or that does not comply with section 491(1), (2) or (3).

(3) The Tribunal must not alter

- (a) any assessment of designated industrial property that has been prepared correctly in accordance with the regulations, and
- (b) any equalized assessment that is fair and equitable, taking into consideration equalized assessments in similar municipalities.

(4) The Tribunal may, in its decision,

- (a) include terms and conditions, and
- (b) make the decision effective on a future date or for a limited time.

RSA 2000 cM-26 s499;2009 c29 s40;2016 c24 s80;
2020 cL-2.3 s24(39)

Tribunal decisions

500(1) Subject to the regulations, if the hearing relates to a complaint about an assessment for designated industrial property, the Tribunal must, in writing, render a decision and provide reasons, including any dissenting reasons,

- (a) within 30 days from the last day of the hearing, or

- (b) before the end of the taxation year to which the assessment that is the subject of the hearing applies,

whichever is earlier.

(2) Subject to the regulations, if the hearing relates to a complaint about the amount of an equalized assessment, the Tribunal must, in writing, render a decision and provide reasons, including any dissenting reasons,

- (a) within 30 days from the last day of the hearing, or
- (b) within 150 days from the date the Minister sends the municipality the report described in section 320,

whichever is earlier.

RSA 2000 cM-26 s500;2002 c19 s18;2009 c29 s41;
2016 c24 s135;2020 cL-2.3 s24(39)

Costs of proceedings

501 The Tribunal may, or in the circumstances set out in the regulations must, order that costs of and incidental to any hearing before it be paid by one or more of the parties in the amount specified in the regulations.

RSA 2000 cM-26 s501;2009 c29 s42;2020 cL-2.3 s24(39)

Effect of decision relating to costs

502 An order of the Tribunal under section 501 may be registered in the Personal Property Registry and at any land titles office and, on registration, has the same effect as if it were a registered writ of enforcement issued after judgment has been entered in an action by the Court of Queen's Bench.

RSA 2000 cM-26 s502;2009 c29 s43;2020 cL-2.3 s24(39)

503 Repealed 2020 cL-2.3 s24(19).

Rehearing

504 The Tribunal may rehear any matter before making its decision, and may review, rescind or vary any decision made by it.

RSA 2000 cM-26 s504;2020 cL-2.3 s24(39)

Notice of decision

505 The Tribunal must, within 7 days after it renders a decision, send its written decision and reasons, including any dissenting reasons, to the persons notified of the hearing under section 494(1)(b).

RSA 2000 cM-26 s505;2009 c29 s44;2020 cL-2.3 s24(39)

506 and **506.1** Repealed 2016 c24 s81.

507 Repealed 2020 cL-2.3 s24(19).

Intervention by municipality

508(1) When the council of a municipality considers that the interests of the public in the municipality or in a major part of the municipality are sufficiently concerned, the council may authorize the municipality to become a complainant or intervenor in a hearing before the Tribunal.

(2) For the purposes of subsection (1), a council may take any steps, incur any expense and take any proceedings necessary to place the question in dispute before the Tribunal for a decision.

RSA 2000 cM-26 s508;2020 cL-2.3 s24(39)

Division 3 Repealed 2020 cL-2.3 s24(20).

Division 4 Inquiries by the Tribunal

Referrals to the Tribunal

514(1) The Lieutenant Governor in Council may refer any matter to the Tribunal for its recommendations.

(2) The Minister may by order refer any question or other matter to the Tribunal for its recommendations.

RSA 2000 cM-26 s514;2020 cL-2.3 s24(39)

Report

515(1) On concluding an inquiry, the Tribunal must prepare a report that includes its recommendations.

(2) The Tribunal may make any recommendations it considers appropriate.

(3) The report must be delivered to the Minister.

RSA 2000 cM-26 s515;2020 cL-2.3 s24(39)

Division 5 General Matters

Referral of unfair assessment to Minister

516 The Tribunal may refer any assessment that it considers unfair and inequitable to the Minister and the Minister may deal with it under sections 571 and 324.

RSA 2000 cM-26 s516;2020 cL-2.3 s24(39)

Required changes to rolls

517(1) The municipality must make any changes to its assessment roll or tax roll, or both, that are necessary to reflect the decision of the Tribunal.

(2) The Minister must make any changes to the Minister's assessment roll for designated industrial property that are necessary to reflect the decision of the Tribunal.

RSA 2000 cM-26 s517;2009 c29 s46;2016 c24 s135;
2020 cL-2.3 s24(39)

Right to continue proceedings

518 A person who becomes an assessed person or taxpayer in respect of a property or business when a complaint or an appeal about the property or business is being dealt with under this Part may become a party to any proceedings started by the previous assessed person or taxpayer.

1994 cM-26.1 s518

Obligation to pay taxes

519 Sending a form to the Tribunal under section 491(1) does not relieve any person from the obligation to pay any taxes owing on the property or business or any penalties imposed for late payment of taxes.

RSA 2000 cM-26 s519;2017 c13 s1(46);2020 cL-2.3 s24(39)

520 and 521 Repealed 2020 cL-2.3 s24(22).

522 Repealed 2009 c29 s48.

523 Repealed 2020 cL-2.3 s24(22).

Powers of the Tribunal

524(1) The Tribunal may request copies of statements, reports, documents or information of any kind from the designated officers of any local authority.

(2) The Tribunal may request, in writing, copies of any certificates or certified copies of documents from the Registrars of Titles in the different land registration districts, the Minister responsible for this Act or the Minister of Transportation.

(3) The Tribunal or any member of the Tribunal may at any time search the public records of the Land Titles Offices.

RSA 2000 cM-26 s524;2007 c16 s5;2013 c10 s21;2020 cL-2.3 s24(23)

Admissible evidence at hearing

525(1) A document purporting to have been issued by a corporation or any officer, agent or employee of a corporation, or by any other person for or on its behalf, may be considered by the Tribunal as proof, in the absence of evidence to the contrary, that the document was issued by the corporation.

(2) A copy of

- (a) an assessment roll or tax roll or part of it, or
- (b) an assessment notice or tax notice,

that is certified by a designated officer as being a true copy of the original roll, part of the roll or notice is proof, in the absence of evidence to the contrary, of the existence and validity of the roll, part of the roll or notice and is admissible in evidence without proof of the appointment or signature of the designated officer.

(3) A statutory declaration signed by a designated officer is admissible in evidence as proof, in the absence of evidence to the contrary, that

- (a) an assessment notice was sent at least 7 days prior to the notice of assessment date, or
- (b) a tax notice was sent on the date shown on the tax notice.

RSA 2000 cM-26 s525;2017 c13 s1(47);2020 cL-2.3 s24(39)

Hearings open to public

525.1(1) Subject to subsections (2) and (3), all hearings are open to the public.

(2) If the Tribunal considers it necessary to prevent the disclosure of intimate personal, financial or commercial matters or other matters because, in the circumstances, the need to protect the confidentiality of those matters outweighs the desirability of an open hearing, the Tribunal may conduct all or part of the hearing in private.

(3) If all or any part of a hearing is to be held in private, no party may attend the hearing unless the party files an undertaking stating that the party will hold in confidence any evidence heard in private.

(4) Subject to subsection (5), all documents filed in respect of a matter before the Tribunal must be placed on the public record.

(5) The Tribunal may exclude a document from the public record

- (a) if the Tribunal is of the opinion that disclosure of the document could reasonably be expected to disclose intimate personal, financial or commercial matters or other matters, and
 - (b) the Tribunal considers that a person's interest in confidentiality outweighs the public interest in the disclosure of the document.
- (6) Nothing in this section limits the operation of any statutory provision that protects the confidentiality of information or documents.

2016 c24 s83;2020 cL-2.3 s24(24)

526 and 527 Repealed 2020 cL-2.3 s24(25).

Regulations

527.1 The Minister may make regulations

- (a) prescribing the period of time for the purposes of section 494(1)(b);
- (b) respecting costs that may or must be imposed by the Tribunal in respect of a hearing, including, without limitation, regulations respecting
 - (i) the circumstances in which costs must be imposed, and
 - (ii) the amount of costs;
- (c) respecting the circumstances under which a person may act as an agent for an assessed person or taxpayer at a hearing before the Tribunal;
- (d) setting fees payable by complainants, or by parties, intervenors or others who appear at hearings before the Tribunal or at inquiries conducted by the Tribunal, and for obtaining copies of the Tribunal's decisions and other documents.

RSA 2000 cM-26 s527.1;2009 c29 s49;2016 c24 s84;
2020 cL-2.3 s24(26)

Part 13
Liability of Municipalities,
Enforcement of Municipal Law and
Other Legal Matters

Division 1
Liability of Municipalities

Acting in accordance with statutory authority

527.2 Subject to this and any other enactment, a municipality is not liable for damage caused by any thing done or not done by the municipality in accordance with the authority of this or any other enactment unless the cause of action is negligence or any other tort.

1999 c11 s29

Non-negligence actions

528 A municipality is not liable in an action based on nuisance, or on any other tort that does not require a finding of intention or negligence, if the damage arises, directly or indirectly, from roads or from the operation or non-operation of

- (a) a public utility, or
- (b) a dike, ditch or dam.

1994 cM-26.1 s528

Exercise of discretion

529 A municipality that has the discretion to do something is not liable for deciding not to do that thing in good faith or for not doing that thing.

1994 cM-26.1 s529

Inspections and maintenance

530(1) A municipality is not liable for damage caused by

- (a) a system of inspection, or the manner in which inspections are to be performed, or the frequency, infrequency or absence of inspections, and
- (b) a system of maintenance, or the manner in which maintenance is to be performed, or the frequency, infrequency or absence of maintenance.

(2) Repealed 1995 c24 s80.

1994 cM-26.1 s530;1995 c24 s80

Snow on roads

531(1) A municipality is only liable for an injury to a person or damage to property caused by snow, ice or slush on roads or

sidewalks in the municipality if the municipality is grossly negligent.

(2) A person who brings an action claiming gross negligence described in subsection (1) must notify the municipality of the event that gives rise to the action within 21 days after the occurrence of the event.

(3) Failure to notify the municipality bars the action unless

- (a) there is a reasonable excuse for the lack of notice, and the municipality is not prejudiced by the lack of notice,
- (b) death is the result of the event complained of, or
- (c) the municipality waives in writing the requirement for notice.

1994 cM-26.1 s531;1996 c30 s49

Repair of roads, public places and public works

532(1) Every road or other public place that is subject to the direction, control and management of the municipality, including all public works in, on or above the roads or public place put there by the municipality or by any other person with the permission of the municipality, must be kept in a reasonable state of repair by the municipality, having regard to

- (a) the character of the road, public place or public work, and
- (b) the area of the municipality in which it is located.

(2) The municipality is liable for damage caused by the municipality failing to perform its duty under subsection (1).

(3) This section does not apply to any road made or laid out by a private person or any work made or done on a road or place by a private person until the road or work is subject to the direction, control and management of the municipality.

(4) A municipality is not liable under this section unless the claimant has suffered by reason of the default of the municipality a particular loss or damage beyond what is suffered by the claimant in common with all other persons affected by the state of repair.

(5) A municipality is not liable under this section in respect of acts done or omitted to be done by persons exercising powers or authorities conferred on them by law, and over which the municipality has no control, if the municipality is not a party to those acts or omissions.

(6) A municipality is liable under this section only if the municipality knew or should have known of the state of repair.

(7) A municipality is not liable under this section if the municipality proves that it took reasonable steps to prevent the disrepair from arising.

(8) When a traffic control device has been defaced, removed or destroyed by someone other than a designated officer or employee or agent of the municipality, the municipality is liable under this section only if the municipality

- (a) had actual notice of the defacement, removal or destruction, and
- (b) failed to restore, repair or replace the traffic control device in a reasonable period of time.

(9) A person who brings an action under this section must notify the municipality of the event that gives rise to the action within 30 days after the occurrence of the event.

(10) Failure to notify the municipality bars the action unless

- (a) there is a reasonable excuse for the lack of notice, and the municipality is not prejudiced by the lack of notice,
- (b) death is the result of the event complained of, or
- (c) the municipality waives in writing the requirement for notice.

1994 cM-26.1 s532

Things on or adjacent to roads

533 A municipality is not liable for damage caused

- (a) by the presence, absence or type of any wall, fence, guardrail, railing, curb, pavement markings, traffic control device, illumination device or barrier adjacent to or in, along or on a road, or
- (b) by or on account of any construction, obstruction or erection or any situation, arrangement or disposition of any earth, rock, tree or other material or thing adjacent to or in, along or on a road that is not on the travelled portion of the road.

1994 cM-26.1 s533

Public works affecting land

534(1) In this section, “injurious affection” means, in respect of land, the permanent reduction in the appraised value of land as a

result of the existence, but not the construction, erection or use, of a public work or structure for which the municipality would be liable if the existence of the public work or structure were not under the authority of an enactment.

(2) Within one year after the construction or erection of a public work or structure is completed, as signified by the construction completion certificate, the municipality must deliver or mail to every owner of land that abuts land on which the public work or structure is situated, and place in a newspaper circulating in the municipality, a notice that

- (a) identifies the public work or structure,
- (b) gives the date of completion, and
- (c) states that claims for compensation under this section must be received within 60 days after the notice is published in the newspaper.

(3) Subject to subsection (4), an owner of land that abuts land on which a public work or structure is situated is entitled to compensation from the municipality for injurious affection to the owner's land.

(4) An owner of land described in subsection (3) is entitled to compensation under this section only if the owner files with the municipality a claim within 60 days after notice of the completion of the public work or structure is published in the newspaper.

(5) A claim must state the amount claimed and the particulars of the claim to prove the claim.

(6) The value of any advantage to a claimant's land derived from the existence of the public work or structure must be set off against the amount otherwise payable as compensation for injurious affection.

(7) No compensation is payable for injurious affection caused by

- (a) the existence of boulevards or dividers on a road for the purpose of channelling traffic, or
- (b) the restriction of traffic to one direction only on any road.

(8) No action or claim for injurious affection may be made except under this section.

(9) If the claimant and the municipality are not able to agree on the amount of compensation for injurious affection, the claimant and

the municipality may agree to have the amount determined by binding arbitration under the *Arbitration Act*.

(10) If the claimant and the municipality do not agree to have the amount of compensation for injurious affection determined by binding arbitration, the amount of compensation for injurious affection must be determined by the Land and Property Rights Tribunal.

(11) Subject to the regulations made under subsection (15), the Land and Property Rights Tribunal may follow the practices and procedures used under the *Expropriation Act*.

(12) Except in exceptional circumstances, the Land and Property Rights Tribunal may not award legal costs on a solicitor-client basis in respect of a proceeding under this section.

(13) An appeal lies to the Court of Appeal from any determination or order of the Land and Property Rights Tribunal under this section.

(14) Section 37 of the *Expropriation Act* applies to an appeal under subsection (13).

(15) The Minister may make regulations

- (a) respecting the practice and procedure of a proceeding before the Land and Property Rights Tribunal under this section;
- (b) subject to subsection (12), respecting costs that may be awarded by the Land and Property Rights Tribunal in respect of a proceeding under this section.

(16) This section applies only in respect of public works and structures for which a construction completion certificate is issued after this section comes into force.

RSA 2000 cM-26 s534;2007 c16 s4;2020 cL-2.3 s24(40)

Division 2

Liability of Councillors and Others

Protection of councillors and municipal officers

535(1) In this section,

- (a) “municipal officers” means
 - (i) the chief administrative officer and designated officers, and
 - (ii) employees of the municipality;

(b) “volunteer worker” means a volunteer member of a fire or ambulance service or emergency measures organization established by a municipality, or any other volunteer performing duties under the direction of a municipality.

(2) Councillors, council committee members, municipal officers and volunteer workers are not liable for loss or damage caused by anything said or done or omitted to be done in good faith in the performance or intended performance of their functions, duties or powers under this Act or any other enactment.

(3) Subsection (2) is not a defence if the cause of action is defamation.

(4) This section does not affect the legal liability of a municipality.

RSA 2000 cM-26 s535;2002 c19 s19

Protection of sporting commissions

535.1(1) In this section, “commission” means a commission established by bylaw for controlling and regulating any of the following:

- (a) boxing;
- (b) wrestling;
- (c) full contact karate;
- (d) kickboxing;
- (e) any other sport that holds contests where opponents strike each other with a hand, foot, knee, elbow or other part of the body.

(2) A commission and its members, officers, employees and any volunteers and officials performing duties under the direction of any of them are not liable for anything said or done or omitted to be done in good faith in the performance or intended performance of their functions, duties or powers under this Act or any other enactment.

(3) Subsection (2) is not a defence if the cause of action is defamation.

2002 c19 s19;2003 c43 s2

Protection of fire service organizations

535.2(1) In this section,

- (a) “fire service organization” means

- (i) a municipality that provides, through a department, branch or other part of the municipality, fire services for that municipality or on behalf of one or more municipal authorities;
 - (ii) a regional services commission that provides fire services within its service area;
 - (iii) a special areas board or the Minister, in the case of a special area or an improvement district, who provides fire services for the special area or improvement district or on behalf of one or more municipal authorities;
 - (iv) a corporation or other entity, other than a municipal authority or regional services commission, that provides fire services in one or more municipal authorities in accordance with an agreement with, or at the request of, the municipal authority or municipal authorities;
- (b) “firefighter” means a member, including a volunteer, of a fire service organization whose functions, duties or powers are to carry out fire services, notwithstanding that the member may carry out other functions, duties or powers for the fire service organization;
- (c) “fire services” means services related to the suppression or prevention of fires, rescue and emergency services and other activities of a firefighter.
- (2) Fire service organizations, members of a regional services commission and firefighters are not liable for loss or damage caused by anything done or omitted to be done in good faith in the performance or intended performance of their functions, duties or powers in providing or carrying out fire services.
- (3) Subsection (2) does not apply in the case of an accident involving a motor vehicle.

2009 c49 s2

Division 3

Challenging Bylaws and Resolutions

Application to the Court of Queen’s Bench

536(1) A person may apply to the Court of Queen’s Bench for

- (a) a declaration that a bylaw or resolution is invalid, or
- (b) an order requiring a council to amend or repeal a bylaw as a result of a vote by the electors on the amendment or repeal.

(2) A judge may require an applicant to provide security for costs in an amount and manner established by the judge.

RSA 2000 cM-26 s536;2009 c53 s119

Procedure

537 A person who wishes to have a bylaw or resolution declared invalid on the basis that

- (a) the proceedings prior to the passing of the bylaw or resolution, or
- (b) the manner of passing the bylaw or resolution

does not comply with this or any other enactment must make an application within 60 days after the bylaw or resolution is passed.

1994 cM-26.1 s537

Validity relating to public participation

538 Despite section 537, a person may apply at any time

- (a) for a declaration that a bylaw is invalid if
 - (i) the bylaw is required to be put to a vote of electors and the vote has not been conducted or if the bylaw was not given the required approval in such a vote,
 - (ii) the bylaw is required to be advertised and it was not advertised, or
 - (iii) a public hearing is required to be held in respect of the bylaw and the public hearing was not held,

or

- (b) for an order requiring a council to pass a bylaw as a result of a vote by the electors.

1994 cM-26.1 s538

Reasonableness

539 No bylaw or resolution may be challenged on the ground that it is unreasonable.

1994 cM-26.1 s539

Effect of councillor being disqualified

540 No bylaw, resolution or proceeding of a council and no resolution or proceeding of a council committee may be challenged on the ground that

- (a) a person sitting or voting as a councillor

- (i) is not qualified to be on council,
 - (ii) was not qualified when the person was elected, or
 - (iii) after the election, ceased to be qualified, or became disqualified,
- (b) the election of one or more councillors is invalid,
- (c) a councillor has resigned because of disqualification,
- (d) a person has been declared disqualified from being a councillor,
- (e) a councillor did not take the oath of office,
- (f) a person sitting or voting as a member of a council committee
- (i) is not qualified to be on the committee,
 - (ii) was not qualified when the person was appointed, or
 - (iii) after being appointed, ceased to be qualified, or became disqualified,
- or
- (g) there was a defect in the appointment of a councillor or other person to a council committee.

1994 cM-26.1 s540

Division 4

Enforcement of Municipal Law

Definitions

541 In this Division,

- (a) “emergency” includes a situation in which there is imminent danger to public safety or of serious harm to property;
- (b) “structure” means a structure as defined in section 284.

1994 cM-26.1 s541;1999 c11 s30

Municipal inspections and enforcement

542(1) If this or any other enactment or a bylaw authorizes or requires anything to be inspected, remedied, enforced or done by a municipality, a designated officer of the municipality may, after giving reasonable notice to the owner or occupier of land or the

structure to be entered to carry out the inspection, remedy, enforcement or action,

- (a) enter on that land or structure at any reasonable time, and carry out the inspection, enforcement or action authorized or required by the enactment or bylaw,
- (b) request anything to be produced to assist in the inspection, remedy, enforcement or action, and
- (c) make copies of anything related to the inspection, remedy, enforcement or action.

(1.1) A consent signed under section 653 is deemed to be a reasonable notice for the purposes of subsection (1).

(2) The designated officer must display or produce on request identification showing that the person is authorized to make the entry.

(3) In an emergency or in extraordinary circumstances, the designated officer need not give reasonable notice or enter at a reasonable hour and may do the things in subsection (1)(a) and (c) without the consent of the owner or occupant.

(4) Nothing in this section authorizes the municipality to remedy the contravention of an enactment or bylaw.

1994 cM-26.1 s542;1995 c24 s81

Court authorized inspections and enforcement

543(1) If a person

- (a) refuses to allow or interferes with the entry, inspection, enforcement or action referred to in section 542, or
- (b) refuses to produce anything to assist in the inspection, remedy, enforcement or action referred to in section 542,

the municipality may apply to the Court of Queen's Bench for an order under subsection (2).

(2) The Court may issue an order

- (a) restraining a person from preventing or interfering with the entry, inspection, enforcement or action, or
- (b) requiring the production of anything to assist in the inspection, remedy, enforcement or action.

(3) A copy of the application and a copy of each affidavit in support must be served at least 3 days before the day named in the application for the hearing.

(4) In an emergency or in extraordinary circumstances, the Court may hear the application without notice to any person.

RSA 2000 cM-26 s543;2009 c53 s119

Inspecting meters

544(1) If a designated officer of a municipality believes that a meter that measures a public utility has been tampered with, the designated officer may apply to a judge of the Provincial Court for an order authorizing one or more employees of the municipality

(a) to enter on any land or structure in which the meter is located, and

(b) to inspect and test the meter.

(2) The judge of the Provincial Court may issue the order on being satisfied by evidence of the designated officer under oath that there are reasonable grounds to believe the meter has been tampered with.

(3) The judge of the Provincial Court may hear the application without notice to any person.

RSA 2000 cM-26 s544;2008 c32 s21

Order to remedy contraventions

545(1) If a designated officer finds that a person is contravening this or any other enactment that the municipality is authorized to enforce or a bylaw, the designated officer may, by written order, require the person responsible for the contravention to remedy it if the circumstances so require.

(2) The order may

(a) direct a person to stop doing something, or to change the way in which the person is doing it;

(b) direct a person to take any action or measures necessary to remedy the contravention of the enactment or bylaw, including the removal or demolition of a structure that has been erected or placed in contravention of a bylaw, and, if necessary, to prevent a re-occurrence of the contravention;

(c) state a time within which the person must comply with the directions;

- (d) state that if the person does not comply with the directions within a specified time, the municipality will take the action or measure at the expense of the person.

1994 cM-26.1 s545

Order to remedy dangers and unsightly property**546(0.1)** In this section,

- (a) “detrimental to the surrounding area” includes causing the decline of the market value of property in the surrounding area;
- (b) “unsightly condition”,
 - (i) in respect of a structure, includes a structure whose exterior shows signs of significant physical deterioration, and
 - (ii) in respect of land, includes land that shows signs of a serious disregard for general maintenance or upkeep.

(1) If, in the opinion of a designated officer, a structure, excavation or hole is dangerous to public safety or property, because of its unsightly condition, is detrimental to the surrounding area, the designated officer may by written order

- (a) require the owner of the structure to
 - (i) eliminate the danger to public safety in the manner specified, or
 - (ii) remove or demolish the structure and level the site;
- (b) require the owner of the land that contains the excavation or hole to
 - (i) eliminate the danger to public safety in the manner specified, or
 - (ii) fill in the excavation or hole and level the site;
- (c) require the owner of the property that is in an unsightly condition to
 - (i) improve the appearance of the property in the manner specified, or
 - (ii) if the property is a structure, remove or demolish the structure and level the site.

(2) The order may

- (a) state a time within which the person must comply with the order;
- (b) state that if the person does not comply with the order within a specified time, the municipality will take the action or measure at the expense of the person.

1994 cM-26.1 s546;1999 c11 s31

Caveat

546.1(1) A municipality may register a caveat under the *Land Titles Act* in respect of an order made under section 545 or 546 dealing with a dangerous structure, excavation or hole or unsightly property against the certificate of title for the land that is the subject of the order.

(2) If a municipality registers a caveat under subsection (1), the municipality must discharge the caveat when the order has been complied with or when the municipality has performed the actions or measures referred to in the order.

1999 c11 s32

Review by council

547(1) A person who receives a written order under section 545 or 546 may by written notice request council to review the order within

- (a) 14 days after the date the order is received, in the case of an order under section 545, and
- (b) 7 days after the date the order is received, in the case of an order under section 546,

or any longer period as specified by bylaw.

(2) After reviewing the order, the council may confirm, vary, substitute or cancel the order.

1994 cM-26.1 s547;1999 c11 s33

Appeal to Court of Queen's Bench

548(1) A person affected by the decision of a council under section 547 may appeal to the Court of Queen's Bench if

- (a) the procedure required to be followed by this Act is not followed, or
- (b) the decision is patently unreasonable.

(1.1) The appeal must be made,

- (a) in the case of an appeal of an order under section 545, within 30 days after the date the decision under section 547 is served on the person affected by the decision, and
 - (b) in the case of an appeal of an order under section 546, within 15 days after the date the decision under section 547 is served on the person affected by the decision.
- (2) The application for the appeal must state the reasons for the appeal.
- (3) The Court may
- (a) confirm the decision, or
 - (b) declare the decision invalid and send the matter back to the council with directions.

1994 cM-26.1 s548;1999 c11 s34

Municipality remedying contraventions

549(1) A municipality may take whatever action or measures are necessary to remedy a contravention of this Act, an enactment that the municipality is authorized to enforce or a bylaw or to prevent a re-occurrence of the contravention if

- (a) the municipality has given a written order under section 545,
 - (b) the order contains a statement referred to in section 545(2)(d),
 - (c) the person to whom the order is directed has not complied with the order within the time specified in the order, and
 - (d) the appeal periods respecting the order have passed or, if an appeal has been made, the appeal has been decided and it allows the municipality to take the action or measures.
- (2) If the order directed that premises be put and maintained in a sanitary condition, the municipality may, under this section, close the premises and use reasonable force to remove occupants.
- (3) The expenses and costs of an action or measure taken by a municipality under this section are an amount owing to the municipality by the person who contravened the enactment or bylaw.

1994 cM-26.1 s549

Municipality remedying dangers and unsightly property

550(1) A municipality may take whatever actions or measures are necessary to eliminate the danger to public safety caused by a structure, excavation or hole or to deal with the unsightly condition of property if

- (a) the municipality has given a written order under section 546,
- (b) the order contains a statement referred to in section 546(2)(b),
- (c) the person to whom the order is directed has not complied with the order within the time specified in the order, and
- (d) the appeal periods respecting the order have passed or, if an appeal has been made, the appeal has been decided and it allows the municipality to take the action or measures.

(2) If a structure is being removed or demolished by a municipality under this section, the municipality may use reasonable force to remove occupants.

(3) The expenses and costs of an action or measure taken by a municipality under this section are an amount owing to the municipality by the person who was required to do something by the order under section 546.

(4) If the municipality sells all or a part of a structure that has been removed under this section, the proceeds of the sale must be used to pay the expenses and costs of the removal and any excess proceeds must be paid to the person entitled to them.

1994 cM-26.1 s550

Emergencies

551(1) Despite sections 549 and 550, in an emergency a municipality may take whatever actions or measures are necessary to eliminate the emergency.

(2) This section applies whether or not the emergency involves a contravention of this Act, an enactment that the municipality is authorized to enforce or a bylaw.

(3) A person who receives an oral or written order under this section requiring the person to provide labour, services, equipment or materials must comply with the order.

(4) Any person who provides labour, services, equipment or materials under this section who did not cause the emergency is entitled to reasonable remuneration from the municipality.

(5) The expenses and costs of the actions or measures, including the remuneration referred to in subsection (4), are an amount owing to the municipality by the person who caused the emergency.

1994 cM-26.1 s551

Recovery of amounts owing by civil action

552 Except as provided in this or any other enactment, an amount owing to a municipality may be collected by civil action for debt in a court of competent jurisdiction.

1994 cM-26.1 s552

Adding amounts owing to tax roll

553(1) A council may add the following amounts to the tax roll of a parcel of land:

- (a) unpaid costs referred to in section 35(4) or 39(2) relating to service connections of a municipal public utility that are owing by the owner of the parcel;
- (b) unpaid charges referred to in section 42 for a municipal utility service provided to the parcel by a municipal public utility that are owing by the owner of the parcel;
- (c) unpaid expenses and costs referred to in section 549(3), if the parcel's owner contravened the enactment or bylaw and the contravention occurred on all or a part of the parcel;
- (d), (e) repealed 1999 c11 s35;
- (f) costs associated with tax recovery proceedings related to the parcel;
- (g) if the municipality has passed a bylaw making the owner of a parcel liable for expenses and costs related to the municipality extinguishing fires on the parcel, unpaid costs and expenses for extinguishing fires on the parcel;
- (g.1) if the municipality has passed a bylaw requiring the owner or occupant of a parcel to keep the sidewalks adjacent to the parcel clear of snow and ice, unpaid expenses and costs incurred by the municipality for removing the snow and ice in respect of the parcel;
- (h) unpaid costs awarded by a composite assessment review board under section 468.1 or the Land and Property Rights Tribunal under section 501, if the composite assessment

review board or the Land and Property Rights Tribunal has awarded costs against the owner of the parcel in favour of the municipality and the matter before the composite assessment review board or the Land and Property Rights Tribunal was related to the parcel;

- (h.1) the expenses and costs of carrying out an order under section 646;
 - (i) any other amount that may be added to the tax roll under an enactment.
- (2) Subject to section 659, when an amount is added to the tax roll of a parcel of land under subsection (1), the amount
- (a) is deemed for all purposes to be a tax imposed under Division 2 of Part 10 from the date it was added to the tax roll, and
 - (b) forms a special lien against the parcel of land in favour of the municipality from the date it was added to the tax roll.

RSA 2000 cM-26 s553;2009 c29 s50;2020 cL-2.3 s24(27)

Adding amounts owing to property tax roll

553.1(1) If a person described in any of the following clauses owes money to a municipality in any of the circumstances described in the following clauses, the municipality may add the amount owing to the tax roll of any property for which the person is the assessed person:

- (a) a person who was a licensee under a licence of occupation granted by the municipality and who, under the licence, owes the municipality for the costs incurred by the municipality in restoring the land used under the licence;
- (b) an agreement holder referred to in section 27.4(1) who owes money to the municipality under section 27.4(1);
- (c) a person who owes money to the municipality under section 550(3) or 551(5).

(2) Subject to section 659, when an amount is added to the tax roll of property under subsection (1), the amount

- (a) is deemed for all purposes to be a tax imposed under Division 2 of Part 10 from the date it was added to the tax roll, and

- (b) forms a special lien against the property in favour of the municipality from the date it was added to the tax roll.

1999 c11 s36

Adding amounts owing to business tax roll

553.2(1) In this section, “business tax roll” means the portion of a municipality’s tax roll for taxable businesses.

(2) If a person described in any of the following clauses owes money to a municipality in any of the circumstances described in the following clauses, the municipality may add the amount owing to the business tax roll against any business operated by the person:

- (a) a person who was a licensee under a licence of occupation granted by the municipality and who, under the licence, owes the municipality for the costs incurred by the municipality in restoring the land used under the licence;
- (b) a person who owes money to the municipality under section 550(3) or 551(5).

(3) Subject to section 659, when an amount is added to the business tax roll under subsection (2) against a business, the amount is deemed for all purposes to be a tax imposed under Division 3 of Part 10 from the date it was added to the tax roll.

1999 c11 s36

Injunction

554(1) When

- (a) a structure is being constructed in contravention of an enactment that a municipality is authorized to enforce or a bylaw,
- (b) a contravention of this Act, another enactment that a municipality is authorized to enforce or a bylaw is of a continuing nature, or
- (c) any person is carrying on business or is doing any act, matter or thing without having paid money required to be paid by a bylaw,

in addition to any other remedy and penalty imposed by this or any other enactment or a bylaw, the municipality may apply to the Court of Queen’s Bench for an injunction or other order.

(2) The Court may grant or refuse the injunction or other order or may make any other order that in its opinion the justice of the case requires.

RSA 2000 cM-26 s554;2009 c53 s119

Municipality's costs in actions

554.1(1) A municipality is entitled to collect lawful costs in all actions and proceedings to which the municipality is a party.

(2) The costs of a municipality in an action or proceeding in which the municipality is a party are not to be disallowed or reduced because the municipality's lawyer in the action or proceeding is an employee of the municipality.

RSA 2000 cM-26 s554.1;2009 c53 s119

Bylaw enforcement officers

555(1) A person who is appointed as a bylaw enforcement officer is, in the execution of enforcement duties, responsible for the preservation and maintenance of the public peace.

(2) Bylaw enforcement officers must take the official oath prescribed by the *Oaths of Office Act* before starting their duties.

1994 cM-26.1 s555

Powers and duties of bylaw enforcement officers

556 Every council must by bylaw

- (a) specify the powers and duties of bylaw enforcement officers, and
- (b) establish disciplinary procedures for misuse of power, including penalties and an appeal process applicable to misuse of power by bylaw enforcement officers.

1994 cM-26.1 s556

Division 5 Offences and Penalties

General offences

557 A person who contravenes or does not comply with

- (a) a provision of this Division,
 - (a.1) a provision of Part 17 or the regulations under Part 17,
 - (a.2) a land use bylaw as defined in Part 17,
 - (a.3) an order under section 645,
 - (a.4) a development permit or subdivision approval or a condition of a permit or approval under Part 17,
 - (a.5) a decision of a subdivision and development appeal board or the Land and Property Rights Tribunal under Part 17,

- (a.6) section 436.24,
- (b) a direction or order of the Minister,
- (c) an order under section 545, 546, 551 or 567, or
- (d) section 436.05,

or who obstructs or hinders any person in the exercise or performance of the person's powers under Part 17 or the regulations under Part 17, is guilty of an offence.

RSA 2000 cM-26 s557;2020 cL-2.3 s24(41)

Offences applicable to officials

558 No chief administrative officer or designated officer may

- (a) fail to discharge the duties of office imposed by this or any other enactment or bylaw,
- (b) sign any statement, report or return required by this or any other enactment or bylaw knowing that it contains a false statement, or
- (c) fail to hand over to a successor in office, or to the persons designated in writing by the council or the Minister, all money, books, papers and other property of a municipality.

1994 cM-26.1 s558

Unauthorized use of heraldic emblems

559 No person may use the heraldic emblem of the municipality or anything that is intended to resemble the heraldic emblem without the permission of council.

1994 cM-26.1 s559

Documents used to enforce bylaws

560(1) No person may issue a form that a municipality uses to enforce its bylaws unless the person has the authority to enforce those bylaws.

(2) No person may use a form that resembles a form that a municipality uses to enforce its bylaws with the intent of making others think that the form was issued by the municipality.

1994 cM-26.1 s560

561 Repealed 1994 cM-26.1 s738.

Obstructing construction of public work or utilities

562 No person may interfere with the construction, maintenance, operation or repair of a public work or public utility.

1994 cM-26.1 s562

Stop-cock

563 If a municipality has placed a stop-cock in a building as part of a municipal public utility, no owner or occupant of the building may use the stop-cock except to prevent damage to the building or the system or works of the public utility or to prevent or stop the flooding of the building.

1994 cM-26.1 s563

Operating a business without a licence

564 In a prosecution for contravention of a bylaw against engaging in or operating a business without a licence, proof of one transaction in the business or that the business has been advertised is sufficient to establish that a person is engaged in or operates the business.

1994 cM-26.1 s564

Prosecutions

565 A prosecution under this Act or a bylaw may be commenced within 2 years after the date of the alleged offence, but not afterwards.

1994 cM-26.1 s565

Penalty

566(1) Subject to subsection (2), a person who is found guilty of an offence under this Act is liable to a fine of not more than \$10 000 or to imprisonment for not more than one year, or to both fine and imprisonment.

(2) The minimum fine for a person who is found guilty of contravening or not complying with an order under section 546 or 551 is \$300.

1994 cM-26.1 s566

Order for compliance

567 If a person is found guilty of an offence under this Act or a bylaw, the court may, in addition to any other penalty imposed, order the person to comply with this Act or bylaw or a licence, permit or other authorization issued under the bylaw, or a condition of any of them.

1994 cM-26.1 s567

Fines and penalties

568 Fines and penalties imposed on a conviction for an offence under this Act or a bylaw are an amount owing to the municipality in which the offence occurred.

1994 cM-26.1 s568

Civil liability not affected

569 A person who is guilty of an offence under this Act may also be liable in a civil proceeding.

1994 cM-26.1 s569

Part 14

General Ministerial Powers

Intermunicipal disagreements

570 If a disagreement between municipalities is referred to the Minister by a council of a municipality or if the Minister is satisfied that it is desirable for the Minister to become involved in a disagreement between municipalities, the Minister may do one or more of the following:

- (a) conduct any investigation or inquiry that the Minister considers to be appropriate;
- (b) appoint a mediator to assist the municipalities in resolving the disagreement;
- (c) make a decision to settle the disagreement and order the municipalities to implement the decision.

1994 cM-26.1 s570;1996 c30 s50

Measures to ensure compliance with ALSA regional plans

570.01(1) If the Minister considers that a municipal authority, regional services commission or growth management board has not complied with an ALSA regional plan, the Minister may take any necessary measures to ensure that the municipal authority, regional services commission or growth management board, as the case may be, complies with the ALSA regional plan.

(2) In subsection (1), all necessary measures includes, without limitation, an order by the Minister

- (a) suspending the authority of a council to make bylaws in respect of any matter specified in the order;
- (b) exercising bylaw-making authority in respect of all or any of the matters for which bylaw-making authority is suspended under clause (a);
- (c) removing a suspension of bylaw-making authority, with or without conditions;
- (d) withholding money otherwise payable by the Government to the municipal authority, regional services commission or

growth management board pending compliance with an order of the Minister;

- (e) repealing, amending and making policies and procedures with respect to the municipal authority, regional services commission or growth management board;
- (f) suspending the authority of a development authority or subdivision authority and providing for a person to act in its place pending compliance with conditions specified in the order;
- (g) requiring or prohibiting any other action as necessary to ensure an ALSA regional plan is complied with.

2009 cA-26.8 s83;2013 c17 s3

Information

570.1 The Minister may provide a municipality with any information on the assessment of property the Minister may have whether the property is located in the municipality or elsewhere.

1995 c24 s85

Inspection

571(1) The Minister may require any matter connected with the management, administration or operation of any municipality or any assessment prepared under Part 9 to be inspected

- (a) on the Minister's initiative,
- (b) on the request of the council of the municipality, or
- (c) if the Minister receives a sufficient petition requesting the inspection that is signed,
 - (i) in the case of a municipality other than a summer village, by electors of the municipality equal in number to at least 20% of the population, and
 - (ii) in the case of a summer village, by a number of electors of the summer village equal to at least 30% of the number of summer village residences in the summer village.

(1.1) For the purposes of subsection (1), the management, administration or operation of a municipality includes

- (a) the affairs of the municipality,
- (b) the conduct of a councillor or of an employee or agent of the municipality, and

- (c) the conduct of a person who has an agreement with the municipality relating to the duties or obligations of the municipality or the person under the agreement.
- (2) The Minister may appoint one or more persons as inspectors for the purpose of carrying out inspections under this section.
- (3) An inspector
 - (a) may require the attendance of any officer of the municipality or of any other person whose presence the inspector considers necessary during the course of the inspection, and
 - (b) has the same powers, privileges and immunities as a commissioner under the *Public Inquiries Act*.
- (4) When required to do so by an inspector, the chief administrative officer of the municipality must produce for examination and inspection all books and records of the municipality.
- (5) After the completion of the inspection, the inspector must make a report to the Minister and, if the inspection was made at the request of a council, to the council.

RSA 2000 cM-26 s571;2016 c24 s85

Inquiry

- 572(1)** The Minister may, on the Minister's initiative, order an inquiry described in subsection (2).
- (2) An inquiry may be conducted into
 - (a) the affairs of the municipality,
 - (b) the conduct of a councillor, or an employee or agent of the municipality, or
 - (c) the conduct of a person who has an agreement with the municipality relating to the duties or obligations of the municipality or a person under the agreement.
 - (3) The Minister may appoint one or more persons to conduct an inquiry under this section.
 - (4) The person or persons appointed to conduct an inquiry are entitled to the fees and expenses specified by the Minister and the Minister may direct who is to pay for the inquiry.

(5) The person or persons appointed to conduct an inquiry have all the powers and duties of a commissioner appointed under the *Public Inquiries Act*.

(6) The person or persons appointed to conduct an inquiry must report to the Minister and the council.

RSA 2000 cM-26 s572;2016 c24 s86

Bank accounts

573 A bank, an agency of a bank or any other financial institution carrying on business in Alberta must, on request of the Minister, furnish the Minister with a statement showing the balance or condition of the accounts of any municipality having an account with the bank, agency or institution, together with any particulars of the accounts that may be required.

1994 cM-26.1 s573

Directions and dismissal

574(1) If, because of an inspection under section 571, a report of an official administrator under section 575.1, an inquiry under section 572, an investigation by the Ombudsman or an audit under section 282, the Minister considers that a municipality is managed in an irregular, improper or improvident manner, the Minister may by order direct the council, the chief administrative officer or a designated officer of the municipality to take any action that the Minister considers proper in the circumstances.

(2) If an order of the Minister under subsection (1) is not carried out to the satisfaction of the Minister and the Minister considers that the municipality continues to be managed in an irregular, improper or improvident manner or if an order of the Minister under section 570(c) is not carried out to the satisfaction of the Minister, and all reasonable efforts to resolve the situation have been attempted and have been unsuccessful, the Minister may make one or more of the following orders:

- (a) an order suspending the authority of the council to make bylaws in respect of any matter specified in the order;
- (b) an order exercising bylaw-making authority in respect of all or any of the matters for which bylaw-making authority is suspended under clause (a);
- (c) an order removing a suspension of bylaw-making authority, with or without conditions;
- (d) an order withholding money otherwise payable by the Government to the municipal authority pending compliance with an order of the Minister;

- (e) an order repealing, amending and making policies and procedures with respect to the municipal authority;
- (f) an order suspending the authority of a development authority or subdivision authority and providing for a person to act in its place pending compliance with conditions specified in the order;
- (g) an order requiring or prohibiting any other action as necessary to ensure an order is complied with;
- (h) an order dismissing the council or any member of it or the chief administrative officer.

(2.1) Before making an order under subsection (2), the Minister must give the municipal authority notice of the intended order and at least 14 days in which to respond.

(3) On the dismissal of the council or of any member of it, the Minister may direct the election of a new council or of a member of council to take the place of any member that has been dismissed.

(4) On the dismissal of the chief administrative officer, the Minister may appoint another officer and specify the remuneration that is payable to the officer by the municipality.

(5) The Minister may appoint an official administrator

- (a) on the dismissal of a council, or
- (b) on the dismissal of one or more councillors if the remaining councillors do not constitute a quorum.

(6) An official administrator appointed under subsection (5) has all the powers and duties of the council.

RSA 2000 cM-26 s574;2016 c24 s87;2017 c13 s1(48)

Official administrator as supervisor

575(1) The Minister may at any time appoint an official administrator to supervise a municipality and its council.

(2) So long as the appointment of an official administrator under this section continues,

- (a) no bylaw or resolution that authorizes the municipality to incur a liability or to dispose of its money or property has any effect until the bylaw or resolution has been approved in writing by the official administrator, and

- (b) the official administrator may at any time within 30 days after the passing of any bylaw or resolution disallow it, and the bylaw or resolution so disallowed becomes and is deemed to have always been void.

1994 cM-26.1 s575

Reports of official administrators

575.1 An official administrator appointed under this Part shall on request of the Minister, and may at any other time, report to the Minister on any matter respecting the municipality or its council or administration or any intermunicipal matter.

2017 c13 s1(49)

Enforcement where municipality under supervision

575.2(1) If the Minister considers that a municipality has, while under the supervision of an official administrator,

- (a) incurred a liability or disposed of money or property without the written approval of the official administrator required by section 575(2)(a), or
- (b) acted on a bylaw or resolution that has been disallowed by the official administrator under section 575(2)(b),

the Minister may take any necessary measures to address the situation, including, without limitation, making one or more orders referred to in section 574(2)(a) to (h).

(2) Before making an order under subsection (1), the Minister must give the municipal authority notice of the intended order and at least 14 days in which to respond.

2017 c13 s1(49)

Remuneration for official administrator

576 When an official administrator is appointed for a municipality by the Minister under this Act, the remuneration and expenses of the official administrator as set by the Minister must, if required by the Minister, be paid by the municipality.

1994 cM-26.1 s576

Providing Minister with copies and information

577(1) The Minister may direct a municipality to provide a copy of any document in the possession of the municipality to the Minister within the time specified by the Minister.

(2) The Minister may direct a municipality to provide information or statistics respecting the municipality to the Minister within the time specified by the Minister.

(3) A municipality must comply with a direction of the Minister under this section and provide the copy, information or statistics to the Minister without charge.

(4) This section does not apply to documents that have been prepared or information acquired by a municipality that is subject to any type of legal privilege, including solicitor-client privilege.

1994 cM-26.1 s577

Delegation

578(1) The Minister may delegate in writing to any person any power, duty or function of the Minister under this Act, including any power, duty or function that involves the Minister forming an opinion or belief.

(2) Subsection (1) does not apply to any power or duty to make regulations.

1994 cM-26.1 s578

Fees

579(1) The Minister may charge fees in connection with any service, program or other thing done by or under the authority of the Minister under this Act or the regulations.

(2) A person who receives a service, program or other thing done by or under the authority of the Minister is liable to pay the fee established under subsection (1) to the Government of Alberta and the fee may be collected by civil action for debt in a court of competent jurisdiction.

1994 cM-26.1 s579

Minister's decisions

579.1(1) An applicant seeking injunctive relief from a court against any order, decision or direction of the Minister under this Part must give the Minister at least 10 days' notice of the application.

(2) An order, decision or direction of the Minister under this Part is not stayed by an application for judicial review but remains in effect pending the court's decision on the judicial review application.

2017 c13 s1(50)

Regulations

580 The Minister may make regulations requiring a municipality to publish in a specified manner any information respecting the municipality that is specified in the regulations.

1994 cM-26.1 s580

Part 15

Improvement Districts

Formation order

581 The Lieutenant Governor in Council, on the recommendation of the Minister, may by order form an improvement district.

1994 cM-26.1 s581

Contents of order

582 The formation order must

- (a) describe the boundaries of the improvement district, and
- (b) give the improvement district an official name.

1994 cM-26.1 s582

Changes to improvement districts

583(1) The Minister may by order

- (a) amalgamate 2 or more improvement districts;
- (b) divide an improvement district into 2 or more improvement districts;
- (c) annex land from an improvement district to another improvement district;
- (d) change the name of an improvement district;
- (e) establish industrial improvement areas within improvement districts;
- (f) dissolve an improvement district.

(2) An order under this section may contain terms and conditions and provisions dealing with transitional matters that the Minister considers to be appropriate that operate despite this or any other enactment.

1994 cM-26.1 s583

Orders published

584 An order of the Lieutenant Governor in Council under section 581 and the Minister under section 583 must be published in The Alberta Gazette.

1994 cM-26.1 s584

Regulations Act

585 The *Regulations Act* does not apply to an order of the Lieutenant Governor in Council under section 581 or to an order of the Minister under this Part.

1994 cM-26.1 s585

Application of other enactments

586 The Minister may by order

- (a) provide that provisions of this or any other enactment do not apply to an improvement district,
- (b) provide that provisions of this or any other enactment apply to an improvement district with or without modifications, and
- (c) specify provisions that are to be added to or replace the provisions of this or any other enactment in respect of an improvement district.

1994 cM-26.1 s586

General power of Minister

587 The Minister may by order do anything in respect of an improvement district that a council of a municipality may do under this or another enactment.

1994 cM-26.1 s587

Council

588(1) The Minister may establish a council for an improvement district.

(2) Unless subsection (3) applies, a council is composed of one or more councillors appointed by the Minister.

(3) The Minister may by order

- (a) direct that some or all of the councillors are to be elected,
- (b) establish wards for the elected councillors, and
- (c) provide for any matter dealing with the transition from an appointed council to a council with some or all elected members.

(4) If the Minister orders that some or all of the councillors are to be elected, the *Local Authorities Election Act* applies to the election as modified by directions given by the Minister.

1994 cM-26.1 s588

588.1 Repealed 2020 c25 s11.

Delegation by Minister

589(1) The Minister may, in writing, delegate to any person or to a council of an improvement district any of the powers, duties and functions of the Minister under this or any other enactment relating to an improvement district, including the powers, duties and functions of being a trustee under section 595.

(2) The Minister may not delegate the power or duty to make a regulation as defined in the *Regulations Act*.

1994 cM-26.1 s589

Hamlets

590(1) The Minister may designate an unincorporated community that is within the boundaries of an improvement district to be a hamlet.

(2) The designation of a hamlet must specify the hamlet's name and boundaries.

1994 cM-26.1 s590

Employees

591 In accordance with the *Public Service Act*, there may be appointed any person necessary for the administration of an improvement district.

1994 cM-26.1 s591

Roads

592(1) The Minister of Transportation and the Minister responsible for this Act may enter into an agreement providing that all or part of the direction, control and management of roads within an improvement district is transferred to the Minister responsible for this Act.

(2) An agreement under subsection (1) may provide for the payment of costs with respect to roads within the improvement district.

RSA 2000 cM-26 s592;2013 c10 s21

Estimate of expenditures

593 Before January 1 in each year, every Minister charged with the duty of expending any part of the taxes collected in an improvement district must send to the Minister responsible for this Act a statement, with reference to each improvement district, of the estimated amount required to be expended by the expending Minister in each improvement district during the current year.

1994 cM-26.1 s593

Machinery and equipment and designated industrial property

594(1) The definitions of “designated industrial property” and “machinery and equipment” in Part 9 apply to this section.

(2) The Minister may by order impose, in addition to any other taxes imposed under Part 10, an additional tax on machinery and equipment and designated industrial property located in an industrial improvement area.

(3) The provisions in Parts 9 to 12 relating to machinery and equipment and designated industrial property apply to the additional tax imposed under this section.

RSA 2000 cM-26 s594;2016 c24 s135

Trust account for revenue

595 The taxes and all other revenues collected on behalf of an improvement district must be deposited in a treasury branch, bank or other similar institution to be held in trust by the Minister.

1994 cM-26.1 s595

Expenditures

596(1) The taxes and all other revenues collected on behalf of an improvement district may be expended under the direction of the Minister

- (a) to meet the requirements of the improvement district,
- (b) to pay requisitions made under the *Education Act*, the *Hospitals Act* and the *Regional Health Authorities Act*,
- (c) to pay the estimated amounts referred to in section 593 or an equally proportionate part of those amounts if the taxes and revenues collected on behalf of the improvement district are not sufficient to cover all of the improvement district’s expenditures, or
- (d) to pay to other municipalities any portion of the taxes levied and collected that the Minister may by order determine.

(2) The expenses incidental to the assessment and collection of taxes on behalf of an improvement district and any other necessary expenses in connection with the administration of affairs in an improvement district are a first charge on the taxes and other revenue collected on behalf of the district.

RSA 2000 cM-26 s596;2012 cE-0.3 s279;2017 c13 s1(51)

Public accounts

597 The details of expenditures for an improvement district must be published in the public accounts annually submitted to the Legislative Assembly.

1994 cM-26.1 s597

Settlement of accounts

598 If the Minister considers it equitable, the Minister may settle in whole or in part any amounts owing to the Crown or to the Minister under this Act or any other Act relating to an improvement district for rentals, fees or other charges, other than taxes imposed under Part 10.

1994 cM-26.1 s598

Investments

599 With the consent of the President of Treasury Board and Minister of Finance, the Minister may invest any taxes or revenue collected on behalf of an improvement district in investments that the President of Treasury Board and Minister of Finance is authorized to invest in under section 43(1) of the *Financial Administration Act*.

RSA 2000 cM-26 s599;2006 c23 s57;2013 c10 s21

Borrowing

600 The Minister may borrow on the security of the taxes and other revenues of an improvement district any sums required to meet the requirements of the district under this or any other enactment.

1994 cM-26.1 s600

Acquisition of land

601 The Minister may purchase, expropriate or otherwise acquire land required for or in connection with the administration of an improvement district or for the purposes of an agreement entered into under section 602 and the Minister may encumber, lease or otherwise dispose of the land as the circumstances require.

1994 cM-26.1 s601

Agreements for services

602 The Minister may enter into agreements with the Government of Canada or its agencies or with any other public body or person for the purpose of obtaining any service, benefit or other advantages for the whole or part of an improvement district or for its residents.

1994 cM-26.1 s602

Part 15.1

Regional Services Commissions

Interpretation

602.01(1) In this Part,

- (a) “board” means the board of directors of a commission;
- (b) “borrowing” means a borrowing as defined in section 241(a.1);
- (c) “bylaws” means the bylaws of a commission;
- (d) “capital property” means capital property as defined in section 241(c);
- (e) “commission” means a regional services commission;
- (f) “member” means, in respect of a commission, a municipal authority that is a member of the commission;
- (g) “municipal authority” means a municipal authority as defined in section 1(1)(p), and includes a Metis settlement, an Indian reserve and an armed forces base;
- (h) “public utility” means a public utility as defined in section 1(1)(y), excluding public transportation operated by or on behalf of a municipality;
- (i) “resolution” means a resolution passed by a municipal authority or commission under this Part;
- (j) “service” means, in respect of a commission, a service that the bylaws authorize the commission to provide;
- (k) “transportation service” means a service to transport people or goods by vehicle, including a vehicle that runs on rails.

(2) A reference to a bylaw or resolution in this Act outside this Part does not include a bylaw or resolution passed by a commission.

RSA 2000 cM-26 s602.1;2020 c25 s11

Division 1

Establishment and Operation

Establishing commissions

602.02(1) Two or more municipal authorities may agree to jointly establish a commission by passing resolutions.

(2) Before being passed under subsection (1), the proposed resolutions must be advertised in accordance with section 606.

(3) Within 60 days of the resolutions being passed under subsection (1), the Minister must be notified of the resolutions.

(4) A notification under subsection (3) must include copies of all the resolutions passed under subsection (1) and provide the commission's office location and contact information.

(5) A commission is not established until an order listing the commission is issued by the Minister under section 602.04.

RSA 2000 cM-26 s602.02;2016 c24 s88;2020 c25 s11

Resolution and notification

602.03(1) A resolution establishing a commission must specify

- (a) the name of the commission, and
- (b) the names of the members, the first board of directors and the first chair of the commission.

(2) The commission must notify the Minister within 60 days of any change to any of the information provided under section 602.02(4).

(3) If a commission is to be disestablished under section 602.09(1)(g), the commission must notify the Minister within 60 days of the commission's being disestablished.

2020 c25 s11

List of commissions

602.04 The Minister may issue an order listing or updating the list of the names of all the commissions established or disestablished each time the Minister receives a notification under section 602.02(3) or 602.03(2) or (3), as the case may be.

2020 c25 s11

Corporation

602.05 A commission is a corporation.

RSA 2000 cM-26 s602.03;2020 c25 s11

Board of directors

602.06(1) A commission is governed by a board.

(2) Subject to sections 602.03(1)(b) and 602.07, the directors of the board are to be appointed and the chair of the commission designated in accordance with the commission's bylaws.

RSA 2000 cM-26 s602.04;2020 c25 s11

Directors representing Province

602.07(1) If, in the Minister's opinion, a service that a commission is authorized to provide is a service that is provided by

the Government of Alberta or that may affect a service provided by the Government of Alberta, the Minister may, despite the bylaws, appoint as many directors of the commission as the Minister considers necessary.

(2) A director appointed under this section has the powers, duties and functions of a director appointed in accordance with the commission's bylaws.

RSA 2000 cM-26 s602.05;2020 c25 s11

Delegation

602.08(1) Subject to subsection (2), a board may delegate any of its or the commission's powers, duties or functions under this Act or any other enactment.

(2) A board may not delegate

- (a) the power or duty to pass bylaws,
- (b) the power to expropriate,
- (c) the power to authorize a borrowing,
- (d) the power to adopt budgets, and
- (e) the power to approve financial statements.

RSA 2000 cM-26 s602.06;2020 c25 s11

Bylaws

602.09(1) Each board must pass bylaws

- (a) respecting the provision of the commission's services;
- (b) respecting the administration of the commission;
- (c) respecting the process for changing the directors of the board and the chair of the commission and for setting the terms of office of the board and the chair;
- (d) respecting the process for adding or removing members;
- (e) respecting the fees to be charged by the commission for services provided to its customers or to any class of its customers;
- (f) respecting the disposal of assets by the commission;
- (g) respecting the process for disestablishment of the commission, including the treatment of assets and liabilities on disestablishment.

(2) The *Regulations Act* does not apply to the bylaws passed under subsection (1).

RSA 2000 cM-26 s602.07;2020 c25 s11

Meetings

602.1(1) Subject to subsection (2), sections 197 and 199 apply to the meetings of a commission.

(2) Notwithstanding sections 197 and 199, for the purposes of this Part, a reference in sections 197 and 199 to a council, councils and council committees shall be read as a reference to a board, boards and board committees, respectively.

RSA 2000 cM-26 s602.08;2015 c8 s55;2019 c22 s10(16);2020 c25 s11

Compliance with growth plan and ALSA regional plan

602.11 In carrying out its functions and in exercising its jurisdiction under this Act and other enactments, a commission must act in accordance with any applicable growth plan under Part 17.1 and any applicable ALSA regional plan.

RSA 2000 cM-26 s602.021;2020 c25 s11

Control of profit corporations

602.12 Division 9 of Part 3 does not apply to a commission.

RSA 2000 cM-26 s602.09;2016 c24 s89;2020 c25 s11

Division 2 Powers and Duties

Natural person powers

602.13 A commission has natural person powers, except to the extent that they are limited by this Act or any other enactment.

RSA 2000 cM-26 s602.1;2020 c25 s11

Service area

602.14 A commission may, as authorized by its bylaws, provide services

- (a) within the boundaries of its members, and
- (b) outside the boundaries of its members with approval
 - (i) from the other municipal authority within whose boundaries the services are to be provided, and
 - (ii) in the case of services to be provided in a part of a province or territory adjoining Alberta, the authority from that province or territory whose jurisdiction includes the provision of the services in that part of the province or territory.

RSA 2000 cM-26 s602.11;2020 c25 s11

Profit and surpluses

602.15 A commission may not

- (a) operate for the purposes of making a profit, or
- (b) distribute any of its surpluses to its members.

2020 c25 s11

(NOTE: Section 41(2) of the Provincial Administrative Penalties Act purports to amend section 602.15 as follows:

(2) Section 602.15(1)(a) is amended by striking out “or the Alberta Transportation Safety Board”.

The amendment has not been incorporated because section 1(a) and “or the Alberta Transportation Safety Board” do not appear in this section.)

Traffic Safety Act

602.16 A commission that is authorized by its bylaws to provide transportation services is subject to the *Traffic Safety Act*.

RSA 2000 cM-26 s602.12;RSA 2000 cT-6 s205;2020 c25 s11

Acquisition of land

602.17(1) A commission may acquire an estate or interest in land in a province or territory adjoining Alberta if the local government within whose boundaries the land is located consents in writing to the acquisition.

(2) This section does not apply until the commission exercises the right of acquisition under subsection (1).

RSA 2000 cM-26 s602.125;2020 c25 s11

Expropriation

602.18(1) A commission may acquire by expropriation under the *Expropriation Act* an estate or interest in land for the purpose of providing a public utility or a transportation service.

(2) A commission may acquire by expropriation an estate or interest under subsection (1) in land that is outside the boundaries of its members only if the municipal authority in whose boundaries the land is located consents in writing to the acquisition.

RSA 2000 cM-26 s602.13;2020 c25 s11

Public utility disputes

602.19 If there is a dispute between a commission and another commission or a commission and any municipal authority with respect to

- (a) rates, tolls or charges for a service that is a public utility,

- (b) compensation for the acquisition by the commission of facilities used to provide a service that is a public utility, or
- (c) the use of any road, square, bridge, subway or watercourse by the commission to provide a service that is a public utility,

any party involved in the dispute may submit the dispute to the Alberta Utilities Commission, and the Alberta Utilities Commission may issue an order on any terms and conditions that the Alberta Utilities Commission considers appropriate.

RSA 2000 cM-26 s602.14;2007 cA-37.2 s82(17);2020 c25 s11

Other disputes

602.2(1) If

- (a) there is a dispute between a commission and another commission or a commission and any municipal authority and the matter in dispute is not under the jurisdiction of the Alberta Utilities Commission or the Alberta Transportation Safety Board or any other board or tribunal created by an enactment, or
- (b) there is a dispute between a commission and a municipal authority, other than an improvement district or special area, in respect of an expropriation that requires the consent of the municipal authority under section 602.18(2), any party involved in the dispute may submit the dispute to the Land and Property Rights Tribunal.

(2) If a dispute is submitted to the Land and Property Rights Tribunal, each party involved in the dispute must submit a written statement to the Tribunal and to the other parties involved in the dispute that sets out

- (a) a summary of the facts and its position in the dispute, and
- (b) an address to which any notice or decision of the Tribunal is to be sent.

(3) The Land and Property Rights Tribunal must hold a hearing after the written statements have been submitted, or after the expiry of a time period established by the Tribunal for submission of the statements, whichever occurs first.

RSA 2000 cM-26 s602.15;RSA 2000 cT-6 s205;
2007 cA-37.2 s82(17);2020 cL-2.3 s24(28);2020 c25 s11

Order of Land and Property Rights Tribunal

602.21(1) After hearing a dispute under section 602.2(3), the Land and Property Rights Tribunal may make any order it considers appropriate.

(2) The order under subsection (1) may

- (a) include terms and conditions, and
- (b) be effective on a future date or for a limited time.

(3) The Land and Property Rights Tribunal must send its order, and its reasons if requested, to the parties involved in the dispute.

(4) An order of the Land and Property Rights Tribunal under this section is binding on the parties involved in the dispute.

RSA 2000 cM-26 s602.16;2020 cL-2.3 s24(41);2020 c25 s11

**Division 3
Financial Matters****Financial year**

602.22 The financial year of a commission is the calendar year.

RSA 2000 cM-26 s602.18;2020 c25 s11

Operating budget

602.23(1) A commission must adopt an operating budget for each calendar year.

(2) An operating budget must include the estimated amount of each of the following expenditures and transfers:

- (a) the amount needed to enable the commission to provide its services;
- (b) the amount needed to pay the debt obligations in respect of borrowings made to acquire, construct, remove or improve capital property;
- (c) if necessary, the amount needed to provide for a depreciation or depletion allowance, or both, for any public utility the commission is authorized to provide;
- (d) the amount to be transferred to reserves;
- (e) the amount to be transferred to the capital budget;
- (f) the amount needed to recover any shortfall as required under section 602.24.

(3) An operating budget must include the estimated amount of each of the following sources of revenue and transfers:

- (a) fees for services provided;
- (b) grants;
- (c) transfers from the commission's accumulated surplus funds or reserves;
- (d) any other source of revenue.

(4) The estimated revenue and transfers under subsection (3) must be at least sufficient to pay the estimated expenditures and transfers under subsection (2).

(5) The Minister may make regulations respecting budgets and that define terms used in this section that are not defined in section 602.01.

RSA 2000 cM-26 ss602.19,602.2;2020 c25 s11

Financial shortfall

602.24(1) Subject to subsection (2), section 244 applies to a commission.

(2) Notwithstanding section 244, for the purposes of this Part, a reference in section 244 to a municipality shall be read as a reference to a commission.

RSA 2000 cM-26 s602.21;2020 c25 s11

Capital budget

602.25(1) Subject to subsection (2), sections 245 and 246 apply to a commission.

(2) Notwithstanding sections 245 and 246, for the purposes of this Part, a reference in section 245 to each council shall be read as a reference to each board.

RSA 2000 cM-26 s602.22;2020 c25 s11

Expenditure of money

602.26(1) A commission may make an expenditure only if it is

- (a) included in the commission's operating budget or capital budget or otherwise authorized by its board,
- (b) for an emergency, or
- (c) legally required to be paid.

(2) Each board must establish procedures to authorize and verify expenditures that are not included in a budget.

(3) If the Minister establishes a budget for a commission by virtue of section 244(3), the commission may not make an expenditure that is not included in the budget unless the expenditure is

- (a) authorized by the Minister,
- (b) for an emergency, or
- (c) legally required to be paid.

RSA 2000 cM-26 s602.24;2020 c25 s11

Annual budget

602.27(1) For the purpose of this section, “annual budget” means an annual budget as defined in section 241(a.02).

(2) A commission may adopt an annual budget in a format that is consistent with its financial statements.

(3) For the purpose of section 602.26, the adoption of an annual budget is equivalent to the adoption of an operating budget under section 602.23 or the adoption of a capital budget under section 602.25.

2020 c25 s11

Civil liability of directors re expenditure

602.28(1) Subject to subsection (2), a director of a board who

- (a) makes an expenditure that is not authorized under section 602.26,
- (b) votes to spend money that has been obtained under a borrowing on something that is not within the purpose for which the money was borrowed, or
- (c) votes to spend money that has been obtained under a grant on something that is not within the purpose for which the grant was given

is liable to the commission for the expenditure or amount spent.

(2) A director is not liable under subsection (1)(b) if spending the money is allowed under section 602.3.

(3) If more than one director of the board is liable to the commission under this section in respect of a particular expenditure or amount spent, the directors are jointly and severally liable to the commission for the expenditure or amount spent.

(4) The liability under this section may be enforced by action by

- (a) the commission,
- (b) a member of the commission,
- (c) a taxpayer of a member of the commission, or
- (d) a person who holds a security under a borrowing made by the commission.

RSA 2000 cM-26 s602.3;2020 c25 s11

Authorized investments

602.29 A commission may invest its money only in the investments referred to in section 250(2)(a) to (d).

RSA 2000 cM-26 s602.26;2020 c25 s11

Use of borrowed money

602.3(1) Subject to subsection (2), section 253 applies to a commission.

(2) Notwithstanding section 253, for the purposes of this Part, a reference in section 253 to a municipality shall be read as a reference to a commission.

RSA 2000 cM-26 s602.27;2020 c25 s11

Borrowing

602.31 No commission may make a borrowing if the borrowing will cause the commission to exceed its debt limit, unless the borrowing is approved by the Minister.

RSA 2000 cM-26 s602.28;2020 c25 s11

Debt limit regulations

602.32(1) The Minister may make regulations

- (a) respecting how a debt limit for a commission is determined;
- (b) defining debt for the purposes of determining whether a commission has exceeded its debt limit, and the definition may include anything related to a commission's finances.

(2) The regulations made under this section may establish different methods of determining debt limits and different definitions of debt for different commissions.

RSA 2000 cM-26 s602.29;2020 c25 s11

Civil liability of directors re borrowing

602.33(1) When a commission makes a borrowing that causes the commission to exceed its debt limit, a director of the board who voted to authorize the borrowing is liable to the commission for the

amount borrowed, unless the borrowing has been approved by the Minister.

(2) If subsection (1) applies to more than one director of the board, the directors are jointly and severally liable to the commission for the amount borrowed.

(3) The liability under this section may be enforced by action by

- (a) the commission,
- (b) a member of the commission,
- (c) a taxpayer of a member of the commission, or
- (d) a person who holds a security under a borrowing made by the commission.

RSA 2000 cM-26 s602.3;2020 c25 s11

Loans and guarantees

602.34 A commission may not lend money or guarantee the repayment of a loan.

RSA 2000 cM-26 s602.31;2020 c25 s11

Financial information return

602.35(1) Each commission must prepare a financial information return respecting the financial affairs of the commission for the immediately preceding calendar year.

(2) The Minister may establish requirements respecting the financial information return, including requirements respecting the accounting principles and standards to be used in preparing the return.

RSA 2000 cM-26 s602.32;2020 c25 s11

Audited financial statements

602.36 Each commission must prepare audited annual financial statements for the immediately preceding calendar year.

RSA 2000 cM-26 s602.33;2020 c25 s11

Distribution of returns and statements

602.37 Each commission must submit its financial information return and audited annual financial statements to the Minister and each member of the commission by May 1 of the year following the year for which the return and statements have been prepared.

RSA 2000 cM-26 s602.34;2020 c25 s11

Division 4 Minister's Powers

Inspection

602.38(1) The Minister may require any matter connected with the management, administration or operation of any commission to be inspected

- (a) on the Minister's initiative, or
- (b) on the request of a member of the commission.

(2) For the purposes of subsection (1), the management, administration or operation of a commission includes

- (a) the affairs of the commission,
- (b) the conduct of a director of the board or of an employee or agent of the commission, and
- (c) the conduct of a person who has an agreement with the commission relating to the duties or obligations of the commission or the person under the agreement.

(3) The Minister may appoint one or more persons as inspectors for the purposes of carrying out inspections under this section.

(4) An inspector

- (a) may require the attendance of any director of the board, any officer of the commission or any other person whose presence the inspector considers necessary during the course of an inspection, and
- (b) has the same powers, privileges and immunities as a commissioner under the *Public Inquiries Act*.

(5) When required to do so by an inspector, a commission must produce for examination and inspection all the books and records of the commission.

(6) After the completion of an inspection, the inspector must make a report to the Minister and, if the inspection was made at the request of a member of the commission, to the member and the commission.

RSA 2000 cM-26 s602.35;2020 c25 s11

Directions and dismissal

602.39(1) If because of an inspection under section 602.38 or a report of an official administrator under section 602.41 the Minister considers that a commission is managed in an irregular, improper or improvident manner, the Minister may by order direct the board

to take any action that the Minister considers proper in the circumstances.

(2) If an order of the Minister under this section is not carried out to the satisfaction of the Minister and the Minister considers that the commission continues to be managed in an irregular, improper or improvident manner, and all reasonable efforts to resolve the situation have been attempted and have been unsuccessful, the Minister may make one or more of the following orders:

- (a) an order suspending the authority of the board to make bylaws in respect of any matter specified in the order;
- (b) an order exercising bylaw-making authority in respect of all or any of the matters for which bylaw-making authority is suspended under clause (a);
- (c) an order removing a suspension of bylaw-making authority, with or without conditions;
- (d) an order withholding money otherwise payable by the Government to the commission pending compliance with an order of the Minister;
- (e) an order repealing, amending and making policies and procedures with respect to the commission;
- (f) an order requiring or prohibiting any other action as necessary to ensure an order is complied with;
- (g) an order dismissing the board or any director of the board.

(3) Before making an order under subsection (2), the Minister must give the commission notice of the intended order and at least 14 days in which to respond.

(4) If an order of the Minister under this section is not carried out to the satisfaction of the Minister, the Minister may dismiss the board or any director of the board.

(5) On the dismissal of the board or of any director of the board, the Minister may direct that a new board or director be appointed or may appoint a new board or director.

(6) The Minister may appoint an official administrator

- (a) on the dismissal of a board, or
- (b) on the dismissal of one or more directors of the board if the remaining directors do not constitute a quorum.

(7) An official administrator appointed under subsection (6) has all the powers and duties of the board.

RSA 2000 cM-26 s602.36;2017 c13 s1(52);2020 c25 s11

Official administrator as supervisor

602.4(1) The Minister may at any time appoint an official administrator to supervise a commission and the board.

(2) As long as the appointment of an official administrator under this section continues,

- (a) no bylaw or resolution that authorizes the commission to incur a liability or to dispose of the money or property of the commission has any effect until the bylaw or resolution has been approved in writing by the official administrator, and
- (b) the official administrator may at any time within 30 days after the passing of any bylaw or resolution disallow it, and the bylaw or resolution so disallowed becomes and is deemed to have always been void.

RSA 2000 cM-26 s602.37;2020 c25 s11

Reports of official administrators

602.41 An official administrator appointed under section 602.39(6) or 602.4 shall on request of the Minister, and may at any other time, report to the Minister on

- (a) any matter respecting the commission, or the board or the administration of the commission,
- (b) any matter respecting the provision of services by the commission, or
- (c) any other matter that the Minister may consider necessary.

2017 c13 s1(53);2020 c25 s11

Enforcement when commission under supervision

602.42(1) If the Minister considers that a commission has, while under the supervision of an official administrator,

- (a) incurred a liability or disposed of money or property without the written approval of the official administrator required by section 602.4(2)(a), or
- (b) acted on a bylaw or resolution that has been disallowed by the official administrator under section 602.4(2)(b),

the Minister may take any necessary measures to address the situation, including, without limitation, making one or more orders referred to in section 602.39(2)(a) to (g).

(2) Before making an order under subsection (1), the Minister must give the commission notice of the intended order and at least 14 days in which to respond.

2017 c13 s1(53);2020 c25 s11

Remuneration for official administrator

602.43 When an official administrator is appointed for a commission by the Minister under this Part, the remuneration and expenses of the official administrator as set by the Minister must, if required by the Minister, be paid by the commission.

RSA 2000 cM-26 s602.38;2020 c25 s11

Providing Minister with copies and information

602.44(1) The Minister may direct a commission to provide

- (a) a copy of any document in its possession, or
- (b) any information or statistics respecting the commission

to the Minister within the time specified by the Minister.

(2) A commission must comply with a direction of the Minister under this section and provide any copy, information or statistics to the Minister without charge.

(3) This section does not apply to documents prepared or information acquired by a commission that is subject to any type of legal privilege, including solicitor-client privilege.

RSA 2000 cM-26 s602.381;2020 c25 s11

Ministerial orders

602.45(1) In addition to any other orders that the Minister may make under this Part, the Minister may

- (a) by order take any action that a commission or a board may or must take under this Part, or
- (b) make an order providing for any other matter that the Minister considers necessary for carrying out the purposes of this Part.

(2) If there is a conflict or inconsistency between an order made by the Minister under subsection (1) and an action taken by a commission or a board, the Minister's order prevails to the extent of the conflict or inconsistency.

(3) The *Regulations Act* does not apply to an order made by the Minister under this Part.

2020 c25 s11

Ministerial regulations

602.46 The Minister may make regulations to remedy any confusion or inconsistency in applying the provisions of this Part.

2020 c25 s11

**Division 5
Transitional Provisions and
Ministerial Regulations****Transitional provisions**

602.47(1) In this Division,

- (a) “continued commissions” means the regional services commissions established and existing under the former provisions before this Part comes into force;
- (b) “former provisions” means the provisions in Part 15.1 of this Act in force immediately before the coming into force of this Division.

(2) Continued commissions continue as regional services commissions as if the continued commissions are established under this Part.

(3) The bylaws and resolutions of the continued commissions continue until repealed, amended or replaced by the boards of the continued commissions.

(4) The members, the boards and the chairs of the continued commissions continue until changed according to the bylaws amended or replaced under subsection (3).

(5) On the coming into force of this Part, all liabilities, assets, rights, duties, functions and obligations of continued commissions continue to have effect until expired or amended under this Part or any other enactment.

(6) A reference to commissions in any enactment, regulation, order, bylaw, certificate of title, agreement or any other instrument is continued.

(7) Within one year after the coming into force of this Part, all continued commissions must ensure that the bylaws of the continued commissions conform to the requirements in section 602.09.

(8) The Minister may issue an order listing all the continued commissions continued under this section.

2020 c25 s11

Ministerial regulations

602.48 The Minister may make regulations to deal with any difficulty or impossibility resulting from transitioning to this Part from the former provisions.

2020 c25 s11

**Part 16
Miscellaneous****Lieutenant Governor in Council regulations**

603(1) The Lieutenant Governor in Council may make regulations

- (a) for any matter that the Minister considers is not provided for or is insufficiently provided for in this Act;
- (b) restricting the power or duty of a council to pass bylaws.

(2) A regulation made under subsection (1) is repealed on the earliest of

- (a) the coming into force of an amendment that adds the matter to this Act;
- (b) the coming into force of a regulation that repeals the regulation made under subsection (1);
- (c) two years after the regulation comes into force.

(3) The repeal of a regulation under subsection (2)(b) or (c) does not affect anything done, incurred or acquired under the authority of the regulation before the repeal of the regulation.

1994 cM-26.1 s603

Validation of regulations

603.1(1) Despite any decision of a court to the contrary made before or after the coming into force of this section,

- (a) a regulation made under section 603(1) before the coming into force of this section, including a new regulation described in clause (c), is validated and declared for all purposes to have been validly made as of the date on which the regulation was made,
- (b) everything done under a regulation referred to in clause (a) is validated and declared for all purposes to have been validly done, and
- (c) where a regulation made under section 603(1) before the coming into force of this section (in this clause called the “former regulation”) is repealed and another regulation

made under section 603(1) (in this clause called the “new regulation”) was substituted for it, the new regulation operates as a continuation of the former regulation except to the extent that the provisions of the new regulation are not in substance the same as those of the former regulation.

(2) For greater certainty and without limiting the generality of subsection (1)(b) and (c),

- (a) the Minister’s approval of the Capital Region Growth Plan under section 13(1) of the *Capital Region Board Regulation* (AR 49/2008)
 - (i) is validated and declared for all purposes to have been validly approved, and
 - (ii) continues to be valid as if it had been approved under section 13(1) of the *Capital Region Board Regulation* (AR 38/2012),
- (b) the Minister’s establishment of the Transitional Regional Evaluation Framework under section 20 of the *Capital Region Board Regulation* (AR 49/2008) is validated and declared for all purposes to have been validly established, and
- (c) the Minister’s establishment of the Regional Evaluation Framework under section 21 of the *Capital Region Board Regulation* (AR 17/2010)
 - (i) is validated and declared for all purposes to have been validly established, and
 - (ii) continues to be valid as if it had been established under section 21 of the *Capital Region Board Regulation* (AR 38/2012).

(3) Despite section 603(2), a regulation referred to in subsection (1) of this section that is in force on the coming into force of this section is repealed on the earliest of

- (a) the coming into force of an amendment that adds the matter to this Act;
- (b) the coming into force of a regulation that repeals the regulation;
- (c) subject to subsection (3.1), June 30, 2017.

(3.1) For the purposes of the following regulations, subsection (3)(c) shall be read as June 30, 2018:

- (a) *Alberta Central East Water Corporation Regulation* (AR 137/2013);
- (b) *Aquatera Utilities Inc. Regulation* (AR 205/2013);
- (c) *Aqueduct Utilities Corporation Regulation* (AR 92/2012);
- (d) *Chestermere Utilities Incorporated Regulation* (AR 163/2013);
- (e) *Extension of Linear Property Regulation* (AR 207/2012);
- (f) *NEW water Ltd. Regulation* (AR 159/2012);
- (g) *Newell Regional Services Corporation Regulation* (AR 153/2012);
- (h) *Peace Regional Waste Management Company Regulation* (AR 41/2011).

(4) Subsection (3) does not apply to the following regulations:

- (a) *Proceedings Before the Board Clarification Regulation* (AR 176/2011);
- (b) *Equalized Assessment Variance Regulation, 2012* (AR 195/2011);
- (c) *Capital Region Board Regulation* (AR 38/2012);
- (d) *Municipal Emergency Exemption Regulation* (AR 142/2013).

2013 c17 s4;2017 c13 s1(54)

Ministerial regulations

604 The Minister may make regulations

- (a) defining population for the purposes of this Act;
- (b) respecting the determination of the population of a municipality or other geographic area and establishing requirements for a municipality to conduct a census and provide information concerning population to the Minister;
- (c) respecting the administration, operation and management of specialized municipalities;
- (d) prescribing forms for the purposes of this Act;

- (e) respecting the content or form of anything required to be done by a municipality under this Act.

1994 cM-26.1 s604

Altering dates and time periods

605(1) When this Act, the regulations or a bylaw specifies a certain number of days or a day on or by which

- (a) something is to be done, or
- (b) certain proceedings are to be taken,

and the day that the thing is to be done or proceedings are to be taken is a holiday, the thing or proceedings must be done or taken on or by the next day that is not a holiday.

(2) When this Act or the regulations specify a certain number of days or a day on or by which

- (a) something is to be done, or
- (b) proceedings are to be taken,

the Minister may by order specify another number of days or another day for doing it or taking proceedings.

(3) An order under subsection (2) may be made at any time before or after the day that the thing is to be done or proceedings are to be taken and the time for doing any other thing that is determined in relation to that day is subject to a like delay.

(4) Anything done or proceedings taken within the number of days or by the day specified in an order under subsection (2) is as valid as if it had been done or taken within the number of days or by the day specified in this Act or the regulations.

1994 cM-26.1 s605

Requirements for advertising

606(1) The requirements of this section apply when this or another enactment requires a bylaw, resolution, meeting, public hearing or something else to be advertised by a municipality, unless this or another enactment specifies otherwise.

(2) Notice of the bylaw, resolution, meeting, public hearing or other thing must be

- (a) published at least once a week for 2 consecutive weeks in at least one newspaper or other publication circulating in the area to which the proposed bylaw, resolution or other thing relates, or in which the meeting or hearing is to be held,

- (b) mailed or delivered to every residence in the area to which the proposed bylaw, resolution or other thing relates, or in which the meeting or hearing is to be held, or
 - (c) given by a method provided for in a bylaw under section 606.1.
- (3) A notice of a proposed bylaw must be advertised under subsection (2) before second reading.
- (4) A notice of a proposed resolution must be advertised under subsection (2) before it is voted on by council.
- (5) A notice of a meeting, public hearing or other thing must be advertised under subsection (2) at least 5 days before the meeting, public hearing or thing occurs.
- (6) A notice must contain
- (a) a statement of the general purpose of the proposed bylaw, resolution, meeting, public hearing or other thing,
 - (b) the address where a copy of the proposed bylaw, resolution or other thing, and any document relating to it or to the meeting or public hearing may be inspected,
 - (c) in the case of a bylaw or resolution, an outline of the procedure to be followed by anyone wishing to file a petition in respect of it, and
 - (d) in the case of a meeting or public hearing, the date, time and place where it will be held.
- (7) A certificate of a designated officer certifying that something has been advertised in accordance with this section is proof, in the absence of evidence to the contrary, of the matters set out in the certificate.
- (8) The certificate is admissible in evidence without proof of the appointment or signature of the person who signed the certificate.

RSA 2000 cM-26 s606;2015 c8 s56;2017 c13 s3

Advertisement bylaw

606.1(1) A council may by bylaw provide for one or more methods, which may include electronic means, for advertising proposed bylaws, resolutions, meetings, public hearings and other things referred to in section 606.

(2) Before making a bylaw under subsection (1), council must be satisfied that the method the bylaw would provide for is likely to

bring proposed bylaws, resolutions, meetings, public hearings and other things advertised by that method to the attention of substantially all residents in the area to which the bylaw, resolution or other thing relates or in which the meeting or hearing is to be held.

(3) Council must conduct a public hearing before making a bylaw under subsection (1).

(4) A notice of a bylaw proposed to be made under subsection (1) must be advertised in a manner described in section 606(2)(a) or (b) or by a method provided for in a bylaw made under this section.

(5) A notice of a bylaw proposed to be made under subsection (1) must contain

- (a) a statement of the general purpose of the proposed bylaw,
- (b) the address or website where a copy of the proposed bylaw may be examined, and
- (c) an outline of the procedure to be followed by anyone wishing to file a petition in respect of the proposed bylaw.

(6) A bylaw passed under this section must be made available for public inspection.

2015 c8 s57;2017 c13 s3

Service of documents

607 The service of a document on a municipality is sufficient if

- (a) the document is served personally on the chief administrative officer or a person working for the municipality in the office of the chief administrative officer,
- (b) the document is sent by certified or registered mail to the chief administrative officer at the municipality's office and the document is delivered to the municipality's office, or
- (c) the document is sent to the municipality by electronic means in accordance with a bylaw made by the municipality.

RSA 2000 cM-26 s607;2015 c8 s58

Sending documents

608(1) Where this Act or a regulation or bylaw made under this Act requires a document to be sent to a person, the document may be sent by electronic means if

- (a) the recipient has consented to receive documents from the sender by those electronic means and has provided an e-mail

address, website or other electronic address to the sender for that purpose, and

- (b) it is possible to make a copy of the document from the electronic transmission.

(2) In the absence of evidence to the contrary, a document sent by electronic means in accordance with subsection (1) is presumed to have been received 7 days after it was sent unless the regulations under subsection (4) provide otherwise.

(3) For greater certainty, a reference in this Act to a mailing address is to be interpreted as including an electronic address referred to in subsection (1)(a) if the requirements of subsection (1) are met.

(4) The Minister may make regulations respecting the circumstances in which the presumption in subsection (2) does not apply.

RSA 2000 cM-26 s608;2016 c24 s90

Bylaws for sending certain documents electronically

608.1(1) Despite section 608, a council may by bylaw establish a process for sending assessment notices, tax notices and other notices, documents and information under Part 9, 10 or 11 or the regulations under Part 9, 10 or 11 by electronic means.

(2) A council may by bylaw establish a process for sending forms of notice under section 149(2) or (3) of the *Education Act* by electronic means.

(3) Before making a bylaw under this section, the council must be satisfied that the proposed bylaw includes appropriate measures to ensure the security and confidentiality of the notices, documents and information being sent.

(4) Before making a bylaw under this section, the council must give notice of the proposed bylaw in a manner the council considers is likely to bring the proposed bylaw to the attention of substantially all persons that would be affected by it.

(5) A bylaw under subsection (1) or (2) must provide for a method by which persons may opt to receive the notice, document or information by electronic means.

(6) The sending by electronic means of any notice, document or information referred to in subsection (1) or (2) is valid only if the person to whom it is sent has opted under the bylaw to receive it by those means.

2019 c22 s10(17)

Adverse possession of land

609 No person can acquire an estate or interest in land owned by a municipality by adverse or unauthorized possession, occupation, enjoyment or use of the land.

1994 cM-26.1 s609

Lost or unclaimed property

610(1) Lost or unclaimed property coming into the possession of a municipality must be retained for at least 30 days from the date it comes into possession of the municipality unless it is unsafe, unsanitary or perishable, in which case it may be disposed of at any time.

(2) If property is not claimed within 30 days, it becomes the property of the municipality and the municipality may dispose of the property by public auction or as the council directs.

(3) The purchaser of lost or unclaimed property is the absolute owner of it.

(4) A prior owner of lost or unclaimed property is entitled to the proceeds of the sale less all expenses incurred by the municipality if the prior owner makes a claim to the municipality within 90 days after the date of the sale.

(5) If the sale proceeds are not claimed within 90 days from the date of sale, the rights of any prior owner to the sale proceeds are extinguished and the sale proceeds belong to the municipality.

1994 cM-26.1 s610

Unclaimed utility deposits

611(1) If money is deposited with a municipality as a deposit for the payment of an account for a service or product and remains unclaimed for one year after the depositor's account is discontinued, the amount of the deposit may be transferred to the general revenue of the municipality.

(2) The municipality is liable to repay the amount of the deposit to the person lawfully entitled to it for a period of 7 years following the discontinuance of the account.

1994 cM-26.1 s611

Certified copies

612(1) A copy of a bylaw, resolution or record of a municipality certified by a designated officer as a true copy of the original is proof, in the absence of evidence to the contrary, of the bylaw, resolution or record.

(2) The certificate of the designated officer is admissible in evidence without proof of the appointment or signature of the person who signed the certificate.

(3) When a copy of a bylaw or resolution certified in accordance with this section is filed with the clerk of a court, the court must take judicial notice of it when an action is brought in the court.

1994 cM-26.1 s612

Calgary Charter

613 The provisions of the Calgary Charter relating to the land, buildings, plants and equipment of the water supply and distribution system commonly known as the Glenmore Dam, and the provisions of the Calgary Charter relating in particular to the assessment and taxation of it by the Municipal District of Springbank, continue to apply.

1994 cM-26.1 s613

614 Repealed 1994 cR-9.07 s25(24).

Crowsnest Pass

615(1) In this section, “Crowsnest Pass” means the Municipality of Crowsnest Pass.

(2) The Minister may make regulations that apply to Crowsnest Pass respecting the following matters:

- (a) the eligibility of Crowsnest Pass to receive grants under this or another enactment and the calculation of those grants;
- (b) the authority to pass bylaws respecting fires, agreements for the prevention and control of fires and the application of the *Forest and Prairie Protection Act*;
- (c) a scheme to adjust property boundaries so that property boundaries coincide with lines of occupation, including
 - (i) the application of Part 17,
 - (ii) road closures,
 - (iii) the duties of the Registrar of Land Titles,
 - (iv) the rights of property owners affected by the scheme, and
 - (v) any other matter the Minister considers necessary to implement the scheme.

1994 cM-26.1 s615;1995 c24 s87

Municipal emergency exemption

615.1(1) In this section,

- (a) “disaster” means a disaster as defined in section 1(e) of the *Emergency Management Act*;
- (b) “emergency” means an emergency as defined in section 1(f) of the *Emergency Management Act*.

(2) Where it appears to the Minister that a disaster or an emergency exists in a municipal authority, the Minister may by order, with respect to that municipal authority or an adjacent municipal authority,

- (a) modify one or more provisions of this Act as they apply to the municipal authority,
- (b) exempt the municipal authority from one or more provisions of this Act or bylaws made pursuant to this Act, or
- (c) provide the municipal authority with specified authority in addition to that set out in this Act.

(3) The Minister may, in an order made under subsection (2),

- (a) impose terms, conditions and timelines on the modification or exemption of a provision of this Act or a bylaw or the exercise of additional authority, and
- (b) specify a date on which the order or any provision of it expires.

(4) The *Regulations Act* does not apply to an order made under subsection (2).

2013 c21 s2

Agreements under Aeronautics Act (Canada)

615.2(1) A municipality may, if authorized by regulation, enter into an agreement under section 5.81 of the *Aeronautics Act* (Canada).

(2) The Lieutenant Governor in Council may make regulations

- (a) authorizing a municipality to enter into an agreement under section 5.81 of the *Aeronautics Act* (Canada);
- (b) specifying the terms and conditions under which a municipality may enter into the agreement.

(3) The *Aeronautics Act Agreements (City of Medicine Hat and Cypress County) Regulation* (AR 33/2014) is deemed to have been made under this section.

2015 c8 s60

Part 17

Planning and Development

Definitions

616 In this Part,

- (a) “adjacent land” means land that is contiguous to a parcel of land that is being subdivided or redesignated and includes
 - (i) land that would be contiguous if not for a highway, road, river or stream, and
 - (ii) any other land identified in a land use bylaw as adjacent land for the purpose of notification under sections 653, 679, 680 and 692;
- (a.01) “agricultural operation” means an agricultural operation as defined in the *Agricultural Operation Practices Act*;
- (a.1) “building” includes anything constructed or placed on, in, over or under land, but does not include a highway or road or a bridge that forms part of a highway or road;
- (a.11) “community recreation facilities” means indoor municipal facilities used primarily by members of the public to participate in recreational activities conducted at the facilities;
- (a.2) “community services reserve” means the land designated as community services reserve under Division 9;
- (a.3) “conservation reserve” means the land designated as conservation reserve under Division 8;
- (b) “development” means
 - (i) an excavation or stockpile and the creation of either of them,
 - (ii) a building or an addition to or replacement or repair of a building and the construction or placing of any of them on, in, over or under land,

- (iii) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or
- (iv) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;
- (c) “development authority” means a development authority established pursuant to Division 3;
- (d) “development permit” means a document that is issued under a land use bylaw and authorizes a development;
- (e) “environmental reserve” means the land designated as environmental reserve under Division 8;
- (f) “environmental reserve easement” means an easement created under Division 8;
- (g) “former Act” means the *Planning Act*, RSA 1980 cP-9, *The Planning Act*, 1977, SA 1977 c89, *The Planning Act*, RSA 1970 c276 or *The Planning Act*, SA 1963 c43;
- (h) “highway” means a provincial highway under the *Highways Development and Protection Act*;
- (i) “instrument” means a plan of subdivision and an instrument as defined in the *Land Titles Act*;
- (j) “intermunicipal service agency” means an intermunicipal service agency established under Division 3;
- (j.1) “joint use and planning agreement” means an agreement under section 670.1;
- (k) “land use bylaw” means a bylaw made under Division 5 and a bylaw made under section 27 of the *Historical Resources Act*;
- (l) “land use policies” means the policies referred to in section 618.4;
- (m) “lot” means
 - (i) a quarter section,
 - (ii) a river lot shown on an official plan, as defined in the *Surveys Act*, that is filed or lodged in a land titles office,

- (iii) a settlement lot shown on an official plan, as defined in the *Surveys Act*, that is filed or lodged in a land titles office,
 - (iv) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in the certificate of title other than by reference to a legal subdivision, or
 - (v) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision;
- (m.1) “mediation” means a process involving a neutral person as a mediator who assists the parties to a matter that may be appealed under this Part and any other person brought in with the agreement of the parties to reach their own mutually acceptable settlement of the matter by structuring negotiations, facilitating communication and identifying the issues and interests of the parties;
- (n) “municipal planning commission” means a municipal planning commission established under Division 3;
- (o) “municipal reserve” means the land designated as municipal reserve under Division 8;
- (p) “municipal and school reserve” means the land designated as municipal and school reserve under Division 8;
- (q) “non-conforming building” means a building
- (i) that is lawfully constructed or lawfully under construction at the date a land use bylaw affecting the building or the land on which the building is situated becomes effective, and
 - (ii) that on the date the land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw;
- (r) “non-conforming use” means a lawful specific use
- (i) being made of land or a building or intended to be made of a building lawfully under construction at the date a land use bylaw affecting the land or building becomes effective, and

- (ii) that on the date the land use bylaw becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw;
- (r.1) “non-profit”, in respect of a day care, senior citizens or special needs facility, means that the facility is owned or operated by a corporation or other entity established under a law of Canada or Alberta for a purpose other than to make a profit;
- (r.2) “off-site levy” means a levy referred to in subsection 648(1.1)(a);
- (s) “parcel of land” means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office;
- (t) “*Planning Act*” means the *Planning Act*, RSA 1980 cP-9;
- (u) “plan of subdivision” means a plan of survey prepared in accordance with the *Land Titles Act* for the purpose of effecting a subdivision;
- (v) “public utility” means a system or works used to provide one or more of the following for public consumption, benefit, convenience or use:
 - (i) water or steam;
 - (ii) sewage disposal;
 - (iii) public transportation operated by or on behalf of the municipality;
 - (iv) irrigation;
 - (v) drainage;
 - (vi) fuel;
 - (vii) electric power;
 - (viii) heat;
 - (ix) waste management;
 - (x) telecommunications;

and includes the thing that is provided for public consumption, benefit, convenience or use;

- (w) “public utility lot” means land required to be given under Division 8 for public utilities;
- (x) “redevelopment area” means an area of land that is the subject of an area redevelopment plan;
- (y) “Registrar” means Registrar as defined in the *Land Titles Act*;
- (z) “reserve land” means environmental reserve, conservation reserve, municipal reserve, community services reserve, school reserve or municipal and school reserve;
- (aa) “road” means road as defined in section 1(1), but does not include highway as defined in this Part;
- (bb) “school board” means the board of trustees of a school division;
- (cc) “school reserve” means the land designated as school reserve under Division 8;
- (dd) “statutory plan” means an intermunicipal development plan, a municipal development plan, an area structure plan and an area redevelopment plan adopted by a municipality under Division 4;
- (ee) “subdivision” means the division of a parcel of land by an instrument and “subdivide” has a corresponding meaning;
- (ff) “subdivision authority” means a subdivision authority established under Division 3;
- (gg) “subdivision and development appeal board” means a subdivision and development appeal board established under Division 3;
- (hh) “subdivision and development regulations” mean regulations made under section 694(1).

RSA 2000 cM-26 s616;RSA 2000 c21(Supp) s3;2004 cH-8.5 s69;
2008 c37 s4;2012 cE-0.3 s279;2016 c24 s91;2019 c22 s10;
2020 c39 s10(3)

Purpose of this Part

617 The purpose of this Part and the regulations and bylaws under this Part is to provide means whereby plans and related matters may be prepared and adopted

- (a) to achieve the orderly, economical and beneficial development, use of land and patterns of human settlement, and
- (b) to maintain and improve the quality of the physical environment within which patterns of human settlement are situated in Alberta,

without infringing on the rights of individuals for any public interest except to the extent that is necessary for the overall greater public interest.

1995 c24 s95

Non-application of this Part

618(1) This Part and the regulations and bylaws under this Part do not apply when a development or a subdivision is effected only for the purpose of

- (a) a highway or road,
- (b) a well or battery within the meaning of the *Oil and Gas Conservation Act*, or
- (c) a pipeline or an installation or structure incidental to the operation of a pipeline.

(2) This Part and the regulations and bylaws under this Part do not apply to

- (a) the geographic area of a Metis settlement, or
- (b) a designated area of Crown land in a municipal district or specialized municipality.

(2.1) This Part and the regulations and bylaws under this Part respecting development permits do not apply to a confined feeding operation or manure storage facility within the meaning of the *Agricultural Operation Practices Act* if the confined feeding operation or manure storage facility is the subject of an approval, registration or authorization under Part 2 of the *Agricultural Operation Practices Act*.

(3) The Minister responsible for the *Public Lands Act* may make regulations designating one or more areas of Crown land under that Minister's administration for the purposes of subsection (2)(b).

(4) The Lieutenant Governor in Council may, by regulation, exempt an action, person or thing from the application of all or any provision of this Part or of the regulations or bylaws under this Part.

(5) The Lieutenant Governor in Council may include terms and conditions in a regulation under subsection (4).

RSA 2000 cM-26 s618;2020 c39 s10(4)

618.1 Repealed 2020 c39 s10(5).

Bylaws binding

618.2 No bylaw is binding in respect of a matter governed by this Part unless that bylaw is passed in accordance with this Part.

2016 c24 s92

ALSA regional plans

618.3(1) Anything done by any of the following under a provision in this Part or a regulation under this Part must be done in accordance with any applicable ALSA regional plan:

- (a) a municipality;
- (b) a council;
- (c) a municipal planning commission;
- (d) a subdivision authority;
- (e) a development authority;
- (f) a subdivision and development appeal board;
- (g) the Land and Property Rights Tribunal;
- (h) an entity to which authority is delegated under section 625(4).

(2) If there is a conflict or an inconsistency between anything that is done under a provision of this Part or a regulation under this Part and an applicable ALSA regional plan, the ALSA regional plan prevails to the extent of the conflict or the inconsistency.

2020 cL-2.3 s24(41);2020 c39 s10(6)

Land use policies

618.4(1) Every statutory plan, land use bylaw and action undertaken pursuant to this Part by a municipality, municipal planning commission, subdivision authority, development authority or subdivision and development appeal board or the Land and Property Rights Tribunal must be consistent with the land use policies established under subsection (2).

(2) The Lieutenant Governor in Council, on the recommendation of the Minister, may by regulation establish land use policies.

2020 cL-2.3 s24(41);2020 c39 s10(6)

Division 1

Other Authorizations, Compensation

NRCB, ERCB, AER, AEUB or AUC authorizations

619(1) A licence, permit, approval or other authorization granted by the NRCB, ERCB, AER, AEUB or AUC prevails, in accordance with this section, over any statutory plan, land use bylaw, subdivision decision or development decision by a subdivision authority, development authority, subdivision and development appeal board, or the Land and Property Rights Tribunal or any other authorization under this Part.

(2) When an application is received by a municipality for a statutory plan amendment, land use bylaw amendment, subdivision approval, development permit or other authorization under this Part and the application is consistent with a licence, permit, approval or other authorization granted by the NRCB, ERCB, AER, AEUB or AUC, the municipality must approve the application to the extent that it complies with the licence, permit, approval or other authorization granted under subsection (1).

(3) An approval of a statutory plan amendment or land use bylaw amendment under subsection (2)

- (a)** must be granted within 90 days after the application or a longer time agreed on by the applicant and the municipality, and
- (b)** is not subject to the requirements of section 692 unless, in the opinion of the municipality, the statutory plan amendment or land use bylaw amendment relates to matters not included in the licence, permit, approval or other authorization granted by the NRCB, ERCB, AER, AEUB or AUC.

(4) If a municipality that is considering an application under subsection (2) holds a hearing, the hearing may not address matters already decided by the NRCB, ERCB, AER, AEUB or AUC except as necessary to determine whether an amendment to a statutory plan or land use bylaw is required.

(5) If a municipality does not approve an application under subsection (2) to amend a statutory plan or land use bylaw or the municipality does not comply with subsection (3), the applicant may appeal to the Land and Property Rights Tribunal by filing with the Tribunal

- (a)** a notice of appeal, and

- (b) a statutory declaration stating why mediation was unsuccessful or why the applicant believes that the municipality was unwilling to attempt to use mediation.

(6) The Land and Property Rights Tribunal, on receiving a notice of appeal and statutory declaration under subsection (5),

- (a) must commence a hearing within 60 days after receiving the notice of appeal and statutory declaration and give a written decision within 30 days after concluding the hearing, and
- (b) is not required to notify or hear from any person other than the applicant and the municipality against whom the appeal is launched.

(7) The Land and Property Rights Tribunal, in hearing an appeal under subsection (6), may only hear matters relating to whether the proposed statutory plan or land use bylaw amendment is consistent with the licence, permit, approval or other authorization granted under subsection (1).

(8) In an appeal under this section, the Land and Property Rights Tribunal may

- (a) order the municipality to amend the statutory plan or land use bylaw in order to comply with a licence, permit, approval or other authorization granted by the NRCB, ERCB, AER, AEUB or AUC, or
- (b) dismiss the appeal.

(9) Section 692 does not apply when the statutory plan or land use bylaw is amended pursuant to a decision of the Land and Property Rights Tribunal under subsection (8)(a).

(10) A decision under subsection (8) is final but may be appealed by the applicant or the municipality in accordance with section 688.

(11) In this section, “NRCB, ERCB, AER, AEUB or AUC” means the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission.

(12) Repealed 2020 c39 s10(7).

RSA 2000 cM-26 s619;2007 cA-37.2 s82(14);2009 cA-26.8 s83;
2012 cR-17.3 s95;2020 cL-2.3 s24(29);2020 c39 s10(7)

Conditions prevail

620 A condition of a licence, permit, approval or other authorization granted pursuant to an enactment by the Lieutenant

Governor in Council, a Minister, a Provincial agency or Crown-controlled organization as defined in the *Financial Administration Act* or a delegated person as defined in Schedule 10 to the *Government Organization Act* prevails over any condition of a development permit that conflicts with it.

1995 c24 s95

Compensation

621(1) Except as provided in this Part and in section 28 of the *Historical Resources Act*, nothing in this Part or the regulations or bylaws under this Part gives a person a right to compensation.

(2) Subsection (1) applies only to this Part and does not create, extinguish or affect rights created, extinguished or affected by the rest of this Act.

1995 c24 s95

**Division 2
Land Use Policies**

622 Repealed 2020 c39 s10(8).

**Division 3
Planning Authorities****Subdivision authority and development authority**

623 A council must, by bylaw, provide for

- (a) a subdivision authority to exercise subdivision powers and duties on behalf of the municipality, and
- (b) subject to section 641, a development authority to exercise development powers and perform duties on behalf of the municipality.

RSA 2000 cM-26 s623;2020 c39 s10(9)

624 Repealed 2020 c39 s10(10).

Planning authorities

625(1) The council of a municipality may, by bylaw,

- (a) establish a municipal planning commission, or
- (b) authorize the municipality to enter into an agreement with one or more municipalities to establish
 - (i) an intermunicipal planning commission, or

(ii) an intermunicipal service agency.

(2) An intermunicipal planning commission is deemed to be a municipal planning commission for the purposes of this Part.

(3) The bylaw establishing a municipal planning commission and the agreement establishing an intermunicipal planning commission must

- (a) provide for the applicable matters described in section 145(b),
- (b) prescribe the functions and duties of the commission, including but not limited to subdivision and development powers and duties, and
- (c) in the case of an intermunicipal planning commission, provide for its dissolution.

(4) The council of a municipality may make a bylaw authorizing a municipality to delegate, by agreement, any of its subdivision authority or development authority powers, duties or functions to

- (a) a municipal planning commission,
- (b) a regional services commission, or
- (c) an intermunicipal service agency.

RSA 2000 cM-26 s625;2020 c39 s10(11)

626 Repealed 2020 c39 s10(12).

Appeal board established

627(1) A council must by bylaw

- (a) establish a subdivision and development appeal board, or
- (b) authorize the municipality to enter into an agreement with one or more municipalities to establish an intermunicipal subdivision and development appeal board,

or both.

(2) An intermunicipal subdivision and development appeal board is a subdivision and development appeal board for the purposes of this Part.

(3) Unless an order of the Minister authorizes otherwise, a panel of a subdivision and development appeal board hearing an appeal must not have more than one councillor as a member.

(4) The following persons may not be appointed as members of a subdivision and development appeal board:

- (a) an employee of the municipality;
- (b) a person who carries out subdivision or development powers, duties and functions on behalf of the municipality;
- (c) a member of a municipal planning commission.

(5) A member of a subdivision and development appeal board may not participate in a hearing of the subdivision and development appeal board unless the member is qualified to do so in accordance with the regulations made under section 627.3(b).

RSA 2000 cM-26 s627;2016 c24 s94;2020 c39 s10(13)

Clerks

627.1(1) A council that establishes or authorizes the establishment of a subdivision and development appeal board, including an intermunicipal subdivision and development appeal board, must appoint or authorize the appointment of one or more clerks of the subdivision and development appeal board.

(2) A person appointed as a clerk of a subdivision and development appeal board may also hold an appointment under section 456 as a clerk of an assessment review board.

(3) No person is eligible for appointment as a clerk of a subdivision and development appeal board unless that person has successfully completed a training program in accordance with the regulations made under section 627.3(a).

(4) No subdivision authority or development authority is eligible for appointment under this section.

2015 c8 s61;2017 c13 s3;2019 c22 s10(19);2020 c39 s10(14)

627.2 Repealed 2020 c39 s10(15).

Regulations

627.3 The Minister may make regulations

- (a) respecting training programs for the purposes of section 627.1(3);

- (b) respecting qualifications for the purposes of section 627(5).
2015 c8 s61;2020 c39 s10(16)

628 Repealed 2020 c39 s10(17).

Immunity

628.1(1) The members of a subdivision and development appeal board are not personally liable for anything done or omitted to be done in good faith in the exercise or purported exercise of a power, duty or function under this Part.

(2) No member of a subdivision and development appeal board is liable for costs by reason of or in respect of an application for permission to appeal or an appeal under this Part.

2016 c24 s96

Appeal board evidence

629 A subdivision and development appeal board

- (a) may, while carrying out its powers, duties and responsibilities, accept any oral or written evidence that it considers proper, whether admissible in a court of law or not, and is not bound by the laws of evidence applicable to judicial proceedings, and
- (b) must make and keep a record of its proceedings, which may be in the form of a summary of the evidence presented at a hearing.

1995 c24 s95

Signature evidence

630(1) An order, decision, approval, notice or other thing made or given by a subdivision authority, development authority or subdivision and development appeal board may be signed on its behalf by a designated officer.

(2) An order, decision, approval, notice or other thing purporting to be signed by a designated officer pursuant to subsection (1) may be admitted in evidence as proof

- (a) of the order, decision, approval, notice or other thing, and
- (b) that the designated officer signing it was authorized to do so,

without proof of the signature or of the designation.

1995 c24 s95

Fees

630.1 A council may establish and charge fees for matters under this Part.

1996 c30 s55

630.2 Repealed 2020 c39 s10(18).

Division 4 Statutory Plans

Intermunicipal Development Plans

Intermunicipal development plans

631(1) Subject to subsections (2) and (3), 2 or more councils of municipalities that have common boundaries and that are not members of a growth region as defined in section 708.01 must, by each passing a bylaw in accordance with this Part or in accordance with sections 12 and 692, adopt an intermunicipal development plan to include those areas of land lying within the boundaries of the municipalities as they consider necessary.

(2) Subsection (1) does not require municipalities to adopt an intermunicipal development plan with each other if they agree that they do not require one, but any of the municipalities may revoke its agreement at any time by giving written notice to the other or others, and where that notice is given the municipalities must comply with subsection (1) within one year from the date of the notice unless an exemption is ordered under subsection (3).

(3) The Minister may, by order, exempt one or more councils from the requirement to adopt an intermunicipal development plan, and the order may contain any terms and conditions that the Minister considers necessary.

(4) Municipalities that are required under subsection (1) to adopt an intermunicipal development plan must have an intermunicipal development plan providing for all of the matters referred to in subsection (8) in place by April 1, 2020.

(5) If 2 or more councils that are required to adopt an intermunicipal development plan under subsection (1) do not have an intermunicipal development plan in place by April 1, 2020 because they have been unable to agree on a plan, they must immediately notify the Minister and the Minister must, by order, refer the matter to the Land and Property Rights Tribunal for its recommendations in accordance with Part 12.

(6) Where the Minister refers a matter to the Land and Property Rights Tribunal under this section, Part 12 applies as if the matter had been referred to the Tribunal under section 514(2).

(7) Two or more councils of municipalities that are not otherwise required to adopt an intermunicipal development plan under subsection (1) may, by each passing a bylaw in accordance with this Part or in accordance with sections 12 and 692, adopt an intermunicipal development plan to include those areas of land lying within the boundaries of the municipalities as they consider necessary.

(8) An intermunicipal development plan

(a) must address

- (i) the future land use within the area,
- (ii) the manner of and the proposals for future development in the area,
- (iii) the provision of transportation systems for the area, either generally or specifically,
- (iv) the co-ordination of intermunicipal programs relating to the physical, social and economic development of the area,
- (v) environmental matters within the area, either generally or specifically, and
- (vi) any other matter related to the physical, social or economic development of the area that the councils consider necessary,

and

(b) must include

- (i) a procedure to be used to resolve or attempt to resolve any conflict between the municipalities that have adopted the plan,
- (ii) a procedure to be used, by one or more municipalities, to amend or repeal the plan, and
- (iii) provisions relating to the administration of the plan.

(9) Despite subsection (8), to the extent that a matter is dealt with in a framework under Part 17.2, the matter does not need to be included in an intermunicipal development plan.

(10) In creating an intermunicipal development plan, municipalities must negotiate in good faith.

RSA 2000 cM-26 s631;2016 c24 s97;2019 c22 s10(20);
2020 cL-2.3 s24(30)

Order for intermunicipal development plan

631.1(1) The Minister may make regulations

- (a) repealed 2019 c22 s10(21);
- (b) respecting the matters to be included in an intermunicipal development plan.
- (c) repealed 2019 c22 s10(21).

(1.1) After considering the recommendations of the Land and Property Rights Tribunal respecting a matter referred to the Tribunal under section 631(5), the Minister may, by order, require 2 or more municipal authorities to establish an intermunicipal development plan in accordance with the order by a date specified in the order.

(1.2) If the municipal authorities to whom an order under subsection (1.1) applies do not comply with the order, the Minister may make a further order establishing an intermunicipal development plan that is binding on the municipal authorities.

(2) Repealed 2019 c22 s10(21).

2009 cA-26.8 s83;2019 c22 s10(21);2020 cL-2.3 s24(31)

Municipal Development Plans

Municipal development plans

632(1) Every council of a municipality must by bylaw adopt a municipal development plan.

(2) Repealed 2016 c24 s98.

(2.1) Within 3 years after the coming into force of this subsection, a council of a municipality that does not have a municipal development plan must by bylaw adopt a municipal development plan.

(3) A municipal development plan

- (a) must address

- (i) the future land use within the municipality,
 - (ii) the manner of and the proposals for future development in the municipality,
 - (iii) the co-ordination of land use, future growth patterns and other infrastructure with adjacent municipalities if there is no intermunicipal development plan with respect to those matters in those municipalities,
 - (iv) the provision of the required transportation systems either generally or specifically within the municipality and in relation to adjacent municipalities, and
 - (v) the provision of municipal services and facilities either generally or specifically,
- (b) may address
 - (i) proposals for the financing and programming of municipal infrastructure,
 - (ii) the co-ordination of municipal programs relating to the physical, social and economic development of the municipality,
 - (iii) environmental matters within the municipality,
 - (iv) the financial resources of the municipality,
 - (v) the economic development of the municipality, and
 - (vi) any other matter relating to the physical, social or economic development of the municipality,
- (c) may contain statements regarding the municipality's development constraints, including the results of any development studies and impact analysis, and goals, objectives, targets, planning policies and corporate strategies,
- (d) must contain policies compatible with the subdivision and development regulations to provide guidance on the type and location of land uses adjacent to sour gas facilities,
- (e) must contain policies respecting the provision of municipal, school or municipal and school reserves, including but not limited to the need for, amount of and allocation of those reserves and the identification of school requirements in consultation with affected school boards,

- (f) must contain policies respecting the protection of agricultural operations, and
 - (g) may contain policies respecting the provision of conservation reserve in accordance with section 664.2(1)(a) to (d).
- (4) Repealed 2020 c39 s10(19).
RSA 2000 cM-26 s632;RSA 2000 c21(Supp) s4;2008 c37 s11;
2015 c8 s62;2016 c24 s98;2017 c13 s2(16);2020 c39 s10(19)

Area Structure Plans

Area structure plan

633(1) For the purpose of providing a framework for subsequent subdivision and development of an area of land, a council may by bylaw adopt an area structure plan.

- (2) An area structure plan
- (a) must describe
 - (i) the sequence of development proposed for the area,
 - (ii) the land uses proposed for the area, either generally or with respect to specific parts of the area,
 - (iii) the density of population proposed for the area either generally or with respect to specific parts of the area, and
 - (iv) the general location of major transportation routes and public utilities,
 - and
 - (b) may contain any other matters, including matters relating to reserves, as the council considers necessary.
- (3) Repealed 2020 c39 s10(20).
RSA 2000 cM-26 s633;2015 c8 s63;2017 c13 s1(56);
2020 c39 s10(20)

Area Redevelopment Plans

Area redevelopment plans

- 634(1)** A council may
- (a) designate an area of the municipality as a redevelopment area for the purpose of any or all of the following:

- (i) preserving or improving land and buildings in the area;
- (ii) rehabilitating buildings in the area;
- (iii) removing buildings from the area;
- (iv) constructing or replacing buildings in the area;
- (v) establishing, improving or relocating roads, public utilities or other services in the area;
- (vi) facilitating any other development in the area,
- (b) adopt, by bylaw, an area redevelopment plan,
- (c) in accordance with this section and Division 6, provide for the imposition and collection of a levy to be known as a “redevelopment levy”, and
- (d) authorize a designated officer, with or without conditions, to perform any function with respect to the imposition and collection of that redevelopment levy.

(2) Repealed 2020 c39 s10(21).

RSA 2000 cM-26 s634;2015 c8 s64;2020 c39 s10(21)

Plan contents

635 An area redevelopment plan

- (a) must describe
 - (i) the objectives of the plan and how they are proposed to be achieved,
 - (ii) the proposed land uses for the redevelopment area,
 - (iii) if a redevelopment levy is to be imposed, the reasons for imposing it, and
 - (iv) any proposals for the acquisition of land for any municipal use, school facilities, parks and recreation facilities or any other purposes the council considers necessary,
- and
- (b) may contain any other proposals that the council considers necessary.

1995 c24 s95

General Provisions

Statutory plan preparation

636(1) While preparing a statutory plan, a municipality must notify the following and provide a means for suggestions and representations to be made:

- (a) any members of the public who may be affected by the plan;
- (b) the school boards with jurisdiction in the area to which the plan preparation applies;
- (c) in the case of a municipal development plan,
 - (i) any adjacent municipalities,
 - (ii) the Indian band of any adjacent Indian reserve, and
 - (iii) any adjacent Metis settlement;
- (d) in the case of an area structure plan,
 - (i) where the land that is the subject of the plan is adjacent to another municipality, that municipality,
 - (ii) where the land that is the subject of the plan is within 1.6 kilometres of a provincial highway, the Minister responsible for the *Highways Development and Protection Act*, and
 - (iii) where the land that is the subject of the plan is adjacent to an Indian reserve or Metis settlement, the Indian band or Metis settlement.

(2) Subsection (1) does not apply to amendments to statutory plans.

RSA 2000 cM-26 s636;2008 c37 s11;2017 c13 s1(57);
2020 c39 s10(22)

Effect of plans

637 The adoption by a council of a statutory plan does not require the municipality to undertake any of the projects referred to in it.

1995 c24 s95

Consistency of plans

638(1) A municipal development plan must be consistent with any intermunicipal development plan in respect of land that is identified in both the municipal development plan and the intermunicipal development plan.

(2) An area structure plan and an area redevelopment plan must be consistent with

- (a) any intermunicipal development plan in respect of land that is identified in both the area structure plan or area redevelopment plan, as applicable, and the intermunicipal development plan, and
- (b) any municipal development plan.

(3) An intermunicipal development plan prevails to the extent of any conflict or inconsistency between

- (a) a municipal development plan, an area structure plan or an area redevelopment plan, and
- (b) the intermunicipal development plan

in respect of the development of the land to which the conflicting or inconsistent plans apply.

(4) A municipal development plan prevails to the extent of any conflict or inconsistency between

- (a) an area structure plan or an area redevelopment plan, and
- (b) the municipal development plan.

RSA 2000 cM-26 s638;2015 c8 s65;2020 c39 s10(23)

638.1 Repealed 2020 c39 s10(24).

Listing and publishing of policies

638.2(1) Every municipality must compile and keep updated a list of any policies that may be considered in making decisions under this Part

- (a) that have been approved by council by resolution or bylaw, or
- (b) that have been made by a body or person to whom powers, duties or functions are delegated under section 203 or 209,

and that do not form part of a bylaw made under this Part.

(2) The municipality must publish the following on the municipality's website:

- (a) the list of the policies referred to in subsection (1);
- (b) the policies described in subsection (1);

- (c) a summary of the policies described in subsection (1) and of how they relate to each other and how they relate to any statutory plans and bylaws passed in accordance with this Part;
- (d) any documents incorporated by reference in any bylaws passed in accordance with this Part.

(3) A development authority, subdivision authority, subdivision and development appeal board, the Land and Property Rights Tribunal or a court shall not have regard to any policy approved by a council or by a person or body referred to in subsection (1)(b) unless the policy is set out in the list prepared and maintained under subsection (1) and published in accordance with subsection (2).

(4) Repealed 2020 c39 s10(25).

2016 c24 s99;2020 cL-2.3 s24(41);2020 c39 s10(25)

Division 5

Land Use

639 Repealed 2020 c39 s10(26).

639.1 Repealed 2020 c39 s10(27).

Land use bylaw

640(1) Every municipality must pass a land use bylaw.

(1.1) A land use bylaw may prohibit or regulate and control the use and development of land and buildings in a municipality, including, without limitation, by

- (a) imposing design standards,
- (b) determining population density,
- (c) regulating the development of buildings,
- (d) providing for the protection of agricultural land, and
- (e) providing for any other matter council considers necessary to regulate land use within the municipality.

(2) A land use bylaw

- (a) must divide the municipality into districts of the number and area the council considers appropriate;

- (b) must, unless the district is designated as a direct control district pursuant to section 641, prescribe with respect to each district,
 - (i) the one or more uses of land or buildings that are permitted in the district, with or without conditions, or
 - (ii) the one or more uses of land or buildings that may be permitted in the district at the discretion of the development authority, with or without conditions,or both;
 - (c) must establish a method of making decisions on applications for development permits and issuing development permits for any development, including provision for
 - (i) the types of development permit that may be issued,
 - (ii) applying for a development permit,
 - (iii) processing an application for, or issuing, cancelling, suspending or refusing to issue, a development permit,
 - (iv) the conditions that are to be attached, or that the development authority may attach, to a development permit, either generally or with respect to a specific type of permit,
 - (v) how long any type of development permit remains in effect,
 - (vi) the discretion that the development authority may exercise with respect to development permits, and
 - (vii) any other matters necessary to regulate and control the issue of development permits that to the council appear necessary;
 - (d) must provide for how and to whom notice of the issuance of a development permit is to be given;
 - (e) must establish the number of dwelling units permitted on a parcel of land.
- (3)** A land use bylaw may identify additional land as adjacent land for the purpose of notification under sections 653, 679, 680 and 692.
- (4)** Repealed 2020 c39 s10(28).

(5) A land use bylaw may provide that when an application for a development permit or change in land use designation is refused another application with respect to the same lot

- (a) for a development permit for the same or a similar use, or
- (b) for a change in land use designation

may not be made by the same or any other applicant until the time stated in the land use bylaw has expired.

(6) A land use bylaw may authorize a development authority to decide on an application for a development permit even though the proposed development does not comply with the land use bylaw or is a non-conforming building if, in the opinion of the development authority,

- (a) the proposed development would not
 - (i) unduly interfere with the amenities of the neighbourhood, or
 - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
- and
- (b) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

(7) A land use bylaw must be consistent with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises.

(8) Despite this section or any other provision of this Act, the authority to pass a land use bylaw does not include the authority to pass a bylaw in respect of the use of a building or part of a building for residential purposes that has the effect of distinguishing between any individuals on the basis of whether they are related or unrelated to each other.

(9) The Minister may by order direct a municipality to amend its land use bylaw in respect of the use of a building or part of a building for residential purposes if the land use bylaw has the effect of distinguishing between senior citizens on the basis of whether they are related or unrelated to each other.

RSA 2000 cM-26 s640;2016 c24 s100;2017 c21 s28;
2020 c39 s10(28)

640.1 Repealed 2020 c39 s10(29).

**Transitional — alternative time period in
land use bylaw**

640.2(1) In this section, “alternative time period” means an alternative time period authorized by section 640.1 of this Act as it read immediately before the coming into force of this section.

(2) Where, on the coming into force of this section, a land use bylaw providing for an alternative time period is in force, the provisions of the bylaw providing for the alternative time period continue to have effect for a period of 6 months beginning on the day this section comes into force.

2020 c39 s10(30)

Designation of direct control districts

641(1) The council of a municipality that has adopted a municipal development plan, if it wishes to exercise particular control over the use and development of land or buildings within an area of the municipality, may in its land use bylaw designate that area as a direct control district.

(2) If a direct control district is designated in a land use bylaw, the council may, subject to any applicable statutory plan, regulate and control the use or development of land or buildings in the district in any manner it considers necessary.

(3) In respect of a direct control district, the council may decide on a development permit application or may delegate the decision to a development authority with directions that it considers appropriate.

(4) Repealed 2015 c8 s66.

RSA 2000 cM-26 s641;2015 c8 s66

Permitted and discretionary uses

642(1) When a person applies for a development permit in respect of a development provided for by a land use bylaw pursuant to section 640(2)(b)(i), the development authority must, if the application otherwise conforms to the land use bylaw and is complete in accordance with section 683.1, issue a development permit with or without conditions as provided for in the land use bylaw.

(2) When a person applies for a development permit in respect of a development that may, in the discretion of a development authority, be permitted pursuant to section 640(2)(b)(ii), the development authority may, if the application is complete in accordance with section 683.1, issue a development permit with or without conditions as provided for in the land use bylaw.

(3) A decision of a development authority on an application for a development permit must be in writing, and a copy of the decision, together with a written notice specifying the date on which the written decision was given and containing any other information required by the regulations, must be given or sent to the applicant on the same day the written decision is given.

(4) If a development authority refuses an application for a development permit, the development authority must issue to the applicant a notice, in the form and manner provided for in the land use bylaw, that the application has been refused and provide the reasons for the refusal.

(5) Despite subsections (1) and (2), a development authority must not issue a development permit if the proposed development does not comply with the applicable requirements of regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises.

RSA 2000 cM-26 s642;2016 cs24 s102;2017 c13 s1(58) ;
2017 c21 s28;2018 c11 s13;2020 c39 s10(31)

Non-conforming use and non-conforming buildings

643(1) If a development permit has been issued on or before the day on which a land use bylaw or a land use amendment bylaw comes into force in a municipality and the bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the bylaw.

(2) A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the land use bylaw then in effect.

(3) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.

(4) A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.

(5) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except

- (a) to make it a conforming building,
- (b) for routine maintenance of the building, if the development authority considers it necessary, or
- (c) in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section.

(6) If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with the land use bylaw.

(7) The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

1995 c24 s95

Acquisition of land designated for public use

644(1) If land is designated under a land use bylaw for use or intended use as a municipal public building, school facility, park or recreation facility and the municipality does not own the land, the municipality must within 6 months from the date the land is designated do one of the following:

- (a) acquire the land or require the land to be provided as reserve land;
- (b) commence proceedings to acquire the land or to require the land to be provided as reserve land and then acquire that land within a reasonable time;
- (c) amend the land use bylaw to designate the land for another use or intended use.

(2) Subsection (1) does not apply if the Crown in right of Canada, the Crown in right of Alberta, an irrigation district, a board of a drainage district or a local authority, within 6 months from the date the land is designated under that subsection,

- (a) acquires that land, or
- (b) commences proceedings to acquire that land or requires that land to be provided as reserve land and then acquires it within a reasonable time.

(3) Subsection (1) does not apply to land designated by the municipality as conservation reserve.

RSA 2000 cM-26 s644;2016 cs24 s103

Stop order

645(1) Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with

- (a) this Part or a land use bylaw or regulations under this Part, or
- (b) a development permit or subdivision approval,

the development authority may act under subsection (2).

(2) If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

- (a) stop the development or use of the land or building in whole or in part as directed by the notice,
- (b) demolish, remove or replace the development, or
- (c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

(2.1) A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.

(3) A person who receives a notice referred to in subsection (2) may appeal to the subdivision and development appeal board in accordance with section 685.

RSA 2000 cM-26 s645;2017 c13 s1(59)

Enforcement of stop order

646(1) If a person fails or refuses to comply with an order directed to the person under section 645 or an order of a subdivision and development appeal board under section 687, the municipality may, in accordance with section 542, enter on the land or building and take any action necessary to carry out the order.

(2) A municipality may register a caveat under the *Land Titles Act* in respect of an order referred to in subsection (1) against the certificate of title for the land that is the subject of the order.

(3) If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the order has been complied with.

1995 c24 s95

Division 6

Development Levies and Conditions

Redevelopment levies

647(1) If a person applies for a development permit in respect of development in a redevelopment area and the area redevelopment plan contains proposals for residential, commercial or industrial development, a redevelopment levy may be imposed on the applicant in accordance with the bylaw adopting the area redevelopment plan.

(2) A redevelopment levy imposed and collected must be used to provide, in respect of the redevelopment area,

- (a) land for a park or land for school buildings designed for the instruction or accommodation of students, or
- (b) land for new or expanded recreation facilities,

or both.

(3) On September 1, 1995 a redevelopment levy under the former Act continues as a redevelopment levy under this Part.

(4) A redevelopment levy imposed and collected under this Part or the former Act may be imposed and collected only once in respect of a development.

(5) A redevelopment levy imposed pursuant to this Part may vary between one class of development and another in a redevelopment area.

(6) If a redevelopment levy is collected, the municipality must pay that portion of the levy imposed to provide land for school buildings designed for the instruction or accommodation of students to the one or more school boards.

RSA 2000 cM-26 s647;2008 c37 s11

Off-site levy

648(1) In this section and sections 648.01 to 648.4,

- (a) “facility” includes the facility, the associated infrastructure, the land necessary for the facility and related appurtenances referred to in subsection (2.1);

- (b) “infrastructure” means the infrastructure, facilities and land required for the purposes referred to in subsection (2)(a) to (c.1);
- (c) “stakeholder” means any person that will be required to pay an off-site levy when the bylaw is passed, or any other person the municipality considers is affected.

(1.1) For the purposes referred to in subsections (2) and (2.1), a council may by bylaw

- (a) provide for the imposition and payment of a levy in respect of land that is to be developed or subdivided, and
- (b) authorize an agreement to be entered into in respect of the payment of the levy.

(1.2) A bylaw may not impose an off-site levy on land owned by a school board that is to be developed for a school building project within the meaning of the *Education Act*.

(2) An off-site levy may be used only to pay for all or part of the capital cost of any or all of the following:

- (a) new or expanded facilities for the storage, transmission, treatment or supplying of water;
- (b) new or expanded facilities for the treatment, movement or disposal of sanitary sewage;
- (c) new or expanded storm sewer drainage facilities;
- (c.1) new or expanded roads required for or impacted by a subdivision or development;
- (c.2) subject to the regulations, new or expanded transportation infrastructure required to connect, or to improve the connection of, municipal roads to provincial highways resulting from a subdivision or development;
- (d) land required for or in connection with any facilities described in clauses (a) to (c.2).

(2.1) In addition to the capital cost of facilities described in subsection (2), an off-site levy may be used to pay for all or part of the capital cost for any of the following purposes, including the cost of any related appurtenances and any land required for or in connection with the purpose:

- (a) new or expanded community recreation facilities;

- (b) new or expanded fire hall facilities;
- (c) new or expanded police station facilities;
- (d) new or expanded libraries.

(2.2) Subject to an appeal under section 648.1, an off-site levy may be imposed and collected for a purpose referred to in subsection (2.1) only if no off-site levy has been previously imposed under subsection (1) for the same purpose with respect to the land on which the off-site levy is being imposed.

(3) On September 1, 1995 an off-site levy under the former Act continues as an off-site levy under this Part.

(4) An off-site levy imposed under this section or the former Act may be collected once for each purpose described in subsection (2) or (2.1), in respect of land that is the subject of a development or subdivision, if

- (a) the purpose of the off-site levy is authorized in the bylaw referred to in subsection (1), and
- (b) the collection of the off-site levy for the purpose authorized in the bylaw is specified in the agreement referred to in subsection (1).

(4.1) Nothing in subsection (4) prohibits the collection of an off-site levy by instalments or otherwise over time.

(5) An off-site levy collected under this section, and any interest earned from the investment of the levy,

- (a) must be accounted for separately from other levies collected under this section, and
- (b) must be used only for the specific purpose described in subsection (2)(a) to (c.2) or (2.1)(a) to (d) for which it is collected or for the land required for or in connection with that purpose.

(6) A bylaw under subsection (1) must be advertised in accordance with section 606 unless

- (a) the bylaw is passed before January 1, 2004, or
- (b) the bylaw is passed on or after January 1, 2004 but at least one reading was given to the proposed bylaw before that date.

(7) Where after March 1, 1978 and before January 1, 2004 a fee or other charge was imposed on a developer by a municipality pursuant to a development agreement entered into by the developer and the municipality for the purpose described in subsection (2)(c.1), that fee or charge is deemed

- (a) to have been imposed pursuant to a bylaw under this section, and
- (b) to have been validly imposed and collected

effective from the date the fee or charge was imposed.

(8) If, before the coming into force of this subsection, a fee or other charge was imposed on a developer by a municipality pursuant to a development agreement entered into by the developer and the municipality for one or more purposes described in subsection (2) or (2.1), that fee or charge is deemed

- (a) to have been imposed pursuant to a bylaw under this section, and
- (b) to have been validly imposed and collected effective from the date the fee or charge was imposed.

(9) If, before the coming into force of this subsection, a bylaw was made that purported to impose a fee or other charge on a developer for a purpose described in subsection (2) or (2.1),

- (a) that bylaw is deemed to have been valid and enforceable to the extent that it imposed a fee or charge for a purpose described in subsection (2) or (2.1) before the coming into force of this subsection, and
- (b) any fee or charge imposed pursuant to the bylaw before the coming into force of this subsection is deemed to have been validly imposed and collected effective from the date the fee or charge was imposed.

RSA 2000 cM-26 s648;2003 c43 s3;2012 cE-0.3 s279;
2015 c8 s67; 2016 c24 s104;2017 c13 ss1(60),2(17);
2020 c39 s10(32)

Intermunicipal off-site levy

648.01(1) For the purpose of section 648(1) and subject to the requirements of section 12, 2 or more municipalities may provide for an off-site levy to be imposed on an intermunicipal basis.

(2) Where 2 or more municipalities provide for an off-site levy to be imposed on an intermunicipal basis, the municipalities shall enter into such agreements as are necessary to attain the purposes

described in section 648(2) or (2.1) that are to be funded by an off-site levy under section 648(1), by a framework made under Part 17.2 or by any other agreement.

(3) Repealed 2020 c39 s10(33).

(4) If a bylaw providing for an off-site levy to be imposed on an intermunicipal basis is appealed under section 648.1, the corresponding bylaws of the other participating municipalities are deemed to also be appealed.

2016 c24 s105;2020 c39 s10(33)

Appeal of off-site levy

648.1(1) Any person may, subject to and in accordance with the regulations, appeal any of the provisions of an off-site levy bylaw relating to an off-site levy for a purpose referred to in section 648(2) or (2.1) to the Land and Property Rights Tribunal on any of the following grounds:

- (a) that the purpose for which the off-site levy is to be imposed is unlikely to benefit future occupants of the land who may be subject to the off-site levy to the extent required by the regulations;
- (b) that the principles and criteria referred to in regulations made under section 694(4)(b) that must be applied by a municipality when passing the off-site levy bylaw have not been complied with;
- (c) that the determination of the benefitting area was not determined in accordance with regulations made under section 694(4)(c);
- (d) that the off-site levy or any portion of it is not for the payment of the capital costs of the purposes set out in section 648(2) or (2.1), as applicable;
- (e) that the calculation of the off-site levy is inconsistent with regulations made under section 694(4) or is incorrect;
- (f) that an off-site levy for the same purpose has already been imposed and collected with respect to the proposed development or subdivision.

(2) After hearing the appeal, the Land and Property Rights Tribunal may

- (a) dismiss the appeal in whole or in part, or

- (b) declare the off-site levy bylaw or a portion of the bylaw to be invalid and provide that the bylaw may be repassed or amended in a manner determined by the Tribunal.

(3) Where an off-site levy bylaw amends the amount of an off-site levy referred to in subsection (1), an appeal under this section may only be brought with respect to that amendment.

2016 c24 s105;2017 c13 s2(18);2020 cL-2.3 s24(32);2020 c39 s10(34)

Calculation of off-site levy

648.2(1) Subject to subsection (2), a municipality may determine the methodology on which to base the calculation of an off-site levy.

(2) Subject to subsection (7), the methodology on which a municipality bases its calculation of an off-site levy must

- (a) take into account criteria such as area, density or intensity of use,
- (b) recognize variation among infrastructure, facility and transportation infrastructure types,
- (c) be consistent across the municipality for that type of infrastructure, facility or transportation infrastructure, and
- (d) be clear and reasonable.

(3) Notwithstanding subsection (2)(c), the methodology used in determining the calculation of an off-site levy may be different for each specific type of infrastructure, facility or transportation infrastructure.

(4) The information that a municipality uses in the calculation of an off-site levy must be current.

(5) A bylaw imposing an off-site levy must include a requirement for a periodic review of the calculation of the off-site levy.

(6) A municipality that imposes an off-site levy must make the following publicly available:

- (a) any information or data the municipality relied upon and any assumptions the municipality made in calculating the levy, including, without limitation, any information, data or assumptions the municipality used in models to complete calculations;
- (b) the calculations that were performed in order to determine the amount of the levy;

- (c) anything else that would be required in order to replicate the determination of the levy.

(7) Subsection (2) does not apply to the City of Calgary or the City of Edmonton.

2020 c39 s10(35)

Consultation with stakeholders

648.3(1) A municipality must consult, in good faith, with stakeholders

- (a) before making a final determination on defining and addressing existing and future infrastructure, transportation infrastructure and facility requirements, and
- (b) when determining the methodology on which to base an off-site levy.

(2) Before passing or amending a bylaw imposing an off-site levy, a municipality must consult, in good faith, on the calculation of the levy with stakeholders in the benefitting area where the off-site levy will apply.

(3) A consultation referred to in this section must begin at the earliest opportunity and must provide stakeholders with the ability to provide input on an ongoing basis.

(4) During a consultation referred to in this section, a municipality must make publicly available any calculations the municipality has made and any information the municipality has relied upon including, without limitation, any assumptions and data the municipality has used in models to complete calculations.

2020 c39 s10(35)

Annual report

648.4(1) A municipality must provide full and open disclosure of all off-site levy costs and payments.

(2) A municipality must, on an annual basis, make a report on an off-site levy publicly available and include in the report

- (a) the details of all off-site levies received by each contributor for each type of facility and infrastructure within each benefitting area,
- (b) the uses for each type of facility and infrastructure within each benefitting area for each capital project, and

- (c) the balances retained for each type of facility and infrastructure within each benefitting area.

2020 c39 s10(35)

Levy bylaws

649 A bylaw that authorizes a redevelopment levy or an off-site levy must set out the purpose of each levy and indicate how the amount of the levy was determined.

RSA 2000 cM-26 s649;2015 c8 s68

Condition of issuing development permit

650(1) A council may in a land use bylaw require that, as a condition of a development permit's being issued, the applicant enter into an agreement with the municipality to do any or all of the following:

- (a) to construct or pay for the construction of a road required to give access to the development;
- (b) to construct or pay for the construction of
 - (i) a pedestrian walkway system to serve the development, or
 - (ii) pedestrian walkways to connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development,or both;
- (c) to install or pay for the installation of a public utility described in section 616(v)(i) to (ix) that is necessary to serve the development, whether or not the public utility is, or will be, located on the land that is the subject of the development;
- (d) to construct or pay for the construction of
 - (i) off-street or other parking facilities, and
 - (ii) loading and unloading facilities;
- (e) to pay an off-site levy or redevelopment levy imposed by bylaw;
- (f) to give security to ensure that the terms of the agreement under this section are carried out.

(2) A municipality may register a caveat under the *Land Titles Act* in respect of an agreement under this section against the certificate of title for the land that is the subject of the development.

(3) If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the agreement has been complied with.

(4) Where, prior to the coming into force of this subsection, an agreement referred to in subsection (1) required the applicant to install a public utility or pay an amount for a public utility referred to in subsection (1)(c), that requirement is deemed to have been validly imposed, whether or not the public utility was located on the land that was the subject of the development.

RSA 2000 cM-26 s650;2015 c8 s69

Agreements re oversize improvements

651(1) An agreement referred to in section 648, 650 or 655 may require the applicant for a development permit or subdivision approval

- (a) to pay for all or a portion of the cost of an improvement constructed or paid for in whole or in part by a municipality at any time prior to the date of approval of the development permit or subdivision approval application, or
- (b) to construct or pay for all or a portion of an improvement with an excess capacity.

(2) An agreement referred to in subsection (1)(b) or (3) that obliges an applicant for a development permit or subdivision approval to construct or pay for an improvement with an excess capacity may also provide for the reimbursement of the cost incurred or payment made in respect of the excess capacity together with interest calculated at the rate fixed pursuant to subsection (4) on the amount of the cost until the land that benefits from the excess capacity is developed or subdivided.

(3) If a municipality has at any time, either before or after this section comes into force, or before or after section 77.1 of the *Planning Act* was deemed to come into force, entered into an agreement providing for reimbursement of payments made or costs incurred in respect of the excess capacity of an improvement by an applicant for a development permit or subdivision approval, the municipality must, when other land that benefits from the improvement is developed or subdivided, enter into an agreement with the applicant for a development permit or subdivision approval for the other land, and that agreement may require the applicant to pay an amount in respect of the improvement, as

determined by the municipality, which may be in excess of the cost of the improvement required for the proposed development or subdivision.

(4) An agreement made in accordance with subsection (1)(a) or (3) may require that, in addition to paying for all or part of the cost of an improvement, an applicant for a development permit or subdivision approval must pay reasonable interest on the cost in an amount to be fixed by the municipality.

(5) In this section,

- (a) “excess capacity” means any capacity in excess of that required for a proposed development or subdivision;
- (b) “improvement” means
 - (i) a facility or land referred to in section 648(2), or
 - (ii) a road, pedestrian walkway, utility or facility referred to in section 650(1) or 655(1)(b),

whether or not located on the land to be developed or subdivided and whether or not constructed at the time of development or subdivision approval.

1995 c24 s95

Restrictive covenant

651.1(1) In this section, “restrictive covenant” means a condition or covenant under which land, or any specified portion of land, is not to be built on, or is to be or not to be used in a particular manner, or any other condition or covenant running with or capable of being legally annexed to land.

(2) Despite the *Land Titles Act* or any other enactment, a municipality may register a caveat under the *Land Titles Act* in respect of any restrictive covenant granted by the registered owner of a parcel of land to the municipality for the benefit of land that is under the direction, control and management of the municipality whether or not the municipality has been issued a certificate of title to that land.

(3) A caveat registered pursuant to subsection (2)

- (a) shall be registered against the certificate of title to the parcel of land
 - (i) that is subject to the restrictive covenant, and

- (ii) that was issued to the person who granted the restrictive covenant,
- (b) has the same force and effect as if it had been a condition or covenant registered under section 48 of the *Land Titles Act*,
- (c) may be discharged only by the municipality or an order of a court, and
- (d) does not lapse pursuant to the provisions of the *Land Titles Act* governing the lapsing of caveats.

1999 c11 s43

Encroachment agreements

651.2(1) In this section, “encroachment agreement” means an agreement under which a municipality permits the encroachment onto a road that is under the direction, control and management of the municipality of improvements made on land that is adjoining that road.

(2) Despite the *Land Titles Act* or any other enactment, a municipality may register a caveat under the *Land Titles Act* in respect of any encroachment agreement entered into by the municipality with the registered owner of a parcel of land that adjoins a road that is under the direction, control and management of the municipality.

(3) A caveat registered pursuant to subsection (2)

- (a) shall be registered against the certificate of title to the parcel of land
 - (i) that is adjoining the road, and
 - (ii) that was issued to the person who entered into the encroachment agreement with the municipality,
- (b) has the same force and effect as if it had been an encroachment agreement registered under section 72 of the *Land Titles Act*,
- (c) may be discharged only by the municipality or an order of a court, and
- (d) does not lapse pursuant to the provisions of the *Land Titles Act* governing the lapsing of caveats.

1999 c11 s43

Division 7 Subdivision of Land

Subdivision approval required

652(1) A Registrar may not accept for registration an instrument that has the effect or may have the effect of subdividing a parcel of land unless the subdivision has been approved by a subdivision authority.

(2) Despite subsection (1) and subject to subsection (4), a Registrar may accept for registration without subdivision approval an instrument that has the effect or may have the effect of subdividing a parcel of land described in a certificate of title if registration of the instrument results in the issuing of one or more certificates of title and the parcel of land described in each certificate of title so issued would consist only of any or all of the following:

- (a) a quarter section;
- (b) a river lot shown on an official plan, as defined in the *Surveys Act*, that is filed or lodged in a land titles office;
- (c) a lake lot shown on an official plan, as defined in the *Surveys Act*, that is filed or lodged in a land titles office;
- (d) a settlement lot shown on an official plan, as defined in the *Surveys Act*, that is filed or lodged in a land titles office;
- (e) a part of the parcel of land described in the existing title if the boundaries of the part are shown and delineated on a plan of subdivision;
- (f) a parcel of land created pursuant to a bylaw passed by a municipality under section 665.

(3) For the purpose of subsection (2), a parcel of land is deemed to be a quarter section, river lot, lake lot or settlement lot if the parcel of land would consist of a quarter section, river lot, lake lot or settlement lot except that land has been removed from the parcel of land by a subdivision effected only for a purpose referred to in section 618(1) or by a plan of subdivision or any other instrument that effected a subdivision.

(4) Unless the subdivision of the parcel of land has been approved by a subdivision authority, the Registrar may not accept for registration an instrument that has the effect or may have the effect of subdividing a parcel of land

- (a) if the parcel of land is described in a plan of subdivision that was registered in a land titles office before July 1, 1950, and
 - (b) if the parcel of land contains 2 or more lots one or more of which is less than 8.0 hectares in area.
- (5)** A Registrar may not accept a caveat for registration that relates to an instrument that has the effect or may have the effect of subdividing a parcel of land unless
- (a) subdivision approval is not required in respect of that subdivision pursuant to subsection (2), or
 - (b) subdivision approval has been granted in respect of that subdivision.

1995 c24 s95

Application for subdivision approval

653(1) An application to a subdivision authority for subdivision approval

- (a) must be in accordance with the subdivision and development regulations, and
 - (b) must include a proposed plan of subdivision or other instrument that describes the subdivision.
- (2)** If a subdivision application includes the signed consent of the applicant to the municipality or its delegate carrying out an inspection, at a reasonable time, of the land that is the subject of the application, a notice of inspection is not required to be given under section 542(1).
- (2.1)** On receipt of an application, the subdivision authority must, in accordance with section 653.1, determine whether the application is complete.
- (3)** On receipt of an acknowledgment under section 653.1(5) or (7) that the application for subdivision approval is complete, or if the application is deemed to be complete under section 653.1(4), the subdivision authority must
- (a) give a copy of the application to the Government departments, persons and local authorities required by the subdivision and development regulations, and
 - (b) give notice of the application to owners of adjacent land.
- (4)** Repealed 2016 c24 s107.

(4.1) Despite subsection (3)(b), a subdivision authority is not required to give notice to owners of adjacent lands if the land that is the subject of the application is contained within an area structure plan or a conceptual scheme and a public hearing has been held with respect to that plan or scheme.

(4.2) A notice under subsection (3)(b) must be given by at least one of the following methods:

- (a) mailing the notice to each owner of adjacent land;
- (b) posting the notice on the land that is the subject of the application;
- (c) publishing a notice in a newspaper that has general circulation in the municipality that contains the land that is the subject of the application.

(4.3) A notice under subsection (3)(b) must include

- (a) the municipal address, if any, and the legal address of the parcel of land, and
- (b) a map showing the location of the parcel of land.

(4.4) Repealed 2020 c39 s10(36).

(5) A notice under subsection (3)(b) must describe the nature of the application, the method of obtaining further information about the application and the manner in which and time within which written submissions may be made for the consideration of the subdivision authority.

(6) When considering an application under this section, a subdivision authority is not required to hold a hearing.

(6.1) For the purposes of this section,

- (a) “conceptual scheme” means a conceptual scheme adopted by the municipality that
 - (i) relates a subdivision application to the future subdivision and development of adjacent areas, and
 - (ii) has been referred to the persons to whom the subdivision authority must send a copy of the complete application for subdivision pursuant to the subdivision and development regulations;

- (b) “owner” means the person shown as the owner of land on the assessment roll prepared under Part 9.

(7) Repealed 1996 c30 s60.

RSA 2000 cM-26 s653;2016 c24 s107;2020 c39 s10(36)

Subdivision applications

653.1(1) A subdivision authority must, within 20 days after the receipt of an application for subdivision approval under section 653(1), determine whether the application is complete.

(2) An application is complete if, in the opinion of the subdivision authority, the application contains the documents and other information necessary to review the application.

(3) The time period referred to in subsection (1) may be extended by an agreement in writing between the applicant and the subdivision authority.

(4) If the subdivision authority does not make a determination referred to in subsection (1) within the time required under subsection (1) or (3), the application is deemed to be complete.

(5) If a subdivision authority determines that the application is complete, the subdivision authority must issue to the applicant an acknowledgment in the form and manner provided for in the land use bylaw that the application is complete.

(6) If the subdivision authority determines that the application is incomplete, the subdivision authority must issue to the applicant a notice in the form and manner provided for in the land use bylaw that the application is incomplete and that any outstanding documents and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed on between the applicant and the subdivision authority in order for the application to be considered complete.

(7) If the subdivision authority determines that the information and documents submitted under subsection (6) are complete, the subdivision authority must issue to the applicant an acknowledgment in the form and manner provided for in the land use bylaw that the application is complete.

(8) If the applicant fails to submit all the outstanding information and documents on or before the date referred to in subsection (6), the application is deemed to be refused.

(9) If an application is deemed to be refused under subsection (8), the subdivision authority must issue to the applicant a notice in the

form and manner provided for in the land use bylaw that the application has been refused and the reason for the refusal.

(10) Despite that the subdivision authority has issued an acknowledgment under subsection (5) or (7), in the course of reviewing the application, the subdivision authority may request additional information or documentation from the applicant that the subdivision authority considers necessary to review the application.

(11) Repealed 2020 c39 s10(37).

2016 c24 s108;2020 c39 s10(37)

Approval of application

654(1) A subdivision authority must not approve an application for subdivision approval unless

- (a) the land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended,
- (b) the proposed subdivision conforms to the provisions of any growth plan under Part 17.1, any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided,
- (c) the proposed subdivision complies with this Part and Part 17.1 and the regulations under those Parts, and
- (d) all outstanding property taxes on the land proposed to be subdivided have been paid to the municipality where the land is located or arrangements satisfactory to the municipality have been made for their payment pursuant to Part 10.

(1.1) Repealed 2018 c11 s13.

(1.2) If the subdivision authority is of the opinion that there may be a conflict or inconsistency between statutory plans, section 638 applies in respect of the conflict or inconsistency.

(2) A subdivision authority may approve an application for subdivision approval even though the proposed subdivision does not comply with the land use bylaw if, in its opinion,

- (a) the proposed subdivision would not
 - (i) unduly interfere with the amenities of the neighbourhood, or

- (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (b) the proposed subdivision conforms with the use prescribed for that land in the land use bylaw.

(3) A subdivision authority may approve or refuse an application for subdivision approval.

RSA 2000 cM-26 s654;2016 c24 s109;2018 c11 s13

Conditions of subdivision approval

655(1) A subdivision authority may impose the following conditions or any other conditions permitted to be imposed by the subdivision and development regulations on a subdivision approval issued by it:

- (a) any conditions to ensure that this Part, including section 618.3(1), and the statutory plans and land use bylaws and the regulations under this Part affecting the land proposed to be subdivided are complied with;
- (b) a condition that the applicant enter into an agreement with the municipality to do any or all of the following:
 - (i) to construct or pay for the construction of a road required to give access to the subdivision;
 - (ii) to construct or pay for the construction of
 - (A) a pedestrian walkway system to serve the subdivision, or
 - (B) pedestrian walkways to connect the pedestrian walkway system serving the subdivision with a pedestrian walkway system that serves or is proposed to serve an adjacent subdivision,or both;
- (iii) to install or pay for the installation of a public utility described in section 616(v)(i) to (ix) that is necessary to serve the subdivision, whether or not the public utility is, or will be, located on the land that is the subject of the subdivision approval;
- (iv) to construct or pay for the construction of
 - (A) off-street or other parking facilities, and

(B) loading and unloading facilities;

(v) to pay an off-site levy or redevelopment levy imposed by bylaw;

(vi) to give security to ensure that the terms of the agreement under this section are carried out.

(2) A municipality may register a caveat under the *Land Titles Act* in respect of an agreement under subsection (1)(b) against the certificate of title for the parcel of land that is the subject of the subdivision.

(3) If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the agreement has been complied with.

(4) Where a condition on a subdivision approval has, prior to the coming into force of this subsection, required the applicant to install a public utility or pay an amount for a public utility referred to in subsection (1)(b)(iii), that condition is deemed to have been validly imposed, whether or not the public utility was located on the land that was the subject of the subdivision approval.

RSA 2000 cM-26 s655;2009 cA-26.8 s83;2015 c8 s71;
2020 c39 s10(38)

Decision

656(1) A decision of a subdivision authority must be given in writing to the applicant and to the Government departments, persons and local authorities to which the subdivision authority is required by the subdivision and development regulations to give a copy of the application.

(2) A decision of a subdivision authority must state

(a) whether an appeal lies to a subdivision and development appeal board or to the Land and Property Rights Tribunal, and

(b) if an application for subdivision approval is refused, the reasons for the refusal.

(3) If an application for subdivision approval is refused, the subdivision authority may refuse to accept for consideration, with respect to the same land or part of the same land, a further application for subdivision approval submitted to it within the 6-month period after the date of the subdivision authority's decision to refuse the application.

(4) Subsection (3) does not apply in the case of an application that was deemed to be refused under section 653.1(8).

RSA 2000 cM-26 s656;2016 c24 s111;2018 c11 s13;
2020 cL-2.3 s24(41)

Subdivision registration

657(1) An applicant for subdivision approval must submit to the subdivision authority the plan of subdivision or other instrument that effects the subdivision within one year from the latest of the following dates:

- (a) the date on which the subdivision approval is given to the application;
- (b) if there is an appeal to the subdivision and development appeal board or the Land and Property Rights Tribunal, the date of the decision of the appeal board or the Tribunal, as the case may be, or the date on which the appeal is discontinued;
- (c) if there is an appeal to the Court of Appeal under section 688, the date on which the judgment of the Court is entered or the date on which the appeal is discontinued.

(2) On being satisfied that a plan of subdivision or other instrument complies with a subdivision approval and that any conditions imposed have been met, the subdivision authority must endorse the plan or other instrument in accordance with the subdivision and development regulations.

(3) On being satisfied that a plan of subdivision or other instrument complies with a subdivision approval but conditions to which the approval is subject have not been met, a subdivision authority may endorse the plan or other instrument in accordance with the subdivision and development regulations if the subdivision authority is satisfied that the conditions will be met.

(4) If the plan of subdivision or other instrument is not submitted to the subdivision authority within the time prescribed by subsection (1) or any longer period authorized by the council, the subdivision approval is void.

(5) If the plan of subdivision or other instrument is not registered in a land titles office within one year after the date on which it is endorsed pursuant to this section or within the extended period prescribed under subsection (6), the subdivision approval of the plan or instrument and the endorsement are void and the plan or instrument may not be accepted by a Registrar for registration.

(6) The council may grant one or more extensions of

(a) the one-year period referred to in subsection (1), or

(b) the one-year period referred to in subsection (5),

whether or not the time period under those subsections has expired.

RSA 2000 cM-26 s657;2020 cL-2.3 s24(33);2020 c39 s10(39)

Cancellation of plan of subdivision

658(1) On the application of one or more owners of a parcel of land in a plan of subdivision, a council may by bylaw order the plan cancelled, in whole or in part.

(2) A council may pass a bylaw under subsection (1) only with the consent of

(a) the owners of the parcel of land in the plan of subdivision,

(b) every person shown on the certificate of title of the land in the plan of subdivision as having an estate or interest in it, and

(c) the Crown in right of Alberta, if the plan of subdivision shows a highway or road or other right of way vested in the Crown for which no certificate of title has been issued.

(3) A plan cancellation may not be effected only or primarily for the purpose of disposing of reserves.

(3.1) If all of a plan is cancelled, deferred reserve caveats and environmental reserve easements are also cancelled.

(4) If all reserve land has been cancelled from a plan of subdivision, the resulting parcel of land, if it is subsequently subdivided, is subject to Division 8.

(5) If a plan is cancelled in part, a deferred reserve caveat may be placed against the consolidated certificate of title reflecting any reserve land that was cancelled and that will be owing if the parcel is subsequently subdivided.

RSA 2000 cM-26 s658;2016 c24 s112

Collection of taxes

659 When a plan of subdivision or part of it has been cancelled, all taxes, assessments or rates in arrears or due on the separate lots or blocks within the area of which the plan has been cancelled become taxes, assessments or rates on or in respect of the area, and all the remedies for the enforcement and collection of taxes, assessments and rates formerly applicable for the recovery of the taxes, assessments or rates on the separate lots or blocks apply as if

the taxes, assessments or rates had been levied against the whole area of the cancelled plan.

1995 c24 s95

Cancellation registered

660 On receipt of a copy of a bylaw under section 658 and on payment of the applicable fees, the Registrar must

- (a) cancel the plan of subdivision in whole or in part in accordance with the bylaw,
- (b) cancel the certificate of title issued according to the original plan and issue any new certificates of title required by the bylaw, and
- (c) make any other cancellations and registrations and do all things necessary to give effect to the bylaw.

1995 c24 s95

Division 8 Reserve Land, Land for Roads and Utilities

Land dedication

661 The owner of a parcel of land that is the subject of a proposed subdivision must provide, without compensation,

- (a) to the Crown in right of Alberta or a municipality, land for roads and public utilities,
- (a.1) subject to section 663, to the Crown in right of Alberta or a municipality, land for environmental reserve, and
- (b) subject to section 663, to the Crown in right of Alberta, a municipality, one or more school boards or a municipality and one or more school boards, land for municipal reserve, school reserve, municipal and school reserve, money in place of any or all of those reserves or a combination of reserves and money,

as required by the subdivision authority pursuant to this Division.

RSA 2000 cM-26 s661;2008 c37 s11;2016 c24 s113

Land for conservation reserve

661.1 The owner of a parcel of land that is the subject of a proposed subdivision must provide to a municipality land for conservation reserve as required by the subdivision authority pursuant to this Division.

2016 c24 s114

Roads, utilities, etc.

662(1) A subdivision authority may require the owner of a parcel of land that is the subject of a proposed subdivision to provide part of that parcel of land for the purpose of roads, public utilities or both.

(2) The land to be provided under subsection (1) may not exceed 30% of the area of the parcel of land less the land taken as environmental reserve or as an environmental reserve easement.

(3) If the owner has provided sufficient land for the purposes referred to in subsection (1) but the land is less than the maximum amount authorized by subsection (2), the subdivision authority may not require the owner to provide any more land for those purposes.

1995 c24 s95

Reserves not required

663 A subdivision authority may not require the owner of a parcel of land that is the subject of a proposed subdivision to provide reserve land or money in place of reserve land if

- (a) one lot is to be created from a quarter section of land,
- (b) land is to be subdivided into lots of 16.0 hectares or more and is to be used only for agricultural purposes,
- (c) the land to be subdivided is 0.8 hectares or less, or
- (d) reserve land, environmental reserve easement or money in place of it was provided in respect of the land that is the subject of the proposed subdivision under this Part or the former Act.

1995 c24 s95; 1996 c30 s62

Environmental reserve

664(1) Subject to section 663 and subsection (2), a subdivision authority may require the owner of a parcel of land that is the subject of a proposed subdivision to provide part of that parcel of land as environmental reserve if it consists of

- (a) a swamp, gully, ravine, coulee or natural drainage course,
- (b) land that is subject to flooding or is, in the opinion of the subdivision authority, unstable, or
- (c) a strip of land, not less than 6 metres in width, abutting the bed and shore of any body of water.

(1.1) A subdivision authority may require land to be provided as environmental reserve only for one or more of the following purposes:

- (a) to preserve the natural features of land referred to in subsection (1)(a), (b) or (c) where, in the opinion of the subdivision authority, those features should be preserved;
- (b) to prevent pollution of the land or of the bed and shore of an adjacent body of water;
- (c) to ensure public access to and beside the bed and shore of a body of water lying on or adjacent to the land;
- (d) to prevent development of the land where, in the opinion of the subdivision authority, the natural features of the land would present a significant risk of personal injury or property damage occurring during development or use of the land.

(1.2) For the purposes of subsection (1.1)(b) and (c), “bed and shore” means the natural bed and shore as determined under the *Surveys Act*.

(2) If the owner of a parcel of land that is the subject of a proposed subdivision and the municipality agree that any or all of the land that is to be taken as environmental reserve is instead to be the subject of an environmental reserve easement for the protection and enhancement of the environment, an easement may be registered against the land in favour of the municipality at a land titles office.

(3) The environmental reserve easement

- (a) must identify which part of the parcel of land the easement applies to,
- (b) must require that land that is subject to the easement remain in a natural state as if it were owned by the municipality, whether or not the municipality has an interest in land that would be benefitted by the easement,
- (c) runs with the land on any disposition of the land,
- (d) constitutes an interest in land in the municipality, and
- (e) may be enforced by the municipality.

(4) An environmental reserve easement does not lapse by reason only of

- (a) non-enforcement of it,
- (b) the use of the land that is the subject of the easement for a purpose that is inconsistent with the purposes of the easement, or
- (c) a change in the use of land that surrounds or is adjacent to the land that is the subject of the easement.

(5) When an easement is presented for registration under subsection (2), the Registrar must endorse a memorandum of the environmental reserve easement on any certificate of title relating to the land.

(6) Despite section 48(4) of the *Land Titles Act*, an easement registered under subsection (2) may be removed only pursuant to section 658(3.1).

(7) An environmental reserve easement is deemed to be a condition or covenant for the purposes of section 48(4) and (6) of the *Land Titles Act*.

(8) Subject to subsection (7), this section applies despite section 48 of the *Land Titles Act*.

(9) A caveat registered under this section prior to April 30, 1998 is deemed to be an environmental reserve easement registered under this section.

RSA 2000 cM-26 s664;2016 c24 s115

Agreement respecting environmental reserve

664.1(1) In this section, “subdivision approval application” means an application under section 653 for approval to subdivide a parcel of land referred to in subsection (2).

(2) A municipality and an owner of a parcel of land may, before a subdivision approval application is made or after it is made but before it is decided, enter into a written agreement

- (a) providing that the owner will not be required to provide any part of the parcel of land to the municipality as environmental reserve as a condition of subdivision approval, or
- (b) providing that the owner will be required to provide part of the parcel of land to the municipality as environmental reserve as a condition of subdivision approval, and specifying the boundaries of that part.

(3) Where the agreement provides that the owner will not be required to provide any part of the parcel of land to the municipality as environmental reserve, the subdivision authority must not require the owner to provide any part of the parcel as environmental reserve as a condition of approving a subdivision approval application.

(4) Where the agreement specifies the boundaries of the part of the parcel of land that the owner will be required to provide to the municipality as environmental reserve, the subdivision authority must not require the owner to provide any other part of the parcel as environmental reserve as a condition of approving a subdivision approval application.

(5) Subsections (3) and (4) do not apply on a subdivision approval application where either party to the agreement demonstrates that a material change affecting the parcel of land occurred after the agreement was made.

2016 c24 s116

Conservation reserve

664.2(1) A subdivision authority may require the owner of a parcel of land that is the subject of a proposed subdivision to provide part of that parcel of land to the municipality as conservation reserve if

- (a) in the opinion of the subdivision authority, the land has environmentally significant features,
- (b) the land is not land that could be required to be provided as environmental reserve,
- (c) the purpose of taking the conservation reserve is to enable the municipality to protect and conserve the land, and
- (d) the taking of the land as conservation reserve is consistent with the municipality's municipal development plan and area structure plan.

(2) Within 30 days after the Registrar issues a new certificate of title under section 665(2) for a conservation reserve, the municipality must pay compensation to the landowner in an amount equal to the market value of the land at the time the application for subdivision approval was received by the subdivision authority.

(3) If the municipality and the landowner disagree on the market value of the land, the matter must be determined by the Land and Property Rights Tribunal.

2016 c24 s116; 2017 c13 s2(19); 2020 cL-2.3 s24(40)

Designation of municipal land

665(1) A council may by bylaw require that a parcel of land or a part of a parcel of land that it owns or that it is in the process of acquiring be designated as municipal reserve, school reserve, municipal and school reserve, environmental reserve, conservation reserve or public utility lot.

(2) Subject to subsection (3), on receipt of a copy of a bylaw under this section and the applicable fees, the Registrar must do all things necessary to give effect to the order, including cancelling the existing certificate of title and issuing a new certificate of title for each newly created parcel of land with the designation of

- (a) municipal reserve, which must be identified by a number suffixed by the letters “MR”,
- (b) public utility lot, which must be identified by a number suffixed by the letters “PUL”,
- (c) environmental reserve, which must be identified by a number suffixed by the letters “ER”,
- (c.1) conservation reserve, which must be identified by a number suffixed by the letters “CR”,
- (d) school reserve, which must be identified by a number suffixed by the letters “SR”,
- (e) municipal and school reserve, which must be identified by a number suffixed by the letters “MSR”, or
- (f) a lot, which must be identified by a number.

(3) The certificate of title for a municipal reserve, school reserve, municipal and school reserve, environmental reserve, conservation reserve or public utility lot under this section must be free of all encumbrances, as defined in the *Land Titles Act*.

(4) For greater certainty, where a bylaw of the council requires that land be designated as environmental reserve, the designation becomes effective on the day the Registrar issues a new certificate of title for the land under subsection (2)(c).

RSA 2000 cM-26 s665;2016 c24 s117;2019 c22 s10(22)

Municipal and school reserves

666(1) Subject to section 663, a subdivision authority may require the owner of a parcel of land that is the subject of a proposed subdivision

- (a) to provide part of that parcel of land as municipal reserve, school reserve or municipal and school reserve,
- (b) to provide money in place of municipal reserve, school reserve or municipal and school reserve, or
- (c) to provide any combination of land or money referred to in clauses (a) and (b).

(2) The aggregate amount of land that may be required under subsection (1) may not exceed the percentage set out in the municipal development plan, which may not exceed 10% of the parcel of land less all land required to be provided as conservation reserve or environmental reserve or made subject to an environmental reserve easement.

(3) The total amount of money that may be required to be provided under subsection (1) may not exceed 10% of the appraised market value, determined in accordance with section 667, of the parcel of land less all land required to be provided as conservation reserve or environmental reserve or made subject to an environmental reserve easement.

(3.1) For greater certainty, for the purposes of calculating the 10% under subsection (2) or (3), the parcel of land includes any land required to be provided under section 662.

(4) When a combination of land and money is required to be provided, the sum of

- (a) the percentage of land required under subsection (2), and
- (b) the percentage of the appraised market value of the land required under subsection (3)

may not exceed 10% or a lesser percentage set out in the municipal development plan.

RSA 2000 cM-26 s666;2016 c24 s118

Money in place of municipal, school reserve

667(1) If money is required to be provided in place of municipal reserve, school reserve or municipal and school reserve, the applicant must provide

- (a) a market value appraisal of the existing parcel of land as of a specified date occurring within the 35-day period following the date on which the application for subdivision approval is made

- (i) as if the use proposed for the land that is the subject of the proposed subdivision conforms with any use prescribed in a statutory plan or land use bylaw for that land, and
- (ii) on the basis of what might be expected to be realized if the land were in an unsubdivided state and sold in the open market by a willing seller to a willing buyer on the date on which the appraisal is made,

or

- (b) if the applicant and the subdivision authority agree, a land value based on a method other than that described in clause (a).

(2) If money is required to be provided in place of municipal reserve, school reserve or municipal and school reserve, the subdivision authority must specify the amount of money required to be provided at the same time that subdivision approval is given.

1995 c24 s95

668 Repealed 2020 c39 s10(40).

Deferment of municipal and school reserves

669(1) Despite sections 661(b) and 666, instead of requiring municipal reserve, school reserve or municipal and school reserve or money in place of any of them, a subdivision authority may direct that the requirement to provide all or part of those reserves be deferred against

- (a) the remainder of the parcel that is the subject of the proposed subdivision approval, or
- (b) other land of the person applying for subdivision approval that is within the same municipality as that parcel of land,

or both.

(2) If a deferment is directed under subsection (1), the subdivision authority must file a caveat in a land titles office against the title of the land to which the direction relates.

(3) The direction for a deferment under subsection (1) must

- (a) state the name of the applicant for subdivision approval,
- (b) describe the land that is the subject of the application for subdivision approval,

- (c) describe the land to which the deferment relates,
- (d) state the area of the land referred to in clause (b), and
- (e) state whether the deferment is in respect of municipal reserve, school reserve or municipal and school reserve.

(4) If an application for subdivision approval is made in respect of land against the title of which is filed a deferred reserve caveat under this section or a former Act, the subdivision authority may, in addition to requiring municipal reserve, school reserve or municipal and school reserve to be provided in accordance with this Division or a former Act, require to be provided all or part of the reserve land in respect of which a deferment was directed or required under this section or a former Act.

(5) If deferred reserve is provided in accordance with subsection (4), the caveat must be discharged or amended accordingly.

(6) If a deferred reserve caveat was registered in a land titles office under a former Act in respect of land in respect of which under section 663 no reserve land could be required to be provided, the registered owner may apply to the Registrar to endorse the certificate of title with a memorandum cancelling the registration of the caveat.

(7) On being satisfied that subsection (6) applies to the deferred reserve caveat, the Registrar must endorse a memorandum on the certificate of title cancelling the registration of the caveat.

1995 c24 s95;1996 c30 s64

Allocation of municipal and school reserve

670(1) When reserve land is required to be provided, the subdivision authority must specify the amount, type and location of reserve land that is to be provided, regardless of whether money is also required to be provided, and allocate the municipal reserve, school reserve and municipal and school reserve between the municipality and each school board concerned as joint owners or as separate owners

- (a) in accordance with an agreement made between the municipality and the school boards, or
- (b) in the absence of an agreement, in accordance with the needs of each of them as those needs are determined by the subdivision authority.

(2) When money is required to be provided in place of municipal reserve, school reserve or municipal and school reserve, the

subdivision authority must allocate the money between the municipality and each school board concerned either jointly or separately

- (a) in accordance with an agreement made between the municipality and the school boards, or
- (b) in the absence of an agreement, in accordance with the needs of each of them as determined by the subdivision authority.

(3) When a combination of land and money is required to be provided, the subdivision authority must

- (a) specify the amount, type and location of reserve land that is to be provided, and
- (b) allocate the municipal reserve, school reserve or municipal and school reserve or money in place of any or all of them between the municipality and each school board concerned

in accordance with an agreement made between the municipality and the school boards, or in the absence of an agreement, in accordance with the needs of the municipality and the school boards as determined by the subdivision authority.

(4) A decision concerning the allocation of municipal reserve, school reserve, municipal and school reserve or money in place of any or all of them must be made before an application for subdivision approval is granted.

RSA 2000 cM-26 s670:2008 c37 ss10,11

Joint use and planning agreements

670.1(1) Where on the coming into force of this section a school board is operating within the municipal boundaries of a municipality, the municipality must, within 3 years after this section comes into force, enter into an agreement under this section with the school board.

(2) Where after the coming into force of this section a school board commences operating within the municipal boundaries of a municipality, the municipality must, within 3 years after the school board commences operating in the municipality, enter into an agreement under this section with the school board.

(3) An agreement under this section must contain provisions

- (a) establishing a process for discussing matters relating to

- (i) the planning, development and use of school sites on municipal reserves, school reserves and municipal and school reserves in the municipality,
 - (ii) transfers under section 672 or 673 of municipal reserves, school reserves and municipal and school reserves in the municipality,
 - (iii) disposal of school sites,
 - (iv) the servicing of school sites on municipal reserves, school reserves and municipal and school reserves in the municipality, and
 - (v) the use of school facilities, municipal facilities and playing fields on municipal reserves, school reserves and municipal and school reserves in the municipality, including matters relating to the maintenance of the facilities and fields and the payment of fees and other liabilities associated with them,
- (b) respecting how the municipality and the school board will work collaboratively,
 - (c) establishing a process for resolving disputes, and
 - (d) establishing a time frame for regular review of the agreement,

and may, subject to this Act, the regulations, the *Education Act* and the regulations under that Act, contain any other provisions the parties consider necessary or advisable.

(4) More than one municipality may be a party to a joint use and planning agreement.

(5) A joint use and planning agreement may be amended from time to time as the parties consider necessary or advisable.

2019 c22 s10

Division 9 Use and Disposal of Reserve Land

Use of reserve land, money

671(1) Subject to section 676(1), environmental reserve must be left in its natural state or be used as a public park.

(2) Municipal reserve, school reserve or municipal and school reserve may be used by a municipality or school board or by them jointly only for any or all of the following purposes:

- (a) a public park;
- (b) a public recreation area;
- (c) school board purposes;
- (d) to separate areas of land that are used for different purposes.

(2.1) Community services reserve may be used by a municipality for any or all of the following purposes:

- (a) a public library;
- (b) a police station, a fire station or an ambulance services facility, or a combination of them;
- (c) a non-profit day care facility;
- (d) a non-profit senior citizens facility;
- (e) a non-profit special needs facility;
- (f) a municipal facility providing service directly to the public;
- (g) affordable housing.

(3) Despite that land is designated as municipal reserve, school reserve or municipal and school reserve, the municipality and one or more school boards may enter into any agreement they consider necessary with respect to a use referred to in subsection (2) or for any matter related to the use.

(4) Money provided in place of municipal reserve, school reserve or municipal and school reserve and the interest earned on that money

- (a) must be accounted for separately, and
- (b) may be used only for any or all of the purposes referred to in subsection (2).

(5) For the purposes of subsection (2)(c), “school board purposes” means those purposes as determined by the Minister of Education under subsection (6).

(6) The Minister of Education may, by order, determine school board purposes for the purposes of subsection (5).

(7) An order made under subsection (6) is exempt from the application of the *Regulations Act*.

(8) The Minister of Education must publish in The Alberta Gazette a notice of any order made under subsection (6) and information about where copies of the order may be obtained or are available to the public.

RSA 2000 cM-26 s671;2008 c37 ss5,10,11

Transfer of school and other reserves to municipality

672(1) If a school board holds an interest in a school reserve, municipal and school reserve or municipal reserve under this Part or the former Act and declares that the reserve is surplus to the school board's needs, the school board must transfer its interest in the land to the municipality where the reserve is located, for the consideration agreed on between them.

(2) On the registration in a land titles office of a transfer of land or an interest in land under subsection (1), the Registrar must designate the land as municipal reserve.

(3) Despite subsection (2), the council of a municipality may by bylaw require the school building footprint of the school reserve, municipal and school reserve or municipal reserve referred to in subsection (1) to be designated as community services reserve, in which case the Registrar, on receipt of a copy of the bylaw and a survey plan on which the school building footprint is outlined, must

- (a) issue a new certificate of title for the school building footprint with the designation of community services reserve, which must be identified by a number suffixed by the letters "CSR", and
- (b) issue a new certificate of title for the remaining land with the designation of municipal reserve, which must be identified in accordance with section 665(2)(a).

(4) The certificate of title for a community services reserve or a municipal reserve under this section must be free of all encumbrances as defined in the *Land Titles Act*.

(5) In subsection (3), "school building footprint" means

- (a) the portion of the reserve on which a school building and accompanying parking lot is situated, or
- (b) if no school building is situated on the reserve, the area of land on which a school and accompanying parking lot would be located if they had been built as determined by the municipality.

RSA 2000 cM-26 s672;2008 c37 s6;2016 c24 s119

Transfer to school authority

673(1) A municipality may transfer municipal reserve or its interest in municipal and school reserve to a school board.

(2) On the registration in a land titles office of a transfer of land or an interest in land under subsection (1), the Registrar must designate the land as school reserve.

(3) If a transfer of land or an interest in land is effected pursuant to this section, the requirements of sections 674 and 675 do not apply to the transfer.

RSA 2000 cM-26 s673;2008 c37 s10

Requirement for hearing

674(1) Before any of the following occurs, a public hearing must be held in accordance with section 230 and advertised in accordance with section 606:

- (a) the sale, lease or other disposal of
 - (i) municipal reserve, community services reserve or municipal and school reserve by a council, or
 - (ii) municipal and school reserve by a council and a school board;
- (b) the making of a bylaw requiring the school building footprint of a school reserve, municipal and school reserve or municipal reserve referred to in section 672(1) to be designated as community services reserve;
- (c) the disposal of conservation reserve by a municipality as permitted by section 674.1.

(2) Section 70 does not apply to a sale, lease or other disposal referred to in subsection (1)(a).

(3) In addition to the advertising requirement in subsection (1), notices containing the information required under section 606 must be posted on or near the municipal reserve, school reserve, municipal and school reserve or community services reserve that is the subject of the hearing.

RSA 2000 cM-26 s674;2008 c37 ss7,10;2020 c39 s10(41)

Disposal of conservation reserve

674.1(1) Subject to this section, a municipality must not sell, lease or otherwise dispose of conservation reserve and must ensure that the land remains in its natural state.

(2) A municipality may dispose of conservation reserve if all of the features referred to in section 664.2(1)(a) are wholly or substantially destroyed by fire, flood or another event beyond the municipality's control with the result that, in the opinion of council, there is no remaining purpose in protecting or conserving the land.

(3) Repealed 2020 c39 s10(42).

(4) Despite subsection (2),

(a) if a municipality receives a notice under section 103 of a proposed amalgamation, the municipality must not dispose of conservation reserve lying within the municipality until after the report under section 106 is submitted to the Minister and the amalgamation proceedings, if any, are complete, and

(b) if a municipality receives a notice under section 116 of a proposed annexation of land, the municipality must not dispose of conservation reserve lying within the proposed annexation area until after the report under section 118 is submitted to the Land and Property Rights Tribunal and the annexation proceedings, if any, are complete.

2016 c24 s120;2020 cL-2.3 24(41);2020 c39 s10(42)

674.2 Repealed 2020 c39 s10(43).

Removal of designation

675(1) After taking into consideration the representations made at a public hearing under section 674(1),

(a) a council may direct a designated officer to notify the Registrar that the provisions of this Division have been complied with and request the Registrar to remove a designation of

(i) municipal reserve,

(ii) community services reserve, or

(ii) conservation reserve,

and

(b) a council and a school board may direct a designated officer to notify the Registrar that the provisions of this Division have been complied with and request the Registrar to remove a designation of municipal and school reserve.

(2) If the Registrar is satisfied that this Part has been complied with, the Registrar must remove the designation in accordance with the request made under subsection (1).

(3) On removal of the designation, the municipality, or the municipality and the school board, may sell, lease or otherwise dispose of the land, but the proceeds from the sale, lease or other disposition may only be used

- (a) in the case of a municipal reserve or a municipal and school reserve, for any or all of the purposes referred to in section 671(2) or for any matter connected to those purposes,
- (b) in the case of a community services reserve, for any or all of the purposes referred to in section 671(2.1) or for any matter connected to those purposes, and
- (c) in the case of a conservation reserve, for the purpose of enabling the municipality to protect and conserve land that, in the opinion of council, has environmentally significant features or for a matter connected to that purpose.

RSA 2000 cM-26 s675;2008 c37 ss8,10;2020 c39 s10(44)

Changes to environmental reserve's use or boundaries

676(1) A council may by bylaw, after giving notice in accordance with section 606 and holding a public hearing in accordance with section 230,

- (a) use an environmental reserve for a purpose not specified in section 671(1),
- (b) transfer an environmental reserve to the Crown or an agent of the Crown for consideration, as agreed,
- (c) lease or dispose of an environmental reserve other than by a sale for a term of not more than 3 years, and
- (d) change the boundaries of an environmental reserve or environmental reserve easement in order to correct an omission, error or other defect in the certificate of title, or to rectify an encroachment problem or other concern.

(2) A council may include terms and conditions in a bylaw under subsection (1).

(3) Any proceeds from a lease or other disposition under subsection (1) may be used only to provide land for any or all of the purposes referred to in section 671(2).

(4) On receipt of a bylaw under subsection (1)(b) or (d), the Registrar must cancel the existing certificates of title or amend an environmental reserve easement affected by the bylaw and issue any new certificates of title required by the bylaw.

1995 c24 s95

Road, etc., over reserve land

677 Despite section 671, a municipality or a municipality and a school board may authorize

- (a) the construction, installation and maintenance, or any of them, of a roadway, public utility, pipeline as defined in the *Oil and Gas Conservation Act* or transmission line as defined in the *Hydro and Electric Energy Act* on, in, over or under reserve land, or
- (b) the maintenance and protection of reserve land,

if the interests of the public will not be adversely affected.

RSA 2000 cM-26 s677;2008 c37 s10

Division 10
Subdivision and Development Appeals

Appeal board bylaw

677.1(1) A bylaw or agreement under section 627 establishing a subdivision and development appeal board must

- (a) provide for the applicable matters described in section 145(b), and
- (b) prescribe the functions and duties of the subdivision and development appeal board.

(2) A bylaw or agreement referred to in subsection (1) may provide

- (a) for the members of the subdivision and development appeal board to meet in panels,
- (b) for 2 or more panels to meet simultaneously,
- (c) that the panels have any or all the powers, duties and responsibilities of the subdivision and development appeal board, and
- (d) that a decision of a panel is a decision of the subdivision and development appeal board.

2020 c39 s10(45)

Subdivision Appeals

Appeals

678(1) The decision of a subdivision authority on an application for subdivision approval may be appealed

- (a) by the applicant for the approval,
- (b) by a Government department if the application is required by the subdivision and development regulations to be referred to that department,
- (c) by the council of the municipality in which the land to be subdivided is located if the council, a designated officer of the municipality or the municipal planning commission of the municipality is not the subdivision authority, or
- (d) by a school board with respect to
 - (i) the allocation of municipal reserve and school reserve or money in place of the reserve,
 - (ii) the location of school reserve allocated to it, or
 - (iii) the amount of school reserve or money in place of the reserve.

(2) An appeal under subsection (1) may be commenced by filing a notice of appeal within 14 days after receipt of the written decision of the subdivision authority or deemed refusal by the subdivision authority in accordance with section 681

- (a) with the Land and Property Rights Tribunal
 - (i) unless otherwise provided in the regulations under section 694(1)(h.2)(i), where the land that is the subject of the application
 - (A) is within the Green Area as classified by the Minister responsible for the *Public Lands Act*,
 - (B) contains, is adjacent to or is within the prescribed distance of a highway, a body of water, a sewage treatment or waste management facility or a historical site,
 - (C) is the subject of a licence, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy

and Utilities Board or Alberta Utilities Commission,
or

- (D) is the subject of a licence, permit, approval or other authorization granted by the Minister of Environment and Parks,

or

- (ii) in any other circumstances described in the regulations under section 694(1)(h.2)(ii),

or

- (b) in all other cases, with the subdivision and development appeal board.

(2.1) Despite subsection (2)(a), if the land that is the subject-matter of the appeal would have been in an area described in subsection (2)(a) except that the affected Government department agreed, in writing, to vary the distance under the subdivision and development regulations, the notice of appeal must be filed with the subdivision and development appeal board.

(3) For the purpose of subsection (2), the date of receipt of the decision is deemed to be 7 days from the date the decision is mailed.

(4) A notice of appeal under this section must contain

- (a) the legal description and municipal location, if applicable, of the land proposed to be subdivided, and
- (b) the reasons for appeal, including the issues in the decision or the conditions imposed in the approval that are the subject of the appeal.

(5) If the applicant files a notice of appeal within 14 days after receipt of the written decision or the deemed refusal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board.

RSA 2000 cM-26 s678;2008 c37 s10;2016 c24 s121;
2020 cL-2.3 s24(41);2020 c39 s10(46)

Notice of hearing

679(1) The board hearing an appeal under section 678 must give at least 5 days' written notice of the hearing to

- (a) the applicant for subdivision approval,
- (b) the subdivision authority that made the decision,
- (c) if land that is the subject of the application is adjacent to the boundaries of another municipality, that municipality,
- (d) any school board to whom the application was referred, and
- (e) repealed 1996 c30 s66,
- (f) every Government department that was given a copy of the application pursuant to the subdivision and development regulations.

(2) The board hearing an appeal under section 678 must give at least 5 days' notice of the hearing in accordance with subsection (3) to owners of adjacent land.

(3) A notice under subsection (2) must be given in accordance with section 653(4.2).

(3.1) Subsections (1)(c), (d) and (f) and (2) do not apply to an appeal of the deemed refusal of an application under section 653.1(8).

(4) For the purposes of this section, "owner" has the same meaning as in section 653.

RSA 2000 cM-26 s679;2008 c37 s10;2016 c24 s122;
2020 c39 s10(47)

Hearing and decision

680(1) The board hearing an appeal under section 678 is not required to hear from any person or entity other than

- (a) a person or entity that was notified pursuant to section 679(1), and
- (b) each owner of adjacent land to the land that is the subject of the appeal,

or a person acting on any of those persons' behalf.

(1.1) For the purposes of subsection (1), "owner" has the same meaning as in section 653.

(2) In determining an appeal, the board hearing the appeal

- (a) repealed 2020 c39 s10(48);
- (a.1) must have regard to any statutory plan;

- (b) must conform with the uses of land referred to in a land use bylaw;
- (c) must be consistent with the land use policies;
- (d) must have regard to but is not bound by the subdivision and development regulations;
- (e) may confirm, revoke or vary the approval or decision or any condition imposed by the subdivision authority or make or substitute an approval, decision or condition of its own;
- (f) may, in addition to the other powers it has, exercise the same power as a subdivision authority is permitted to exercise pursuant to this Part or the regulations or bylaws under this Part.

(2.1) In the case of an appeal of the deemed refusal of an application under section 653.1(8), the board must determine whether the documents and information that the applicant provided met the requirements of section 653.1(2).

(2.2) Subsection (1)(b) does not apply to an appeal of the deemed refusal of an application under section 653.1(8).

(3) A subdivision and development appeal board hearing an appeal under section 678 must hold the hearing within 30 days after receiving a notice of appeal and give a written decision together with the reasons for the decision within 15 days after concluding the hearing.

(4) The Land and Property Rights Tribunal hearing an appeal under section 678 must hold the hearing within 60 days after receiving a notice of appeal and give a written decision together with the reasons for the decision within 15 days after concluding the hearing.

RSA 2000 cM-26 s680;2009 cA-26.8 s83;2016 c24 s123;
2020 cL-2.3 s24(41);2020 c39 s10(48)

Failure to make decision

681(1) If a subdivision authority fails or refuses to make a decision on an application for subdivision approval within the time prescribed by the subdivision and development regulations, the applicant may, within 14 days after the expiration of the time prescribed,

- (a) treat the application as refused and appeal it in accordance with section 678, or

- (b) enter into a written agreement with the subdivision authority to extend the time prescribed in the subdivision and development regulations.

(2) If an agreement to extend is entered into pursuant to subsection (1)(b) and the subdivision authority fails or refuses to make a decision within the time prescribed in the agreement, the applicant may, within 14 days after the expiration of the extended period, treat the application as refused and appeal it in accordance with section 678.

(3) A subdivision authority may not deal with an application for subdivision approval after the expiration of the period of time prescribed in the subdivision and development regulations for making the decision unless an agreement is entered into pursuant to subsection (1)(b).

RSA 2000 cM-26 s681;2015 c8 s72

Endorsement of subdivision plan

682(1) When on an appeal the Land and Property Rights Tribunal or the subdivision and development appeal board approves an application for subdivision approval, the applicant must submit the plan of subdivision or other instrument to the subdivision authority from whom the appeal was made for endorsement by it.

(2) If a subdivision authority fails or refuses to endorse a plan of subdivision or other instrument submitted to it pursuant to subsection (1), the member of the subdivision and development appeal board or Land and Property Rights Tribunal, as the case may be, that heard the appeal who is authorized to endorse the instrument may do so.

RSA 2000 cM-26 s682;2020 cL-2.3 s24(34)

Development Permits

Permit

683 Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.

1995 c24 s95

Development applications

683.1(1) A development authority must, within 20 days after the receipt of an application for a development permit, determine whether the application is complete.

(2) An application is complete if, in the opinion of the development authority, the application contains the documents and other information necessary to review the application.

(3) The time period referred to in subsection (1) may be extended by an agreement in writing between the applicant and the development authority or, if applicable, in accordance with a land use bylaw made pursuant to section 640.1(a).

(4) If the development authority does not make a determination referred to in subsection (1) within the time required under subsection (1) or (3), the application is deemed to be complete.

(5) If a development authority determines that the application is complete, the development authority must issue to the applicant an acknowledgment in the form and manner provided for in the land use bylaw that the application is complete.

(6) If the development authority determines that the application is incomplete, the development authority must issue to the applicant a notice in the form and manner provided for in the land use bylaw that the application is incomplete and that any outstanding documents and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed on between the applicant and the development authority in order for the application to be considered complete.

(7) If the development authority determines that the information and documents submitted under subsection (6) are complete, the development authority must issue to the applicant an acknowledgment in the form and manner provided for in the land use bylaw that the application is complete.

(8) If the applicant fails to submit all the outstanding information and documents on or before the date referred to in subsection (6), the application is deemed to be refused.

(9) If an application is deemed to be refused under subsection (8), the development authority must issue to the applicant a notice in the form and manner provided for in the land use bylaw that the application has been refused and the reason for the refusal.

(10) Despite that the development authority has issued an acknowledgment under subsection (5) or (7), in the course of reviewing the application, the development authority may request additional information or documentation from the applicant that the development authority considers necessary to review the application.

(11) Repealed 2020 c39 s10(49).

2016 c24 s125;2020 c39 s10(49)

Development Appeals

Permit deemed refused

684(1) The development authority must make a decision on the application for a development permit within 40 days after the receipt by the applicant of an acknowledgment under section 683.1(5) or (7) or, if applicable, in accordance with a land use bylaw made pursuant to section 640.1(b).

(2) A time period referred to in subsection (1) may be extended by an agreement in writing between the applicant and the development authority.

(3) If the development authority does not make a decision referred to in subsection (1) within the time required under subsection (1) or (2), the application is, at the option of the applicant, deemed to be refused.

(4) Section 640(5) does not apply in the case of an application that was deemed to be refused under section 683.1(8).

RSA 2000 cM-26 s684;2016 c24 s126;2018 c11 s13

Grounds for appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal the decision in accordance with subsection (2.1).

(1.1) A decision of a development authority must state whether an appeal lies to a subdivision and development appeal board or to the Land and Property Rights Tribunal.

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal the decision in accordance with subsection (2.1).

(2.1) An appeal referred to in subsection (1) or (2) may be made

- (a) to the Land and Property Rights Tribunal

- (i) unless otherwise provided in the regulations under section 694(1)(h.2)(i), where the land that is the subject of the application
 - (A) is within the Green Area as classified by the Minister responsible for the *Public Lands Act*,
 - (B) contains, is adjacent to or is within the prescribed distance of a highway, a body of water, a sewage treatment or waste management facility or a historical site,
 - (C) is the subject of a licence, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission, or
 - (D) is the subject of a licence, permit, approval or other authorization granted by the Minister of Environment and Parks,

or

- (ii) in any other circumstances described in the regulations under section 694(1)(h.2)(ii),

or

- (b) in all other cases, to the subdivision and development appeal board.

(3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under section 683.1(8).

(4) Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district

- (a) is made by a council, there is no appeal to the subdivision and development appeal board, or
- (b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow

the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

RSA 2000 cM-26 s685;2015 c8 s73;2016 c24 s127;
2020 cL-2.3 s24(41);2020 c39 s10(50)

Appeals

686(1) A development appeal is commenced by filing a notice of the appeal, containing reasons, with the board hearing the appeal

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,
 - or
 - (ii) with respect to an order under section 645, within 21 days after the date on which the order is made,
- or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

(1.1) Where a person files a notice of appeal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board, if

- (a) in the case of a person referred to in subsection (1), the person files the notice with the wrong board within 21 days after receipt of the written decision or the deemed refusal, or
- (b) in the case of a person referred to in subsection (2), the person files the notice with the wrong board within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

(2) The board hearing an appeal referred to in subsection (1) must hold an appeal hearing within 30 days after receipt of a notice of appeal.

(3) The board hearing an appeal referred to in subsection (1) must give at least 5 days' notice in writing of the hearing

- (a) to the appellant,
- (b) to the development authority whose order, decision or development permit is the subject of the appeal, and
- (c) to those owners required to be notified under the land use bylaw and any other person that the subdivision and development appeal board considers to be affected by the appeal and should be notified.

(4) The board hearing an appeal referred to in subsection (1) must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including

- (a) the application for the development permit, the decision and the notice of appeal, or
- (b) the order under section 645.

(4.1) Subsections (1)(b) and (3)(c) do not apply to an appeal of a deemed refusal under section 683.1(8).

(5) In subsection (3), "owner" means the person shown as the owner of land on the assessment roll prepared under Part 9.

RSA 2000 cM-26 s686;2016 c24 s128;2017 c13 s1(65);
2018 c11 s13;2020 c39 s10(51)

Hearing and decision

687(1) At a hearing under section 686, the board hearing the appeal must hear

- (a) the appellant or any person acting on behalf of the appellant,
- (b) the development authority from whose order, decision or development permit the appeal is made, or a person acting on behalf of the development authority,
- (c) any other person who was given notice of the hearing and who wishes to be heard, or a person acting on behalf of that person, and

- (d) any other person who claims to be affected by the order, decision or permit and that the subdivision and development appeal board agrees to hear, or a person acting on behalf of that person.

(2) The board hearing the appeal referred to in subsection (1) must give its decision in writing together with reasons for the decision within 15 days after concluding the hearing.

(3) In determining an appeal, the board hearing the appeal referred to in subsection (1)

- (a) repealed 2020 c39 s10(52);

(a.1) must comply with any applicable land use policies;

(a.2) subject to section 638, must comply with any applicable statutory plans;

(a.3) subject to clauses (a.4) and (d), must comply with any land use bylaw in effect;

(a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

(b) must have regard to but is not bound by the subdivision and development regulations;

(c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

(d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

(i) the proposed development would not

(A) unduly interfere with the amenities of the neighbourhood, or

(B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

(4) In the case of an appeal of the deemed refusal of an application under section 683.1(8), the board must determine whether the documents and information that the applicant provided met the requirements of section 683.1(2).

RSA 2000 cM-26 s687;2009 cA-26.8 s83;2015 c8 s74;
2017 c21 s28;2018 c11 s13;2020 c39 s10(52)

Court of Appeal

Law, jurisdiction appeals

688(1) An appeal lies to the Court of Appeal on a question of law or jurisdiction with respect to

- (a) a decision of the subdivision and development appeal board, and
- (b) a decision made by the Land and Property Rights Tribunal
 - (i) under section 619 respecting whether a proposed statutory plan or land use bylaw amendment is consistent with a licence, permit, approval or other authorization granted under that section,
 - (ii) under section 648.1 respecting the imposition of an off-site levy or the amount of the levy,
 - (iii) under section 678(2)(a) respecting a decision of a subdivision authority,
 - (iii.1) under section 685(2.1)(a) respecting a decision of a development authority, or
 - (iv) under section 690 respecting an intermunicipal dispute.

(2) An application for permission to appeal must be filed and served within 30 days after the issue of the decision sought to be appealed, and notice of the application for permission to appeal must be given to

- (a) the Land and Property Rights Tribunal or the subdivision and development appeal board, as the case may be, and
- (b) any other persons that the judge directs.

(2.1) If an applicant makes a written request for materials to the Land and Property Rights Tribunal or the subdivision and

development appeal board, as the case may be, for the purposes of the application for permission to appeal under subsection (2), the Land and Property Rights Tribunal or the subdivision and development appeal board, as the case may be, must provide the materials requested within 14 days from the date on which the written request is served.

(2.2) An applicant's written request under subsection (2.1) must not include a request for a transcript of the hearing, but if a transcript is available and the Court of Appeal is satisfied that the transcript is necessary for the purpose of determining the application, the Court may, on application or on its own motion, direct that the Land and Property Rights Tribunal or the subdivision and development appeal board provide the transcript within the time provided by the Court.

(3) On hearing the application and the representations of those persons who are, in the opinion of the judge, affected by the application, the judge may grant permission to appeal if the judge is of the opinion that the appeal involves a question of law of sufficient importance to merit a further appeal and has a reasonable chance of success.

(4) If a judge grants permission to appeal, the judge may

- (a) direct which persons or other bodies must be named as respondents to the appeal,
- (b) specify the questions of law or the questions of jurisdiction to be appealed, and
- (c) make any order as to the costs of the application that the judge considers appropriate.

(4.1) On permission to appeal being granted by a judge of the Court of Appeal, the appeal must proceed in accordance with the practice and procedure of the Court of Appeal.

(4.2) The notice of appeal must be given to the parties affected by the appeal and to the Land and Property Rights Tribunal or the subdivision and development appeal board, as the case may be.

(4.3) Repealed 2020 c39 s10(53).

(4.4) Within 30 days from the date that permission is granted to appeal a decision of the Land and Property Rights Tribunal or the subdivision and development appeal board, the Land and Property Rights Tribunal or subdivision and development appeal board, as applicable, must forward to the Registrar of the Court of Appeal

the transcript, if any, and record of the hearing, its findings and reasons for the decision.

(5) If an appeal is from a decision of a subdivision and development appeal board, the municipality must be given notice of the application for permission to appeal and the board and the municipality

- (a) are respondents in the application and, if permission to appeal is granted, in the appeal, and
- (b) are entitled to be represented by counsel at the application and, if permission to appeal is granted, at the appeal.

(6) The Land and Property Rights Tribunal

- (a) is a respondent in any application for permission to appeal a decision of the Tribunal and, if permission to appeal is granted, in the appeal, and
- (b) is entitled to be represented by counsel at any application for permission to appeal a decision of the Tribunal and, if permission to appeal is granted, at the appeal.

RSA 2000 cM-26 s688;2007 c3 s5;2014 c13 s35;2016 c24 s130;
2020 cL-2.3 s24(35);2020 c25 s11;2020 c39 s10(53)

Decision on appeal

689(1) On the hearing of the appeal,

- (a) no evidence other than the evidence that was submitted to the Land and Property Rights Tribunal or the subdivision and development appeal board may be admitted, but the Court may draw any inferences
 - (i) that are not inconsistent with the facts expressly found by the Land and Property Rights Tribunal or the subdivision and development appeal board, and
 - (ii) that are necessary for determining the question of law or the question of jurisdiction,

and

- (b) the Court may confirm, vary, reverse or cancel the decision.

(2) In the event that the Court cancels a decision, the Court must refer the matter back to the Land and Property Rights Tribunal or the subdivision and development appeal board, and the relevant board must rehear the matter and deal with it in accordance with

the opinion of or any direction given by the Court on the question of law or the question of jurisdiction.

(3) No member of the Land and Property Rights Tribunal or a subdivision and development appeal board is liable to costs by reason or in respect of an application for permission to appeal or an appeal under this Act.

(4) If the Court finds that the only ground for appeal established is a defect in form or technical irregularity and that no substantial wrong or miscarriage of justice has occurred, the Court may deny the appeal, confirm the decision of the Land and Property Rights Tribunal or a subdivision and development appeal board despite the defect and order that the decision takes effect from the time and on the terms that the Court considers proper.

RSA 2000 cM-26 s689;2014 c13 s35;2020 cL-2.3 s24(36)

Division 11

Intermunicipal Disputes

Intermunicipal disputes

690(1) A municipality that

- (a) is of the opinion that a statutory plan or amendment or a land use bylaw or amendment adopted by an adjacent municipality has or may have a detrimental effect on it,
- (b) has given written notice of its concerns to the adjacent municipality prior to second reading of the bylaw, and
- (c) has, as soon as practicable after second reading of the bylaw, attempted to use mediation to resolve the matter,

may appeal the matter to the Land and Property Rights Tribunal.

(1.1) An appeal under subsection (1) is to be brought by

- (a) filing a notice of appeal and statutory declaration described in subsection (2) with the Land and Property Rights Tribunal, and
- (b) giving a copy of the notice of appeal and statutory declaration to the adjacent municipality

within 30 days after the passing of the bylaw to adopt or amend the statutory plan or land use bylaw.

(2) When appealing a matter to the Land and Property Rights Tribunal, the municipality must state the reasons in the notice of appeal why a provision of the statutory plan or amendment or land

use bylaw or amendment has a detrimental effect and provide a statutory declaration stating

- (a) the reasons why mediation was not possible,
- (b) that mediation was undertaken and the reasons why it was not successful, or
- (c) that mediation is ongoing and that the appeal is being filed to preserve the right of appeal.

(3) A municipality, on receipt of a notice of appeal and statutory declaration under subsection (1.1)(b), must, within 30 days, submit to the Land and Property Rights Tribunal and the municipality that filed the notice of appeal a statutory declaration stating

- (a) the reasons why mediation was not possible,
- (b) that mediation was undertaken and the reasons why it was not successful, or
- (c) that mediation is ongoing and that if the mediation is not successful a further response will be provided within 30 days of its completion.

(4) When a notice of appeal and statutory declaration are filed under subsection (1.1)(a) with the Land and Property Rights Tribunal, the provision of the statutory plan or amendment or land use bylaw or amendment that is the subject of the appeal is deemed to be of no effect and not to form part of the statutory plan or land use bylaw from the date the notice of appeal and statutory declaration are filed with the Tribunal under subsection (1.1)(a) until the date the Tribunal makes a decision under subsection (5).

(5) If the Land and Property Rights Tribunal receives a notice of appeal and statutory declaration under subsection (1.1)(a), it must, in accordance with subsection (5.1), decide whether the provision of the statutory plan or amendment or land use bylaw or amendment is detrimental to the municipality that made the appeal and may

- (a) dismiss the appeal if it decides that the provision is not detrimental, or
- (b) order the adjacent municipality to amend or repeal the provision, if it is of the opinion that the provision is detrimental.

(5.1) In determining under subsection (5) whether the provision of the statutory plan or amendment or land use bylaw or amendment

is detrimental to the municipality that made the appeal, the Land and Property Rights Tribunal must disregard section 638.

(6) A provision with respect to which the Land and Property Rights Tribunal has made a decision under subsection (5) is,

- (a) if the Tribunal has decided that the provision is to be amended, deemed to be of no effect and not to form part of the statutory plan or land use bylaw from the date of the decision until the date on which the plan or bylaw is amended in accordance with the decision, and
- (b) if the Tribunal has decided that the provision is to be repealed, deemed to be of no effect and not to form part of the statutory plan or land use bylaw from and after the date of the decision.

(6.1) Any decision made by the Land and Property Rights Tribunal under this section in respect of a statutory plan or amendment or a land use bylaw or amendment adopted by a municipality must be consistent with any growth plan under Part 17.1 pertaining to that municipality.

(7) Section 692 does not apply when a statutory plan or a land use bylaw is amended or repealed according to a decision of the Tribunal under this section.

(8) The Land and Property Rights Tribunal's decision under this section is binding, subject to the rights of either municipality to appeal under section 688.

RSA 2000 cM-26 s690;2009 cA-26.8 s83;2013 c17 s5;
2015 c8 s75;2020 cL-2.3 s24(37);2020 c39 s10(54)

Tribunal hearing

691(1) The Land and Property Rights Tribunal, on receiving a notice of appeal and statutory declaration under section 690(1)(a), must

- (a) commence a hearing within 60 days after receiving the notice of appeal or a later time to which all parties agree, and
- (b) give a written decision within 30 days after concluding the hearing.

(2) The Land and Property Rights Tribunal is not required to give notice to or hear from any person other than the municipality making the appeal, the municipality against whom the appeal is launched and the owner of the land that is the subject of the appeal.

RSA 2000 cM-26 s691;2020 cL-2.3 s24(41)

Division 12

Bylaws, Regulations

Planning bylaws

692(1) Before giving second reading to

- (a) a proposed bylaw to adopt an intermunicipal development plan,
- (b) a proposed bylaw to adopt a municipal development plan,
- (c) a proposed bylaw to adopt an area structure plan,
- (d) a proposed bylaw to adopt an area redevelopment plan,
- (e) a proposed land use bylaw, or
- (f) a proposed bylaw amending a statutory plan or land use bylaw referred to in clauses (a) to (e),

a council must hold a public hearing with respect to the proposed bylaw in accordance with section 230 after giving notice of it in accordance with section 606.

(2) Despite subsection (1), if a proposed development relates to more than one proposed bylaw referred to in subsection (1), the council may hold a single public hearing.

(3) Despite subsection (1), in the case of a public hearing for a proposed bylaw adopting or amending an intermunicipal development plan,

- (a) councils may hold a joint public hearing to which section 184 does not apply, and
- (b) municipalities may act jointly to satisfy the advertising requirements of section 606.

(4) In the case of an amendment to a land use bylaw to change the district designation of a parcel of land, the municipality must, in addition to the requirements of subsection (1),

- (a) include in the notice described in section 606(2)
 - (i) the municipal address, if any, and the legal address of the parcel of land, and
 - (ii) a map showing the location of the parcel of land,

- (b) give written notice containing the information described in clause (a) and in section 606(6) to the assessed owner of that parcel of land at the name and address shown on the assessment roll of the municipality, and
- (c) give a written notice containing the information described in clause (a) and in section 606(6) to each owner of adjacent land at the name and address shown for each owner on the assessment roll of the municipality.

(5) If the land referred to in subsection (4)(c) is in another municipality, the written notice must be given to that municipality and to each owner of adjacent land at the name and address shown for each owner on the tax roll of that municipality.

(6) Despite subsection (1), a bylaw referred to in subsection (1) may be amended without giving notice or holding a public hearing if the amendment corrects clerical, technical, grammatical or typographical errors and does not materially affect the bylaw in principle or substance.

(6.1) Subsection (1)(f) does not apply in respect of a proposed bylaw amending a statutory plan or land use bylaw to specify the purposes of a community services reserve.

(7) In this section,

- (a) “adjacent land” means land that is contiguous to the parcel of land that is being redesignated and includes
 - (i) land that would be contiguous if not for a highway, road, river or stream, and
 - (ii) any other land identified in the land use bylaw as adjacent land for the purpose of notifications under this section;
- (b) “owner” means the person shown as the owner of land on the assessment roll prepared under Part 9.

(8) If an ALSA regional plan requires a council to pass a bylaw referred to in this section, the council must

- (a) consider whether, in view of the requirement in the ALSA regional plan, consultation is necessary, desirable or beneficial, and
- (b) decide whether or not to proceed with consultation.

(9) If a council decides under subsection (8) that consultation is neither necessary nor desirable or would not be beneficial, subsections (1) to (7) do not apply to the council in respect of the bylaw concerned.

RSA 2000 cM-26 s692;2008 c37 s9;2009 cA-26.8 s83

Airport vicinity regulations

693(1) The Minister may make regulations

- (a) establishing airport vicinity protection areas surrounding airports;
- (b) controlling, regulating or prohibiting any use and development of land within an airport vicinity protection area.

(2) Unless the contrary is expressed in regulations made under subsection (1), those regulations

- (a) operate despite any statutory plan, land use bylaw or other regulations under this Part, and
- (b) are binding on any subdivision authority, development authority and subdivision and development appeal board and the Land and Property Rights Tribunal.

(3) If a municipality is affected by a regulation under subsection (1), the municipality must amend the statutory plan relating to that area and its land use bylaw to conform with the regulation.

(4) Section 692 does not apply to an amendment pursuant to subsection (3).

(5) A regulation under subsection (1) may apply generally or specifically in Alberta.

RSA 2000 cM-26 s693;2020 cL-2.3 s24(41);2020 c39 s10(55)

Development in floodways

693.1(1) The Lieutenant Governor in Council may make regulations

- (a) controlling, regulating or prohibiting any use or development of land that is located in a floodway within a municipal authority, including, without limitation, regulations specifying the types of developments that are authorized in a floodway;
- (b) exempting a municipal authority or class of municipal authorities from the application of all or part of this section or the regulations made under this subsection, or both;

- (c) modifying or suspending the application or operation of any provision of this Act for the purposes of giving effect to this section;
- (d) defining, or respecting the meaning of, “floodway” for the purposes of this section and the regulations made under this subsection.

(2) Unless the contrary is expressed in regulations made under subsection (1), those regulations

- (a) operate despite any statutory plan, land use bylaw or other regulations under this Part, and
- (b) are binding on any subdivision authority, development authority and subdivision and development appeal board and the Land and Property Rights Tribunal.

(3) If a municipal authority is affected by a regulation made under subsection (1), the municipal authority must amend any relevant statutory plan and its land use bylaw to conform with the regulation.

(4) Section 692 does not apply to an amendment pursuant to subsection (3).

2013 c21 s2;2020 cL-2.3 s24(41)

Regulations

694(1) The Minister may make regulations

- (a) respecting applications for the subdivision and development of land;
- (a.1) providing for an alternative period of time for the subdivision authority or the development authority to review the completeness of an application or make a decision on an application under this Part or under the regulations;
- (b) respecting subdivision and development standards and requirements;
- (b.1) repealed 2019 c22 s10(24);
- (c) respecting the information to be contained in a subdivision authority’s and a development authority’s notice of a decision;
- (c.1) repealed 2020 c39 s10(56);

- (d) respecting the additional municipal reserve, school reserve or municipal and school reserve that a subdivision authority may require to be provided under this Part;
 - (e) respecting the records to be kept by a subdivision authority and a development authority;
 - (f) prescribing the conditions that a subdivision authority and a development authority are permitted to impose when granting subdivision or development approval in addition to those conditions permitted to be imposed under this Part;
 - (g) conferring or imposing, with or without conditions, any power or duty under the regulations on the Land and Property Rights Tribunal, a subdivision authority or a development authority;
 - (h) prescribing distances for the purpose of sections 678(2)(a)(i)(B) and 685(2.1)(a)(i)(B);
 - (h.1) defining “historical site” for the purpose of sections 678(2)(a)(i)(B) and 685(2.1)(a)(i)(B);
 - (h.2) for the purpose of sections 678(2)(a) and 685(2.1)(a),
 - (i) removing or modifying the circumstances listed in section 678(2)(a)(i) or 685(2.1)(a)(i) where a notice of appeal may be filed with the Land and Property Rights Tribunal, and
 - (ii) setting out additional circumstances where a notice of appeal may be filed with the Land and Property Rights Tribunal for the purpose of section 678(2)(a)(ii) or 685(2.1)(a)(ii);
 - (i) providing, either generally or specifically, that all or part of the regulations under this subsection do not apply to all or part of Alberta.
- (2)** A regulation under subsection (1)
- (a) repealed 2020 c39 s10(56);
 - (b) may apply generally or specifically in Alberta, and
 - (c) operates despite any other regulation or bylaw pursuant to this Part.
- (3)** The *Regulations Act* does not apply to orders under subsection (1)(i).

- (4)** The Lieutenant Governor in Council may make regulations
- (a) respecting additional requirements for the calculation of an off-site levy in a bylaw for a purpose referred to in section 648(2.1) and the maximum amount that a municipality may establish or impose and collect as a redevelopment levy or an off-site levy, either generally or specifically;
 - (b) respecting additional principles and criteria that must be applied by a municipality when passing an off-site levy bylaw;
 - (c) respecting the determination of the benefitting area for a purpose under section 648(2) or 648(2.1) and the extent of the anticipated benefit to the future occupants of the land on which the off-site levy is being imposed;
 - (d) respecting appeals to the Land and Property Rights Tribunal under section 648.1, including, without limitation,
 - (i) the filing of a notice of an appeal,
 - (ii) the time within which an appeal may be brought, and
 - (iii) the process and procedures of an appeal;
 - (e) respecting transportation infrastructure to connect, or to improve the connection of, municipal roads to provincial highways resulting from a subdivision or development;
 - (f) respecting intermunicipal off-site levies.
- (5)** The Lieutenant Governor in Council may make regulations directing a municipality, with or without conditions, to amend its statutory plans and land use bylaw.
- (5.1)** If the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator or Alberta Utilities Commission grants a licence, permit, approval or other authorization that refers to environmental or physical limitations with respect to the development of land, and regulations are made under section 618(4) with respect to the development of that land, the Lieutenant Governor in Council may make regulations
- (a) requiring the developer to apply to the Registrar to register a caveat against the land subject to the limitation referred to in the licence, permit, approval or other authorization, and
 - (b) respecting the contents of the caveat.

(5.2) When a caveat is presented for registration under subsection (5.1), the Registrar must endorse a memorandum referring to the licence, permit, approval or other authorization on any certificate of title for land to which the limitations described in subsection (5.1) apply.

(5.3) A caveat that is registered pursuant to a regulation under subsection (5.1)(a) runs with the land.

(5.4) Sections 137 and 138 of the *Land Titles Act* do not apply to a caveat referred to in subsections (5.1), (5.2), (5.3) and (5.5).

(5.5) Repealed 2020 c39 s10(56).

(5.6) The Lieutenant Governor in Council may make regulations respecting the exemption of The Town of Canmore, its councillors, officers and employees and volunteers performing duties under the direction of The Town of Canmore or performing duties for organizations established by The Town of Canmore from liability with respect to the development of designated land, as defined in the *Canmore Undermining Review Regulation* (AR 114/97), by persons other than The Town of Canmore, its councillors, officers and employees and volunteers performing duties under the direction of The Town of Canmore or performing duties for organizations established by The Town of Canmore.

(5.7) The *Canmore Undermining Exemption from Liability Regulation* (AR 113/97) is validated, is not repealed in accordance with section 603(2) and is deemed to have been made under this section.

(6), (7) Repealed 2020 c39 s10(56).

RSA 2000 cM-26 s694;2003 c43 s4;2007 cA-37.2 s82(17);
2012 cR-17.3 s95;2016 c24 s131;2017 c13 ss1(66),2(21);
2019 c22 s10(24);2020 cL-2.3 s24(41);2020 c39 s10(56)

Division 13

Transitional

695 and 696 Repealed by Revision.

Zoning caveat

697(1) On September 1, 1995 a zoning caveat prepared and signed by the Director of Town and Rural Planning or the Provincial Planning Director and registered in a land titles office under a former Act ceases to have effect.

(2) On and after September 1, 1995, the owner of a parcel of land that is affected by a caveat referred to in subsection (1) may apply to the Registrar to endorse the certificate of title with a memorandum cancelling the registration of the zoning caveat.

(3) On receipt of an application under subsection (2) and on being satisfied that the caveat is a zoning caveat, the Registrar must cancel the registration of the caveat.

AR 49/2002 s6;2002 c30 s23

698 to 708 Repealed by Revision.

Part 17.1

Growth Management Boards

Interpretation

708.01(1) In this Part and Part 17.2,

- (a) “growth management board” means a growth management board established by regulation under section 708.02;
- (b) “growth plan” means a plan, if any, required by a regulation under section 708.02;
- (c) “growth region” means all or part of the land lying within the boundaries of the participating municipalities of a growth management board that is designated by regulation under section 708.02 as the growth region for that growth management board;
- (d) “municipal agreement” means an agreement entered into by a participating municipality;
- (e) “participating municipality” means a municipality that is designated by regulation under section 708.02 as a member of the growth management board;
- (f) “representative” means a person appointed by a participating municipality under section 708.04 to represent the participating municipality on a growth management board;
- (g) “statutory plan” means
 - (i) a statutory plan as defined in section 616(dd), or
 - (ii) an amendment to a statutory plan referred to in subclause (i).

(2) A reference in any other Part of this Act to a resolution or bylaw does not include a resolution passed or bylaw made by a growth management board.

2013 c17 s6;2019 c22 s10(25);2020 c39 s10(57)

Purpose

708.011 The purpose of this Part is to provide for integrated and strategic planning for future growth in municipalities.

2013 c17 s6;2016 c24 s132;2020 c39 s10(58)

Division 1
Establishment and Operation of
Growth Management Boards

Establishing a growth management board

708.02(1) The Lieutenant Governor in Council may, by regulation

- (a) on the recommendation of the Minister on the request of 2 or more municipalities, establish a growth management board in respect of those municipalities, or
- (b) on the Lieutenant Governor in Council's own initiative, establish a growth management board and determine the membership of that board.

(1.1) Repealed 2020 c39 s10(59).

(1.2) For the purposes of subsection (1.1), the growth management board established under the *Capital Region Board Regulation* (AR 38/2012) is deemed to be a growth management board for the Edmonton region.

(2) The Lieutenant Governor in Council may make regulations

- (a) respecting the mandate of a growth management board;
- (b) respecting the membership of a growth management board and the voting rights of the participating municipalities;
- (c) respecting the land lying within the boundaries of the participating municipalities that is included in the growth region for the growth management board;
- (d) respecting the operations, management and administration of the growth management board;
- (e) respecting the appointment of
 - (i) persons to represent the participating municipalities on the growth management board, and

- (ii) a chair of the growth management board and, if necessary, the appointment of an interim chair;
- (f) respecting the powers, duties and functions of
 - (i) the growth management board, and
 - (ii) the representatives on the growth management board;
- (g) respecting the consistency of statutory plans and bylaws with a growth plan including, without limitation, respecting any requirements for the council of a participating municipality to amend statutory plans or bylaws to conform with a growth plan;
- (h) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary or advisable to carry out the purposes of this Part.

2013 c17 s6;2016 c24 s133;2020 c39 s10(59)

Corporation

708.03(1) A growth management board is a corporation consisting of

- (a) the participating municipalities, as represented by the representatives, and
- (b) the persons appointed by the Lieutenant Governor in Council under subsection (2).

(2) The Lieutenant Governor in Council may appoint one or more persons to a growth management board to represent the Government of Alberta, but those persons do not have voting rights.

2013 c17 s6

Appointment of representative

708.04 Each participating municipality must, in accordance with the regulation establishing the growth management board of which the participating municipality is a member, appoint a person to represent the participating municipality on the growth management board.

2013 c17 s6

Meetings of growth management board

708.041(1) Subject to subsection (2), sections 197 and 199 apply to the meetings of a growth management board.

(2) Notwithstanding sections 197 and 199, for the purposes of this Part, a reference in sections 197 and 199 to a council, councils and council committees shall be read as a reference to a growth

management board, growth management boards and growth management board committees, respectively.

2015 c8 s76;2019 c22 s10(26);2020 c39 s10(60)

Powers and duties of growth management board

708.05(1) Except as provided for in the regulations under subsection (3), Divisions 3 and 4 of Part 15.1 and any regulations made under those Divisions apply with any necessary modifications in respect of a growth management board as if it were a regional services commission.

(2) Except as provided for in the regulations under subsection (3), Divisions 3 and 4 of Part 15.1 and any regulations made under those Divisions apply with any necessary modifications in respect of the representatives on a growth management board as if those representatives were directors of a regional services commission.

(3) The Lieutenant Governor in Council may make regulations modifying any provision of Division 3 or 4 of Part 15.1 for the purpose of applying the provision to a growth management board or to the representatives on a growth management board.

2013 c17 s6;2015 c8 s77

Consistency with ALSA regional plans

708.06(1) In carrying out its functions and in exercising its jurisdiction under this Part and other enactments, a growth management board must act in accordance with any applicable ALSA regional plans.

(2) In the event of a conflict or inconsistency between a growth plan prepared by a growth management board and an ALSA regional plan, the ALSA regional plan prevails to the extent of the conflict or inconsistency.

2013 c17 s6;2020 c39 s10(61)

Conformity with growth plan

708.061(1) Despite any other enactment, but subject to this section, a growth plan prevails in the event of a conflict or inconsistency between the growth plan and a statutory plan, bylaw, resolution or municipal agreement of a participating municipality.

(2) The council of a participating municipality must amend every statutory plan and bylaw as necessary to conform with a growth plan no later than the date specified by the growth management board.

(3) If the council of a participating municipality fails to amend a statutory plan or bylaw in accordance with subsection (2), the

statutory plan or bylaw is deemed to be invalid to the extent that it conflicts or is inconsistent with a growth plan.

(4) The Minister may, in respect of a municipal agreement entered into by a participating municipality that conflicts or is inconsistent with a growth plan, require the council of the participating municipality, to the extent possible under the terms of the municipal agreement,

- (a) to amend the municipal agreement so that it conforms to the growth plan, or
- (b) to terminate the municipal agreement.

(5) If the council of a participating municipality fails to amend or terminate a municipal agreement when required to do so by the Minister under subsection (4), the municipal agreement is deemed to be invalid to the extent that it conflicts or is inconsistent with the growth plan.

(6) Except as otherwise provided in the regulation establishing the growth management board of which the participating municipality is a member, this section applies to statutory plans adopted, bylaws made, resolutions passed and municipal agreements entered into before or after the coming into force of that regulation.

2013 c17 s6;2020 c39 s10(61)

Delegation

708.07(1) Subject to subsection (2), a growth management board may delegate any of its powers, duties or functions under this Part or any other enactment to a committee, official or employee of the growth management board.

(2) A growth management board may not delegate

- (a) the power to make bylaws;
- (b) the power to borrow money;
- (c) the power to adopt budgets;
- (d) the power to approve financial statements;
- (e) the power to appoint an auditor;
- (f) the power to recommend the approval of a growth plan.

2013 c17 s6

Bylaws

708.08(1) A growth management board must, at its inception, establish by bylaw an appeal mechanism or dispute resolution mechanism, or both, for the purposes of resolving disputes arising from actions taken or decisions made by the growth management board.

(1.1) A growth management board may make bylaws respecting its conduct and affairs, including, without limitation, rules and procedures for dealing with matters before the growth management board.

(2) Unless the Minister directs otherwise, a bylaw made under this section does not come into force until it has been approved by the Minister.

(3) The *Regulations Act* does not apply to a bylaw made under this section.

2013 c17 s6;2020 c39 s10(62)

708.09 Repealed 2020 c39 s10(63).

Division 2 Approval and Effective Date of Growth Plan

708.1 to 708.16 Repealed 2020 c39 s10(64).

Information must be provided

708.17(1) A participating municipality must, when required in writing by the growth management board to do so, provide the growth management board with information about the participating municipality that the growth management board requires.

(2) A participating municipality that contravenes subsection (1) is guilty of an offence and liable to a fine of not more than \$10 000.

(3) This section does not apply to information acquired by a participating municipality that is subject to any type of legal privilege, including solicitor-client privilege.

2013 c17 s6

Matters before the Land and Property Rights Tribunal

708.18(1) If

- (a) a matter relating to land within a growth region is appealed to the Land and Property Rights Tribunal, or

- (b) the Land and Property Rights Tribunal is considering an application for an annexation of land involving 2 or more participating municipalities,

the Minister may by order direct the Land and Property Rights Tribunal to defer its consideration of the matter or application.

(2) When the Minister makes an order under subsection (1), all steps in the appeal or application, as the case may be, are stayed as of the date of the order until the Minister gives notice to the Land and Property Rights Tribunal that the appeal or application may be continued.

(3) This section applies to an appeal or application commenced after the coming into force of the regulation establishing the growth management board

- (a) in respect of which the land referred to in subsection (1)(a) is part of the growth region, or
- (b) of which the participating municipalities referred to in subsection (1)(b) are members.

2013 c17 s6;2020 cL-2.3 s24(38)

Limitation of actions

708.19 No cause of action arises as a result of

- (a) the enactment of this Part,
- (b) the making of a regulation, bylaw or order under this Part, or
- (c) anything done or omitted to be done in accordance with this Part or a regulation, bylaw or order made under this Part.

2013 c17 s6

No remedy

708.2 No costs, compensation or damages are owing or payable to any person, and no remedy, including in contract, restitution or trust, is available to any person in connection with anything referred to in section 708.19.

2013 c17 s6

Proceedings barred

708.21 No proceedings, including any proceedings in contract, restitution or trust, that are based on anything referred to in section 708.19, may be brought or maintained against any person.

2013 c17 s6

No expropriation or injurious affection

708.22 Nothing done or omitted to be done in accordance with this Part or a regulation, bylaw or order made under this Part constitutes an expropriation or injurious affection for the purposes of the *Expropriation Act* or otherwise.

2013 c17 s6

708.23 Repealed 2020 c39 s10(65).

Ministerial orders

708.24(1) In addition to any other orders that the Minister may make under this Part, the Minister may make any one or more of the following orders:

- (a) an order providing for transitional matters related to the coming into force of this Part;
- (b) an order respecting the requisition of operating and capital costs of a growth management board;
- (c) subject to the regulations, an order respecting the management, duties and functions of a growth management board;
- (d) an order respecting the records to be kept by a growth management board and the manner in which they are to be kept and respecting which reports are to be submitted to the Minister;
- (e) an order providing for any other matter that the Minister considers necessary for carrying out the purposes of this Part.

(2) In addition to the orders the Minister may make under subsection (1), the Minister may by order take any action that a growth management board may or must take under this Part or a regulation under this Part.

(3) If there is a conflict or inconsistency between an order made by the Minister under subsection (2) and an action taken by a growth management board, the Minister's order prevails to the extent of the conflict or inconsistency.

(4) The *Regulations Act* does not apply to an order made under subsection (1)(c) or (d) or (2).

2013 c17 s6

708.25 Repealed 2020 c39 s10(66).

Part 17.2

Intermunicipal Collaboration

Definitions

708.26(1) In this Part,

- (a) “arbitrator” means a person who is chosen as an arbitrator under section 708.35;
- (b) “framework” means an intermunicipal collaboration framework entered into between 2 or more municipalities in accordance with this Part, and includes any amendments to a framework.
- (c) repealed 2020 c39 s10(67).

(2) A reference in this Part to a municipality includes an improvement district.

2016 c24 s134;2019 c22 s10(27);2020 c39 s10(67)

Purpose

708.27 The purpose of this Part is to provide for intermunicipal collaboration frameworks among 2 or more municipalities

- (a) to provide for the integrated and strategic planning, delivery and funding of intermunicipal services,
- (b) to steward scarce resources efficiently in providing local services, and
- (c) to ensure municipalities contribute funding to services that benefit their residents.

2016 c24 s134;2019 c22 s10(28)

Division 1

Intermunicipal Collaboration Framework

Requirements for framework

708.28(1) Municipalities that have common boundaries must create a framework with each other by April 1, 2020 unless they are members of the same growth management board.

(2) Municipalities that are members of the same growth management board may create a framework with other members of the same growth management board in respect of matters that are not addressed in a growth plan.

(3) Municipalities that do not have common boundaries may be parties to a framework.

- (4) A municipality may be a party to more than one framework.
- (5) Despite subsection (1), the Minister may by order exempt, on any terms and conditions the Minister considers necessary, one or more municipalities from the requirement to create a framework.
- (6) For greater certainty, a municipality that is a member of a growth management board must create a framework with a municipality that is not a member of the same growth management board if they have common boundaries.
- 2016 c24 s134; 2018 c11 s13; 2019 c22 s10(29);
2020 c39 s10(68)

Contents of framework

- 708.29(1)** A framework must describe the services to be provided under it that benefit residents in more than one of the municipalities that are parties to the framework.
- (2) In developing the content of the framework required by subsection (1), the municipalities must identify which municipality is responsible for providing which services and outline how the services will be delivered and funded.
- (3) Nothing in this Part prevents a framework from enabling an intermunicipal service to be provided in only part of a municipality.
- (3.1)** Every framework must contain provisions establishing a process for resolving disputes that occur while the framework is in effect, other than during a review under section 708.32, with respect to
- (a) the interpretation, implementation or application of the framework, and
 - (b) any contravention or alleged contravention of the framework.
- (4) No framework may contain a provision that conflicts or is inconsistent with a growth plan established under Part 17.1 or with an ALSA regional plan.
- (5) The existence of a framework relating to a service constitutes agreement among the municipalities that are parties to the framework for the purposes of section 54.

2016 c24 s134; 2019 c22 s10(30)

Court order to comply

- 708.291** If a municipality that is a party to an intermunicipal collaboration framework fails to participate in the dispute resolution process set out in the framework or fails to comply with

an agreement reached by the parties as a result of that process, any other party to the framework may apply to the Court of Queen's Bench for an order directing the municipality to comply with the process or agreement.

2019 c22 s10(31)

708.3 Repealed 2019 c22 s10(32).

Conflict or inconsistency

708.31 If there is a conflict or inconsistency between a framework and an existing agreement between 2 or more municipalities that are parties to that framework, the framework must address the conflict or inconsistency and, if necessary, alter or rescind the agreement.

2016 c24 s134

Term and review

708.32(1) The municipalities that are parties to a framework must review the framework at least every 5 years after the framework is created, or within a shorter period of time as provided for in the framework.

(1.1) Unless a framework provides otherwise, it may be reviewed at any time by agreement of all the municipalities that are parties to it.

(2) Where, during a review, the municipalities do not agree that the framework continues to serve the interests of the municipalities, the municipalities must create a replacement framework in accordance with this Part.

(3) Subsection (2) applies only to municipalities that are required under section 708.28(1) to create a framework.

2016 c24 s134;2019 c22 s10(33)

Participation by Indian bands and Metis settlements

708.321 Municipalities that are parties to a framework may invite an Indian band or Metis settlement to participate in the delivery and funding of services to be provided under the framework.

2016 c24 s134;2017 c13 s2(22)

Method of creating framework

708.33(1) In order to create a framework, the municipalities that are to be parties to the framework must each adopt a bylaw or resolution that contains the framework.

(2) Repealed 2019 c22 s10(35).

(3) In creating or reviewing a framework, the municipalities must negotiate in good faith.

(4) Once the municipalities have created a framework, the municipalities must notify the Minister of the framework within 90 days of its creation.

2016 c24 s134;2019 c22 s10(35)

Division 2 Arbitration

Application

708.34 This Division applies to municipalities that are required under section 708.28(1) to create a framework where

- (a) the municipalities are not able to create the framework within the time required under section 708.28,
- (b) when reviewing a framework under section 708.32, the municipalities do not agree that the framework continues to serve the interests of the municipalities and one of the municipalities provides written notice to the other municipalities and the Minister stating that the municipalities are not able to agree on the creation of a replacement framework, or
- (c) the municipalities
 - (i) have an intermunicipal framework,
 - (ii) have attempted to resolve a dispute referred to in section 708.29(3.1) using the dispute resolution process under the framework, and
 - (iii) have been unsuccessful in resolving the dispute within one year after starting the dispute resolution process.

2016 c24 s134;2019 c22 s10(37)

Arbitration

708.35(1) Where section 708.34(a), (b) or (c) applies, the municipalities must refer the matter to an arbitrator.

(2) The arbitrator must be chosen by the municipalities or, if they cannot agree, by the Minister.

(3) Any mediator who has assisted the municipalities in attempting to create a framework is eligible to be an arbitrator under this Division.

(4) In a case referred to in section 708.34(a) or (b), the arbitration process ends where the municipalities create a framework by agreement or the Minister terminates the arbitration and makes an order under section 708.412.

(5) In a case referred to in section 708.34(c), the arbitration process ends where the municipalities resolve their dispute by agreement, the arbitrator makes an award under section 708.36 or the Minister terminates the arbitration and makes an order under section 708.412.

(6) The *Arbitration Act* applies to an arbitration under this Division except to the extent of any conflict or inconsistency with this Division, in which case this Division prevails.

(7) No municipality may, by means of an intermunicipal collaboration framework or any other means, vary or exclude any provision of the *Arbitration Act* and, for greater certainty, section 3 of the *Arbitration Act* does not apply in respect of an arbitration under this Division.

(8) An arbitrator chosen by the Minister is not subject to challenge or removal under the *Arbitration Act* by the parties or any court, but any party may request the Minister to remove and replace the arbitrator and the Minister may do so if the Minister considers it appropriate after considering the reasons for the request and any response by the other parties and the arbitrator.

(9) Section 42(2)(b) of the *Arbitration Act* does not apply in respect of an arbitration under this Division but the Minister may, at the Minister's discretion or at the request of any party or the arbitrator, terminate the arbitration and make an order under section 708.412.

(10) For greater certainty, nothing in this Division applies to an arbitration that occurs under the dispute resolution terms of a framework before the expiry of the year referred to in section 708.34(c)(iii).

2016 c24 s134;2019 c22 s10(38)

Role of arbitrator

708.36(1) Where a dispute is referred to an arbitrator under section 708.35, the arbitrator must make an award that resolves the issues in dispute among the municipalities

- (a) in the case of a framework that is required under section 708.28(1) to be created by April 1, 2020, within one year after that date, or
- (b) in the case of a replacement framework, within one year from the date the arbitrator is chosen.

(2) Despite subsection (1), an arbitrator may, as part of the arbitration process,

- (a) attempt mediation with the municipalities in an effort to resolve the issues in dispute, and
 - (b) if the mediation is successful, require the municipalities to complete the framework to reflect their resolution of the dispute within a specified time.
- (3) An arbitrator's award may include provisions respecting the responsibility for parties to pay or to share in paying costs, fees and disbursements incurred in the arbitration process.
- (4) An arbitrator may require a municipality to provide or to make available for the arbitrator's examination and inspection any books, records or other materials of the municipality, but nothing in this subsection requires the arbitrator to examine or inspect any books, records or other materials before making an award.
- (5) Unless the arbitrator rules otherwise, hearings in the arbitration are open to the public.
- (6) An arbitrator may solicit written submissions from the public and, if the arbitrator does so, the arbitrator must take into account any written submissions received.
- (7) An arbitrator must not make an award
- (a) that has the effect of granting, varying or otherwise affecting any licence, permit or approval that is subject to this Act or any other enactment,
 - (b) on any matter that is subject to the exclusive jurisdiction of the Land and Property Rights Tribunal,
 - (c) that is contrary to the *Alberta Land Stewardship Act* or an ALSA regional plan,
 - (d) that is contrary to an intermunicipal development plan under Part 17 or a growth plan,
 - (e) that directs a municipality to raise revenue by imposing a specific tax rate, off-site levy or other rate, fee or charge, or
 - (f) that directs a municipality to transfer revenue to another municipality, unless
 - (i) the revenue transfer is directly related to services provided by a municipality that the revenue-transferring municipality derives benefit from, and

- (ii) the arbitrator considers it equitable to do so.
2016 c24 s134;2019 c22 s10(39);2020 cL-2.3 s24(41);
2020 c39 s10(69);

708.37 Repealed 2019 c22 s10(40).

Matters to be considered by arbitrator

708.38(1) In resolving a dispute, an arbitrator may have regard to

- (a) the services and infrastructure provided for in other frameworks to which the municipalities are also parties,
- (b) consistency of services provided to residents in the municipalities,
- (c) equitable sharing of costs among municipalities,
- (d) environmental concerns within the municipalities,
- (e) the public interest, and
- (f) any other matters that the arbitrator considers relevant.

(2) Repealed 2019 c22 s10(41).

2016 c24 s134;2019 c22 s10(41)

708.39 Repealed 2019 c22 s10(42).

Municipalities must adopt framework and amend bylaws

708.4(1) Where an arbitrator makes an award respecting a framework, the municipalities are bound by the award and must, within 60 days after the date of the award, adopt a framework in accordance with the award.

(1.1) A municipality must amend its bylaws, other than its land use bylaw, as necessary to reflect the framework within 2 years after adopting the framework.

(1.2) If there is a conflict or inconsistency between a bylaw and the framework, the framework prevails to the extent of the conflict or inconsistency.

(2) A municipality must not amend, repeal or revise its land use bylaw in a manner that is inconsistent with an intermunicipal development plan under section 631 to which the municipality is a party.

(3) A municipality must not amend, repeal or revise its bylaws to be inconsistent with a framework to which it is a party or an award of an arbitrator applicable to it.

2016 c24 s134;2019 c22 s10(43)

Costs of arbitrator

708.41(1) Subject to an award of the arbitrator or an agreement by the parties, the costs of an arbitrator under this Part must be paid on a proportional basis by the municipalities that are to be parties to the framework as set out in subsection (2).

(2) Each municipality's proportion of the costs must be determined by dividing the amount of that municipality's equalized assessment by the sum of the equalized assessments of all of the municipalities as set out in the most recent equalized assessment.

2016 c24 s134;2017 c13 s2(22);2019 c22 s10(44)

Remuneration of experts

708.411 Where an arbitrator appoints an expert, the expert must be paid on a proportional basis by the municipalities that are or will be parties to the framework, with each municipality's proportion of the costs to be determined in the same manner as is required under section 708.41(2) for an arbitrator.

2019 c22 s10(45)

Minister may make orders

708.412(1) Despite this Division or any arbitration occurring under this Division, the Minister may at any time make any order the Minister considers appropriate to further the development of a framework among 2 or more municipalities to carry out the purpose of this Part, including, without limitation, an order establishing a framework that is binding on the municipalities.

(2) If there is a conflict or inconsistency between an order made by the Minister under this section and an action taken by a municipality or a growth management board, the Minister's order prevails to the extent of the conflict or inconsistency.

2019 c22 s10(45)

708.42 Repealed 2019 c22 s10(46).

Measures to ensure compliance with award

708.43(1) If a municipality fails to comply with section 708.4(1), any other municipality that is or will be a party to the framework may apply to the Court of Queen's Bench for an order requiring that municipality to comply with section 708.4(1).

(2) If the Minister considers that a municipality has not complied with a framework, the Minister may take any necessary measures to ensure that the municipality complies with the framework.

(3) In subsection (2), all necessary measures includes, without limitation, an order by the Minister

- (a) suspending the authority of a council to make bylaws in respect of any matter specified in the order;
- (b) exercising bylaw-making authority in respect of all or any of the matters for which bylaw-making authority is suspended under clause (a);
- (c) removing a suspension of bylaw-making authority, with or without conditions;
- (d) withholding money otherwise payable by the Government to the municipality pending compliance with an order of the Minister;
- (e) repealing, amending and making policies and procedures with respect to the municipality;
- (f) suspending the authority of a development authority or subdivision authority and providing for a person to act in its place pending compliance with conditions specified in the order;
- (g) requiring or prohibiting any other action as necessary to ensure that the municipality complies with the framework.

2016 c24 s134;2019 c22 s10(47)

708.44 to 708.46 Repealed 2019 c22 s10(48).

Division 3 General

Regulations Act does not apply

708.47 The *Regulations Act* does not apply to a framework or order made under this Part.

2016 c24 s134

Obligations continue during dispute

708.471 During a dispute in respect of a framework, the parties must continue to perform their obligations under the framework.

2019 c22 s10(50)

Jurisdiction of arbitrator

708.48(1) Repealed 2019 c22 s10(51).

(2) An arbitrator acting under this Part may make a determination

- (a) on a matter of process,
- (b) on the arbitrator's jurisdiction,
- (c) on a matter of law, and
- (d) on any other matter ancillary to a matter referred to the arbitrator.

(3) The arbitrator must make the findings and determinations the arbitrator determines to be necessary to decide the matters referred to the arbitrator.

(4) Except as provided in this Part, every award of an arbitrator is final and binding on all parties to the award and shall not be questioned, reviewed or restrained by any proceeding in the nature of an application for judicial review or otherwise in any court.

(5) An award of an arbitrator may be reviewed by the Court of Queen's Bench on a question of jurisdiction only and the application for judicial review must be made within 60 days after the award is made.

(6) For the purposes of a judicial review, the arbitrator is considered to be an expert in relation to all matters over which the arbitrator has jurisdiction.

(7) A person making an application to the Court of Queen's Bench under this section must give the arbitrator notice of the application.

2016 c24 s134;2019 c22 s10(51)

Limitation period

708.49 A person who wishes to have an order of the Minister under this Part declared invalid on any basis must make an application for judicial review within 60 days after the order is made.

2016 c24 s134;2019 c22 s10(52)

708.5 Repealed 2019 c22 s10(53).

Paramountcy of Part 17.2

708.51 In the event of a conflict or inconsistency between this Part and Parts 1, 2, 3, 5, 6, 7, 8 or 17, this Part prevails.

2016 c24 s134

Regulations

708.52 The Lieutenant Governor in Council may make regulations

- (a) respecting a subsequent action before a court following a decision of an arbitrator;
- (b) defining any term or expression that is used in this Part but not defined in this Act;
- (c) respecting any other matter that the Lieutenant Governor in Council considers necessary or advisable to carry out the intent of this Part.

2016 c24 s134;2019 c22 s10(54)

Part 18

Transitional Provisions

709 Repealed by Revision.

Transitional regulations

710(1) The Minister may make regulations

- (a) respecting the conversion to this Act of anything from the former Acts or from any other Act repealed by this Act;
- (b) to deal with any difficulty or impossibility resulting from this Act or the transition to this Act from the former Acts or from any other Act repealed by this Act.

(2) In this section, “former Acts” means

- (a) the *Assessment Appeal Board Act*, RSA 1980 cA-46;
- (b) the *County Act*, RSA 1980 cC-27;
- (c) the *Improvement Districts Act*, RSA 1980 cI-1;
- (d) the *Municipal Government Act*, RSA 1980 cM-26;
- (e) the *Municipal Taxation Act*, RSA 1980 cM-31;
- (f) the *Municipalities Assessment and Equalization Act*, RSA 1980 cM-32.

1994 cM-26.1 s617;1995 c24 ss94,96

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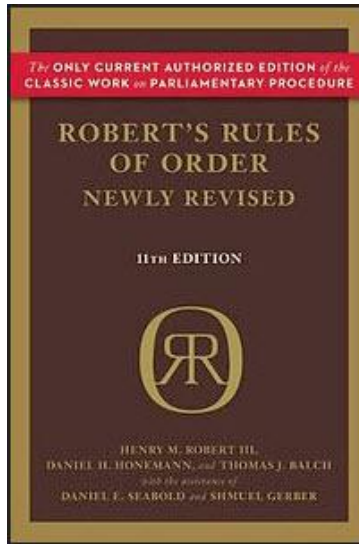
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Robert's Rules of Order - Summary Version

Introduction to Robert's Rules of Order

What Is Parliamentary Procedure?

It is a set of rules for conduct at meetings that allows everyone to be heard and to make decisions without confusion.

Why is Parliamentary Procedure Important?

Because it's a time tested method of conducting business at meetings and public gatherings. It can be adapted to fit the needs of any organization. Today, Robert's Rules of Order newly revised is the basic handbook of operation for most clubs, organizations and other groups. So it's important that everyone know these basic rules!

Organizations using parliamentary procedure usually follow a fixed order of business. Below is a typical example:

1. Call to order.
2. Roll call of members present.
3. Reading of minutes of last meeting.
4. Officer's reports.
5. Committee reports.
6. Special orders --- Important business previously designated for consideration at this meeting.
7. Unfinished business.
8. New business.
9. Announcements.
10. Adjournment.

The method used by members to express themselves is in the form of moving motions. A motion is a proposal that the entire membership take action or a stand on an issue. Individual members can:

1. Call to order.
2. Second motions.
3. Debate motions.
4. Vote on motions.

There are four Basic Types of Motions:

1. Main Motions: The purpose of a main motion is to introduce items to the membership for their consideration. They cannot be made when any other motion is on the floor, and yield to privileged, subsidiary, and incidental motions.
2. Subsidiary Motions: Their purpose is to change or affect how a main motion is handled, and is voted on before a main motion.
3. Privileged Motions: Their purpose is to bring up items that are urgent about special or important matters unrelated to pending business.
4. Incidental Motions: Their purpose is to provide a means of questioning procedure concerning other motions and must be considered before the other motion.

How are Motions Presented?

1. Obtaining the floor
 - a. Wait until the last speaker has finished.
 - b. Rise and address the Chairman by saying, "Mr. Chairman, or Mr. President."
 - c. Wait until the Chairman recognizes you.
2. Make Your Motion
 - a. Speak in a clear and concise manner.
 - b. Always state a motion affirmatively. Say, "I move that we ..." rather than, "I move that we do not ..."
 - c. Avoid personalities and stay on your subject.
3. Wait for Someone to Second Your Motion
4. Another member will second your motion or the Chairman will call for a second.
5. If there is no second to your motion it is lost.
6. The Chairman States Your Motion
 - a. The Chairman will say, "it has been moved and seconded that we ..." Thus placing your motion before the membership for consideration and action.
 - b. The membership then either debates your motion, or may move directly to a vote.
 - c. Once your motion is presented to the membership by the chairman it becomes "assembly property", and cannot be changed by you without the consent of the members.
7. Expanding on Your Motion

- a. The time for you to speak in favor of your motion is at this point in time, rather than at the time you present it.
 - b. The mover is always allowed to speak first.
 - c. All comments and debate must be directed to the chairman.
 - d. Keep to the time limit for speaking that has been established.
 - e. The mover may speak again only after other speakers are finished, unless called upon by the Chairman.
8. Putting the Question to the Membership
 - a. The Chairman asks, "Are you ready to vote on the question?"
 - b. If there is no more discussion, a vote is taken.
 - c. On a motion to move the previous question may be adapted.

Voting on a Motion:

The method of vote on any motion depends on the situation and the by-laws of policy of your organization. There are five methods used to vote by most organizations, they are:

1. By Voice -- The Chairman asks those in favor to say, "aye", those opposed to say "no". Any member may move for a exact count.
2. By Roll Call -- Each member answers "yes" or "no" as his name is called. This method is used when a record of each person's vote is required.
3. By General Consent -- When a motion is not likely to be opposed, the Chairman says, "if there is no objection ...". The membership shows agreement by their silence, however if one member says, "I object," the item must be put to a vote.
4. By Division -- This is a slight verification of a voice vote. It does not require a count unless the chairman so desires. Members raise their hands or stand.
5. By Ballot -- Members write their vote on a slip of paper, this method is used when secrecy is desired.

There are two other motions that are commonly used that relate to voting.

1. Motion to Table -- This motion is often used in the attempt to "kill" a motion. The option is always present, however, to "take from the table", for reconsideration by the membership.
2. Motion to Postpone Indefinitely -- This is often used as a means of parliamentary strategy and allows opponents of motion to test their strength without an actual vote being taken. Also, debate is once again open on the main motion.

Parliamentary Procedure is the best way to get things done at your meetings. But, it will only work if you use it properly.

1. Allow motions that are in order.
2. Have members obtain the floor properly.
3. Speak clearly and concisely.

4. Obey the rules of debate.

Most importantly, *BE COURTEOUS*.

For Fair and Orderly Meetings & Conventions

Provides common rules and procedures for deliberation and debate in order to place the whole membership on the same footing and speaking the same language. The conduct of ALL business is controlled by the general will of the whole membership - the right of the deliberate majority to decide. Complementary is the right of at least a strong minority to require the majority to be deliberate - to act according to its considered judgment AFTER a full and fair "working through" of the issues involved. Robert's Rules provides for constructive and democratic meetings, to help, not hinder, the business of the assembly. Under no circumstances should "undue strictness" be allowed to intimidate members or limit full participation.

The fundamental right of deliberative assemblies requires all questions to be thoroughly discussed before taking action!

The assembly rules - they have the final say on everything!

Silence means consent!

- Obtain the floor (the right to speak) by being the first to stand when the person speaking has finished; state Mr/Madam Chairman. Raising your hand means nothing, and standing while another has the floor is out of order! Must be recognized by the Chair before speaking!
- Debate cannot begin until the Chair has stated the motion or resolution and asked "are you ready for the question?" If no one rises, the chair calls for the vote!
- Before the motion is stated by the Chair (the question) members may suggest modification of the motion; the mover can modify as he pleases, or even withdraw the motion without consent of the seconder; if mover modifies, the seconder can withdraw the second.
- The "immediately pending question" is the last question stated by the Chair! Motion/Resolution - Amendment - Motion to Postpone
- The member moving the "immediately pending question" is entitled to preference to the floor!
- No member can speak twice to the same issue until everyone else wishing to speak has spoken to it once!
- All remarks must be directed to the Chair. Remarks must be courteous in language and deportment - avoid all personalities, never allude to others by name or to motives!

- The agenda and all committee reports are merely recommendations! When presented to the assembly and the question is stated, debate begins and changes occur!

The Rules

- **Point of Privilege:** Pertains to noise, personal comfort, etc. - may interrupt only if necessary!
- **Parliamentary Inquiry:** Inquire as to the correct motion - to accomplish a desired result, or raise a point of order
- **Point of Information:** Generally applies to information desired from the speaker: "I should like to ask the (speaker) a question."
- **Orders of the Day (Agenda):** A call to adhere to the agenda (a deviation from the agenda requires Suspending the Rules)
- **Point of Order:** Infraction of the rules, or improper decorum in speaking. Must be raised immediately after the error is made
- **Main Motion:** Brings new business (the next item on the agenda) before the assembly
- **Divide the Question:** Divides a motion into two or more separate motions (must be able to stand on their own)
- **Consider by Paragraph:** Adoption of paper is held until all paragraphs are debated and amended and entire paper is satisfactory; after all paragraphs are considered, the entire paper is then open to amendment, and paragraphs may be further amended. Any Preamble cannot be considered until debate on the body of the paper has ceased.
- **Amend:** Inserting or striking out words or paragraphs, or substituting whole paragraphs or resolutions
- **Withdraw/Modify Motion:** Applies only after question is stated; mover can accept an amendment without obtaining the floor
- **Commit /Refer/Recommit to Committee:** State the committee to receive the question or resolution; if no committee exists includes size of committee desired and method of selecting the members (election or appointment).
- **Extend Debate:** Applies only to the immediately pending question; extends until a certain time or for a certain period of time
- **Limit Debate:** Closing debate at a certain time, or limiting to a certain period of time
- **Postpone to a Certain Time:** State the time the motion or agenda item will be resumed
- **Object to Consideration:** Objection must be stated before discussion or another motion is stated
- **Lay on the Table:** Temporarily suspends further consideration/action on pending question; may be made after motion to close debate has carried or is pending
- **Take from the Table:** Resumes consideration of item previously "laid on the table" - state the motion to take from the table

- **Reconsider:** Can be made only by one on the prevailing side who has changed position or view
- **Postpone Indefinitely:** Kills the question/resolution for this session - exception: the motion to reconsider can be made this session
- **Previous Question:** Closes debate if successful - may be moved to "**Close Debate**" if preferred
- **Informal Consideration:** Move that the assembly go into "**Committee of the Whole**" - informal debate as if in committee; this committee may limit number or length of speeches or close debate by other means by a 2/3 vote. All votes, however, are formal.
- **Appeal Decision of the Chair:** Appeal for the assembly to decide - must be made before other business is resumed; NOT debatable if relates to decorum, violation of rules or order of business
- **Suspend the Rules:** Allows a violation of the assembly's own rules (except Constitution); the object of the suspension must be specified

Taken from: <http://www.robertsrules.org/>

Parliamentary Motions Guide

Based on *Robert's Rules of Order Newly Revised (11th Edition)*

The motions below are listed in order of precedence. Any motion can be introduced if it is higher on the chart than the pending motion.

YOU WANT TO:	YOU SAY:	INTERRUPT?	2 ND ?	DEBATE?	AMEND?	VOTE?
§21 Close meeting	I move to adjourn	No	Yes	No	No	Majority
§20 Take break	I move to recess for	No	Yes	No	Yes	Majority
§19 Register complaint	I rise to a question of privilege	Yes	No	No	No	None
§18 Make follow agenda	I call for the orders of the day	Yes	No	No	No	None
§17 Lay aside temporarily	I move to lay the question on the table	No	Yes	No	No	Majority
§16 Close debate	I move the previous question	No	Yes	No	No	2/3
§15 Limit or extend debate	I move that debate be limited to ...	No	Yes	No	Yes	2/3
§14 Postpone to a certain time	I move to postpone the motion to ...	No	Yes	Yes	Yes	Majority
§13 Refer to committee	I move to refer the motion to ...	No	Yes	Yes	Yes	Majority
§12 Modify wording of motion	I move to amend the motion by ...	No	Yes	Yes	Yes	Majority
§11 Kill main motion	I move that the motion be postponed indefinitely	No	Yes	Yes	No	Majority
§10 Bring business before assembly (a main motion)	I move that [or "to"] ...	No	Yes	Yes	Yes	Majority

Parliamentary Motions Guide

Based on *Robert's Rules of Order Newly Revised (11th Edition)*

Incidental Motions - No order of precedence. Arise incidentally and decided immediately.

YOU WANT TO:	YOU SAY:	INTERRUPT?	2 ND ?	DEBATE?	AMEND?	VOTE?
§23 Enforce rules	Point of order	Yes	No	No	No	None
§24 Submit matter to assembly	I appeal from the decision of the chair	Yes	Yes	Varies	No	Majority
§25 Suspend rules	I move to suspend the rules which ...	No	Yes	No	No	2/3
§26 Avoid main motion altogether	I object to the consideration of the question	Yes	No	No	No	2/3
§27 Divide motion	I move to divide the question	No	Yes	No	Yes	Majority
§29 Demand rising vote	I call for a division	Yes	No	No	No	None
§33 Parliamentary law question	Parliamentary inquiry	Yes (if urgent)	No	No	No	None
§33 Request information	Request for information	Yes (if urgent)	No	No	No	None

Motions That Bring a Question Again Before the Assembly - no order of precedence. Introduce only when nothing else pending.

§34 Take matter from table	I move to take from the table ...	No	Yes	No	No	Majority
§35 Cancel or change previous action	I move to rescind/ amend something previously adopted...	No	Yes	Yes	Yes	2/3 or maj. w/ notice
§37 Reconsider motion	I move to reconsider the vote ...	No	Yes	Varies	No	Majority



**TOWN OF BLACKFALDS
ORGANIZATIONAL MEETING
COUNCIL REPORT**

MEETING DATE: October 26th, 2021

PREPARED BY: Myron Thompson, Chief Administrative Officer

SUBJECT: Setting of Regular Meeting & Standing Committee Meeting Date and Times

BACKGROUND:

At the annual Organizational Meeting, it is required, through resolution, to set the dates and times for Regular Council Meetings and Standing Committee Meetings for the 2021 – 2022 term.

DISCUSSION:

Setting of the Regular Council Meeting schedule and that of the Standing Committee of Council schedule has been completed, taking into account statutory holidays over the course of the year.

Reference to setting of meeting dates and times is further identified in the following:

- Council Procedural Bylaw 1237.19 – Part 7 – Meetings of Council
- MGA Revised Statutes of Alberta 2000, Chapter M-26 current as of June 17, 2021, Section 193 and 195.

ADMINISTRATIVE RECOMMENDATION

1. That Council move to accept the 2021 - 2022 schedule where Town of Blackfalds Regular Council meetings are held on the second and fourth Tuesday of each month commencing at 7:00 pm in Council Chambers at the Municipal Office and that the meeting of December 28th be cancelled due to being a statutory holiday.
2. That Council move to approve that the Town of Blackfalds Standing Committee Meetings be held every third Monday commencing at 7:00 pm, with no meeting in February due to the third Monday falling on a statutory holiday and the April meeting scheduled for Tuesday the 19th due to the 18th being a statutory holiday, and as well as the cancellation of the August summer meeting.

ATTACHMENT:

- Proposed 2021 – 2022 Town of Blackfalds Regular Council Meeting and Standing Committee of Council Meeting schedule

Approvals:



CAO Myron Thompson

The public is invited to attend all Regular Council, Standing Committee Meetings and Public Hearings
(Below are the proposed dates for the 2021 -2022 term – to be approved by Council October 26, 2021)

Regular Council Meeting Schedule			Standing Committee Meeting Schedule		
Second and Fourth Tuesday Commencing at 7:00 pm			Third Monday Commencing at 7:00 pm		
2021	November	9, 23	2021	November	15
	December	14, 28 (?? - Stat)		December	20
2022	January	11, 25	2022	January	17
	February	8, 22		February	14 (?? Stat)
	March	8, 22		March	14
	April	12, 26		April	18 (?? Stat)
	May	10, 24		May	16
	June	14, 28		June	20
	July	12, 26		July	18
	August	9, 23		August	15 (?? Summer)
	September	13, 27		September	19
	October	11, 25*		October	17
* Annual Organizational Meeting					

Meeting dates and times are subject to change. Public notification of any change to the approved schedule will be conducted in accordance with the MGA and Town of Blackfalds Bylaws and Policies.



**TOWN OF BLACKFALDS
ORGANIZATIONAL MEETING
COUNCIL REPORT**

MEETING DATE: October 26th, 2021

PREPARED BY: Myron Thompson, Chief Administrative Officer

SUBJECT: Appointment of Deputy Mayor

BACKGROUND:

During the Organizational Meeting it has been a past practice to set the Deputy Mayor appointments over the course of the Council term. The four-year term allows each Council member the equal opportunity to serve as Deputy Mayor for an eight-month term.

DISCUSSION:

Section 152(1) of the *MGA* requires Council to appoint one or more Councillors as a Deputy Mayor so that the office is filled at all times. The Council member filling the role as Deputy Mayor will act as the Chief Elected Official when the Chief Elected Official is unable to perform the duties or when the office of the Chief Elected Official is vacant. In addition, the Deputy Mayor will chair the Standing Committee of Council Meetings for their term as outlined.

ADMINISTRATIVE RECOMMENDATION:

That Council move to set the Deputy Mayor rotation terms commencing with the longest serving Council member and then assigned alphabetically in eight (8) month terms with the order of appointments as follows:

Councillor Appel	November 2021- June 2022
Councillor Stendie	July 2022 – February 2023
Councillor Svab	March 2023 – October 2023
Councillor Dennis	November 2023 – June 2024
Councillor Sands	July 2024 – February 2025
Councillor Valin	March 2025 – October 2025

Approvals:



CAO Myron Thompson



TOWN OF BLACKFALDS ORGANIZATIONAL MEETING COUNCIL REPORT

MEETING DATE: October 26th, 2021

PREPARED BY: Myron Thompson, Chief Administrative Officer

SUBJECT: Draft Council Remuneration and Compensation Policy 156/21

BACKGROUND:

The Town of Blackfalds, similar to other municipalities undertakes a review of the remuneration and compensation provided to its Council in the year that the Municipal Election is held. This process is supported through the Council Remuneration and Compensation Policy. This Policy also includes Appendix "B", which is the Terms of Reference for a Council Remuneration Review Committee that is made up of citizens from the community who work with Administration to review relevant information gathered and determine and make recommendations to the sitting Council for a remuneration package which is formalized and implemented following the fall election for the new Council.

A Council Remuneration Review Committee was formed through appointment of citizen representation at the June 22nd, 2021 Regular Meeting of Council. The citizen members were assisted by members of Administration and representatives of Hillcrest Financial. Hillcrest Financial is made up of consultants who undertook a survey and analysis for the Council Remuneration process.

Survey information was gathered from 12 comparator communities that were in a range or +/- 10% of the Municipal Measurement Index for Blackfalds as provided through Municipal Affairs. The values provided in the survey included 50th percentile or mediation calculations, as well as 75th, 85th, 90th, and 100th percentiles.

DISCUSSION:

Through the review process, the Council Remuneration Review Committee undertook an analysis on honorariums, per diems, travel & expenses, technology and benefits. The recommendations regarding these areas of Council duties were brought forward to the August 10th Regular Council Meeting for Council and were approved.

The draft Council Remuneration and Compensation Policy 156/21 is attached as reference. Please note that Appendix "A" titled Compensation Provided to Mayor and Council has been updated with the Council approved values noted in red. This document is in draft only and will be brought before Council in November for adoption.

ATTACHMENT:

- *Draft Council Remuneration and Compensation Policy 156/21*

Approvals:



CAO Myron Thompson

Policy No.: 156/21 Policy Title: Council Remuneration & Compensation Department: Office of the CAO Council Approval: Reviewed: August 2021 Revised: August 2021 Supersedes Policy/Bylaw: <ul style="list-style-type: none"> • Council Remuneration & Compensation Policy 132/17 • Council Remuneration & Compensation Policy (September 2011) 	Date: Resolution #:
--	--

1. Preamble

- 1.1 The Town of Blackfalds values the contribution of Council and as such will maintain an annual level of remuneration and compensation for the elected officials that fall within the compensation values of the grouping of comparator municipalities as determined through provincial data provisions.

2. Reason for Policy

- 2.1 To outline the remuneration and compensation provided to Mayor and Council through honorarium, per diem rates, expenses, benefits, and professional development, as well as the process for reviews and adjustments as identified through the Terms of Reference – Council Remuneration Review Committee.

3. Authority

- 3.1 Section 242 and 243 of the *Municipal Government Act*, being Chapter M-26 of the Revised Statutes of Alberta, as amended.
- 3.2 Town Council Resolutions

4. Definitions

- 4.1 Council: Council are those elected officials serving the Town of Blackfalds duly elected in accordance with the *Local Authorities Election Act*.
- 4.2 Elected Official: is any member of Council.

5. Responsibilities

- 5.1 Municipal Council to:
- 5.1.1 Approve by resolution this policy and any amendments.
- 5.1.2 Consider the allocation of resources for successful implementation of this policy in

the annual budget process.

5.2 Council Remuneration Review Committee to:

5.2.1 Undertake processes as identified in Appendix “B” – Terms of Reference

6. Exclusions

6.1 None

7. Special Situations

7.1 None

8. Appendix

8.1 Appendix “A” – Compensation provided to Mayor and Council

8.2 Appendix “B” – Terms of Reference – Council Remuneration Review Committee

8.3 Appendix “C” – Council Member Expenses/Reimbursement

9. End of Policy

PROCEDURE	Policy No.: 156/21 Policy Title: Council Remuneration Policy Department: Office of the CAO
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1. Preamble

- 1.1 The remuneration and compensation is reviewed on a four year cycle, conducted in the year of an Municipal election and completed in advance of the election. Mayor and Council will receive an established Salary/Honorarium, and as well per diems and any other allowable expenses as established through Policy 156/21.
- 1.2 Remuneration and compensation levels are established through a +/- 10 percent median of compensation data retrieved through the survey of comparator municipalities that align with Blackfalds within a +/- 10 municipal measurement index as provided through Alberta Municipal Affairs. A dollar amount per capita modifier will be used and is derived by utilizing the 75 percent median honorarium/salary amount divided by the current population. A compensation adjustment will be brought forward annually to Council for consideration at budget time to reflect changes in the Alberta Consumer Price Index and which will align with salary and wage adjustments provided to municipal employees.
- 1.3 Health Benefits provided under the Municipality's current benefit provider are offered as an option for Council members to participate. Coverage is similar to that provided to the organization, with the exclusion of short- and long-term disability.

2. General Procedures

- 2.1 Refer to Appendix "A" – Compensation Provided to Mayor and Councillors.
- 2.2 Refer to Appendix "B" – Terms of Reference – Council Remuneration Review Committee.
- 2.3 Refer to Appendix "C" – Council Member Expenses/Reimbursement

Appendix “A” – Compensation Provided to Mayor and Council

PROCEDURE	Policy No.: 156/21 Policy Title: Council Remuneration Policy Department: Office of the CAO
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1. Preamble:

Council's Salary/Honorarium will be in place for a four-year election term cycle with only annual adjustments made based on the Consumer Price Index (CPI), as approved by Council and in alignment with amounts provided to municipal employees. Council has the duty to participate in Council and Standing Committee Meetings and any other meetings of other bodies to which they are appointed by Council. It is the authority and responsibility of Council to define and determine which meetings will qualify for per diem payments. This recognized responsibility for developing and evaluating the policy and programs of the municipality is included in the Town's annual operating budget.

2. Council Salaries/Honorariums:

2.1 Monthly Honorariums are provided for attendance at all Council meetings, Standing Committee Meetings, Public Hearings, Appointed Boards & Committees and Community Organization Meetings as determined.

2.2 The monthly honorarium for Council member activities and attendance as indicated in 2.1 is as follows:

2.2.1 Chief Elected Official ~~\$3,584~~ **\$4,980**

2.2.2 Councillor ~~\$1,959~~ **\$2,369**

2.3 Additional honorariums or fees paid from other organizations such as regional or provincial bodies or commission boards will be accepted by a Council member for their participation or attendance. Compensation will not be provided by the Town of Blackfalds in these instances.

3. Per Diems

3.1 A per diem will be provided to members of Council for attendance at Council recognized conferences, conventions, workshops, meetings or other recognized and budget approved activities.

3.2 A per diem will be provided to Council members for attendance at Municipal workshops, open houses, retreats, and budget meetings.

3.3 Per diem meeting rates are as follows:

3.3.1 Flat Rate ~~\$120 (half day)~~ **\$135 (half day)**

3.3.2 Flat Rate ~~\$240 (full day)~~ **\$255 (full day)**

- 3.4 Per diem rates do not apply to attendance at community events such as Canada Day, Remembrance Day and similar events, general public appearances and social events and activities.

4. Health Benefits

- 4.1 Mayor & Council members are provided the option to participate in the Towns' Employee Benefits Program. The option to participate must take place within 60 days from the beginning of their term commencing and will remain in effect through the duration of their political service.
- 4.2 Specifics of coverage include:
- 4.2.1 Basic Group Life Insurance which entitles Council to coverage of \$25,000. Mayor and Councillors pay 20% of the premiums for this coverage.
 - 4.2.2 Dependant Life Insurance which entitles Mayor and Councillors to coverage of \$10,000 for Spouse and \$5,000 per child if they choose family coverage for Extended Health Care. Mayor and Councillors pay 20% of the premiums for this coverage.
 - 4.2.3 Dental benefits which entitles Mayor and Councillors to coverage of 100% Basic, 80% Major, 100% Dentures with a combined calendar year maximum of \$2500. Dental also includes 50% Adult and Child Orthodontics to a lifetime maximum of \$3000. Mayor and Councillors are responsible for 20% of the premiums for this coverage.
 - 4.2.4 Extended Health Care benefits which entitles Mayor and Councillors to coverage of 100% of prescription drugs and 100% of medical supplies and services to limits as outlined in the employee handbook. Mayor and Councillors are responsible for 20% of the premiums for this coverage.
 - 4.2.5 Vision Coverage of \$400.00 per year for children (if they are choosing family coverage for extended health care) and every 2 years for an adult. Mayor and Councillors are responsible for 20% of the premiums for this coverage.
 - 4.2.6 Accidental Death and Dismemberment coverage of \$25,000. Mayor and Councillors are responsible for 20% of the premiums for this coverage.
 - 4.2.7 Employee Assistance Program is offered to Mayor and Councillors with premiums paid for by the Town.
 - 4.2.8 Optional benefits are available with full premiums being the responsibility of Mayor and Councillors. These options include optional life insurance, optional critical illness, and optional dependent life insurance.
- 4.3 Exclusions:
- 4.3.1 Coverage excludes short- and long-term disability.

5. Health/Wellness Spending Account

5.1 Council will be provided with a \$425 annual Health and/or Wellness Spending Account.

6. Travel & Subsistence

- 6.1 Council member expenses incurred shall be reimbursed as per Appendix "C" – Reimbursements, and upon submission and approval of a claim form.
- 6.2 The Mayor shall be responsible for approving Councillor's expense claims and the Deputy Mayor responsible for approving the Mayor's expense claims.
- 6.3 Mayor and Council are to submit receipts for meals. In instances where meals are provided at a conference, seminar workshop, or meeting then meal allowances or receipted meals will not be reimbursed unless approved by Council.
- 6.4 The administrative vehicle will be provided for Councillor use for out of town travel that is not overnight. The booking of the vehicle will be made through the Civic Centre reception. Extended travel expense reimbursement will be provided as per Appendix "C" or alternate arrangements will be made in provision of a municipal fleet unit.

7. Professional Development

- 7.1 Professional development will be provided to Mayor and Council as outlined in Policy 155.21 Elected Officials Development Opportunities.

8. Electronic Device and Internet Connection Reimbursement

- 8.1 Members of Council will receive the required electronic devices and software once per Council term (4 years) following the Municipal Election in order to conduct Council duties; equipment will be returned at the expiry of the term should the Council member not be returning on Council.
- 8.2 Reimbursement for the cost of an average high speed internet connection is in effect to offset the personal costs to Council. A paperless agenda and electronic communications combined with the research required via the web makes a reliable high speed internet connection a necessary service to properly execute the duties of council.
- 8.3 Reimbursement for the cost of the internet connection will be paid by the Town to the Council members in December of the year in which the charges occurred. The reimbursement will be prorated monthly for terms that do not equal a full year. The amount of reimbursement is calculated based on an average connection with sufficient data transfer amounts as determined by the council during the annual budget deliberations.

8.4 Each Council Member will be reimbursed \$100 per month for internet costs.

9. Telephone

- 9.1 The Chief Elected Official shall be provided with a cell phone by the Town or a payment equal to an amount in lieu of average cost to supply a cell phone will be paid on a monthly basis.

10. General

- 10.1 The Town of Blackfalds is responsible for the payment of the remuneration and compensation as delegated to the Director of Corporate Services who shall distribute payment according to this policy. Honorariums shall be paid no later than the last banking day of each month.
- 10.2 Honorarium and per diem claims shall be submitted on a form provided by the Director of Corporate Services and submitted no later than two days prior to the pay date. All payment requests must be approved by the Mayor prior to submission.
- 10.3 Emergency payments for honorariums may be requested by Council upon arrangements with the Chief Administrative Officer, preferably with one weeks' notice.
- 10.4 Cash advances for up to 80% of the estimated expenditures incurred may be provided upon request being presented at least one week prior to departure.
- 10.5 Expense claim forms as provided by the Director of Corporate Services are to be completed and approved by the Mayor and Deputy Mayor upon return from eligible conventions, seminars, Town business and meetings prior to submission for payment.
- 10.6 Town administration may register Council members for courses and conferences as requested. Council members wishing to register themselves may do so using their municipal credit card. All credit card receipts must be submitted to Accounts Payable for processing.

11. General

- 11.1 Review of this policy will take place through procedures identified in Appendix "B" – Council Remuneration Review Committee.

Appendix “B” – Terms of Reference – Council Remuneration Review Committee

PROCEDURE	Policy No.: 156/21 Policy Title: Council Remuneration Policy Department: Office of the CAO
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1. Preamble:

- 1.1 A Council Remuneration Review Committee consisting of five citizens from the community will be established by the Chief Administrative Officer to review and make recommendations for compensation to be provided for Mayor and Council ahead of the Municipal Election. The compensation recommendation will be reviewed by the sitting Council and any decisions will be made through formal resolution and come into effect for the new Council following the Municipal Election.

2. Responsibilities:
2.1 Council:

- 2.1.1 Following the recruitment process for Remuneration Committee members Council will formally appoint these members to the Council Remuneration Committee;
- 2.1.2 Council will duly consider all recommendations brought forward by the Committee;
- 2.1.3 Approve any adjustments to Council remuneration package.

2.2 Chief Administrative Officer:

- 2.2.1 Will act in an advisory role to the Committee;
- 2.2.2 Provide the assistance of a Human Resource Officer to assist in information gathering and analysis, and facilitation process;
- 2.2.3 Provide any information necessary information to the Committee necessary to fulfill their duties;
- 2.2.4 Utilize the current Municipal Affairs Municipal Measurement Index to utilize comparator municipalities. Comparators will be within +/-ten percent in relation to the Town of Blackfalds.
- 2.2.5 Ensure the survey information is collected, compiled, and available for when the Committee is ready to undertake the review..

2.3 Council Remuneration Committee

- 2.3.1 Will elect a Chair and Vice Chair for the Committee;
- 2.3.2 Will make recommendations to Council in relation to Council Remuneration;



- 2.3.3 Will make recommendations to Council in relation to Council Per Diem Rates (daily rate of pay for Elected Officials for attendance at conferences, workshops, seminars, etc.);
- 2.3.4 Will make recommendations to Council in relation to a Benefits Package;
- 2.3.5 Will make recommendations on the compensation rate through establishment of a market average of those communities surveyed;
- 2.3.6 Provide general insight or recommendations on the status (current and within 4 years) relative to the position of Mayor being a part time or full-time position.

1.4 Remuneration Committee Chair Duties

- 1.4.1 Spokesperson for the Committee except for specifically authorized instances;
- 1.4.2 Will ensure that deliberation during Committee meetings will be fair, transparent, efficient and thorough;
- 1.4.3 Will chair Committee meetings with all the commonly accepted power of that position (Roberts Rules);
- 1.4.4 Will ensure that decisions are documented in written format and that recommendations are put in writing for presentation.

2. Procedures for Council Remuneration Committee

- 2.1 The Committee will be established prior to mid-year of an election year. The Committee will complete their review and make recommendation prior to the first Council meeting in August.
- 2.2 The Committee will consist of nine members including five citizens from the Community, the CAO, the Director of Corporate Services, the Human Resource Officer and member of the consulting firm (Human Resource Advisor) that gathered and processed the compensation survey data.
- 2.3 The Committee members chosen will consist of individuals who are active and connected in the Community or have a professional background in finance, business, education, law or governance.
- 2.4 The citizen appointees will be the only Committee members to have voting rights.
- 2.5 The term of the Committee shall be appointed for a term not to exceed one year. Committee.
- 2.6 Meeting dates and times shall be held at the discretion of the Committee and a quorum shall consist of three members.
- 2.7 Each member of the Committee will observe and keep confidential matters relating to the business or affairs of Council members or the Town of Blackfalds which may directly or indirectly come to their knowledge through the Committee activities. Committee members will not discuss or disclose same with any person who is not entitled to such knowledge.

Appendix “C” – Council Member Expenses / Reimbursement

PROCEDURE	Policy No.: 156/21 Policy Title: Council Remuneration Policy Department: Office of the CAO
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REIMBURSEMENT TYPE	AMOUNT
Travel Allowance - Meals	As per current Revenue Canada Agency Travel Allowance - Meals
Travel Allowance – Vehicle Use	As per current Revenue Canada Agency Travel Allowance – Vehicle Use (\$/km)
Travel Allowance - Accommodation Hotel/Motel Private Home	As per receipted expense \$22.25 allowance per overnight stay
Travel Allowance – Taxi/public transportation	As per receipted expense
Rental Vehicles	When authorized and receipted expense
Parking Costs	As per receipted expense
Incidental Expense – Laundry & dry cleaning	As per receipted expense
Sundry Allowance	\$8.25 per 24-hour period away on Town- business



**TOWN OF BLACKFALDS
ORGANIZATIONAL MEETING
REQUEST FOR DECISION**

MEETING DATE: October 26th, 2021

PREPARED BY: Myron Thompson, Chief Administrative Officer

SUBJECT: Federation of Canadian Municipalities Attendance

BACKGROUND:

The Federation of Canadian Municipalities (FCM) is the national voice of municipal government, representing 90% of Canada's municipal population. FCM has been the national voice of municipal government since 1901. Members include Canada's largest cities, small urban and rural communities, and approximately 20 provincial and territorial municipal associations. Municipal leaders from all parts of Canada assemble annually to establish FCM policy on key issues. The Federation of Canadian Municipalities annual Conference has been attended by Blackfalds Council and the CAO for the past 13 years. This annual Conference brings together municipal leaders from across Canada and offers participants the opportunity to learn from each other, network with peers and build productive working relationships, along with the opportunity to attend valuable workshops and webinars.

DISCUSSION:

At the Organizational Meeting, Council is requested to determine attendance for the conferences taking place within the four-year term. Dates and times of these conferences are as follows:

2022 - Regina, SK. June 2 – 5th, 2022
2023 - Toronto, Ont. 1st weekend of June, 2023
2024 – Calgary, AB. 1st weekend of June, 2024
2025 – Ottawa, Ont. 1st weekend of June, 2025

ADMINISTRATIVE RECOMMENDATION

That Council move to approve attendance for the Mayor and CAO along with two Councillors as follows:

- | | |
|---|---|
| 1. Regina, SK
June 2 - June 5, 2022 | Mayor, CAO
Councillor _____ Councillor _____ |
| 2. Toronto, Ont.
1 ST weekend of June, 2023 | Mayor, CAO
Councillor _____ Councillor _____ |
| 3. Calgary, AB
1 st weekend of June 2024 | Mayor, CAO
Councillor _____ Councillor _____ |
| 4. Ottawa, Ont.
1 st weekend of June 2025 | Mayor, CAO
Councillor _____ Councillor _____ |



**TOWN OF BLACKFALDS
ORGANIZATIONAL MEETING
REQUEST FOR DECISION**

Approvals:

CAO Myron Thompson



**TOWN OF BLACKFALDS
ORGANIZATIONAL MEETING
REQUEST FOR DECISION**

MEETING DATE: October 26th, 2021

PREPARED BY: Myron Thompson, Chief Administrative Officer

SUBJECT: Alberta Urban Municipality Association Convention Attendance

BACKGROUND:

The Alberta Urban Municipalities Association was founded in 1905 and today represents Alberta's urban municipalities. This includes cities, towns, villages, summer villages, and specialized municipalities, as well as associate and affiliate members. AUMA offers important advocacy services as well as a broad range of business services to its members.

DISCUSSION:

The AUMA Convention is held each fall, typically in Edmonton or Calgary, with attendance from Albertan municipalities, dignitaries, speakers and trade show presenters. The 2021 AUMA Convention & AMSC Trade Show will be held from November 17th to the 19th at the Edmonton Convention Centre. Plans are still in place for an in-person event with health and safety protocols in place that meet provincial restrictions.

The Convention is available for attendance by all Council members with sufficient budget in place for this activity.

ADMINISTRATIVE RECOMMENDATION

That Council move that all of Council and the CAO will attend the 2021 AUMA Convention in Edmonton taking place from November 17th to 19th.

ALTERNATIVES:

a). That Council not move to attend the AUMA Convention for some or all of Council and the CAO.

ATTACHMENTS:

- AUMA 101

Approvals:



CAO Myron Thompson

who is AUMA?

The Alberta Urban Municipalities Association represents urban municipalities including cities, towns, villages, summer villages and specialized municipalities and more than 85% of Albertans. It is a dynamic and evolving association, advocating the interests of municipalities to the provincial and federal orders of government and other stakeholders.

The Alberta Municipal Services Corporation is a solutions-based company, successfully delivering innovative services to municipalities, municipally related organizations, and their employees for more than 40 years.

We provide value to our members through economies of scale, advocacy, a wide range of products and services, and expertise that comes from working with many municipalities.

member-driven engagement

AUMA offers a variety of resources to help members stay up to date on advocacy, program, service and support initiatives. In addition, we offer an array of AUMA-hosted webinars and give members the option to subscribe to targeted newsletters:

- Weekly Digest
- Elected Officials Professional Development
- Small Communities.

Through our annual Convention and Trade Show, as well as bi-annual Mayors' Caucuses, we provide forums for members to discuss issues, present and debate resolutions, and increase their knowledge of municipal issues and effective solutions.

Alberta Urban Municipalities Association Alberta Municipal Services Corporation

Alberta Municipal Place
300 – 8616 51 Avenue Edmonton, AB T6E 6E6
780.433.4431 310.AUMA



AUMA 101

Introducing the Alberta Urban Municipalities Association



AUMA.ca

WE ARE	WE ARE THE	WE ARE THE	WE ARE YOUR
economies	support	experts	advocate
OF SCALE	YOU NEED	IN MUNICIPALITIES	

WE ARE	WE ARE THE	WE ARE THE	WE ARE YOUR
economies	support	experts	advocate
OF SCALE	YOU NEED	IN MUNICIPALITIES	



AUMA.ca

WE ARE	WE ARE THE	WE ARE THE	WE ARE YOUR
economies	support	experts	advocate
OF SCALE	YOU NEED	IN MUNICIPALITIES	

solutions-based association

Municipally-driven commitment

AUMA believes that municipalities need stable and predictable funding to support their social, economic, cultural, environmental, and governance objectives. We also believe that the roles and responsibilities of municipal governments must be recognized and respected by both the provincial and federal orders of governments, and advocate for that recognition and respect. We work to ensure that everyone understands that municipal governments are accountable to their citizens and are trusted to act in the best interest of their respective communities.

AUMA works to engage our municipalities and develop strategic partnerships between all orders of government to meet municipal needs. Although many urban municipalities share common challenges, we also understand the diverse and complex nature of our different sizes and types of municipalities. That's why we're committed to developing solutions that respect differences.

solutions-based advocacy

Building thriving communities

The majority of our advocacy efforts are focused on working with our municipalities to build awareness and understanding of issues and opportunities, and the solutions that are required.

Our work spans a broad range of issues, including:

- land use
- water and waste water management
- transportation and transit
- housing
- crime prevention
- economic development
- culture and recreation.

*We believe that municipalities need
stable and predictable funding
to support their social, economic,
cultural, environmental, and
governance objectives.*

In order to make good decisions and build thriving communities, municipal leaders need to be well informed about emerging issues. That's why AUMA works to share relevant information quickly, utilizing an array of tools to inform, educate, inspire and engage community leaders.

solutions-based thinking

Alberta Municipal Services Corporation

AUMA are problem solvers, we provide the framework for efficient solutions, building capacity for municipalities who either don't have the expertise or want to stay focused on their core business.

AUMA is an organization with vast municipal expertise—from governance expertise, internal staff expertise, solid partners, and technology solutions.

Our core business services arose out of municipality requests. AUMA has been able to step in and solve municipal issues through business solutions with the creation of the Alberta Municipal Services Corporation, which includes:

- HR services, including Benefits and Retirement services
- General Insurance and Risk
- Utilities Services, which includes energy retail program, the Municipal Climate Change Action Centre, and Water and Wastewater services.

For more than 40 years, we have addressed municipal business needs identified by our municipalities and regularly provide aggregated solutions.

We provide services to both municipalities and non-profits who support communities.



AUMA.ca

WE ARE **economies** OF SCALE | WE ARE THE **support** YOU NEED | WE ARE THE **experts** IN MUNICIPALITIES | WE ARE YOUR **advocate**

Policy No.:	147.20	Council Approval: Resolution No.: 262.20 Date: September 21, 2020
Policy Title:	Council Board/Committee Policy and Procedures	
Department:	N/A	
Reviewed:	N/A	
Revised:	Board/Committee Policy (Approved on October 22, 1991 and amended February 12, 2008)	
Supersedes Policy/Bylaw:		

Policy Statement

The Town of Blackfalds Council Boards, Commissions and Committees shall be established by bylaw or terms of reference outlining specific Board/Committee establishment, structure, membership, membership orientation, terms of appointment, attendance at meeting, delegation of authority, staff support and general.

1. Reason for Policy

- 1.1 The purpose of this Policy is to establish and maintain the following Boards/Committees to assist in undertaking the responsibilities of Recreation, Economic Development, Family and Community Support Services (FCSS), Library Services, Policing and Planning and Development Control.

2. Definitions

- 2.1 **“Administrative Liaison”** means staff support provided to Boards/Committees.
- 2.2 **“Advisory Board”** means they provide advice and recommendations to Council which is either endorsed or rejected by motion or Council or via the yearly budget.
- 2.3 **“Board/Committee”** means a Board, Committee, Commission or other body established by Council.
- 2.4 **“Council”** means the Elected Municipal Council of the Town of Blackfalds.
- 2.5 **“Governance Committee”** means a Committee established in support of legislative requirements or to support Council’s governance role.
- 2.6 **“Member”** means a Member of a Board/Committee.
- 2.7 **“Member at Large”** means any person who is a resident of the Town of Blackfalds or Lacombe County.
- 2.8 **“Organizational Meeting”** means the annual Organizational Meeting of Council as required under the Municipal Government Act (MGA).
- 2.9 **“Volunteer”** means a person who performs a service willingly without remuneration.



3. Responsibilities

3.1 Municipal Council to:

- a) approve by resolution this policy and any amendments; and
- b) consider the allocation of resources for successful implementation of this policy in the annual budget process.

3.2 Chief Administrative Officer to:

- a) implement this policy and approve procedures.
- b) ensure policy and procedure reviews occur and verify the implementation of policies and procedures.

3.3 Director of the Department to:

- a) ensure implementation of this policy and procedure.
- b) ensure that this policy and procedure is reviewed every three years.
- c) make recommendations to the Chief Administrative Officer of necessary policy or procedure amendments.

3.4 Manager to:

- a) understand and adhere to this policy and procedure.
- b) ensure employees are aware of this policy and procedure.

3.5 Employees to:

- a) understand and adhere to this policy and procedure.

4. Exclusions

None

5. Special Situations

None

6. Appendix

Appendix A – Volunteer Application Form

Appendix B – Process to Appoint Volunteers to Boards, Committees and Commissions

7. End of Policy

PROCEDURE	Policy No.: 147.20 Policy Title: Council Boards and Committees Policy Department: Administration
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Part A: Council Board/Committee Guidelines

1. Establishment of Council Boards, Commissions and Committees

- 1.1 Town of Blackfalds Council appointed Boards/Committees shall be established by bylaw or terms of reference outlining specific Board/Committee objectives, responsibilities, authority and membership.
- 1.2 Council values the diverse voices of citizens in local governance and demonstrates this value, in part through the establishment and support of boards, committees and commissions.

2. Structure

- 2.1 The Town shall establish and maintain the following Boards/Committees to assist in undertaking the responsibilities of Recreation, Economic Development, Family and Community Support Services (FCSS), Library Services, Policing and Planning and Development Control.
 - a) Blackfalds and District Recreation, Culture & Parks Board
 - b) Economic Development & Tourism Advisory Committee (EDTAC)
 - c) Blackfalds and District Family and Community Support Services Board
 - d) Municipal Library Board
 - e) Municipal Planning Commission (MPC)
 - f) Policing Committee
 - g) Subdivision and Development Appeal Board (SDAB)
 - h) Intermunicipal Assessment Review Board (ARB)
- 2.2 Current established Council Boards/Committees are:

3. Membership

- 3.1 All Boards/Committees may have membership from both Council and the public with the exception of the Assessment Review Board.
- 3.2 Members are appointed by Council resolution at the annual Organizational Meeting or at other times as required.
- 3.3 Board vacancies shall be advertised and applied for on the form provided for this purpose (Appendix A). Appointments shall be made by Council through a screening process as defined in Appendix B.
- 3.4 Members shall be appointed on the condition they adhere to the Council Code of Conduct Bylaw while performing their role as Board Member.
- 3.5 Term of office for members shall be as outlined in their specific Board/Committee bylaw or terms of reference, and all member appointments shall follow the appropriate bylaw regulations.

- 3.6 Council Members who are appointed to the Municipal Library Board are appointed for a three-year term but may submit a written resignation at the annual Organizational Meeting.

Although members are appointed for a three-year term, their appointment will be reviewed annually by Council at the Organizational Meeting with the appointment either being confirmed or cancelled as determined by Council resolution. At the conclusion of the three-year term, former members may re-apply for another three-year term. Council will encourage new membership, however, all applicants, including former members, will be considered equally with appointments being made by Council through the screening process.

- 3.7 The Chief Elected Official, by virtue of his office, is a member of all Boards/Committees to which Council has a right to appoint members and, when in attendance, possesses all the rights, privileges, powers and duties of other members. As a consequence, the Chief Elected Official and Deputy Chief Elected Official may officially act as alternates to any Council Member who cannot attend a board meeting of any Town Board he or she is appointed to.
- 3.8 Immediate family members of Town Council and employees are permitted to serve on Council Boards/Committees, but cannot sit on the same Board/Committee at the same time.
- 3.9 In selecting Board/Committee members, preference may be given to residents of Blackfalds. However, it is also recognized that non-resident applicants who own property or have a business in Town also have a stake in the community and are also entitled to serve on a Board/Committee.
- 3.10 Town staff members cannot sit as a voting member on a Board/Committee.
- 3.11 Former Council Members and Town staff may apply for appointment to a Board/Committee following resignation from Council or termination of employment with the Town.
- 3.12 New members to the Municipal Planning Commission (MPC) and the Subdivision and Development Appeal Board (SDAB) will be required to attend orientation and complete any training as required by legislation.
- 3.13 Members of the Municipal Planning Commission cannot be members of the Subdivision and Development Appeal Board, and vice versa.
- 3.14 All volunteers, including members sitting on Council Boards/Committees and members of Council, are required to annually submit a Volunteer Application form following their appointment to the Volunteer Programmer. Members 18 and older are required to annually submit a Criminal Record Check to be conducted as part of the screening process (Appendix B).

4. Membership Orientation

- 4.1 Membership orientation will be held at the first Board/Committee meeting following the Organizational Meeting.
- 4.2 The orientation session will include:
- a) Organizational Structure;
 - b) Updated Volunteer Application information and Criminal Record Check (must be received by the Volunteer Programmer within 30 days of their appointment);

- c) FOIP Coordinator will provide FOIP Review;
- d) Bylaw or Terms of Reference Review;
- e) Budget (if applicable); and
- f) Clothing Allowance.

5. Term of Appointment

- 5.1 The term of an appointment shall be in accordance with the specific Council Board/Committee bylaw or terms of reference.

6. Attendance at Meetings

- 6.1 Regular attendance of members for Boards/Committees is important to the function and responsibilities of that Board/Committee. The Board/Committee bylaw or terms of reference identify attendance requirements for members and consequences for a breach of these requirements.

7. Delegation of Authority

- 7.1 The Blackfalds and District Recreation, Culture & Parks Board, Blackfalds and District Family and Community Support Services Board and Economic Development & Tourism Advisory Committee are Advisory Boards, and as such, they provide advice and recommendations to Council which is either endorsed or rejected by motion or Council or via the annual budget.
- 7.2 The Municipal Library Board, Municipal Planning Commission and Subdivision and Development Appeal Board are Governance Committees with their own authority and powers provided by their prospective bylaws and by provincial legislation (ie. Libraries Act, Municipal Government Act and Public Safety Services Act).
- 7.3 All Boards except the Library Board may spend Town monies through the authority of its Administration Liaison if such spending was previously approved in the current Town budget.
- 7.4 The Library Board may spend monies provided from the Town annually through the authority provided in accordance with Libraries Act and Bylaw No. 1224/18.

8. Staff Support

- 8.1 Town Administration shall provide staff support to all Boards/Committees, except the Library Board, to prepare agendas, minutes and to facilitate decisions of the Boards/Committees.
- 8.2 Agendas shall be prepared by the staff support person in consultation with the Board/Committee Chairperson.
- 8.3 The Library Board shall utilize their own staff to support their Board.

9. General

- 9.1 Minutes for all Board/Committee meetings shall be circulated to Council via Council agenda packages.

- 9.2 Meetings shall be held regularly in accordance with the Board/Committee bylaws or terms of reference.

Part B: COUNCIL COMMITTEES

10. Structure

- 10.1 The Town shall establish the Council Committees as required to act in an advisory capacity to Council.
- 10.2 Standing Committee of Council:
- a) to provide further opportunities for information gathering and input;
 - b) to facilitate informed decision-making process.
- 10.3 Ad-Hoc Committees to be developed, as required, to do further research of specific issues.

11. Establishment

- 11.1 All Committees shall be established by resolution of Council.

12. Membership

- 12.1 Membership shall consist of Councillors.

13. Authority

- 13.1 All Committees are advisory in nature only. Any decisions to be made must be made by Council upon reviewing the recommendations from the Committees.
- 13.2 No Committee has the authority to spend Town monies.

14. Staff Support

- 14.1 The CAO or designate is a staff resource to all committees, along with any other staff required to provide support.

15. General

- 15.1 Agendas and minutes are to be prepared by staff in consultation with the Chairperson.
- 15.2 Minutes for all committee meetings shall be circulated to Council via Council agenda packages.
- 15.3 The Standing Committee of Council shall be held the third Monday of each month as scheduled by Council with the Deputy Chief Elected Official as Chairperson.
- 15.4 Ad-Hoc Committees shall be dissolved by resolution of Council once the task of Committee is complete.

Part C: ADMINISTRATIVE COMMITTEES**16. Structure**

16.1 Administration shall establish the following committees and others as required dealing with staff issues:

- a) Staff as a whole;
- b) Health & Safety Committee; and
- c) Bargaining Committee.

17. Establishment

17.1 All Administrative Committees shall be established by a motion from the staff committee or by decision by the CAO.

18. Authority

18.1 With respect to personnel matters (benefits, hours, pay, etc.), the Bargaining Committee or staff committee is advisory in nature only, and will provide recommendations to Council for their consideration. However, for other matters, monies may be spent by staff upon recommendations from the administrative committees if such spending was previously approved in the Town budget.

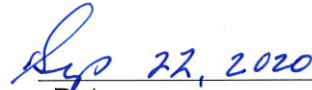
19. General

19.1 Administrative committees shall have no Council representation unless staff requests such.

20. End of Procedure**Approval**



Chief Administrative Officer

 22, 2020

Date



**TOWN OF BLACKFALDS
ORGANIZATIONAL MEETING
REQUEST FOR DECISION**

MEETING DATE: October 26th, 2021

PREPARED BY: Myron Thompson, CAO

SUBJECT: Town Boards and Committees – Appointments of Members at Large and Council Members

BACKGROUND

Annually at the Organizational Meeting, Council appoints members at large and members of Council to the various Town Boards and Committees where vacancies exist or terms have expired. These appointments are made in accordance with each Board/Committee Bylaw or Terms of Reference.

The FCSS Volunteer Programmer receives and processes the volunteer applications, with the objective to have as many volunteers as possible involved in our numerous Boards and Committees. The applicant information is compiled, and recommendations are provided in spreadsheets for presentation to Council.

DISCUSSION:

The Town Boards and Committees spreadsheet was sent to Council confidentially, and is formatted in columns with colour-coded sections. This spreadsheet lists all current Town Board and Committee appointments, with current members who are re-applying (in yellow), new applicants recommended for appointment (in blue). Historic Council member appointments to Boards and Committees are noted in red.

A brief description for each Town Board and Committee, the bylaws and terms of reference for the Boards and Committees are attached.

Administration requests that Council appoint members-at-large, followed by Council member appointments. The Council External Board and Committee appointments are in a subsequent report.

Note: The Mayor shall serve as an ex-officio member on all Council Boards and Committees, and his term shall coincide with the term of office on Council.

ADMINISTRATIVE RECOMMENDATION:

That Council appoint members-at-large to Council Boards and Committees as recommended by Administration.

That Council members be appointed to Council Boards and Committees.



**TOWN OF BLACKFALDS
ORGANIZATIONAL MEETING
REQUEST FOR DECISION**

ALTERNATIVES *(other than the recommendation)*

1. That Council refer this item back to Administration for further information.

ATTACHMENTS:

- *Council Board and Committee Information Sheet*
- *Board and Committee Bylaws and Terms of Reference for:*
 - *EDTAC, Terms of Reference*
 - *FCSS Board Bylaw No. 1221.18*
 - *Municipal Library Board Bylaw No. 1224.18*
 - *Recreation Culture and Parks Board Bylaw No. 1120.11*
 - *Policing Committee Bylaw No. 1125.11*
 - *Municipal Planning Commission Bylaw No. 1075.08*
 - *Subdivision and Development Appeal Board Bylaw No. 1076.08*
 - *Municipal Emergency Management Agency Bylaw No. 1252.20*

A handwritten signature in black ink, appearing to be "Myron Thompson", written over a horizontal line.

Approvals:

CAO Myron Thompson



TOWN BOARD AND COMMITTEE INFORMATION

Economic Development and Tourism Advisory Committee (EDTAC)

The Economic Development and Tourism Advisory Committee (EDTAC) typically meets on the first or second Monday in September, November, January, March and May and is governed by a Terms of Reference. The EDTAC is comprised of a minimum of ten (10) members comprising of:

- 2 members of Council
- Minimum 8 members-at-large

Members are appointed for a two (2) year term.

The EDTAC appointment process includes recruitment by the Economic Development Officer and applications must be accompanied by a letter of interest. Members should have experience in or a passion for business, entrepreneurship, innovation or economic development.

For the next term, there are two new applicants for member at large positions.

This Committee is administered by the Economic Development Officer and the CAO.

Family and Community Support Services Board (FCSS)

The Family and Community Support Services Board meets the second Thursday of each month (except July and August) and is governed by Bylaw No. 1221.18. The Board consists of a minimum of 8 members to a maximum of 10, including:

- 2 members of Council
- 5-7 members-at-large
- 1 Lacombe County citizen at large

Members are appointed for a three (3) year term.

For the next term, there are three (3) at members-at-large vacancies. There are three new applicants to fill these positions.

The FCSS Manager and FCSS Admin staff assist and advise the Board.

Municipal Library Board

The Municipal Library Board meets the first Tuesday of each month and is governed by Bylaw No. 1224.18 and the Alberta Libraries Act and Regulations. In accordance with the Libraries Act, a municipal board shall consist of not fewer than 5 and not more than 10 members appointed by Council (s. 4(1), *Libraries Act, RSA 1980, Chapter L-12*), with not more than 2 members of Council.

For the next term, three (3) members-at-large have applied for appointment to a three-year term.



TOWN BOARD AND COMMITTEE INFORMATION

Recreation, Culture and Parks Board (RCP)

The Recreation, Culture and Parks Board meets the first Wednesday of each month and is governed by Bylaw No. 1120/11. The Board consists of eight (8) members:

- 2 members of Council
- 5 members-at-large
- 1 Lacombe County

Members are appointed for a three (3) year term.

For the upcoming term, there is one (1) member-at-large vacancy, with one new applicant.

The Parks and Facilities Manager, Abbey Centre General Manager and CSD Administrative Assistant assist and advise the Board, along with the Director of Community Services and any additional staff required to provide information.

Policing Committee

The Policing Committee meets four times annually, typically on the fourth Wednesday and is governed by Bylaw No. 1125/11. The Committee consists of seven (7) voting members:

- 2 members of Council
- 5 members-at-large (may include one youth representative)

Members are appointed for a one (1), two (2) or three (3) year term.

For the upcoming term, there are two (2) members-at-large vacancies, with one (1) current member re-applying and five (5) new applicants - current member to be appointed to a three-year term, one new member to be appointed to a one-year term and three (3) appointed to other Boards/Committees.

The officer in charge of the Blackfalds RCMP, or his/her designate, and the CAO, or his/her designate, shall attend Committee meetings in an advisory, non-voting capacity.

Municipal Planning Commission (MPC)

The Municipal Planning Commission (MPC) meets as required prior to Regular Council Meetings and is governed by Bylaw No. 1075/08. The Commission consists of at least five persons:

- 3 members of Council
- 2 members-at-large

Term – One year

A Member of the Commission shall not include a development officer or a member of the SDAB.

For the upcoming term, there are two (2) members-at-large vacancies, with one applicant reapplying and one new applicant to be appointed.



TOWN BOARD AND COMMITTEE INFORMATION

Subdivision and Development Appeal Board (SDAB)

The Subdivision and Development Appeal Board (SDAB) meets as required and is governed by Bylaw No. 1076/08. The Board consists of at least five members-at-large, with no members of Council appointed. In accordance with section 627 (4) of the *Municipal Government Act*, a member of the Board cannot be an employee of the Town, a person who carries out development or subdivision powers on behalf of the Town, or a member of the Municipal Planning Commission.

Term - one year

For the upcoming term, there are five (5) vacancies, with three (3) current members re-applying, two (2) members to be appointed and one appointed to another Board/Committee.

Council Grievance Committee

At the October 24, 2017 Organizational Meeting, Council set the Grievance Committee appointments for the Council term of 2017-2021. Council members serve a 4-month term on this Committee, with the Mayor as an ex-officio to form a three-member committee of Council.

Municipal Emergency Management Committee

The Municipal Emergency Management Committee meets once a year and is governed by the Municipal Emergency Management Bylaw No. 1117/11. The Committee consists of three members of Council, appointed annually at the Organizational Meeting, and invited representatives.

Ad-Hoc Working Committees

Council has the authority to form Ad-Hoc Committees for a specific task or objective and can be dissolved after the completion of the task or achievement of the objective. Since the last Organizational Meeting, two Ad-Hoc Committees have been eliminated and currently, the Town has only one working Committee, the 55+ Housing Building Committee. This Committee consists of:

- 2 members of Council
- 3 members of the Bethany Group
- 2 Town staff – CAO and FCSS Manager



1. Purpose

The purpose of the Economic Development & Tourism Advisory Committee (EDTAC) is to provide guidance and advice to the Economic Development Officer and to assist Administration in the implementation of the strategies outlined in the Economic Development Business Plan that serve to enhance economic development and tourism in the Town of Blackfalds.

2. Scope

The tasks of the Economic Development & Tourism Advisory Committee include:

- Provide input, feedback and advice on the strategies in the Economic Development Business Plan (EDBP);
- Provide advice and comment on recommendations that the Economic Development Officer (EDO) may take forward to Council;
- Recommend additional strategies, ideas and solutions related to economic development and tourism in the Town of Blackfalds and area;
- Bring forward and support projects that support the Town's economic development and tourism goals;
- Serve as a conduit or collaboration channel to the public, business community or investors in support of development and prosperity of the business and tourism communities;
- Monitor progress of the EDBP Action Plan and assist with revision to the EDBP, as required.

3. Membership and Selection

The Economic Development & Tourism Advisory Committee is comprised of a minimum of eleven members that are appointed by Council. Members serve a two (2) year term and may reapply for their positions, but reappointment is not guaranteed. Membership includes:

- A maximum of two (2) Town Councillors;
- A maximum of one (1) Lacombe County Councillor;
- A minimum of eight (8) members from the public at large. Persons require experience in or a passion for business, innovation or economic development. Backgrounds in, but not limited to the following, are beneficial:
 - Blackfalds area business owner and operator;
 - Blackfalds & District Chamber of Commerce executive member;
 - Entrepreneur;
 - Investor / financier;
 - Commercial realty;
 - Land development;
 - Tourism operator.
- EDO &/or Chief Administrative Officer (both are non-voting);
- The Chief Elected Official may serve as an ex-officio voting member and may be involved in projects as requested by the EDTAC.

The majority of members must maintain residence within the Town of Blackfalds. Those without residence must have a vested interest in the community and economic development region by means of, but not limited to land or business ownership or investment.

Council will select and appoint all EDTAC members on the basis of a demonstrated appreciation of and participation in community economic development matters outlined in the letter of interest that is required along with the Volunteer Application Form. Academic qualification, availability, work experience, community involvement, knowledge and professional expertise will also be taken into consideration.

4. Member Roles and Responsibilities

Members of the EDTAC are expected to:

- RSVP to all meeting requests sent out by the EDO, at the request of the Chair;
- Attend all regularly scheduled meetings;
- Remain impartial and objective;
- Fully participate in discussions and decisions, listen actively, share insights and experiences, communicate regularly, and provide constructive input;
- Chair any project sub-committees, as required by the EDTAC;
- Actively participate in the project sub-committees of interest.

EDTAC members may resign by providing written notice. If a member is absent for three consecutive meetings, the position may be declared vacant.

The EDTAC will select and appoint a Chair to serve a 1-year term at the November meeting.

The Chair will work with the EDO to determine the agenda and preside over the EDTAC meetings. Members are also encouraged to provide agenda items to the EDO a minimum of one week prior to the meeting.

5. Meeting Format, Voting, and Schedules

EDTAC meetings are intended to be informal and structured to encourage maximum flexibility and open, honest debate. Format expectations include:

- Consensus / majority driven decision-making, with voting done, when required, taken by show of hands;
- EDTAC members will speak with one voice once a decision has been made;
- Quorum will be considered as a minimum of 50% of active voting members;
- If votes are equal for and against, the motion is defeated.

Any decision of the EDTAC is not binding on the Town of Blackfalds until it is approved by Council. Where administration's recommendation varies from that of the committee both will be brought forward.

Meetings will typically take place starting at 7:00 pm on the first or second Monday of September, November, January, March, and May. The Chair may call additional meetings as required.

The EDTAC may establish project subcommittees as required. These sub-committees may include non-EDTAC members. Project sub-committees will report back to the EDTAC through the sub-committee Chair.

6. Role and Responsibility of Administration

The Town of Blackfalds will:

- Provide meeting space and refreshments/snacks;
- Distribute meeting agendas and related files to the members no later than the Friday prior to the meeting;
- Assume minute taking and information distribution services;
- Provide analytical and other expertise required by EDTAC. This may include consulting services, as required.

The EDO will orient new members with the EDTAC Terms of Reference and deliver ongoing progress reports to Council on behalf of the Economic Development & Tourism Advisory Committee.

7. Amendment, Modification or Variation

- These Terms of Reference shall come into effect January 1, 2017 by way of Council Resolution 316/16.
- These Terms of Reference shall rescind Economic Development and Tourism Bylaw 1087/09.
- These Terms of Reference may be amended, varied or modified in writing after consultation and agreement by EDTAC members and with approval from Council.



Chief Elected Official

Chief Administrative Officer

Approval Date: December 15 2016



**TOWN OF BLACKFALDS
BYLAW 1221/18**

BEING A BYLAW OF THE TOWN OF BLACKFALDS IN THE PROVINCE OF ALBERTA FOR THE BLACKFALDS AND DISTRICT FAMILY AND COMMUNITY SUPPORT SERVICES BOARD.

WHEREAS the Town of Blackfalds, in the Province of Alberta, pursuant to the provisions of the *Municipal Government Act*, being Chapter M 26.1 of the Revised Statutes of Alberta, 2000 and amendments thereto, and under the authority of the Family and Community Support Services Act, R.S.A. 1981, Chapter F-1.1 is authorized to provide for the establishment, administration and operation of a family and community support services program within the municipality;

AND WHEREAS the Municipal Council of the Town of Blackfalds, in cooperation with the Province of Alberta, has authorized a Family and Community Support Services Program in the community to develop community awareness and resources, to strengthen and preserve human initiative, to preclude individual or family breakdown, and to include any activity of which all members of the community can avail themselves for the enrichment of their physical, mental and social well-being;

NOW THEREFORE, the Council of the Town of Blackfalds, duly assembled, enacts as follows:

PART 1 – TITLE

- 1 This Bylaw may be cited as “Blackfalds and District Family and Community Support Services Board Bylaw” of the Town of Blackfalds.

PART 2 – DEFINITIONS

- 2 In this Bylaw, the following terms (unless the context specifically requires otherwise) shall have the following meanings:
 - a) **“BOARD MEMBER”** shall mean and include all appointed members of the Blackfalds and District Family and Community Support Services Board.
 - b) **“COUNCIL”** shall mean the Elected Municipal Council of the Town of Blackfalds.
 - c) **“COUNTY”** shall mean Lacombe County.
 - d) **“COMMUNITY ORGANIZATION”** shall mean a local society, organization or club which provides services to residents within the district.
 - e) **“DIRECTOR”** shall mean the Director of Community Services or his/her designate who is the employee of the Town charged with control over FCSS for the Town and other such duties as may be directed by Council or the Chief Administrative Officer, or (designate).
 - f) **“DISTRICT”** shall mean the Family and Community Support Services Regional District.
 - g) **“MEMBER-AT-LARGE”** shall mean any person who is a resident of the Town of Blackfalds or Lacombe County.
 - h) **“TOWN”** shall mean the Municipal Corporation of the Town of Blackfalds.

PART 3 – ESTABLISHMENT

- 3 There is hereby established and constituted an advisory board to be known as the “Blackfalds and District Family and Community Support Services Board” (FCSS Board) to exercise the duties and powers and to perform the functions as prescribed in this Bylaw.



**TOWN OF BLACKFALDS
BYLAW 1221/18**

PART 4 – MEMBERSHIP

- 4 The composition of the Board shall consist of a minimum of eight (8) members and a maximum of ten (10 members) who shall be appointed by resolution of Council. The Board shall be comprised of:
 - a) Two (2) members of Council appointed annually at the Organizational Meeting.
 - b) A minimum of five (5) to a maximum of seven (7) members-at-large who shall be residents of Blackfalds.
 - c) A minimum of one (1) to a maximum of three (3) member-at-large members who shall be residents of Lacombe County.
- 5 Whenever possible and practical, these members of the Board shall be appointed so as to represent the different age groups and interests of the Family and Community Support Services Regional District.
- 6 Member-at-Large appointments recommended may be recommended by the Board and approved by Council:
 - a) Annually at the Organizational Meeting in October; and/or
 - b) As positions become vacant.
- 7 Members shall not be from the same household.
- 8 Members of the Board shall serve without remuneration.
- 9 There shall be appointed by the Town, through the Director of Community Services, an employee who will be designated to serve as the administrative liaison, to assist and advise the Board. Employees of the Town are not eligible for appointment to the Board, nor do they have voting privileges. The administrative employee shall, through the Chair of the board, undertake the administrative duties of the Board, including but not limited to:
 - a) Notifying members of meetings.
 - b) Preparing agendas and distributing to Board members no later than 4 calendar days 5 days prior to each scheduled meeting.
 - c) Preparing minutes and distributing to Board members within 7 days after each meeting. Following formal adoption by the Board, the minutes will be provided to Council for formal approval at a Regular Council Meeting.
 - d) Maintaining records and facilitating the actions of the Board.
 - e) Provide advice, conduct research and gather information as required by the Board.
- 10 In addition to the Director or designate, the Board may solicit information or advice through representatives from the following agencies, organizations and/or associations that the Board considers appropriate:
 - a) Family & Community Support Services Association of Alberta (FCSSAA)
 - b) Child & Family Services Act (CFSA)
 - 8 Any other agency or organization that the Board considers appropriate to consult.
- 11 Wherever possible, the Board shall ensure new members are aware of:



TOWN OF BLACKFALDS BYLAW 1221/18

- a) Local, regional, provincial, and federal government legislation which effect municipal Family and Community Support Services.
- b) Local policies, procedures and bylaws regarding municipal Family and Community Support Services.
- c) Local community clubs and organizations which are involved, in some way, with municipal Family and Community Support Services.
- d) Current and proposed projects, programs, and services of the Board, and;
- e) The local Social Needs Assessment Master Plan and General Municipal Plans.

PART 5 – TERM

- 12 Council shall appoint members at large to the Board for a term of up to three (3) years.
- 13 The term of any member so appointed shall not exceed two (2) consecutive terms, or six (6) consecutive years.
- 14 Council may extend the term of a Board member by up to one year to ensure there are not more than three (3) members of the Board leaving within 12 months of each other, and at the request of the Board.
- 15 Any member may resign from the Board at any time upon sending written notice to the Board and to Council to that effect.
- 16 An appointed member ceases to be a member of the Board when:
 - a) He or she fails to attend three (3) consecutive regular meetings of the Board or one third (1/3) or more of the regular meetings of the Board scheduled in a year between Council Organizational Meetings unless otherwise excused by resolution of the Board;
 - b) His or her term expires;
 - c) He or she is removed from office by resolution of Council;
 - d) He or she ceases to be a resident of the Family and Community Support Services District;
 - e) He or she provides written notice of resignation from the Board, and in the case of a member appointed from Council, he or she resigns his or her position on Council;
- 17 The Board may appoint sub-committees to address any of the matters coming within the scope and jurisdiction of the Board and may engage members of the community, as long as there is at least one Board Member on the sub-committee.

PART 6 – MEETINGS

- 18 Following the annual Organization Meeting of Council in each year, and within the first two meetings of the Board, the Board shall elect a Chairperson. Immediately thereafter, the Board shall elect a Vice-Chairperson who shall act in the absence of the Chairperson.
- 19 The Board shall hold at least six (6) regular meetings annually at a time and place so designated by the Board.
- 20 A special meeting may be called by the Chairperson at any time, or by special request of 50% of the members of the Board.
- 21 A majority of the voting members of the Board constitutes a quorum.



TOWN OF BLACKFALDS BYLAW 1221/18

- 22 Each member eligible for voting, and present at a meeting of the Board, shall vote when the vote is taken unless a pecuniary interest in a matter is declared.
- 23 In the event of a tie when a vote is taken, the motion shall be lost.
- 24 Only those Board members present at the meeting of the Board where an item is brought forward for discussion shall take part in deliberations and decisions of the Board on that specific matter.
- 25 The Chair may facilitate motions via e-mail vote where necessary and appropriate. Electronic motions will be formally ratified at the next meeting of the Board and reflected in the meeting minutes.
- 26 Individuals and groups may present to the Board at a meeting if the presentation is related to the Board and its mandate. Notice (in writing) must be received by the Chairperson and/or the Director of Community Services or delegated staff from any delegation wishing to address the Board, no later than one week prior to the next scheduled meeting.
- 27 The Board shall ensure meetings are conducted using Roberts Rules of Order.
- 28 Meetings of the Board shall be open to the public, except when discussing confidential matters.

PART 7 – ROLE OF THE BOARD

- 29 The Board shall advise and make recommendations to Council on the development, provision, and quality of a broad range of Family and Community Support Services, programs, and board members appointments in the Regional Family and Community Support Services Districts.
- 30 The Board shall advise and make recommendations to Council on the allocation of grants and funds to community organizations.
- 31 The Board shall promote collaboration throughout the regional district to encourage the sharing of all available resources towards the provision of preventative Social Services opportunities for everyone in the district.
- 32 Each member of the Board is responsible for representing the broad preventative social services interests of the Regional Family and Community Support Services District, as well as contributing to the responsible and prudent direction regarding these interests to the elected officials of the municipality.
- 33 The Board shall function as a Liaison of the Town by:
 - a) Maintaining effective lines of communication with all agencies and organizations by delivering preventative social services in the Regional Family and Community Support Services District.
 - b) Acting on behalf of all residents of the Regional Family and Community Support Services District by bringing forth their concerns to Council.
- 34 The Board shall advise and make recommendations regarding the preparation of a Social Needs Assessment Master Plan at least every five (5) years outlining, in order of priority, the basic development of Family and Community Support Services resources.
- 35 The Board shall monitor and review operating policies and procedures and make recommendations to Council regarding the creation and implementation of Bylaws, policies, and procedures relating to preventative social services matters in accordance with the Social Needs Assessment Master Plan.



**TOWN OF BLACKFALDS
BYLAW 1221/18**

- 36 The Board shall adjudicate the nomination process for annual volunteer recognition awards for the Town of Blackfalds and recommend award recipients to Council.
- 37 Members of the Board shall sign an oath of confidentiality agreeing to confidentiality as bound under the FOIP Act and Regulations. The acceptance and signing of the oath is one step towards the Town demonstrating that it has taken measured steps to inform and educate board members to protect personal information and mitigate the risk of a breach.
- 38 Members of the Board will provide a current Criminal Records Check.

PART 8 – PROCEEDINGS

- 39 In fulfilling its mandate, the Board is empowered to:
 - a) appoint sub-committees of the Board to deal with specific components of its duties as determined by the Board; and
 - b) appoint special committees of its members and/or citizens at large to deal with any special study of assignment within its jurisdiction; a committee so appointed shall deal only with the matter of question referred to it for consideration and shall be disbanded upon completion of the assignment.
- 40 Administration annually will prepare a detailed FCSS budget for review and consideration of the Board which will reflect the needs of the FCSS mandate. The FCSS budget will then be incorporated into the overall Town budget package which is then brought before Council through the defined Town budget process. The FCSS budget will include written descriptions, showing in reasonable form and detail, expenditures included for the next fiscal year with respect to all matters over which the Board has jurisdiction.
- 41 Donated Family and Community Support Services funds remaining at the end of any budget year may be held in municipal reserves for Council approved municipal Family and Community Support Services projects providing these funds are reported and shown in the annual audit report.
- 42 The Board may recommend to Council special projects for allocation of reserve funds generated by FCSS related activities.

PART 9 – REPEAL

- 43 That Bylaw 1134/12 is hereby rescinded upon this Bylaw coming into effect.

PART 10 – DATE OF FORCE

- 44 This Bylaw shall take full force and effect upon the date of its final passage.

READ for the first time this 27th day of MARCH, A.D. 2018

(RES. 66/18)



MAYOR RICHARD POOLE



CAO MYRON THOMPSON



TOWN OF BLACKFALDS
BYLAW 1221/18

READ for the second time this 22ND day of May, A.D. 2018

(RES. 142/18)

Richard Poole
MAYOR RICHARD POOLE

[Signature]
CAO MYRON THOMPSON

READ for the third and final time this 22ND day of May, A.D. 2018

(RES. 143/18)

Richard Poole
MAYOR RICHARD POOLE

[Signature]
CAO MYRON THOMPSON



**TOWN OF BLACKFALDS
BYLAW 1224/18**

**BEING A BYLAW OF THE TOWN OF BLACKFALDS IN THE PROVINCE OF ALBERTA TO
PROVIDE FOR THE ESTABLISHMENT OF A MUNICIPAL LIBRARY BOARD.**

A Bylaw of the Town of Blackfalds, in the Province of Alberta, pursuant to the provisions of the *Municipal Government Act (MGA)*, Revised Statutes of Alberta 2000 Chapter M-26, and amendments thereto, for the purpose of the establishment of a Municipal Library Board.

AND WHEREAS, pursuant to the Province of Alberta Libraries Act RSA 2000 Chapter L-11 and the Libraries Regulation, and any amendments thereto.

NOW THEREFORE, with the authority under the MGA, the Alberta Libraries Act and Library Regulation, the Municipal Council of the Town of Blackfalds, duly assembled hereby enacts as follows:

PART 1 – TITLE

- 1 That this Bylaw shall be cited as the Town of Blackfalds “Municipal Library Board” Bylaw.

PART 2 - Purpose

- 2 That there shall be established a Municipal Library Board for the Town of Blackfalds.
- 3 That, on being established, the Municipal Library Board is a corporation under the Libraries Act and Library Regulations, and shall operate in accordance with the Libraries Act and applicable Regulations.
- 4 That the policies and bylaws of the Municipal Library Board shall be governed in accordance with the Libraries Act and Libraries Regulations, and any amendments thereto.
- 5 That the Municipal Library Board may, through the Town’s Volunteer Programmer, review new member applications, and make recommendations to Council for appointment where board vacancies exist, in accordance with Part 1 of the Libraries Act.
- 6 That the Municipal Library Board Role is to:
 - 6.1 Establish the purpose, the vision and mission and operational policies of the Municipal Library; and,
 - 6.2 Plan for the future and set the rate of progress towards achievement of the library’s purpose through goals and objectives, by ensuring there are sufficient funds to achieve the budget, and by overseeing the budget and funding allocations, all in accordance with the Libraries Act and Regulation.
 - 6.3 Make complete annual reports to the Town of Blackfalds Council and other reports from time to time, as requested.
- 7 That the role of Appointed Council to the Board is to:
 - 7.1 Be active voting members.
 - 7.2 Act as liaison between the Board and Council.

PART 4 - RESCIND

- 8 That Bylaws 701/91, 832/98, 870/00 and 873/00 are hereby repealed upon this Bylaw coming into effect.

PART 5 - DATE OF FORCE

- 9 This Bylaw shall take effect on the date of the final passing thereof.

READ for the first time this 12th day of JUNE, A.D. 2018

(RES. 156/18)



MAYOR RICHARD POOLE



CAO MYRON THOMPSON



TOWN OF BLACKFALDS
BYLAW 1224/18

READ for the second time this 26th day of JUNE, A.D. 2018

(RES. 171/18)

Richard Poole
MAYOR RICHARD POOLE

[Signature]
CAO MYRON THOMPSON

READ for the third and final time this 26th day of JUNE, A.D. 2018

(RES. 172/18)

Richard Poole
MAYOR RICHARD POOLE

[Signature]
CAO MYRON THOMPSON

Attachments:

1. Alberta Libraries Act
2. Alberta Library Regulation



TOWN OF BLACKFALDS BY-LAW 1120/11

A BYLAW OF THE TOWN OF BLACKFALDS IN THE PROVINCE OF ALBERTA TO ESTABLISH THE BLACKFALDS AND DISTRICT RECREATION, CULTURE & PARKS BOARD.

A Bylaw of the Town of Blackfalds, in the Province of Alberta, pursuant to the provisions of the Municipal Government Act being Chapter m-26.1 of the Revised Statutes of Alberta 2000 and amendments thereto.

NOW THEREFORE, the Municipal Council of the Town of Blackfalds, duly assembled, enacts as follows:

PART 1 – TITLE

- 1.1 This By-law may be cited as “Blackfalds and District Recreation, Culture and Parks Board By-Law” of the Town of Blackfalds.

PART 2 – DEFINITIONS

- 2.1 **BOARD** shall mean and include all members of the Blackfalds and District Recreation, Culture and Parks Board.
- 2.2 **COUNCIL** shall mean the Council of the Town of Blackfalds.
- 2.3 **DIRECTOR** shall mean the Director of Community Services or his/her designate.
- 2.4 **MEMBER** shall mean a member of the Blackfalds and District Recreation, Culture Parks Board.
- 2.5 **TOWN** shall mean the Town of Blackfalds.
- 2.6 **COUNTY** shall mean Lacombe County.
- 2.7 **DISTRICT** shall mean the Regional Recreation District established by the Regional Recreation Agreement with the Lacombe County as outlined in Schedule “A” attached hereto.
- 2.8 **COMMUNITY ORGANIZATION** shall mean a local society, organization or club which provides services to residents within the district.

PART 3 – ESTABLISHMENT

- 3.1 There is hereby established and constituted an advisory board to be known as the “Blackfalds and District Recreation, Culture and Parks Board” to exercise the duties and powers and to perform the functions as prescribed in this By-Law.
- 3.2 The Board shall consist of eight (8) members: five (5) members shall be appointed by Council from the public-at-large, two (2) shall be appointed from the Council of the Town of Blackfalds and one (1) shall be appointed by Lacombe County. Appointments to the Board shall be made or reviewed annually at the Organizational Meeting of Council.
- 3.3 The five (5) public-at-large members of the Board shall be a resident of the Regional Recreation District (Schedule A). Whenever possible and practical, these members

of the Board shall be appointed so as to represent the different age groups and interests of the Regional Recreation District.

3.4 The one (1) Lacombe County member shall be a Councillor or resident of the Regional Recreation District (Schedule A).

3.5 Wherever possible, the Board shall ensure new members are aware of:

- a) Local, regional, provincial, and federal government legislation which effect municipal recreation.
- b) Local policy and procedures regarding municipal recreation services.
- c) Local community clubs and organizations which are involved, in some way, with municipal recreation service.
- d) Current and proposed projects, programs, and services of the Board, and;
- e) The local Recreation Master Plan and General Municipal Plan.

3.6 There shall be appointed by the Town, a Director of Community Services, or a designate from the Community Services Department staff, who shall assist and advise the Board. The Director, or designate, shall undertake the administrative duties of the Board including, but not limited to, the notifying of members of meetings, preparing of agendas, preparing of minutes, maintaining records and facilitating the actions of the Board.

3.7 In addition to the Director, the Board may solicit information and advice from representatives from the following agencies or organizations, and/or associations that the Board feels assistance can be obtained from:

- a) Alberta Tourism, Parks and Recreation
- b) Alberta Culture and Community Spirit
- c) Alberta Recreation and Parks Association (A.R.P.A.)
- d) Alberta Sport, Recreation, Parks and Wildlife Foundation (A.S.R.P.W.)
- e) Alberta Association of Recreation Facility Personnel (A.A.R.F.P.)
- f) Any other agency or organization that the Board feels assistance can be obtained from.

3.8 Neither the Director, designate or any Advisor shall have voting privileges.

PART IV – TERM

4.1 Council shall appoint two (2) members of Council the Board. Council appointments shall be made at the Organizational Meetings.

4.2 The Council of the Town of Blackfalds shall designate members to the Board who shall hold office for a three (3) year period.

4.3 The term of any member so appointed shall not exceed two (2) consecutive terms, or six (6) consecutive years.

4.4 Any member may resign from the Board at any time upon sending written notice to the Board and to Council to that effect.

4.5 An appointed member ceases to be a member of the Board when:

- a) He or she fails to attend three (3) consecutive regular meetings of the Board or one third (1/3) or more of the regular meetings of the Board scheduled in a year between Council Organizational Meetings unless otherwise excused by resolution of the Board.

- b) His or her term expires,
 - c) He or she is removed from office by resolution of Council,
 - d) He or she ceases to be a resident of the Regional Recreation District,
 - e) He or she provides written notice of resignation from the Board, and in the case of a member appointed from Council, he or she resigns his or her position on Council.
- 4.6 If a member ceases to be a member of the Board before the expiration of his or her term, Council shall appoint another eligible person as follows:
- a) If the term being vacated is less than one (1) year, the appointment of an eligible person shall hold office.
 - i) Until the annual Organization Meeting of the second year following the date of appointment;
 - ii) Until the annual Organizational Meeting of the third year following the date of appointment;
 - b) If the term being vacated is more than one (1) year, the appointment of an eligible person shall hold office for the remainder of the term.
 - c) To allow for Council's and Administration's discretion to ensure that there are not more than three members of the Board leaving at one time.

PART V – MEETINGS

- 5.1 At the first meeting of the Board following the annual Organization Meeting of Council in each year, the Board shall appoint a Chairperson. Immediately thereafter, the Board shall appoint a Vice-Chairperson who shall act in the absence of the Chairperson.
- 5.2 The Board shall hold at least eight (8) regular meetings annually at a time and place so designated by the Board.
- 5.3 A special meeting may be called by the Chairperson at any time or by special request of any four (4) members of the Board.
- 5.4 A majority of the members of the Board constitutes a quorum.
- 5.5 Each member present at a meeting of the Board shall vote when the vote is taken unless a pecuniary interest in a matter is declared.
- 5.6 In the event of a tie when a vote is taken, the motion shall be lost.
- 5.7 Meetings of the Board shall be open to the public. Individuals and groups may make a presentation to the Board at a meeting if the presentation is related to the Board and its mandate.
 - a) One week prior to the next scheduled meeting, notice (in writing) must be received by the Chairperson or the Director of Community Services from any delegation wishing to address the Board.
 - b) Delegations will be given a maximum of fifteen (15) minutes to address the Board.

- 5.8 The Board shall ensure meetings are conducted using Roberts Rules of Order.

PART VI – ROLE OF THE BOARD

- 6.1 The Board shall advise and make recommendations to Council on the development, provision, and quality of a broad range of recreational and cultural services, facilities, programs, board members appointments, parks and green spaces in the Regional Recreational Districts.
- 6.2 The Board shall advise and make recommendations to Council on the allocation of grants and funds to community organizations.
- 6.3 The Board shall promote a co-operative spirit throughout the district to encourage the sharing of all available resources towards the provision of recreation opportunities for everyone in the district.
- 6.4 Each member of the Board is responsible for representing the broad recreation, culture, and parks interests of the Regional Recreation District, as well as contributing to the responsible and prudent direction regarding these interests to the elected officials of the municipality.
- 6.5 The Board shall function as a Liaison by:
- a) Maintaining effective lines of communication with all agencies and organizations by delivering recreation and cultural services in the Regional Recreation District.
 - b) Acting on behalf of all residents of the Regional Recreation District by bringing forth their concerns to Council.
 - c) Reporting to Council, via Council Representatives monthly regarding the status of municipal recreation, cultural, and parks services which may be of concern to Council.
- 6.6 The Board shall advise and make recommendations regarding the preparation of a Recreation Master Plan at least every five (5) years outlining, in order of priority, the basic development of recreation, cultural and parks resources.
- 6.7 The Board shall monitor and review operating policies and procedures and make recommendations to Council regarding the creation and implementation of by-laws, policies, and procedures relating to recreation, culture and parks matters in accordance with the Recreation Master Plan.

PART VII – PROCEEDINGS

- 7.1 In fulfilling its mandate, the Board is empowered to:
- a) appoint sub-committees of the Board to deal with specific components of its duties as determined by the Board; and
 - b) appoint special committees of its members and/or citizens at large to deal with any special study of assignment within its jurisdiction; a committee so appointed shall deal only with the matter of question referred to it for consideration and shall be disbanded upon completion of the assignment.

- 7.2 Annually, at a date established from time to time by Council, the Board shall submit to Council a written budget showing in reasonable form and detail, expenditures proposed to be made by the Board during the next following year with respect to all matters over which the Board has jurisdiction. If Council does not establish such a date, December 1 shall be considered the date by default.
- 7.3 Donated recreation funds remaining at the end of any budget year may be held in Municipal Reserves for Council Approved Municipal Recreation Projects providing these funds are reported and shown in the annual Audit Report.
- 7.4 Members of the Board shall serve without remuneration.

PART VIII – LIMITATIONS

- 8.1 By Law 705/91 and 828/98 are rescinded.
- 8.2 This By-Law shall take full force and effect upon the date of its passage.

Read for a first time this 26th day of April A.D. 20 11
(RES NO. 140/11)


MAYOR MELODIE STOL


CORINNE NEWMAN
CHIEF ADMINISTRATIVE OFFICER

Read for a second time this 26th day of April A.D. 20 11
(RES NO. 141/11)


MAYOR MELODIE STOL


CORINNE NEWMAN
CHIEF ADMINISTRATIVE OFFICER

READ FOR A THIRD TIME THIS 26th DAY OF April A.D. 20 11
(RES NO. 143/11)


MAYOR MELODIE STOL


CORINNE NEWMAN
CHIEF ADMINISTRATIVE OFFICER



**TOWN OF BLACKFALDS
BYLAW NO. 1125/11**

**A BY-LAW OF THE TOWN OF BLACKFALDS, IN THE PROVINCE OF ALBERTA
TO ESTABLISH A POLICING COMMITTEE**

WHEREAS the Municipal Government Act, R.S.A. 2000, c. M-26 and regulations as amended, provides that Council may pass bylaws in relation to services provided by or on behalf of the municipality;

AND WHEREAS the Police Act, R.S.A. 2000, c. P-17 and regulations as amended, provides that a municipality which has entered into an Agreement with the Government of Canada for the provision of policing services through the Royal Canadian Mounted Police may, by Bylaw, establish a Policing Committee;

AND WHEREAS the member in charge of the Municipal Police Service shall, in enforcing the By-laws of the Municipality, act under the lawful direction of the Chief Administrative Officer or such other person as the Chief Administrative Officer may, in writing, designate;

AND WHEREAS the council of the Town of Blackfalds deems it advisable to establish a Policing Committee to advise them of policing matters;

AND WHEREAS Council, by the By-law, shall prescribe the rules and regulations governing proceedings and meetings of the Committee.

NOW THEREFORE the Council of the Town of Blackfalds, in the Province of Alberta, duly assembled, enacts as follows:

NAME AND DEFINITIONS

1. This by-law may be referred as the "Policing Committee By-law".
2. For the purpose of this by-law:
 - (a) "Agreement" means the agreement between the Town of Blackfalds and the Government of Canada for the provision of police services for the municipality;
 - (b) "Chief Administrative Officer" means the person appointed to the position of Chief Administrative Officer by the Council of the Town of Blackfalds and includes any person that the Chief Administrative Officer may appoint as his or her designate for purposes carrying out his responsibilities under this Bylaw and further includes any person that may be appointed to act in the absence of the Chief Administrative Officer.
 - (c) "Committee" means Blackfalds Policing Committee;
 - (d) "Council" means the duly elected Municipal Council of the Town of Blackfalds;
 - (e) "Officer in Charge" means the Officer in charge of the local RCMP detachment in the Town of Blackfalds;
 - (f) Criminal Record is being convicted of a crime punishable by indictment
 - (g) "RCMP" means the Royal Canadian Mounted Police force or any member of that police force as the case may require; and
 - (h) "Town" means the Town of Blackfalds, a Municipal Corporation in the Province of Alberta, or the geographical area contained within the boundaries of the Town of Blackfalds as the context may require.

DUTIES AND RESPONSIBILITIES

3. The overall objectives of the Policing Committee is to act as a liaison between Town Council, the RCMP detachment, By-law Enforcement and the citizens of Blackfalds and foster responsible community action towards the creation of a safe, secure community. The Committee shall endeavor to do this by encouraging an environment, which allows for public concerns to be addressed by all affected parties. Specific duties and responsibilities are to:
 - (a) provide community feedback to the RCMP concerning policing and by-law enforcement strategies and activities;

- (b) in consultation with the officer in charge, develop a yearly plan of priorities and strategies for municipal policing and advise Council on the annual RCMP Goals and Priorities;
- (c) cooperate and liaise with community groups in creating programs or pursuing initiatives to improve public safety;
- (d) represent the interests and concerns of the public to the officer in charge;
- (e) make recommendations to Council relating to policing matters or relevant community issues on its own initiative or upon request of Council;
- (f) recommend to Council the appointment of a Public Complaints Director; and
- (g) represent the interests of Council to the Officer in charge.

COMPOSITION OF THE COMMITTEE

- 4. The committee shall consist of seven (7) voting members who shall be appointed by resolution of Council as follows:
 - (a) Five (5) citizens residing within the Town of Blackfalds, one of whom may be a youth between the age of sixteen and eighteen who attends school;
 - (b) Two (2) Town of Blackfalds Council members.
- 5. The Mayor shall be a member (ex-officio) of the Committee and his or her term of office shall coincide with his or her term of office on Council.
- 6. The Officer in Charge of the Blackfalds RCMP, or his/her designate, shall attend the Committee meetings in an advisory, non-voting capacity.
- 7. The Chief Administrative Officer, or his designate, shall attend the Committee meetings in an advisory, non-voting capacity.
- 8. The Committee, as a public body must comply with *Freedom of Information and Protection of Privacy (FOIP)* Legislation and have a designated Coordinator. The Town of Blackfalds FOIP Coordinator will act as the FOIP Coordinator for the Blackfalds Policing Committee and is responsible for ensuring that personal information is managed in accordance with FOIP legislation. Requests for information involving the Committee should be directed to the Town of Blackfalds FOIP Coordinator subject to their fees and policies.

MEMBERSHIP

- 8. Each member from the public at large shall be appointed to the Committee for one (1), two (2) or three (3) year terms, whichever Council deems appropriate, commencing at Council's annual Organizational meeting, unless he or she is appointed to complete the term of another member who resigns before their term is up.
- 9. Members shall remain in office until their respective successors are appointed.
- 10. Where a member ceases to be a member of the Committee before the expiration of his or her term, Council may appoint another eligible person for the unexpired portion of the term.
- 11. All persons appointed to the Committee shall:
 - (a) Take the oath prescribed in Schedule 2 of the Police Act.
 - (b) Not have a criminal record.
 - (c) Not be hired in any capacity with the Royal Canadian Mounted Police, any Provincial Police Force, the Provincial Attorney General's Department of the Department of the Solicitor General of Alberta and Town Bylaw Enforcement Service;
 - (d) Be of the full age if eighteen (18) years, except for the youth representative, who shall be at least sixteen (16) years of age.
 - (e) Participate in the Roles and Responsibilities of Policing Oversight Committee Members Training

RESIGNATION AND REMOVAL

- 12. Any member may resign from the Committee at any time upon providing written notice to Council to that effect.

13. Council may terminate a member's appointment to the Committee at any time, and particularly when the member;
 - (a) Fails to attend three (3) consecutive regular meetings of the Committee, unless absence is caused through illness or is authorized in advance by resolution of the Committee;
 - (b) Ceases to be a resident of the Town;
 - (c) is hired in a full-time, permanent capacity with the Town Bylaw Enforcement Service or the RCMP; or
 - (d) is convicted of a crime punishable by indictment.

OFFICERS OF THE COMMITTEE

14. The Chairman and Vice Chairman of the Committee shall be elected from amongst its members at the first regular meeting of each year.
15. All members of the Committee shall vote on every motion, including the Chairman (subject to Section #27).
16. The Chief Administrative Officer, or his or her designate, shall attend all Committee meetings and insure that the minutes will be prepared and submitted to the Committee for approval at the next meeting. A copy of these minutes shall then be forwarded to Council.

MEETINGS

17. The Committee shall hold regular meetings at a frequency to be determined from time to time by the Committee, but not less than four (4) meetings per year.
18. Special meetings may be called by the Chairman or, in his absence, the Vice-Chairman, by providing the members with 24 hours notice. The Committee may, by unanimous consent, waive notice of a special meeting at any time if every member of the Committee is present.
19. Four (4) voting members of the Committee at a meeting shall constitute a quorum.
20. The Committee shall be governed by Robert's Rules of Order.
21. An agenda shall be prepared by the Chief Administrative Officer or his or her designate, in consultation with the Chairman, or in his absence, the Vice-Chairman, and circulated to the members prior to each Policing Committee meeting.
22. Each member, including the Chairman, shall have one vote. Motions shall only be carried upon receiving a majority of votes. In the event of a tie vote, a motion will be deemed to be defeated.
23. Meetings of the Policing Committee shall be open to the public, but all matters relating to personnel, conduct and contracts with the Royal Canadian Mounted Police and security of police operations shall be conducted in private or closed meetings.
24. The Policing Committee shall make reports to Council on matters of public concern as the Policing Committee deems are in the public interest. The Policing Committee shall also report to Council on any matter when requested to do so by resolution of Council.

SUB COMMITTEES

25. The Committee may appoint sub-committees or ad hoc committees which may include persons from outside the Committee as it may consider necessary or desirable. The Committee shall define the terms of reference and tenure of each sub-committee or ad hoc committee. Sub-Committees or ad hoc committees may be terminated by a simple motion at any regular meeting.

LIMITATIONS

26. Neither the Committee nor any member shall have the power to pledge the credit of the Town in connection with any matters whatsoever, nor shall the Committee or any member thereof have any power to authorize any expenditure to be charged against the Town.

CONFLICT OF INTEREST

27. No member shall participate in any discussion nor vote upon any matter that may involve a pecuniary interest of the type referred to in Division 6 of the Municipal Government Act being Chapter M-26, R.S.A. 2000, as amended.

EFFECTIVE DATE

This By-law shall come into effect on the date of final reading.

READ for the first time this 30th day of August A.D., 2011.

(RES. 254 /11)



Melodie Stol
Chief Elected Official



Corinne Newman
Chief Administrative Officer

READ for the second time this 30th day of August A.D. 2011

(RES. 283/11)



Melodie Stol
Chief Elected Official



Corinne Newman
Chief Administrative Officer

READ for the third time this 30th day of August A.D. 2011.

(RES. 284/11)



Melodie Stol
Chief Elected Official



Corinne Newman
Chief Administrative Officer



**TOWN OF BLACKFALDS
BY-LAW 1075/08**

**A BYLAW OF THE TOWN OF BLACKFALDS IN THE PROVINCE OF ALBERTA TO
ESTABLISH A MUNICIPAL PLANNING COMMISSION BY-LAW**

WHEREAS the Municipal Government Act R.S.A. 2000, Chapter M 26 and amendments thereto Council may by bylaw establish a Municipal Planning Commission;

NOW THEREFORE the Council of the Town of Blackfalds in the Province of Alberta duly assembled enacts as follows:

Title:

1. This By-law may be cited as the "Municipal Planning Commission By-Law".

Definitions

2. The following words and terms are defined as follows:
 - a. **"Act"** means the Municipal Government Act, RSA 2000, Chapter M-26, as amended.
 - b. **"Commission"** means the Municipal Planning Commission established by By-law;
 - c. **"Council"** means the Council of the Town of Blackfalds;
 - d. **"Development Officer"** means one of the persons appointed to the position of Development Officer pursuant to the Land Use By-law;
 - e. **"Land Use By-Law"** means Land Use By-Law and amendments thereto;
 - f. **"Town"** means the Town of Blackfalds.

Establishment of Authority

3. The Municipal Planning Commission is hereby established.

Membership and Term

4. The Commission shall consist of at least five persons, the majority of which shall be Councillors.
5. A Member of the Commission shall not include:
 - a. a Development Officer;
 - b. a Member of the Subdivision and Development Appeal Board.
6. Each Member of the Commission shall be appointed for a term specified by Resolution of Council, but in no case shall the appointment be for more than one year.
7. Notwithstanding Section 6, a person may be reappointed to the Commission upon the expiration of that person's term.
8. In the event of a vacancy, Council may appoint by Resolution of Council a new member to serve for the remainder of the vacating Member's term.
9. If a Member misses three (3) consecutive meetings without authorization of the Commission, the person is disqualified and the position becomes vacant, otherwise, a Member of the Commission shall not be discharged without cause.

10. The Chairman and Vice-Chairman of the Commission shall be appointed annually by Resolution of Council.

Procedure Matters

11. A quorum of the Commission shall consist of a majority of the Members.
12. In the event of absence or inability of the Chairman to preside at a Commission meeting, the Vice-Chairman shall preside, and in the event of the absence or inability of both the Chairman and Vice-Chairman to preside at the meeting of the Commission, the Members present in constituting a quorum shall elect one of its members to act as Chairman.
13. Council shall appoint by Resolution of Council a person or persons to serve as Secretary to the Board, who shall:
 - a. not have a vote;
 - b. notify all Members of the Commission of the meetings of the Commission;
 - c. prepare and maintain a file of written minutes of meeting of the Commission;
 - d. record decisions of the Commission and issue the decision to all affected parties;
 - e. be authorized to sign on behalf of the Commission any order, decision, approvals, notice, or other thing made, given or issued by the Commission;
 - f. undertake other duties as Council or the Commission may require.
14. Only those Members of the Commission present at a meeting of the Commission shall be able to vote on a matter at the meeting.
15. A decision of the majority of Members present at a duly convened meeting of the Commission shall be deemed to be a decision of the whole Commission.
16. In the event of a tie vote, the matter before the Commission shall be deemed to be denied.
17. For any procedures not covered in Part 17 of the Act or by by-law of the Town, the Commission may establish procedures for the conduct of meetings.

Function and Duties

18. The Commission has the following functions and duties:
 - a. Upon the request of Council, to advise Council with respect to achieving the orderly, economical and beneficial development, use of land and patterns of human settlement, and to maintain and improve the quality of the physical environment within which the patterns of settlement are situated in the Town;
 - b. To service as Development Authority pursuant to Part 17 of the Act and as empowered by Development Authority in respect to those powers and duties assigned to the Commission under the Land Use By-Law.
19. The Commission shall hold meetings and undertake actions as are necessary to fulfil the powers and duties of the Commission.
20. Development permit applications referred to the Commission shall be considered and either approved, with or without conditions, or refused in accordance with the Land use By-law and Part 17 of the Act and any regulations made thereunder.
21. Where a development permit application has been approved by the Commission, a development permit shall be issued forthwith in accordance with the decision of the Commission.
22. A decision of the Commission is not final until notification of the decision is given in writing.
23. If a Member has direct pecuniary interest in a matter before the Commission, or if a Member is aware of any reason which may lead to a possible bias when hearing the matter, the Member shall declare an interest or likelihood of bias to the Commission and shall abstain from discussion and voting on the matter, and such abstention shall be recorded in the minutes.


24. Notwithstanding Section 13.e, an order, decision or approval made, given, or issued by the Commission may be signed by the Chairman or Vice-Chairman of the Commission

25 REPEAL OF BY-LAWS

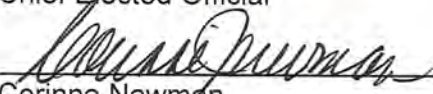
- 14.1 Upon the coming into force of this By-law, the Members of the Municipal Planning Commission appointed pursuant to the Municipal Planning Commission By-Law 760/95 are continued as Members of the Board under this By-Law until new Members are appointed in accordance to the By-Law with the provisions of this By-law.
- 14.2 By-Law 760/95 of the Town of Blackfalds is hereby repealed.
- 14.3 This By-Law shall come into force and effect upon the date of the passing of the third and final reading.

READ for the first time this 26th day of August, 2008

RES 265/08




Melodie Stol
Chief Elected Official



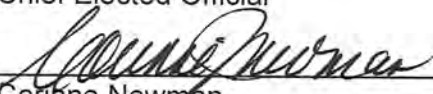
Corinne Newman
Chief Administrative Officer

READ for the second time this 14th day of October, 2008.

311/08




Melodie Stol
Chief Elected Official



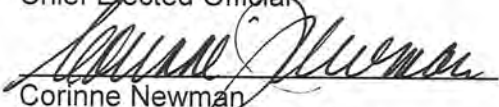
Corinne Newman
Chief Administrative Officer

READ for the third and final time this 14th day of October, 2008.

312/08



Melodie Stol
Chief Elected Official



Corinne Newman
Chief Administrative Officer



**TOWN OF BLACKFALDS
BY-LAW 1076/08**

**A BYLAW OF THE TOWN OF BLACKFALDS IN THE PROVINCE OF ALBERTA TO
ESTABLISH A SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

WHEREAS the Municipal Government Act R.S.A. 2000, Chapter M 26 and amendments thereto Council may by bylaw establish a Subdivision and Development Appeal Board;

NOW THEREFORE the Council of the Town of Blackfalds in the Province of Alberta duly assembled enacts as follows:

1 TITLE

This By-law may be cited as the "Subdivision and Development Appeal Board Bylaw".

2 DEFINITIONS

- 2.1 **"Act"** means the Municipal Government Act, RSA 2000, Chapter M-26, as amended.
- 2.2 **"Adjacent Landowner"** means a person who is the owner of land immediately adjacent to the development. For further clarification, this means land that would touch the development if all roads and laneways were removed.
- 2.3 **"Appellant"** means a person who pursuant to the Act, has served Notice of Appeal to the Subdivision and Development Appeal Board.
- 2.4 **"Applicant"** means a person who applies for the subdivision approval or development permit.
- 2.5 **"Board"** means the Subdivision and Development Appeal board of the Town of Blackfalds established pursuant to this By-law.
- 2.6 **"Council"** means the Municipal Council of the Town of Blackfalds.
- 2.7 **"Development Authority"** means the person or persons appointed by resolution of Council as Development Officer pursuant to the Land Use By-law.
- 2.8 **"Land Use By-law"** means the Town of Blackfalds Land Use By-law.
- 2.9 **"Member"** means a member of the Subdivision and Development Appeal Board appointed pursuant to this By-law.
- 2.10 **"Subdivision Authority"** means the Subdivision Authority as established pursuant to the Subdivision Authority By-law of the Town of Blackfalds.
- 2.11 **"Subdivision and Development Appeal Board Secretary"** means the person appointed to the position in accordance with this By-law.
- 2.12 **"Town"** means the Town of Blackfalds.

3 ESTABLISHMENT

- 3.1 The Subdivision and Development Appeal Board is hereby established.

4 MEMBERSHIP

- 4.1 The Board shall consist of at least five citizens at large.
- 4.2 A member of the Board shall not include:

- a. a member of the Municipal Planning Commission;
- b. a person who carries out development or subdivision powers on behalf of the Town;
- c. an employee of the Town

5 TERM OF OFFICE

- 5.1 Each member of the Board shall be appointed at the organizational meeting of Council for a term of one year.
- 5.2 A person may be reappointed to the Board upon expiration of that person's term.

6 VACANCIES & DISQUALIFICATION

- 6.1 In the event of a vacancy, Council may appoint by resolution a new Member to serve for the remainder of the vacating Member's term.
- 6.2 If a Member misses three (3) consecutive meetings without the authorization of the Board, the person is disqualified and the position becomes vacant.

7 QUORUM & MEETINGS

- 7.1 A quorum of the Board shall consist of the majority of Members.
- 7.2 The Board shall meet at such intervals as are necessary to consider and decide appeals filed with it in accordance with the Act.

8 APPOINTMENT OF CHAIR & VICE CHAIR

- 8.1 The Board shall appoint a Chair and Vice Chair at its first meeting.
- 8.2 Members may be re-appointed to the positions of Chair and Vice Chair.

9 APPOINTMENT OF SECRETARY

- 9.1 Council shall appoint by resolution a person to serve as a Secretary to the Board.

10 SIGNING AUTHORITY

- 10.1 An Order, Notice or any other document made, given or issued by the Board shall be signed on its behalf either the Chair or the Secretary.
- 10.2 The minutes and Decisions from Appeal Hearings shall be signed by both the Chair and the Secretary.
- 10.3 In the absence of the Chair, a document of the Board may be signed by the Vice Chair.

11 DUTIES

- 11.1 Board
 - i. Shall hear and make decision of all appeals pursuant to the Act.
- 11.2 Chair
 - i. Shall preside at the meetings of the Board.
 - ii. Shall ensure that the following hearing procedures are followed:
 - a. At the start of each Appeal, introduce all members of the board and ask for objections regarding the composition of the Board.
 - b. Confirm that the appeal is in compliance with regulation timelines as per the MGA.
 - c. Confirm that all legal requirements of the MGA regarding public notification have been met.
 - d. Explain the purpose of the hearing.
 - e. Outline the order of presentations to be made at the hearing.

- f. Ask any person speaking to state their name and address for the minutes.
 - g. Ask that any person making reference to any document provide a copy to the Secretary.
 - h. Keep control of the hearing and encourage persons who speak to keep their presentation to the point and refrain from restating points raised by previous speakers.
 - i. Call on technical and administrative staff to provide comments for the Board.
 - j. Prior to closing the hearing inquire if the board has any further questions of any of the presenters.
 - k. Ask other speakers if they have any further comments.
 - l. Ask if everyone involved believes that they have had a fair hearing.
 - m. Close the hearing and advise those present that the Board will issue its decision in writing, together with reasons for the decision, within fifteen (15) days of the conclusion of the hearing.
- iii. May make such other rulings, requests or announcements as is considered necessary to ensure that the hearing proceeds smoothly and that all interested parties have a reasonable opportunity to be heard.

11.3 Vice Chair

- i. Shall preside at the meeting of the Board in place of the Chair if for any reason the Chair does not preside at the meeting.
- ii. Shall assume the role of Chair in absence of the Chair.

11.4 Secretary

- i. Prepare agendas.
- ii. Send out statutory notices and decisions of the Board and that are provided to such persons as the Act requires.
- iii. Keeps minutes of the Board proceedings which may include summary of the evidence presented at hearings.
- iv. Handle correspondence and information documents on behalf of the Board.

12 **PROCEDURE**

- 12.1 If any member of the board has any interest, whether direct or indirect, in any matter before the board, the member shall declare such interest to the Board before discussion of the matter, and shall not participate in the hearing, or discuss or vote on the matter. The absence shall be recorded in the minutes.
- 12.2 If a member of the Board is absent from any portion of a Hearing, the member shall not participate in the Board's deliberations or decision on that appeal.
- 12.3 The Hearings of the Board shall be in public, but the Board may at any time recess and deliberate in private.
- 12.4 A request for an adjournment of the Hearing may be granted by the Board, but the adjournment must be to a specific date and time.
- 12.5 Upon conclusion of a Hearing the Board shall deliberate and reach its decision in private.
- 12.6 A decision of the Board is not final until it is issued in writing.

13 **APPEAL FEES**

- 13.1 All applicants of appellants shall pay a fee as outlined in the Town of Blackfalds Bylaw 1053/07.

14 **REPEAL OF BY-LAWS**


- 14.1 Upon the coming into force of this By-law, the Members of the Subdivision & Development Appeal Board appointed pursuant to the


Subdivision & Development Appeal Board By-Law 761/95 are continued as Members of the Board under this By-Law until new Members are appointed in accordance to the By-Law.

- 14.2 By-Law 761/95 of the Town of Blackfalds is hereby repealed.
- 14.3 This By-Law shall come into force and effect upon the date of the passing of the third and final reading.

READ for the first time this 26th day of August, 2008


RES. 266/08

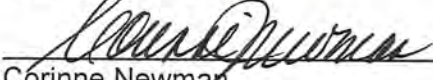

Melodie Stol
Chief Elected Official


Corinne Newman
Chief Administrative Officer

READ for the second time this 14th day of October, 2008.


313/08

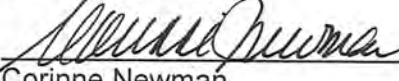

Melodie Stol
Chief Elected Official


Corinne Newman
Chief Administrative Officer

READ for the third and final time this 14th day of October, 2008.

314/08


Melodie Stol
Chief Elected Official


Corinne Newman
Chief Administrative Officer



**A BYLAW OF THE TOWN OF BLACKFALDS IN THE PROVINCE OF ALBERTA TO ESTABLISH
A MUNICIPAL EMERGENCY MANAGEMENT AGENCY AND MUNICIPAL EMERGENCY
MANAGEMENT ADVISORY COMMITTEE FOR THE TOWN OF BLACKFALDS**

WHEREAS Council of the Town of Blackfalds is responsible for the direction and control of its emergency response and is required, under the Emergency Management Act, RSA 2000, Chapter E-6.8, to appoint a Municipal Emergency Advisory Committee and to establish and maintain a Municipal Emergency Management Agency;

WHEREAS it is desirable in the public interest, and in the interests of public safety, that such a committee be appointed, and such an agency be established and maintained to carry out Council's statutory powers and obligations under the said Emergency Management Act;

WHEREAS it is recognized that an emergency or disaster of a jurisdictional or multi-jurisdictional nature could affect any or all municipalities within the geographical boundaries of Lacombe County to such a degree that local resources would be inadequate to cope with the situation; and

WHEREAS Council wishes to enter into a regional emergency management partnership with other municipalities within the geographical boundaries of Lacombe County for the purpose of integrated emergency management planning and operations;

NOW THEREFORE the Council of the Town of Blackfalds in the Province of Alberta, duly assembled in Council Chambers, enacts as follows:

1. This Bylaw may be cited as the 'Municipal Emergency Management Bylaw' for the Town of Blackfalds.
2. In this bylaw, the following terms mean:
 - a) **"Act"** means the Emergency Management Act, RSA 2000, Chapter E- 6.8;
 - b) **"Council"** means the Council of the Town of Blackfalds;
 - c) **"Disaster"** means an event that results in serious harm to the safety, health or welfare of people or in widespread damage to property;
 - d) **"Emergency"** means an event that requires prompt coordination of action or special regulation of persons or property to protect the safety, health or welfare of people or to limit damage to property;
 - e) **"Lacombe Regional Emergency Management Partnership"** means those municipalities who have entered into a joint agreement for the purpose of organizing integrated emergency planning, training, assistance and emergency operations programs;
 - f) **"Lacombe Regional Emergency Advisory Committee"** means a regional committee comprised of a Councillor, or designate, from each of the partnering municipalities of the Lacombe Regional Emergency Management Partnership
 - g) **"Lacombe Regional Emergency Management Agency"** means the Directors of Emergency Management, or designate, from each of the partnering municipalities of the Lacombe Regional Emergency Management Partnership;
 - h) **"Lacombe Regional Emergency Management Plan"** means the integrated emergency management plan prepared by the Lacombe Regional Emergency Management Agency to coordinate response to an emergency or disaster within the geographic boundaries of Lacombe County.
 - i) **"Minister"** means the Minister responsible for the Emergency Management Act;
 - j) **"Municipal Emergency Advisory Committee"** means the committee established under this Bylaw; and
 - k) **"Municipal Emergency Management Agency"** means the agency established under this Bylaw.

3. There is hereby established, a Municipal Emergency Advisory Committee to advise Council on the development of emergency plans and programs.
4. There is hereby established a Municipal Emergency Management Agency to act as the agent of Council to carry out its statutory powers and obligations under the Act. This does not include the power to declare, renew, or terminate a state of local emergency, or the powers contained in Section 12 of this Bylaw.
5. Council shall:
 - a) by resolution, appoint three of its members to serve on the Municipal Emergency Advisory Committee;
 - b) provide for the payment of expenses of the members of the Municipal Emergency Advisory Committee;
 - c) by resolution, on the recommendation of the Municipal Emergency Advisory Committee, appoint a Director of Emergency Management and Deputy Director(s) of Emergency Management who shall do those things required of the Director of Emergency Management in that person's absence;
 - c) ensure that emergency plans and programs are prepared to address potential emergencies or disasters in the Town of Blackfalds;
 - e) approve the Town of Blackfalds emergency plans and programs; and
 - f) review the status of the Regional Emergency Management Plan and related plans and programs at least once each year.
6. Council may:
 - a) by Bylaw, borrow, levy, appropriate and expend, without the consent of the electors, all sums required for the operation of the Municipal Emergency Management Agency; and
 - b) enter into agreements with and make payments or grants, or both, to persons or organizations for the provision of services in the development or implementation of emergency plans. or programs, including mutual aid plans and programs.
7. The Town of Blackfalds Emergency Advisory Committee shall:
 - a) review the Regional Emergency Management Plan and related plans and programs on a regular basis; and
 - b) ensure emergency plans and programs are prepared to address potential emergencies or disasters in the Town of Blackfalds;
 - c) approve the Town of Blackfalds emergency plans and programs; and
 - d) review the status of the Regional Emergency Management Plan and related plans and programs at least once a year;
 - e) provide guidance and direction to the Town of Blackfalds Emergency Management Agency;
 - f) advise Council, duly assembled, on the status of the Regional Emergency Management Plan and related plans and programs at least once each year;
 - g) meet at least once each year, or by special request of the Chair; and
 - h) quorum of the Committee shall be 2 of 3 appointed Council members.
- 8.1 The Municipal Emergency Management Agency shall be comprised of one or more of the following:
 - a) the Director of Emergency Management;
 - b) the Deputy Director(s) of Emergency Management;

- c) the Commissioner, Chief Administrative Officer, Clerk or other administrative staff member(s) of the municipality;
 - d) the Police Chief or designate;
 - e) the Fire Chief or designate;
 - f) the Communications Officer (Public Information Officer) or designate;
 - g) the Public Works Manager/Foreman or designate;
 - h) the Planning and Development Manager or designate;
 - i) the Family and Community Support Services Manager or designate.
- 8.2 In addition, the following public and private organizations may be invited to provide representative(s) to the Municipal Emergency Management Agency:
- a) the NCO in Charge, Local RCMP Detachment or designate;
 - b) the Ambulance Service Manager or designate;
 - c) the School Division Superintendent or designate;
 - d) representative(s) from Alberta Health Services;
 - e) representative(s) from adjacent communities which have entered into mutual aid agreements;
 - f) representative(s) from local business or business associations (ie. Chamber of Commerce);
 - g) representative(s) from local industry or industrial associations;
 - h) representative(s) from local telecommunications service provider;
 - i) representative(s) from Municipal Affairs, Alberta Emergency Management Agency;
 - j) representative(s) from Alberta Environment;
 - k) representative(s) from Alberta Transportation; and
 - l) anyone else who might serve a useful purpose in the preparation or implementation of the Regional Emergency Management Plan.
9. The Town of Blackfalds Emergency Management Agency shall be responsible for:
- a) reviewing and updating the Town of Blackfalds Regional Emergency Management Plan;
 - b) recommending to the Town of Blackfalds Emergency Management Advisory Committee changes or revisions to the plan;
 - c) reviewing and providing input to the DEM into the development of the Town of Blackfalds Emergency Management training and exercise plan;
 - d) participating in exercises and training according to the established exercise and training program;
 - e) meet at a minimum of two times per year.
10. The Director of Emergency Management shall:
- a) assist in the preparation and coordination of the Regional Emergency Management Plan and prepare and coordinate related plans and programs for the Town of Blackfalds;
 - b) act as director of emergency operations, or ensure that someone is designated under the Regional Emergency Management Plan to so act, on behalf of the Municipal Emergency Management Agency; and

- c) coordinate all emergency services and other resources used in an emergency;
 - d) ensure that someone is designated to discharge the responsibilities specified in this section, paragraphs a), b) and c);
 - e) ensure that the command, control and coordination system prescribed by the Managing Director of the Alberta Emergency Management Agency will be used by the agency.
11. The power to declare, terminate or renew a state of local emergency under the Act, the powers specified in Section 12 of this Bylaw, and the requirement specified in Section 15 of this Bylaw, are hereby delegated to a committee comprised of the Mayor, or the Deputy/Mayor, alone, or in their absence, any two members of Council. This committee may, at any time when it is satisfied that an emergency exists or may exist, by resolution, make a declaration of a state of local emergency.
12. When a state of local emergency is declared, the person or persons making the declaration shall:
- a) ensure that the declaration identifies the nature of the emergency and the area of the Town of Blackfalds in which it exists;
 - b) cause the details of the declaration to be published immediately by such means of communication considered most likely to notify the population of the area affected; and
 - c) forward a copy of the declaration to the Minister forthwith.
13. Subject to Section 12, when a state of local emergency is declared, the person or persons making the declaration may:
- a) cause the Lacombe Regional Emergency Management Plan or any related plans or programs to be put into operation;
 - b) acquire or utilize any real or personal property considered necessary to prevent, combat or alleviate the effects of an emergency or disaster;
 - c) authorize or require any qualified person to render aid of a type the person is qualified to provide;
 - d) control or prohibit travel to or from any area of the Town of Blackfalds;
 - e) provide for the restoration of essential facilities and the distribution of essential supplies and provide, maintain and coordinate emergency medical, welfare and other essential services in any part of the Town of Blackfalds;
 - f) cause the evacuation of persons and the removal of livestock and personal property from any area of the Town of Blackfalds that is or may be affected by a disaster and make arrangements for the adequate care and protection of those persons or livestock and of the personal property;
 - g) authorize the entry into any building or on any land, without warrant, by any person during the implementing of an emergency plan or program;
 - h) cause the demolition or removal of any trees, structures or crops if the demolition or removal is necessary or appropriate in order to reach the scene of a disaster, or to attempt to forestall its occurrence or to combat its progress;
 - i) procure or fix prices for food, clothing, fuel, equipment, medical supplies, or other essential supplies and the use of any property, services, resources or equipment within the Town of Blackfalds for the duration of the state of local emergency;
 - j) authorize the conscription of persons needed to meet an emergency; and
 - k) authorize any persons at any time to exercise, in the operation of the Lacombe Regional Emergency Management Plan and related plans or programs, any power specified in under section 13, paragraphs b) through j) in relation to any part of the municipality affected by a declaration of a state of local emergency.



Town of Blackfalds
MUNICIPAL EMERGENCY MANAGEMENT BYLAW NO. 1252.20

14. When, in the opinion of the person or persons declaring the state of local emergency, an emergency no longer exists in relation to which the declaration was made, they shall, by resolution, terminate the declaration.
15. A declaration of a state of local emergency is considered terminated and ceases to be of any force or effect when:
 - a) a resolution is passed under Section 12;
 - b) a period of seven days has lapsed since it was declared, unless it is renewed by resolution;
 - d) the Lieutenant Governor in Council makes an order for a state of emergency under the Act, relating to the same area; or
 - d) the Minister cancels the state of local emergency.
16. When a declaration of a state of local emergency has been terminated, the person or persons who made the declaration shall cause the details of the termination to be published immediately by such means of communication considered most likely to notify the population of the area affected.
17. No action lies against the Town of Blackfalds or a person acting under the Town of Blackfalds direction or authorization for anything done or omitted to be done in good faith while carrying out a power under the Emergency Management Act or the regulations during a state of local emergency.
18. This Bylaw shall come into effect upon third and final reading of this bylaw.
19. Town of Blackfalds Municipal Emergency Bylaw No. 1117/11 and all amendments thereto are hereby rescinded.

READ for the first time this _____ day of _____, 2020 A.D.

(Resolution No. _____)

Richard Poole, Mayor

Myron Thompson,
Chief Administrative Officer

READ for the second time this _____ day of _____, 2020 A.D.

(Resolution No. _____)

Richard Poole, Mayor

Myron Thompson,
Chief Administrative Officer

READ for the third and final time this _____ day of _____, 2020 A.D.

(Resolution No. _____)

Richard Poole, Mayor

Myron Thompson,
Chief Administrative Officer



**TOWN OF BLACKFALDS
ORGANIZATIONAL MEETING
REQUEST FOR DECISION**

Page 1 of 1

MEETING DATE: **October 26, 2021**

PREPARED BY: **Myron Thompson, CAO**

SUBJECT: **External Boards and Committees – Council Member Appointments**

BACKGROUND

Annually at the Organizational Meeting, members of Council are appointed to various external Boards and Committees for the upcoming year, until the following Organizational Meeting.

DISCUSSION

The External Boards/Committees are listed at the bottom of the Boards and Committees spreadsheet, which was sent to Council confidentially. The external Boards and Committees are listed with the previous members of Council who were appointed in red.

The External Board and Committee Information Sheet, outlining a brief description for each external Board and Committee is attached for Council review and discussion.

FINANCIAL IMPLICATIONS

None

ADMINISTRATIVE RECOMMENDATION

That Council formally appoint members to external Boards and Committees.

ALTERNATIVES *(other than the recommendation)*

1. That Council refer this item back to Administration for further information.

ATTACHMENTS

- *Council Board and Committee Information Sheet*

APPROVALS



CAO Myron Thompson



EXTERNAL BOARD AND COMMITTEE INFORMATION

Appointed Council representatives are expected to act as a liaison between their respective Board or Committee and Council.

Lacombe Foundation 1 Councillor, 1 alternate

The Lacombe Foundation meets approximately five times a year on the fourth Monday at 1:00 pm and the Lacombe Foundation Office.

The Foundation determines the direction of the delivery of seniors housing in accordance with the Alberta Housing Act, as well as the management of housing assets including seniors and affordable housing units. The Foundation is composed of elected officials from the member municipalities including Alix, Bentley, Blackfalds, Clive, Eckville, Lacombe and Lacombe County. All members are active voting members.

Inter-municipal Development Plan Board (IDP) Mayor + 2 Councillors and an alternate

The Inter-municipal Development Plan Board meets as required at alternating locations of the municipal partners.

The Board was established to:

- monitor matters of mutual interest and concern, including the implementation and on-going review of the Blackfalds-Lacombe County Inter-municipal plan;
- to consider disputes raised regarding a statutory plan approval and amendments, including matters related to the administration and implementation of the Inter-municipal Development Plan, Land Use Bylaw approvals and amendments, subdivision approvals, and development permit approval which has or may have a detrimental effect on the other municipality.

The Board is composed of three members from each Council, including the Mayor and Reeve, of the Town of Blackfalds and Lacombe County.

Inter-municipal Collaboration Committee (ICF)

The Inter-municipal Collaboration (ICF) Committee shall meet at least once every three years, or sooner if determined by the Party's CAO's, to review the terms and conditions of the agreement.

The ICF Committee is established to

- develop and maintain the ICF Agreement and the Sub-Agreements that flow from it to facilitate the commitment of the Town of Blackfalds and Lacombe County to work collaboratively to jointly provide facilities and deliver services and programs for the benefit of both Parties and to plan for the future.
- Ensure a solid framework exists that determines equitable funding arrangements for intermunicipal services that benefit the residents of both municipalities

The Committee is to be composed of two appointed and one alternate elected official, and the Chief Administrative Officer or designate of each Signatory. Quorum shall be four members consisting of one elected official and the CAO or designate from each Signatory.



EXTERNAL BOARD AND COMMITTEE INFORMATION

Blackfalds Chamber of Commerce

1 Councillor, 1 alternate

The Blackfalds Chamber of Commerce meets the first Thursday of each month at 7:00 pm in the Town Office.

The Chamber represents the business community by providing services, benefits and leadership for positive growth. The Board is composed of member at large members elected by the membership. The Board also includes one member appointed by Town Council. All members are active voting members.

Central Alberta Economic Partnership

1 Councillor, 1 alternate

The Central Alberta Economic Partnership meets three times a year, with the date, time and location determined by the group.

This partnership represents member communities to advance sustainable regional economic development by working together, with one vision to collectively move the region forward to stimulate the economy, both locally and regionally. All members are active voting members.

Parkland Regional Library (PRL) System

1 Councillor, 1 alternate

The Parkland Regional Library System meets four times a year at the PRL Office in Lacombe.

The purpose of this group is to establish, foster, and maintain good relations with all libraries and government departments in the province for the provision of library service, and to cooperate with any library, regional system, or government department to improve library service. Members of the Board are appointed by the member municipalities and all members are active voting members.

Blackfalds School Parent Council

- IREC 1 Councillor, 1 alternate
- IRIC 1 Councillor, 1 alternate
- IRJC 1 Councillor, 1 alternate
- St.Gregory 1 Councillor, 1 alternate

Meeting dates, times and locations vary for each Council.

The purpose of the Parent Councils is to establish, foster, and maintain good relations within all local schools and Parent Councils for the provision of educational programming. Members of the Parent Councils are appointed by each school.

Central Alberta Regional Trails Society

1 Councillor, 1 alternate



EXTERNAL BOARD AND COMMITTEE INFORMATION

The Central Alberta Regional Trails Society meets every two months (except July and August) at various locations of the members.

The purpose of the Society is to identify the issues, concerns, support, and ideas regarding the designation and development of recreational trail linkages in rural Central Alberta.

North Red Deer River Water Commission (NRDRWC)

1 Councillor, 1 alternate

North Red Deer River Water Commission meets approximately four times a year at the Lacombe City Hall.

The purpose of the Commission is to supply water services to all the member municipalities who are members of the Commission, including the Town of Blackfalds, City of Lacombe, Town of Ponoka, Ponoka County and Lacombe County. All members are active voting members.

North Red Deer Regional Wastewater Services Commission

1 Councillor, 1 alternate

The North Red Deer Regional Wastewater Services Commission meetings are usually coordinated with the NRDRWC meetings.

The Commission is authorized to provide and operate a wastewater supply system for the participating municipalities.

Lacombe County Fire Services Partnership Advisory Committee

1 Councillor, 1 alternate

The Lacombe County Fire Services Partnership Advisory Committee meets once a year prior to November 30 at various locations of the municipal partners

Lacombe Regional Emergency Partnership

1 Councillor, 1 alternate

The Lacombe Regional Emergency Partnership meets twice a year, in the Spring and Fall at various locations of the municipal partners.

This partnership consists of 11 municipalities within Lacombe County who coordinate planning, training and resource management for the group of partnering municipalities.

Red Deer River Municipal Users Group (RDRMUG)

1 Councillor, 1 alternate

The Red Deer River Municipal Users Group meets every second month on the second Monday at 1:00 pm in the Town of Drumheller.

This Group is an association of rural and urban municipalities composed of municipalities within the Red Deer River Basin and communities who receive water from the Red Deer River. The purpose is to provide a unique and essential platform for members to work together towards shared goals. By involving only municipalities and representing elected officials the group is able to focus on long term sustainability.

Red Deer River Watershed Alliance

1 Councillor, 1 alternate

The Red Deer River Watershed Alliance holds two annual meetings in June and the Fall at various participating municipal locations.

The Alliance is a multi-sector, non-profit organization that promotes the good use and proper management of water within the Red Deer River watershed. The purpose is to build an inclusive alliance through collaborative partnership to promote a healthy watershed to ensure a legacy of ecological integrity and economic sustainability



TOWN OF BLACKFALDS ORGANIZATIONAL MEETING COUNCIL REPORT

MEETING DATE: October 26th, 2021

PREPARED BY: Myron Thompson, Chief Administrative Officer

SUBJECT: Council Orientation & Training

BACKGROUND:

Following the municipal election, Council is provided with many opportunities for education and training, which will help previous and newly elected officials with carrying out their duties as Council members.

DISCUSSION:

IT Hardware & Software Tutorial – New Council members have been provided their devices as well as a tutorial on the software needed to perform their duties. Returning Council members will be provided their updated devices the week of October 25th.

Organizational Meeting – At the Organizational Meeting, Council will be provided an updated Town Council Orientation Manual. This comprehensive document provides key information to Council members. In addition, Council will be provided a walk-through tour of the Civic Centre to assist them with understanding the layout, access and other important factors.

Town Facility Tour – A scheduled tour of Town owned facilities will take place before the end of November. This tour will be important for new Council members and optional for returning Council members.

Post Council Orientation - Council and senior Administration are registered for the George Cuff Elected Official Training session scheduled for October 28th. This event is hosted by the Village of Delburne.

Elected Officials Education Program – The Town of Blackfalds, in partnership with AUMA, have arranged a MUNI 101 course that is tentatively scheduled for December 11th and 12th. MUNI 101, the Essentials of Municipal Governance, is an overarching course designed to provide both new and returning Councillors with the skills and knowledge they need to excel in their positions moving forward.

AUMA Convention – This years' AUMA Convention is scheduled approximately a month later than normal due to the municipal election. This convention provides an opportunity to participate in education sessions and networking with other municipalities, organizations, and other political entities. All of Council have been registered and accommodations secured. More information will be forthcoming, however, if you are not able to attend for whatever reason please contact CAO Thompson or EA Van Winssen to advise so we can make any cancellations that may be required.



TOWN OF BLACKFALDS ORGANIZATIONAL MEETING COUNCIL REPORT

Budget – At the first meeting in November, Council will engage in pre-budget discussions. We will also review budget timelines and establish a schedule for a budget retreat. In addition to this, at the November 9th meeting we will be providing a schedule of Town events for review with Council. Once reviewed we will provide calendar invites to Council members.

Approvals:

A handwritten signature in black ink, appearing to be "Myron Thompson", written over a horizontal line.

CAO Myron Thompson