



Information Package for
2021-2025
Prospective Candidates
For the Offices of
Mayor and Councillor

BECOMING A MEMBER OF COUNCIL

Although the 2021 election does not take place until October 18, nomination papers will be accepted from January 1 to September 20, 2021 at the Town Office during regular office hours. For anyone thinking about running for Mayor or Councillor in the October election, this package will answer questions for you and provide valuable resources.

This information package is for your assistance and has no legislative sanction. It contains answers to the most frequently asked questions regarding election procedures, important facts candidates should be aware of and general information. It also includes some of the relevant excerpts from the **Local Authorities Election Act** and the **Municipal Government Act**. Both Acts can be accessed on the Government of Alberta website at www.alberta.ca.

Prospective candidates are also encouraged to access the Alberta Municipal Affairs document called "A Candidate's Guide: Running for Municipal Office in Alberta", as well as other documents on the Municipal Affairs website http://www.municipalaffairs.alberta.ca/mc_elections.

As a member of Council you will have the opportunity to significantly influence the future of your community. The decisions you make will directly or indirectly affect the quality of life enjoyed by the citizens of the Town of Oyen and surrounding district. Members of council can look with pride on their accomplishments, whether it is a residential subdivision, commercial development or improved infrastructure.

Council members are elected for four-year terms. The term will officially begin at the Organizational Meeting of the Council following the election. Members of Council will take their Oath of Office to open the meeting and then begin the business of making decisions to operate for the next four years.

The demands on your time will be heavy. During your term of office you will be expected to attend:

- Regular meetings of council - currently the third Thursday of each month.
- Special meetings of council - called when required.
- Council committee meetings – called when required.
- Meetings of other boards and agencies to which you are appointed as council's representative.
- Conferences, conventions, seminars, and workshops for training and discussion.
- Social and other events promoting the Town of Oyen.

You will also need to spend time reading material as well as talking with residents, the Chief Administrative Officer and others. This will all be part of the necessary preparation for meetings to assist you in making informed decisions.

If you have any questions regarding the information in this booklet, please do not hesitate to contact:

Steven Kuhn, Returning Officer
Town of Oyen 201–Main St.
Phone: 403-664-3511, Fax: 403-664-3412
Email: cao@oyen.ca

IMPORTANT DATES

Nomination papers can be submitted January 1, 2021

Close of Nomination Date – 4 weeks prior to Election Day

September 20 Nomination Day – 4 weeks prior to Election Day

Nomination forms can be submitted at the Town Office during regular office hours from January 1, 2021 until noon on September 20, 2021.

The returning officer CANNOT accept nominations after 12:00 pm on September 20th.

Date Election Forum
To be Determined This evening will give you an opportunity to speak to the citizens of Oyen regarding your election platform.

Date Advance Vote
To Be Determined Town Council Chambers 12 noon – 6:30 p.m.

October 18 Election Day – Location TBD
10:00 a.m. – 8:00 p.m.
Returning Officer provides Unofficial Results to Municipal Affairs following the ballot count.

October 22 Returning Officer confirms the Official Election Results.

Prior to Organizational Meeting (Must be held by October 30, 2021)
October 30 Evening meeting. Family & friends are invited to attend as members of Council will take the Oath of Office. There will be a social evening to follow.

Date & Location AUMA Convention & Trade Show
To be Determined The Alberta Urban Municipalities Association, founded in 1905, represents and advocates the interests of all members to both the provincial and federal governments. The annual convention allows members of Council and administration to

- enhance their skills and knowledge at information sessions
- network with other municipal representatives, businesses and services
- set the Associations direction for the upcoming year
- attend “Dialogue with Ministers” from various provincial departments.

Date & Location Elected Officials Training
To be Determined The *Municipal Government Act* section 201.1 requires municipalities to offer training to all new and returning elected officials within 90 days after council members have taken the oath of office.

The Elected Officials Education Program has developed a course that will provide new and returning councillors with everything they need to meet mandatory training requirements and succeed in their roles moving forward.

NOMINATIONS

Nominations will be accepted from January 1, 2021 to September 20, 2021. The returning officer or substitute returning officer will accept nomination papers at the Town Office building (201- Main St.) during regular office hours up until 12:00 Noon on nomination day – September 20. Nominations cannot be accepted after noon on nomination day.

You may want to file your nomination paper in person however, anyone can file it on your behalf as long as it is fully completed. You are responsible for ensuring that the nomination form filed meets the requirements under section 27 of the *Local Authorities Election Act*.

Nomination papers must be filed using the prescribed form and signed by at least 5 electors eligible to vote in that election. These people must be eligible to vote and residents of the Town of Oyen on the date of signing the nomination paper. Your form will be refused if it has not been signed by the required number of eligible electors. For each nominator, the form must include that person's name, civic address (street address or legal description of residence) and signature.

As the candidate, you are required to make an affidavit saying that you are eligible for nomination, not otherwise disqualified from office, and that you will accept the office if you are elected. You must swear or affirm that affidavit before a Commissioner for Oaths or the Returning Officer. Ensure you are aware of the contents of Sections 12, 21, 22, 23, 27, 28, 47, 68.1, 151 and Part 5.1 of the *Local Authorities Election Act*. Access the Government of Alberta website www.Alberta.ca and search Local Authorities Election Act to review the regulations.

The Town of Oyen does not require a deposit to accompany the nomination papers.

Campaign Funding

In accordance with Section 147.22(1) "No person shall accept a contribution or incur a campaign expense unless the person has been nominated as a candidate."

Candidates are required to complete a Campaign Disclosure Statement and Financial Statement on or before March 1st, 2022.

Withdrawals

Within 24 hours of the close of nominations, you may withdraw your nomination form, provided that more than the required number of candidates have been nominated for the office you were seeking. The returning officer cannot accept your withdrawal if it would result in less than the required number of candidates.

If you wish to withdraw, you must provide a written notice to the returning officer.

Insufficient nominations

If the number of nominations filed is less than the number of vacancies in any particular office, the returning officer will be available the next day (and for up to six days) from 10 a.m. until noon to receive further nominations.

If, by noon on any of the days, the number of candidates nominated equals the number of vacancies in any particular office, nominations will be closed and the returning officer will declare the candidates elected by acclamation. That means the candidates are elected without the necessity of actually holding the election.

If more than the required nominations are received by noon on any of the days, nominations will be closed and the election will be held as originally planned.

Are you qualified?

To be nominated as a candidate you must be at least 18 years of age on nomination day, a Canadian citizen, and you must have been a resident of Oyen for the 6 consecutive months preceding nomination day.

Ineligibility for nomination

You are not eligible to become a candidate under any of the following circumstances

- If you are the auditor for the Town of Oyen.
- If your property taxes are more than \$50.00 in arrears or you are in default, for more than 90 days, for another debt in excess of \$500.00 to the Town.
- If you have, within the previous 10 years, been convicted of an offense under the *Local Authorities Election Act*, the *Elections Act*, *Election Finances and Contributions Disclosure Act* or the *Canada Elections Act*.
- If you have failed to comply with the campaign finance and disclosure requirement of the LAEA.
- If you are a judge, Member of the Senate or House of Commons of Canada, or Member of the Legislative Assembly, you must resign that position before you take office as a member of council.
- If you are a municipal employee, you must take a leave of absence without pay as outlined in the LAEA.

When do you start?

The polls close at 8:00 p.m. and ballots are counted immediately. The Town of Oyen website will be updated with the unofficial results as each voting station is counted.

The returning officer will notify you of the results by telephone after the votes are counted. In the days following the election, the Chief Administrative Officer will meet with you to present you with an information book to help you get familiar with your new position on Council.

Your term will officially begin at the Organizational Meeting of the council.

CAMPAIGNING

The purpose of campaigning is to convince the electors that you are the best candidate for the position. You may want to do that by talking to people, preparing brochures or posters, and/or advertising in the media. Following are some rules regarding proper campaign procedures.

Bribery – It is an offence to give or promise to give money or any other valuable consideration (such as an office or job) to induce anyone to vote or refraining from voting at an election. It is also an offence for anyone to accept money or any other valuable consideration in return for voting or not voting.

Undue influence – It is an offence to use or threaten violence, injury, damage or intimidation to compel a person to vote or refrain from voting at an election or to obstruct a person from voting.

Campaign Expenses & Contributions

The following information is a guide. For the rules set by the Province of Alberta regarding disclosure of campaign contributions and expenses, refer to the *Local Authorities Elections Act*, Part 5.1, Sections 147.1 to 147.92.

Campaign expenses are expenses the candidate makes in the course of a campaign to help get elected. Examples include:

- Production and distribution of advertising or promotional material.
- Cost of acquiring premises, accommodation, goods or services for proper election campaign expenses

Campaign contributions – A candidate must open a bank account in their own name or the name of the campaign as soon as possible after the amount of contributions exceeds \$1,000.00 in aggregate or the amount of contributions and any of the candidate's own funds exceeds \$5,000.00 in aggregate.

All contributions must be deposited in that account, and the money is to be used only for campaign expenses. Contributions of real and personal property and services have a value. Receipts must be issued for every contribution and obtained for every expense.

Records of all contributions and expenses are to be kept for at least 2 years.

Campaign Disclosure Statements

A campaign disclosure statement must be filed with the Town of Oyen on or before March 1 following the general election.

The campaign disclosure statement is filed on a prescribed form that includes information about campaign contributions received, other sources of funding, campaign expenditures and the campaign surplus or deficit.

A candidate may self-fund their campaign by no more than \$10,000.00 in a campaign period.

Campaign advertising

Advertising signs should be confined to private property, with the agreement of the owner.

Candidate's election signs may be posted for eight weeks prior to an election.

All advertising should be promptly removed from private property immediately (within 24 hours) following the election.

It is an offence to canvass or solicit votes in or immediately adjacent to a voting station. It is also an offence to display or distribute campaign material inside or on the outside of a building used for a voting station.

ELECTION DAY

Election Day is **Monday, October 18, 2021** to fill the seven offices of Council (Mayor and 6 Councillors). Voting stations will be open promptly at **10:00 a.m.** and will be kept open continuously until **8:00 p.m.** Location is to be determined.

Eligibility to Vote

A person is eligible to vote in an election if the person is at least 18 years old, is a Canadian citizen, and resides in Alberta and the person's place of residence is Oyen on election day.

A person may only have one place of residence, and it is the place where the person lives and sleeps and to which, when the person is absent, the person intends to return.

Every elector who attends the voting station will be permitted to vote if the person makes a statement that the person is eligible to vote as an elector in the presence of an officer at the voting station, in the prescribed form and must produce the following identification to be permitted to vote:

- (a) one piece of identification issued by a Canadian government, whether federal, provincial or local, or an agency of that government, that contains a photograph of the person and the person's name and current address, or
- (b) one piece of identification authorized by the Chief Electoral Officer under the *Election Act* for the purposes of section 95(1)(a)(ii) of that Act that establish the elector's name and current address.

The list of acceptable pieces of identification can be found on the Government of Alberta website www.Alberta.ca.

Candidates are entitled to have one official agent or scrutineer at the voting station. Section 68.1 of the *Local Authorities Election Act* provides regulations regarding the official agent and section 69 provides regulations governing the candidate's scrutineer. The official agent or scrutineer must subscribe to the oath in the prescribed form.

PURPOSE, POWER & CAPACITY OF LOCAL JURISDICTIONS

The Province provides the structure for local governments through the *Municipal Government Act*. The following excerpt from Section 3 outlines the purpose of the municipality.

- 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, and
 - (c) to develop and maintain safe and viable communities, and
 - (d) to work collaboratively with neighbouring municipalities to plan, deliver and fund intermunicipal services.

THE RESPONSIBILITIES OF A COUNCIL

The *Municipal Government Act* provides that every municipality shall have a council, the members of which shall be elected in accordance with the Local Authorities Election Act. The Municipal Government Act provides for a broad spectrum of powers and duties for a council and councillors.

Excerpts from Section 201 of *The Municipal Government Act*

A council is responsible for

- developing and evaluating the policies and programs of the municipality;
- carrying out the powers, duties and functions expressly given to it under this or any other enactment.

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 a member of Council, it will be your duty to **establish** policy for your municipality. It is the job of the administration to **implement** the policy.

Your power as a member of Council depends on your ability to persuade the other members of council to adopt your view. All decisions must be made at meetings, held in public, at which a quorum is present.

As an individual member of council you will not have the power to commit your municipality to any expenditure or to direct the activities of the municipal employees. Any promise you make as part of your election campaign that involves municipal expenditures or activities of the employees can only be carried out if you can convince a majority of council that it is a good idea.

The best way to find out what the job is all about is to spend some time reading council agendas and minutes, and talking to current members of council. Sit in on some council meetings. Talk to the Chief Administrative Officer to find out what other information is available. This will help you in your campaign and will assist you in assuming office. Valuable information is available on the Town of Oyen website at www.townofoyen.com. Council meeting agendas and information packages are available at <http://townofoyen.com/town-council/>

THE OFFICE OF THE MAYOR

The Mayor is the Chief Elected Official of the municipality and has duties that encompass those of both Councillor and Chief Elected Official.

Excerpts from Sections 154 of The Municipal Government Act

- 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.

In addition to the above, the Mayor also:

- Represents the Town of Oyen at public functions/ceremonies;
- Is the primary spokesperson for Council when communicating Council's decisions and policies to the media and public;
- Is the primary liaison with other provincially elected officials;
- Is the primary link between Council and administration.

THE OFFICE OF THE COUNCILLOR

Excerpts from Section 153 of The Municipal Government Act

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 meeting 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.

COUNCIL & COUNCIL COMMITTEES

The following information is based on the current procedures. They are subject to change by resolution of Council.

Council Meetings: The third Thursday of each month, commencing at 7:00 P.M. in the Council Chambers at the Town Office. Council will receive notice if a meeting date, time or location is changed. During the Covid-19 pandemic, meetings were held through video conference or in facilities where social distancing was possible.

Agendas and Information packages are prepared for Council members on the Friday before the Council meeting to allow time for reading and reviewing upcoming issues. The information packages for regular meetings average 160 pages. The information package is delivered electronically to the municipal email account that is set up for each member of Council. The information package is also uploaded on the Oyen website and provided to the local press.

Council Information meetings are scheduled for the last Wednesday of each month at 8:30 A.M. in the Council Chambers at the Town Office. During the Covid-19 pandemic, meetings were held through video conference.

Deputy Mayor: The practice has been to appoint each member of Council as Deputy Mayor for a term of eight months.

Committees There are several types of committee appointments:

- Committees established by Council under the Municipal Government Act
- Committees established under other legislations, e.g. Police Act, Libraries Act
- Outside committees, boards, etc. which request or require representation by a member of Council, e.g. Oyen Municipal Library Board
- Ad Hoc Committees which are formed by Council for the purpose of reviewing a specific issue or issues (usually referred to as a Task Force).

Members of Council are appointed to the following committees:

- Acadia Foundation
- Airport Commission
- Big Country Recycling Society
- Big Country Medical Dental Clinic Board
- Big Country Waste Management
- Big Country Victim Services
- Canadian Badlands
- Cemetery Committee
- Economic Development/Tourism Committee
- Emergency Management Agency
- FCSS Board
- Henry Kroeger Reg. Water Svcs Comm
- Marigold Library Board
- Meridian Community Futured

- Oyen & District Golf & Country Club
- Oyen Municipal Library Board
- Palliser Economic Partnership
- Palliser Regional Municipal Planning
- Red Deer River Municipal Users Group
- Red Deer River Watershed Alliance
- SAMDA Economic Partnership
- SE Mayors & Reeves Association
- Special Areas & Oyen Development Corp.

FREEDOM OF INFORMATION & PROTECTION OF PRIVACY (FOIP)**What is FOIP?**

The *Freedom of Information and Protection of Privacy Act* aims to strike a balance between the public's right to know and the individual's right to privacy as related to information in the custody or under the control of the Town.

Access to Information

The *Act* legislates open and accountable government guaranteeing individuals the right to see their own information and other Town records, with some specific exceptions. Exceptions apply where the release could:

- Be an unreasonable invasion of another's privacy
- Cause harm to another person or organization
- Interfere with the public safety
- Harm law enforcement efforts.

Privacy

The *Act* prevents others from seeing an individual's personal information without his/her consent and ensures that it is protected from unauthorized collection, use or disclosure. Under the *Act* the Town must follow strict guidelines for the use of personal information.

Are records of elected officials of municipalities excluded from the FOIP Act?

Personal or constituency records of a council member are excluded from the *Act* (section 4(1)(l)). This exclusion is intended to cover:

- Records such as private correspondence of an elected official that has not been sent or received by the official in his or her capacity as a council member but which may be maintained in his or her office for convenience.
- Records relating to the election campaign of a council member (other than those records required to be submitted to the authority governing the election).
- Records relating to the private business activities of a council member.
- Records dealing with the business of the municipality are covered by the *Act* even if they are stored at an elected official's home.
- Nomination papers are public documents.

OFFENCES

Excerpts from the Local Authorities Election Act

- 148 (1) No person shall
- (a) without authority supply a ballot to any person,
 - (b) fraudulently put into a ballot box any paper other than a ballot that he is authorized by this Act to deposit,
 - (c) fraudulently take a ballot out of the voting station,
 - (d) without authority destroy, take, open or otherwise interfere with any ballot box or packet of ballots then in use for the purpose of an election.
- (2) No person shall
- (a) request a ballot in the name of some other person, whether the name is that of a person living or dead or of a fictitious person, or
 - (b) having voted once, request at the same election a ballot in the person's own name.
- (3) No person shall vote knowing that the person has no right to do so.
- (3.1) No person shall obstruct any person carrying out an inquiry, investigation or examination under this Act or withhold from that person or conceal or destroy any books, papers, documents or things relevant to the subject matter of the investigation or examination.
- (4) No person shall make or sign a false statement for any purpose related to an election or vote held or to be held under this Act.
- (5) No person shall print or distribute or cause to be printed or distributed in any advertisement, handbill, placard, poster, circular, pamphlet, newspaper or other paper a form of ballot printed by the returning officer, indicating or showing it to be marked for any candidate or candidates.
- (7) A person who contravenes subsection (1), (2), (3), (3.1), (4) or (5) is guilty of an offence and liable to a fine of not more than \$10,000 or to imprisonment for not more than 6 months or to both fine and imprisonment.
- 150 (1) Every returning officer, deputy, candidate, constable, official agent and scrutineer in attendance at a voting station shall maintain and aid in maintaining the secrecy of the voting at the voting station.
- (2) No person shall interfere with or attempt to interfere with an elector when the elector is marking the elector's ballot, or shall otherwise attempt to obtain at the voting station information as to which candidate or candidates any elector at that voting station is about to vote or has voted for.
- (3) No person shall

- (a) during the hours when a voting station is open, canvass or solicit votes in a building where the voting station is located, or
 - (b) make any communication to an elector in a voting station respecting the election otherwise than through the deputy.
- (5) No person shall display at the voting station or distribute or post in it a specimen ballot paper marked for a candidate or any other material purporting to explain to the electors how to vote or leave or post a ballot or other material in a voting compartment other than the material that is required to be posted in accordance with this Act.
- (6) No person shall communicate at any time to any person any information obtained at a voting station as to which candidate any elector at that voting station is about to vote or has voted for.
- (7) No returning officer, deputy, official agent or scrutineer in attendance at the counting of the votes shall communicate or attempt to communicate any information obtained at that counting as to which candidate or candidates any vote is given for.
- (8) No person shall directly or indirectly induce an elector to display the elector's ballot, after the elector has marked it, so as to make known to any person the name of any candidate for whom the elector has or has not marked his ballot.
- (9) A person who contravenes this section is guilty of an offence and liable to a fine of not more than \$5,000 or to imprisonment for a term not exceeding 2 years, or to both fine and imprisonment.
- 151 A candidate for elective office who signs a candidate's acceptance form that contains a false statement is guilty of an offence and liable to a fine of not more than \$1,000.