



**NOW THAT YOU'VE BEEN
ELECTED**

**A HANDBOOK FOR ELECTED
COUNCILLORS**

Alberta Municipal Affairs and Housing (2007) *Now That You've Been Elected – A Handbook For Elected Councillors*

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Introduction

Congratulations on your election to council. The 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.

History

The first local government election in Alberta was held in 1883 under the Northwest Municipal Ordinance. Rural local government began with herd districts in 1883, fire districts in 1886, and statute districts in 1887, which were all combined into local improvement districts in 1897. Urban local government began with unincorporated town ordinances in 1888. The village ordinance followed in 1895.

In 1912, separate acts were put in place for towns, villages, rural municipal districts, and improvement districts. Cities were incorporated by special charter. In 1967, the various pieces of municipal legislation were consolidated into the original *Municipal Government Act*.

Municipal Government Act

The current *Municipal Government Act (MGA)* gives municipalities' considerable autonomy in local decision-making and is the primary statute governing the affairs of your municipality. Your Chief Administrative Officer should provide you with a copy of the *MGA*.

The *MGA* states that the purposes of a municipality are:

- To provide good government,
- 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
- To develop and maintain safe and viable communities.

A municipality is a corporation and has the powers of a natural person, except to the extent that those powers are limited by the *MGA* or any other enactment. The introduction of natural person powers provides council with a great deal of flexibility in terms of how the municipality is organized and administered, what services are provided, and how those services are delivered. The power to pass bylaws is stated in general terms. This gives councils broad authority and respects their right to govern the municipality in the way that council considers appropriate within the jurisdiction provided under the *MGA*. However, bylaws authorized by the *MGA* or any other enactment are subordinate to federal and provincial legislation and regulations.

Council Roles and Responsibilities

The council is the governing body of the municipal corporation and the custodian of its powers, both legislative and administrative. As a councillor, you will exercise the powers of the municipality through decisions made at council meetings and define the policies and direction for administration to follow.

The *MGA* provides that councils can only exercise the powers of the municipal corporation in the proper form, either by bylaw or by resolution. What this means for you is that no individual or group of councillors can make a decision or ask administration to take action except within meetings of council where an appropriate bylaw or resolution is passed.

Your job as a councillor is to work with other council members to set the overall direction of the municipality through your role as a policy-maker. The policies that council sets are the guidelines for the 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.

The Councillors

Under the *MGA*, all councillors have the following duties:

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

As you carry out these duties, the question of liability as a result of your actions may arise. However, section 535 of the *MGA* was written to protect you from personal liability while acting in good faith for your municipality. This section does not apply in circumstances of defamation and does not protect the municipal corporation from any such liability, but is important for you to be aware of.

The Chief Elected Official (CEO)

The CEO, in addition to performing a councillor's duties, must preside when attending a council meeting unless a bylaw provides otherwise. The CEO must also perform any other duty imposed under the *MGA* or any other enactment. In practice, the CEO is also generally the main spokesperson

for the municipality, unless that duty is delegated to another councillor. The title CEO may be changed to one that council 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 the council passes a bylaw requiring council to appoint the CEO from among the councillors. In a village, summer village, or municipal district, council appoints the CEO from among the councillors unless it passes a bylaw providing that the official is to be elected by a vote of the municipality's electors.

Orientation and Training Opportunities

Understanding the relationships, roles and the responsibilities of an elected official and limitations associated with the position, will be critical to your success as an effective elected official. Whether you are newly elected to a first term or a returning official, everyone should take every opportunity to learn about their municipality, about processes and procedures, and about key issues affecting their community. Most municipal administrations provide an orientation session shortly after each general municipal election to familiarize elected officials with the way in which the municipality operates. This orientation should also provide the ways in which council and administration work together for the betterment of the municipality. All councillors, newly elected or otherwise, should attend these sessions.

In addition, Alberta Municipal Affairs and Housing encourages councillors to take a workshop on relationships, roles and responsibilities in the months following a municipal general election. If you are an experienced councillor, you will have an invaluable amount of information to share with your colleagues at these workshops. Attendance by the entire councils at workshops ensures that everyone has the information and understanding to be as effective as possible.

Policy-Making and Program Monitoring

The council is responsible for providing the services that the residents need and want. This responsibility involves providing input regarding the municipality's programs and services (policy-making) and making sure that the administration provides the programs and services in the best possible way (program monitoring).

Policy-making provides a way of ensuring that consistent decisions are made on similar matters. Policies should establish general guidelines that the council sets for the administration to follow. The administration then provides programs and services to the residents according to those policies.

Program monitoring means staying up to date on the programs and services that the municipality offers and assessing the results against what the council planned to achieve.

The Entire Municipality

As a councillor, you are elected to look after the interests of the entire municipality. If you are a councillor in a municipality that has wards, you'll have to be careful that you do not place the interest of the ward or electoral division above the interest of the whole municipality. As tough as it may be at times, you must base any decision you make on what is best for the entire municipality. Council's

effectiveness depends on you providing input as a representative of your area, while thinking and voting for the needs of the whole municipality.

Time Management

As an active council member, there will be enormous demands on your time. There will be council, council committees, and various other meetings to attend. To participate effectively in all these meetings, you must review meeting materials and become familiar with the issues. Conferences and workshops sponsored by your municipal association or educational institutions will help provide you with the tools to be an effective elected official. This will also help you to understand the wider picture on issues affecting the whole province or other municipalities. Telephone calls, visits from your constituents, and community events are all important components of the job. Managing time in order to adequately deal with both personal and public demands is an important part of becoming an effective member of council.

Taking A Team Approach

Working as a team with the rest of the council and the administration will make your time on council a success. It isn't always going to be easy. Your power and influence as a council member rests on your ability to persuade the other members to accept your point of view. When an issue is being studied, be sure to express your views as a part of the debate. The free exchange of ideas makes for good decisions, but limit the exchange to the issue at hand. Personal attacks have no place on council and are a sure way to prevent your council from accomplishing its goals. Doing your part to reduce conflict on council is the best way to achieve positive results in municipal government.

Once the council makes a decision, it becomes your decision. If you are asked about the issue and you do not wish to defend it, simply explain why the council made the decision it did. Some municipalities have a communications policy in place that directs media through prescribed channels. Becoming familiar with communications procedures will allow you, the council, and administration to work as a team and deliver a cohesive message.

Oath of Office

Before taking part in your first council meeting, you will be required to make and subscribe to the official oath. By the 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.

Organizational Meeting

The first meeting 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 your term of office and the completion of the previous council's term. The meeting gives council a chance to clear up some routine business. This includes electing a CEO if necessary, electing 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.

Procedural Bylaw

There should be a procedural bylaw to provide a standard, familiar format for council meetings and make it easier for members of council, staff, the media, and the public to understand the decision-making process. A procedural bylaw will name and describe the responsibilities of council committees, provide for the order of business and method of distributing the agenda for council meetings, set rules regarding the proceedings at regular meetings of council, and describe how items may be put on the council agenda, to name a few.

Regular and Special Meetings

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

All council and council committee meetings must be open to the public. Only people who have been expelled from the meeting because of improper conduct have no right to attend.

There are times when council or a council committee must discuss something in private. Personnel matters, where it would be unfair to the people involved to have the issue discussed in public, are a common example. When this happens, council or a council committee can meet privately by going *in camera* to discuss the matter. Resolutions or bylaws cannot be passed while *in camera*. Any decisions must still be made at a meeting open to the public. Under the *MGA*, councillors are required to keep in confidence matters discussed in private at a council or council committee meeting. They must keep this confidence until the matter is discussed at a meeting held in public. A quorum is a majority (50 percent + one) of councillors making up the municipal council. A quorum must be present at a council meeting for any resolution or bylaw to be valid.

Regular council meetings do not always happen when important business needs your attention. There will be times when a special meeting is required for you to complete needed business. A special meeting is called if the CEO believes one is needed or if a majority of councillors request one in writing.

Council and council committees can hold meetings by means of electronic or other communication facilities, 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.

Voting

You are on council to make decisions, and that means voting on all resolutions and bylaws unless you are required or permitted to abstain from voting. 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, you must abstain from voting on the bylaw or resolution if you were absent from

all of a public hearing, and you may abstain if you were absent for a part of a public hearing. You must also abstain from voting on matters in which you have a pecuniary (monetary) interest (detailed in next section: Conflict of Interest).

At any time before a vote is taken, you may request that the vote be recorded. The minutes must show the names of the councillors present and how they voted. When there is a tie vote on a motion, the motion is defeated.

Conflict of Interest

Membership on council is a position of public trust. The *MGA* describes pecuniary interest and sets out the procedure you **must** follow if a matter in which you have a pecuniary interest comes up at a meeting in where you are participating as a member of council. Failure to follow these procedures can lead to disqualification. Further information can be found in the handout, "*Municipal Councillors' Guidelines for Conflict of Interest*" which is attached. Extra copies are available through your municipal office or Alberta Municipal Affairs and Housing (780-427-2225) and on the internet at www.municipalaffairs.gov.ab.ca/ms.

Council Committees

Council creates council committees and appoints committee members. Council may decide to create a temporary committee to look at a specific issue. There may also be standing committees. Standing committees run from year to year to deal with ongoing issues.

Committees can play a bigger role in making decisions on issues for council. If council wants a committee to make decisions, council may delegate some of its powers to the committee. If a committee makes a decision delegated to it by council, it is then as if the council made the decision itself. Some council decisions, such as passing bylaws or adopting the budget, cannot be delegated.

If council is part of the disaster services committee, you may have some specific responsibilities in the case of a local emergency. You need to know what those responsibilities are and how they are to be carried out. The system of emergency response is described in the *Disaster Services Act*.

Municipal Organization and Administration

A vital part of the smooth operation of municipal government is the interaction between the council and the administration. Understanding how the administration works will help you carry out your role as a municipal councillor.

Your administration exists to take care of the everyday work of running a municipal government. This includes providing a variety of programs and services based on the priorities that the council has set for the municipality. As a councillor, residents will ask you for information on the municipality's programs and services. Your most important contact is the Chief Administrative Officer.

Chief Administrative Officer (CAO)

Every council must establish, by bylaw, a position of CAO. Council may give the position an appropriate title. The CAO is the administrative head of the municipality. The CAO's responsibilities include ensuring that the municipality's policies and programs are implemented, advising and informing the council on the operation of the municipality, and performing any other duties assigned by council.

Staying out of the day-to-day operation of the municipality allows council to concentrate on policy-making and program monitoring. Your CAO will keep council informed on what the municipal administration is doing as he or she is the main connection to the administration. You should expect the administration to provide council with information to make sound decisions. Putting in an effort to develop a working relationship with your administrator based on mutual respect and trust is important, as his or her advice will weigh heavily on the decisions council is faced with.

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 is needed, and this requires council to provide an assessment of the CAO. Without an appropriate way to make the CAO aware of problems or inadequacies perceived by council, the relationship can quickly deteriorate. There is a requirement in section 205.1 of the *MGA* that the council must provide the CAO with an annual written performance evaluation of the results achieved with respect to fulfilling the CAO's responsibilities under sections 207 and 208 of the *MGA*.

Designated Officers

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

Policy Manual

The importance of a policy manual will become apparent the first time you try to find out if a past council established a guideline on a certain matter. If there is no policy manual, the easiest way to start one is to identify decisions made at council meetings that should be included. Some examples are public notice of meetings and expenditure approvals. Minutes of previous council meetings can be reviewed as time permits to identify other decisions to include. Any item added to the manual should first have council approval.

Organizational Chart

Ask the CAO for a copy of the organizational chart so you understand how the municipal administration is organized and who is responsible for what.

Staff Development

Your human resources are as important as your financial resources. A variety of educational opportunities are available for both new and experienced municipal administrators. Council should encourage staff development and training. Many municipalities have well established staff development programs in order to ensure that the employees are adequately trained to carry out their duties and stay familiar with new developments in the field of municipal administration.

Finance

Almost everything the municipality does has a cost associated with it. You will spend a lot of time on council making financial decisions. When making those decisions, your role as a councillor is to safeguard the taxpayer's money and make the best use of scarce financial resources.

Operating and Capital Budgets

At the center of the municipal finance system is the budget. Through the budget, council decides the municipality's priorities for the next year by setting aside money for each program or service. Sometimes the budget is tied closely to a strategic business plan where by the priorities for the next year are stated and the budget works to achieve those priorities. The budget is the single most important policy decision council makes each year. Careful budget planning and control mean better services for the residents.

The *MGA* requires that every municipality adopt an annual operating and a capital budget. Property and business tax bylaws cannot be passed until both budgets have been adopted. Municipalities are not allowed to budget for deficit. As well, total revenues over a four-year period must be equal to or greater than total actual expenditures.

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 is money set aside for buying or building fixed assets such as buildings, roads, vehicles, water and sewer facilities, and land.

A long-range capital plan, covering at least three to five years, should be in place. The plan sets out what capital expenditures are needed and when, the future cost of maintaining the asset when it has been built or purchased, and how the assets will be financed.

The budget is a plan of council expenditures and revenues over the course of the year. Council needs to keep an eye on what is actually happening to make sure that the municipal operations match the budget. Council should receive regular financial reports from administration that compare actual results to the budget. Financial reports are a good source of information and budget control.

Procedure for Expenditure Authorization

Each council must establish procedures to authorize and verify expenditures that are not included in a budget. If you 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 for the amount of the expenditure, grant, or borrowing.

Borrowing

The Minister of Municipal Affairs and Housing 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

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 and Housing 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

Assessment

Property assessment is the process of establishing a dollar value for each assessable property in a municipality. Property assessment is used for the equitable distribution of the cost of local government and the cost of public education. The *MGA* states that each municipality must prepare annually an assessment for each property in the municipality, except non-assessable property as listed in the Act.

The valuation standard for the majority of properties is market value. There are also regulated rates under the Minister's guidelines for properties in certain categories (farmland, linear property, machinery and equipment, and railways).

The property assessment system anticipates that all assessed persons will pay a proportionate share of the cost of providing certain public services in relation to the value of the property that they own.

Similar properties should be assessed in a similar manner within a municipality. Assessed persons who believe their assessment is inaccurate can file a complaint with the Assessment Review Board (ARB).

Assessment Review Board

The assessment review board (ARB) is made up of community members and usually includes some members of council. The primary function of the ARB is to provide a forum for individuals and corporations to:

- Challenge various aspects of their property or business assessment,
- Seek an exemption from assessment, or
- Challenge the imposition of other forms of tax (i.e. local improvement, well drilling, special, and business revitalization zone taxes).

After hearing the complaint, board members can decide to confirm or make changes to the assessment. If an assessed person, a taxpayer, the assessor, or the municipality is not satisfied with the ARB's decision, they can appeal to the provincial Municipal Government Board (MGB). The MGB's decision is final on issues of valuation. There are cases where a party can challenge an MGB decision through judicial review on a point of law, but not on valuation issues.

To achieve a fair and stable assessment, it is important that appeal hearings of the ARB be conducted with utmost credibility. To assist in achieving this, Alberta Municipal Affairs and Housing has developed a training program for ARB members. Copies of the Assessment Review Board Training Manual are available from the Queen's Printer in Edmonton or online at www.gov.ab.ca/qp.

Equalized Assessment

On behalf of the Minister, Alberta Municipal Affairs and Housing prepares an annual equalized assessment for each municipality based on information submitted by stakeholders, primarily chief administrative officers and assessors. The equalization of assessments is a means of comparing property wealth among municipalities. The assessed values of properties are brought to a common level of value, which is used as a basis for cost-sharing programs such as education funding.

Equalization is simply a process of adjusting each municipality's taxable assessment to a common level in accordance with current legislation and policy. The equalization results in a common provincial assessment base that is primarily used to determine the amount of requisition required for school funding (to the Alberta School Foundation Fund and opted out school boards). A consistent level of assessment means that requisition levies can be applied equitably to all residents when requisitions cross municipal boundaries.

Once the assessments are prepared, each municipality determines its assessment level by comparing the ratio of assessment to sale prices for non-regulated property. Legislation requires that assessment levels fall within a range of .95-1.05 for each municipality. This range allows assessors to use the most valid information they have available to estimate the market values of both sold and unsold properties as of July 1. The equalization process then brings all of these value ranges to a common assessment level of 1.000.

Example:

Municipality A has valid comparable sales and other relevant information to attain an assessment level of .99 per cent. The sales and other relevant information available to Municipality B results in an assessment level of 1.02 per cent. Given that both of these estimates of market value fall within the legislated range, the following equalization formula is applied to bring both municipalities' assessment levels to 100 per cent.

	Live Assessment at Estimates of Market Value		Assessment Level	Equalized Assessment
Municipality A	\$49,500,000	x	1/.99	= \$50,000,000
Municipality B	\$55,000,000	x	1/1.02	= \$54,411,764

Property Taxation

Property tax is a key source of revenue for financing municipal operations. Each year during its budgetary process, the council for each municipality approves the amount of revenue required to operate the municipality. The next calculation is to remove from the revenue required the expected income from utility revenues, grants, licence fees, permits, etc. The remainder represents the total amount of money to be raised by property taxes. This amount is divided by the total value of all the assessable property in the municipality to arrive at the overall tax rate. The following example assumes that the amount required is \$200,000 and the total value of the property in the municipality is \$10 million:

$$\$200,000 / \$10,000,000 = 0.02 \text{ overall tax rate}$$

However, the overall tax rate is only an average. Council may set different municipal tax rates for each of the four assessment classes once each year. The assessment classes are as follows: residential, non-residential, farm land, and machinery and equipment. Council may also set different tax rates for vacant and improved non-residential property and for different sub-classes of residential property.

Once the tax notices are mailed, the property tax rate bylaw cannot be amended unless approved by Ministerial Order. In addition to the 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. The amounts of these requisitions are established through the equalized assessment process.

To determine each property owner's share of the total property taxes, the municipality multiplies the applicable tax rates by each property's assessed value.

If property values rise or fall in a municipality and the council does not require additional revenue, the council may adjust the tax rates to maintain tax bills at prior year levels. A reassessment of all

properties will not automatically raise or lower the total amount of property tax gathered by a municipality.

Education Tax

The province collects education property taxes annually as a source of revenue that helps support Alberta's education system. Each year the province calculates the amount that every municipality must contribute towards the education system. The calculation is based on a formula that takes into account the amount of assessment in each municipality.

Municipalities are notified of the amount they must collect in education property taxes. They then set appropriate local education property tax rates. Municipalities collect education property taxes from their ratepayers and send them to the provincial government for distribution to Alberta's school boards.

Other Taxes and Revenues

In addition to the property tax levy, a municipality may impose a business tax, a special tax, or a local improvement tax. As well, the *MGA* provides for taxes within a business revitalization zone and for a tax on well drilling equipment.

Franchise agreements may exist between a municipality and a utility service (power, gas, cable, telephone) that among other things, provide for the payment of a franchise fee. The fee is usually a percentage of the distribution charges levied by the utility company, and is a rate set for rent of the municipal rights-of-way, the exclusive franchise rights granted within a municipality, and the property taxes that would otherwise be paid by the utility.

There are other sources of revenue available, mainly user fees. Utility charges for water, sewer treatment, and garbage collection are common in Alberta municipalities. Council may want to develop a policy setting the rates based on the degree of cost recovery considered desirable (full cost recovery is normal for utilities). Fees can also be set for other services, such as recreational facilities, photocopying, or meeting room rentals.

Municipal Financial Assistance

The Municipal Financial Assistance handbook is a useful guide that provides an inventory of provincial government initiatives and programs that support municipalities. The handbook contains basic information on municipal grant and cost-sharing programs, eligibility criteria, program timelines, application deadlines, contact details and supporting information. Contact the Municipal Services Branch at (780) 427-2225 for more details about the handbook.

Conditional Grants

These are grants in which the granting government requires the municipality to meet certain conditions. The conditions usually require the funds to be expended on particular activities, and they may also be provided on a cost-shared basis.

Planning and Development

Council shapes the physical future of the community through its authority over land-use planning and development control. As a councillor, you must focus on the future of the community as a whole while balancing the current rights, needs and concerns of property owners and residents. A number of tools are available to council for this purpose.

Municipal Development Plan

A municipality with a population of 3,500 or more 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 or two or more municipalities may adopt an inter-municipal development plan.

Inter-municipal Development Plan

Two or more municipalities may adopt an inter-municipal plan to address issues of mutual concern with respect to designated lands. The plan may provide for the future use of land, the manner of and proposals for future development, or other matters relating to the area the councils consider necessary. 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.

Area Structure and Redevelopment Plans

Council may, by bylaw, adopt an area structure plan 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, the council may adopt an area redevelopment plan, 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.

Land Use Bylaws

All municipalities must have a land use bylaw. This bylaw provides a specific means of implementing the policies that are expressed in a general way in the municipal development plan. For instance, if a council wishes to adopt a direct control district in the land use bylaw, council must also adopt a municipal development plan that establishes that direction. The bylaw provides for a system of development permits and divides the municipality into land use districts or 'zones' 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.

When an application conforms to the provisions of the bylaw and is of a permitted use, a development permit must be issued. If an application is refused because it does not conform to the bylaw or because the neighbours are concerned over a proposed development approval, there may be an appeal to the subdivision and development appeal board.

Subdivision

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 decide on its membership. Decisions can be appealed to the subdivision and development appeal board, 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

Prior to a subdivision or development having full approval, your municipality may require a developer to enter into a subdivision or development agreement. These agreements ensure that certain conditions of the proposed development are documented and met. 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

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 and development appeals. Members of council cannot form the majority of membership on the SDAB or on any SDAB committee hearing appeals. Appeals are usually made by the applicant for a subdivision approval or a development permit, or by persons affected by the development authority's decision. The SDAB must hold a public hearing to deal with an appeal.

Inter-municipal Disputes

The Inter-municipal Dispute Resolution team of Municipal Affairs and Housing serves municipalities involved in disputes with another municipality or with a regional entity such as a regional services commission. The team:

- works with municipalities to determine whether or not disputes are suitable for mediation
- works with municipalities to ensure that all the necessary preparations are in place to convene a dispute resolution process
- provides a roster of qualified private sector mediators available to work with municipalities
- works with municipalities to design dispute resolution training programs, including preparation for mediation, best practices for municipalities, when to use mediation, etc.
- provides funding, on a proportional basis, to the parties to cover the costs of retaining the private sector mediator(s).

The *MGA* requires municipalities to attempt negotiations and consider mediation before bringing an inter-municipal dispute or a contested annexation to the Municipal Government Board.

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 of Alberta, 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. You can visit their website at www.edaalberta.com.

Conclusion

"Now That You've Been Elected" is a starting point, not the final word. Your service on council will be an adventure. Like all adventures, it will include both pleasant and not-so-pleasant experiences. In general though, you will have the satisfaction of serving your neighbours and your municipality. Best wishes for success in your adventure in public service.

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

Main Floor, Park Plaza Building
10611 – 98 Avenue
Edmonton, Alberta T5K 2P7
Telephone: (780) 427-4952
Fax: (780) 452-0668

To access the *MGA* electronically, visit the Alberta Queen's Printer website at:

<http://www.gov.ab.ca/qp>

Appendix 1 - Municipal Government Act

Section 3 Municipal Purposes

The purposes of a municipality are

- (a) to provide good government,
- (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.

Section 153 General Duties of Councillors

Councillors have the following general 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;
- (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;
- (f) to perform any other duty or function imposed on councillors by this or any other enactment or by the council.

Section 201 Council's Principal Role in the Organization

A council is responsible for:

- (a) developing and evaluating the policies and programs of the municipality;
- (b) making sure that the powers, duties and functions of the municipality are appropriately carried out;
- (c) carrying out the powers, duties and functions expressly given to it under this or any other enactment.

Section 207 CAO Responsibilities

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 exercises the powers and functions assigned to a chief administrative officer by this and other enactments or assigned by council.

Section 208 Major Administrative Duties

- (1) The chief administrative officer must ensure that
 - (a) all minutes of council meetings are recorded in the English language, without note or comment;
 - (b) the names of the councillors present at council meetings are recorded;
 - (c) the minutes of each council meeting are given to council for adoption at a subsequent council meeting;
 - (d) the bylaws and minutes of council meetings and all other records and documents of the municipality are kept safe;
 - (e) the Minister is sent a list of the councillors and any other information the Minister requires within 5 days after the term of the councillors beings;
 - (f) the corporate seal, if any, is kept in the custody of the chief administrative officer;
 - (g) the revenues of the municipality are collected and controlled and receipts are issued in the manner directed by council;
 - (h) 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;
 - (i) the accounts for authorized expenditures referred to in section 248 are paid;
 - (j) accurate records and accounts are kept of the financial affairs of the municipality, including the things on which a municipality's debt limit is based and the things included in the definition of debt for that municipality;
 - (k) 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;

- (l) money invested by the municipality is invested in accordance with section 250;
 - (m) assessments, assessment rolls and tax rolls for the purposes of Parts 9 and 10 are prepared;
 - (n) public auctions held to recover taxes are carried out in accordance with Part 10;
 - (o) the council is advised in writing of its legislative responsibilities under this Act.
- (2) Subsection 1(a) to (d) and (o) apply to the chief administrative officer in respect of council committees that are carrying out powers, duties or functions delegated to them by the council.

Section 249 Civil Liability of Councillors

- (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.
- (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.

Section 275 Civil Liability of Councillors

- (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.

Section 535 Protection of Councillors and Municipal Officers

- (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 the municipality, or any other volunteer performing duties under the direction of the 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.

Appendix 2 - Alberta Municipal Affairs and Housing

Alberta Municipal Affairs and Housing works in partnership with Alberta's municipalities, other government departments, local authorities, various organizations focused on local issues, and the private sector to ensure Albertans live in safe and sustainable communities, are served by open, effective and accountable governments, and have their privacy protected.

Under the general direction of the Minister of Municipal Affairs and Housing, the department is managed by the Deputy Minister. An Assistant Deputy Minister heads each of four divisions: Local Government Services, Housing Services, Corporate Strategic Services and Public Safety Services. While municipalities work with all four of the divisions, the branch you may have the most contact with is Local Government Services.

The Local Government Services Division administers the principal legislation and regulations governing municipalities. The division is continually monitoring this legislation and its attendant regulations to ensure that it is current, relevant, and supports modern approaches to governance and service delivery. In that regard, the division is committed to consulting with stakeholders on all significant legislative and regulatory initiatives. The division also monitors other ministries' legislative initiatives to ensure that impacts on municipalities and the department are brought to the attention and addressed by the respective department.

The Municipal Services Branch provides procedural, administrative, financial, and land use planning advice and assistance to municipal elected officials, administrators, and the public. Among the services provided are municipal corporate reviews that any municipal council can request. This program improves the practice of local government and builds partnerships between municipalities and the province. We have also initiated the Municipal Excellence Network, which operates primarily by sharing knowledge, cataloguing practices, and acknowledging and building excellence in local government. The website address is www.menet.ab.ca.

The restructuring team is available to assist municipalities with restructuring initiatives such as amalgamation, dissolution, and incorporation. Restructuring is usually considered when municipalities want to make major changes in local government, create economies of scale, or deal with financial difficulties.

The Assessment Services Branch is responsible for more than providing advice to government and assessment stakeholders on assessment and property tax issues. It ensures that related legislation and regulations are current and effective, and recommends revisions as required. Assessment Services is also responsible for establishing assessment standards and ensuring these standards are followed through a reporting and audit process. As well, Assessment Services handles equalized assessments and a number of education property tax issues, and is directly responsible for preparing assessments of all property defined as linear under the *MGA*.

The Municipal Government Board serves as a quasi-judicial tribunal to adjudicate matters specified under the *MGA*. These include appeals on property assessment, equalized assessment, sub-division involving a provincial interest, inter-municipal disputes, conflicts between municipalities and housing authorities, annexation matters, and anything else referred by the Minister or the Lieutenant Governor.

We encourage you to visit the Alberta Municipal Affairs and Housing Home Page on the Internet.

You will find information such as “Municipal Councillors’ Guidelines for Conflict of Interest”, Municipal Contacts List, the department’s Business Plan, and department News Releases.

The Internet address is:

<http://www.municipalaffairs.gov.ab.ca/>