

# Bill 20: *Municipal Affairs Statutes Amendment Act, 2024* Regulations

## Discussion Guide

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### Preamble

Municipal Affairs is engaging with key stakeholders to collect feedback that will be used to develop regulations under new authorities established in Bill 20, the *Municipal Affairs Statutes Amendment Act, 2024*.

### Background

The *Local Authorities Election Act (LAEA)* establishes the framework for local authority elections in Alberta's 332 municipalities and 60 school boards. The *LAEA* governs processes and procedures for election workers, voters, and candidates during the nomination, election, and post-election periods. The *LAEA* also regulates campaign finances, third-party advertising, and the chief electoral officer role in local elections.

The *Municipal Government Act (MGA)* establishes the rules governing the conduct of locally elected officials once on council, and the overall administration and operation of municipal authorities to ensure municipal governments serve their community in an effective and responsive manner.

Bill 20, the *Municipal Affairs Statutes Amendment Act, 2024*, was passed on May 30, 2024, and makes changes to the *LAEA* and *MGA*.

In fall 2023, Municipal Affairs conducted province-wide engagements to inform some of the legislative amendments in Bill 20. Representatives from municipal associations, such as the Alberta Municipal Clerks Association (AMCA), Alberta Municipalities (ABmunis), Alberta Rural Municipal Administrators' Association (ARMAA), Local Government Administration Association of Alberta (LGAA), Rural Municipalities of Alberta (RMA), and administrative representatives from the cities of Calgary and Edmonton were invited to participate in two virtual sessions that discussed local elections and councillor accountability. Albertans were consulted on these topics through a public survey that was available online for four weeks.

### Purpose

As outlined in the Minister of Municipal Affairs' mandate letter, Municipal Affairs is committed to making amendments to strengthen public trust and the integrity of local elections, reduce red tape, as well as to maintain open dialogue and partnership with key stakeholders across the province.

## Scope

### In Scope

The ministry is seeking input regarding the following topics:

- Joint Use Planning Agreement exemptions;
- definition of “public interest”;
- definition of “provincial government policy”;
- code of conduct (integrity commissioner);
- campaign expenses; and
- local political parties.

### Out of Scope

The discussion will not focus on thoughts or discussion intended to revisit or revise the policy direction set out in Bill 20. In addition, the following topics are not within the scope of this engagement process, as there will be separate engagement on these topics in the coming months:

- postponement of elections in emergencies; and
- provincial approval of municipal-federal agreements.

## Discussion Questions

### Joint Use Planning Agreements (JUPAs)

Section 670.1(1) of the *MGA* requires a school board that is operating within a municipal boundary to enter into a Joint Use and Planning Agreement (JUPA) with the municipality or municipalities.

A JUPA must establish a process for discussing matters related to the planning, development, use, disposal, and servicing of school sites. A JUPA must also outline how a municipality and the school board will work collaboratively, resolve disputes, and review the agreement. The *Municipal Affairs Statutes Amendment Act, 2024* will amend the *MGA* to grant ministerial authority to create regulations respecting JUPA criteria, requirements, or exemptions.

- 1. Should some municipalities be exempted from preparing a JUPA?**
  - a. If yes, what could be the criteria for municipalities to be exempted?**

### Defining “Public Interest”

Please consider how we can clarify the concept of “public interest” in regard to the authority of the Lieutenant Governor in Council to, by order, direct the chief administrative officer of a municipality to conduct a vote of the electors respecting the dismissal of a councillor.

Bill 20 states that this authority may be used if the Lieutenant Governor in Council is of the opinion that:

- the councillor is unable, unwilling, or refusing to perform the duties of a councillor; or
- it is in the public interest to do so.

In determining the “public interest,” the Lieutenant Governor in Council may take into account illegal or unethical behaviour by the councillor.

1. What elements should be considered when defining “public interest” regarding a vote of electors to dismiss a councillor?
  - a. Are there any concepts that should be excluded or included?

### Defining “Provincial Government Policy”

Bill 20 states that the Lieutenant Governor in Council may, by order, direct a municipality to amend or repeal a bylaw with or without conditions, if the Lieutenant Governor in Council is of the opinion that the bylaw in question:

- exceeds the scope of the purposes of a municipality established in the *MGA* Section 3;
- exceeds the authority of a municipality to pass a bylaw under the *MGA* or any other act;
- contravenes the Constitution of Canada;
- conflicts or is inconsistent with the *MGA*, or another enactment of Alberta; or
- is contrary to a policy of the government unless the municipality obtains the prior consent of the government to pass that bylaw.

1. From a municipal perspective, what should the province consider in order to define “provincial government policy”?
  - a. What would help to provide clarity for municipalities?

### Code of Conduct (Integrity Commissioner)

Under the *MGA*, every municipal council is required to establish, by bylaw, a code of conduct. Concerns arose regarding the potential misuse of municipal codes of conduct, including multiple instances of courts overturning code of conduct sanctions imposed on councillors, as well as a recent instance where the sanctions imposed by council appear excessive to some observers.

There are several options regarding establishing an independent body to review codes of conduct matters, which range from officers that report to a Minister (such as the Mental Health Patient Advocate or the Farmers’ Advocate) to Officers of the Legislature (such as the Auditor General or Chief Electoral Officer).

1. Should there be an independent body to deal with code of conduct complaints?

#### Reporting

1. If established, should the provincial Integrity Commissioner report to the Legislature or directly to the Minister?

#### Extent of Authority

1. What elements should be included in the role of the Integrity Commissioner?
2. Should the Integrity Commissioner primarily have investigative authority, appeal authority, or both?

#### Cost

1. What factors should the ministry consider when determining potential cost-sharing or cost-recovery models for the Integrity Commissioner’s office?

## Existing Roles

1. **Should the provincial Integrity Commissioner replace existing local integrity or ethics commissioners?**

## Campaign Expenses

### Expense Limits Calculation

Section 147.1 of the *LAEA* defines a campaign expense as any expense incurred, or non-monetary contribution received by a candidate that is used to directly promote or oppose a candidate during a campaign period.

Sections 147.9 and 188 provide the Minister the authority to make regulations determining campaign expense limits for candidates and election advertising expense limits for third party advertisers, respectively. Bill 20 expands the Minister's authority to include regulations to set expense limits for local political parties.

Developing a campaign expense limit regulation in a timely manner addresses public concerns about the influence of "big money" in local elections and helps to level the playing field with respect to financial resources available to candidates. The aim is to develop a regulation that will provide consistent, fair campaign spending limits for all candidates.

Potential models that could be used to calculate campaign expense limits include:

- per capita formulas; or
- tiers based on population bands (currently used in British Columbia).

1. **How should campaign expense limits be calculated?**
2. **What other models could be used to calculate expense limits?**
3. **Should expense limits be the same each year over the four-year election cycle?**
  - a. **If no, please specify.**
4. **Are there any other considerations for campaign expense limits?**

## Local Political Parties

Local political parties will be piloted in the cities of Edmonton and Calgary during the 2025 municipal general election. Areas for input on potential regulations include the establishment of a party, candidate nomination, operational restrictions, and financial reporting.

### Establishment of Party (Party registers with the returning officer)

1. **Should there be qualifying requirements to register a political party?**

For example, minimum party membership numbers (e.g., 50 members, mirroring B.C.).
2. **Should there be restrictions on party names?**

For example, provincial election legislation establishes that the name or the abbreviation of the name of the applying party cannot nearly resemble the name or abbreviation of another local political party, or registered provincial or federal political party.

## Candidates

Only registered endorsed candidates are able to have their party name identified on the ballot. The party principal endorses these candidates. The endorsement would be required to be registered with the returning officer prior to nomination day.

- 1. Should there be rules regarding candidate nomination contests, such as processes and procedures for how candidates are nominated and declared the winner of the endorsement?**
  - a. If 'yes,' what types of rules should be required?**

## Restrictions and Reporting

Restrictions and reporting of financial expenses are essential to maintaining transparent, equitable, and democratic elections. The ministry is exploring options to regulate expense limits for local political parties and candidates.

- 1. Should local political parties have their own campaign expense limits? Or, should their campaign expenses be applied to the campaign expense limits of their endorsed candidates?**
- 2. Should there be restrictions on the operational expenses of local political parties (e.g., audit fees, office fees, salaries, wages, incidental expenses by volunteers)?**

Parties that accept contributions/incur expenses must file financial disclosures, like Third Party Advertisers (TPA) and candidates.

- 3. Should local political parties be able to carry a surplus following the general election? Or, should local political parties, like candidates, be required to donate a surplus greater than \$1,000 to a charitable organization?**

## Review and Evaluation

- 1. What metrics should be tracked and monitored through the pilot?**
- 2. What other elements should be considered for the evaluation of the pilot?**

*Your feedback may be submitted in writing to Municipal Affairs, Municipal Planning and Engagement, Engagement Team, at [ma.engagement@gov.ab.ca](mailto:ma.engagement@gov.ab.ca) by **July 26, 2024**.*